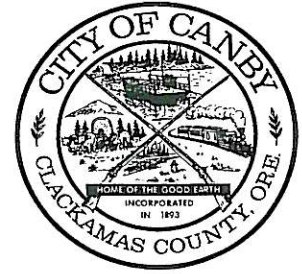


PLANNING COMMISSION AGENDA
Monday – April 23, 2007
7:00 PM - Regular Meeting
City Council Chambers - 155 NW 2nd Avenue



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 07-04 – 655 NW Territorial Road – Phillip Poole – A minor land partition to divide Tax Lot 901 of Map31E32AA into 3 new tax lots. **Page 2**

III. NEW BUSINESS

Interpretation of Planning Commission – School bus storage and maintenance yard use in the Light Industrial Zone **Page 69**

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

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 78**

V. MINUTES

April 9, 2007

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VI. DIRECTOR'S REPORT

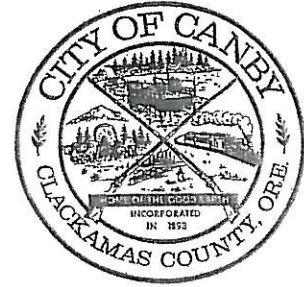
VII. ADJOURNMENT

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:

Kenneth Sandblast
7160 SW Fir Loop
Portland, OR 97223

Owner:

Phillip A. Poole
655 NW Territorial Rd
Canby, OR 97013

LEGAL DESCRIPTION:

Tax Map 3-1E-32AA, Tax Lot 00901

LOCATION AND LOT SIZE:

655 NW Territorial Road
West of North Holly St, East of North Birch St

COMPREHENSIVE PLAN DESIGNATION:

Low Density Residential (R-1)

FILE NUMBER:

MLP 7-04

STAFF:

Carla Ahl
Planning Technician

DATE OF REPORT:

April 13, 2007

DATE OF HEARING:

April 23, 2007

CURRENT ZONING:

Low Density Residential (R-1)

I. APPLICANT'S REQUEST:

The applicant is requesting approval to partition one 27,007 square foot parcel zoned R-1 into three separate parcels. The existing home would remain on a 12,960 square foot lot, and two flag lots would be created to the south consisting of 7,020 square feet each.

The applicant is proposing access to lots 2 and 3 by means of an existing 25' drive that is part of Tax Map 31E-32-AA Tax Map #900. A reciprocal access easement shall be recorded with the deed to provide access to parcels #2 and #3.

STAFF REPORT
MLP 07-04
Page 1 of 12

The property is zoned R-1 (Low Density Residential) with a comprehensive plan designation of R-1 (Low Density Residential). Adjacent property to the south, east and west has a designation current and comprehensive zoning of R-1 (LDR). Property to the north, across NW Territorial Road is currently out of the City Limits, but in the Urban Growth Boundary, with a Comprehensive Plan designation of R-1 (LDR). The R-1 designation requires a minimum of 7,000 square this application if approved would create 2 lots of 7,020 square feet.

II. APPLICABLE CRITERIA:

1. In judging whether a Minor Partition should be approved, the Planning Commission must consider the following standards and criteria (Ord. 16.60.030):
 - A. Conformance with the text and the applicable maps of the Comprehensive Plan;
 - B. Conformance with all other applicable requirements of the Land Development and Planning Ordinance;
 - C. The overall design and arrangement of parcels shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties;
 - D. No minor partitioning shall be allowed where the sole means of access is by private road, unless it is found that adequate assurance has been provided for year-round maintenance sufficient to allow for unhindered use by emergency vehicles, and unless it is found that the construction of a street to city standards is not necessary to insure safe and efficient access to the parcels;
 - E. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed land division.
2. Other Applicable Criteria:
 - A. 16.10 Off-Street Parking and Loading
 - B. 16.16 R-1 Low Density Residential Zone
 - C. 16.56 General Provisions (Land Division Regulations)
 - D. 16.60 Major or Minor Partitions

III. FINDINGS:

1. Location and Background

The subject property is located at 655 NW Territorial Road. 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 with the exception of the property to the north across NW Territorial which is currently outside the City Limits, inside the Urban Grown Boundary with a Comprehensive Plan designation of R-1 (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 requires a minimum lot size of 7,000 square feet per each single family flag lot. The proposed 25' driveway easement is adequate to access 3 or more units.*

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 Territorial and providers responded that either adequate public services are available or would*

become available through development. (please see discussion under Public Services Element).

ENVIRONMENTAL CONCERNS ELEMENT

GOALS: TO PROTECT IDENTIFIED NATURAL AND HISTORICAL RESOURCES.

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

TO PROTECT LIVES AND PROPERTY FROM NATURAL HAZARDS.

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

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

Analysis: The proposed partition must meet storm water management approval from DEQ if required, and Canby Public Works prior to issuance of building permits (see Condition #11).

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: Half street improvements are required prior to issuance of building permits. (See Condition #13)

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

Analysis: Curbs and sidewalks will be required as part of the half street improvements along NW Territorial Rd. (See Condition #13)

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 access road is more than 150' from the road and will require a fire department turn around.
2. Landscape plans must show the access drive maintaining a 13' 6" clearance height.
3. An inside turning radius of 28' and an outside radius of 48' must be created with no obstacles to maneuver around such as utilities.
4. A fire hydrant will be required at the entrance to the property. All hydrants need to be installed prior to any type of combustible construction begins. A second fire hydrant may be required if the development to the south is over 600' away from the existing hydrant, (condition #12 calls for compliance with all Fire District requirements. (See Condition #16)

PUBLIC FACILITIES AND SERVICES ELEMENT

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

Applicable Policies:

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

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

PUBLIC WORKS

1. You will have to do full frontage improvements, to connect to sidewalk and asphalt on Territorial Road to the east (See Condition # 13)

2. Since you will be doing full frontage improvements, it would be beneficial to you to have an 8" sewer line in your access road in case one of your neighbors behind you decide to develop their land and will tear up all the improvements you just put in to bring utilities to their property. I would hate to see them dig up the road and the frontage improvement you just paid for.

3. The sewer main will have to be extended to the end of your property line (west side), (See Condition #9).

4. Our standards we have in place are, once the road is put in (frontage improvements) there is one-year maintenance and then after that it's two years before you can cut it. They can do it now or they can wait for three years. The road standards are 12" and 4", which means 12" of rock and 4" of asphalt, or Clackamas County Standards, whichever ever are greater. (See Condition # 13)

5. When ground work begins you will need to submit an erosion control sediment application for the site itself and then each house will have its own erosion control permit that the builder will submit. (See Condition # 20)

6. Your storm system plan will need to be approved by DEQ. I want to let you know also that you cannot run anything into a dry well if you are within 500' of a drinking well. You will have to discuss this with DEQ on what type of system, like swales, chambered system. You might be able to use a drywell as an overflow, but you will need to talk to DEQ. (See Condition #11)

CITY ENGINEER

1. The applicant does not demonstrate how the storm runoff will be dispersed on-site. The applicant should submit to the City a detailed drainage plan and provide drainage analysis to the City for review and approval. (See Condition #11)

2. All on-site drainage must comply with DEQ requirements. The applicant should submit plans to DEQ to determine if the storm disposal system qualifies as an underground injection control (UIC), Class V. Evidence should be submitted to the City prior to construction. (See Condition #11)

3. Half street improvements should be constructed along the entire site frontage with NW Territorial Rd to include but not limited to concrete curbs and sidewalks. (See Condition #13)

4. No direct access should be allowed on NW Territorial Rd except at the proposed location.

CANBY UTILITY, ELECTRIC DEPARTMENT

1. Power for the development will need to be extended from the west boundary of the Northwood Subdivision.

2. Easements will be required along the north and west property lines. 12' full frontage along NW Territorial and 8' along the west property line) (See Condition #5)(

3. Service to the existing home will require rerouting. (See Condition #10)

CANBY UTILITY, WATER DEPARTMENT

1. All water service connection points to be located on NW Territorial Rd.

CLACKAMAS COUNTY TRANSPORTATION

1. Comments regarding street improvements, right-of-way and easements. Please see Memorandum dated April 13, 2007. (See Condition #21)

LANCASTER ENGINEERING

There are no identified issues with the operation of Territorial Road.

Although Territorial Road is classified a Collector along the frontage it is still a heavily-traveled facility in this section. For this reason, access should be limited along Territorial Rd as much as possible. If it is possible, we would prefer to have shared access between this lot/partition and the neighboring lot to the west.

2. 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 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.
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 07-04 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 07-04**
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 #2 and #3.
5. On the final plat, 12' (twelve foot) public utility easements shall be provided along the full frontage of NW Territorial, an 8' (eight foot) public utility easement is required along the full western property line as required by Canby Utility and Public Works.
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 issuance of building permits, half street improvements are required along the south side of NW Territorial Rd. The half street improvements shall be constructed along the developments's frontage with NW Territorial Road and shall connect east to the improvements constructed as part of the Northwoods development. Street improvements shall be constructed to City standards, shall include 5-foot sidewalk, and shall be approved by the City Contract Engineer, Canby Public Works, and the Clackamas County Transportation Division prior to construction. The improved pavement width on NW Territorial Road shall be to the centerline of the road at a minimum. The north side of the road shall have a minimum of a 10-foot travel lane.
14. 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.
15. 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.
16. Prior to the issuance of the Certificate of Occupancy the applicant is

responsible for meeting all requirements imposed by the Canby Fire District;

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 access road is more than 150' from the road and will require a fire department turn around.*
 - 2. Landscape plans must show the access drive maintaining a 13' 6" clearance height.*
 - 3. An inside turning radius of 28' and an outside radius of 48' must be created with no obstacles to maneuver around, such as utilities.*
 - 4. Fire hydrant will be required at the entrance to the property. All hydrants need to be installed prior to any type of combustible construction begins. A second fire hydrant may be required if the development to the south is over 600' away from the existing hydrant.*
 - 5. All addresses must be clearly posted at the entrance to the driveway, 6" numbers with contrasting background, and again on the homes individually.*
 - 6. The Fire Department turn around and the private drive must be maintained as a no parking area. The Applicant is responsible for maintaining private signage.*
17. A minimum of one street tree shall be required on the frontage of NW Territorial Rd. If the location allows, the existing street tree could remain as the required street tree, if the installation of the half street improvements require the tree to be removed, one street tree (selected from the City approved tree list) will be required. Street trees shall be placed 11 feet behind the sidewalk.
 18. 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.
 19. "As-built" drawings of all public improvements shall be submitted to the City within sixty (60) days of completion. A copy of the "as-built" drawings shall be submitted on a computer disk in an AutoCAD format.
 20. An erosion control permit is required. All City erosion control regulations shall be followed during construction as specified by the Canby Municipal Code.
 21. Construction of improvements along the NW Territorial Road frontage requires a Street Construction and Encroachment Permit from Clackamas County. All improvements must meet or exceed conditions listed in the Memorandum from Clackamas County's Land Use Review Coordinator, dated April 13, 2007 unless an alternate plan is agreed upon by both Clackamas County and the City. The applicant is responsible for the coordination of improvements

between Clackamas County and Public Works.

Exhibits:

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



655 NW Territorial Road

Table of Contents

- 1 **Application Forms**
 - Copy of Signed Application Form
 - Copy of Application Fee
- 2 **Proof of Ownership**
 - Current Title Report
- 3 **Applicable Code Responses**
 - Project Narrative
- 4 **Meeting Information**
 - Pre-application Notes
- 5 **Neighborhood Information**
 - Radius Lables
- 6 **Plan Sets**
 - 8 x 10 Plans Sets

Attached:

- Land Use Plan Set – 24 x 36
- Digital Copy (CD)

**CITY OF CANBY
MINOR LAND PARTITION APPLICATION**
Fee: \$1,280.00

OWNERS

APPLICANT**

Name Tony Poole (*Phillip A. Poole*)

Name Kenneth Sandblast

Address PO Box 496

Address 7160 SW Fir Loop

City Canby State OR Zip 97013

City Portland State Or. Zip 97223

Phone 503-572-0526 Fax 503-266-9059

Phone 503-684-1020 Fax 503-684-1028

E-mail tpooleconstruction@yahoo.com

E-mail kens@prilanduse.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 type="checkbox"/> Email | <input checked="" type="checkbox"/> US Postal | <input type="checkbox"/> Fax |
| <input checked="" type="checkbox"/> Applicant | <input checked="" type="checkbox"/> Email | <input type="checkbox"/> US Postal | <input type="checkbox"/> Fax |

OWNER'S SIGNATURE *Phillip A. Poole*

DESCRIPTION OF PROPERTY

Address 655 NW Territorial Road

Tax Map 31E32AA

Tax Lot(s) 00901

Lot Size .62 acres
(Acres/Sq. Ft.)

Existing Use SFR

Proposed Use SFR

Existing Structures 1 SFR

ZONING R1

COMPREHENSIVE PLAN DESIGNATION LDR

PREVIOUS ACTION (if Any) N/A

FOR CITY USE ONLY	
File # _____	
Date Received _____	By _____
Completeness _____	
Pre-App Meeting _____	
Hearing Date _____	

[Redacted]

*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 Check	City Check
--------------------	---------------

- | | | |
|--------------------------|--------------------------|---|
| <input 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 type="checkbox"/> | <input type="checkbox"/> | ⇒ Payment of \$1,280, cash or checks only. Checks should be made out to the City of Canby. |
| <input 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. If the address of a property owner is different from the address of a site, a label for each unit on the site must also be prepared and addressed to "occupant." A list of property owners may be obtained from a title insurance company or from the County Assessor. |
| <input 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: <ol style="list-style-type: none"> A. More than one access onto any collector or arterial street (such streets being designated by the City of Canby Transportation System Plan); B. More than six (6) residential units that enter onto any collector or arterial street; C. Any multiple family dwellings (apartments, condominiums, townhouses, etc.) with more than six (6) units; or D. Industrial or commercial enterprises which generate more than one hundred (100) vehicles per day. |
| <input 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:

- ⇒ A. Vicinity map of the property;
- ⇒ B. The date, north point, scale, and sufficient description to define the location and boundaries of the tract to be partitioned;
- ⇒ C. Name and address of the owner and the person who prepared the tentative map;
- ⇒ D. Size of each parcel involved in the partitioning;
- ⇒ E. Outline, location, and description of all existing buildings, showing those to remain in place and setbacks to proposed property lines;
- ⇒ F. For land adjacent to and within the tract to be partitioned, the location, names, and existing structures, right-of-way and pavement widths of streets, location, width, and purpose of any existing easements; and location and size of all utilities, including sewer, water, electric, telephone, and natural gas lines and power poles;
- ⇒ G. Proposed parcel layout, showing sizes, dimensions, and relationships to existing or proposed streets and utility easements;
- ⇒ H. Location of any forested areas, wetlands as delineated by the Division of State Lands, or other significant natural features;
- ⇒ I. If the applicant is a corporation, a certificate of good standing from the State Corporation Commission shall be filed. The name of the individual authorized to act as the registered agent of the corporation shall also be provided; and
- ⇒ J. If the development is located in an area designed by the Hazard ("H") Overlay Zone, one (1) copy of an affidavit signed by a licensed professional engineer that the development will not result in any undue hazard for the occupants or users of the development, nor in any unusual public expense in the event of flooding, landslide, or other natural disaster.

4. Staff will check the application, making sure that it is complete and all fees are paid. Copies of the application materials are routed to various City/State/County departments, as applicable, for their comments. Along with the comments received from others, the application is reviewed for completeness. The City Planner will accept or return the application with a written list of omissions within thirty (30) calendar days of the submittal.
5. Staff investigates the request, writes a staff report, places a public notice in the newspaper, notifies surrounding property owners, and makes all facts relating to the request available to the Planning Commission and all interested parties.
6. The staff report will be available seven (7) days prior to the hearing.
7. The Planning Commission then issues findings of fact which support approval, modification or denial of the application. A decision may be appealed to the City Council.
8. If an approval or a denial has been appealed, City Council holds a public hearing. The staff report is presented and testimony taken, as at the original hearing(s). However, only testimony regarding items already in the record is permitted, and no new information may be entered. In the case of an appeal, the Council may affirm, revise or reverse the action of the Planning Commission in all or in part. The Council may also remand the matter back to the hearing body for further consideration.

NOTICE

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

PHILIP A. POOLE, JR.
DBA POOLE CONSTRUCTION
P.O. BOX 146 508 572-0926
CANBY, OR 97103-0146

19-7076/2360
3280098336
1045
DATE: 8-2-07

PAY TO THE ORDER OF: City of Canby \$1,280.00

One thousand two hundred eighty dollars

City of Canby
155 N. Main Street
Canby, OR 97103

NOTES: SS
1:3250707601 30900589361 1045
Philip A Poole Jr.

10
10
11
31

NO. CTIC 238907
4100-13619 mym

First Party's Name and Address

Second Party's Name and Address

After recording, return to (Name, Address, Zip):
PHILIP A POOLE JR
655 NW Territorial
Canby OR 97013

Until requested otherwise, send all tax statements to (Name, Address, Zip):
SAME AS ABOVE

RECORDED IN CLACKAMAS COUNTY
JOHN KAUFFMAN, COUNTY CLERK

2002-001896



\$31.00

01/08/2002 01:23:45 PM

D-D Cnt=1 Str=3 BEVERLY
\$10.00 \$11.00 \$10.00

BOOK / PAGE / VOLUME NO. _____ on page _____
and/or as fee/file/instrument/microfilm/reception
No. _____, Records of this County.

SPACE RESERVED FOR RECORDER'S USE

Witness my hand and seal of County affixed.

NAME _____ TITLE _____
By _____, Deputy.

PERSONAL REPRESENTATIVE'S DEED

THIS INDENTURE dated DECEMBER 26, 2001, by and between STEVEN M. WAGNER, the duly appointed, qualified and acting personal representative of the estate of DICK F. WAGNER, deceased, hereinafter called the first party, and PHILIP A. POOLE JR, hereinafter called the second party; WITNESSETH:

For value received and the consideration hereinafter stated, the first party has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the second party and second party's heirs, successors and assigns all the estate, right and interest of the estate of the deceased, whether acquired by operation of the law or otherwise, in that certain real property situated in the County of CLACKAMAS, State of Oregon, described as follows, to-wit:
LEGAL ATTACHED

EXCEPTIONS ATTACHED

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

TO HAVE AND TO HOLD the same unto the second party, and second party's heirs, successors-in-interest and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 172,000.00. However, the actual consideration consists of or includes other property or value given or promised which is part of the the whole (indicate which) consideration. (The sentence between the symbols [®], if not applicable, should be deleted. See ORS 93.030.)

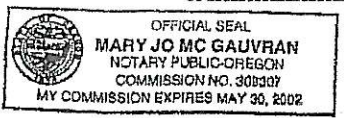
IN WITNESS WHEREOF, the first party has executed this instrument; if first party is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

Steven M Wagner
STEVEN M WAGNER PERS REP

Personal Representative

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

STATE OF OREGON, County of CLACKAMAS ss. 1-4-02
This instrument was acknowledged before me on _____
by _____
This instrument was acknowledged before me on 1-4-02
by STEVEN M WAGNER
as PERS REP
of DICK F WAGNER, ESTATE



Mary Jo Mc Gauran
Notary Public for Oregon
My commission expires 5-30-02

Order No: 238907

LEGAL DESCRIPTION

A tract of land in the Champing Pendleton Donation Land Claim in Section 28, Township 3 South, Range 1 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, and more particularly described as follows:

Beginning at an iron pipe at the Southeast corner of that tract of land conveyed to Earl Oliver and Sabina Oliver by Deed recorded in Book 450, Page 696, Deed Records, said Southeast corner is North 8.47 chains and South 89°20' West 16.35 chains from the Southeast corner of the Champing Pendleton Donation Land Claim; from said beginning point running thence South 89°29' West along the Southerly line of said Oliver Tract, 333.75 feet to a 3/4 inch iron bar; thence North 12°05' West parallel to the Easterly side of said Oliver Tract, 521.85 feet to an iron pipe on the Southerly line of Territorial Road; thence South 12°01'30" East, 20 feet to the true point of beginning; thence continuing South 12°01'30" East 300.0 feet; thence South 78°12'00" West, 90.00 feet to a point; thence North 12°01'30" West 300.00 feet to a point; thence North 78°12'00" East, 90.00 feet to the true point of beginning.

TOGETHER WITH an easement for ingress and egress over the following described tract;

Beginning at the Southwest corner of the above described tract; thence North 12°01'30" West 320 feet to the South right of way line of Territorial Road; thence South 78°06'00" West, 25 feet to a point; thence South 12°05'00" East, 320 feet to a point; thence North 78°12'00" East, 25 feet to the point of beginning.

Encumbrances, continued

An easement created by instrument, including terms and provisions thereof.

Dated:	January 23, 1960
Recorded:	January 25, 1960
Book:	566
Page:	491
In Favor Of:	Adjacent property owners
For:	Existing underground irrigation pipeline
Affects:	Exact location not set forth

Terms and provisions, including obligations for maintenance of easement as established by Oregon Law.

(2)



655 NW Territorial Road

3 Lot Minor Land Partition

Canby, Oregon

Applicant/Owner(s):

Tony Poole
P.O. Box 496
Canby, OR 97013

Consultants:

Kenneth Sandblast, AICP
Planning Resources, Inc.
7160 SW Fir Loop, Suite 201
Portland, OR 97223
(503) 684-1020

Prepared by:

Dan Jung
Planning Resources, Inc.
7160 SW Fir Loop, Suite 201
Portland, OR 97223
(503) 684-1020

March 5, 2007

655 NW Territorial Road

Political Boundaries

City Canby
County Clackamas Co.

Planning Information

Census Tract 229.02
Neighborhood CANBY
Urban Growth Boundary Outside
Zip Code 97013

Zoning

Local Designation R1
Local Definition Low Density Residential Zone. A variety of low-density residential uses are permitted outright.
Minimum Lot Size Minimum lot area = 7,000 sq. ft. per single-family dwelling.
Maximum Height 35 ft. or two and one-half stories, whichever is less
Generalized Classification SFR
Generalized Class Description Single Family - lot sizes of 6500 to 8500 sq. ft.

Environmental Findings

Flood Plain (FEMA 100yr.) Outside
Watershed Basin Willamette
Watershed Subbasin Abernethy Creek

Service Providers

Fire Protection Canby Fire Dist #62
Parks Blue Heron Recreation Dist. #1
School District CANBY No. 86
Sewer City of Canby
Water City of Canby

Tax Assessment Details

Tax Lot Number 31E32AA00901
Mult. Co. Account No. 780505
Tax Lot Size 0.62 acres
Site Address 655 NW TERRITORIAL RD
CANBY
Land Use SFR
Building Area 1496
Year Built 1974

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PROJECT DESCRIPTION

Existing Conditions

The site is located at 655 NW Territorial Road, west of North Holly Street and east of North Birch Street. The site has street frontage on NW Territorial Road and there are no other points of access.

The site is zoned R-1, as are adjacent properties within the City limits. Single-family residences on a variety of lot sizes occupy properties surrounding the site. A single-family residence occupies the site at the north end, with access via NW Territorial Road. This residence is proposed to remain. There are no discernable hazards, the site is not within the 100-year flood plain and the slope is less than 20%.

Existing vegetation on the property consists of a mixture of lawn and landscaping, typical of an established single family residence. Numerous mature trees are located on the site, as shown on the attached plans.

Proposal

The applicant proposes a 3-lot minor land partition as shown on the preliminary plat with lots suitable for detached single-family residences. All lots will take access from a new easement along the flag portion of the property, connecting to Tax lot 900 to the south.

Public Facilities and Services

Sanitary Sewer: City of Canby provides sewer to the area an existing Sanitary line in NW Territorial Road. This line will serve the newly created lots.

Water Service: City of Canby provides water to the area an existing water line in NW Territorial Road. This line will serve the newly created lots.

Storm Sewer: Storm water will be managed on site through on site infiltration systems for residential downspouts and a pipe to convey water to a point for release in a controlled manner. Storm water generated along the proposed access will be carried towards the swale located adjacent to NW Territorial Road. The design of this system will be reviewed and approved through the building permit process.

Streets: This applicant proposes no new streets. One access serving the 3 lots is proposed. This access will contain a public access easement.

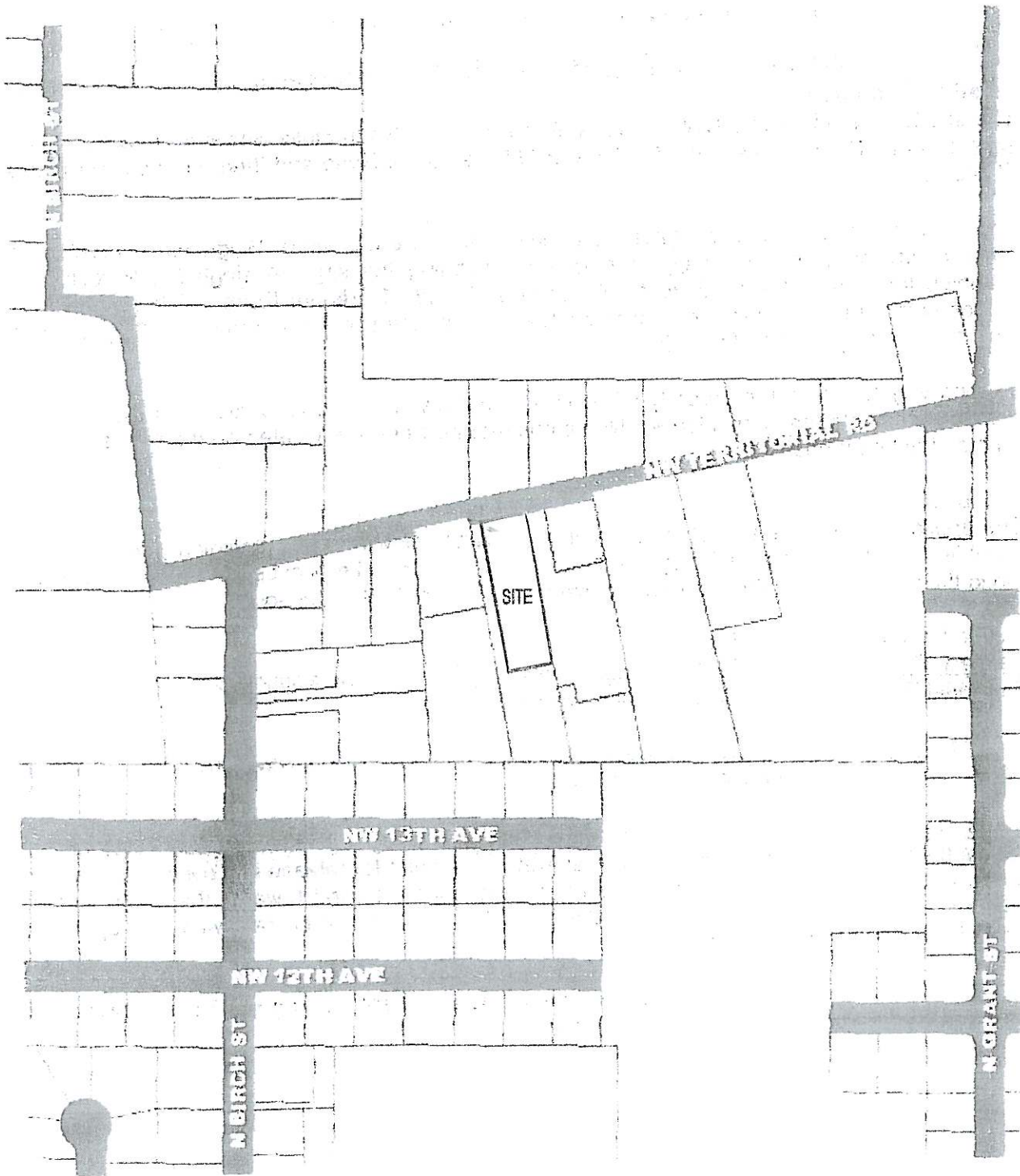


Figure 1: Vicinity Map



Figure 2: Aerial Photo

FINDINGS

16.60.030 Minor partitions.

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

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

COMPREHENSIVE PLAN GOALS AND POLICIES

1. 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.

Applicant's 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.

Proper use of land within an urban growth boundary reduces the need for expanding the boundary, and impacting farmland. Land partitions, where appropriate, further this goal.

The subject site is adjacent to a Collector street, which will provide direct and convenient access to destinations within Canby and throughout the region. Urban services including water, storm and sanitary sewer are available to the site, making it suitable for urban development.

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

2. 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.

Applicant's Response

The City's Comprehensive Plan designation for the site and vicinity calls for low-density residential development. The proposal will provide housing opportunities similar to adjacent properties and so will remain compatible within the context of the existing residential areas. Properties that are currently not developed will likely also to be subdivided to create similar

neighborhoods as allowed (and required) by applicable codes. The proposed partition will increase the intensity of development on site, thereby minimizing urban sprawl.

Public facilities are available to the site. Sanitary sewer is provided by the City and is available from NW Territorial Road, with sufficient capacity for this development. Public water is provided by the City and also available from NW Territorial Road. Storm water is not provided as a public facility, but will be managed through on site collection, treatment, and detention, with on-site infiltration.

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

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.

3. Environmental Concerns Element

Goal: To protect lives and property from natural hazards.

Policy No. 8-R: Canby shall seek to preserve and maintain open space where appropriate and where compatible with other land uses.

Policy No. 9-R: Canby shall attempt to minimize the adverse impacts of new developments on fish and wildlife habitats.

Policy No. 1-H: Canby shall restrict urbanization in areas of identified steep slopes

Applicant's Response

There are no environmental concerns associated with the site.

4. 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.

Applicant's Response

The site has been designated as appropriate for development at densities allowed in the R-1 Zone and the proposal is consistent with that designation.

The site is well located for low-density infill development, with access to major streets to facilitate access to other parts of the community and the region.

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

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

LAND USE AND DEVELOPMENT ORDINANCE

15.16.010 Uses permitted outright.

Uses permitted outright in the R-1 zone shall be as follows:

A. Single-family dwelling: one single-family dwelling per lot;

Applicant's Response

The applicant proposes single-family residential dwellings, consistent with this criterion.

16.16.030 Development standards.

The following subsections indicate the required development standards of the R-I zone:

A. Minimum and maximum lot area: seven thousand square feet minimum, and ten thousand square feet maximum, per single-family dwelling. The maximum lot area standard does not apply to single family dwellings existing at the time of subdivision or partition plan approval; and the Planning Commission may approve smaller or larger lots in conformance with subsection B, below. Preexisting, legally created lots of record shall be considered to be legally buildable and separately saleable, provided they contain at least five thousand square feet; and further provided, that any structures on such lots meet the required setbacks from the lot lines which will result when these lots of record are separated. Lot width requirements may be reduced to a minimum of fifty feet, and side yard setbacks reduced to a minimum of five feet for such lots.

Applicant's Response

As illustrated on the preliminary plans, three lots are proposed. Lot 1 with the existing single-family residence to remain contains 12,960 square feet; Lot 2 contains 7,020 square feet; and Lot 3, contains 7,020 square feet. All lots meet the minimum 7,000 square foot requirement. Lot 1 exceeds the 10,000 square foot maximum requirement, however, the standard does not apply to single-family dwellings existing at the time of partition, which is the case here. There are no preexisting, legally created lots of record involved with this application.

B. Lot area exceptions:

1. The Planning Commission may approve an exception to the minimum and maximum lot area standards in subsection 16.16.030.A as part of a subdivision or partition application when all of the following standards are met...

Applicant's Response

The applicant is not requesting any lot area exceptions making this criterion not applicable to the partition request.

C. Minimum width and frontage: sixty feet, except that the Planning Commission may approve lots having less frontage subject to special conditions to assure adequate access.

Applicant's Response

As illustrated on the preliminary plans, the minimum lot widths meet the sixty-foot requirement. Lot 1 contains 90-feet of frontage; Lots 2 and 3 contain 25 feet of frontage. Special conditions exist that requires the flag lot layout. Pre-application notes from Lancaster Engineering state that NW Territorial Road is classified as a Collector. Although a Collector, it is still a heavily-traveled facility in this section. For this reason, Lancaster Engineering has recommended that access be limited along NW Territorial Road as much as possible and that access should be shared between the subject property and the neighboring lot to the west. These factors dictated the placement of the proposed access.

D. *Minimum yard requirements:*

1. *Street yard: twenty feet on side with driveway; fifteen feet for all other street sides; except that street yards may be reduced to ten feet for covered porches only*
2. *Rear yard: all corner lots, ten feet single story or fifteen feet two-story; all other lots, fifteen feet single story or twenty feet two-story;*
3. *Interior yard: Seven feet, except as otherwise provided for zero-lot line housing. Interior yards may be reduced to three feet for detached accessory structures erected sixty feet or more from any street other than an alley. Detached accessory dwellings are not eligible for the three foot reduction.*

Applicant's Response

The existing house meets the minimum yard requirements as illustrated on the preliminary plan. Specific building plans have not been selected at this time. However, as shown on the plans, there is adequate room to accommodate a single-family dwelling that can meet the minimum yard requirements. Conformance with yard requirements will be demonstrated at the time of building permit review.

E. *Maximum building height:*

1. *Principal building: thirty-five feet.*
2. *Accessory building: twenty-two feet or one story, whichever is less. For detached accessory dwellings, the Planning Commission may approve buildings over one story and heights over twenty-two feet through the Conditional Use process, but in no case shall the accessory dwelling be higher than the principal building. The Planning Commission may only approve the use of buildings over twenty-two feet or one story in the case of existing structures where no substantial changes to existing roof lines are proposed.*

Applicant's Response

Specific building plans have not been selected at this time. Conformance with yard requirements will be demonstrated at the time of building permit review.

F. *Maximum lot coverage:*

1. *Principal building: no limit.*
2. *Accessory building: no more than the area covered by the main building, unless lot area exceeds twelve thousand square feet in which case no limit is specified.*

Applicant's Response

Specific building plans have not been selected at this time. Conformance with yard requirements will be demonstrated at the time of building permit review.

G. *Other regulations:*

1. *Vision clearance distance shall be ten feet from a street to an alley or a street to a driveway, and thirty feet from a street to any other street.*
2. *All setbacks to be measured from the foundation line of the building; overhangs shall not exceed two feet; mechanical units, used for the heating/cooling of residential units are exempt from interior and/or rear yard setback requirements*
3. *Required yards on southern and western exposures may be reduced by not more than five feet for eaves or canopies to provide shade.*

Applicant's Response

As illustrated on the preliminary plans, vision clearance meets the requirements of this section.

Chapter 16.46 Access Limitations on Project Density

16.46.010 Number of units in residential development.

A major factor in determining the appropriate density of residential development, particularly in higher density areas, is vehicular access. In order to assure that sufficient access is provided for emergency response as well as the convenience of residents, the following special limitations shall be placed on the allowable number of units in a residential development:

A. Single-family residential access, public and private roads:

1. Roads shall be a minimum of 28 feet in width with parking restricted to one side only, or a minimum of 36 feet in width with no parking restriction.

Applicant's Response

The development proposes to create single-family residences on individual lots; therefore Sec. 16.46.010A is the applicable standard. This application proposes a 25' access easement for proposed lots 2 and 3.

16.46.030 Access connection.

A. Spacing of accesses on City streets. The number and spacing of accesses on City streets shall be as specified in Table 16.46.030. Proposed developments or land use actions that do not comply with these standards will be required to obtain conditional access approval from the City of Canby. This conditional approval applies to properties that have no reasonable access or cannot obtain reasonable alternative access to the public street system. (Ord. 1043 section 3, 2000; Ord. 1076, 2001)

Applicant's Response

A shared access is proposed for the 3 lots in conformance with the Residential Use requirements for a Collector street. Pre-application notes from Lancaster Engineering state that NW Territorial Road is classified as a Collector. Although a Collector, it is still a heavily-traveled facility in this section. For this reason, Lancaster Engineering has recommended that access be limited along NW Territorial Road as much as possible and that access should be shared between the subject property and the neighboring lot to the west. These factors dictated the placement and use of a joint access.

16.46.040 Joint and cross access.

Any developments requiring site plan review that do not meet access spacing requirements are subject to these requirements. In these cases, the following information shall be shown on the site plan.

A. Adjacent commercial or office properties classified as major traffic generators (e.g. shopping plazas, office parks), shall provide a cross access drive and pedestrian access to allow circulation between sites.

Applicant's Response

There are no adjacent commercial or office properties, making this section not applicable.

B. A system of joint use driveways and cross access easements shall be established wherever feasible and shall incorporate the following:

1. A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards;

2. A design speed of 10 mph and a minimum width of 20 feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles;

3. Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive;

4. A unified access and circulation system plan for coordinated or shared parking areas is encouraged.

C. Shared parking areas may be permitted a reduction in required parking spaces if peak demands do not occur at the same time periods.

D. Pursuant to this section, property owners shall:

1. Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;

2. Record an easement with the deed that remaining access rights along the roadway will be dedicated to the city and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;

3. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.

Applicant's Response

This section does not appear to apply to single-family residential development.

E. The City may reduce required separation distance of access points where they prove impractical, provided all of the following requirements are met:

1. Joint access driveways and cross access easements are provided in accordance with this section.

2. The site plan incorporates a unified access and circulation system in accordance with this section.

3. The property owner enters into a written agreement with the city, recorded with the deed, that pre-existing connections on the site will be closed and eliminated after construction of each side of the joint use driveway.

Applicant's Response

A shared access is proposed for all three lots. Cross access easements will be provided.

F. The Planning Department may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make a development of a unified or shared access and circulation system impractical. (Ord. 1043 section 3, 2000)

Applicant's Response

A shared access is proposed, making this section not applicable.

16.46.060 Amount of access points.

In the interest of promoting unified access and circulation systems, the number of access points permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations shall be met. This shall also apply to phased development plans. The owner and all lessees within the affected area are responsible for compliance with the requirements of this ordinance and both shall be cited for any violation.

Applicant's Response

The applicant proposes one access point for all three parcels, consistent with this requirement.

16.46.070 Exception standards for City facilities.

A. An exception may be allowed from the access spacing standards on City facilities if the applicant can provide proof of unique or special conditions that make strict application of the provisions impractical. Applicants shall include proof that:

- 1. Indirect or restricted access cannot be obtained;*
- 2. No engineering or construction solutions can be reasonably applied to mitigate the condition; and*
- 3. No alternative access is available from a street with a lower functional classification than the primary roadway.*

Applicant's Response

Unique conditions apply to the site that prohibits the required spacing standards from being met.

Driveway Location

The driveway to be used as a joint access easement for all three lots has been at its present location since construction of the existing house that is proposed to remain. It also serves tax lot 900 to the south. Therefore it is a pre-existing condition.

Existing House

The existing house proposed to remain was constructed in 1974. There is no room along the eastern property line to locate the proposed access. Furthermore, the driveway on tax lot 809 is located close to the property line of the subject property. As a result, there are no practicable alternatives to move the access to the east.

Access to tax lot 900 to the South

The proposed access serves tax lot 900 to the south. Serving as a joint access between the subject property and tax lot 900 further supports the goal of limiting access along NW Territorial Road.

As shown, there are no other access points or engineering solutions to mitigate the spacing standards. Providing a joint access is the best solution available to the applicant.

- B. The granting of the exception shall be in harmony with the purpose and intent of these regulations and shall not be considered until every feasible option for meeting access standards is explored.*

Applicant's Response

The intent of access management is to enhance the overall efficiency and safety of a street system by limiting the number and location of curb cuts. Too many access points are a major contributor to the functional deterioration of roadways, as well as to traffic accidents. The granting of the exception meets the intent of roadway efficiency and safety. Options for meeting the standards have been explored as outlined above.

- C. No exception shall be granted where such hardship is self-created.*

Applicant's Response

As outlined above, the hardship is not self-created. The existing location of the access is a pre-existing condition with no suitable alternatives.

Chapter 16.49 Site & Design Review

Applicant's Response

Per section 16.49.030 site design and review are not required for single-family dwellings and therefore the provisions of this section do not apply.

Chapter 16.95 Solar Access Standards for New Development

Applicant's Response

This application complies with option A.

- 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.*

Applicant's Response

The purpose of a zoning and land development code is to provide standards for orderly development, maintain and protect value of property, ensure provision for adequate open space and for fire, life and safety, protect use and enjoyment of neighboring properties and ensure compatibility between land uses. Consistency with zoning and land development regulations therefore demonstrates a development does not hinder the use or development of adjacent properties. As illustrated on the attached plan set and as described throughout this narrative, the proposed layout of parcels meets all zoning and land development requirements. Access facilities, as described above, meet the intent of roadway efficiency and safety. As demonstrated, the proposed development does not hinder 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.*

Applicant's Response

The proposed lot will take access via a private easement. This application is not proposing any private roads; therefore this provision is not applicable.

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.

Applicant's Response

Public facilities and services are available to meet the needs of the proposed land division as follows:

Sanitary Sewer: City of Canby provides sewer to the area an existing Sanitary line in NW Territorial Road. This line will serve the newly created lots.

Water Service: City of Canby provides water to the area an existing water line in NW Territorial Road. This line will serve the newly created lots.

Storm Sewer: Storm water will be managed on site through on site infiltration systems for residential downspouts and a pipe to convey water to a point for release in a controlled manner. Strom water generated along the proposed access will be carried towards the swale located adjacent to NW Territorial Road. The design of this system will be reviewed and approved through the building permit process.

Streets: This applicant proposes no new streets. One access serving the 3 lots is proposed. This access will contain a public access easement.

C O N C L U S I O N

The foregoing narrative and accompanying plans and documents, together demonstrate that the subdivision is in conformance with applicable criteria and standards of the City's Code. Therefore, the applicant requests that the Planning Commission approve the proposal.

1470 NE Territorial • PO Box 930 • Canby, OR 97013
Ph: 503-266-4021 • Fax: 503-266-7238

**CITY OF CANBY
SHOP FACILITY**

Fax

To: Kenneth Sandblast, Planning Resources From: Ronda Rozzell

Fax: 503-684-1028 Pages: 6

Phone: 503-684-1020 Date: 12/15/2006

Re: 655 NW Territorial Road

Urgent For Review Please Comment Please Reply Please Recycle

• **Comments:**

Please ensure Mr. Tony Poole receives a copy of these minutes.

Thank you, Ronda

38



Pre-Application Meeting

655 NW Territorial Road

December 5, 2006

10:30 am

Attended by:

Philip (Tony) Poole, owner, 503-572-0526
 Dan Jung, Planning Resources, 503-684-1020
 Dan Mickelsen, Public Works, 503-266-4021
 Carla Ahl, Planning Department, 503-266-7001

Gary Stockwell, CU Electric Dept, 503-263-4307
 Todd Gary, Deputy Fire Marshall, 503-266-5851
 Kevin Cook, Planning Department, 503-266-7001

This document is for preliminary use only and is not a contractual document.

PLANNING RESOURCES, Dan Jung

- We are proposing a three lot partition. There is an existing home on the site and we plan on placing two flag lots behind the existing house. The utilities would either do one of two things, there is an existing easement directly west to the property, abutting the site and the subject site can use that easement for access. We can either create two flag lots on this property alone and access these utilities up the easement or potentially use the easement next door to the west. I don't know the requirements for flag lots if you can do zero frontage and just have easements?

OWNER, Tony Poole

- A question was asked if any of Tony's neighbors were interested in developing their property at the same time and Tony said yes. The neighbors directly behind him are putting on an addition to their house and also subdivide their site to place adjacent lots on the property.

CITY OF CANBY, PLANNING DEPARTMENT, Kevin Cook

- Basically we have access standards under our code which requires a 20' access width when there are 3 to 19 homes. It will require curbs and sidewalk on one side is the minimum. This is a hard surface pavement or asphalt of 20' road access.
- This is part of Territorial Road is a Clackamas County road and they have the jurisdiction over the road.
- Prior to permitting you will be required to come back here and have a pre-construction meeting with a set of civil plans.
- You are also required to have the finalized set of civil plans signed by all the utility providers before construction begins. All the utility providers will need a copy of those signed plans.

CITY OF CANBY, PUBLIC WORKS DEPARTMENT, Dan Mickelsen

- You will have to do full frontage improvements on your property.
- Since you will be doing full frontage improvements to your property it would be beneficial to you to have an 8" sewer line in your access road in case one of your neighbors behind you decide to develop their land and will tear up all the improvements you just put in to bring utilities to their property. I would hate to see them dig up the road and the frontage improvement you just paid for.
- The sewer main will have to be extended to the end of your property line (west side).

- Our standards we have in place are, once the road is put in (frontage improvements) there is one-year maintenance and then after that it's two years before you can cut it. They can do it now or they can wait for three years. The road standards are 12 and 4, which means 12" of rock and 4" of asphalt.
- When ground work begins you will need to submit an erosion control sediment application for the site itself and then each house will have its own erosion control permit that the builder will submit.
- Your storm system plan will need to be approved by DEQ. I want to let you know also that you cannot run anything into a dry well if you are within 500' of a drinking well. You will have to discuss this with DEQ on what type of system, like swales, chambered system. You might be able to use a drywell as an overflow, but you will need to talk to DEQ.

CANBY FIRE DEPARTMENT, DEPUTY FIRE MARSHALL, Todd Gary

- You are more than 150' from the road and we will require a fire department turn around. Todd handed out the code with the rules and regulations, which I high lighted a few examples like what the access road has to be, the 20' access with a clearance of 13'6" high. So remember when you are doing your landscaping plan that canopy of your trees after 10 years of no one trimming the up the limbs and they are under the 13'6" height you will be in violation of the code. I watch that when I check landscape plans.
- The turning radius is another important issue for us; inside turning radius 28' and the outside radius of 48' were we come off the road. We need to have a nice sweep off the road; you can't place anything there that we can not get around, like a power pole.
- All hydrants need to be in before any type of combustible construction begins. We have to have a hydrant within 600' of that back structure and I didn't measure when I was out there, but I think we are pretty close. I know we are discussing the land owner behind you and you are taking the brunt, but do we do it now or tear it up later when he decides to develop. I am going to require a hydrant at the entry.

CANBY UTILITY, ELECTRIC DEPARTMENT, Gary Stockwell

- You will need to extend the power from the Northwoods property line to your westerly property line and also up the access road.
- Standard development fees for power are \$950 per lot.
- You supply trenching, grading, stacking and backfill.
- When your plan is finalized I will get a power plan developed and we can go from there.

CITY OF CANBY, PLANNING DEPARTMENT, Carla Ahl

- There are a couple of ways for you to get reimbursement for bringing utilities to all points of your property. 1) is a private contract with your neighbors and when your neighbor decides to develop he will pay you the extra money it took to get the utilities to their site. 2) Advanced Finance District and that is where you take what was spent on general improvements and you divide it amongst how many neighbors will develop at a later date. It goes by square footage of their property. There is a limitation on this of 19 years.
- Flag lot set backs are 20' front setback with 7' sides and 15' back yards.
- If you do 2-story homes the infill standard apply, which means if there are two single story homes with 25 feet of the property then they are restricted by infill standards. Since the homes around your property are more than 25 feet from the property line, 2-story homes

require a 20' backyard set back and you can pick the side you want them to be and the other sides can be 3' setback. Basically we would like single story homes because your neighborhood now is mostly single story homes and we like keeping the neighborhoods looking the same way. You will be developing the trend around this area. Two story home could be placed there, but keep in mind that when you go up a foot you will come in a foot, you would need 10' for the second story so you would have a 17' set back.

- You will also need a maintenance agreement with all the homeowners on keeping the swale a swale and not be neglected.
- The existing house will need to have the required setback.
- You need to have a neighborhood meeting on what you are planning. You need to give us address labels of your neighbors within a 500' of your property, which you can get from the title company, and we will make up a notice and mail out the information about your development. You just need to keep a record of the meeting.

Meeting Attendance

For: Pre-Application Meeting 655 NW Territorial Road		Date: 12-5-06 10:30 am	
	NAME	REPRESENTING	PHONE
1	Philip (Tony) Poole	self/owner	503-572-0526
2	Gary Stockwell	Canby Utility Elect.	503 263 4307
3	Dan Jung	Planning Resources	503 684 1020
4	Todd Gary	Canby Fire Dist.	503 266-5851
5	DAN MICKELSEN	CITY OF CANBY	266-4021
6	Kevin Cook	City of Canby Planning	266-7001
7	Carla Ahl	City of Canby Planning	266-7001
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42

Liz Eddleman

From: Carla Ahl [AhlC@ci.canby.or.us]
Sent: Tuesday, January 02, 2007 4:10 PM
To: Liz Eddleman
Subject: Re: 655 NW Territorial Road

Follow Up Flag: Follow up
Flag Status: Completed

Hi Liz,
According to the code, it is not necessary to have a neighborhood meeting, I could advise that you do conduct one if you have any concerns that neighbor would have issues with the application. The notification radius for the mailing labels would be 200'. Hope this helps Carla

>>> "Liz Eddleman" <lize@prilanduse.com> 1/2/2007 10:16 AM >>>
Hi Carla,

We spoke on the phone this morning, regarding the above referenced 2-lot partition. As requested below is a list of questions regarding the neighborhood meeting requirements:

1. Code section 16.89.020 states that we do not need a neighborhood meeting - but the pre-app notes state we do - which is correct?
2. The Pre-app notes stated that we needed labels for 500' but the code section 16.89.020 states 200' - which is correct?
3. What CPO area is this address within? It looks like there are 2 active, the Northeast and the Riverside; however, it is unclear where their boundaries are located, because there is no map to reference.
4. Code section 16.89.070.C.2 states that we must notify "all those who would receive notice of the application's public hearing before the Planning Commission" - who are those persons?
5. Code section 16.89.070.C.1 states that we must notify the chair and active members of the Neighborhood association - Do we need to get return receipts or certified letters for these?
6. Also, the website for the neighborhood association only shows e-mails - is email okay to contact the neighborhood association members?
7. Is there anyone else besides residents and the neighborhood association members that we need to notify of the neighborhood meeting?
8. Code section 16.89.070.C.2.D states that the "meeting must be held a fully accessible location approved by the city" - can you please direct me to a couple of locations approved by the city?
9. Does the site need to be posted prior to the neighborhood meeting? If so - how far in advance should it be posted, and what are the requirements?

Thank you for your help!
Sincerely,

Liz Eddleman, Associate Planner
Planning Resources, Inc.
7160 SW Fir Loop, Suite 201
Portland, Oregon 97223
503-684-1020



First American Title Insurance Company of Oregon

An assumed business name of TITLE INSURANCE COMPANY OF OREGON

222 SW Columbia St, Suite 400 * Portland, OR 97201-5515

Phone: (503) 219-8746 * Fax: (503) 790-7872

*Phillip Apoole
PO Box 496
Canby, OR 97013*

Our Order No: 368150

NOTE

*We appreciate this opportunity to be of service to you. If
you have any questions regarding this report, please call:*

John Greet

Property Information Division

Phone No: 503.795.7601

Fax No:

jgreet@firstam.com

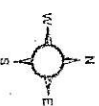
This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds, indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report.

Fax:

44

15

- Subject Lot
- Notification Area
- 200' Radius
- Taxlots



This information is provided as a service. It is not a guarantee.



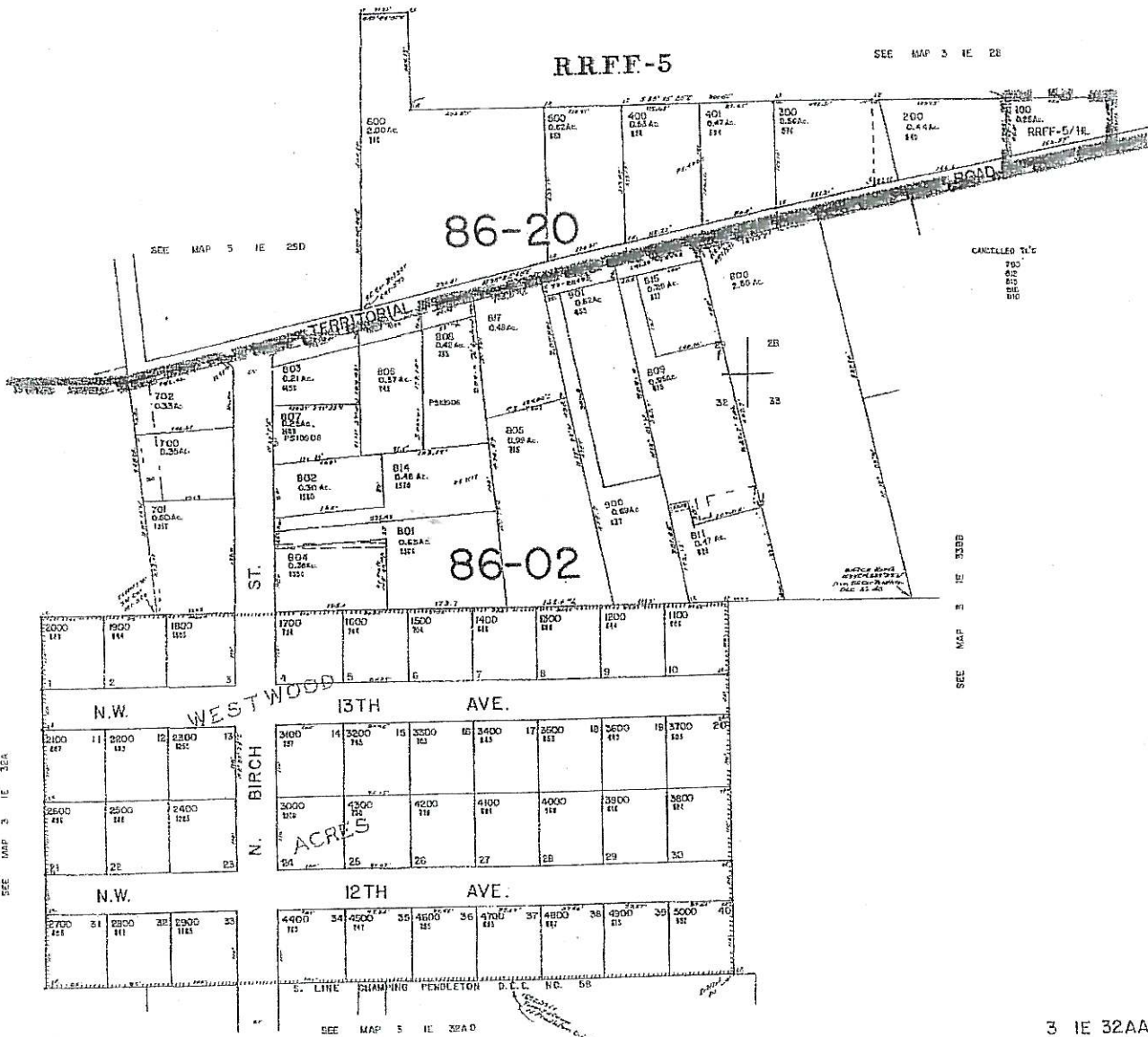
Parcel #	First Name	Last Name	Mail Address	City	State	Zip	Site Address
31E32AA00400	Arthur P & Harriett Anne	Goglin	626 NW Territorial Rd	Canby	OR	97013	626 NW Territorial Rd
31E32AA00401	Phil	Beaumont	594 NW Territorial Rd	Canby	OR	97013-9137	594 NW Territorial Rd
31E32AA00500	Troy L & Julie A	Winklebleck	650 NW Territorial Rd	Canby	OR	97013-9173	650 NW Territorial Rd
31E32AA00600	John H Jr & Sheryl D	Harney	700 NW Territorial Rd	Canby	OR	97013-9174	700 NW Territorial Rd
31E32AA00800	Curt	McLeod	6655 SW Hampton St #210	Portland	OR	97223-8358	*no Site Address
31E32AA00801	Samuel I	Jones	1360 N Birch St	Canby	OR	97013-2642	1360 N Birch St
31E32AA00805	Richard Alan & Suzanne Marie	Peterson	715 NW Territorial Rd	Canby	OR	97013-9174	715 NW Territorial Rd
31E32AA00808	Nick C & Pamela A	Napier	735 NW Territorial Rd	Canby	OR	97013-9174	735 NW Territorial Rd
31E32AA00809	Sandra P	Ray	615 NW Territorial Rd	Canby	OR	97013-9173	615 NW Territorial Rd
31E32AA00811	Arnold	Schwartz	8414 SW Barbur Blvd #104	Portland	OR	97219-4018	623 NW Territorial Rd
31E32AA00814	Robert A Jr	Deck	1370 N Birch St	Canby	OR	97013-2642	1370 N Birch St
31E32AA00815	Craig Alan & Sharon Lee	Hoffman	611 NW Territorial Rd	Canby	OR	97013-9173	611 NW Territorial Rd
31E32AA00817	Richard Alan & Suzanne Marie	Peterson	715 NW Territorial Rd	Canby	OR	97013-9174	715 NW Territorial Rd
31E32AA00900	Jeffery B & Tonya M	Vian	637 NW Territorial Rd	Canby	OR	97013-9173	637 NW Territorial Rd
31E32AA00901	Philip A Jr	Poole	PO Box 496	Canby	OR	97013-0496	655 NW Territorial Rd
31E32AA01100	R Lee & Marina L	Anderson	606 NW 13th Ave	Canby	OR	97013-2723	606 NW 13th Ave
31E32AA01200	Carl B	Mead	PO Box 1107	Canby	OR	97013-1107	644 NW 13th Ave
31E32AA01300	Harold W & Erfin M	Teacutter	664 NW 13th Ave	Canby	OR	97013-2723	664 NW 13th Ave

NE 1/4 NE 1/4 SEC. 32 T3S. R1E. W.M.
CLACKAMAS COUNTY
1" = 100'

O.L.C.
CHAMPING PENDLETON NO. 68

3 1E 32AA
CANBY

This map was prepared for
assessment purposes only



3 1E 32AA
CANBY
BOOK 28

31E32AA00400
Arthur P & Harriett Anne Goglin
26 NW Territorial Rd
Canby, OR 97013

31E32AA00401
Phil Beaumont
594 NW Territorial Rd
Canby, OR 97013-9137

31E32AA00500
Troy L & Julie A Winklebleck
650 NW Territorial Rd
Canby, OR 97013-9173

31E32AA00600
John H Jr & Sheryl D Harney
700 NW Territorial Rd
Canby, OR 97013-9174

31E32AA00800
Curt McLeod
6655 SW Hampton St #210
Portland, OR 97223-8358

31E32AA00801
Samuel I Jones
1360 N Birch St
Canby, OR 97013-2642

31E32AA00805
Richard Alan & Suzanne Marie Peterson
715 NW Territorial Rd
Canby, OR 97013-9174

31E32AA00808
Nick C & Pamela A Napier
735 NW Territorial Rd
Canby, OR 97013-9174

31E32AA00809
Sandra P Ray
615 NW Territorial Rd
Canby, OR 97013-9173

31E32AA00811
Arnold Schwartz
8414 SW Barbur Blvd #104
Portland, OR 97219-4018

31E32AA00814
Robert A Jr Deck
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Canby, OR 97013-2642

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Canby, OR 97013-2723

31E32AA01200
Carl B Mead
PO Box 1107
Canby, OR 97013-1107

31E32AA01300
Harold W & Erin M Teacutter
664 NW 13th Ave
Canby, OR 97013-2723



48

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Sens de chargement

Consultez la feuille
d'instruction

www.avery.com
1-800-GO-AVERY

31E32AA00811
Current Resident
23 NW Territorial Rd
Canby, OR 97013-9173

31E32AA00901
Current Resident
655 NW Territorial Rd
Canby, OR 97013-9173

31E32AA01200
Current Resident
644 NW 13th Ave
Canby, OR 97013-2723

49

Use Avery® TEMPLATE 5160®
Easy Peel Labels



Feed Paper



see instruction sheet
for Easy Peel Feature



AVERY® 5160®

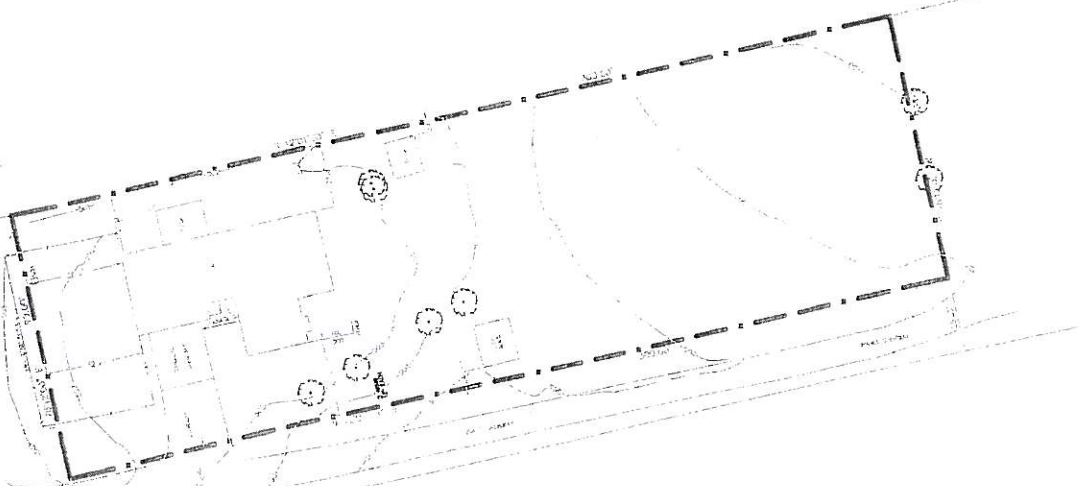
MetroScan / Clackamas (OR)

Parcel	: 00780505	RefParcel	: 31E32AA00901	MktTotal	: \$232,355
Owner	: Poole Philip A Jr			MktLand	: \$98,765
CoOwner	:			MktStruct	: \$133,590
Site	: 655 NW Territorial Rd Canby 97013			%Imprvd	: 57
Mail	: PO Box 496 Canby Or 97013			Exempt	:
Xfered	: 01/08/2002	Doc #	: 002-001896	Type	:
Price	: \$172,000	Deed	: Personal Rep	Levy Code	: 086002
Prior Xfer	:	Prior Doc#	:	M-5Rate	: 16.8765
Prior Price	:			06-07 Tax	: \$2,376.08
Imprvmnt	: 141 Sgl Family,R1-4,1-story			MapGrid	: 746 B5
Use	: 101 Res,Residential Land,Improved			TaxableVal	: \$145,765
Sub/Plat	:	R : 01E	T : 03S	S : 32	Q : NE
Legal	: SECTION 32 TOWNSHIP 3S RANGE 1E			QQ	: NE
	: QUARTER AA TAX LOT 00901			<u>Phone</u>	
	:			Owner	:
	:			Tenant	:
Census	: Tract : 229.02	Block	: 5		
Neighborhood	: City Of Canby 100, 101				
Bedrooms	: 3	BuildingLivingSF	: 1,496	BuildingTotalSF	: 1,496
Bathrooms	: 2.00	1st Floor SF	: 1,496	Lot Acres	: .62
Full Baths	: 2	Upper Fin SF	:	Lot SF	: 27,007
Half Baths	:	Finished SF	: 1,496	Garage SF	: 536
Fireplace	: Single Fireplce	Above Grnd SF	: 1,496	Year Built	: 1974
Heat Type	: Elec Baseboard	Upper Total SF	:	School District	: 086
FloorCover	: Carpet	UnfinUprStrySF	:	Foundation	: Concrete
Stories	: 1	Bsmnt Fin SF	:	Roof Type	: Composition
Intr Matl	: Drywall	Bsmnt Unfin SF	:	Roof Shape	: Gable
Ext Finish	: Avg Plywood	Bsmnt Total SF	:		

50



TERRITORIAL ROAD



SHEET

1/3

655 NW TERRITORIAL ROAD EXISTING CONDITIONS PLAN

TCBY PEOPLE
PO BOX 495
CARBY, OR 97013

APPLICANT:

10000 1/24 WALKER WAY #27
SHERWOOD, OR 97130
503.862.2211

planningResourcesinc.
land use and site planning



DATE	NO.	REVISION
08-20-09	1	ISSUE FOR PERMITTING
10-26-09	2	REVISED PER CITY COMMENTS
01-27-10	3	REVISED PER CITY COMMENTS
04-20-10	4	REVISED PER CITY COMMENTS

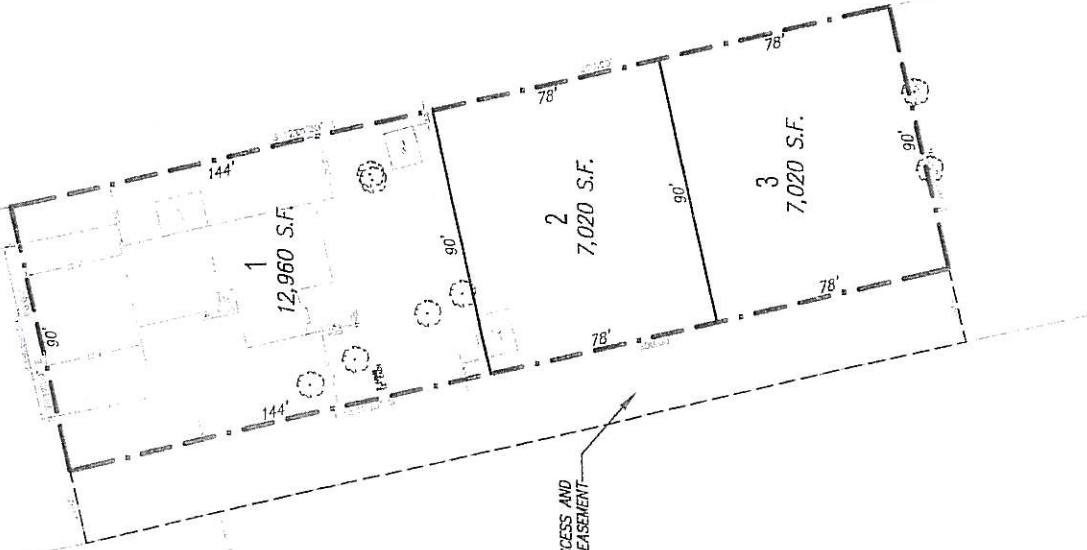
15



655 NW TERRITORIAL ROAD
 31E32AA - 00901
 27,000 S.F.

ZONE: R-1
 MIN LOT AREA: 7,000
 MAX LOT AREA: 10,000
 MIN LOT WIDTH: 60-FT

TERRITORIAL ROAD



655 NW TERRITORIAL ROAD
 PRELIMINARY PLAT

APPLICANT:
 TONY POOLE
 PO BOX 482
 CANBY, OR 97013

planningResourcesinc.
 land use and site planning

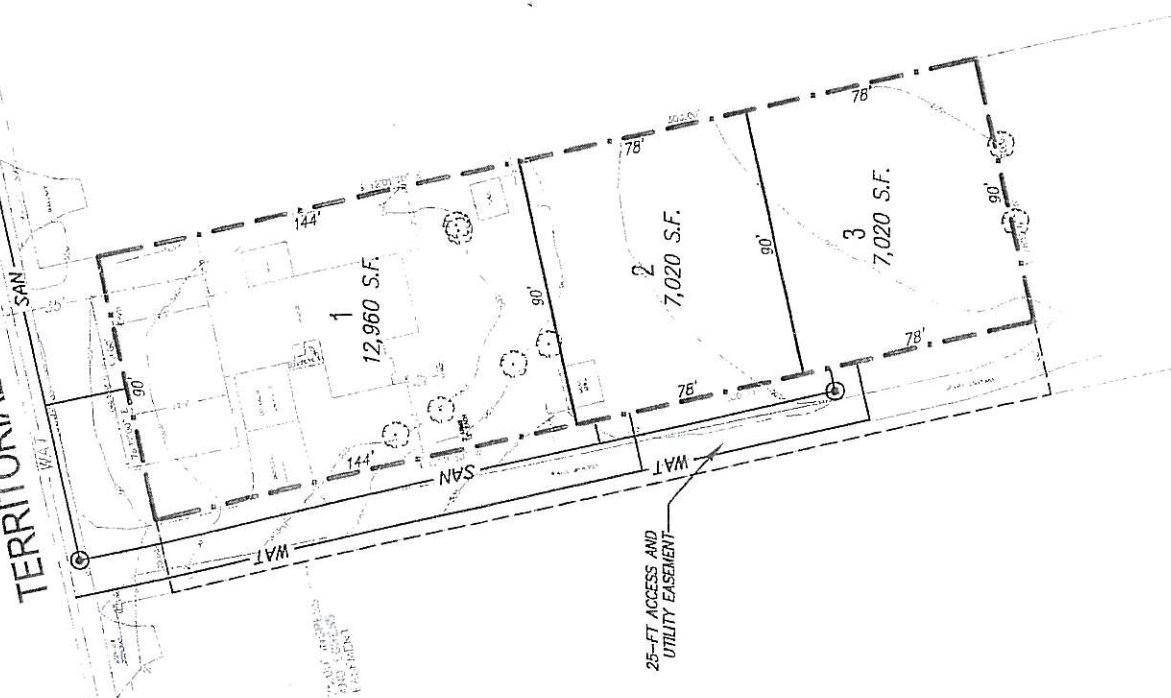
Prepared by: TONY POOLE
 Date: 08/24/07
 08/24/07

FORMED: DU
 DATE: 08/24/07
 DATE: 08/24/07
 DATE: 08/24/07

52



TERRITORIAL ROAD



SHEET 3/3

655 NW TERRITORIAL ROAD
PRELIMINARY IMPROVEMENTS PLAN

APPLICANT:
TONY SCOLE
PO BOX 496
CANBY, OR 97013

DESIGNED BY:
PLANNING RESOURCES INC.
1000 SW 10TH AVE
PORTLAND, OR 97204

planningResourcesinc.
land use and site planning



PROJECT:	DATE:	REV.	REVISION:
DI	07-26-07		
DR	07-26-07		
SC	07-26-07		
TE	07-26-07		
LE	07-26-07		

53

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: March XX, 2007

RECEIVED

MAR 15 2007

SHERAN-MCLEOD

- TO:
- FIRE
 - POLICE
 - PUBLIC WORKS
 - CANBY ELECTRIC
 - CANBY WATER
 - Darvin 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 07-04 (655 NW Territorial Road), an application from Phillip Poole requesting a minor land partition to divide Tax Lot 901 of Map 3 1E 32AA into 3 new tax lots. The property is zoned R1 (Low Density Residential). The property is located at 655 NW Territorial Road.

Please review the enclosed application and return comments to **Carla Ahl** by **Thursday, March 23, 2007**. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

SEE ATTACHED COMMENTS

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: [Handwritten Signature] Date: March 19, 2007

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

EXHIBIT # 3 54

March 19, 2007

MEMORANDUM

TO: Ms. Carla Ahl
FROM: Hassan Ibrahim, PE 
RE: **CITY OF CANBY**
655 NW TERRITORIAL ROAD (MLP 07-04)

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

1. The applicant does not demonstrate how the storm runoff will be dispersed on-site. The applicant should submit to the City a detailed drainage plan and provide drainage analysis to the City for review and approval.
2. All on-site drainage must comply with DEQ requirements. The applicant should submit plans to DEQ to determine if the storm disposal system qualifies as an underground injection control (UIC), Class V. Evidence should be submitted to the City prior to construction.
3. Half street improvements should be constructed along the entire site frontage with NW Territorial Rd to include but not limited to concrete curbs and sidewalks.
4. No direct access should be allowed on NW Territorial Rd except at the proposed location.

From: "Todd Gary" <tgary@canbyfire.org>
To: <ahlc@ci.canby.or.us>
Date: 3/20/2007 10:32:33 AM
Subject: 655 Nw territorial

Good Morning,

These are my comments from the pre application meeting. I did require a fire hydrant at the entrance to the property it is not shown on the latest drawing. There will also be a required fire department turn around for these lots.

CANBY FIRE DEPARTMENT, DEPUTY FIRE MARSHALL, Todd Gary

* You are more than 150' from the road and we will require a fire department turn around. Todd handed out the code with the rules and regulations, which I high lighted a few examples like what the access road has to be, the 20' access with a clearance of 13'6" high. So remember when you are doing your landscaping plan that canopy of your trees after 10 years of no one trimming the up the limbs and they are under the 13'6" height you will be in violation of the code. I watch that when I check landscape plans.

* The turning radius is another important issue for us; inside turning radius 28' and the outside radius of 48' were we come off the road. We need to have a nice sweep off the road; you can't place anything there that we can not get around, like a power pole.

* All hydrants need to be in before any type of combustible construction begins. We have to have a hydrant within 600' of that back structure and I didn't measure when I was out there, but I think we are pretty close. I know we are discussing the land owner behind you and you are taking the brunt, but do we do it now or tear it up later when he decides to develop. I am going to require a hydrant at the entry.

Todd Gary
Deputy Fire Marshal
Canby Fire District
tgary@canbyfire.org
Office: 503-266-5851
Cell: 971-563-7359
Pager: 503-938-1405

Request for Comment

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

F.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: March XX, 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 - WTPP | <input type="checkbox"/> CLACKAMAS COUNTY |
| <input type="checkbox"/> Jeff Crowther - WTPP | <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 07-04 (655 NW Territorial Road), an application from Phillip Poole requesting a minor land partition to divide Tax Lot 901 of Map 3 1E 32AA into 3 new tax lots. The property is zoned R1 (Low Density Residential). The property is located at 655 NW Territorial Road.

Please review the enclosed application and return comments to Carla Ahl by Thursday, March 23, 2007. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

Power for the development will need to be extended from the west boundary of the Northwood subdivision

Easements will be required along the north & west property lines

Service to the existing home will require re-routing

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: *John Foreman* Date: 3-20-07

Title: Line Foreman Agency: Canby Utility Elect.

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

Box 930, Canby, OR 97013

503/266-7001

FAX 266-1574

DATE: March XX, 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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| <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 07-04 (655 NW Territorial Road), an application from Phillip Poole requesting a minor land partition to divide Tax Lot 901 of Map 3 1E 32AA into 3 new tax lots. The property is zoned R1 (Low Density Residential). The property is located at 655 NW Territorial Road.

Please review the enclosed application and return comments to Carla Ahl by Thursday, March 23, 2007. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

All WATER SERVICE CONNECTION PRINTS to be located on
N.W. TERRITORIAL Rd.

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 Poole Date: 3/19/07
Title: Foreman Water Dept. Agency: Canby Utility

City of Canby Pre-Application Meeting Notice

PO Box 930, Canby, OR 97013
City Shops 1470 NE Territorial Road

503-266-4021 ext.: 298
503-266-7238

TO:	Canby Planning, Kevin Cook	503-266-9404	Canby Public Works, Roy Hester	503-266-4021 x 359
	CUB Water Dist., Pat Thurston	503-263-4309	Canby Telephone, Dinh Vu	503-266-8201
	CUB Electric Dept., Gary Stockwell	503-263-4307	NW Natural Gas, Colleen O'Brien	503-585-6611 x8142
	CUB, Operation Superint, Larry Hepler	503-266-1156	Curran-McLeod, Curt McLeod	503-684-3478
	Fire District #62, Todd Cary	503-266-5851	Canby Building Inspector, Bob Godon	503-266-9404
	Cat Sumrain, Lancaster Engineering	503-248-0313	Willamette Broadband, Mike Mance	503-982-1253
	Parks Department, Jeff Snyder	503-266-4021	Planning/Parks, Matilda Deas	503-266-9404
	Clackamas Co., Ken Kent, Roads-Residential	503-353-4673		
cc:	Steve Mayes, Oregonian	503-294-5915		
	Donna Becquet, Canby Utility	503-266-1156		

From: Shop Complex, Ronda Rozzell

Date: November 20, 2006

Subject: Pre-Application Meeting for 655 NW Territorial Road

Attached is a request for a pre-application meeting.

A meeting with the applicant has been scheduled for Tuesday, December 5, 2006 at 10:30 am at the City Shops Conference Room, 1470 NE Territorial Road, Canby.

Please come prepared to discuss any issues that the applicant will need to address when submitting a site and design review application.

If you are unable to attend the meeting, but have comments please submit them in writing or call Ronda at 266-4021 ext. 298. They will be forwarded to the applicant.

Comments: SEE ATTACHED COMMENTS.

THERE ARE NO IDENTIFIED ISSUES WITH THE OPERATION OF TERRITORIAL ROAD


Signature

22 NOV 2006
Date

TRANSPORTATION ANALYST
Title

LANCASTER ENGINEERING
Company

Gmail - Pre-app notes for 655 NW Territorial Rd project

<http://mail.google.com/mail/?ik=06f24e321a&view=pt&th=10f11c...>



Catriona Sumrain <catriona.sumrain@gmail.com>

Pre-app notes for 655 NW Territorial Rd project

Wed, Nov 22, 2006 at 3:01 PM

Catriona Sumrain <cat@lancasterengineering.com>

To: Kevin Cook <cookk@cl.canby.or.us>, cat@lancasterengineering.com

Kevin:

We have reviewed the site plan for the proposed 3-lot partition of 655 NW Territorial Rd. Although Territorial Road is classified a Collector along the frontage, it is still a heavily-traveled facility in this section. For this reason, access should be limited along Territorial Rd as much as possible. If it is possible, we would prefer to have shared access between this lot/partition and the neighboring lot to the west.

Catriona Sumrain
Transportation Analyst
Lancaster Engineering
(503) 248-0313 voice
(503) 248-9251 fax
catriona@lancasterengineering.com

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

[503] 266-7001

FAX 266-1574

P.O. Box 930, Canby, OR 97013

DATE: March XX, 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 checked="" type="checkbox"/> OTHER _____ |



The City has received MLP 07-04 (655 NW Territorial Road), an application from Phillip Poole requesting a minor land partition to divide Tax Lot 901 of Map 3 1E 32AA into 3 new tax lots. The property is zoned R1 (Low Density Residential). The property is located at 655 NW Territorial Road.

Please review the enclosed application and return comments to **Carla Ahl** by **Thursday, March 23, 2007**. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

Please check one box and sign below:

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

Signature:  Date: 03-14-07
 Title: POLICE CHIEF Agency: CANBY P.D.


1-064-026

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

(503) 266-7001

FAX 266-1574

DATE: March XX, 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"/> XXXXXXXXXXXX | <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 review the enclosed application and return comments to Carla Ahl by Thursday, March 23, 2007. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

Has in vicinity. Contact marketing with development plans.

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: 3-23-07

Title: _____ Agency: _____

Colleen M. O'Brien
Engineering Coordinator

NORTHWEST NATURAL GAS CO.
3123 BROADWAY N.E.
SALEM, OREGON 97303

62

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-7801

FAX 266-1574

DATE: March XX, 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 - WTPP | <input type="checkbox"/> CLACKAMAS COUNTY |
| <input type="checkbox"/> Jeff Crowther - WTPP | <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 review the enclosed application and return comments to Carla Ahl by Thursday, March 23, 2007. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

would like notice of start of project.

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: 3-14-07

Title: _____

Construction Coordinator

Agency: _____

WILB

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 936, Canby, OR 97013

(503) 266-7001

FAX 266-1574

DATE: March XX, 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
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 - 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 _____

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Comments or Proposed Conditions:

Please check one box and sign below:

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

Signature:  Date: 3-23-07

Title: ASSOCIATE ENGINEER Agency: CANBY TELCOM

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CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

R-5

P.O. Box 930, Canby, OR 97013

(503) 266-7001

FAX 266-1574

DATE: March XX, 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 _____ |

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Please review the enclosed application and return comments to Carla Ahl by Thursday, March 23, 2007. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

ADDRESSES FOR NEW TAX LOTS.

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: 3/29/07

Title: SUPERVISOR Agency: Post Office

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Campbell M. Gilmour
Director

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
SUNNYBROOK SERVICE CENTER
9101 SE SUNNYBROOK BLVD. CLACKAMAS, OR 97015

MEMORANDUM

TO: Carla Ahl, City of Canby
FROM: Kenneth Kent, Land Use Review Coordinator
DATE: April 13, 2007
RE: MLP-04-07 Poole
3-1E-28DB-TL 402

This office has the following comments pertaining to this proposal:

FACTS AND FINDINGS

1. The proposed land use application for a 3-Parcel partition is located within the City of Canby and subject to city land use regulations. The site fronts on NW Territorial Road, which is under the jurisdiction of Clackamas County. The majority of NW Territorial Road east of Holly Street is under the jurisdiction of the City of Canby. The County has been discussing the possible transfer of jurisdiction of the portion of NW Territorial Road along the project site frontage. The applicant is subject to City of Canby standards and requirements for the on-site development and will require approval of a Street Construction and Encroachment Permit (SC&E) from Clackamas County for access and frontage improvements on NW Territorial Road.
2. The project site has approximately 90 feet of frontage on the south side of NW Territorial Road. NW Territorial Road is classified as a Local Roadway by Clackamas County. Clackamas County has adopted roadway standards that pertain to the structural section, construction characteristics, minimum required right-of-way widths and access standards for local roads. (*Comprehensive Plan* Chapter 5, Tables V-2, V-3, V-4, and V-5, and *Roadway Standards* Chapter 2, sections 210 through 240.11.2) The right-of-way width of NW Territorial Road appears to vary in the vicinity of the project site, generally between 30 to 50 feet. Along the site frontage the right-of-way appears to be 50 feet wide, according to the Clackamas County Assessor's Map. There appears to be adequate right-of-way to support the proposed development.
3. The minimum improvements on the NW Territorial Road frontage consistent with the Clackamas County Roadway Standards include, but are not necessarily limited to, up to a one half-street improvement, with a pavement width of 14 feet from the centerline of the right-of-way, standard curb, or curb and gutter when curbline slope is less than one percent, five (5) foot wide unobstructed sidewalk and concrete driveway approaches. NW Territorial Road is paved to a width of approximately 20 feet along the site frontage. The roadway appears to be improved within the northerly one half of the right-of-way.
4. Clackamas County requires development of sidewalk along the frontage of partitions for

6/8

roadway that are designated on the Essential Pedestrian Network (Map V-8 of the Comprehensive Plan). The County's Essential Pedestrian Network does not include streets within the City of Canby. The County will defer to the City's requirements for sidewalks. The recommended conditions of approval include sidewalk.

- 5. *Clackamas County's Roadway Standards* indicate that minor arterial roadways shall have a 5-foot wide public easement for sign, slope, sidewalk and public utilities on each side of the roadway. Due to recent requirements of PGE, the easement widths have been increased to 8 feet. This easement is currently not provided on NW Territorial Road.
- 6. The proposal must be in conformance with the rules and regulations of the District and Clackamas County Zoning and Development Ordinance Section 1008. Positive drainage must be provided to an existing storm drainage system capable of accommodating the estimated contribution.

CONCLUSION

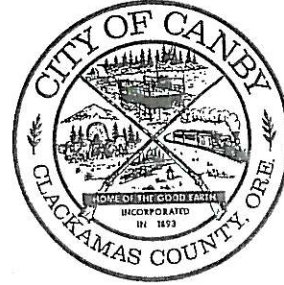
Although the County does not have land use jurisdiction over the proposed subdivision, the County does have jurisdiction over access and improvements along the NW Territorial Road frontages. However, the following recommended conditions reflect the County's minimum recommended standards for the City's consideration. Where the City's standards differ and are more stringent, the County will defer to the City's standards.

If the City of Canby approves the request, the following conditions of approval are recommended. If the applicant is advised to or chooses to modify the proposal in terms of access location and/or design following the preparation of these comments, this office requests an opportunity to review and comment on such changes prior to a decision being made.

- 1. All required street, street frontage and related improvements shall comply with the standards and requirements of the Clackamas County Zoning and Development Ordinance and the Clackamas County Roadway Standards unless otherwise noted herein.
- 2. The applicant shall verify by a professional survey that a 20-foot wide, one-half right-of-way width exists along the entire site frontage on NW Territorial Road or shall dedicate additional right-of-way as necessary to provide the minimum one-half right-of-way width, unless the City requires additional right-of-way consistent with City standards.
- 3. The applicant shall grant an 8-foot wide public easement for sign, slope, sidewalk and public utilities along the entire frontage of NW Territorial Road.
- 4. The applicant shall design and construct improvements along the entire site frontage of NW Territorial Road to local roadway standards, per Clackamas County Roadway Standards Table 2-1. These improvements shall consist of:
 - a. A one half-street improvement with a minimum paved width of 14 feet from the centerline of the right-of-way. The structural section shall consist of 3 inches of Level 3 Hot Mix Asphalt Concrete (HMAC) Performance Grade (PG) 64-22, ¾" dense or ½" dense placed in two lifts, consisting of 1 1/2 inches per lift, over 3 inches of ¾"-0 aggregate leveling course, over 6 inches of 1-1/2"-0 aggregate base course, over geotextile fabric.
 - b. Standard curb, or curb and gutter if curblin slope is less than one percent, with the curb face located 14 feet from the centerline of the right-of-way.

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- c. Drainage facilities in conformance with *Clackamas County Roadway Standards* Chapter 3.
 - d. If required by the City, 5-foot wide unobstructed sidewalk along the entire site frontage. The applicant shall relocate mailboxes, fire hydrants, utility poles, etc, when they are located within the limits of the sidewalk or construct an eyebrow so that the full width of the sidewalk is provided around the obstruction. Mailboxes shall be relocated or replaced in accordance with standards established by the local Post Office. Additional easement, as necessary, shall be granted to provide for any sidewalk eyebrows.
 - e. A concrete driveway approach where access is taken on NW Territorial Road, constructed per Standard Drawing D600. If sidewalks are not required by the City, a paved approach per Standard D500 is required.
5. Positive drainage shall be provided for all lots to an acceptable surface water management system having the capacity to accommodate the anticipated contribution per the Clackamas County Zoning and Development Ordinance Section 1008. Storm water detention facilities cannot be located within public rights-of-way.
 6. Utility Placement Permit shall be required for any utility work required within the right-of-way of NW Territorial Road.
 7. The applicant's surveyor/engineer shall certify that the proposed road construction corresponds to the approved plan.
 8. Construction of improvements along the NW Territorial Road frontage requires a Street Construction and Encroachment Permit. The permit shall be obtained prior to the commencement of any improvement work and recording of the plat. To obtain the permit, the applicant shall submit construction plans prepared and stamped by an Engineer registered in the State of Oregon, or plans acceptable to the Engineering Division, provide a performance guarantee equal to 125% of the estimated cost of the construction, and pay a plan review and inspection fee. The fee will be calculated as a percentage of the construction costs if it exceeds the minimum permit fee. The minimum fee and the percentage will be determined by the current fee structure at the time of the SC&E application.
 9. All required improvements shall be constructed and inspected, or financially guaranteed prior to final plat approval.



Memorandum

To: Canby Planning Commission
From: Kevin C. Cook, Associate Planner
Date: April 10, 2007
Re: First Student Buses

As you are all probably aware, First Student – the transportation provider to the Canby School District – is looking for a new property from which they can base their bus fleet and maintenance operations.

Canby's code does not clearly allow a school bus yard in any zone. However, it's clear that Canby needs a school bus yard – it needs to go somewhere. Staff has been asked by Fred Kahut with Canby Disposal and Recycling whether such a use would be considered an outright permitted use in Canby's Light Industrial and/or Heavy Industrial zoning districts.

Section 16.32.010 lists uses permitted outright in Canby's industrial zones – none of the listed uses specifically identifies school bus yard storage and maintenance yard. However, many similar uses are listed, such as automotive repair shop, contractor's equipment or storage yard, and motor freight terminal.

Section 16.32.010(W) also lists "Other light industrial uses as determined by the Planning Commission." This has been used many times in the past to allow industrial uses not specifically spelled out in the code. For example, this is the section used by the Planning Commission to approve Wade Smith's Canby RV & Boat Storage facility.

Staff believes that a school bus storage and maintenance yard is similar enough to the above mentioned similar uses to be considered an outright permitted use.

If the Commission agrees on April 23, then we will advise interested parties that the use is permitted in the industrial zones with the caveat that any proposal would need to go through the City's normal review process.

We have been told that First Student would like to locate on a site that is at least 4 acres in size. We have indicated that any proposal would require a traffic study and possible off-site upgrades to road infrastructure.

We have also discussed the possibility that the application may initially be for a Parking Lot Paving Permit, followed, at a later date, by a Design Review for the associated building. Feel free to contact myself or John Williams if you have any questions regarding this issue prior to the meeting on April 23rd. Thank you.

Attached:

1. Letter from Roger Reif on behalf of Fred Kahut
2. Chapter 16.32 (Light Industrial Zone)
3. Chapter 16.34 (Heavy Industrial Zone)

REIF, REIF & THALHOFER
ATTORNEYS AT LAW

RAYMOND R. REIF (1924-2006)
R. ROGER REIF
PAUL T. THALHOFER

273 N. GRANT STREET
P. O. BOX 729
CANBY, OREGON 97013

PHONE: (503) 266-3456
FAX: (503) 266-8555
www.canbylaw.com

April 3, 2007

ATTN: Kevin Cook
City of Canby Planning Department
P O Box 930
Canby OR 97013

RE: Canby Disposal

Dear Kevin:

This letter is being written pursuant to my conference with you on April 2, 2007. The property is the triangular piece of property "across the road" from the Baker Prairie School. My client desires to construct a "build to suit" building for lease to First Student (student transportation provider). The question is "Is this an outright permitted use"? If it is not an outright permitted use, would you please submit it to the Planning Commission on April 9, 2007 for a hopeful, favorable interpretation that this is a "similar use" which would be allowed in the industrial district.

Thank you.

Sincerely Yours,



R. Roger Reif

ROG/dw

pc: Fred Kahut
Canby Disposal

Chapter 16.32

M-1 LIGHT INDUSTRIAL ZONE

Sections:

- 16.32.010 Uses permitted outright.
- 16.32.020 Conditional uses.
- 16.32.030 Development standards.

16.32.010 Uses permitted outright.

Uses permitted outright in the M-1 zone shall be as follows:

A. Manufacturing, fabricating, processing, compounding, assembling or packaging of products made from previously prepared materials such as cloth, plastic, paper, metal, wood (but not including sawmills or lumber mills), the operation of which will not result in:

1. The dissemination of dusts, gas, smoke, fumes, odors, atmospheric pollutants or noise which exceed Oregon Department of Environmental Quality standards;
2. Danger by reason of fire, explosion or other physical hazard;
3. Unusual traffic hazards;

B. Automobile body shop, or heavy repair shop;

C. Contractor's equipment or storage yard;

D. Dwelling for watchman or caretaker working on the property;

E. Food processing plant;

F. Fuel distribution, wholesale or retail;

G. Ice or cold storage plant;

H. Laundry or dry-cleaning plant;

I. Lumber yard;

J. Machinery, farm equipment or implement sales, service or rent

K. Motor or rail freight terminal;

- L. Railroad trackage and related facilities;
- M. Restaurant, when related and incidental to primary industrial uses of the area;
- N. Service station, when related and incidental to primary industrial uses of the area;
- O. Stone, marble, or granite cutting;
- P. Tire retreading or recapping;
- Q. Transfer and storage company;
- R. Utility storage or service yard;
- S. Veterinarian's office or animal hospital;
- T. Warehouse;
- U. Wholesale distribution, including warehousing and storage;
- V. Wireless or cellular communications facility/tower;
- W. Other light industrial uses as determined by the Planning Commission;
- X. Business or professional office, when related and incidental to primary industrial uses of the area;
- Y. Public building or uses such as fire station, or park or playground.
- Z. Attached WTS facilities (see 16.08.120).
- AA. Detached WTS facilities (monopole or lattice tower), under 150 feet in height and at least 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).
- BB. Detached WTS facilities (monopole), under 100 feet in height and less than 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).
- CC. Detached WTS facilities (monopole), equal to or over 150 feet in height and at least 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).
- DD. Minor public facility. (Ord. 890 section 31, 1993; Ord. 749 section 1(A), 1984, Ord. 740 section 10.3.31(A), 1984; Ord. 955 section 10 & 11, 1996; Ord. 981 section 30 & 31, 1997; Ord. 1019 section 10, 1999; Ord 1237, 2007)

16.32.020 Conditional uses.

Conditional uses in the M-1 zone shall be as follows:

- A. Commercial recreation uses;
- B. Motels, hotels and similar accommodations;
- C. Other heavy commercial or light industrial uses as determined by the Planning Commission;
- D. Waste and/or recycling transfer operations.
- E. Detached WTS facilities (monopole), equal to or over 100 feet in height and less than 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).
- F. Detached WTS facilities (lattice tower), equal to or over 150 feet in height and at least 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).
- G. Major public facility, except as modified by Section 16.32.010. (Ord. 960, section 2, 12/18/96; Ord. 890, section 32, 1993; Ord. 740 section 10.3.31(B), 1984; Ord. 981 section 32, 1997; Ord 1237, 2007)

16.32.030 Development standards.

The following subsections indicate the required development standards of the M-1 zone:

- A. Minimum lot area: five thousand square feet;
- B. Minimum width and frontage: fifty feet;
- C. Minimum yard requirements:
 - 1. Street yard: twenty feet where abutting Highway 99-E and S. Ivy Street. Gas station canopies shall be exempted from the twenty foot setback requirements. Remaining property none, except ten feet where abutting a residential zone. Sign setbacks along Highway 99-E and S. Ivy Street are to be measured from the face of the curb rather than the lot line. Where no curb exists, the setback shall be measured from the property line. Other than signs which are nonconforming structures and street banners which have been approved per the requirements of the Uniform Sign Code, no signs will be allowed to be located within or to project over a street right-of-way.
 - 2. Interior yard: none, except ten feet where abutting a residential zone;
- D. Maximum building height:
 - 1. Freestanding signs: thirty feet;
 - 2. All other structures: forty-five feet.

E. Maximum lot coverage: no limit;

F. Other regulations:

1. Vision clearance distances shall be fifteen feet from any alley or driveway and thirty feet from any other street or railroad.
2. Outside storage abutting or facing a lot in a residential zone shall be enclosed by a site-blocking fence or berm. The fence or berm shall be so designed as to screen the storage from view from the residential zone and shall be of such material and design as will not detract from adjacent residences.
3. All setbacks to be measured from the foundation line of the building. Overhangs shall not exceed two feet.
4. Prior to issuance of a building permit, wireless/cellular towers require written certification of approval/compliance from the Federal Communications Commission, Federal Aviation Administration and the Oregon Department of Transportation (Department of Aeronautics). (Ord. 890 section 33, 1993; Ord. 830 section 11,12,1989; Ord. 740 section 10.3.31(C), 1984; Ord. 955 section 12, 1996; Ord. 981 section 51, 1997; Ord. 1237, 2007)

Chapter 16.34

M-2 HEAVY INDUSTRIAL ZONE

Sections:

- 16.34.010 Uses permitted outright.**
- 16.34.020 Conditional uses.**
- 16.34.030 Development standards.**

16.34.010 Uses permitted outright.

Uses permitted outright in the M-2 zone shall be as follows:

- A. A use permitted outright in an M-1 zone. (Ord. 740 section 10.3.33(A), 1984)

16.34.020 Conditional uses.

Conditional uses in the M-2 zone shall be as follows:

- A. Aggregate removal operations;

B. All other uses when evaluated on the standards and criteria specified in Chapter 16.50 and the point system set out in Table 16.34.020 for evaluating heavy industrial development proposals.

C. Detached WTS facilities (monopole), equal to or over 100 feet in height and less than 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).

D. Detached WTS facilities (lattice tower), equal to or over 150 feet in height and at least 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120). (Ord. 740 section 10.3.33(B), 1984; Ord. 981 section 33, 1997)

16.34.030 Development standards.

The following subsections indicate the required development standards of the M-2 zone:

- A. Minimum lot area: five thousand square feet;

B. Minimum width and frontage: fifty feet.

C. Minimum yard requirements:

1. Street yard: none, except twenty feet where abutting a residential zone;

2. Interior yard: none, except twenty feet where abutting a residential zone.

D. Maximum building height:

- 1. Freestanding signs: thirty feet;

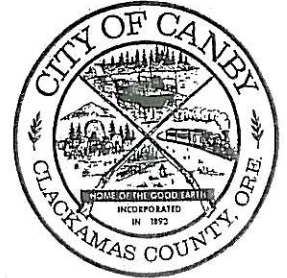
2. All other structures: forty-five feet.
- E. Maximum lot coverage: no limit.
- F. Other regulations:
1. Vision clearance distances shall be fifteen feet from any alley or driveway and thirty feet from any other street or railroad;
 2. Outside storage abutting or facing a lot in a residential zone shall be enclosed by a site-blocking fence or berm. The fence or berm shall be so designed as to screen the storage from view from the residential zone and shall be of such material and design as will not detract from adjacent residences. (Ord. 890 section 34, 1993; Ord. 740 section 10.3.33(C), 1984; Ord 1237, 2007)

Table 16.34.020

Explanation: Each of the following characteristics will be evaluated by the Planning Commission and assigned a certain number of points (positive and negative). A net point total of "0" will be considered to be the prerequisite for approval of an industrial conditional use. In entering its findings of fact for its decision, the commission shall indicate its findings regarding the following:

CRITERIA	POINTS
Traffic impacts, particularly heavy truck traffic and its impact on non-industrial areas and streets	-10 - 0
Noise impacts, especially loud and high-pitched noise and noise expected to occur at night	-10 - 0
Air pollution, including odors as well as measurable pollutants	-10 - 0
Water pollution, including impacts on groundwater and surface water as well as any unusual or hazardous discharges to the city sewage treatment facility	-10 - 0
Water consumption, especially where city water is utilized rather than a private source	-10 - 0
Electrical consumption	-10 - 0
Other adverse impacts, which may include factors not listed above or may be used to add more negative point to any of the items already listed, where extreme adverse impacts are expected	-40 - 0
Tax benefits to the community, particularly for property taxes beyond the costs of providing public services	0 - +20
Total number of persons to be employed	0 - +10
Number of local persons who can expect to be employed, based upon percentages of skilled, semi-skilled and unskilled positions	0 - +10
Reliance on industry on locally produced resources and locally processed materials	0 - +10
Export characteristics and residual benefits to other local industries	0 - +10
Other community benefits, including particularly advantageous design characteristics, etc. May also be used to add more positive points to each of the factors listed above where extremely beneficial impacts are expected	0 - +40

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BEFORE THE PLANNING COMMISSION
OF THE
CITY OF CANBY

AN APPLICATION TO PARTITION) FINDINGS, CONCLUSIONS & FINAL ORDER
ONE 10,348 SQUARE FOOT) MLP 07-02
RESIDENTIAL PARCEL INTO) (Brett Kacalek – 1303 N Maple Street)
THREE PARCELS)

NATURE OF APPLICATION

The applicant is proposing to partition one 16,552.8 square foot lot into two (2) Parcels. The eastern lot would become a 7,826 square foot lot and contain the existing home. The proposed western parcel would become a 7,000 square foot flag lot (8,126 square feet when the area of the flag pole is added). There will be a 6' right-of-way dedication for public sidewalk. 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 Condition # 6). The applicant's plan is to retain the 2 existing birch trees if possible.

HEARINGS

The Planning Commission held a public hearing to consider this application on April 9, 2007.

CRITERIA AND STANDARDS

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

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

necessary to insure safe and efficient access to the parcels; and

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

FINDINGS AND REASONS

The Planning Commission deliberated on all testimony presented at the April 9, 2007 public hearing, including the March 30, 2007 staff report. The Planning Commission hereby accepts and incorporates the findings in the March 30, 2007 staff report.

CONCLUSION

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

1. The partition request, with appropriate conditions, is considered to be in conformance with the Comprehensive Plan;
2. The partition request is in conformance with the applicable requirements of the Municipal Code regarding access to the site and hindrance of developing adjacent parcels;
3. 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;
4. No private streets are proposed; and
5. Necessary public services are available or will become available through the development of the property to adequately meet the needs of the proposed partition.

ORDER

IT IS ORDERED by the Planning Commission of the City of Canby that MLP 07-02 is APPROVED subject to the following conditions:

For the Final Plat:

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;
 - a. *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*
 - b. *Any access road that exceeds 150 feet requires a fire department turn-around.*
 - c. *The Fire Department turn around must be maintained as a no parking area.*
 - d. *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.

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

DATED this 23th day of April, 2007.

James R. Brown, Chairman
Canby Planning Commission

Carla Ahl
Planning Technician

ATTEST:

ORAL DECISION – April 9, 2007

AYES: Ewert, Gamble, Milne, Molamphy, Taylor

NOES: None

ABSTAIN: None

ABSENT: Brown, Holte

WRITTEN DECISION – April 23, 2007

AYES:

NOES:

ABSTAIN:

ABSENT:

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – April 9, 2007
City Council Chambers – 155 NW 2nd Avenue

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

ABSENT: Jim Brown, Bruce Holte

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

OTHERS PRESENT: Brett Kacalek, A. James, Jane Roskott, Art Roskott, Merja Loukka, Brian Olson, Ken Perinchief, Joan Perinchief, Cindy Harker, Marlin Harker, Pete Kelley, Lawrence Gilchrist and Rusty Klem

I. CITIZEN INPUT None

II. PUBLIC HEARINGS

MLP 07-02 1303 Maple Street – A minor land partition to divide Tax Lot 400 of Map 31E33AB into two new tax lots.

Vice Chair Ewert read the public hearing format. When asked if any Commissioner had a conflict of interest, none was expressed. When asked if any Commissioner had ex-parte contact, none was stated. No questions were asked of the Commissioners.

Carla Ahl presented the staff report. 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. The applicant's plan is to retain the two existing birch trees if possible.

Commissioner Taylor asked why the sidewalk was being required when there were not sidewalks on that side of the street.

Ms Ahl responded that it was a condition based on the City's standards and that sidewalks will be put in as funds are available.

Commissioner Taylor asked about the overhang.

Ms Ahl said that it was a condition of approval in order for the applicant to meet the access requirements.

Applicant: Brett Kacalek, 1303 N Maple Street, said that he had spoken with Todd Gary of the Canby Fire District in regard to the overhang. Mr. Kacalek said that Mr. Todd was fine with the overhang and the conditions.

Commissioner Molamphy asked if the heat pump was in the 12 foot right of way.

Mr. Kacalek said that it was not.

Commissioner Molamphy asked about the existing concrete driveway in relation to the rest of the driveway that would have to be completed.

Mr. Kacalek responded that when the new driveway would be put in, the existing would be removed. It is not his intention to develop the new lot at this time.

Proponents: None

Opponents: None

Rebuttal: None

Vice Chair Ewert closed the public hearing.

Commissioner Taylor said he had had a major concern about the overhang, but was satisfied.

Commissioner Milne felt the application was straight forward and felt the requirement for the new structure to be sprinkled met the criteria.

Commissioner Molamphy felt the access was fairly narrow, but that it met the criteria.

Commissioner Gamble inquired what the zoning would be after the partition.

Ms Ahl responded it would remain R1.

Vice Chair Ewert felt the application met the criteria.

It was moved by Commissioner Milne to approve MLP 07-02 as presented. It was seconded by Commissioner Taylor. Motion carried 5-0.

III. OLD BUSINESS

Discussion on the future of the North Fairgrounds Neighborhood - Kevin Cook gave an update on the project. The area is currently zoned R-1 but the Comprehensive Plan designates the area as R-1.5. Last year planning staff had several meetings with the neighborhood to discuss changing the Comprehensive Plan to R-1, which would prevent future up-zoning on properties in the neighborhood. A survey was sent to all property owners in the area asking their preference. 83% of the surveys returned preferred to keep the R-1 zoning and 17% preferred to change to R1.5 zoning.

Mr. Cook explained that if the Comprehensive Plan was changed for the area to be R-1 zoning, the City would have to find another area or areas to increase the zoning to meet the overall density requirements for the City.

Commissioner Milne asked what the creation of a PUD overlay zone would mean.

Mr. Cook said that it would be enacted through an ordinance by the City Council similar to what had happened to the Industrial Overlay Zone.

Commissioner Taylor asked if there were any ideas on finding the other property to up zone.

Mr. Cook indicated it could come from annexed property and that Village on the Lochs might be interested in up-zoning a piece of their property, but this was not enough property to compensate for the down zoning in the Fairgrounds neighborhood.

Vice Chair Ewert asked what the benefit of a PUD would be for the neighborhood.

Mr. Cook said it would allow the R-1.5 density close to the downtown core of Canby as originally intended in the Comprehensive Plan while at the same time creating specific design standards and acreage requirements for development – in this way denser development could proceed in a more orderly, predictable fashion rather than piecemeal.

Commissioner Ewert asked about doing a master plan for the area.

Mr. Williams said that would be a design of the area and provide certainty for the neighborhood.

Rusty Klem of 949 NE Oak Circle said that a PUD would allow a developer to arrange clusters of homes with open space. He felt that the time to do something might be when the Fair Board decided what it was going to do with its property. He was in favor of lower density, but felt a PUD could work.

Marlin Harker of 573 NE 10th Avenue stated he had purchased his property in 1998 and would like to keep it at the R-1 zoning.

Mr. Williams asked how Mr. Harker felt about a PUD zone.

Mr. Harker said he liked the idea of open space.

Brian Olson of 549 NE 10th Avenue said he was in favor of the R1 zone and liked the feel of the neighborhood.

Commissioner Taylor asked where the replacement zoning could be found.

Mr. Olson said he was concerned about the Comprehensive Plan referring to the neighborhood as being close to the downtown area and did not want hodge-podge development.

Ken Perinchief of 583 NE 10th Avenue stated he had bought the property at 563 NE 10th Avenue and it was a one acre parcel. He had petitioned the City to split the property into 3 lots. The neighborhood had 50 years of being single family homes of one level. R-1.5 would allow up to triplexes in the neighborhood.

John Williams said that under a Conditional Use, 4-plex units could be allowed.

Pete Kelley of 840 NE 10th Avenue stated he was representing his client, Village on the Lochs who would prefer to see the Neighborhood down-zoned from R-1 to R-1.5, thus allowing some of the density trade to occur on his client's property.

Mr. Kelley also stated he had concerns about the lots of the fairgrounds. He had spoken to a staff person at the fair office who indicated their plans were to make the lots into additional parking. He also wondered if there was a potential of Measure 37 claims against the City.

Commissioner Taylor asked how large the Village on the Lochs property was that could be re-zoned.

Mr. Kelley said it was 1.5 acres and the City would have to find about 8.5 additional acres.

Mr. Kelley said he and Kevin Cook have met with Stacy Humphrey of DLCD and she was open to such changes.

Commissioner Gamble asked why Village on the Lochs was being discussed.

Mr. Cook said that if the City carried the application for the zone change it would have to find other areas to up zone.

Mr. Williams said the state did not allow taking density away; but would always allow more density.

Commissioner Taylor asked if we needed space for 150 units.

Mr. Cook said yes and the minimum lot size would have to be 5000 square feet.

Commissioner Milne asked why a PUD overlay zone would work.

Mr. Williams indicated there were a lot of different directions it could take and Measure 37 claims would have to demonstrate a loss of value, but he felt the overlay zone would actually increase the value of the property.

Commissioner Molamphy stated the livability of the neighborhood was a priority.

Cindy Harker of 573 NE 10th Avenue voiced concerns about the impact on the streets. She felt the PUD sounded nice if it were for single family homes and wanted to keep the R1 zone. She was concerned about tearing down homes.

Brian Olson of 549 NE 10th Avenue said that the Fair Board properties are a wild card and it was only one week a year that was overwhelming to the neighborhood.

Rusty Klem of 949 NE Oak Circle said that as soon as you put in a PUD overlay zone, the area become a revenue generator for developers and it would change the character of the neighborhood.

Commissioner Milne stated she was not sure why the property had been designated R-1.5 in the Comp. Plan but that it was probably because it was close to the fairgrounds. She felt density was important and mandated by the state, however maintaining the integrity of the

neighborhood was also important. The majority of the property owners wanted R1 zoning. She felt it was inappropriate to piecemeal multi family in the neighborhood.

Pete Kelley of 840 NE 10th Avenue felt that since the majority of the property owners wanted the R1 zone it was appropriate for the City to initiate the zone change.

Marlin Harker of 573 NE 10th Avenue felt that allowing duplex and triplex units would cause more of the area to be paved.

John Williams said that an overlay zone process would look at the type of housing, transportation, setbacks and design issues.

Vice Chair Ewert asked that in looking for an overlay zone, that nothing larger than a duplex be allowed and that open space would be nice if it was maintained.

Commissioner Taylor suggested that the area be zoned R-1.5 but that there be a requirement for such projects are on a block by block basis and not single lots.

Commissioner Milne stated that if there is an overlay zone there should be a mandate for detached single family homes. Commissioner Milne stated that her preference is really for retaining the R-1 zone however.

Commissioner Gamble said he agreed with Commissioner Milne regarding keeping detached homes but he prefers the overlay zone.

Commissioner Molamphy stated that the character of the neighborhood is important.

Vice Chair Ewert indicated that staff should develop a plan that involved the neighborhood. The plan should include open space and maintain the integrity of the neighborhood.

IV. FINDINGS

ZC 07-02 – 1295 NE Territorial Road - Commissioner Milne moved to approve the findings for ZC 07-02 as presented. Motion seconded by Commissioner Taylor and passed 5-0.

MLP 06-16/VAR 07-01- Willamette Valley Country Club - Commissioner Taylor moved to approve the findings for MLP 06-16/VAR 07-01 as modified in include additional conclusions for the variance. Motion seconded by Commissioner Gamble and passed 5-0.

V. MINUTES

March 26, 2007 - Commissioner Milne moved to approve minutes of March 26, 2007 as presented. Motion seconded by Commissioner Taylor and passed 5-0.

VI. DIRECTOR'S REPORT

John Williams reported that on the April 23, 2007 Planning Commission Agenda there would be a minor land partition at 655 NW Territorial Road and a new business item for the Commission to determine is school bus storage was an allowable use in the Light Industrial Zone.

Kevin Cook reported that the Commission would soon see applications for Canby High School addition; Countryside Living addition; KFC/AW project; a 3 lot partition for Kimco, and several other developments that are in the process of making application to the City.

VII. ADJOURNMENT

