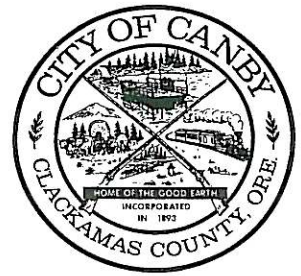


# PLANNING COMMISSION AGENDA

Monday – September 10, 2007

7:00 PM - Regular Meeting

City Council Chambers - 155 NW 2<sup>nd</sup> Avenue



Chairman Jim Brown, Vice Chair Dan Ewert

Commissioners John Molamphy, Janet Milne, Bruce Holte, Jared Taylor and Misty Slagle

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## I. CITIZEN INPUT ON NON-AGENDA ITEMS

## II. PUBLIC HEARINGS

**MLP 07-06 – McCollum – 645 N Ivy Street** - The applicant is requesting approval to partition one vacant 24,082 square foot parcel zoned R-1 (Low Density Residential) into three separate parcels. Parcel 1 would contain 7,881 sq ft, parcel 2 would contain 7,891 sq ft and parcel 3 would contain 8,310 sq ft. Page 2

## III. NEW BUSINESS

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

## V. MINUTES

August 27, 2007

Page 40

## VI. DIRECTOR'S REPORT

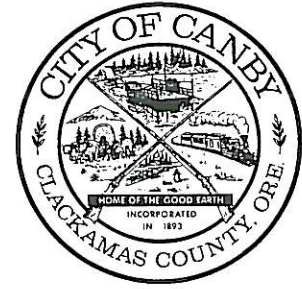
## VII. ADJOURNMENT

*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](http://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:**

Kathleen McCollum  
P. O. Box 1448  
Medford, OR 97501

**FILE NUMBER:**

MLP 07-06

**Owner:**

Cutsforth Real Estate L.P.  
P. O. Box 1448  
Medford, OR 97501

**STAFF:**

Carla Ahl  
Planning Technician

**LEGAL DESCRIPTION:**

Tax Map 3-1E-33BD, Tax Lot 05900

**DATE OF REPORT:**

August 28, 2007

**LOCATION AND LOT SIZE:**

645 N. Ivy St.  
0.55 Acres (24,082 square feet)  
North of NW 6<sup>th</sup> Ave., between N Holly St and  
N. Ivy St

**DATE OF HEARING:**

September 10, 2007

**COMPREHENSIVE PLAN DESIGNATION:**

High Density Residential (R-2)

**CURRENT ZONING:**

Low Density Residential (R-1)

**I. APPLICANT'S REQUEST:**

The applicant is requesting approval to partition one vacant 24,082 square foot parcel zoned R-1 into three separate parcels. Parcel 1 would contain 7881 sq ft, parcel 2 would contain 7891 sq ft and parcel 3 would contain 8310 sq ft.

## 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; *(Note: This criteria is not enforceable)*
  - 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 645 N. Ivy Street. The parcel is zoned R-1 (LDR) with a Comprehensive Plan designation of R-2 (HDR). Surrounding properties are zoned R-1 (LDR) except for the property to the west which is zoned R-2 (HDR). All surrounding properties have a Comprehensive Plan

designation of R-2 (HDR).

There are two driveway accesses located on the property. The applicant has proposed to close the northern driveway and consolidating all three accesses into the driveway on the south side of the property, creating 2 flag lots. Access spacing standards are met because no new driveways will be created. A 30' reciprocal access easement shall be recorded with the deed to provide access to parcels # 1 and # 2.

There are two existing sanitary services located on N. Ivy St. one will serve parcel #3 and the other will be abandoned. Service for parcels # 1 and #2 will come from N. Holly St. Water service for parcels #2 and #3 are existing on N. Ivy, two new services will be established to serve parcel #1 and for the future development of tax lot #5000. Storm water will be managed on site as necessary to comply with City of Canby and DEQ standards.

The property is zoned R-1 (Low Density Residential) with a Comprehensive Plan designation of R-2 (High Density Residential). Adjacent property to the south, east and north is currently zoned R-1 (LDR), the property to the west is zoned R-2 (HDR). The Comprehensive Plan designation for all surrounding property is R-2 (HDR). The R-1 designation requires a minimum of 7,000 sq ft, this application would meet that requirement.

There are existing curbs and sidewalks along the frontage of N. Ivy St, the applicant have proposed removing the northern driveway and consolidating the accesses to the south. This would require the curb and sidewalk to be repaired as necessary.

May 8, 2006 the Planning Commission heard an application by Cutsforth Real Estate LP to change the R-1 (Low Density Residential) designation to the Comprehensive Plan designation of R-2 (High Density Residential). After hearing the staff report and testimony from neighbors, the Planning Commission voted to recommend denial of the zone change to the City Council. Prior to the June 7, 2006 hearing by the City Council the application was withdrawn and no further action was taken by the City.

## **2. Evaluation Regarding Minor Land Partition Approval Criteria**

- A. Conformance with the text and with the applicable maps of the Comprehensive Plan. *(Note: This criteria is not enforceable)*
- 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-1 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.

*Request for Comments:*

*Public Works:*

1. *5' concrete walk required in front of existing house*
2. *DEQ approval needed on sanitary sewer extension*
3. *Storm water runoff from paved driveway must remain on site.*
4. *No additional stormwater to go to N. Ivy or N. Holly Streets.*

*Northwest Natural Gas*

1. *Developer to contact NW Natural with an application, with detailed plans and utility plans as soon as possible.*

*Canby Water Department*

1. *Recommended to pursue utility entry from NW 6<sup>th</sup> Ave, between tax lot 5400 and 5700.*

(N. Ivy has been recently improved, it is an arterial road with heavy traffic usage and the City is willing to work with the applicant to find an alternative

solution for water service).

*City Engineer*

1. *Minimize utility trench impact on newly constructed N. Ivy St. (single trench is recommended for water crossing).*

*Canby School District*

1. *Adequate Public Services are available.*

*Canby Telcom*

1. *Adequate Public Services will become available through development.*

*Willamette Broadband*

1. *Adequate Public Services will become available through development*

*Canby Police Department*

1. *Adequate Public Service are available.*

*Waste Water Treatment*

1. *Adequate Public Services will become available through development*

*Canby Fire Department*

1. *When the property is developed it must meet the requirements of the 2007 Oregon Fire Code – Appendix B fire flow, Appendix C hydrant locations, Appendix D fire apparatus access roads and Canby Fire District's requirement for access and fire flow.*

Public services and facilities are available to adequately meet the needs of this land division.

#### **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 07-06 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 07-06**
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. A copy of the new deeds shall be provided to the Canby Planning Department.
4. Prior to signing of the final plat a reciprocal access easement and maintenance agreement shall be recorded with the deed to provide access to parcels #1 and #2.
5. On the final plat, 12' (twelve foot) public utility easements shall be provided along the full frontage of N Ivy St.
6. All monumentation and recording fees shall be borne by the applicant.
7. On the final plat any public sidewalk located on private property shall be within a public sidewalk easement.
8. 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.
9. 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 preconstruction process procedures shall be followed.

10. The applicant is responsible for all costs associated with the relocation of utilities.
11. 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.
12. Prior to excavation location and construction of the sewer main and /or laterals shall be approved by the Public Works Supervisor and DEQ. Any new sewer main and/or new laterals shall be installed by the applicant at the time of development.
13. Prior to the issuance of the Certificate of Occupancy the applicant is responsible for meeting all requirements imposed by the Canby Fire District;

The Fire District requires the following provisions:

*When the property is developed it must meet the requirements of the 2007 Oregon Fire Code – Appendix B fire flow, Appendix C hydrant locations, Appendix D fire apparatus access roads and Canby Fire District's requirement for access and fire flow.*

14. No cutting of N. Ivy Street will be allowed unless approved by the City of Canby.
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. Deed restrictions shall be placed on lot #3 requiring the house to face N. Ivy St.



Access shall be from the shared driveway located on the south side of the property.

18. Prior to the issuance of the Certificate of Occupancy the applicant is responsible for meeting all requirements imposed by the Canby Fire District;
19. A minimum of one street tree shall be required on the frontage of N. Ivy St. Street trees shall be placed 11 feet behind the sidewalk.
20. 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.
21. An erosion control permit is required. All City erosion control regulations shall be followed during construction as specified by the Canby Municipal Code.
22. 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.

**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**

**APPLICANT\*\***

Name Cutsforth Real Estate L.P.

Name Kathleen McCollum, General Partner

Address P.O. Box 1448

Address P.O. Box 1448

City Medford State OR Zip 97501

City Medford State OR Zip 97501

Phone (541) 773-1100 Fax (541) 734-4794

Phone (541) 773-1100 Fax (541) 734-4794

E-mail jkmlaw@grtech.com

E-mail jkmlaw@grtech.com

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

|   |   |   |                              |
|---|---|---|------------------------------|
| <input checked="" type="checkbox"/> Owner | <input checked="" type="checkbox"/> Email | <input checked="" type="checkbox"/> US Postal | <input type="checkbox"/> Fax |
| <input type="checkbox"/> Applicant        | <input type="checkbox"/> Email            | <input type="checkbox"/> US Postal            | <input type="checkbox"/> Fax |

**OWNER'S SIGNATURE** \_\_\_\_\_

**DESCRIPTION OF PROPERTY**

Address 645 N Ivy Street, Canby, OR 97013

Tax Map 3 1E 33BD

Tax Lot(s) 5900

Lot Size 0.55/24,082  
(Acres/Sq. Ft.)

Existing Use Vacant

Proposed Use Minor Partition for 3 single family residential lots

Existing Structures None

ZONING R-1

COMPREHENSIVE PLAN DESIGNATION HDR

PREVIOUS ACTION (If Any) \_\_\_\_\_

|                              |
|------------------------------|
| <b>FOR CITY USE ONLY</b>     |
| File # _____                 |
| Date Received _____ By _____ |
| 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.



# 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<br>Check | City<br>Check |
|--------------------|---------------|

- |                                     |                          |   |
|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | ⇒ 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.   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | ⇒ Payment of \$1,280, cash or checks only. Checks should be made out to the City of Canby.  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | ⇒ A list of property owners within 200 feet of the subject property, on mailing labels (1" x 2-5/8") and in electronic form. <b>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."</b> A list of property owners may be obtained from a title insurance company or from the County Assessor.  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | ⇒ 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.  |
| <input type="checkbox"/>            | <input type="checkbox"/> | ⇒ 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 ( <u>payment must be received by the City before the application is considered complete</u> ), including an accident report for the adjacent roads and nearby intersections, for any project that results in any one of the following: <ul style="list-style-type: none"> <li>A. More than one access onto any collector or arterial street (such streets being designated by the City of Canby Transportation System Plan);</li> <li>B. More than six (6) residential units that enter onto any collector or arterial street;</li> <li>C. Any multiple family dwellings (apartments, condominiums, townhouses, etc.) with more than six (6) units; or</li> <li>D. Industrial or commercial enterprises which generate more than one hundred (100) vehicles per day.</li> </ul> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | ⇒ 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:   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | ⇒ A. Vicinity map of the property;  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | ⇒ B. The date, north point, scale, and sufficient description to define the location and boundaries of the tract to be partitioned;   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | ⇒ 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.

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#### 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.

---

**HOMES BUILT ON FLAG LOTS MUST HAVE A 20 FOOT WIDE UNOBSTRUCTED WIDTH ON THE**

DRIVEWAY OR THE HOME WILL HAVE TO BE SPRINKLED



645 N Ivy St  
Canby OR  
97013-3035 US

**Notes:**

Vicinity Map for 645 N Ivy Street  
Canby, OR 97013

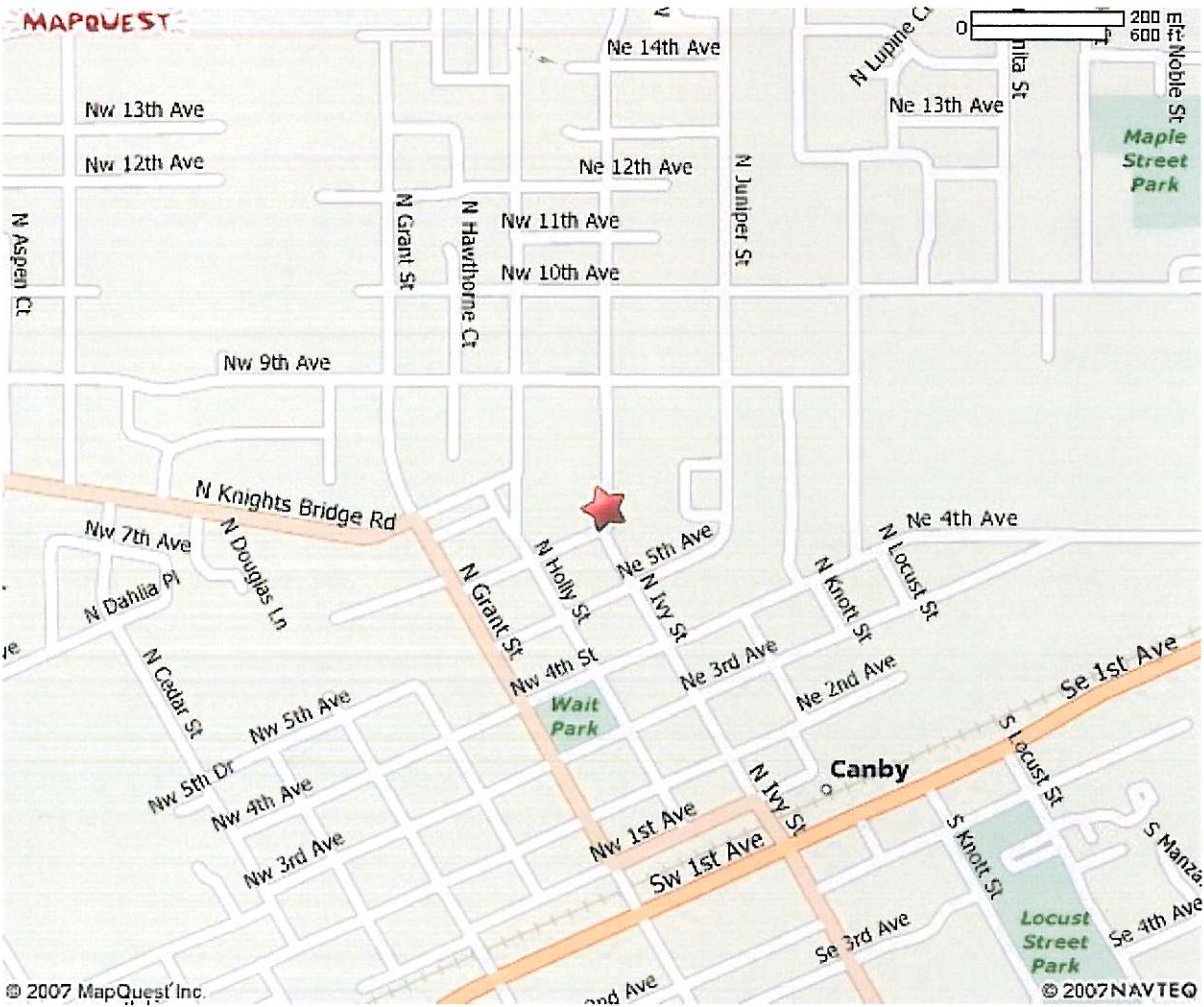
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645 N Ivy St  
Canby OR  
97013-3035 US

**Notes:**

Aerial Map

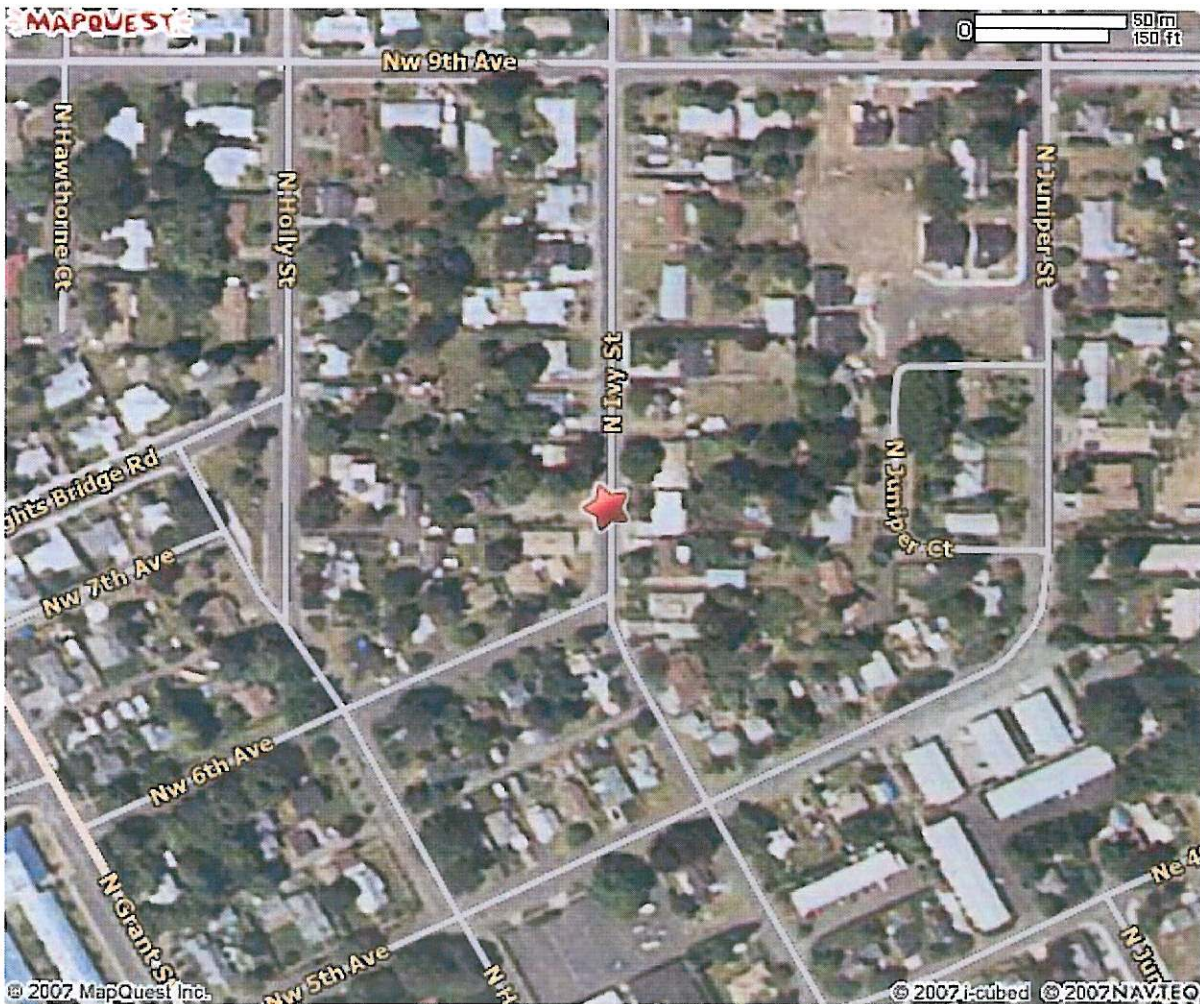
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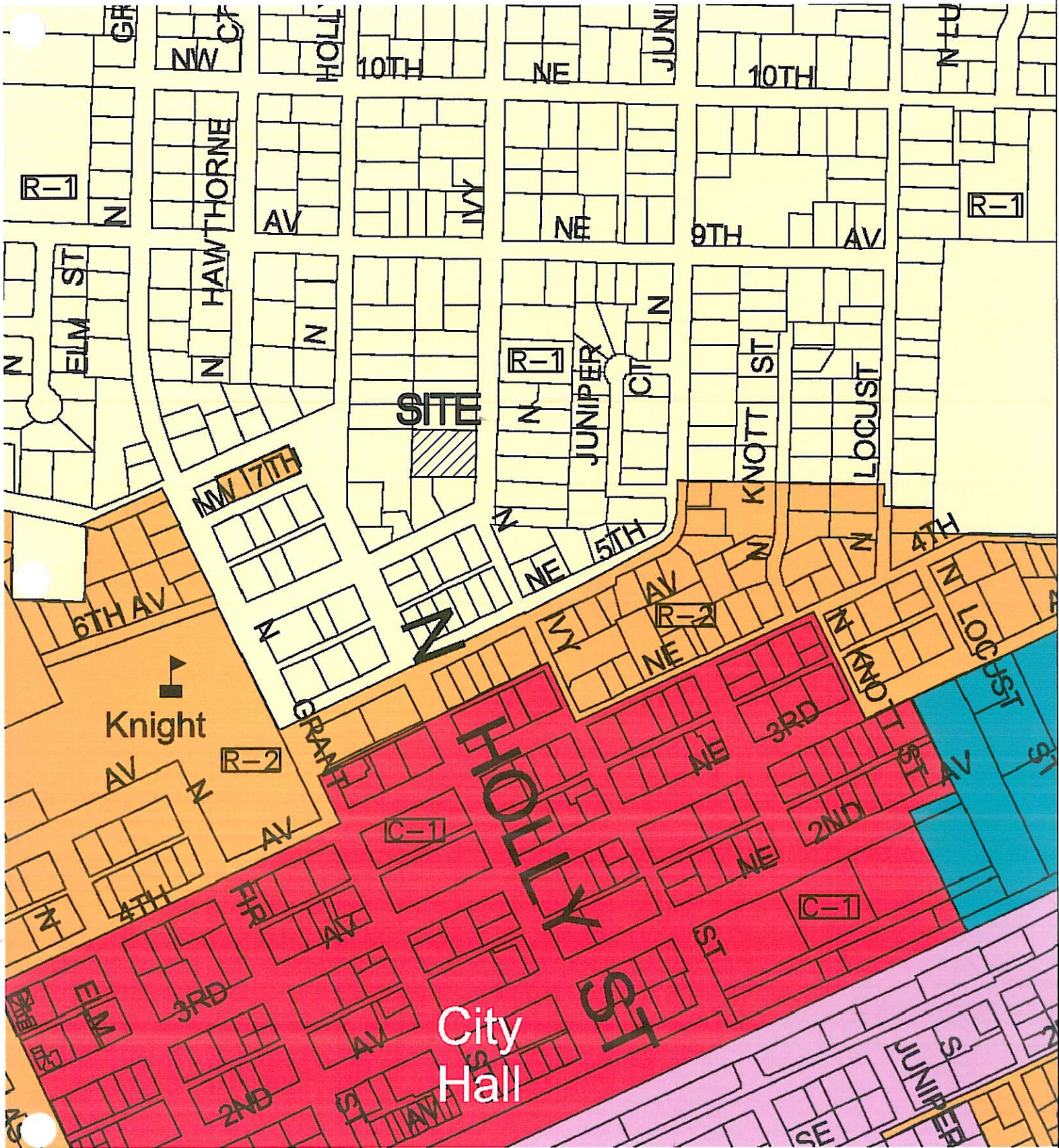


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CITY OF CANBY ZONING, 2006



**Application for Minor Partition**  
**645 N. Ivy Street**

|                   |   |
|-------------------|---|
| Applicant         | Kathleen McCollum<br>P.O. Box 1448<br>Medford, OR 97501<br>Telephone: (541) 773-1100                          |
| Owner             | Cutsforth Real Estate L.P.<br>P.O. Box 1448<br>Medford, OR 97501<br>Telephone: (541) 773-1100                 |
| Representative    | Sisul Engineering, Inc.<br>375 Portland Avenue<br>Gladstone, OR 97027<br>(503) 657-0188<br>Contact: Pat Sisul |
| Location          | 645 North Ivy Street  |
| Legal Description | Tax Lot 5900, Sec. 33, T3S R1E WM<br>(Assessor Map 31E33BD)   |
| Zone              | R-1   |
| Site Size         | 0.55 Acres (24,082 square feet)   |
| Proposal          | Minor partition to create 3 lots suitable for detached dwellings  |

## PROPOSAL & SITE DESCRIPTION

This application requests approval for a three parcel minor partition to create lots suitable for three new single family detached dwellings. Two parcels will have frontage on a new interior driveway that will provide a single point of access to North Ivy Street. The driveway easement has an area of 5,493 square feet.

The site has nearly 132 feet of frontage on North Ivy Street, west of North Ivy Street (between Holly Street and Ivy Street) and north of Northwest 6<sup>th</sup> Avenue.

The site is relatively flat with approximately 5 feet of fall from west to east. Two residences were once located on the property, but the homes are gone and the site is currently vacant. Adjacent properties are occupied by residences on lots within the "North Canby" Subdivision. A few trees are located on the site. No other natural resources or physical hazards have been identified on this site.

Public improvements will include extending sanitary sewer into the site across Tax Lot 5000 to the west to serve proposed Parcels 1 and 2. Two existing sanitary laterals are available from North Ivy Street, one of which will be used by proposed Parcel 3 and one which will be abandoned. Public water lines are located around the site in North Ivy Street, North Holly Street and NW 6<sup>th</sup> Avenue. Two existing water services are located along N Ivy Street and will be utilized to serve Parcels 2 and 3. Two new water services are proposed to be tapped from the main in N. Ivy Street near the southern property line. One service will serve Parcel 1 and the other service would serve a proposed partition of Tax Lot 5000, west of this site. N. Ivy Street is improved along the frontage of the property with a full width street, a concrete curb, and concrete sidewalk. Two driveway access to N Ivy Street are currently located onsite, the northern approach will be removed and driveway access will be consolidated to a single driveway.

## **Applicable Criteria and Standards**

### **Identification of Applicable Criteria and Standards**

The following sections of the City of Canby Comprehensive Plan and Land Development and Planning Ordinance (“LDPO”) apply to this application:

1. Comprehensive Plan

Urban Growth Element

Land Use Element

Housing Element

2. Land Development and Planning Ordinance:

Division I General Provisions

16.04 Definitions

Division III Zoning

16.10 Off-Street Parking and Loading

16.20 R-2 High Density Residential Zone

16.21 Residential Design Standards

16.46 Access Limitations on Project Density

16.49 Site & Design Review

Division IV Land Division Regulations (sections pertinent to partitions)

16.56 General Provisions

16.60 Major or Minor Partitions

16.64 Subdivisions – Design Standards

16.66 Subdivisions – Planning Commission Action

16.68 Subdivisions – Final Procedures and Recordation

Division IX Solar Access Requirements

16.95 Solar Access Standards for New Development

## Discussion of Criteria and Standards

### Nature of the Application:

This application is for a minor partition, as no road or street will be created (see LDPO definition, at LDPO 16.04.470). Access to new lots will be provided by a private driveway.

#### *16.04.470 Partition.*

*Partition means to divide an area or tract of land into two or three parcels within the calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. Partitioned land does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size.*

- A. Major partition means a partition which includes the creation of a road or street.*
- B. Minor partition means a partition that does not include the creation of a road or street.*

Applications for minor partition must satisfy the following standards and criteria, found in LDPO 16.60.030:

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

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

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

Each of these requirements will be discussed in turn, with LDPO or Comprehensive Plan text in *italic text*, responses in plain text.

## **COMPREHENSIVE PLAN GOALS AND POLICIES**

### Urban Growth Element

*Goal 1) To preserve and maintain designated agricultural and forest lands by protecting them from urbanization.*

*Goal 2) To provide adequate urbanizable area for the growth of the city, within the framework of an efficient system for the transition from rural to urban land use.*

*Policy No. 3: Canby shall discourage the urban development of properties until they have been annexed to the city as provided with all necessary urban services.*

Response: The subject site is within the City's Urban Growth Boundary and is part of the land intended to accommodate the City's projected population. The proposal supports the Urbanization Element of the Comprehensive Plan.

Wise use of land within an urban growth boundary reduces the need for expanding the boundary, and impacting farmland. Higher densities, where appropriate, further this goal.

Public facilities and services are available to the site and can be extended to serve new parcels.

Public sewer and water are available in N Ivy Street adjacent to the site. Two water services are located along the parcels frontage and a third water service will be tapped from the main located in Ivy after a moratorium is lifted on cutting open N. Ivy Street, which is expected to occur in August, 2007. Public sewer is also available in N Holly Street and the applicant intends to serve this partition and a proposed partition of Tax Lot 5000 west of this site through the extension of a public sewer main into the site from N Holly Street. The applicant has been advised that the City has adequate capacity to serve the site. Storm water will be managed on the site through infiltration into the underlying soils.

Public schools are required by law to provide for students within the district. The School District advised that with the opening of Baker Prairie Middle School in September, 2006, school capacity should be available for the next five to ten years. New boundaries were adopted by the school district on February 16, 2006, to redistribute students to schools more closely aligned with their neighborhoods and spread the student

population more evenly throughout the system. The following schools would serve the site: Knight Elementary, Baker Prairie Middle School, and Canby High School. Current enrollment figures are not available from the Oregon Department of Education or Canby School District's website.

The subject site is within walking distance (5 blocks) of the downtown commercial shopping area, and is reasonably close to other commercial areas located along Highway 99E. The site has easy connections to major streets, including Highway 99E and Interstate 5.

The proposal supports the City's Urban Growth Goals and Policies.

### 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.*

*Policy No. 1: Canby shall guide the course of growth and development so as to separate conflicting or incompatible uses while grouping compatible uses.*

*Policy No. 2: Canby shall encourage a general increase in the intensity and density of permitted development as a means of minimizing urban sprawl.*

*Policy No. 3: Canby shall discourage any development which will result in overburdening any of the community's public facilities or services.*

*Policy No. 4: Canby shall limit development in areas identified as having an unacceptable level of risk because of natural hazards.*

*Policy No. 6: Canby shall recognize the unique character of certain areas and will utilize the following special requirements in conjunction with the requirements of the Land Development and Planning Ordinance, in guiding the use and development of these unique areas.*

Response: The City's Comprehensive Plan and zoning designations for the site call for higher density residential development, however a request for a change in zoning was recommended for denial and was subsequently withdrawn by the applicant prior to the hearing. The present proposal is an opportunity to maintain a form of housing similar to the existing neighborhood and consistent within the context of the adjacent residential areas of the community.

Public facilities are available to the site. Sanitary sewer is provided by the City and is available from a main in N Ivy Street and an extension from N Holly Street, which has sufficient capacity for this development. Public water is provided by Canby Utility and is available from N Ivy Street. Storm water is not provided as a public facility, but will be managed through on site collection, treatment, and infiltration, as necessary to comply with City and Department of Environmental Quality standards. Public schools generally

have capacity. Other public facilities and services, such as police, fire, telephone, electricity, etc., are generally available to be extended onto the site.

There are no natural hazards associated with the site, and no wetland or other environmental concern.

The site is not designated as an "Area of Special Concern" in Policy No. 6.

Based on this review of relevant policies, the proposal has been shown to support the Land Use Element of the Comprehensive Plan.

### Transportation Element

*Goal: To develop and maintain a transportation system which is safe, convenient and economical.*

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

*Policy 2. Canby shall work cooperatively with developers to assure that new streets are constructed in a timely fashion to meet the City's growth needs.*

Response: North Ivy Street along the site has a 60 foot right of way. It intersects Northwest 6<sup>th</sup> Avenue, which has an 80 foot right of way, approximately 100 feet south of the site. Both roadways are improved to "urban" standards and neither roadway will be greatly affected by the addition of trips from three partition parcels. This site has been occupied by as many as two homes in the past, so although the site is currently vacant, the proposed partition will only be creating one "new" residence if the history of the site is taken into account.

North Ivy Street is identified as an arterial in the City's Transportation System Plan. The street frontage has recently been improved to "urban" standards including a full width street, concrete curbs, and concrete sidewalks. With the street having been recently reconstructed, a moratorium exists on cutting open the pavement for a period of two years from the date of completion. The two year moratorium will expire in August, 2007. Although the frontage is already improved, the applicant is proposing to consolidate driveway access to one driveway at the southern end of the frontage, eliminate a driveway approach at the northern end of the frontage, and rebuild the curb and sidewalk as necessary.

*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.*

Response: No future development will be likely for this site. The access as proposed is designed to provide direct and convenient access for new parcels and facilitate access for emergency vehicles.

Housing Element

*Goal: To provide for the housing needs of the citizens of Canby.*

*Policy No. 2: Canby shall encourage a gradual increase in housing density as a response to the increase in housing costs and the need for more rental housing.*

*Policy No. 3: Canby shall coordinate the location of higher density housing with the ability of the city to provide utilities, public facilities, and a functional transportation network.*

Response: The site has been designated as appropriate for residential development and the proposal is consistent with the zoning designation.

The site is well located for residential development, with direct and convenient connections to the established area of Canby, including downtown and the shopping area along Highway 99E.

Based on this review of relevant policies, the proposal has been shown to support the Housing Element of the Comprehensive Plan.

**LAND USE AND DEVELOPMENT ORDINANCE**

*Division III Zoning*

*Chapter 16.10 Off-Street Parking and Loading*

The parking requirement for single family dwellings is two spaces per dwelling unit (Table 16.10.050). This requirement can be satisfied by a two car garage for each dwelling or a single car garage and an additional space available in the driveway area in front of the garage so long as the clear vision area is maintained. Parking can be reviewed for compliance with this requirement when building permits are submitted.

*Chapter 16.16 R-1 Low Density Residential Zone*

The proposal for subdivision will create three parcels, suitable for detached single family dwellings. The proposed residential use is allowed outright in the zone (Sec. 16.16.010.A).

New lots in the R-1 Zone are required to meet the development standards specified in Sec. 16.16.030:



The average lot area shall be between 7,000 and 10,000 square feet (16.16.030.A). Proposed parcels and areas are as follows:

Dimensional Standards for Proposed Parcels

| Parcel       | Area              | Frontage                 |
|--------------|-------------------|--------------------------|
| Parcel 1     | 7,881 square feet | 131 feet                 |
| Parcel 2     | 7,891 square feet | 60 feet on private drive |
| Parcel 3     | 8,310 square feet | 60 feet on private drive |
| Average area | 8,027 square feet |                          |

Minimum yard standards of LDPO 16.16.030.D: street yard, 20 feet on the side with the driveway, 15 feet for all other street yards; rear yard, 15 feet single story, 20 feet two story, interior yards, 7 feet. Development standards for new structures can be verified when plans for building permits are submitted.

Infill standards of 16.21.050 may apply to new dwellings on all parcels, as the site meets the definition for “infill” in LDPO 16.04.255.

*16.04.255 Infill homes.*

*Infill homes mean existing and new single family dwellings, manufactured homes, two-family dwellings, duplexes and triplexes on lots that have existing homes on two adjacent sides. Each adjacent home must be within 25 feet of the common lot line with the infill homes and have pre-existed for at least 5 years (dated from the existing homes final building permit approval).*

Infill standards for new structures can be verified when plans for building permits are submitted.

*Chapter 16.46 Access Limitations on Project Density*

The proposed land division will create three parcels suitable for new residences. Access will be provided by a shared private driveway extending from North Ivy Street. A shared access easement will be created when the site is partitioned.

A single point of access is sufficient for 30 units (LDPO 16.46.010.A.2); three dwellings are proposed.

The proposed driveway and sidewalk will be within a 30 foot wide easement to be created for access and utilities. A minimum pavement width of 20 feet is allowed for residential developments with three to nineteen dwellings (Sec. 16.10.070.B.8).

North Ivy Street is identified in the City’s Transportation System Plan as an arterial street. Table 16.46.030 prohibits residential driveway access to arterial streets for less

than 5 dwellings for new driveways. However, two driveways are already located along the frontage of this parcel, one at each end, and each used to serve a single dwelling. The applicant proposes to consolidate driveway access to the southern driveway and eliminate the northern driveway. Consolidation of access to a single driveway supports the goals of Chapter 16.46.

#### *Chapter 16.49 Site & Design Review*

Site and Design Review is required for all new development, except for single family dwellings and duplexes (16.49.030). This project is proposes three parcels suitable for single family residences, so provisions of this chapter do not apply.

#### *Division IV Land Division Regulation*

#### *Chapter 16.60 Major or Minor Partitions*

An application for partition must comply with the same improvements and design standards as for a subdivision (LDPO 16.16.020).

Standards and criteria for approval of a partition are set forth in Sec. 16.60.040, previously quoted.

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

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

*C. The overall design and arrangement of lots 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. 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.*

Goals and policies of the Comprehensive Plan are discussed in a previous section of this narrative, demonstrating that the proposed uses conform to applicable criteria.

Standards and criteria of the LDPO are also shown to be satisfied in other sections of this narrative and on the plans included with the application.

The overall design and layout of the site is functional and provides adequate building sites. Access for each lot is provided by a private access drive, with a connection to North Ivy Street. Development of adjacent properties will not be affected, as adjacent properties are already developed and have frontage on a public street.

All necessary public facilities and services are available to the site, as discussed in other sections of this narrative and as shown on the plans and maps included with the application.

Based on this discussion of approval standards and criteria, the proposed subdivision has been shown to comply with all relevant requirements.

### *Chapter 16.64 Subdivisions Design Standards*

#### *Section 16.64.010 Streets*

The access driveway is proposed to be private, owned and maintained by the future homeowners. The interior access driveway connects to North Ivy Street and does not propose connections to adjacent properties, which are already developed.

The proposed driveway width is 20 feet paved, as shown on the plans. A minimum pavement width of 20 feet is allowed for residential developments (see LDPO Sections 16.10.070.B.7 and 8).

A sidewalk/pathway is proposed to be provided along the northern side of the private access drive.

#### *Section 16.64.015 Access*

The site does not propose access to a state highway; this section does not apply.

#### *Section 16.64.020 Blocks*

The City requires subdivisions to be designed to accommodate blocks that provide lots of suitable size and access in multiple directions. This project does not include blocks because of the small size and discrete nature of the partition. In addition, the project involves the redevelopment of a relatively small property with surrounding properties that are already developed and offer no possibility of a street extension. A typical block arrangement is not feasible for this project for these reasons.

#### *Section 16.64.030 Easements*

Easements will be provided as necessary to satisfy requirements of the City and to provide for necessary and appropriate access and utilities for each lot within the development and connections to the partition proposed for the lot to the east. A public sanitary sewer easement will be created together with the private accessway easement to serve Parcels 1 and 2 and Tax Lot 5000 to the west. A private waterline easement benefiting Parcel 1 and Tax Lot 5000 will also be created together with the private accessway easement. Other public utility easements will be created as necessary to serve the proposed development.

*Section 16.64.060 Grading of Building Sites*

Minor grading will be accomplished on the site according to create suitable building sites and the interior driveway. An existing depression where an home was once located will be filled and smoothed to match the adjoining terrain.

*Section 16.64.070 Improvements*

Improvements for the partition will be accomplished as required by this section. Plans have been submitted as part of this application to show the access driveway, public utilities, and other improvements necessary to provide for the convenience, health, and safety of future residents of this community and of the City. Please refer to specific plans for details; more detailed construction plans will be filed with the City following approval of the preliminary plan.

*Division IX. Solar Access Requirements*

*Chapter 16.95 Solar Access Standards for New Development*

The three parcels in the proposed development all comply with the “basic requirement” of the design standards specified in Section 16.95.030, oriented in a north/south direction with lot lines approximately east/west.

**CONCLUSION**

The foregoing narrative and accompanying plans and documents, together demonstrate that the proposed three-parcel partition complies with applicable criteria and standards, and with purposes and requirements of the City’s code.

Therefore, the applicant requests that the Planning Commission approve the partition.

OWNER: CUTSFORTH REAL ESTATE LIMITED PARTNERSHIP  
 P.O. BOX 1448  
 MEDFORD, OR 97501  
 (541) 773-1100

APPLICANT: KATHLEEN McCOLLUM, GENERAL PARTNER

TAX LOT: 5900, MAP 3 1E 33BD

SITE ADDRESS: 645 N IVY STREET

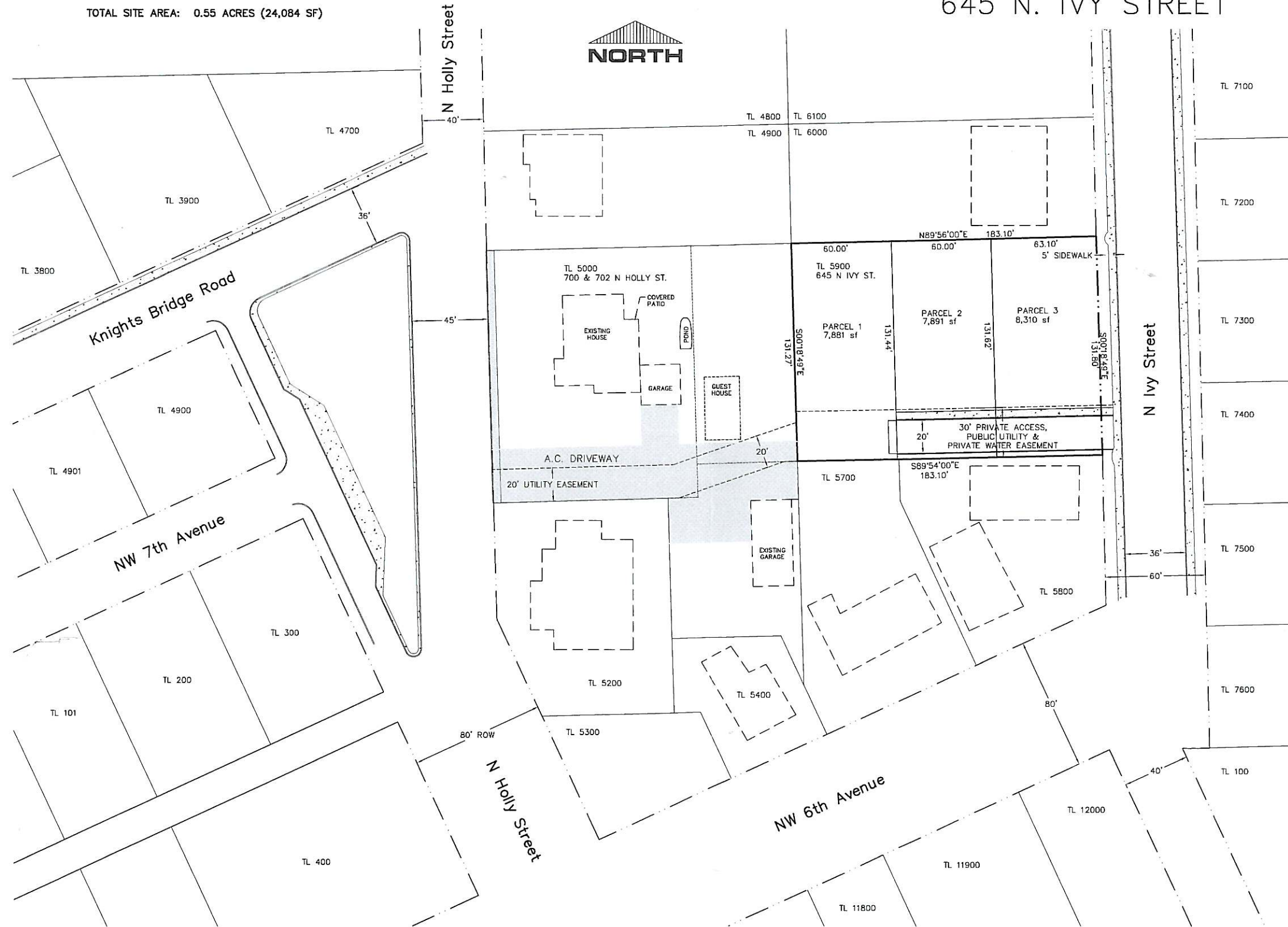
TOTAL SITE AREA: 0.55 ACRES (24,084 SF)

GRAPHIC SCALE



( IN FEET )  
 1 inch = 40 ft.

TENTATIVE PLAN  
 FOR  
 MINOR PARTITION  
 645 N. IVY STREET



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MINOR PARTITION  
 CUTSFORTH REAL ESTATE  
 LIMITED PARTNERSHIP

Site Plan

**SISUL ENGINEERING**  
 375 PORTLAND AVENUE  
 GLADSTONE, OREGON 97027  
 (503) 657-0188

DATE JULY 2007

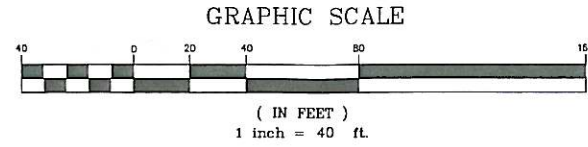
SCALE 1" = 40'

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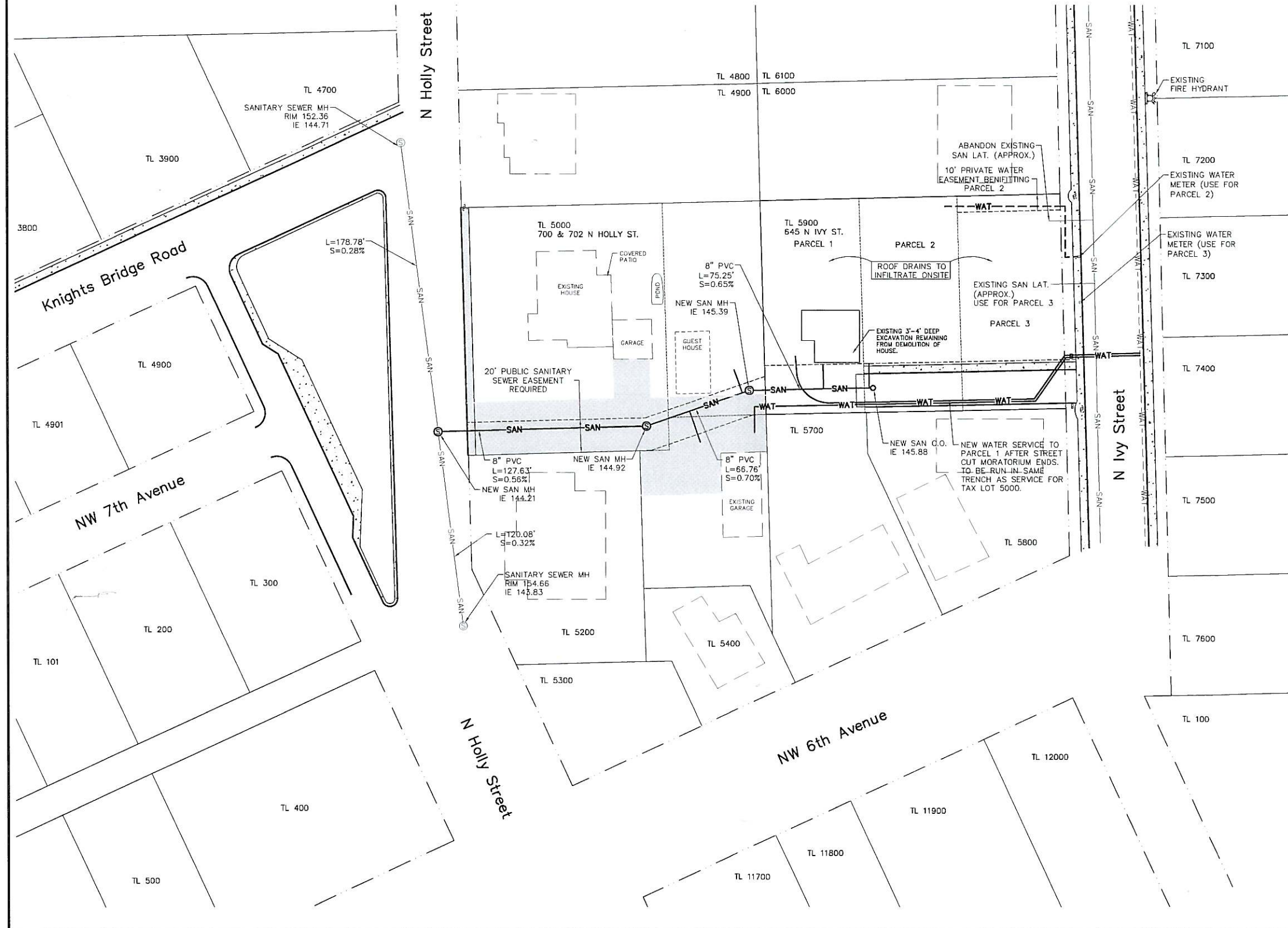
JOB SGL 07-036

SHEET **1**

OF 3 SHEETS



# TENTATIVE PLAN FOR MINOR PARTITION 645 N IVY STREET



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MINOR PARTITION  
Cutsforth Real Estate  
Limited Partnership

Utility Plan

**SISUL ENGINEERING**  
376 PORTLAND AVENUE  
GLADSTONE, OREGON 97027  
(503) 657-0188

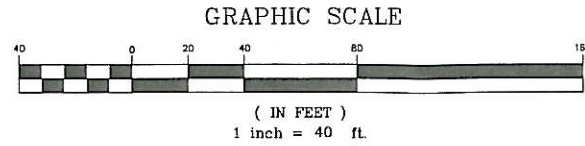
DATE JULY 2007

SCALE 1" = 40'

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JOB SGL 07-036

SHEET  
**2**  
OF 3 SHEETS



TENTATIVE PLAN  
FOR  
MINOR PARTITION  
645 N IVY STREET

NOTE: SURROUNDING HOMES ARE APPROXIMATE AND ARE LOCATED FROM AERIAL PHOTO.



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MINOR PARTITION  
CUTSFORTH REAL ESTATE  
LIMITED PARTNERSHIP

Existing Conditions

**SISUL ENGINEERING**  
375 PORTLAND AVENUE  
GLADSTONE, OREGON 97027  
(503) 657-0188

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| DATE        | JULY 2007  |
| SCALE       | 1" = 40'   |
| DRAWN       | PS/TJF     |
| JOB         | SGL 07-036 |
| SHEET       | <b>3</b>   |
| OF 3 SHEETS |            |

645 N Ivy Street



4

*Clackamas County*

Geographic Information Systems  
121 Library Court  
Oregon City, OR 97045

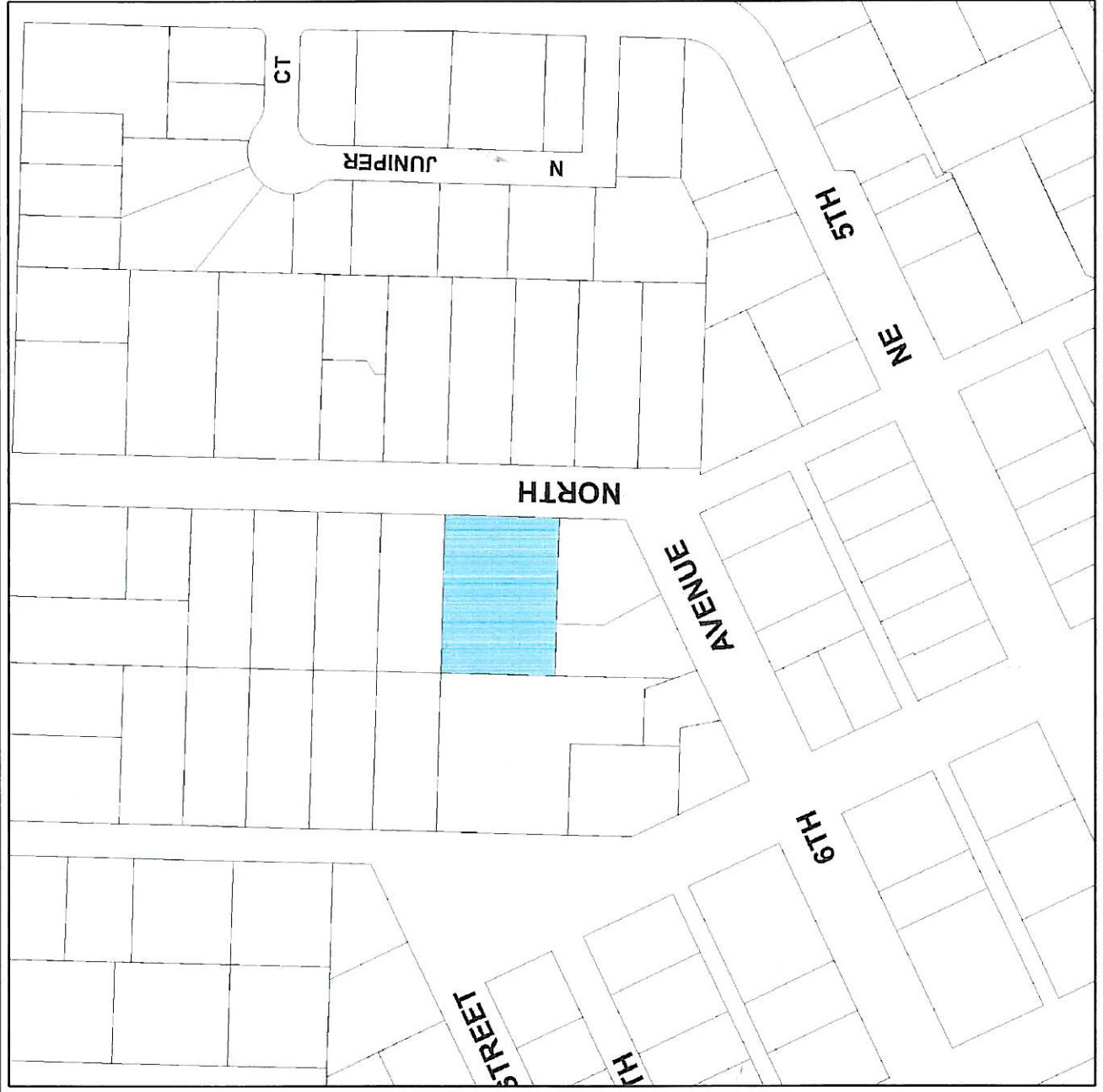
This map and all other information have been compiled for preliminary and/or general purposes only. This information is not intended to be complete for purposes of determining land use restrictions, zoning, title, parcel size, or suitability of any property for a specific use. Users are cautioned to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

August 21, 20

EXHIBIT

# 2

tabbles





CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

(503) 266-7001

FAX 266-1574

DATE: August 10, 2007

- TO:
- |   |  |
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| <input type="checkbox"/> FIRE                     | <input type="checkbox"/> CANBY POST OFFICE               |
| <input type="checkbox"/> POLICE                   | <input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR       |
| <input type="checkbox"/> PUBLIC WORKS             | <input type="checkbox"/> CLACKAMAS COUNTY 911            |
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| <input type="checkbox"/> CANBY WATER              | <input type="checkbox"/> TRAFFIC SAFETY COMMITTEE        |
| <input type="checkbox"/> WWTP - Darvin Trammel    | <input type="checkbox"/> CLACKAMAS COUNTY                |
| <input type="checkbox"/> WWTP - Jeff Crowther     | <input type="checkbox"/> CANBY SCHOOL DISTRICT           |
| <input checked="" type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> OREGON DEPT. TRANSPORTATION     |
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| <input type="checkbox"/> WILLAMETTE BROADBAND     | <input type="checkbox"/> CANBY BUSINESS REVITALIZATION   |
| <input type="checkbox"/> CANBY DISPOSAL           | <input type="checkbox"/> PARKS AND RECREATION            |
| <input type="checkbox"/> CITY ATTORNEY            | <input type="checkbox"/> CITY TRANSPORTATION ENGINEER    |
| <input type="checkbox"/> BIKE AND PEDESTRIAN COMM | <input type="checkbox"/> BUILDING OFFICIAL               |
| <input type="checkbox"/> PGE                      | <input type="checkbox"/> OTHER _____                     |
| <input type="checkbox"/> CANBY AREA TRANSIT       | <input type="checkbox"/> OTHER _____                     |

RECEIVED  
AUG 14 2007  
CURRAN-McLEOD

The City has received MLP 07-06, an application from Kathleen McCollum of Cutsforth Real Estate requesting a minor land partition to create 3 additional lots for single family homes. The property is zoned R-1 (Low Density Residential). The property is located at 645 N Ivy Street .

Please review the enclosed application and return comments to **Carla Ahl** by Friday, **August 24, 2007**. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

**Comments or Proposed Conditions:**

MINIMIZE ~~FR~~ UTILITY TRENCH IMPACT ON NEWLY CONSTRUCTED N. IVY STREET. (SINGLE TRENCH IS RECOMMENDED FOR WATER CROSSINGS)

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: August 16, 2007

Title: Project Engineer Agency: Curran McLeod



1-065-027

# CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: August 10, 2007

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| <input type="checkbox"/> CANBY WATER              | <input type="checkbox"/> TRAFFIC SAFETY COMMITTEE        |
| <input type="checkbox"/> WWTP - Darvin Trammel    | <input type="checkbox"/> CLACKAMAS COUNTY                |
| <input type="checkbox"/> WWTP - Jeff Crowther     | <input type="checkbox"/> CANBY SCHOOL DISTRICT           |
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Please review the enclosed application and return comments to **Carla Ahl** by Friday, **August 24, 2007**. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

**Comments or Proposed Conditions:**

5' concrete walk in front of existing house (currently asphalt)  
DEQ approval on SAN. SEWER EXTENSION  
STORM RUNOFF FROM PAVED DRIVEWAY MUST REMAIN ON SITE!  
NO ADDITIONAL STORM WATER TO N. IVY ST. OR N. HOLLY ST.

**Please check one box and sign**

- Adequate Public Serv
- Adequate Public
- Conditions are needed
- Adequate public services

*See attached plat sheet. Have developer contact NW Natural with an application, detailed plans and utility plans as soon as possible.*  
*Colleen M O'Brien, Engineering*  
*3123 Broadway NW*  
*Salem, OR 97303*  
*503-585.6611 extension 8142*

Signature: Dan Mickelson Date: Aug 21, 2007

Title: P. WORKS LEADMAN Agency: \_\_\_\_\_

### CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-7001

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DATE: August 10, 2007

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Please review the enclosed application and return comments to **Carla Ahl** by Friday, **August 24, 2007**. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

**Comments or Proposed Conditions:**

It is highly recommended to pursue utility entry from N.W. 6<sup>th</sup> Ave between Tls 5400 & 5700.

**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: *Patrick Thurson* Date: 8/23/07

Title: Foreman - Wtr Dept Agency: Canby Utility

### CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: August 10, 2007

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| <input type="checkbox"/> WWTP - Jeff Crowther     | <input type="checkbox"/> CANBY SCHOOL DISTRICT           |
| <input type="checkbox"/> CITY ENGINEER            | <input type="checkbox"/> OREGON DEPT. TRANSPORTATION     |
| <input type="checkbox"/> CTA                      | <input type="checkbox"/> ODOT/REGION 1/DIST 2B           |
| <input type="checkbox"/> NW NATURAL               | <input type="checkbox"/> STATE OF OREGON/REVENUE         |
| <input type="checkbox"/> WILLAMETTE BROADBAND     | <input type="checkbox"/> CANBY BUSINESS REVITALIZATION   |
| <input type="checkbox"/> CANBY DISPOSAL           | <input type="checkbox"/> PARKS AND RECREATION            |
| <input type="checkbox"/> CITY ATTORNEY            | <input type="checkbox"/> CITY TRANSPORTATION ENGINEER    |
| <input type="checkbox"/> BIKE AND PEDESTRIAN COMM | <input type="checkbox"/> BUILDING OFFICIAL               |
| <input type="checkbox"/> PGE                      | <input type="checkbox"/> OTHER _____                     |
| <input type="checkbox"/> CANBY AREA TRANSIT       | <input type="checkbox"/> OTHER _____                     |

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Please review the enclosed application and return comments to **Carla Ahl** by Friday, **August 24, 2007**. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

**Comments or Proposed Conditions:**

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Please check one box and sign below:

- Adequate Public Services (of your agency) are available
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Signature: Deborah Sommer Date: 8/15/07

Title: Superintendent Agency: Canby School District

CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: August 10, 2007

- TO:
- |   |  |
|---|--|
| <input type="checkbox"/> FIRE                     | <input type="checkbox"/> CANBY POST OFFICE               |
| <input type="checkbox"/> POLICE                   | <input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR       |
| <input type="checkbox"/> PUBLIC WORKS             | <input type="checkbox"/> CLACKAMAS COUNTY 911            |
| <input type="checkbox"/> CANBY ELECTRIC           | <input type="checkbox"/> CLACKAMAS COUNTY TRANSPORTATION |
| <input type="checkbox"/> CANBY WATER              | <input type="checkbox"/> TRAFFIC SAFETY COMMITTEE        |
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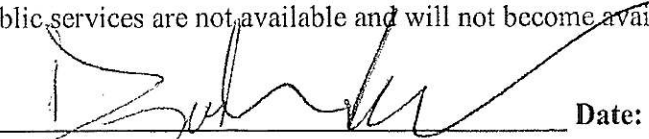
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Signature:  Date: 8-14-07

Title: ASSOCIATE ENGR. Agency: CANBY TELCOM

# CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

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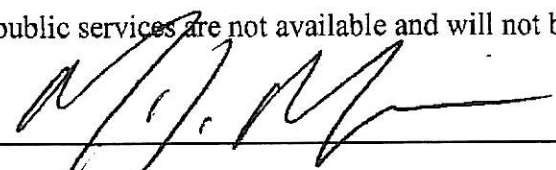
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Signature:  Date: 8/20/07

Title: Const. Coord. Agency: WILB

CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

(503) 266-7001

FAX 266-1574

RECEIVED  
AUG 15 2007  
CITY OF CANBY

DATE: August 10, 2007

- TO:
- FIRE
  - POLICE
  - PUBLIC WORKS
  - CANBY ELECTRIC
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Signature:  Date: 08-15-07

Title: POLICE CHIEF Agency: CANBY POLICE

STAC KROEGER

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[503] 266-7001

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**Comments or Proposed Conditions:**

(No comment)

**Please check one box and sign below:**

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Signature: Darvin Trammel Date: 8/22/07

Title: Wastewater Supervisor Agency: WWTP



**MINUTES**  
**CANBY PLANNING COMMISSION**  
7:00 PM – August 27, 2007  
City Council Chambers – 155 NW 2<sup>nd</sup> Avenue

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**PRESENT:** Chair Jim Brown, Commissioners John Molamphy, Janet Milne, Misty Slagle and Jared Taylor

**ABSENT:** Dan Ewert and Bruce Holte

**STAFF:** John Williams, Community Development and Planning Director; and Jill Thorn, Planning Staff

**OTHERS PRESENT:** Art Cooper, Bob Hill, Troy Blomquist, Jessica Iselin, and Tony Helbling

Chair Brown welcomed new Planning Commissioner Misty Slagle to the Commission.

- I. **CITIZEN INPUT** None
- II. **NEW BUSINESS**

**MOD 07-13 – Wilson Construction – DR 95-17** – The applicant is requesting approval to add 10,000 sq ft of manufacturing space to their existing building; this would create a total of 18,272 sq ft of office space with 16,232 of manufacturing area.

John Williams presented the staff report. The addition will be compatible with the existing structure and of similar design and construction as surrounding buildings in the industrial area. The 10,000 sq ft addition will conform to City standards in lot coverage, height, setbacks, screening and street appearance.

The proposed addition will be located to the rear of the site and will have minimal visual impact. No existing trees will be removed and the existing landscape will be maintained. The parking requirement will increase to a total of 89 stalls and the applicant will stripe the additional parking areas on the existing asphalt. No new impervious area will be created.

There will be no exterior loading or unloading of materials at this site and the overhead entrance doors will be located to the rear of the structure. No new signage has been requested.

Tony Helbling, Logistics Manager for Wilson Construction said he was available to answer any questions the Commissioners may have.

Commissioner Molamphy asked about the connectivity between the buildings. Mr. Helbling said that it was a three sided building with a cover.

Commissioner Milne asked where on the site plan the trees were that would be removed. Mr. Helbling said they would be removed to allow for a lay down area during the construction and then the trees would be replaced.

It was moved by Commissioner Molamphy to approve MOD 07-13 as presented. It was seconded by Commissioner Taylor. Motion carried 5-0.

**DR 06-02 – Willamette Falls Medical Center** – Proposed resolution to conditions of approval in regard to roof structure.

John Williams presented the staff report. At the Planning Commissions' request, staff contacted Willamette Falls and asked them to provide a proposal for screening of the large mechanical unit on their roof. The proposal to paint the unit and pictures are included in the Commissioners' packet.

Bob Hill presented the Commission with additional pictures of other buildings with large units on the roof. He said that mechanical units are not generally shown on renderings.

Chair Brown said that the facility was a first class building and the entrance to the City and industrial area that had been 30 years in the making and was disappointed that this unit was so large and out of proportion.

Commissioner Milne asked what the significant cost to screen the unit would be.

Mr. Hill said it would be between \$25,000 and \$40,000.

Commissioner Taylor asked if the unit were to be painted, would the grills be painted also.

Mr. Hill said they would have to work with the architect as the grills could not be painted.

Commissioner Milne noted it was a beautiful building, but wondered how come no one noticed that the unit was going to be so large?

Mr. Hill said that no patients entering the building had commented.

Commissioner Milne asked if it was possible to design a building to hide the unit.

Mr. Hill said the construction costs would have been beyond the break point.

Commissioner Molamphy said the eventually people would stop seeing the unit and that paint would only last a few years. He wondered what it would look like then.

Chair Brown said he had search through the code, but could not find anything that the Commission could require of the owner to lessen the impact of the size of the unit. He requested that staff look into how this could be prevented in the future.

Commissioner Milne suggested that the property owner set up a fund to save for a screen.

It was determined that no action could be taken.

Mr. Williams said that in the future the staff would bring a code change for this situation.

### **III. MINUTES**

**July 23, 2007** - Commissioner Milne moved to approve minutes of July 23, 2007 as presented. Motion seconded by Commissioner Molamphy and passed 4-0-1 with Commissioner Slagle abstaining.

### **IV. DIRECTOR'S REPORT**

Mr. Williams reported that he and Dan Mickelsen had examined the finished road project at Hwy 99E and Territorial Drive which is now complete. He said that ODOT would be doing a speed study on Territorial to Hwy 99E and probably drop the speed from 45 mph in the future.

He reported that Berg Parkway was almost open and the final designs for traffic calming on 13<sup>th</sup> Avenue were close to being finished. A neighborhood meeting would soon be scheduled to show the plans to the public.

### **V. ADJOURNMENT**