PLANNING COMMISSION AGENDA

Tuesday – May 29, 2007

7:00 PM - Regular Meeting

City Council Chambers - 155 NW 2nd Avenue

Chairman Jim Brown, Vice Chair Dan Ewert
Commissioners John Molamphy, Janet Milne, Bruce Holte, and Jared Taylor

I. CITIZEN INPUT ON NON-AGENDA ITEMS

II. NEW BUSINESS

Discussion about timing of infrastructure improvements for partitions

III. PUBLIC HEARINGS

MLP 07-05 – 441 S Knott Street – Williford/Schellenberg - Minor land partition to divide Tax Lot 8800 of Map 31E33DC into 2 new tax lots **Page 2**

IV. FINDINGS

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

MLP 07-03 - 371 SE 13th Place - Kimco Properties – Minor land partition to divide Tax Lot 4100 of Map 4 1E 04DA into 3 new tax lots **Page 26**

DR 07-01/CUP 07-01 - - 721 SW 4th Ave - An application from Canby School District requesting a conditional use permit and site and design review for new building(s). **Page 31**

V. MINUTES

May 14, 2007 **Page 39**

VI. DIRECTOR'S REPORT

VII. 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 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:
Bob Williford and Blake Schellenberg
23795 S. Barlow Rd
Canby, OR 97013

Owner:
Same

FILE NUMBER:
MLP 07-05

STAFF:
Carla Ahl
Planning Technician

LEGAL DESCRIPTION:
Tax Map 3-1E-33DC, Tax Lot 8800

DATE OF REPORT:
May 18, 2007

LOCATION AND LOT SIZE:
441 S. Knott St.
West of Knott St, North of S Township Rd.

DATE OF HEARING:
May 29, 2007

COMPREHENSIVE PLAN DESIGNATION:
High Density Residential (R-2)

CURRENT ZONING:
High Density Residential (R-2)

I. APPLICANT'S REQUEST:

The applicant is requesting approval to partition one 9,975 square foot parcel, zoned R-2 into two separate parcels. Parcel one would consist of 6,300 square feet and would retain the existing house. Parcel two would become a 3,675 square foot buildable lot.

The property is zoned R-2 (High Density Residential) with a Comprehensive Designation of R-2 also. All surrounding property contains the same R-2 designation both on the Current Zoning Map and the Comprehensive Plan Map.

Currently there is an existing flag lot located directly to the south of this proposed development. The applicant has provided a letter from the owner of that flag lot stating their intention of granting a reciprocal access easement to be recorded with the deed.

II. APPLICABLE CRITERIA:

1. In judging whether a Minor Partition should be approved, the Planning Commission must consider the following standards and criteria (Ord. 16.60.030):

   A. Conformance with the text and the applicable maps of the Comprehensive Plan;

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

   C. The overall design and arrangement of parcels shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties;

   D. No minor partitioning shall be allowed where the sole means of access is by private road, unless it is found that adequate assurance has been provided for year-round maintenance sufficient to allow for unhindered use by emergency vehicles, and unless it is found that the construction of a street to city standards is not necessary to insure safe and efficient access to the parcels;

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

2. Other Applicable Criteria:

A.	16.10	Off-Street Parking and Loading
B.	16.16	R-1 Low Density Residential Zone
C.	16.56	General Provisions (Land Division Regulations)
D.	16.60	Major or Minor Partitions

III. FINDINGS:

1. **Location and Background**
   The subject property is located at 441 S. Knott St. The parcel is zoned R-2 (High Density Residential) with a Comprehensive Plan designation of R-2 High Density Residential. Surrounding properties are zoned R-2 (High Density Residential) with a Comprehensive Plan designation of High Density Residential.

2. **Comprehensive Plan Consistency Analysis**

LAND USE ELEMENT

GOAL: TO GUIDE THE DEVELOPMENT AND USES OF LAND SO THAT THEY ARE ORDERLY, EFFICIENT, AESTHETICALLY PLEASING AND SUITABLY RELATED TO ONE ANOTHER.

Applicable Policies:

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

Analysis: The proposed development of residential housing on the subject parcel is an approved use of the property and is compatible with surrounding uses.

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

Analysis: This application will permit additional development of the subject parcel. The R-2 zoning district requires a minimum of 14 units per acre. At .23 of an acre it would be possible to build 3 units on the parent parcel. But meeting setback requirements for the existing house, and infill standards having to be met on the newly created lot, the addition of one unit seems appropriate.

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

Analysis: "Request for Comments" sheets have been sent to all public facility providers. Public Facilities are available from S. Knott St. and providers responded that either adequate public services are available or would become available through development. (Please see discussion under Public Services Element).

ENVIRONMENTAL CONCERNS ELEMENT

GOALS: TO PROTECT IDENTIFIED NATURAL AND HISTORICAL RESOURCES.

TO PREVENT AIR, WATER, LAND, AND NOISE POLLUTION.

TO PROTECT LIVES AND PROPERTY FROM NATURAL

HAZARDS.

The subject property is considered to be urbanized and has no known steep slopes, historic resources, expansive soils, or wetlands, and is not located in a flood plain. The proposed partition will not, in itself, generate pollution or affect scenic or aesthetic resources.

Policy #3-R: Canby shall require that all existing and future development activities meet the prescribed standards for air, water and land pollution.

Analysis: The proposed partition must meet storm water management approval from DEQ (if required), and Canby Public Works prior to issuance of building permits. (see Condition #13).

TRANSPORTATION ELEMENT

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

Applicable Policies:

Policy #1: Canby shall provide the necessary improvements to city streets...in an effort to keep pace with growth.

Analysis: Curb and sidewalks will be required along the entire site frontage. (4' 6" sidewalk and a 6" curb for a total width of 5')

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

Analysis: Sidewalks shall be constructed along S. Knott St. as required by the Public Works Department. (See condition #8)

Policy #6: Canby shall continue in its efforts to assure that all new developments provide adequate access for emergency response vehicles and for the safety and convenience of the general public.

Analysis: The Canby Police Department had no comments.

The Canby Fire Department responded that this is a one lot division they don't have a lot of concerns

with until they start the building process, then they will have to create a turnaround on the second lot.

PUBLIC FACILITIES AND SERVICES ELEMENT

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

Applicable Policies:

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

1. *Analysis: All returned requests for comments indicated services are readily available, or would become available through the development.*

PUBLIC WORKS

1. Frontage improvements will be needed (4 1/2" sidewalk with a 6" curb for a total width of 5')

2. There is an apartment complex on the north side of the property with a large difference in elevation. The developer will have to supply some type of retaining wall, unless they do a lot of grade work to bring down the elevation. Water run off is not allowed to go onto other property.

3. The sewer line will go under the existing hedge that will be removed.

4. A sewer cleanout will be needed at the property line (approximately 6' into the property) past the utilities so the next connection will not disturb the sewer (this can be located in the sidewalk).

5. Any and all ditch lines in the street will need to be paved within 48 hours and can either be done with cold mix or asphalt. (See Condition #13)

CITY ENGINEER

1. Sidewalks should be constructed along the entire site frontage with Knott St. (See Condition #8)

CANBY UTILITY, ELECTRIC DEPARTMENT

1. Existing overhead Electrical service will need to be converted to underground at developers expense.

2. Existing splice box in proposed driveway will be

replaced with traffic rated enclosure at developers expense. (See Condition #11)

CANBY UTILITY, WATER DEPARTMENT

1. Water service will be located at the north end of the lot. (See Condition #11)

NORTHWEST NATURAL GAS

1. Easement must state it is a PUE. (See Condition #7)

NEIGHBORHOOD WRITTEN COMMENTS:

One comment was received in favor of the application citing that redevelopment and renovations are making the neighborhood more desirable.

CONCLUSION REGARDING CONSISTENCY WITH THE POLICIES OF THE CANBY COMPREHENSIVE PLAN:

Review of the goals, policies, and implementation measures of the Comprehensive Plan indicates that the proposed partition, with recommended conditions of approval, is consistent with Canby's Comprehensive Plan. Development of the parcels shall comply with applicable provisions of the City of Canby Land Development and Planning Ordinance, Building Codes, and other County and State regulations.

3. Evaluation Regarding Minor Land Partition Approval Criteria

A. Conformance with the text and with the applicable maps of the Comprehensive Plan.
See discussion in part III.2, above.

B. Conformance with all other requirements of the Land Development and Planning Ordinance.
With recommended conditions, the partition will comply with the requirements of the Land Development and Planning Ordinance, including lot sizes, frontage, access, and coverage 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 recommended conditions, the proposed partition will be functional and will provide building sites, necessary utility easements, and access facilities. Proposed parcels meet lot size and coverage requirements of the R-2 zone.

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 the development, to adequately meet the needs of the proposed land division.

Public services and facilities are available to adequately meet the needs of this land division. See discussion in part III.2 above.

IV. 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.

V. 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 07-05 with the following conditions:

1. 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 07-05***

2. The final partition plat shall be a surveyed plat map meeting all of the specifications required by the Clackamas County Surveyor. The final partition map shall be recorded with the Clackamas County Surveyor and with the

Clackamas County Clerk; a final copy of the signed and recorded map shall be provided to the Canby Planning Department upon completion.

3. A new deed and legal description for the proposed parcels shall be prepared and recorded with the Clackamas County Clerk.

4. For any portion of the sidewalk that is located on private property, a public sidewalk easement must be recorded on the deed.

5. Prior to signing of the final plat a reciprocal access easement and maintenance agreement shall be recorded with the deed to provide access to parcel #2.

6. A copy of the new deeds shall be provided to the Canby Planning Department.

7. On the final plat, 12' (twelve foot) public utility easements shall be provided along the full frontage of S. Knott St. This easement shall state it is a PUE (Public Utility Easement).

8. Prior to the signing of the final plat a five (5) foot sidewalk inclusive of curb shall be constructed for the full frontage of the parent parcel along S. Knott St. Where mailboxes, fire hydrants or other obstructions are located at the curb, sidewalks shall swing away from the curb in order to remain unobstructed for a full five-foot width. Construction of the sidewalk shall be reviewed and approved by the Canby Public Works Department.

9. All monumentation and recording fees shall be borne by the applicant.

10. The final plat must be recorded with the Clackamas Surveyor within one (1) year of the preliminary plat approval in accordance with Canby Ordinance 16.60.060. Mylar copies of the final plat must be signed by the City Planning Department prior to recording the plat with Clackamas County.

11. Construction plans must be approved and signed by the City and all other utility/service providers prior to the issuance of a building or grading permit, installation of public utilities or any other site work. The design, location, and planned installation of all utilities, including but not limited to water, electric, sanitary sewer, natural gas, telephone, and cable television is subject to approval by the appropriate utility/service provider. The City of Canby's reconstruction process procedures shall be followed.

12. The applicant is responsible for all costs associated with the relocation of utilities.

13. Prior to issuance of a building permit a stormwater permit shall be obtained from the State of Oregon, if required, by the Department of Environmental Quality (DEQ) or a letter stating no permit is necessary. An acceptable stormwater system plan shall be submitted to and approved by the Public Works Department.

14. Prior to the issuance of a building permit and/or site work, a pre-construction meeting may be required by the Planning Department.

15. All public improvements shall be completed or bonded for prior to signing of the final plat. Land divider shall follow the provisions of Section 16.60.020, which requires the improvements be guaranteed in a manner approved by the City Attorney for any improvement not completed prior to the signing of the final plat. A bond shall provide for the City to complete the required improvements and recover the full cost of the improvements.

16. Where applicable, newly constructed residences shall comply with Infill Home Standards through the building permit approval process. On lots bordering existing homes the building permit application shall include the distances from lot lines to neighboring residences as well as existing heights of the neighboring buildings.

17. Prior to the issuance of the Certificate of Occupancy the applicant is responsible for meeting all requirements imposed by the Canby Fire District.

18. A minimum of one street tree shall be required on the frontage of S. Knott St. If the location allows, the existing street tree could remain as the required street tree, if the installation of the half street improvements require the tree to be removed, one street tree (selected from the City approved tree list) will be required. Street trees shall be placed 11 feet behind the sidewalk.

17. The site approval as acted upon by the Commission shall be binding upon the developer and variations from the plan shall be subject to approval by the City.

18. An erosion control permit is required. All City erosion control regulations shall be followed during construction as specified by the Canby Municipal Code.

19. The developer must meet all requirements of the Fire Department regarding creating a turnaround on lot #2.

Exhibits:

1. Applicant's Packet
2. Vicinity Map
3. Responses to the Request for Comments.

CITY OF CANBY
MINOR LAND PARTITION APPLICATION

Fee: $1,280.00

OWNERS

Name Bob Williford/Blake Schellenberg

Address 23795 S. BarlowRd.

City Canby State OR Zip97013

Phone 503-312-7502 Fax 503-651-4041

E-mail bob@canby.com

APPLICANT**

Name_Same _____

Address _____

City_____State _____Zip_____

Phone_____Fax _____

E-mail _____

Please indicate who is to receive correspondence (i.e. staff reports etc) and what format they are to be sent

☒	Owner	☒	Email	☐	US Postal	☐	Fax
☐	Applicant	☐	Email	☐	US Postal	☐	Fax

OWNER'S SIGNATURE _____ Blake Schellenberg

DESCRIPTION OF PROPERTY

Address 441 S. Knott St.

Tax Map 31E33DC Tax Lot(s) 8800 Lot Size .23 acres (Acres/Sq. Ft.)

Existing Use Single family home

Proposed Use Split lot with single family home

Existing Structures **On front of lot**

ZONING R2 COMPREHENSIVE PLAN DESIGNATION_____

PREVIOUS ACTION (If Any) _____

FOR CITY USE ONLY

File # MLP 07-05

Date Received 4/10/07 By SH

Completeness _____

Pre-App Meeting _____

Hearing Date _____

***If the applicant is not the property owner, they must attach documentary evidence of their authority to act as agent in making application.**

EXHIBIT #1 11

tabbies

MINOR LAND PARTITION: INSTRUCTIONS TO APPLICANTS

All materials must be submitted in .pdf format on CD

1. The applicant may request a pre-application conference, or the City Planner may determine that a pre-application conference is necessary after the application has been discussed, or upon receipt of the application by the City. If a pre-application conference is necessary, the applicant completes and returns a completed pre-application form to the City and a conference is scheduled.

2. Any application for a land partition, on forms prescribed for the purpose, shall be filed with the City Planner, typed or printed, and accompanied by the following:

Applicant Check	City Check	
☒	☐ ⇨	One (1) copy of pages 1, 2, and 3 of this application. The checklist on pages 2 and 3 should be included in the application with all relevant items checked by the applicant in the "applicant" column. If any items are considered to be not applicable, the omissions should be explained in the narrative. The City may request further information at any time before deeming the application complete.
☒	☐ ⇨	Payment of $1,280, cash or checks only. Checks should be made out to the City of Canby.
☒	☐ ⇨	A list of property owners within 200 feet of the subject property, on mailing labels (1" x 2-5/8") and in electronic form. **If the address of a property owner is different from the address of a site, a label for each unit on the site must also be prepared and addressed to "occupant."** A list of property owners may be obtained from a title insurance company or from the County Assessor.
☒	☐ ⇨	Twenty (20) copies of a written statement, on 8-1/2" x 11" paper and in MS Word format, describing the proposed partition and explaining how the proposal meets the approval criteria (page 4) and is compatible with surrounding land use patterns.
☐	☐ ⇨	Ten (10) copies of a traffic impact analysis and a copy in .pdf or MS Word format, conducted or reviewed by a traffic engineer that is contracted by the City and paid for by the applicant *(payment must be received by the City before the application is considered complete)*, including an accident report for the adjacent roads and nearby intersections, for any project that results in any one of the following: A. More than one access onto any collector or arterial street (such streets being designated by the City of Canby Transportation System Plan); B. More than six (6) residential units that enter onto any collector or arterial street; C. Any multiple family dwellings (apartments, condominiums, townhouses, etc.) with more than six (6) units; or D. Industrial or commercial enterprises which generate more than one hundred (100) vehicles per day.
☒	☐ ⇨	Twenty (20) copies of the tentative partition map, drawn to scale (not greater than 1"=50') on paper no less than 8.5" x 11" and no larger than 18" x 24" and .pdf format. The map shall include the following information:
☒	☐ ⇨	A. Vicinity map of the property;
☒	☐ ⇨	B. The date, north point, scale, and sufficient description to define the location and boundaries of the tract to be partitioned;

☒ ☐ ⇨ C. Name and address of the owner and the person who prepared the tentative map;

☒ ☐ ⇨ D. Size of each parcel involved in the partitioning;

☒ ☐ ⇨ E. Outline, location, and description of all existing buildings, showing those to remain in place and setbacks to proposed property lines;

☒ ☐ ⇨ F. For land adjacent to and within the tract to be partitioned, the location, names, and existing structures, right-of-way and pavement widths of streets, location, width, and purpose of any existing easements; and location and size of all utilities, including sewer, water, electric, telephone, and natural gas lines and power poles;

☒ ☐ ⇨ G. Proposed parcel layout, showing sizes, dimensions, and relationships to existing or proposed streets and utility easements;

☐ ☐ ⇨ H. Location of any forested areas, wetlands as delineated by the Division of State Lands, or other significant natural features;

☐ ☐ ⇨ I. If the applicant is a corporation, a certificate of good standing from the State Corporation Commission shall be filed. The name of the individual authorized to act as the registered agent of the corporation shall also be provided; and

☐ ☐ ⇨ J. If the development is located in an area designed by the Hazard ("H") Overlay Zone, one (1) copy of an affidavit signed by a licensed professional engineer that the development will not result in any undue hazard for the occupants or users of the development, nor in any unusual public expense in the event of flooding, landslide, or other natural disaster.

4. Staff will check the application, making sure that it is complete and all fees are paid. Copies of the application materials are routed to various City/State/County departments, as applicable, for their comments. Along with the comments received from others, the application is reviewed for completeness. The City Planner will accept or return the application with a written list of omissions within thirty (30) calendar days of the submittal.

5. Staff investigates the request, writes a staff report, places a public notice in the newspaper, notifies surrounding property owners, and makes all facts relating to the request available to the Planning Commission and all interested parties.

6. The staff report will be available seven (7) days prior to the hearing.

7. The Planning Commission then issues findings of fact which support approval, modification or denial of the application. A decision may be appealed to the City Council.

8. If an approval or a denial has been appealed, City Council holds a public hearing. The staff report is presented and testimony taken, as at the original hearing(s). However, only testimony regarding items already in the record is permitted, and no new information may be entered. In the case of an appeal, the Council may affirm, revise or reverse the action of the Planning Commission in all or in part. The Council may also remand the matter back to the hearing body for further consideration.

NOTICE

ORS 92.04(4d) requires that the City shall provide for "notifying a person proposing a subdivision or partition of the requirement to file a statement of water right." The applicant is hereby notified of the requirement to file such "Statement of Water Right." The final plat or partition shall show, on it's face, whether a "water right permit" or a "water right certificate" has been issued for the property. Furthermore, ORS 92.120(5) provides that if the approved plat or subdivision or partition has "water right," a copy of such plat or partition shall be submitted by the applicant to the Oregon Water Resources Department.

To: Canby Planning Department
From: Bob Williford
Re: Partition of 441 S. Knott St.

We are proposing to divide 441 S. Knott St. into two lots. The original lot is .23 acres and it will be split into one lot (with the existing house) of 6300 sq ft (84'x75') and the new lot will be 3675 sq ft (75'x49') exact sizes to be determined at time of surveying. Our intention is that the back lot will be as large as possible while maintaining all required setbacks determined by front dwelling The zoning on the property is R-2 and the specific development of the property will be left to future owner but will meet all in-fill requirements. Access to the property will be through an easement granted from sharing the driveway to the south of the property (see initial easement letter).

Phil Wilmes will handle the required connection to sewer and trenching for electrical as detailed by the pre-app meeting with public works (sidewalk poured, sewer stubbed past sidewalk with cleanout in sidewalk, existing electrical vault converted to drive over box). Public works will handle bringing water to new meter on north side of property. Electrical on the front house will be converted from above ground to below ground by Canby Electric. Also, a fire hydrant is located roughly 75' on each side of the house across the street and the pavement width is 40'.

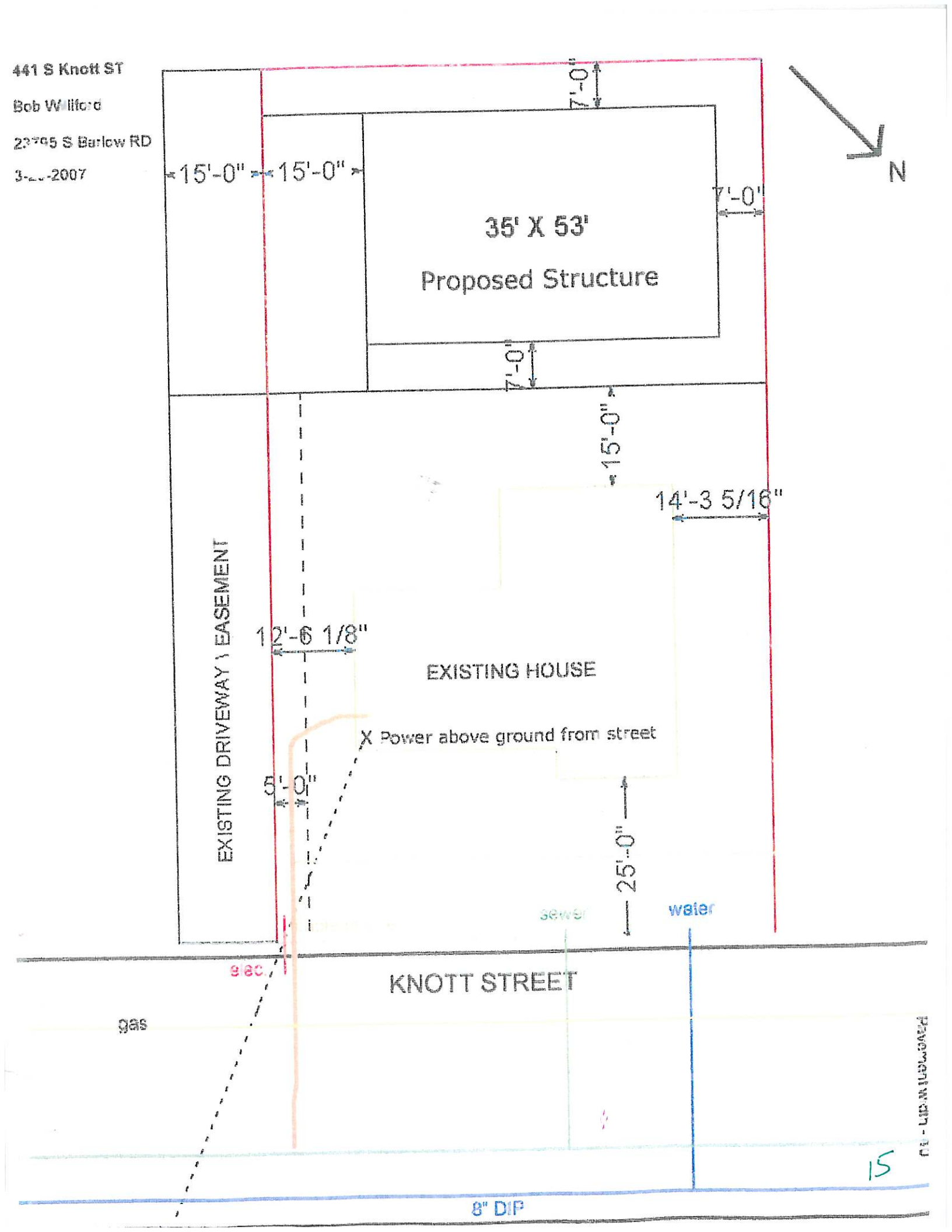
Bob Williford
Cell: 503-312-7502
Fax: 503-651-4041

441 S Knott ST

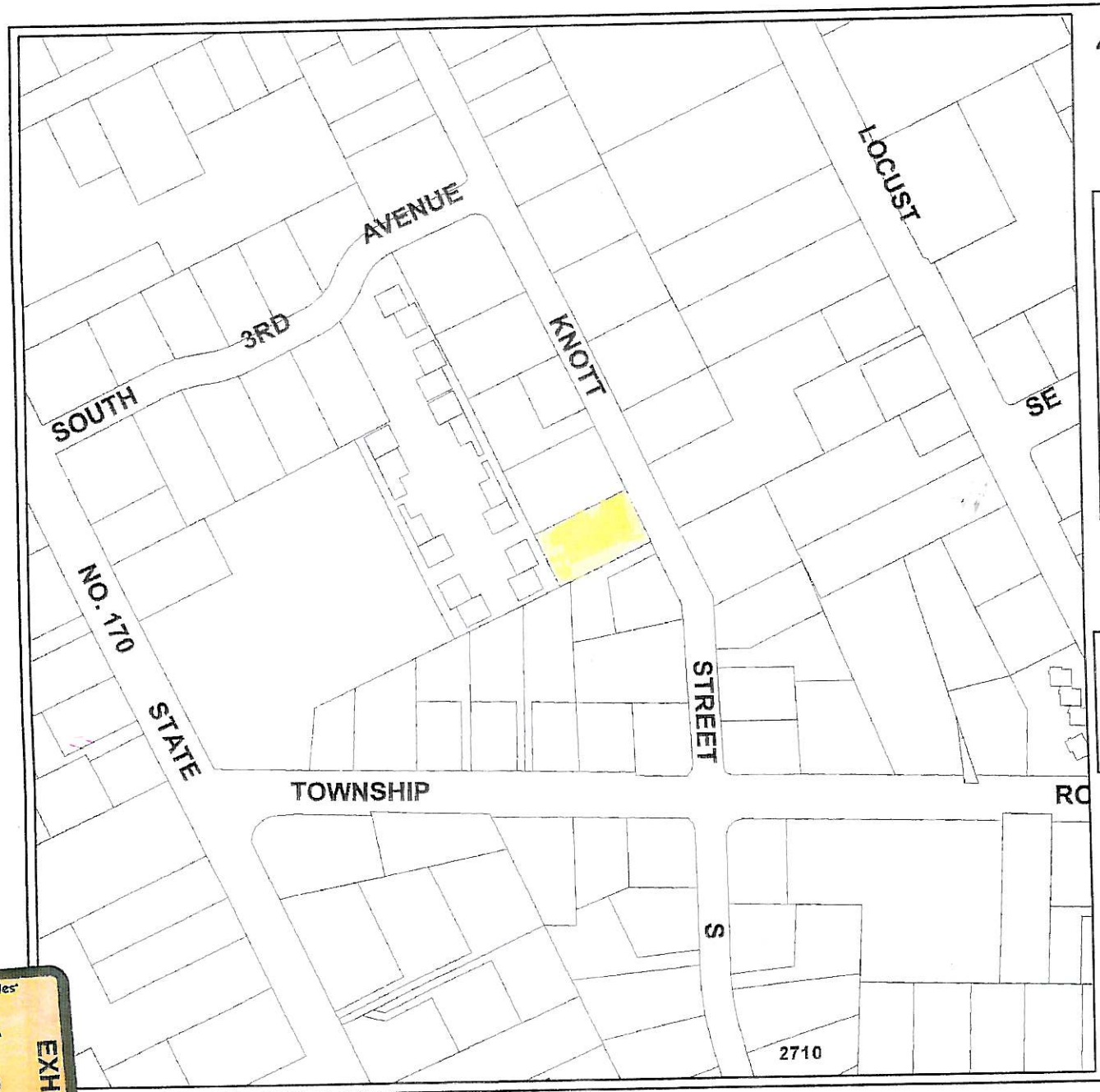
Bob Williford

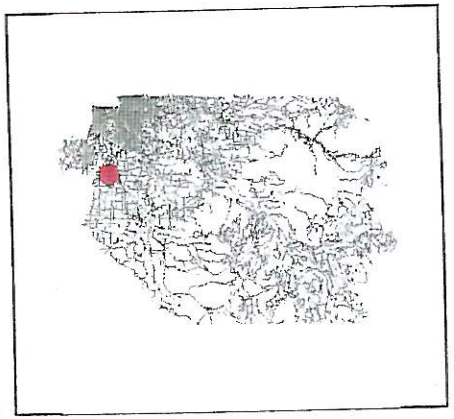
23795 S Barlow RD

3-[illegible]-2007



441 S Knott Street





4

Clackamas County

Geographic Information Systems
121 Library Court
Oregon City, OR 97045

This map and all other information have been compiled for preliminary and/or general purposes only. This information is not intended to be complete for purposes of determining land use restrictions, zoning, title, parcel size, or suitability of any property for a specific use. Users are cautioned to field verify all information before making decisions.

April 24, 2007 03:36 PM

tabbies

EXHIBIT

2

of 16

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013 [503] 266-7001 FAX 266-1574

DATE: April XX, 2007

TO:

- ☐ FIRE
- ☐ POLICE
- ☐ PUBLIC WORKS
- ☐ CANBY ELECTRIC
- ☐ CANBY WATER
- ☐ Darvin Tramel - WTTP
- ☐ Jeff Crowther – WTTP
- ☒ CITY ENGINEER
- ☐ CTA
- ☐ NW NATURAL
- ☐ WILLAMETTE BROADBAND
- ☐ CANBY DISPOSAL
- ☐ CITY ATTORNEY
- ☐ BIKE AND PEDESTRIAN COMM
- ☐ PGE
- ☐ CANBY POST OFFICE
- ☐ CLACKAMAS COUNTY ASSESSOR
- ☐ CLACKAMAS COUNTY 911
- ☐ CLACKAMAS COUNTY TRANSPORTATION
- ☐ TRAFFIC SAFETY COMMITTEE
- ☐ CLACKAMAS COUNTY
- ☐ CANBY SCHOOL DISTRICT
- ☐ OREGON DEPT. TRANSPORTATION
- ☐ ODOT/REGION 1/DIST 2B
- ☐ STATE OF OREGON/REVENUE
- ☐ CANBY BUSINESS REVITALIZATION
- ☐ PARKS AND RECREATION
- ☐ CITY TRANSPORTATION ENGINEER
- ☐ BUILDING OFFICIAL
- ☐ OTHER _____

The City has received **MLP 07-05 (441 S Knott St)**, an application from Bob Williford/Blake Schellenberg requesting a minor land partition to divide Tax Lot 8800 of Map 31E33DC into 2 new tax lots. The property is zoned R2 (High Density Residential). The property is located at 441 S Knott Street.

Please review the enclosed application and return comments to **Carla Ahl** by **Thursday, 26, 2007.** Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

1. Sidewalks should be constructed along the entire site frontage with Knott Street.

Please check one box and sign below:

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

Signature: _____ **Date:** April 24, 2007

Title: Project Engineer **Agency:** Curran-McLeod, Inc

EXHIBIT #3 17

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013 *[503] 266-7001* *FAX 266-1574*

DATE: April XX, 2007

TO:

- ☐ FIRE
- ☐ POLICE
- ☐ PUBLIC WORKS
- ☐ CANBY ELECTRIC
- ☐ CANBY WATER
- ☐ Darvin Tramel - WTTP
- ☐ Jeff Crowther – WTTP
- ☐ CITY ENGINEER
- ☐ CTA
- ☐ NW NATURAL
- ☐ WILLAMETTE BROADBAND
- ☐ CANBY POST OFFICE
- ☐ CLACKAMAS COUNTY ASSESSOR
- ☐ CLACKAMAS COUNTY 911
- ☐ CLACKAMAS COUNTY TRANSPORTATION
- ☐ TRAFFIC SAFETY COMMITTEE
- ☐ CLACKAMAS COUNTY
- ☐ CANBY SCHOOL DISTRICT
- ☐ OREGON DEPT. TRANSPORTATION
- ☐ ODOT/REGION 1/DIST 2B
- ☐ STATE OF OREGON/REVENUE
- ☐ CANBY BUSINESS REVITALIZATION

Carla Ahl by Thursday, 26, 2007. Please
to consider. Thank you.

ll need to be converted

driveway will be replaced
developers expense

he development

come available

Date: 4-25-07

Canby Utility Elect.

Please review the enclosed application and return comments t
indicate any conditions of approval you wish the Commission

Comments or Proposed Conditions:

Existing overhead Elect Service w
to underground @ developers expense

Existing Splice box in proposed
with traffic rated enclosure @

Please check one box and sign below:

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

Signature: [signature]

Title: Line Foreman **Agency:**

18

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013 *[503] 266-7001* *FAX 266-1574*

DATE: April XX, 2007

TO:

- ☐ FIRE
- ☐ POLICE
- ☐ PUBLIC WORKS
- ☐ CANBY ELECTRIC
- ☐ CANBY WATER
- ☐ Darvin Tramel - WTTP
- ☐ Jeff Crowther – WTTP
- ☐ CITY ENGINEER
- ☐ CTA
- ☐ NW NATURAL
- ☐ WILLAMETTE BROADBAND
- ☐ CANBY DISPOSAL
- ☐ CITY ATTORNEY
- ☐ BIKE AND PEDESTRIAN COMM
- ☐ PGE
- ☐ CANBY POST OFFICE
- ☐ CLACKAMAS COUNTY ASSESSOR
- ☐ CLACKAMAS COUNTY 911
- ☐ CLACKAMAS COUNTY TRANSPORTATION
- ☐ TRAFFIC SAFETY COMMITTEE
- ☐ CLACKAMAS COUNTY
- ☐ CANBY SCHOOL DISTRICT
- ☐ OREGON DEPT. TRANSPORTATION
- ☐ ODOT/REGION 1/DIST 2B
- ☐ STATE OF OREGON/REVENUE
- ☐ CANBY BUSINESS REVITALIZATION
- ☐ PARKS AND RECREATION
- ☐ CITY TRANSPORTATION ENGINEER
- ☐ BUILDING OFFICIAL
- ☐ OTHER _____

The City has received **MLP 07-05 (441 S Knott St)**, an application from Bob Williford/Blake Schellenberg requesting a minor land partition to divide Tax Lot 8800 of Map 31E33DC into 2 new tax lots. The property is zoned R2 (High Density Residential). The property is located at 441 S Knott Street.

Please review the enclosed application and return comments to **Carla Ahl** by **Thursday, 26, 2007.** Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

As per previous meetings the water svc will be located @ N. end of lot.

Please check one box and sign below:

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

Signature: [signature] **Date:** 4/23/07

Title: Foreman **Agency:** Canby Utility Water

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013 [503] 266-7001 FAX 266-1574

DATE: April XX, 2007

TO:

- ☐ FIRE
- ☐ POLICE
- ☐ PUBLIC WORKS
- ☐ CANBY ELECTRIC
- ☐ CANBY WATER
- ☐ Darvin Tramel - WTTP
- ☐ Jeff Crowther – WTTP
- ☐ CITY ENGINEER
- ☐ CTA
- ☐ NW NATURAL
- ☐ WILLAMETTE BROADBAND
- ☐ CANBY DISPOSAL
- ☐ CITY ATTORNEY
- ☐ BIKE AND PEDESTRIAN COMM
- ☐ PGE
- ☐ CANBY POST OFFICE
- ☐ CLACKAMAS COUNTY ASSESSOR
- ☐ CLACKAMAS COUNTY 911
- ☐ CLACKAMAS COUNTY TRANSPORTATION
- ☐ TRAFFIC SAFETY COMMITTEE
- ☐ CLACKAMAS COUNTY
- ☐ CANBY SCHOOL DISTRICT
- ☐ OREGON DEPT. TRANSPORTATION
- ☐ ODOT/REGION 1/DIST 2B
- ☐ STATE OF OREGON/REVENUE
- ☐ CANBY BUSINESS REVITALIZATION
- ☐ PARKS AND RECREATION
- ☐ CITY TRANSPORTATION ENGINEER
- ☐ BUILDING OFFICIAL
- ☐ OTHER _____

The City has received **MLP 07-05 (441 S Knott St)**, an application from Bob Williford/Blake Schellenberg requesting a minor land partition to divide Tax Lot 8800 of Map 31E33DC into 2 new tax lots. The property is zoned R2 (High Density Residential). The property is located at 441 S Knott Street.

Please review the enclosed application and return comments to **Carla Ahl** by **Thursday, 26, 2007.** Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

Easement must state that it is a PUE

Please check one box and sign below:

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

Signature: [signature] **Date:** 4-20-07

Title: Engineering Supervisor **Agency:** NW Natural

20

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013 [503] 266-7001 FAX 266-1574

DATE: April XX, 2007

TO:

- ☐ FIRE
- ☐ POLICE
- ☐ PUBLIC WORKS
- ☐ CANBY ELECTRIC
- ☐ CANBY WATER
- ☐ Darvin Tramel - WTTP
- ☐ Jeff Crowther – WTTP
- ☐ CITY ENGINEER
- ☐ CTA
- ☐ NW NATURAL
- ☐ [redacted]
- ☐ CANBY DISPOSAL
- ☐ CITY ATTORNEY
- ☐ BIKE AND PEDESTRIAN COMM
- ☐ PGE
- ☐ CANBY POST OFFICE
- ☐ CLACKAMAS COUNTY ASSESSOR
- ☐ CLACKAMAS COUNTY 911
- ☐ CLACKAMAS COUNTY TRANSPORTATION
- ☐ TRAFFIC SAFETY COMMITTEE
- ☐ CLACKAMAS COUNTY
- ☐ CANBY SCHOOL DISTRICT
- ☐ OREGON DEPT. TRANSPORTATION
- ☐ ODOT/REGION 1/DIST 2B
- ☐ STATE OF OREGON/REVENUE
- ☐ CANBY BUSINESS REVITALIZATION
- ☐ PARKS AND RECREATION
- ☐ CITY TRANSPORTATION ENGINEER
- ☐ BUILDING OFFICIAL
- ☐ OTHER _____

The City has received **MLP 07-05 (441 S Knott St)**, an application from Bob Williford/Blake Schellenberg requesting a minor land partition to divide Tax Lot 8800 of Map 31E33DC into 2 new tax lots. The property is zoned R2 (High Density Residential). The property is located at 441 S Knott Street.

Please review the enclosed application and return comments to **Carla Ahl** by **Thursday, 26, 2007.** Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

_____

_____

_____

_____

_____

_____

Please check one box and sign below:

☒ Adequate Public Services (of your agency) are available

☐ Adequate Public Services will become available through the development

☐ Conditions are needed, as indicated

☐ Adequate public services are not available and will not become available

Signature: _____ **Date:** 4/24/07

Title: _____ **Agency:** Willamette Broad Band

21

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013 *[503] 266-7001* *FAX 266-1574*

DATE: April XX, 2007

TO:

- ☐ FIRE
- ☐ POLICE
- ☐ PUBLIC WORKS
- ☐ CANBY ELECTRIC
- ☐ CANBY WATER
- ☐ Darvin Tramel - WTTP
- ☐ Jeff Crowther – WTTP
- ☐ CITY ENGINEER
- ☐ CTA
- ☐ NW NATURAL
- ☐ WILLAMETTE BROADBAND
- ☐ CANBY DISPOSAL
- ☐ CITY ATTORNEY
- ☐ BIKE AND PEDESTRIAN COMM
- ☐ PGE
- ☐ CANBY POST OFFICE
- ☐ CLACKAMAS COUNTY ASSESSOR
- ☐ CLACKAMAS COUNTY 911
- ☐ CLACKAMAS COUNTY TRANSPORTATION
- ☐ TRAFFIC SAFETY COMMITTEE
- ☐ CLACKAMAS COUNTY
- ☐ CANBY SCHOOL DISTRICT
- ☐ OREGON DEPT. TRANSPORTATION
- ☐ ODOT/REGION 1/DIST 2B
- ☐ STATE OF OREGON/REVENUE
- ☐ CANBY BUSINESS REVITALIZATION
- ☐ PARKS AND RECREATION
- ☐ CITY TRANSPORTATION ENGINEER
- ☐ BUILDING OFFICIAL
- ☐ OTHER _____

The City has received **MLP 07-05 (441 S Knott St)**, an application from Bob Williford/Blake Schellenberg requesting a minor land partition to divide Tax Lot 8800 of Map 31E33DC into 2 new tax lots. The property is zoned R2 (High Density Residential). The property is located at 441 S Knott Street.

Please review the enclosed application and return comments to **Carla Ahl** by **Thursday, 26, 2007.** Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

_____

_____

_____

_____

_____

_____

Please check one box and sign below:

☐ Adequate Public Services (of your agency) are available

☑ Adequate Public Services will become available through the development

☐ Conditions are needed, as indicated

☐ Adequate public services are not available and will not become available

Signature: _____ **Date:** 4-26-07

Title: ASSOCIATE ENG. **Agency:** CANBY TELCOM

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013 [503] 266-7001 FAX 266-1574

DATE: April XX, 2007

TO:

- ☐ FIRE
- ☐ POLICE
- ☐ PUBLIC WORKS
- ☐ CANBY ELECTRIC
- ☐ CANBY WATER
- ☐ Darvin Tramel - WTTP
- ☐ Jeff Crowther – WTTP
- ☐ CITY ENGINEER
- ☐ CTA
- ☐ NW NATURAL
- ☐ WILLAMETTE BROADBAND
- ☐ CANBY DISPOSAL
- ☐ CITY ATTORNEY
- ☐ BIKE AND PEDESTRIAN COMM
- ☐ PGE
- ☐ CANBY POST OFFICE
- ☐ CLACKAMAS COUNTY ASSESSOR
- ☐ CLACKAMAS COUNTY 911
- ☐ CLACKAMAS COUNTY TRANSPORTATION
- ☐ TRAFFIC SAFETY COMMITTEE
- ☐ CLACKAMAS COUNTY
- ☐ CANBY SCHOOL DISTRICT
- ☐ OREGON DEPT. TRANSPORTATION
- ☐ ODOT/REGION 1/DIST 2B
- ☐ STATE OF OREGON/REVENUE
- ☐ CANBY BUSINESS REVITALIZATION
- ☐ PARKS AND RECREATION
- ☐ CITY TRANSPORTATION ENGINEER
- ☐ BUILDING OFFICIAL
- ☐ OTHER _____

The City has received **MLP 07-05 (441 S Knott St)**, an application from Bob Williford/Blake Schellenberg requesting a minor land partition to divide Tax Lot 8800 of Map 31E33DC into 2 new tax lots. The property is zoned R2 (High Density Residential). The property is located at 441 S Knott Street.

Please review the enclosed application and return comments to **Carla Ahl** by **Thursday, 26, 2007.** Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

_____

_____

_____

_____

_____

_____

Please check one box and sign below:

☐ Adequate Public Services (of your agency) are available

☐ Adequate Public Services will become available through the development

☐ Conditions are needed, as indicated

☐ Adequate public services are not available and will not become available

Signature: _____ **Date:** 04/23/07

Title: POLICE CHIEF **Agency:** CANBY POLICE

GREG KROEPLIN

COMMENTS FROM
PUBLIC WORKS DEPARTMENT

* You need to do the full frontage improvements, curb and sidewalks (4-1/2' sidewalk with a 6" curb for a total of 5'

* On the north property line, there is an apartment complex and a large elevation difference. You will have to supply some type of retaining wall, unless you do a lot of grade work to bring down the elevation. Your run off will go into these peoples yard and we don't want that at all.

* Your sewer line will go under the existing hedge that will be torn down.

* You will need a sewer cleanout at the property line; it can be in the sidewalk. I want you to stub out the sewer line (approximately 6' into the property) out past the telephone, power, etc. and when the next person comes along to connect to the sewer he will not disrupt the sewer.

* Any and all ditch lines in the street will need to be paved with in 48 hours and can either be done with cold mix or asphalt patch.

CITY OF CANBY
COMMENT FORM

If you are not able to attend the Planning Commission hearing of this application, you may submit written comments on this form or in a letter to the Planning Commission.
Please send comments to the City of Canby Planning Department.

By mail: Planning Department, PO Box 930, Canby, OR 97013
In person: Planning Department at 170 NW Second Street
E-mail: ahlc@ci.canby.or.us

Written comments must be received prior to the hearing at 7:00 PM May 29, 2007.

APPLICATION: **Minor Land Partition**

APPLICANT: **Bob Williford and Blake Schellenberg**

CITY FILE #: **MLP 07-05**

COMMENTS:
THIS AREA OF CANBY IS TRANSFORMING INTO A MORE DESIREABLE NEIGHBORHOOD. RENOVATIONS, REDEVELOPMENT, AND NEW CONSTRUCTION ARE TAKING PLACE. I SUPPORT THIS PROJECT AS IT UPHOLDS CONTINUED PRIVATE INVESTMENT IN THE TRANSFORMATION.

YOUR NAME: BRYAN HURD

ORGANIZATION or BUSINESS (if any):

ADDRESS: 7895 SW FANNO CREEK DR, TIGARD 97224

PHONE # (optional):

DATE: 5/10/07

Thank you!

BEFORE THE PLANNING COMMISSION
OF THE
CITY OF CANBY

AN APPLICATION TO PARTITION ONE 27,131 SQUARE FOOT RESIDENTIAL PARCEL INTO THREE PARCELS	FINDINGS, CONCLUSIONS & FINAL ORDER MLP 07-03 (Kimco – 371 SE 13th Place)

NATURE OF APPLICATION

The applicant is proposing to partition one 27,131 square foot lot into three (3) Parcels. Parcel one (northwest) would be 9,721 square feet, Parcel two (southwest) would be 7,740 square feet. Parcel 3 (east) would be 9,668 square feet. There is an existing residence that would remain on proposed Lot 1. There is a detached garage with driveway currently located on proposed Lot 2; the applicant proposes to remove the garage and relocate the driveway farther south.

HEARINGS

The Planning Commission held a public hearing to consider this application on May 15, 2007.

CRITERIA AND STANDARDS

This is a quasi-judicial land use application. In judging whether a Minor Land Partition should be approved, the Planning Commission must consider the following standards:

A. Conformance with the text and the applicable maps of the Comprehensive Plan;

B. Conformance with all other 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 the adjacent properties;

D. In no case shall the use of a private road be approved for the partitioning 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; and

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 AND REASONS

The Planning Commission deliberated on all testimony presented at the May 15, 2007 public hearing, including the May 2, 2007 staff report. The Planning Commission hereby accepts and incorporates the findings in the May 2, 2007 staff report.

CONCLUSION

Based on the Staff Report and Commission deliberation, the Planning Commission concludes that:

1. The partition request, with appropriate conditions, is considered to be in conformance with the Comprehensive Plan and the Municipal Code.

2. The partition request, 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. Necessary public services will become available through the development of the property to adequately meet the needs of the proposed partition.

ORDER

IT IS ORDERED by the Planning Commission of the City of Canby that **MLP 07-03** is **APPROVED** subject to the following conditions:

For the Final Plat:

1. The final plat shall reference the following land use application: City of Canby, File No. MLP 07-03 and shall be registered with the Clackamas County Surveyor's Office and recorded with the Clackamas County Clerk's Office. Evidence of this shall be provided to the City of Canby Planning Department prior to the issuance of building permits.

2. Twelve (12) foot utility easements shall be provided along street lot lines or as otherwise required by the Canby Utility Board and the Canby Public Works Department.

3. Prior to the signing of the final plat, the land divider shall follow the provisions of Section 16.64.070 Improvements in particular, but not limited to,subparagraph (O) Bonds, which requires a surety bond, personal bond, or cash bond for any required improvement not completed prior to the signing of the final plat. The bond shall provide for the City to complete the required improvements and recover the full cost of the improvements.

4. Prior to occupancy of any new dwelling, there shall be a minimum of one street tree per street frontage on each new lot including Lot 1.

5. Prior to the issuance of building permits for new dwellings, a pre-construction meeting shall be held prior to any site work and/or construction. Twelve copies of the construction plans shall be given to the City for review and approval by Canby Utility, Canby Telephone, Willamette Broadband, the City, and other required utility providers prior to the pre-construction meeting. The construction plans shall reflect all conditions of approval and shall include, as appropriate, the plans for street design, storm water, sewer, water, fire hydrants, electric, cable, telephone, natural gas, street lights, and mail boxes.

6. After completion of a pre-construction meeting, the applicant shall provide a revised set of construction plans to be signed by all affected agencies and City departments as determined by the Planning Dept. No building permits shall be issued until the required signed construction set is submitted to and accepted by the Planning Department.

7. Newly constructed residences shall comply with Infill Home Standards through the building permit approval process. The building permit application shall include the distances from lot lines to neighboring residences as well as existing heights of the neighboring buildings.

8. As part of construction, an erosion control permit is required. All City erosion control regulations shall be followed during construction as specified by the Canby Municipal Code.

9. As part of construction, the applicant shall construct an approved curb cut and approach apron at the drive entrance to each parcel. Driveways shall be installed at the locations shown on the approved site plan. Driveway widths shall be as shown on the approved site plan. Approach aprons, curb-cuts, and sidewalk work shall be inspected and improved by the Canby Public Works Department.

10. The final plat must be submitted to the City within one (1) year of the approval of the preliminary in accordance with Section 16.68.020.

11. Approval of this partition will be null and void if the final plat is not submitted to the County within six (6) months after signing of the plat by the City (Section 16.68.070).

12. Any relocation of existing utilities required due to construction of the development shall be done at the expense of the applicant.

13. A new deed and legal description for the proposed parcels shall be prepared and recorded with the Clackamas County Clerk. A copy of the new deeds shall be provided to the Canby Planning Department.

14. An acceptable storm water plan shall be approved by the Canby Public Works Department and if required, the Oregon Department of Environmental Quality.

15. The site approval as acted upon by the Commission shall be binding upon the developer and variations from the plan shall be subject to approval by the Commission.

I CERTIFY THAT THIS ORDER approving **MLP 07-03** was presented to and **APPROVED** by the Planning Commission of the City of Canby.

DATED this 29th day of May, 2007.

James R. Brown, Chairman
Canby Planning Commission

Kevin C. Cook
Associate Planner

ATTEST:

ORAL DECISION – May 14, 2007

AYES: Brown, Ewert, Holte, Milne, Molamphy, Taylor

NOES: None

ABSTAIN: None

ABSENT: None

WRITTEN DECISION – May 29, 2007

AYES:

NOES:

ABSTAIN:

ABSENT:

BEFORE THE PLANNING COMMISSION
OF THE
CITY OF CANBY

A REQUEST FOR SITE AND DESIGN REVIEW AND CONDITIONAL USE APPROVAL FOR EXPANSION TO CANBY HIGH SCHOOL	))))	**FINDINGS, CONCLUSION & FINAL ORDER DR 07-01/CUP 07-01 (CANBY HIGH SCHOOL)**

NATURE OF APPLICATION

The Canby School District has proposed a 17,500 sq. ft. expansion to Canby High School. The School District plans the expansion on 2.1 acres of land formerly occupied by the First Student bus yard. The property is located directly across 4th Avenue from Canby High School's main entrance. The proposal includes vacating the western 650 feet of SW 4th Avenue. The plans call for a new 10,000 sq. ft. building, parking area and student plaza area. The new building is proposed to house additional instructional space, counseling, and administrative offices. The proposed design separates buses and cars and creates new visitor parking to the west. The plan includes a canopy over a portion of the plaza area; the canopy may be added at a later date depending on project costs.

CRITERIA AND STANDARDS FOR SITE AND DESIGN REVIEW

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

1. The Board shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the following:

   A. The proposed site development, including the site plan, architecture, landscaping and graphic design, is in conformance with the standards of this and other applicable City ordinances insofar as the location, height and appearance of the proposed development are involved; and

B. The proposed design of the development is compatible with the design of other developments in the same general vicinity; and

C. The location, design, size, color and materials of the exterior of all structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity.

D. The Board shall, in making its determination of compliance with subsections B and C above, use the Design Review matrix outlined in Section 16.35 to determine "compatibility". An application is considered to be "compatible", regarding subsections B and C above, if the minimum score in each category is met for the entire development.

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 development.

2. The Board shall, in making its determination of compliance with the above requirements, be guided by the objectives and standards set forth in this section. If the site and design review plan includes utility facilities or public utility facility, then the City Planner shall determine whether those aspects of the proposed plan comply with applicable standards.

3. The Board shall, in making its determination of compliance with the requirements set forth, consider the effect of its action on the availability and cost of needed housing. The Board shall not use the requirements of this section to exclude needed housing types. However, consideration of these factors shall not prevent the Board from imposing conditions of approval necessary to meet the requirements of this section. The costs of such conditions shall not unduly increase the cost of housing beyond the minimum necessary to achieve the purposes of this ordinance.

4. As part of the Site and Design Review, the property owner may apply for approval to cut trees in addition to those allowed in Section 12.20.080 of the City Tree Ordinance. The granting or denial of said application will be based on the criteria in Chapter 12.20 of the City Tree Ordinance. The cutting of trees does not in and of itself constitute change in the appearance of the property which would necessitate application for site and design review.

CRITERIA AND STANDARDS FOR CONDITIONAL USE

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

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

B. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements, and natural features.

C. All required public facilities and services exist to adequately meet the needs of the proposed development.

D. The proposed use will not alter the character of the surrounding areas in a manner which substantially limits or precludes the use of surrounding properties for the uses listed as permitted in the zone.

FINDINGS AND REASONS

The Planning Commission, after holding a public hearing on May 14, 2007 and considering the May 3, 2007 staff report deliberated and reached a decision approving the applicant's request for site and design review and conditional use. The Commission discussed the layout and design of the site and adopted the findings and conclusions contained in the May 3, 2007 staff report, with conditions modified as written in the Order below and the following supplemental findings:

- The Commission finds that the design of the proposed double-stacked bus loading area could make emergency service response to this area difficult. Condition #25 requires the development of an emergency plan and is necessary in order to ensure that all required public facilities and services become available to the development.
- The Commission finds that additional review of the design and impacts of a potential westbound turn lane is required. Condition #21 has been modified from staff's original proposal to require additional review by staff and the Planning Commission. This is necessary in order to ensure that all required public facilities and service become available to the development.

CONCLUSION REGARDING SITE AND DESIGN REVIEW

The Planning Commission concludes that, with the application of certain conditions:

1A. The proposed development of the site is consistent with the applicable standards and requirements of the Canby Municipal Code and other applicable City ordinances insofar as the location, height and appearance of the proposed development are involved; and

1B. The proposed design of the development is compatible with the design of other development in the vicinity; and

1C. The location, design, size, color, and materials of the exteriors of structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity; and

1D. The proposal is deemed compatible given that staff allocated a minimum or higher number of points per category on the design review matrix; and

1E. All required public facilities and services exist or can be made available to adequately meet the

needs of the proposed development.

2. Public utility and service providers have indicated that the existing proposal can be made to comply with applicable standards.
3. The proposed development will not increase the cost of housing in Canby.
4. The property owner is not applying to remove street trees.

CONCLUSION REGARDING CONDITIONAL USE

The Planning Commission concludes that, with the application of certain conditions:

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

B. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements, and natural features.

C. All required public facilities and services exist to adequately meet the needs of the proposed development.

D. The proposed use will not alter the character of the surrounding areas in a manner which substantially limits or precludes the use of surrounding properties for the uses listed as permitted in the zone.

ORDER

IT IS ORDERED BY THE PLANNING COMMISSION of the City of Canby that **DR 07-01/CUP 07-01** is approved, subject to the following conditions:

1. Approval of this plan is contingent upon approval of the proposed right-of-way vacation of SW 4th Avenue. No building permits and/or utility work shall be permitted prior to the approval of the proposed right-of-way vacation (final recordation of Ordinance 1239 vacating right-of-way). If the proposed right-of-way vacation is not approved, this Site and Design Review approval shall be null and void.

2. Prior to the issuance of a building permit and/or any site work other than rough site grading, the design, location, and planned installation of all utilities, including but not limited to water, electric, sanitary sewer, natural gas, telephone, and cable television shall be approved by the appropriate utility provider.

3. Prior to the issuance of a building permit and/or any site work other than rough site grading, a pre-construction meeting shall be held. Twelve copies of the construction plans shall be given to the City for review and approval by Canby Utility, Canby Telephone, Willamette Broadband, the

City, and other required utility providers prior to the pre-construction meeting. The construction plans shall reflect all conditions of approval and shall include, as appropriate, the plans for street design, storm water, sewer, water, fire hydrants, electric, cable, telephone, natural gas, street lights, and mail boxes.

4. After completion of the pre-construction meeting, the applicant shall provide a revised set of construction plans to be signed by all affected agencies and City departments as determined by the Planning Dept. No building permits nor any site work other than rough site grading shall be allowed until the required signed construction set is submitted to and accepted by the Planning Department.

5. A sign permit application shall be submitted for all proposed signs.

6. Exterior lighting is required to provide a minimum of 0.5 footcandles with a 4:1 uniformity ratio over the entire site. All site lighting shall be "hooded" or "cutoff" so as not to direct light skyward or towards any public road.

7. A detailed landscape construction plan shall be submitted with the building permit application. The detailed landscape plan shall show: the number of plants, plant spacing/location of planting, the type of plants, the size of plants, the schedule of planting, and irrigation plans. The landscape plan shall reflect the approved landscape plan submitted with the Design Review application.

8. The landscaping shall be planted at such a density so as to provide a minimum of 95% coverage of the landscape areas with vegetation within a 3-year time period. Bark mulch and similar material shall consist of not more than 5% of the total landscape area after the 3-year period. Trees are to be a minimum of 3-inch caliper.

9. Wheel stops shall not be required in areas where sidewalks are at least 8 feet in width and in areas where landscaping within 2 feet of the curb is limited to ground cover and will not be damaged by vehicle overhangs. Wheel stops shall be provided for all parking spaces located adjacent to landscaping or walkways that do not meet the above criteria. The wheel stops shall be placed 2 feet in front of the end space.

10. All sidewalks and access-ways shall be a minimum of five (5) feet in width.

11. Bicycle parking shall be located in a well-lit, secure location within 50 feet of the primary building entrance per CMC 16.10.100. Bicycle parking shall meet all other applicable criteria.

12. All stormwater shall be disposed of on site. Prior to the issuance of a building permit, the design of storm water facilities shall be approved by the City Engineer, the Public Works Department, and the Oregon Department of Environmental Quality. No building permits shall be issued prior to obtaining necessary approvals from DEQ for proposed stormwater facilities and/or discharges.

13. Prior to the issuance of a building permit, an erosion control permit is required. All City erosion control regulations shall be followed during construction as specified by the Canby Municipal Code.

14. Any relocation of existing utilities required due to construction of the development shall be done at the expense of the applicant.

15. ADA Ramps shall be provided as necessary as determined by the Public Works and Building Departments.

16. This approval is based upon the submitted site plan. Changes to this plan are subject to review and approval by the City through the City's approval modification process or through a new Design Review application.

17. Half-street improvements for the parcels full frontage along S. Birch St. and SE 2nd Ave. Full width improvements shall be made to portions of SW 4th Avenue that will remain within City right-of-way. Street improvements shall be completed to the satisfaction of the City Engineer and Public Works. Five-foot wide sidewalks shall be completed along all street frontages adjacent to the site.

18. The proposed future building addition will require separate review and approval by the Planning Commission.

19. Appropriate signage shall be installed at all private accesses. Directional signs indicating "bus only", "one way", "do not enter" and "end of publicly maintained street" shall be installed to the satisfaction of the Public Works Department. Additional, signage may be required by emergency service providers.

20. All public utilities and public sanitary sewer lines shall be placed within a utility easement. Additional utility easements shall be recorded for easements that would otherwise be located outside of an existing easement. Easement width and configuration is subject to approval by Canby Utility and the Canby Public Works Department.

21. A westbound left-turn lane shall be installed on SW 2nd Avenue at the bus-only entrance if required by the city. Left turn lane design is subject to the approval of the City Engineer, Public Works Department, and the Planning Department. The SW 2nd Avenue design plan shall be submitted to the Canby Planning Commission for review and approval prior to installation.

22. The new bus pick-up/drop-off area shall be designed to accommodate a minimum of sixteen buses in order to minimize the chance of a queue forming on SW 2nd Ave.

23. The applicant shall submit a landscape maintenance plan that provides for the regular pruning of low growing branches on trees; particularly those trees that could potentially conflict with the maneuverability of emergency service vehicles.

24. School busses shall not turn onto S Birch Street directly from Highway 99E; alternative routes shall be employed instead.

25. An emergency plan shall be submitted to the Planning Commission for review and approval; the plan shall indicate access to the school bus loading area and shall meet with the approval of the Canby Fire District.

I CERTIFY THAT THIS ORDER approving **DR 07-01/CUP 07-01** was presented to and **APPROVED** by the Planning Commission of the City of Canby.

DATED this 29th day of May, 2007.

James R. Brown
Chairman, Canby Planning Commission

Kevin C. Cook
Associate Planner

ATTEST:

ORAL DECISION – **May 14, 2007**

AYES: Brown, Holte, Milne, Molamphy, Taylor

NOES: Ewert

ABSTAIN: None

ABSENT:

WRITTEN DECISION – **May 29, 2007**

AYES:

NOES:

ABSTAIN:

ABSENT:

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – May 14, 2007
City Council Chambers – 155 NW 2nd Avenue

PRESENT:	Chair Jim Brown, Vice Chair Dan Ewert, Commissioners John Molamphy, Janet Milne, Bruce Holte, and Jared Taylor
ABSENT:	None
STAFF:	John Williams, Community Development and Planning Director; Kevin Cook, Associate Planner; and Jill Thorn, Planning Staff
OTHERS PRESENT:	Catriona Sumrain of Lancaster Engineering; Todd Mobley of Lancaster Engineering; Heinz Rudolf, Andy Rivinus, Cornell Anderson, Pat Johnson, Don Jeskey, Marty McCullough, Todd Anacher, Jeff Rasak, Debra Pearson, Deborah Sommer, Jack Gallagher, Sabino Arrendondo, Neil Thogerson and Mark Dane

I. CITIZEN INPUT None

II. PUBLIC HEARINGS

MLP 07-03 - 371 SE 13th Place - Kimco Properties – Minor land partition to divide Tax Lot 4100 of Map 4 1E 04DA into 3 new tax lots

Chair Brown 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, Commissioner Holte said he had talked with a realtor many months ago about the project; and none was stated by the remaining commissioners. No questions were asked of the Commissioners.

Kevin Cook presented the staff report. The applicant is proposing to partition one 27,131 square foot lot into three (3) Parcels. Parcel one (northwest) would be 9,721 square feet, Parcel two (southwest) would be 7,740 square feet. Parcel 3 (east) would be 9,668 square feet. There is an existing residence that would remain on proposed Lot 1. There is a detached garage with driveway currently located on proposed Lot 2; the applicant proposes to remove the garage and relocate the driveway farther south.

Applicant: Mark Dane of Blue Sky Planning represented the applicant. Mr. Dean stated that the applicant had no objections to the conditions as written.

Commissioner Holte said the site was not part of the homeowners association and future owners of the lots would not be able to use the pool unless they became members of the association.

Mr. Dane stated it was not the intent of the applicant to remove the large trees, especially the one on the property line but did not want a condition because the health of the tree was unknown at this time.

Commissioner Milne asked about two points in the information submitted by Susan Myers on behalf of Tofte Farms Home Owner Association regarding safety at the corner of 13th Place and Maple; and the buffering of the garage.

Mr. Dane responded that site does comply with vision clearance and felt that buffering was unnecessary.

John Williams stated that the driveway could be dealt with at the time the building permit is issued.

Proponents: None

Opponents: None

Rebuttal: None

Chair Brown closed the public hearing.

Commissioner Taylor expressed concern about the tree on the property line.

Mr. Williams stated the City had no regulations in regard to trees except for street trees.

Commissioner Molamphy felt the application was straight forward and meet the criteria.

Commissioner Holte liked the layout of the plan.

Chair Brown said he had no problems with the application.

It was moved by Commissioner Ewert moved to approve MLP 07-03 as presented. It was seconded by Commissioner Milne. Motion carried 6-0.

DR 07-01/CUP 07-01 - 721 SW 4th Ave - An application from Canby School District requesting a conditional use permit and site and design review for building

Chair Brown 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. No questions were asked of the Commissioners.

Kevin Cook presented the staff report. The Canby School District has proposed a 17,500 sq. ft. expansion to Canby High School. The School District plans the expansion on 2.1 acres of land formerly occupied by the First Student bus yard. The property is located directly across 4th Avenue from Canby High School's main entrance. The proposal includes vacating the western 650 feet of SW 4th Avenue. The plans call for a new 10,000 sq. ft. building, parking area and student plaza area. The new building is proposed to house additional instructional space, counseling, and administrative offices. The proposed design separates buses and cars and creates new visitor parking to the west. The plan includes a canopy over a portion of the plaza area; the canopy may be added at a later date depending on project costs.

Commissioner Molamphy asked where the letter from ODOT was addressed in the conditions.

Mr. Cook replied it was in Condition 24.

Commissioner Ewert said the buses were double stacked and had concerns about how police, fire or emergency services would get to the middle of the line if there was a situations that needed fast attention.

Chair Brown asked how many parking spaces were lost because of the proposed street vacation.

Mr. Cook said that overall there was an actual gain in parking spaces.

Chair Brown asked how the street is terminated.

Mr. Williams stated that 4th Avenue would dead end just before the entrance and there would be a way for cars to turn around using the school's parking lot.

Commissioner Milne asked if there was adequate turn radius off of Elm for buses.

Catriona Sumrain of Lancaster Engineering stated that ODOT was comfortable with the radius.

Commissioner Ewert asked how far towards Pacific Pride the turn lane would be.

Applicant: Heinz Rudolf of Boora Architects represented the applicant. He presented a PowerPoint presentation on the scope of the project. He stated this plan was for classrooms and counseling facilities and doesn't increase student population. The project would create an entrance for the school as well as flexible spaces for community use.

Proponents: Andy Rivinus of 9292 S Centennial Lane, a school board member and a member of the Bond Oversight Committee, stated that the plan met the needs of the District and would add value for the district and City.

Chair Brown asked if the base bid plus alternates one and two would be built. Mr. Rivinus stated that it would all be part of one project.

Marty McCullough of 32405 SW Armitage Road, a school board member, stated her support for the project and felt that several traffic problems were being corrected with this plan.

Pat Johnson of 721 SW 4th Avenue, principal of the high school stated that there would be a separate drop off for parents from the area for the buses and the plan improves safety for the students.

Commissioner Ewert asked if the school had a solution if there was an emergency in the middle of the bus line.

Mr. Johnson said it had never been a problem in the past but that an emergency plan could be put together.

Debra Pearson, project manager for the school district, stated the fire district had given their approval for the current plan. She also said that the bollards were removable.

Opponents: None

Rebuttal: None

Chair Brown closed the public hearing.

Commissioner Taylor felt the bus plan was better than when he was a student at the high school.

Commissioner Ewert stated that the stacking of buses on 2nd Avenue would impact the business of Pacific Pride.

Catriona Sumrain stated that after observing traffic in the area as part of the traffic study, the busy time for Pacific Pride and the school were at two different times of the day.

Commissioner Ewert felt that the plan was over burdening 2nd Avenue.

Mr. Cook stated that 2nd Avenue was considered a collector in the Transportation Plan.

Commissioner Taylor felt the time of one minute for a bus and 16 buses was not an issue and he had no problem with the application.

Commissioner Milne stated that she felt Boora Architects and the Bond Over Sight Committee had done an excellent job addressing the community issues.

Chair Brown felt it was a good project and was satisfied with all of the conditions.

Commissioner Ewert had concerns about the emergency issue and felt the center lane on 2nd Avenue was a problem.

Mr. Williams suggested that the turn land on 2nd Avenue could be reviewed separately and that Condition 21 could be reworded accordingly.

It was moved by Commissioner Milne moved to approve DR 07-01/CUP 07-01 as amended to reword Condition 21 and add a condition that the school district develop an emergency plan addressing the bus stacking area. It was seconded by Commissioner Holte. Motion carried 5-1-0 with Commissioner Ewert voting No.

III. NEW BUSINESS

MOD 07-05 of DR 05-05 – Canby Place Retail Development – Parking Modification

Kevin Cook presented the staff report. Sterling Development, owners of the Canby Place retail center, have submitted a modification application and request to reduce the overall parking requirement for the retail center in order to allow for a restaurant in the multi-tenant retail building located along the south side of the property. Based on the parking study, the current site is 2 parking spaces short of the bare minimum needed.

Mr. Williams stated that the Planning Commission can make a finding to reduce the number of spaces required, but that staff had to adhere to the code and the staff does not enjoy being bureaucratic in situations like this.

Jeff Rasak of Sterling Development stated that he felt 104 spaces were adequate for this center. He said that based on his experience in the shopping center business, no center was ever full all the time. He stated that Burger King felt that 60% of their business was drive thru and KFC felt that 55% of the business was drive thru.

Mr. Rasak said that in the original development of the site the fire district had requested a fire lane to get to SR Smith Company and they had allowed such a fire lane which took up 3.5 parking places. He said that SR Smith supports the request for the restaurant. Mr. Rasak stated that two of the tenants in Building C would be Verizon and UPS, both of which generally had customers who only stayed less than 10 minutes.

Chair Brown asked what the blended parking rate was for the site.

Mr. Rasak said it was 5.8 per 1000. Chair Brown noted that many shopping centers, albeit larger one, go as low as 4.5 per 1000.

Jack Gallagher of Norris Beggs and Simpson said he had worked with SR Smith to find a buyer for the site and that staff had done a good job of working with the developer on the project. He felt that a large portion of the business for the restaurant would be from the high school and thus would be foot traffic.

Catriona Sumrain of Lancaster Engineering stated that her study was based on national standards as well as a study of a comparable retail center. She stated that the peak time would be on Saturday. And both sit down and fast-food restaurants peak at noon.

Commissioner Milne asked if employee parking could be off site.

Mr. Williams stated that the code does allow for parking agreements.

Commissioner Holte liked the idea of a local owner for the restaurant and felt that he was willing to give back 2 spaces since the developer had given up 3 for the fire lane.

Commissioner Molamphy asked how many spaces were needed.

Mr. Cook said that the applicant was short two spaces.

Commissioner Milne stated that it was exciting to have a local owner and was willing to give back 2 spaces.

Commissioner Taylor had no problem with the 2 space difference.

It was moved by Commissioner Ewert to approve MOD 07-05 of DR 05-05 to reduce the parking requirements to a total of 104 spaces for Building C for the addition of one restaurant only. It was seconded by Commissioner Holte. Motion carried 6-0.

IV. FINDINGS

MLP 07-04 - 655 NW Territorial Road - Commissioner Ewert moved to approve the findings for MLP 07-04 as presented. Motion seconded by Commissioner Milne and passed 5-0 with Chair Brown abstaining.

V. MINUTES

April 23, 2007 - Commissioner Holte moved to approve minutes of April 23, 2007 as presented. Motion seconded by Commissioner Taylor and passed 5-0 with Chair Brown abstaining.

VI. DIRECTOR'S REPORT

John Williams announced that the Highway 99E Design group would present the first draft of the report at 5:30 PM on May 31, 2007 at the Adult Community Center and urged the members of the Commission to attend.

Mr. Williams said that Rick Gamble had submitted his resignation from the Planning Commission.

Mr. Williams said that the City Council had approved the first reading of the ordinance that awarded the bid for the Berg Parkway project.

VII. ADJOURNMENT