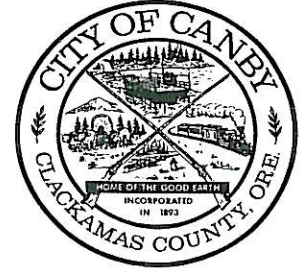


PLANNING COMMISSION AGENDA

Monday – April 9, 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, Jared Taylor and Rick Gamble

I. CITIZEN INPUT ON NON-AGENDA ITEMS

II. PUBLIC HEARINGS

MLP 07-02 – 1303 N Maple Street - Brett Kacalek - A minor land partition to divide Tax Lot 400 of Map31E33AB into 2 new tax lots. Page 2

III. OLD BUSINESS

Discussion – Future of North Fairgrounds Neighborhood

IV. FINDINGS

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

ZC 07-02 – S.T.J., LLC - 1295 NE Territorial Road Page 24

MLP 06-16/VAR 07-01 – Willamette Valley Country Club Page 27

V. MINUTES

March 26, 2007 Page 34

VI. DIRECTOR'S REPORT

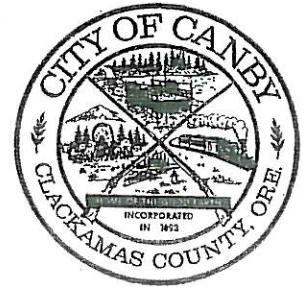
VII. ADJOURNMENT

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:

Brett Kacalek
1303 N. Maple St.
Canby, OR 97013

FILE NUMBER:

MLP 07-02

Owner

Same

STAFF:

Carla Ahl
Planning Technician

LEGAL DESCRIPTION:

Tax Map 3-1E-33AB, Tax Lot 400

DATE OF REPORT:

March 30, 2007

LOCATION AND LOT SIZE:

1303 N Maple St.
On the west side of N. Maple St.
South of NE 14th Avenue
Across from Maple St. Park

DATE OF HEARING:

April 9, 2007

COMPREHENSIVE PLAN DESIGNATION:

Low Density Residential (R-1)

CURRENT ZONING:

Low Density Residential (R-1)

I. APPLICANT'S REQUEST:

The applicant is seeking approval to partition one 16,552.8 square foot parcel zoned R-1, into two separate parcels. The eastern lot would become a 9552.8 lot and contain the existing home. The proposed western parcel would become a 7,000 square foot flag lot. The applicant is proposing access to Parcel 2 by means of a 12' access drive off of N Maple St. on the south side of the property. An existing driveway approach will remain in place for Parcel 1. The applicant has proposed removing part of the existing overhang and shed to meet required backyard setbacks. Removal would be required prior to recording of the final plat (See

STAFF REPORT

MLP 07-02

Page 1 of 10

Condition # 6). The applicant's plan is to retain the 2 existing birch trees if possible.

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. | 16.20 | 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 1303 N. Maple St. The parcel is zoned R-1 (Low Density Residential) with a Comprehensive Plan designation of Low Density Residential. Surrounding properties are zoned R-1 (Low Density Residential) with a Comprehensive Plan designation of Low 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-1 zoning district will require one dwelling unit on the newly created flag lot.*

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

Analysis: *A "Request for Comments" has been sent to all public facility and service providers. Public Facilities are available from NW 6th Avenue 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 and Canby Public Works prior to issuance of building permits (see Condition #7).*

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: *Existing street and utility improvements are sufficient to support development of the proposed partition.*

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

Analysis: *The City Engineer has commented that:*

- 1. The developer should either dedicate adequate right-of-way or grant a minimum of 6-foot wide sidewalk easement along the entire site frontage with N. Maple St.*
- 2. The developer should construct sidewalks along the entire site frontage with N. Maple St. (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 and Canby Fire District received notice of the proposed partition.

The Police Dept. did not express concern with access to the site.

The Fire District requires the following provisions:

1. The width of the proposed fire access road is below the requirement for 20' of overall width. In lieu of access, the proposed structure will require a full automatic fire sprinkler system installed.
2. Because of the requirement for fire sprinklers, there will be no requirement on fire hydrants for this project.
3. Any fire department access road exceeding 150 feet requires a fire department turn-around. Drawing needs to be more definitive as to where this 150 foot measurement stops, also realizing that once the fire apparatus is parked, firefighters must be able to access all areas of the proposed structure within 150 feet.
4. A visible address must be installed at the entrance to the driveway. Address must have numerals a minimum of 6" with contrasting background which clearly identify that a home is located down the private drive.
(See Condition #11)

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.

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

The City Engineer commented that;

1. The developer will be required to dedicate adequate right-of-way or grant a minimum of 6-foot wide sidewalk easement along the entire site frontage with N. Maple Street. (See Condition #8)
2. The developer should construct sidewalks along the entire site frontage with N. Maple (See Condition #9)

The Public Work Supervisor commented;

North Maple Street is scheduled for improvements in the near future. Since the applicant has stated he has no immediate plans for developing the lot, all utilities must be extended to the property line at the owner's expense prior to the improvements to N. Maple (See Condition #6)

NW Natural Gas commented;

1. Existing gas service is to home.
2. Contact NW Natural regarding gas service to partition.

Canby Fire Marshal commented:

1. The width of the proposed fire access road is below the requirement for 20' of overall width. In lieu of access, the proposed structure will require a full automatic fire sprinkler.
2. Because of the requirement for fire sprinklers, there will be no requirement on fire hydrants for this project.
3. Any fire department access road exceeding 150 feet requires a fire department turn-around. Drawing needs to be more definitive as to where this 150 foot measurement stops, also realizing that when the fire apparatus is parked, firefighters must be able to access all areas of the proposed structure within 150 feet.
4. A visible address must be installed at the entrance to the driveway. Address must have numerals a minimum of 6" with contrasting background which clearly identify that a home is located down the private drive. (See Condition #11)

Neighborhood Written Comments:

No citizen comments have been received as of the date of this report.

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 a building site, 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.

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 07-02 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 07-02**
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. On the final plat, twelve (12) foot utility easements shall be provided along street lot lines or as otherwise required by the Canby Utility Board and Public Works .
5. 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.

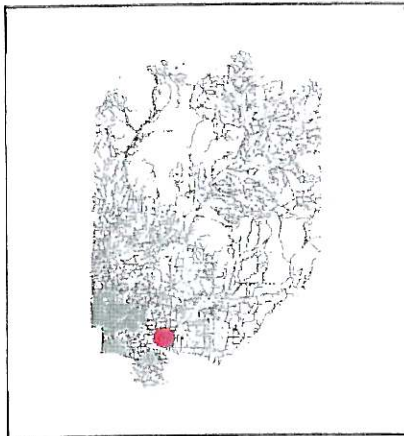
6. Prior to recording of the final plat the applicant must remove part of the existing overhang and shed to meet setback requirements.
7. Prior to recording the final plat, the applicant must extend utilities to the property line or post a bond to install utilities to the property line prior to the North Maple Street improvements. The applicant is responsible for all costs associated with the relocation of utilities.
8. On the final plat, the developer shall either dedicate adequate right-of-way or grant a public sidewalk easement at least 6 feet wide along the entire N Maple St. frontage.
9. 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 N Maple 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.
10. 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). An acceptable stormwater system plan shall be approved by DEQ as well as the Canby Public Works Department.
11. Prior to excavation location and construction of the sewer main and/or laterals shall be approved by the Public Works Supervisor. Any new sewer main and/or new laterals shall be installed by the applicant at the time of development.
12. Any new dwellings and/or additions shall be required to comply with the standards for infill homes as listed in Section 16.21.050, if applicable.
13. Prior to the issuance of the Certificate of Occupancy the applicant is responsible for meeting all requirements imposed by the Canby Fire District;
 1. *The access road must provide a 12' wide driveable surface and a clear width of 20' or the proposed residence must have a full automatic fire sprinkler system installed*
 2. *Any access road that exceeds 150 feet requires a fire department turn-around.*
 3. *The Fire Department turn around must be maintained as a no parking area.*
 4. *The home addressed off the long drive must have a clearly visible address posted at the drive entrance with a minimum 6" tall number with contrasting background.*

14. Prior to issuance of a building permit and/or any 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 shall be approved by the appropriate utility provider.
15. Prior to the issuance of a building permit and/or site work, a pre-construction meeting may be required by the Planning Department.

Exhibits:

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

1303 N Maple
Street



*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.



EXHIBIT
1

tabbles

MINOR LAND PARTITION APPLICATION

FEE \$1,280

PROCESS TYPE III

OWNER

APPLICANT*

Name Brett Kocalek

Name _____

Address 1303 n. maple St.

Address _____

City Canby State OR Zip 97013

City _____ State _____ Zip _____

OWNER'S SIGNATURE [Signature]

PHONE 503 209 3687

DESCRIPTION OF PROPERTY:

Address 1303 n. maple St.

Tax Map 31E33AB Tax Lot(s) 400 Lot Size .30 16,552¹
(Acres/Sq. Ft.)

PROPERTY OWNER LIST

Attach a list of the names and addresses of the owners of properties located within 200 feet of the subject property (if the address of the property owner is different from the situs, a label for the situs must also be prepared and addressed to ("Occupant"). Lists of property owners may be obtained from any title insurance company or from the County Assessor. If the property ownership list is incomplete, this may be cause for postponing the hearing. The names and addresses are to be typed onto an 8-1/2" x 11" sheet of mailing labels (1" x 2-5/8"), just as you would address an envelope.

Existing Use Residential

Proposed Use Residential

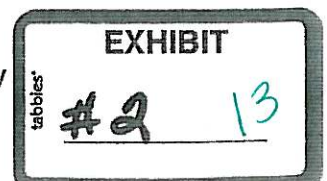
Existing Structures Single story house

ZONING R1 COMPREHENSIVE PLAN DESIGNATION 2 21

PREVIOUS ACTION (If Any) _____

FOR CITY USE ONLY	
File #	<u>MLP07-02</u>
Date Received	<u>2/28/07</u> By <u>[Signature]</u>
Completeness Date	_____
Pre-App Meeting	_____

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



NARRATIVE

1303 N. MAPLE STREET, CANBY, OR 97013

Name: Brett Kacalek
Phone: 503-209-3687 cell
Fax: 503-263-6620

SITE

The proposed partition affects lot number 400, address 1303 N. maple street, Canby of Clackamas County (property).

ACTION

The proposed action creates a flag lot from the back property of the above address.

SETBACKS

The proposed property partition meets the setback requirements for residential zones in this area.

ACCESS REQUIRMENTS

Access to the lot would be on the South side the property. Per requirements, 12 feet of driveway is allotted and 5 feet house set back from driveway to foundation.

PROPOSED

Proposed lot partition in the back of lot #400:

- 70' east to west of current back property line of lot 400
- 100' north to south

PROPOSED ACCESS

Proposed access on the south side of lot 400 for proposed partition:

- from the southwest corner of lot 400 approximately 95 feet east to the south west corner of proposed partition.
- from the southwest corner of lot 400 north 12 feet
- from the southeast corner of lot 400 north 12 feet

COMPATIBILITY

The partition is compatible with surrounding land use patterns of residential housing.

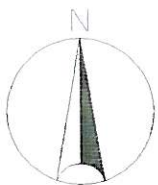
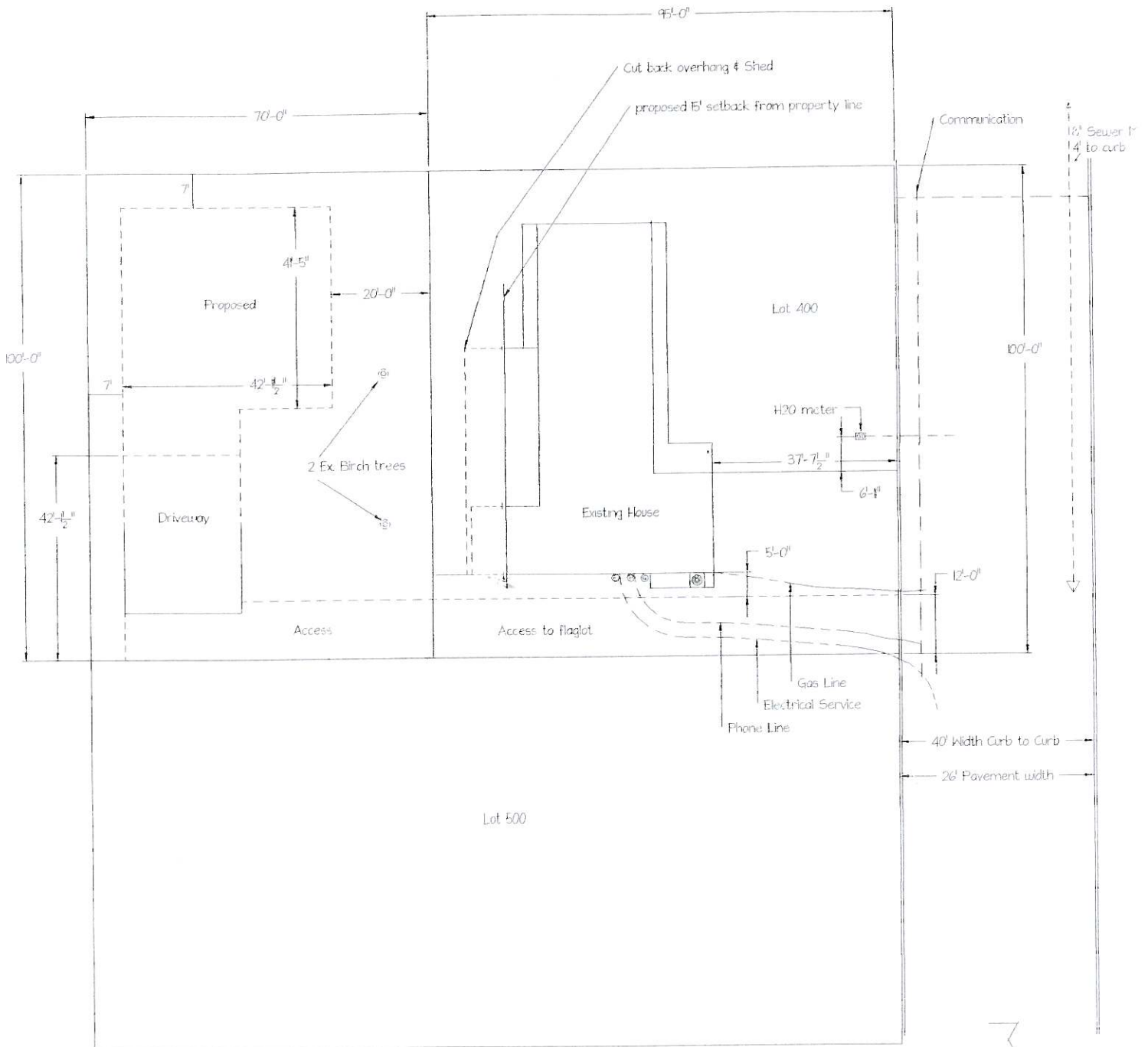
No existing house structures are within 25' of the proposed building site.

TOPOGRAPHY

Topography is flat.

UTILITY INTENT

RE: UTILITIES: The intent is to partition the lot off on paper. No construction is planned now or in the near future for the proposed partition lot. Development will likely happen sometime in the distant future, but no plans are being arranged for this to happen at this time. I want to make sure utilities are feasible and accessible for future development, but do not want to extend them to the proposed partition at this time.



1-7-07
 Lot 400 clackamas county
 Address: 1303 N. Maple Street
 Canby, OR 97013

Prepared by Brett Koczek
 Lot 400 (100' x 165')
 Proposed lot 400 (95' x 100')
 Proposed partition (70' x 100')

SCALE 1" = 30'

Owned by Brett and Cathy Koczek
 1303 N Maple Street
 Canby, OR 97013


Maple Street

CURRAN-McLEOD, INC.
CONSULTING ENGINEERS

6655 S.W. HAMPTON STREET, SUITE 210
PORTLAND, OREGON 97223

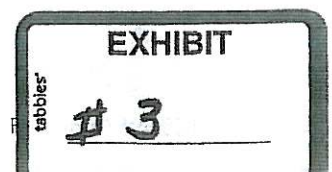
March 13, 2007

MEMORANDUM

TO: Ms. Carla Ahl
FROM: Hassan Ibrahim, PE 
RE: CITY OF CANBY
1303 N MAPLE STREET
MLP 07-02

We have reviewed the submitted application to the above mentioned project and have the following comments:

1. The developer should either dedicate adequate right-of-way or grant a minimum of 6-foot wide sidewalk easement along the entire site frontage with N Maple Street.
2. The developer should construct sidewalks along the entire site frontage with N Maple Street.



**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: March 2, 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 |
| <input type="checkbox"/> Darwin Tramel - WTTP | <input type="checkbox"/> CLACKAMAS COUNTY |
| <input type="checkbox"/> Jeff Crowther - WTTP | <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 _____ |

The City has received **MLP 07-02 (1303 N Maple Street)**, an application from Brett Kacalek requesting a minor land partition to divide Tax Lot 400 of Map 3 1E 33AB into 2 new tax lots. The property is zoned R1 (Low Density Residential). The property is located at 1303 N Maple Street.

Please review the enclosed application and return comments to **Carla Ahl** by **Wednesday, March 14, 2007**. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

The property in question, 1303 N. Maple, this property they have no intention of building a house on this flag lot at this time. But if we make the improvements prior to them building or applying for a permit, they will have to have all the utilities extended to the property line at the owner's expense prior to the rebuilding of North Maple Street. This guy here is 2 or 3 years out and we want to rebuild Maple say next year, all the utilities will have to be run into that lot at his expense.

Telephone message left by Roy Hester Public Works Supervisor 3-28-07

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: Roy Hester **Date:** 3-28-07

Title: Supervisor **Agency:** Public Works Department

17

From: "Troy Buzalsky" <TBuzalsky@canbyfire.org>
To: <ahlc@ci.canby.or.us>
Date: 3/12/2007 3:05:28 PM
Subject: MLP 07-02

Carla,
Regarding MLP 07-02, aka 1303 N Maple Street, Canby Fire District issues the following comments for conditions:

1. The width of the proposed fire access road is below the requirement for 20' of overall width. In lieu of access, the proposed structure will require a full automatic fire sprinkler system installed.
2. Because of the requirement for fire sprinklers, there will be no requirement on fire hydrants for this project.
3. Any fire department access road exceeding 150 feet requires a fire department turn-around. Drawing need to be more definitive as to where this 150 foot measurement stops, also realizing that one the fire apparatus is parked, firefighters must be able to access all areas of the proposed structure within 150.
4. A visible address must be installed at the entrance to the driveway. Address must have numerals a minimum of 6" with contrasting background which clearly identify that a home is located down the private drive.

Please let me know if you have any questions.

Troy Buzalsky
Canby Fire District #62
Division Chief, Fire Marshal
Office 503.266.5851...X 2762
Cell 503.572.5504
Direct Connect 112*63448*2

Request for Comment

1-065-028

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

(503) 266-7001

FAX 266-1574

P.O. Box 930, Canby, OR 97013

DATE: March 2, 2007

- TO:
- FIRE
 - POLICE
 - PUBLIC WORKS
 - CANBY ELECTRIC
 - CANBY WATER
 - Darwin Tramel - WTPP
 - Jeff Crowther - WTPP
 - 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 07-02 (1303 N Maple Street), an application from Brett Kacalek requesting a minor land partition to divide Tax Lot 400 of Map 3 1E 33AB into 2 new tax lots. The property is zoned R1 (Low Density Residential). The property is located at 1303 N Maple Street.

Please review the enclosed application and return comments to Carla Ahl by Wednesday, March 14, 2007. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

existing gas service to home. Contact NW Natural regarding gas service to partition

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: Colleen M. O'Brien Date: 3-8-07

Title: Engineering Coordinator Agency: NW Natural

Colleen M. O'Brien
Engineering Coordinator

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: March 2, 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 |
| <input type="checkbox"/> Darwin Tramel - WTTP | <input type="checkbox"/> CLACKAMAS COUNTY |
| <input type="checkbox"/> Jeff Crowther - WTTP | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> OREGON DEPT. TRANSPORTATION |
| <input checked="" 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 _____ |

The City has received MLP 07-02 (1303 N Maple Street), an application from Brett Kacalek requesting a minor land partition to divide Tax Lot 400 of Map 3 1E 33AB into 2 new tax lots. The property is zoned R1 (Low Density Residential). The property is located at 1303 N Maple Street.

Please review the enclosed application and return comments to Carla Ahl by Wednesday, March 14, 2007. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

NO COMMENT.

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: 3-12-07

Title: ASSOCIATE ENGINEER

Agency: CANBY TELCOM

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: March 2, 2007

- TO:
- FIRE
 - POLICE
 - PUBLIC WORKS
 - CANBY ELECTRIC
 - CANBY WATER
 - Darwin 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
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 - CITY TRANSPORTATION ENGINEER
 - BUILDING OFFICIAL
 - OTHER _____

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- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature: _____

Date: 3/12-07

Title: _____

Construction Coord.

Agency: _____

WTLB.

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: March 2, 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 checked="" type="checkbox"/> CANBY WATER | <input type="checkbox"/> TRAFFIC SAFETY COMMITTEE |
| <input type="checkbox"/> Darwin Tramel - WTTP | <input type="checkbox"/> CLACKAMAS COUNTY |
| <input type="checkbox"/> Jeff Crowther - WTTP | <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 _____ |

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Please check one box and sign below:

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- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature: *Patrick Johnson* Date: 3/7/07

Title: Foreman Wkr Dept Agency: Canby Utility

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: March 2, 2007

- TO:
- | | |
|---|--|
| <input type="checkbox"/> FIRE | <input type="checkbox"/> CANBY POST OFFICE |
| <input checked="" type="checkbox"/> POLICE | <input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR |
| <input type="checkbox"/> PUBLIC WORKS | <input type="checkbox"/> CLACKAMAS COUNTY 911 |
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Please review the enclosed application and return comments to **Carla Ahl** by **Wednesday, March 14, 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
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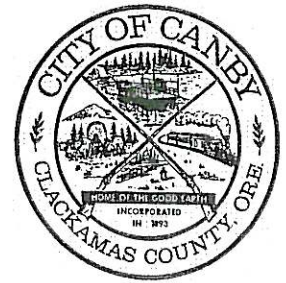
Signature: _____

Date: 03/06/07

Title: Police Chief

Agency: Canby Police

Arvid Krofsten



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

**A REQUEST TO CHANGE ZONING) FINDINGS, CONCLUSION & FINAL ORDER
FROM LOW DENSITY RESIDENTIAL) ZC 07-02
TO HIGH DENSITY RESIDENTIAL) (S.T.J., LLC)**

NATURE OF APPLICATION

The applicant is seeking to change the zoning designation for two parcels totaling 0.89 acres. The current zoning on the parcels is R-1 Low Density Residential. The applicant proposes to amend zoning to reflect the Comprehensive Plan designation. No development plans are associated with the zone change at this time.

HEARINGS

The Planning Commission held a public hearing and considered this application at its meeting of March 26, 2007.

CRITERIA AND STANDARDS

In judging whether or not the zoning map should be amended or changed, the Planning Commission and City Council shall consider:

- A. The Comprehensive Plan of the city, giving special attention to Policy 6 of the land use element and implementation measures therefore, and the plans and policies of the county, state and local districts in order to preserve functions and local aspects of land conservation and development;
- B. Whether all required public facilities and services exist or will be provided concurrent with development to adequately meet the needs of any use or development which would be permitted by the new zoning designation.

FINDINGS AND REASONS

After holding a public hearing and considering the March 14, 2007 staff report, the Planning Commission deliberated and reached a decision on March 26, 2007 recommending approval of the applicant's request for zone change to the City Council. The Planning Commission finds that the applicant's request is in compliance with the Comprehensive Plan of the City of Canby and the Commission adopts the findings and conclusions contained in the March 14, 2007 staff report.

**Findings, Conclusion and Final Order
ZC 07-02
Page 1 of 3**

CONCLUSION

The Planning Commission concludes that, with regards to the zone change:

A. This application is in compliance with all elements of the Comprehensive Plan of the City, including Policy 6 of the Land Use Element, and the plans and policies of the County, state and local districts.

B. All required public facilities and services exist or will be provided concurrent with development to adequately meet the needs of any use or development which would be permitted by the new zoning designation.

RECOMMENDATION

IT IS RECOMMENDED BY THE PLANNING COMMISSION of the City of Canby that the Canby City Council approves **ZC 07-02**.

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I CERTIFY THAT THIS ORDER recommending approval of **ZC 07-02** was presented to and **APPROVED** by the Planning Commission of the City of Canby.

DATED this 9th day of April 2007.

James R. Brown, Chair
Canby Planning Commission

Kevin Cook
Associate Planner

ATTEST:

ORAL DECISION – March 26, 2007

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

NOES:

ABSTAIN:

ABSENT:

WRITTEN FINDINGS – April 9, 2007

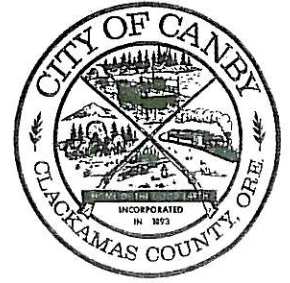
AYES:

NOES:

ABSTAIN:

ABSENT:

26



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

**AN APPLICATION TO CREATE) FINDINGS, CONCLUSIONS & FINAL ORDER
TWO LOTS AND VARIANCE TO) MLP 06-16/VAR 07-01
THE ACCESS PAVEMENT WIDTH) (Willamette Valley Country Club)
STANDARDS FOR FLAG LOTS)**

NATURE OF APPLICATION

The applicant is seeking approval to partition off two new residential parcels from the existing 147 acre golf course parcel. The two new parcels are proposed for the extreme northeast corner of the golf course. Access is proposed from NE 34th Ct by way of a 20 ft. wide access strip. While the access strip itself is 20 feet wide, the applicant has proposed a 12 ft. pavement width, which requires a Variance. The access strip is currently City right-of-way and is used to access a City sewage pump station and also provides emergency vehicle access to the Logging Road Trail. Parcel 1 (north) is proposed to be 16,233 sq. ft. and Parcel 2 (south) is proposed to be 16,000 sq. ft. Access to Parcel 2 will require a 20 foot wide access easement to be placed across Parcel 1 (Condition 8). The access strip was originally intended to serve the sewer pump station located on lot 2900 (lot 2900 is also owned by WVCC) when the Country Club Estates subdivision was platted in 1974. A condition of approval requires a deed restriction indicating that the access drive will serve no more than two dwellings (Condition 3).

The Canby Municipal Code normally allows lots between 7,000 sq. ft. and 10,000 sq. ft. in the Low Density Residential (R-1) zone [16.16.030(A)]. The applicant has proposed the larger lot sizes using Section 16.16.030(B)(3): *"3. The Planning Commission may modify the maximum lot area requirements in 16.16.030(A) if these cannot be met due to existing lot dimensions, road patterns, or other site characteristics."*

HEARINGS

The Planning Commission held a public hearing to consider this application on March 26, 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.

Major Variance: A variance may be granted only upon determination that **all** of the following conditions are present:

- A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the City and within the same zone. These exceptional or extraordinary circumstances result from tract size or shape, topography or other circumstances over which the owners of the property have no control; and
- B. The variance is necessary to assure that the applicant maintains substantially the same property rights as are possessed by the owners of other property in the city and within the same zone; and
- C. Granting of this variance will not be materially detrimental to the intent or purposes of the City's Comprehensive Plan or the Land Development and Planning Ordinance; and
- D. Granting of this variance will not be materially detrimental to other property within the same vicinity; and
- E. The variance requested is the minimum variance which will alleviate the hardship; and
- F. The exceptional or unique conditions of the property which necessitate the issuance of a variance were not caused by the applicant, or the applicant's employees or relatives, acting in deliberate violation of these or other City regulations.

FINDINGS AND REASONS

The Planning Commission deliberated on all testimony presented at the March 26, 2007 public hearing, including the March 16, 2007 staff report. The Planning Commission hereby accepts and incorporates the findings in the March 16, 2007 staff report with the following additional Finding:

Finding: The Commission finds that the oversized lots would not have significantly greater impact than 10,000 sq. ft. lots due to the fact that a condition of approval for using the access road limits the number of dwellings to two. Additionally, the proposed lots are essentially sandwiched between the Logging Road Trail and the golf course, so impact of oversized lots is considerably different than would be the case if the proposed lots were located within a traditional subdivision with a typical street grid.

CONCLUSION

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

1. The partition request and associated variance request, with appropriate conditions, is considered to be in conformance with the Comprehensive Plan and the Municipal Code.
2. 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. All 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 06-16/VAR 07-01** is **APPROVED** subject to 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 06-16
2. The final partition plat shall be a surveyed plat map meeting all of the specifications required by the Clackamas County Surveyor. The 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 deed restriction shall be recorded on the two new lots as well as lot 2900 indicating that the access drive is meant to serve a maximum of two residences. A copy of the new deeds shall be provided to the Canby Planning Department.
4. All monumentation and recording fees shall be borne by the applicant.

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5. Utility and sanitary sewer easements shall be provided as required by Canby Utility and Canby Public Works.
6. Prior to any building permits the access drive shall be improved **over the entire length (over public and private property)** in order to accommodate construction equipment. The access drive shall be fully completed prior to any final inspections (occupancy) of new dwellings. Access drive improvements shall be coordinated with and approved by the City Engineer, the Public Works Department, and Canby Utility.
7. Prior to the construction of the access drive and/or any residential development, a 20' wide access easement over lot 2900 **and lot 100** shall be recorded in favor of the two proposed residential lots. Lots 2900 **and 100** shall have the appropriate utility, emergency vehicle, and pedestrian access easements recorded prior to commencing any site work.
8. The northern lot shall have a 20 foot wide access easement in favor of the southern lot.
9. Prior to the issuance of any building permits and/or site work the final plat must be recorded with the Clackamas County Surveyor. The plat shall be recorded 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 of Canby prior to recording the plat with Clackamas County.
10. House numbers shall be visible from the street but numbers painted on the curb shall not be the primary method of meeting this requirement. Addresses shall be clearly posted at the entrance to the access drive and at the entrance to each residential property; address numbers shall meet Canby Fire District requirements for size and design.
11. Prior to issuance of a building permit **and/or any site work**, a stormwater permit shall be obtained from the State of Oregon if required by the Department of Environmental Quality (DEQ). An acceptable stormwater system plan shall be approved by the State of Oregon – DEQ, the City Engineer, and the Canby Public Works Department. Stormwater shall be accommodated entirely on site for the proposed parcels, lot 2900, and the access strip.
12. Prior to the issuance of a building permit, the applicant shall demonstrate compliance with offstreet parking requirements as listed in Chapter 16.10 of the CMC.
13. Fire sprinklers shall be installed in any new dwellings constructed on either of the new lots in accordance with the requirements of the Canby Fire District. The application for any residential building permits shall include fire sprinklers.
14. The applicant is responsible for all costs associated with the relocation of utilities.
15. Any new sewer main and/or new laterals shall be installed by the applicant at the time of development. Location and construction of the sewer main and/or laterals shall be approved by the Public Works Supervisor *prior to excavation*. **The applicant is responsible for all costs associated with the installation, upgrading, and relocation of utility facilities.**

16. **Within the City-owned access strip**, the access drive shall be a minimum of 12 feet paved width with curbs on each side. The access shall widen to 20 feet on the northern lot where it serves the southern lot. The **entire length (over public and private property) of the** access drive shall meet the requirements of the Canby Fire District including the requirement that the access drive will maintain a total of 20 feet unobstructed width. The access drive shall include signage indicating that no parking is allowed in the access drive; signage shall be shown on the construction plans.
17. At the interface between lot 2900 and the Logging Road Trail the emergency vehicle access/turn-around, fence, and gate shall be constructed to the satisfaction of the Canby Fire District and the Canby Parks Department.
18. The applicant shall construct an approved curb cut, approach apron and sidewalk ramps at the drive entrance to the access drive. Access improvements shall be inspected and approved by Canby Public Works prior to installation.
19. Prior to the issuance of a building permit **and/or any site work**, an erosion control permit is required. All City erosion control regulations shall be followed during construction as specified by the Canby Municipal Code.
20. Prior to the issuance of a building permit and/or any 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 shall be approved by the appropriate utility provider.
21. Prior to the issuance of a building permit and/or any site work, a pre-construction meeting shall be held. Sixteen 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.
22. 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 shall be issued until the required signed construction set is submitted to and accepted by the Planning Department.
23. Prior to the recording of the final plat, and/or any site work, a Maintenance Agreement with provisions for the maintenance of the access drive, **over its entire length (for both public and private land)**, shall be submitted to the City of Canby for review and approval by the City Attorney, City Engineer, and Public Works Supervisor. **The maintenance agreement shall indicate that the access drive will never be used to serve more than two dwellings and will not be used for any other purposes other than those described within the agreement.** Once approved by the City, the Maintenance Agreement shall be recorded on the deeds for the two proposed parcels as well as lot 2900 **and lot 100.**

24. Prior to the issuance of a building permit, provisions for keeping the proposed emergency vehicle turn-around area free of parked vehicles and/or other obstructions shall be demonstrated on the preconstruction plans and shall be subject to review and approval by the Canby Fire District.
25. A deed restriction that prohibits further division of the two proposed lots shall be recorded on the deeds for the two parcels; the deed restriction shall remain in effect so long as the sole means of vehicular access is by way of the proposed access road connecting NE 34th Place.
26. Additional visual screening shall be provided between the access drive and lot 2100 to the northeast. The visual buffer shall be subject to the review and approval of the Canby Planning Department. The design and placement of the visual buffer shall reasonably accommodate the preferences of the owner of lot 2100.

I CERTIFY THAT THIS ORDER approving **MLP 06-16/VAR 07-01** was presented to and **APPROVED** by the Planning Commission of the City of Canby.

DATED this 9th day of April, 2007.

James R. Brown, Chair
Canby Planning Commission

Kevin C. Cook
Associate Planner

ATTEST:

ORAL DECISION – March 26, 2007

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

NOES: None

ABSTAIN: None

ABSENT: None

WRITTEN DECISION – April 9, 2007

AYES:

NOES:

ABSTAIN:

ABSENT:

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – March 26, 2007
City Council Chambers – 155 NW 2nd Avenue

PRESENT: Chair Jim Brown, Vice Chair Dan Ewert, Commissioners John Molamphy, Janet Milne, Bruce Holte, Jared Taylor and Rick Gamble

ABSENT: None

STAFF: John Williams, Community Development and Planning Director; Kevin Cook, Associate Planner; Carla Ahl, Planning Technician and Jill Thorn, Planning Staff

OTHERS PRESENT: Todd Gary, Jay Head, Scott Smith, James Larson, Linda Geddes, Tom Scott, Vincent Andersen, John Gunter, Al Geddes, Tom Keenan, Laurel Boone, Pete Kelley, Roger Reif, Paul Toole, Wade Smith

Chair Jim Brown welcomed Rick Gamble to the Planning Commission.

I. CITIZEN INPUT Pete Kelley of 840 NE 10th requested a work session with the Commission between now and the next commission meeting to discuss options for the property owners around the fairgrounds.

John Williams said that it could be an Old Business item on the agenda of the April 9th meeting. That was agreeable with the Commission and Mr. Kelley.

II. NEW BUSINESS

MOD 07-03 (DR 04-04) – Extension of the existing storage facility at Canby RV and Boat Storage located at 373 S Redwood Street to modify the 2004 Site and Design Review Approval (DR 04-04).

Carla Ahl, Planning Technician gave the staff report. The applicant is requesting approval to develop a 1.46 acre lot into an extension of his existing RV storage facility. The development will take its access through a driveway ingress and egress easement which will be created on the current 25' wide private drive from S. Redwood St. The development would consist of 115-125 outdoor storage spaces in addition to the existing 250 spaces from the original development.

Chair Brown asked why this application was not a Design Review application. Ms Ahl explained that it was a second phase of the previous Design Review application that had been approved in 2004 and the code allows for modifications to such applications. The Planning Commission would make a decision and then the surrounding property owners and person with standing from the original decision would receive notice and could request a public hearing.

John Williams explained this process was a shorter path for existing businesses and residents and generally paving of parking lots was a staff decision.

Commissioner Holte felt it was an application to pave a parking lot and felt this was a good choice.

Commissioner Milne said the public would have the opportunity to respond after the decision.

Commissioner Ewert had no major issues.

Chair Brown stated he was worried about the fencing, buffering, lighting and the edges of the site.

Wade Smith of 373 S Redwood Street and applicant said the landscaping from the current site would be continued. He felt it was a positive addition to the City in that people would have a place to park their RV vehicles.

Commissioner Milne felt the expansion would be handled correctly as the original project had been done well.

It was moved by Commissioner Ewert to approve MOD 07-03 as presented. It was seconded by Commissioner Taylor. Motion carried 6-1.

III. PUBLIC HEARINGS

ZC 07-02 – S.T.J., LLC - For the property at 1295 NE Territorial Road a zone change from R-1 (Low Density Residential) to R-2 (High Density Residential)

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 applicant is seeking to change the zoning designation for two parcels totaling 0.89 acres. The current zoning on the parcels is R-1 Low Density Residential. The applicant proposes to amend zoning to reflect the Comprehensive Plan designation. No development plans are associated with the zone change at this time.

The site is located south of NE Territorial Road and west of the Molalla Forest Road. Tax lots 1500 and 1501 are zoned R-1. Adjacent properties are also designated High Density Residential in the Comprehensive Plan. There is an existing residence located on Tax Lot 1501.

Adjacent uses include single family subdivisions (west and east, across the Molalla Forest Road); apartments (south); large lots not yet subdivided or annexed (east across the Molalla Forest Road); and the golf course with associated residential development (north). Water and Sewer are available from NE Territorial Road.

Applicant: Tom Scott of 214 SW 2nd Avenue, reported the property was just under 1 acre and the zone change from R-1 to R-2 would bring the property in compliance with the zoning in the Comprehensive Plan. The property would be developed with an adjoining piece into town homes and well situated for high density use.

Commissioner Ewert asked if a neighborhood meeting had been held. Mr. Scott responded that it had and there were not a lot of questions by those attending.

Commissioner Ewert asked what the feeling was by those who attended. Mr. Scott responded he felt it was generally positive.

Proponents: None

Opponents: None

Rebuttal: None

Chair Brown closed the public hearing.

Commissioner Molamphy felt it was good to have the two pieces in one package.

Commissioner Ewert felt the zoning fit well into the overall plan and this was why we do planning.

It was moved by Commissioner Holte to approve ZC 07-02 as presented. It was seconded by Commissioner Gamble. Motion carried 7-0.

MLP 06-16/VAR 07-01 – Willamette Valley Country Club for Minor Land Partition and Variance to the Access Pavement Width Standards for Flag Lots

Chair Brown read the public hearing format. When asked if any Commissioner had a conflict of interest, Commissioner Milne stated she and her husband were members of the Willamette Valley Country Club but would receive no financial benefit as a result of this application. All other Commissioners did not have any conflicts. 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 applicant is seeking approval to partition off two new residential parcels from the existing 147 acre golf course parcel. The two new parcels are proposed for the extreme northeast corner of the golf course. Access is proposed from NE 34th Ct by way of a 20 ft. wide access strip. While the access strip itself is 20 feet wide, the applicant has proposed a 12 ft. pavement width, which requires a Variance – the applicant has applied for a variance. The access strip is currently City right-of-way and is used to access a City sewage pump station and also provides emergency vehicle access to the Logging Road Trail. Parcel 1 to the north is proposed to be 16,233 sq. ft. and Parcel 2 to the south is proposed to be 16,000 sq. ft. Access to Parcel 2 will require a 20 foot wide access easement to be placed across Parcel 1 (Condition 8). The access strip was originally intended to serve the sewer pump station located on lot 2900 when the Country Club Estates subdivision was platted in 1974. Lot 2900 is also owned by Willamette Valley Country Club. Condition number 3 requires a deed restriction indicating that the access drive will serve no more than two dwellings.

Mr. Cook stated that correspondence had been received after the packet had been distributed from the Bike and Pedestrian Committee; Tony Polito; Larry and Sandy Corder.

Mr. Cook stated that two additional conditions were being proposed if the Commission chose to approve the application. Condition 24 would require that the emergency vehicle turnaround be free of parking and Condition 25 would require a deed restriction to prevent further subdividing of the property.

Chair Brown asked about the ownership of the right of way that would be the 12 foot street.

Mr. Cook responded that there would be a maintenance agreement and Mr. Williams said it was like a private drive.

Commissioner Holte asked if the fire department was okay with the 12 foot width. Mr. Cook responded that the homes would be required to have fire sprinkler systems

Commissioner Taylor asked about runoff. Mr. Cook responded that was an issue to be dealt with during the pre-construction period with the City Engineer and DEQ.

Applicant: Jay Head, General Manager, Willamette Valley Country Club, 900 Country Club Place said that it was the intention of the country club to sell the 30,000 square feet site as one piece and the purchaser could put one or two homes on the property.

Commissioner Molamphy said he thought this was an application for two lots.

John Williams stated that it was possible to build on one lot and not the second lot, but if only one home was to be built it could not be built on the lot line.

Commissioner Ewert asked if Mr. Head was comfortable with the two new conditions. Mr. Head said he was.

Commissioner Ewert asked if the application was for the two lots shown on the drawing and did the applicant plan to build two houses.

Mr. Head responded the application was for the two lots to allow for the maximum flexibility of the purchaser but he did not know how many houses would be built.

Proponents: Tom Keenan, President of the Board of Directors for the country club, 12721 S Castro Road in Oregon City said it was the intention of the board to sell one piece and let the purchaser have the option of two lots.

He stated the requirements of the fire department would be met. The two houses to be built will have a minimal impact and it was the desire of the board to do everything to minimize the impact on the neighbors. He said the missing sheet of address was not intentional.

Roger Reif, 3310 N Maple Street, said he can't see the property because he lives around the corner and didn't feel the traffic on Maple would increase that much. He felt that one or two houses was reasonable.

Opponents: James Larson, 970 NE 34th Place was concerned about the fisherman who now park now on 34th Court and would in the future park at the hammerhead. He would like to see the Commission attach additional conditions requiring an eight foot fence on his property; install an access gate and require construction traffic use the Logging Trail Road instead of Maple.

Linda Geddes, 740 NE 34th Place, spoke to a similar application in 2003 that was denied. She was concerned about how the hammerhead would be kept free of parking. She thought a gate was a good idea and the homeowner could put in a remote control to protect the area.

John Gunter of 930 NE 34th Place stated he supported the suggestions of Mr. Larson made. He was concerned about headlights in Mr. Larson's bedroom at night. He was concerned about the impact of traffic during construction.

Commissioner Taylor asked how much the impact the construction traffic would have on Maple. Mr. Gunter felt it would increase 10% to 15% during construction.

Al Geddes, 740 NE 34th Place inquired if granting the variance would be setting precedence.

Chair Brown responded that it would not set precedence, but that applicants could use the information in future applications.

Mr. Williams stated that the Commission granted very few variances as the requirements were very strict and all had to be met. This property had been originally platted as public right of way. The City owns the driveway and the square lot for the lift station is owned by the country club.

Mr. Geddes asked about the pump station and who would pay if it had to be moved.

Mr. Cook responded that the applicant would pay and be required to meet all the requirements of the Public Works Department of the City.

Rebuttal: Mr. Head responded to the issues raised by Mr. Larson and wanted to assure Mr. Larson that the Willamette Valley Country Club would work to provide the necessary fencing as requested by Mr. Larson.

Chair Brown asked if there would be any problem if a condition was added requiring fencing.

Mr. Head responded that as long as it was reasonable.

Chair Brown closed the public hearing.

Chair Brown reviewed the criteria for a variance with the Commission. The Commission reached consensus that the variance criteria had been met.

Commissioner Holte liked the idea of only two houses on the site.

Commissioner Taylor had no problem with the two lots as it would allow for more green space.

Commissioner Ewert felt the fire department had designed what they needed for the two lots and wondered if it would be built even if only one house was built.

Commissioner Taylor felt that where people park would not add to the problem as it was a public right of way and the applicant could mitigate. He felt that it might be a good idea to allow Logging Road Trail to be used for construction traffic during the development of the two lots.

Mr. Cook said the road was not currently maintained by the City.

Commissioner Milne added that the trail was not paved in places and was used as a walking/hiking trail thus not feasible for construction traffic.

Chair Brown had concerns about the right of way.

Mr. Cook stated that the 1974 approval did not speak to right of way for future development.

Commissioner Milne did not feel it was unreasonable to desire access to the right of way as this was an infill project.

Commissioner Molamphy asked if the pump station could be protected.

Mr. Cook responded that was covered in the conditions.

It was moved by Commissioner Ewert to approve MLP 06-16/VAR 07-01 as presented and add Condition 24 dealing with the turn around; Condition 25 dealing with a deed restriction that only two houses could be built and Condition 26 dealing with buffering on adjoining properties. It was seconded by Commissioner Taylor. Motion carried 7-0.

IV. FINDINGS

None

V. MINUTES

March 12, 2007 - Commissioner Taylor moved to approve minutes of March 12, 2007 as presented. Motion seconded by Commissioner Holte and passed 7-0.

VI. DIRECTOR'S REPORT

John Williams reported that the Street Maintenance Task Force would probably have one more meeting and then there would be a public involvement piece to raise awareness of the need for a street maintenance fee.

Mr. Williams reported that the Berg Parkway project was going to bid with construction to begin in May or June. As part of this project there would be traffic calming on Aspen, Elm, Pine, Lupine and Ivy Streets.

Mr. Williams reported that traffic calming in various places all over the City was being proposed in the 2007-2008 budget.

The miscellaneous code amendment to Chapter 16 had been approved by the City Council and new code books would be distributed shortly.

Chair Brown announced an Earth Day project would be happening on April 28 at the Community Park and invited people to participate.

VII. ADJOURNMENT