

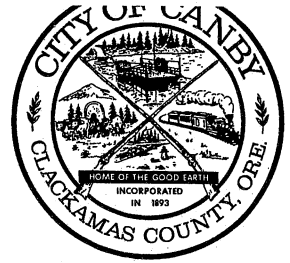
PLANNING COMMISSION AGENDA

May 9, 2005

7:00 PM - Regular Meeting

City Council Chambers

155 NW 2nd Avenue



I. ROLL CALL

II. CITIZEN INPUT ON NON-AGENDA ITEMS

III. PUBLIC HEARINGS

SUB 05-05/MLP 05-02 TOFTE V: The applicant is requesting approval to partition a 5.2 acre parcel (approximate size) located adjacent to the eastern boundary of the Tofte Farm subdivision and south of SE 13th Ave, into two parcels, Creating a 4.06 acre parcel and a 1.12 acre parcel to subdivide into 4 lots ranging in size from 7,235 to 9,391 square feet.

MLP 05-04 Caffall Brothers The applicant has requested to postpone this hearing.

IV. NEW BUSINESS

Industrial Use Interpretation for 555 SW 2nd Avenue

V. FINDINGS

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

Burden II SUB 05-04 (to be mailed later)

Auburn II SUB 05-01

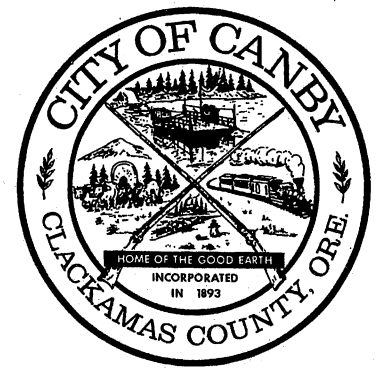
Bristol SUB 05-02

VI. MINUTES

VII. DIRECTORS REPORT

VIII. ADJOURNMENT

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Carla Ahl at 503-266-9404



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

A REQUEST FOR APPROVAL TO SUBDIVIDE TWO EXISTING PARCELS INTO 53 RESIDENTIAL BUILDING LOTS OF APPROXIMATELY 7,000 SF-10,000 SF))	FINDINGS, CONCLUSIONS & FINAL ORDER SUB 05-01 (Auburn Farms – Phase II) (Formerly Simnitt Estates)
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NATURE OF APPLICATION

The applicant seeks approval to create 53 buildable lots of approximately 7,000 – 10,000 SF on two parcels containing 11.37 acres. One additional lot, containing a well, is proposed to remain vacant and un-buildable for as long as the well remains in use. Both parent parcels are currently vacant and used in the cultivation of nursery stock. The applicant proposes to provide street access by means of 40-foot public right-of-way from N Locust, N Lupine, N Laurelwood, NE 21st and NE 22nd. Proposed streets would extend the typical street grid from existing development on N Locust and NE 20th and would access existing development, including Auburn Farms Phase I (Simnitt Estates). The application meets zoning and comprehensive plan designations of R-1 Low Density Resident

HEARINGS

The Planning Commission held a public hearing to consider this application on April 25, 2005.

CRITERIA AND STANDARDS

A. SUBDIVISION - City of Canby Code Section 16.62.020

This is a quasi-judicial land use application. Applications for a subdivision shall be evaluated based upon the following standards and criteria:

1. Conformance with the text and applicable maps of the Comprehensive Plan.
2. Conformance with other applicable requirements of the land development and planning ordinance.
3. The overall design and arrangement of lots shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties.

4. 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 25, 2005 public hearing, and includes the April 15, 2005 staff report. The Planning Commission accepts the findings in the April 15, 2005 staff report insofar as they do not conflict with the following additional considerations:

1. The Commission discussed the applicant's offer of an irrevocable option on 2.3 acres of potential parkland in order to fulfill required conditions requiring dedication as part of a previous subdivision phase. The Planning Commission supported those discussions and agreed with the applicant that the park dedication issue shall be resolved to the City's satisfaction prior to the final phase of the subdivision.

The Commission reviewed a letter from City Attorney John Kelley, outlining an agreement between the City and the applicants to provide the City of Canby with an irrevocable option on 2.3 acres of parkland adjacent to the subject parcels on the west side of N Locust Street. The Commission also heard testimony from Canby Planning Director, John Williams, and from Canby's Project Planner, Matilda Deas, regarding previous discussions between the City and the applicant for an appropriate park location and design. The Commission also considered the City's plan to hold said option for up to three years, leaving the land under private agricultural production until such time as funding is available to purchase and develop the park space.

The Planning Commission finds that the negotiated purchase option on 2.3 acres is sufficient to provide adequate park space and to fulfill the conditions imposed on Phase I of the Auburn Farms / Simnitt Estates subdivision.

2. The Commission also considered the applicant's proposal to retain an active well on Lot 30 of the proposed Phase II. The Commission finds that Lot 30 shall remain as a non-buildable parcel for as long as the well is in use and that the parcel shall be maintained with fencing and landscaping so as to provide a secure area and an aesthetically acceptable presence in the neighborhood. The Commission finds that Lot 30 shall be fenced and landscaped and that the owner of the parcel shall maintain all improvements to the parcel (see Condition 31).
3. The Commission considered the applicant's proposal to construct a natural infiltration stormwater management system along public streets within the proposed subdivision. The Commission heard testimony from the applicant's consultant Pat Sisul (Sisul Engineering), regarding the project's stormwater design. The Commission finds that the system shall be sufficient to meet stormwater management needs of the subdivision and to provide adequate aesthetic improvements to the street frontage, in compliance with City standards for street trees and planter strips.

CONCLUSION

Based on the April 15, 2005 staff report, public testimony received at the April 25, 2005 public hearing and Commission deliberation, the Planning Commission concludes that:

1. The subdivision request, with appropriate conditions, is considered to be in conformance with the Comprehensive Plan;
2. The subdivision 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 lots will be functional and will 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.
4. Necessary public services are available or will become available through the development of the property to adequately meet the needs of the proposed subdivision.

ORDER

IT IS ORDERED by the Planning Commission of the City of Canby that **SUB 05-01** is **APPROVED** subject to the following conditions:

For the Final Plat:

1. A final subdivision plat modified to illustrate the conditions of approval shall be submitted to the City Planner for review and approval. The final subdivision plat shall reference this land use application: *City of Canby File Number SUB 05-01*
2. The final subdivision plat shall be a surveyed plat map meeting all of the specifications required by the Clackamas County Surveyor. The subdivision map shall be recorded with Clackamas County; a final copy of the signed and recorded plat map shall be provided to the Canby Planning Department prior to the issuance of building permits. Proposed Lot 30, containing an existing well, shall be recorded as a non-buildable parcel for as long as the well remains in operation.

Prior to issuance of any building permit on Lot 30, the well shall be abandoned in accordance with all applicable laws and regulations and confirmation of abandonment shall be delivered to the City of Canby.

3. New deeds and legal descriptions 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 upon recording and prior to issuance of lot addresses and/or building permits. Upon receipt of two copies of the recorded Final Plat, the Planning Department shall issue lot addresses and shall accept building permit applications for review and issuance of permits.

4. All monumentation and recording fees shall be borne by the applicant.
5. Fourteen (14) foot utility easements shall be provided along all street lot lines. Ten (10) foot utility easements shall be provided along non-street exterior lot lines unless adjacent lots have recorded utility easements of four (4) or more feet, in which case the non-street exterior lot lines shall have six (6) foot utility easements. All interior lot lines shall have six (6) foot utility easements.

Notes:

6. A final plat must be recorded with Clackamas County within one (1) year of the preliminary plat approval in accordance with Canby Ordinance 16.68.020. Mylar copies of the final plat must be signed by the City Planning Director prior to recording the plat with Clackamas County.
7. The subdivision plat shall not create any lot or lots not in conformance with the Canby Municipal Code. The applicant shall submit a final plat for approval by the City of Canby Planning Director prior to recording with Clackamas County.
8. The land divider shall follow the provisions of Section 16.64.070 Improvements, in particular, but not limited to, subparagraph (O) Bonds, which requires a surety bond, personal bond, or cash bond for any subdivision improvements not completed prior to the signing of the final plat. The bond or surety instrument shall authorize the City of Canby to fully complete all required improvements and recover the full cost of all required improvements, including improvements to N Locust Street as proposed by the applicant in order to provide sufficient access to the site.

Prior to the signing of the Final Plat:

9. The developer shall sign a Development & Maintenance agreement with the City of Canby and/or the developer shall establish a Home Owners Association for the maintenance of all common areas, parks, infrastructure and open spaces and for the enforcement of additional CC&Rs. At a minimum, the Developer and/or Home Owners Association shall be responsible for maintaining all walls and fences, pedestrian accessways, stormwater infiltration systems and lighting in all commonly owned areas. The association shall also maintain common open spaces, stormwater/wetlands facilities and landscaping. The City recommends that any brick or masonry walls be coated to facilitate graffiti removal.

A copy of any CC&Rs filed with the subdivision shall be submitted to the satisfaction of the City Planning Department and the City Attorney, prior to signing the final plat, and shall include at a minimum:

- A statement notifying home owners of their responsibilities to maintain all walls, fences, stormwater/bioswale infrastructure, private parks and open spaces.
 - A statement notifying home owners of their responsibilities to provide and maintain one street tree per street lot frontage.
10. A contract between the developer and a certified landscape contractor must be approved by the City prior to the signing of the final plat. Landscaped areas shall include all common areas and bioswales in the development. The landscape contractor must be licensed in all phases of landscape contracting by the Oregon Landscape Contractors Board.
11. Prior to approval of the final plat, the applicant shall grant to the City a three-year irrevocable option to purchase one 2.3-acre parcel of property, described as Tax Lot 200 of Clackamas County Tax Map 3-1E-28C, thereby meeting the City's requirement for parks dedication purposes. The form of the agreement shall be subject to the approval of the City Attorney and the identification of the parcel and the economic terms of the agreement shall be subject to the approval of the City Council.

Prior to Construction:

12. A stormwater permit shall be obtained from the State of Oregon (DEQ) prior to issuance of any building permit. An acceptable stormwater system plan shall be approved by the State of Oregon - DEQ and the Canby Public Works Department. Developer shall also provide the City of Canby with certified verification from the DEQ indicating approval of proposed stormwater management facilities.
13. A pre-construction conference is required. The design, location, and planned installation of all utilities, including but not limited to water, electric, sanitary sewer, streets, natural gas, telephone, and cable television shall be approved by each utility provider. Final approval of site and utility plans is required prior to the issuance of building permits. An electronic file (pdf document) and/or fifteen (15) copies of pre-construction plans shall be submitted to the City of Canby – Public Works Department for review and approval by the Canby Utility Board, the Canby Telephone Association, the City of Canby and other required utility providers prior to the pre-construction conference. Construction plans shall include at a minimum street design, storm water and wetlands, sewer, domestic water, electric, telephone, gas, street lights, mail boxes and street trees. Construction may commence only upon completion of a pre-construction conference and issuance of Grading and Erosion Control permits.

During Construction:

14. Five (5) foot sidewalks shall be constructed along all street frontages, including the frontage of the parent parcel along N Locust and NE 22nd. Where mailboxes, fire hydrants or other obstructions must be located in the sidewalk right-of-way, sidewalks shall swing away from the obstruction such that the walkway remains

unobstructed for a full five-foot width.

15. Any relocation of existing utilities required due to construction of the development shall be completed at the expense of the applicant.
16. A new sewer main and/or new laterals shall be installed by the applicant at the time of development. Location and construction of the sewer main and/or laterals shall be approved by the Public Works Supervisor *prior to excavation*.
17. An approved curb cut and approach apron shall be constructed at the drive entrance to each parcel. Access improvements and sidewalks shall be inspected and approved by Canby Public Works prior to installation.
18. One street tree shall be required at the street frontage of each lot. Street trees shall be placed 5' behind the sidewalk and no street tree shall be placed within 10 feet of any sewer lateral.
19. Where applicable, the construction of homes on newly partitioned lots shall comply with Infill Home Standards as defined in CMC 16.21.050
20. Half street improvements are required as proposed by the applicant along N Locust Street and along NE 22nd Avenue. Half street improvements shall be constructed to the minimum City standards including two 10 foot travel lanes and 8 feet of parking on the project side of the roadway. Road improvements shall meet a CBE of 17" and shall be approved by the City Engineer and Canby Public Works prior to construction.
21. Traffic control signs shall be installed at the developer's expense as required by the City of Canby Public Works.
22. Erosion control permits are required prior to construction improvements and prior to the issuance of building permits. All City of Canby erosion control regulations shall be followed during construction (as specified by the Canby Municipal Code).
23. City standards will apply to all access easements and public right of way. Newly created streets shall be paved to City street standards with 36' of travel surface and 5' sidewalks along all street frontages. Half street improvements to N Locust shall be paved to Canby standards for a local street as specified in the City's Transportation System Plan.
24. Garages shall be set back a minimum of 19 feet behind the back of the sidewalk, as measured from the garage façade to the nearest edge of the sidewalk. Drive access to N Locust street shall be limited only to lots 27, 28, 29, 61, 62 & 63. Drive access to NE

22nd Avenue shall be limited only to lots 77, 78, 79 & 80. No other lot shall provide drive access to the exterior street frontage.

After construction

25. "As-built" drawings shall be submitted to the City within sixty (60) days of completion. A copy of the "as-built" drawings shall be submitted on a CD in AutoCAD format.
26. A final plat must be recorded with Clackamas County within one (1) year of the preliminary plat approval in accordance with Canby Ordinance 16.68.020. Mylar copies of the final plat must be signed by the City Planning Director prior to recording the plat with Clackamas County.
27. The approval of this application shall be null and void if the final plat is not submitted to the County within six (6) months after signing of the plat by the City of Canby Planning Department (CMC 16.28.020).
28. The applicant shall maintain and irrigate all common area landscape and bioswale systems for one year after approval of installation. Landscape maintenance and irrigation shall include all trees, shrubs and lawn areas on the site and all landscape improvements in the public right of way.
29. One private water line shall be allowed to be installed in the public right of way beneath and perpendicular to N. Locust Street. Said water line shall be ductile iron, encased in a steel sleeve for that portion of the pipe that lies within and perpendicular to the right-of-way and public utility easement. The well shall include an accessible emergency shut off valve at the well site. The valve shall be installed so as to cut the water supply to all lines beneath the public right of way in the event of an emergency. Said line shall be installed at a depth beneath any and all other public utilities. The pipe and sleeving shall be inspected and approved by the City of Canby and by Clackamas County prior to backfill. Upon City and County approval the well owner shall provide to the City of Canby and to Clackamas County a binding agreement holding all local jurisdictions and utilities harmless and agreeing to repair and replace, at the well owner's expense, all damages or injuries resulting from any failure, disturbance and/or damage of the private line.
30. At the time of transfer of jurisdiction of N. Locust Street from Clackamas County to the City of Canby, the existing well may, at the discretion of the City of Canby, be disconnected from any private infrastructure in the public right of way and in such event, said private infrastructure shall be removed from beneath the right of way at the well owner's expense.
31. The existing well house on Lot 30 shall be secured by a 6-foot fence and the lot shall be landscaped so as to provide an aesthetic street frontage in keeping with the surrounding residential properties and in compliance with Canby's Municipal Code.

I CERTIFY THAT THIS ORDER approving **SUB 05-01** was presented to and **APPROVED** by the Planning Commission of the City of Canby.

DATED this 9th day of May, 2005.

James R. Brown, Chair
Canby Planning Commission

John R. Williams
Community Development and Planning Director

ATTEST:

ORAL DECISION – April 25, 2005

AYES: Brown, Ewert, Helbling, Lucas, Manley, Molamphy, Tessman

NOES: None

ABSTAIN: None

ABSENT: None

WRITTEN DECISION – May 9, 2005

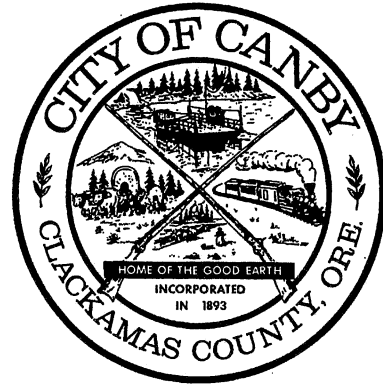
AYES:

NOES:

ABSTAIN:

ABSENT:

MEMORANDUM

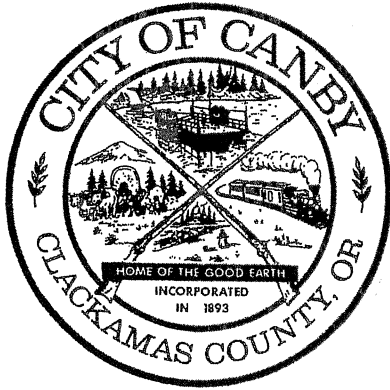


TO: *Planning Commission*
FROM: *Matilda Deas, AICP, Project Planner MD*
DATE: *April 29, 2005*
RE: *Bristol Request*

Staff has received a written request from Jason Bristol to reopen the public hearing for SUB 05-03. Mr. Bristol was unaware that he could have made the request prior to the Commission making its decision on his application at the April 25th public hearing. Mr. Bristol would like the opportunity to present additional information that would address the parking and design issues of concern cited during the public hearing.

If the Planning Commission agrees to reopen the public hearing, staff would renotify the hearing at the applicant's expense. Notice would be sent to the initial list of property owners and residents within the required 500 foot radius, plus those persons who submitted written comments or testimony at the initial public hearing. The earliest the reopened public hearing could be heard would be at the June 13th regularly scheduled Planning Commission meeting.

The findings for SUB 05-03 are included in your packets for your approval if the Commission chooses not to reopen the public hearing for SUB 05-03.



City of Canby

Office of Community Development Director

Alexsandr Krishchenko
1214 S. Cedar Loop
Canby, OR 97013

April 29, 2005

RE: MLP 04-03

Dear Mr. Krischenko:

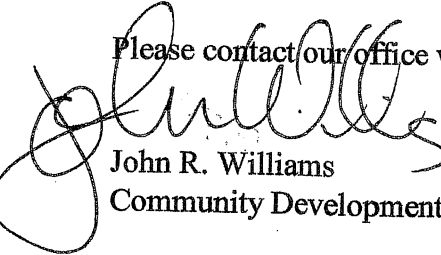
We have received your letter requesting an exception to the access standards on SW 13th Avenue. As you and I have previously discussed, the Planning Commission has already considered and denied this request, as part of your partition application (see page 6 of the November 10, 2004 staff report and condition #6 of the December 17, 2004 findings). Therefore, there is no separate "exception process."

Following the Planning Commission's decision, you had three options as to how to proceed:

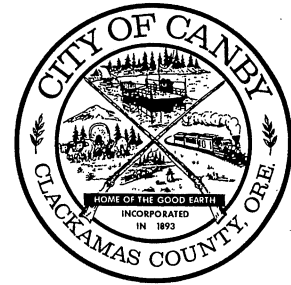
1. Appeal their decision to the City Council. You were notified of this option in a letter dated December 17, 2004 but the 15-day appeal period expired with no applications received. Therefore, this option is no longer available to you.
2. File a modification application. We do have a process for this, and I have attached the forms. You would need to request a modification to condition #6, and provide your justification for doing so. This would be considered an "intermediate modification" and would require an initial \$320 fee. But please be aware that the Planning Commission has already reviewed and denied your request for an access spacing exception and may not be inclined to change that decision.
3. File a completely new partition application. As above, I am not sure why there would be a different result this time and would not encourage you to spend the money on this option.

I also want to remind you that your plat for MLP 04-03 must be recorded at Clackamas County by December 16, 2005 or you will need to file a new partition application. We do have the ability to extend this period by one year if you request such an extension in writing.

Please contact our office with any further questions. Sincerely,


John R. Williams
Community Development & Planning Director

c: Mayor & City Council, Planning Commission, City Attorney



- STAFF REPORT -

APPLICANT:

Renaissance Development
Randy Sebastian
West Linn, OR 97068

FILE NO.:

MLP 05-02/SUB 05-05
(Tofte V)

OWNER:

Harvey & D'Anne Tofté
347 SE 13th Avenue
Canby, OR 97013

STAFF:

Matilda Deas, AICP
Project Planner

LEGAL DESCRIPTION:

Tax Lot 5803 of Map 4-1E-03CB

DATE OF REPORT:

April 29, 2005

LOCATION:

East of Tofté Farms
Multi-phase subdivision

DATE OF HEARING:

May 9, 2005

**COMPREHENSIVE PLAN DESIGNATION:
DESIGNATION:**

Low Density Residential

CURRENT ZONING

Low Density Residential

I. APPLICANT'S REQUEST:

MLP 05-02: The applicant is requesting approval to partition a 5.2 acre parcel(approximate

size) into two parcels, 4.06 acres and 1.12 acres in size. The 5.2 acre parcel is located south of SE 13th Avenue, adjacent to the eastern boundary of Tofte Farms multiphase subdivision.

SUB 01-05: The applicant is requesting approval to subdivide the partitioned 1.12 acre parcel into 4 lots, ranging in size from 7,235 to 9,391 square feet.

II. APPLICABLE CRITERIA:

A. SUBDIVISION - City of Canby Code Section 16.62.020

This is a quasi-judicial land use application. Applications for a subdivision shall be evaluated based upon the following standards and criteria:

1. Conformance with the text and applicable maps of the Comprehensive Plan.
2. Conformance with other applicable requirements of the land development and planning ordinance.
3. The overall design and arrangement of lots shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties.
4. 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.

B. MINOR LAND PARTITION - City of Canby Code Section 16.60.030

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

1. Conformance with the text and the applicable maps of the Comprehensive Plan;
2. Conformance with all other applicable requirements of the Land Development and Planning Ordinance;
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 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 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;
5. 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.

C. Other Applicable Criteria:

- 16.10 Off Street Parking/Loading
- 16.16 R-1 Low Density Residential Zone
- 16.60 Major and Minor Partitions
- 16.62 Subdivision - Applications
- 16.86 Street Alignment
- 16.88 General Standards
- 16.95 Solar Access Standards for New Development

III. FINDINGS:

1. Location and Background

The subject property is zoned R-1, low density residential. Property to the east is outside of the Urban Growth Boundary. Ackerman Middle School is northwest of the site across SE 13th Avenue, and single family residences are located to the north and west of the site. All surrounding properties within the Urban Growth Boundary are zoned R-1, low density residential.

The subject property is located within the Logging Road Advance Financing District. All applicable fees will have to be paid before development occurs.

Minor Land Partition:

The applicant is proposing to divide the 5.2 acre parent parcel into two parcels 4.06 acres and 1.12 acres in size.

Subdivision:

The applicant is proposing to divide the 1.12 acre parcel into 4 lots, ranging in size from 7,235 to 9,391 sq. ft. in size. The average lot size is approximately 8,102 sq. ft.

2. Comprehensive Plan Consistency Analysis

URBAN GROWTH ELEMENT

- GOALS:**
- 1) **TO PRESERVE AND MAINTAIN DESIGNATED AGRICULTURAL AND FOREST LANDS BY PROTECTING THEM FROM URBANIZATION.**
 - 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.**

Applicable Policy:

Policy #1: Canby shall coordinate its growth and development plans with Clackamas County.

Analysis: *The subject property is entirely within City limits and the Urban Growth Boundary.*

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: *All properties in the area are designated for low density residential zoning.*

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

Analysis: *The property currently contains farm buildings used by the Tofte family in their agricultural work. The proposed Minor Land Partition would separate the farm buildings onto the 4.06 acre parcel. The remainder of the property is undeveloped so the proposed subdivision would increase density. With the 4-lot design, the proposed*

average lot size is 8,102 square feet.

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

Analysis: Request for comments have been sent to all public facility and service providers (see discussion under Public Services Element).

Policy #4: Canby shall limit development in areas identified as having an unacceptable level of risk because of natural hazards.

Analysis: No natural hazards have been identified on the subject property.

Policy #5: Canby shall utilize the land use map as the basis of zoning and other planning or public facility decisions.

Analysis: The proposed subdivision is consistent with the land use map. The proposed lot sizes are within the approved range for R-1 development.

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 has no known steep slopes, historic resources, or wetlands, and is not located on a flood plain.

Applicable Policies:

Policy #4-R: Canby shall seek to mitigate, wherever possible, noise pollution generated from new proposals or existing activities.

Analysis: Noise will be expected as a result of residential construction. Once the subdivision is developed, noise generation should be insignificant. Residential construction noise is regulated by the City's Noise Ordinance.

Policy #7-R: Canby shall seek to improve the overall scenic and aesthetic qualities of the City.

Analysis: The subject area has been designated for residential use and this is the use being proposed. All new utilities (telephone cable, electricity, gas, water, sewer) will be placed underground, with only street lights and ground-placed pedestals being above ground.

Policy #8-R: Canby shall seek to preserve and maintain open space where appropriate, and where compatible with other land uses.

Analysis: No open spaces are required in the area by the Canby Parks Master Plan and none have been proposed in this application.

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 improvement to City streets, and will encourage the County to make the same commitment to local County roads, in an effort to keep pace with growth.

Analysis: S. Redwood Street, a neighborhood connector street with 60' of right-of-way shall be extended east to provide access to the site. Additionally, SE 15th Avenue, a local street with 40' of right-of way shall be extended north to serve the site

A traffic study was not required as a part of this application. Phase 3 provided a third access from SE 13th Avenue which allows for the development of 207 lots. This application brings the total number of lots to 188.

Policy #3: Canby shall attempt to improve its problem intersections in keeping with its policies for upgrading or new construction of roads.

Analysis: No traffic study was required for this application. No problem intersections have previously been identified in

this area.

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

Analysis: Sidewalks will be required on all proposed streets per City standards. Where mailboxes, fire hydrants or other obstructions must be located in the sidewalk right-of-way, sidewalks shall be constructed such that the walkway remains unobstructed for a full five-foot width.

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 Fire District and Police Department were notified of this application and did not report any concerns relating to access.

Policy #7: Canby shall provide appropriate facilities for bicycles and, if found to be needed, for other slow moving, energy efficient vehicles.

Analysis: Bikes will be accommodated in shared lanes on the local streets inside the subdivision.

PUBLIC FACILITIES AND SERVICES ELEMENT

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

Applicable Policies:

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

Analysis: All needed public facility and service providers were asked to comment on this application. Returned comment forms are shown in Exhibit 2. The Fire District, Canby Utility Electric, Public Works Supervisor, City Engineer, Canby Telephone Association, Willamette Broadband, Bike and Ped Committee, Traffic Safety Committee, and Canby Post Office, responded that service provision was available or would become available through development.

Policy #5: Canby shall assure that adequate sites are provided for public schools and recreation facilities.

Analysis: Public schools are located nearby the proposed subdivision. No new parks are required in this area by the Parks Master Plan. There is a one-lot private recreation space (swimming pool) in Phase II of Tofte Farms.

ECONOMIC ELEMENT

GOAL: TO DIVERSIFY AND IMPROVE THE ECONOMY OF THE CITY OF CANBY.

The proposed subdivision is not located on commercial or industrial land; it will contribute to the City's economy by providing homes to consumers and providing employment for local builders and contractors.

HOUSING ELEMENT

GOAL: TO PROVIDE FOR THE HOUSING NEEDS OF THE CITIZENS OF CANBY.

Applicable Policies:

Policy #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.

Analysis: The proposed subdivision is located in a low density residential zone.

Policy #4: Canby shall encourage the development of housing for low income persons and the integration of that housing into a variety of residential areas within the City.

Analysis: The applicant is not proposing any low income housing in this subdivision.

ENERGY CONSERVATION ELEMENT

GOAL: TO CONSERVE ENERGY AND ENCOURAGE THE USE OF RENEWABLE RESOURCES IN PLACE OF NON-RENEWABLE RESOURCES.

Applicable Policies:

Policy #1: Canby shall encourage energy conservation and efficiency measures in construction practices.

Analysis: Energy conservation and efficiency measures will be reviewed through the building permit process.

Policy #2: Canby shall encourage development projects which take advantage of wind and solar orientation and utilization.

Analysis: The 4 lot subdivision meets the City of Canby's solar access standards for new development.

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 subdivision, with the recommended conditions of approval, is consistent with Canby's Comprehensive Plan. Development of the lots will need to comply with all applicable provisions of the City of Canby Land Development and Planning Ordinance, Building Codes, and other County and State Codes and Regulations.

3. Evaluation Regarding Subdivision Approval Criteria

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

With the recommended conditions, the application will be in conformance with the Comprehensive Plan (see discussion in part III.2, above.)

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

With the recommended conditions, the application will be in conformance with all other applicable requirements of the Land Development and Planning Ordinance, including subdivision design standards for streets, easements, lots, and improvements.

Street trees will be required on each lot, one per street frontage.

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.

With the conditions below, the proposed subdivision meets these

requirements for design, arrangement, and access to lots.

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

All required public facilities are available or will become available through development. (See discussion in part III.2, above.)

4. Evaluation Regarding Minor Land Partition Approval Criteria

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

With the recommended conditions, the application will be in conformance with the Comprehensive Plan (see discussion in part III.2, above.)

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

With the recommended conditions, the application will be in 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 the adjacent properties;

With the recommended conditions, the partition design of the parcel shall be functional and provide building site, necessary utility easements, and access facilities.

- 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 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 will be able to adequately meet the needs of this land division. See discussion in part III.2, above.

IV. CONCLUSION

Subdivision

1. Staff concludes that the subdivision, with appropriate conditions, is considered to be in conformance with the Comprehensive Plan;
2. Staff concludes that the subdivision, with appropriate conditions, is considered to be in conformance with other applicable requirements of the Land Development and Planning Ordinance;
3. Staff concludes that, with the recommended conditions, the overall design and arrangement of the proposed parcels will be functional and will adequately provide building sites, utility easements, and access facilities which are necessary for the development of the subject property without unduly hindering the use or development of adjacent properties; and
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 land division.

Minor Land Partition

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 the overall design of the proposed partition will be compatible with the area and will provide adequate building area for the provision of public facilities and services for the lots.
3. Staff concludes that, with appropriate conditions, the overall design and arrangement of the proposed parcels are functional and will adequately provide building sites, utility easements, and access facilities which are necessary for the development of the subject property without unduly hindering the use or development of adjacent properties.
4. No private roads will be created.
5. Staff concludes that all necessary public services will become available through the development of the property, to adequately meet the needs of the proposed land division.

VI. RECOMMENDATION - Subdivision

Based upon the application and drawings submitted, facts, findings and conclusions of this report, and without benefit of a public hearing, staff recommends that the Planning Commission approve SUB 05-05 with the following conditions:

For the Final Plat:

1. A final partition plat modified to illustrate 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 SUB 05-05*
2. The final partition plat shall be a surveyed plat map meeting all of the specifications required by the Clackamas County Surveyor. The partition map shall be recorded with the Clackamas County Surveyor and with the Clackamas County Clerk; a final copy of the signed and recorded map shall be provided to the Canby Planning Department prior to the issuance of building permits
3. New deeds and legal descriptions 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 upon recording.
4. All monumentation and recording fees shall be borne by the applicant.
5. Twelve (12) foot utility easements shall be provided along all street lot lines. Ten (10) foot utility easements shall be provided along non-street exterior lot lines unless adjacent lots have recorded utility easements of four (4) or more feet, in which case the non-street exterior lot lines shall have six (6) foot utility easements. All interior lot lines shall have six (6) foot utility easements.

Notes:

6. A final plat must be recorded with the Clackamas County Surveyor within one (1) year of the preliminary plat approval in accordance with Canby Ordinance 16.68.020. Mylar copies of the final plat must be signed by the City Planning Director prior to recording the plat with Clackamas County.
7. The subdivision plat shall not create any lot or lots not in conformance with the Canby Municipal Code. The applicant shall submit a final plat for approval by the City of Canby Planning Director.
8. The land divider shall follow the provisions of Section 16.64.070 Improvements, in particular, but not limited to, subparagraph (O) Bonds, which requires a surety bond, personal bond, or cash bond for any subdivision improvements not completed prior to the signing of the final plat. The bond or surety instrument shall authorize the City of Canby to fully complete all required improvements and recover the full cost of all required improvements.

Prior to the signing of the Final Plat:

9. The developer shall sign a Development & Maintenance agreement with the City of Canby and/or the developer shall establish a Home Owners Association for the maintenance of all common areas, parks, infrastructure and open spaces and for the enforcement of additional CC&Rs. At a minimum, the Developer and/or Home Owners Association shall be responsible for maintaining all walls and fences, pedestrian accessways, stormwater infiltration systems and lighting in all commonly owned areas. The association shall also maintain common open spaces, stormwater/wetlands facilities and landscaping. The City recommends that any brick or masonry walls be coated to facilitate graffiti removal.

A copy of any CC&Rs filed with the subdivision shall be submitted to the satisfaction of the City Planning Department and the City Attorney, prior to signing the final plat, and shall include at a minimum:

A statement notifying home owners of their responsibilities to maintain all walls, fences, stormwater/bioswale infrastructure, private parks and open spaces.

A statement notifying home owners of their responsibilities to provide and maintain one street tree per street lot frontage.

10. A contract between the developer and a certified landscape contractor must be approved by the City prior to the signing of the final plat. Landscaped areas shall include all common areas and bioswales in the development. The landscape contractor must be licensed in all phases of landscape contracting by the Oregon Landscape Contractors Board.

Prior to Construction:

11. A stormwater permit shall be obtained from the State of Oregon (DEQ) prior to issuance of any building permit. An acceptable stormwater system plan shall be approved by the State of Oregon - DEQ and the Canby Public Works Department. Developer shall also provide the City of Canby with certified verification from the DEQ indicating approval of proposed stormwater management facilities.
12. A pre-construction conference is required. The design, location, and planned installation of all utilities, including but not limited to water, electric, sanitary sewer, streets, natural gas, telephone, and cable television shall be approved by each utility provider. Final approval of site and utility plans is required prior to the issuance of building permits. An electronic file (pdf document) and/or fifteen (15) copies of pre-construction plans shall be submitted to the City of Canby Public Works Department for review and approval by the Canby Utility Board, the Canby Telephone Association, the City of Canby and other required

utility providers prior to the pre-construction conference. Construction plans shall include at a minimum street design, storm water and wetlands, sewer, domestic water, electric, telephone, gas, street lights, mail boxes and street trees. Construction may commence only upon completion of a pre-construction conference and issuance of Grading and Erosion Control permits.

During Construction:

13. Five (5) foot sidewalks inclusive of curb shall be constructed along all street frontages. Where mailboxes, fire hydrants or other obstructions must be located at the curb, sidewalks shall swing away from the curb such that the walkway remains unobstructed for a full five-foot width.
14. Any relocation of existing utilities required due to construction of the development shall be done at the expense of the applicant.
15. A new sewer main and/or new laterals shall be installed by the applicant at the time of development. Location and construction of the sewer main and/or laterals shall be approved by the Public Works Supervisor *prior to excavation*.
16. An approved curb cut and approach apron shall be constructed at the drive entrance to each parcel. Access improvements and sidewalks shall be inspected and approved by Canby Public Works prior to installation.
17. One street tree shall be required at the street frontage of each lot within the public utility easement. No street tree shall be placed over or within 6 lateral feet of any underground water line, sewer line, transmission line or other private utility. No street tree shall be planted in a vision clearance area, within 10 feet of a fire hydrant, or within 30 feet from a street light.
18. Traffic control signs shall be installed at the developer's expense as required by the City of Canby Public Works.
19. Erosion control permits are required prior to construction improvements and prior to the issuance of building permits. All City of Canby erosion control regulations shall be followed during construction (as specified by the Canby Municipal Code).
20. City standards will apply to all access easements and public right of way. Garages shall be set back a minimum of 19 feet behind the back of the sidewalk, as measured from the garage façade to the nearest edge of the sidewalk.

After Construction

21. "As-built" drawings shall be submitted to the City within sixty (60) days of completion. A copy of the "as-built" drawings shall be submitted on a CD in AutoCAD format.
22. The final plat must be submitted to the City within one (1) year of the approval of the preliminary plat according to Section 16.68.020.
23. The approval of this application shall be null and void if a final plat is not submitted to the County within six (6) months after signing of the plat by the chairman of the Planning Commission (Section 16.68.070).

RECOMMENDATION - Minor Land Partition

Based upon the application and drawings submitted, facts, findings and conclusions of this report, and without benefit of a public hearing, staff recommends that the Planning Commission approve MLP 05-02 with the following conditions:

For the Final Plat:

1. A final partition plat modified to illustrate 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 05-02*
2. The final partition plat shall be a surveyed plat map meeting all of the specifications required by the Clackamas County Surveyor. The partition map shall be recorded with the Clackamas County Surveyor and with the Clackamas County Clerk; a final copy of the signed and recorded map shall be provided to the Canby Planning Department prior to the issuance of building permits
3. New deeds and legal descriptions 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 upon recording.
4. All monumentation and recording fees shall be borne by the applicant.
5. Twelve (12) foot utility easements shall be provided along all street lot lines. Ten (10) foot utility easements shall be provided along non-street exterior lot lines unless adjacent lots have recorded utility easements of four (4) or more feet, in which case the non-street exterior lot lines shall have six (6) foot utility easements. All interior lot lines shall have six (6) foot utility easements.

Notes:

6. A final plat must be recorded with the Clackamas County Surveyor within one (1) year of the preliminary plat approval in accordance with Canby Ordinance 16.68.020. Mylar copies of the final plat must be signed by the City Planning Director prior to recording the plat with Clackamas County.

Exhibits:

1. Applicant's Packet (narrative and proposed partition plan)
2. Responses to the Request for Comments

**2 Lot Partition
and
TENTATIVE 4 LOT SUBDIVISION APPLICATION**

**TOFTE FARMS
PHASE 5**

**CITY OF CANBY
CLACKAMAS COUNTY
CES #2026**

March 2005

APPLICANT'S REPRESENTATIVE: Anthony R. Weller
CES | NW
15573 SW Bangy Road, #300
Lake Oswego, OR 97035
503-968-6655
503-968-2595 - Fax

APPLICANT: Randy Sebastian
Renaissance Development
16771 Boones Ferry Road
Lake Oswego, Oregon 97035
(503) 636-5600

PROPERTY OWNERS: Harvey & D'Anne Tofte
347 SE 13th Avenue
Canby, Oregon 97013
(503) 670-8585
(503) 670-8612 fax

REQUEST: 2-Lot Partition; and
Approval of a residential subdivision consisting of 4
lots in the R-1, Low-Density Residential zone on
Proposed Parcel 1 of the partition

PROPERTY DESCRIPTION: Tax Lot 5803 of Tax Map 41E03CB

PROPERTY LOCATION: South of 13th Avenue, east of and adjacent to
Tofte Farms subdivision.

PARCEL SIZE: +/-5 acres



LOCATION

The project is located in the City of Canby. It is situated south of SE 13th Avenue, east of S Ponderosa Street, and east of and adjacent to Tofte Farms multi-phase subdivision. The subject property is described as Tax lot 5803 Map 4 1E 3CB. The affected area is approximately 5.2 acres.

REQUEST

We are requesting a 2-lot partition to divide the parcel into one 4.06 acre lot and one 1.12 acre lot. Concurrently, we are requesting tentative approval for a 4 lot, single family subdivision on the 1.12 acre lot. The subject property is zoned R-1, Low Density Residential.

EXISTING CONDITIONS

On Site

The subject property contains approximately 5.5 acres. SE Thirteenth Avenue abuts the northern property boundary. Several buildings supporting farming activities exist on site, and will remain until such time as the northern portion of the site is further developed. There are no trees of any size on-site.

Off Site

Ackerman High School is located northwest of the site. Single family residential homes are located north and west of the proposed subdivision. Agricultural uses currently occur to the east.

PROPOSAL

We are proposing a 2-lot partition to partition 1.12 acres from the 5 acre parcel, and a subsequent 4 lot, single family residential subdivision to be developed on that 1.12 acres. The proposed development comprises Phase 5 of the Tofte Farms subdivision. Proposed lots range in size from 7,235 to 9,391 square feet. Average lot size is 8,102 square feet.

Access is proposed via SE15th Avenue and South Redwood Street. Each of those streets would be extended east and north, respectively to serve the 4 new residential lots.

The proposed street alignment is designed to continue/extend established circulation patterns. Approximate slope of proposed internal streets is 1%. Please refer to the plans for proposed future street extensions.

The original traffic impact analysis for the Tofte Farms subdivision identified the intersection of S. Ivy and SE 13th Avenue as needing signalization. The signalization has been completed satisfying the recommendations of the study. Development of phase 2 provided an additional access point along SE 13th Avenue with no other traffic considerations noted.

Phase 3 provided a third access point along SE 13th Avenue. This third access point allows for development of 207 total lots. Phase 4 brought the total number of lots to 184 and Phase 5 will increase the number of lots to 188.

Electric, water, sanitary sewer, telephone, natural gas and cable TV distribution facilities will be provided to each lot. All public utilities will be located either within the public road rights-of-way or in dedicated public utility easements.

Storm drainage from public roads will be collected in an underground storm drainage system and disposed of in dry wells which will conform to the City of Canby standards and regulations. Run-off from individual lots will not be allowed to enter the public storm drain system but will be disposed of through privately owned and maintained dry wells on each lot. Private dry wells will conform to the requirements set forth by the City. Street trees will be provided as required by the City.

The proposed subdivision satisfies solar requirements with 2, or 50% of the lots meeting solar standards. Two lots meet the Basic Rule. The remaining lots cannot meet the solar access rule due to the need to continue an existing street pattern.

The following sections address City requirements as related to the proposed subdivision.

SECTION 16.62 SUBDIVISION

Section 62.010 Filing procedures describes what information is to presented for subdivision submission.

RESPONSE

Filing procedures have been followed with the appropriate number of copies of the narrative and proposed plat submitted.

Section 16.62.020 Standards and criteria.

Applications for a subdivision shall be evaluated based on the following standards and criteria:

- A. *Conformance with the text and applicable maps of the Comprehensive Plan;*
- B. *Conformance with other applicable requirements of the land Development and Planning Ordinance;*
- C. *The overall design and arrangement of lots shall be functional and shall adequately provide building sites, utility easement, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties;*
- D. *It must be demonstrated that all required public facilities and services are*

available, or will become available through the development, to adequately meet the needs of the proposed land division.

RESPONSE

The Tofte Farms 5 subdivision meets criteria A through D listed above as described in the following narrative.

A. COMPREHENSIVE PLAN CONSISTENCY

CITIZEN INVOLVEMENT

GOAL: *To provide the opportunity for citizen involvement throughout the planning process.*

Policy #1: *Canby shall reorganize its citizen involvement functions to formally recognize the role of the planning commission in meeting the six required citizen involvement components of statewide planning goal #1 and to re-emphasize the city's commitment to ongoing citizen involvement.*

RESPONSE

The Planning Commission has been designated the entity which is primarily responsible for citizen involvement functions of the City. The notification process and public hearing are a part of the compliance with adopted policies and processes regarding citizen involvement. The Planning commission seeks input of all citizens at the public hearing of all applications.

Policy #2: *Canby shall strive to eliminate unnecessarily costly, confusing and time-consuming practices in the development review process.*

RESPONSE

Policy #2 refers to appointing members of the Planning Commission, repeal resolutions and amendments to the Land Development and Planning Ordinance and is not pertinent to this tentative subdivision application.

Policy #3: *Canby shall review the contents of the Comprehensive Plan every two years and shall update the plan as necessary based upon that review.*

RESPONSE

Policy #3 is not pertinent to the tentative subdivision application.

URBAN GROWTH

- GOAL:**
- 1. To preserve and maintain designated agricultural and forested lands by protecting them from urbanization.*
 - 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 #1: *Canby shall coordinate its growth and development plans with Clackamas County.*

RESPONSE

The proposed property is entirely within the City of Canby and the Urban Growth Boundary. The City of Canby has the option to provide Clackamas County with the opportunity to comment on the tentative subdivision application as part of the review process.

Policy #2: *Canby shall provide the opportunity for amendments to the Urban Growth Boundary (subject to the requirements of statewide planning goal 14) where warranted by unforeseen changes in circumstances.*

RESPONSE

Policy #2 is not pertinent to this subdivision application. We are not requesting an amendment to the Urban Growth Boundary (UGB).

Policy #3: *Canby shall discourage the urban development of properties until they have been annexed to the City and provided with all necessary urban services.*

RESPONSE

The subject property is located within City limits and within the UGB. Urban facilities and services are available to this parcel. Please see Public Facilities and Services Element for further details.

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 #1: *Canby shall guide the course of growth and developments as to separate conflicting or incompatible uses while grouping compatible uses.*

RESPONSE

The proposed subdivision is compatible with adjacent uses. Similar residential uses are found to the south and west of the subject property. The proposed residential subdivision continues the pattern of development for the area. Land immediately to the east is zoned EFU.

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

RESPONSE

The Tofte Farms Subdivision is a phased development designed to provide a gradual increase in the density and intensity of development allowed within the City. This subdivision application is phase 5 and is consistent in character with previous phases.

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

RESPONSE

Public facilities and services are available for the proposed subdivision. Please see Public Facilities and Services Element for additional information.

Policy #4: *Canby shall limit development in areas identified as having an unacceptable level of risk because of natural hazards.*

RESPONSE

No natural hazards have been identified on the subject property.

Policy #5: *Canby shall utilize the land use map as the basis of zoning and other planning or public facility decisions.*

RESPONSE

The property is currently designated as Low Density Residential R-1 and is consistent with the Land Use Map and Residential Designation Map for the property. The minimum lot size for parcels in the R-1 zone is 7,000 square feet. The minimum lot size for the proposed subdivision is more than 7,000 square feet. Policy #5 supports this subdivision request.

Policy #6: *Canby shall recognize the unique character of certain areas and will utilize the following special requirements, in conjunction with the requirements for the land development and planning ordinance, in guiding the use and development of these unique areas.*

RESPONSE

The subject property is not identified as one of the "unique" sites or "areas of special concern" as identified in policy #6. The proposed subdivision reflects the residential densities established in the Land Use Map and Residential Designations Map.

ENVIRONMENTAL CONCERNS

GOAL: *To protect identified natural and historical resources.*

To prevent air, water, land and noise pollution.

To protect lives and property from natural hazards.

Policy #1-R-1: *Canby shall direct urban growth such that viable agricultural uses within the Urban Growth Boundary can continue as long as it is economically feasible for them to do so.*

RESPONSE

Housing demands have initiated the proposed development, Phase 5 of the Tofte Farm subdivision. Future phases of Tofte Farm will continue to be farmed until market pressures make it desirable to develop those portions.

Policy #1-R-B: Canby shall encourage the urbanization of the least productive agricultural area within the Urban Growth Boundary as a first priority.

RESPONSE

The subject property lies within the UGB, City limits and R-1 zone. Public utilities are available at the west boundary of the property making it an excellent candidate for development. In addition, housing demands for the area are increasing. Given these factors, the value in this land has changed from agricultural uses to residential uses.

Policy #2-R: Canby shall maintain and protect surface water and groundwater resources.

RESPONSE

The proposed subdivision will protect surface water and groundwater resources by providing sanitary sewer to each of the units. The subdivision will be designed to City and County standards and as such will protect surface water and groundwater resources.

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

RESPONSE

The proposed subdivision will meet prescribed standards for air, water, and land pollution.

Policy #4-R: Canby shall seek to mitigate, wherever possible noise pollution generated from new proposals or existing activities.

RESPONSE

Finding Number 4-R states that noises considered a problem for residential use is most often generated by industrial uses and the existing rail line. There are no adjacent industrial uses or zoning to the subject property. The existing rail line is located almost a mile from the subject property.

Construction noises associated with residential development, are temporary and are not identified as a problem in Finding Number 4-R.

Policy #5-R: Canby shall support local sand and gravel operations and will cooperate with county and state agencies in the review of aggregate removal applications.

RESPONSE

The subdivision application does not involve any sand and gravel operations, therefore this policy is not pertinent.

Policy #6-R: *Canby shall preserve and, where possible, encourage restoration of historic sites and buildings.*

RESPONSE

The subject property and surrounding properties are not historic.

Policy #7-R: *Canby shall seek to improve the overall scenic and aesthetic qualities of the City.*

RESPONSE

The proposed subdivision will provide attractive, quality development mirroring the developed portions of the Tofte Farms subdivision and is compatible with other surrounding single family developments. The subdivision will follow all appropriate City ordinances and standards. The City will have the opportunity to review the proposed plans to assess the impact of the proposed development on scenic and aesthetic qualities.

Policy #8-R: *Canby shall seek to preserve and maintain open space where appropriate and where compatible with other land uses.*

RESPONSES

Low Density Residential development standards do not include open space requirements.

Policy #9-R: *Canby shall attempt to minimize the adverse impacts of new developments on fish and wildlife habitats.*

RESPONSE

The subject property is not located within the "H" overlay zoned areas, which concern fish and wildlife. The subject parcel has been farmed extensively for many years and as such does not provide viable wildlife and/or fish habitat. In addition, the proposed subdivision will follow all appropriate City ordinances and standards thereby minimizing or eliminating any potential adverse impacts on fish and wildlife habitat.

Policy #10-R: *Canby shall attempt to minimize the adverse impacts of new developments on wetlands.*

RESPONSE

Wetlands do not exist on or adjacent to the subject parcel.

Policy #1-H: *Canby shall restrict urbanization in areas of identified steep slopes.*

RESPONSE

The subject property has no steep slopes.

Policy #2-H: *Canby shall continue to participate in and shall actively support the federal flood insurance program.*

RESPONSE

This policy is not pertinent to the tentative subdivision application.

Policy #3: *Canby shall seek to inform property owners and builders of the potential risks associated with construction in areas of expansive soils, high water tables,*

and shallow topsoil.

RESPONSE

The subject property has Latourell loam soil, which is deep and well drained. No expansive soils, shallow topsoil, high water table, or other potential risks associated with construction on the subject property have been identified.

TRANSPORTATION ELEMENT

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

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

RESPONSE

The City has adopted a prioritized Capital Improvement Program identifying streets in need of improvement; maintaining existing streets; encouraging property owner to form Local Improvement Districts for road improvements; and requiring city engineering staff to establish engineering functions. City engineers will have the opportunity to review the proposed subdivision for conformance with the transportation element.

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

RESPONSE

The City has developed a Capital Improvement Program identifying City and County roads for upgrading and improvements. None of these roads intersect or traverse the proposed subdivision.

The City has adopted a Transportation Master Plan that specifies the City's responsibilities, and acknowledges the County's and State's responsibilities for improving existing roads due to normal travel wear. The Transportation Master Plan also recognizes that as vacant property abutting a road in need of improvement develops, the development is responsible for a portion of the necessary improvements.

Policy #3: *Canby shall attempt to improve its problem intersections, in keeping with its policies for upgrading or new construction of roads.*

RESPONSE

The City has completed signalization at the corner of SE 13th Avenue and Ivy.

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

RESPONSE

Sidewalks will be constructed on both sides of the local streets within the proposed

subdivision. Sidewalks will be 5 feet wide and placed alongside the curb.

Policy #5: *Canby shall actively work toward the construction of a functional overpass or underpass to allow for traffic movement between the north and south side of town.*

RESPONSE

This policy is not pertinent to the subdivision application.

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

RESPONSE

Public roads serve all lots with adequate widths to allow passage of emergency vehicles. A temporary road stub is proposed. Future phases will extend this road stub and complete a circulation system of loop roads.

Phase 3 of Tofte Farms provided a third access point along SE 13th Avenue. This third access point allows for a total of 207 total lots. Phase 5 will bring the total number of lots to 188, meeting City standards for required number of access points. Please see submitted plans for circulation concerns. The Land Use Plan shows circulation opportunities relating to future phases.

Policy #8: *Canby shall work cooperatively with the State Department of Transportation and the Southern Pacific Railroad Company in order to assure the safe utilization of the rail facility.*

RESPONSE

This policy is not pertinent to the subdivision application.

Policy #9: *Canby shall support efforts to improve and expand nearby air transport facilities.*

RESPONSE

This policy is not pertinent to the subdivision application.

Policy #10: *Canby shall work to expand mass transit opportunities on both a regional and an intra-city basis.*

RESPONSE

Expansion of mass transit in Canby does not involve this subdivision application. New routes, centers or other transportation facilities are not proposed within close proximity to affect the layout of the proposed subdivision.

Policy #11: *Canby shall work with private developers and public agencies in the interest of maintaining the transportation significance as well as environmental and recreational significance of the Willamette River.*

RESPONSE

This policy is not pertinent to the subdivision application. The subject property is not near the Willamette River and will have no affect on the transportation or environmental concerns of the river.

Policy #12: *Canby shall actively promote improvements to state highways and connecting county roads which affect access to the City.*

RESPONSE

The subject property is south of SE 13th Avenue, a County road which serves as an access road to the City. The improvements to SE 13th Avenue resulting from prior phases of the Tofte Farms Subdivision have enhanced the safety and visual quality of this entrance to the City.

PUBLIC FACILITIES AND SERVICES ELEMENTS

GOAL: *To assure the provision of a full range of public facilities and services to meet the needs of the residents and property owners.*

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

RESPONSE

The subject property is located within the City limits. As such, schools, police, emergency and recreational services are available to this property. The City, Canby Utility Board and private utility providers stated adequate service levels were available when the property was annexed.

All public utilities will be located either within the public road rights-of-way or in dedicated public utility easements. Eight-inch sewer and water lines will be extended to serve the subdivision. Electric, telephone, natural gas and cable TV distribution facilities will also be provided to each lot. Fire hydrants will be provided according to the fire district's standards.

Storm drainage from public roads will be collected in an underground storm drainage system and disposed of in dry wells which will conform to the City of Canby standards and regulations. Run-off from individual lots will not be allowed to enter the public storm drain system but will be disposed of through privately owned and maintained dry wells on each lot. Private dry wells will conform to the requirements set forth by the Clackamas County Building Department.

Policy #2: *Canby shall utilize all feasible means of financing needed public improvements and shall do so in an equitable manner.*

RESPONSE

Public improvements needed as a result of this subdivision include on-site public streets, sidewalks, storm drainage, sanitary sewer, water, electric, gas, street trees and similar items will be at developer's expense. Required system development charges for the subdivision will also be paid at the appropriate time to finance system wide improvements.

Policy #3: *Canby shall adopt and periodically update a capital improvements program for major city projects.*

RESPONSE

This policy is concerned with the City's Capital Improvement Program and is not pertinent to the subdivision application.

Policy #4: *Canby shall strive to keep the internal organization of City government current with changing circumstances in the community.*

RESPONSE

This policy is concerned with the internal organization of the City government and is not pertinent to this subdivision application.

Policy #5: *Canby shall assure that adequate sites are provided for public school and recreation facilities.*

RESPONSE

The Comprehensive Plan does not identify the site for public schools or recreation facilities. Public schools or recreational facilities are not proposed on-site, however, the subdivision will contribute to the acquisition and maintenance of City parks through the Park Systems Development charge which will be paid at the time that homes are constructed on the subdivision's individual lots.

ECONOMIC ELEMENT

GOAL: *To diversify and improve the economy of the city of Canby.*

Policy #1: *Canby shall promote increased industrial development at appropriate locations.*

RESPONSE

The subject parcel is not located adjacent to or located inside of an industrial zone, therefore this policy is not pertinent to the subdivision application.

Policy #2: *Canby shall encourage further commercial development and redevelopment at appropriate locations.*

RESPONSE

The subject parcel is not located adjacent to or located inside of a commercial zone,

therefore this policy is not pertinent.

Policy #3: *Canby shall encourage economic programs and projects which will lead to an increase in local employment opportunities.*

RESPONSE

Development of this site will provide residences for Canby business owners, employees and consumers. Construction and sales of the subdivision will provide work opportunities for Canby residents in the homebuilding industry.

Policy #4: *Canby shall consider agricultural operations which contribute to the local economy as part of the economic base of the community and shall seek to maintain these as viable economic operations.*

RESPONSE

Implementation Measure A recommends that highly productive agricultural lands be maintained while other reasonable alternatives for urban growth are available. The subject property is the obvious alternative for urban growth intended by this measure given that it is within City boundaries, is zoned R-1 Low Density Residential, is identified as residential on the land use map and has adjacent residential uses.

Implementation Measure C suggests that 'where developments are proposed on a "phased" basis the first phase should be situated and designed such that agricultural operations can continue on the remaining property.' Tofte Farm was designed as a phased development, parts of which are currently under construction. The proposed subdivision encompasses Phase 5 of the Tofte Farm subdivision. Future phases will be farmed until development of future phases is economical.

Implementation Measure B does not apply to the subdivision application.

HOUSING ELEMENT

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

Policy #1: *Canby shall adopt and implement an Urban Growth Boundary which will adequately provide space for new housing starts to support an increase in population to a total of 20,000 persons.*

RESPONSE

The subject property is within the City established Urban Growth Boundary.

Policy #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.*

RESPONSE

Implementation measures A through H are directed to the City to ensure zoning and development codes that provide for higher densities, a greater housing mix and to assure an adequate supply of rental housing. Approval of the proposed subdivision application will support policy #2 by providing high quality housing to the existing housing market in Canby. Approval of this subdivision application will further help implement this policy.

Policy #3: *Canby shall coordinate the location of higher density housing with the ability of the city to provide utilities, public facilities, and a functional transportation network.*

RESPONSE

The proposed subdivision application is for Low Density Residential housing as identified on the City Land Use Map, therefore this policy is not pertinent to the subdivision application.

Policy #4: *Canby shall encourage the development of housing for low income persons and the integration of that housing into a variety of residential areas within the city.*

RESPONSE

Housing for low income persons is not a part of the proposed subdivision application.

Policy #5: *Canby shall provide opportunities for mobile home developments in all residential zones, subject to appropriate design standards.*

RESPONSE

The proposed subdivision application does not include mobile homes.

ENERGY CONSERVATION ELEMENT

GOAL: *To conserve energy and encourage the use of renewable resources in place of non-renewable resources.*

Policy #1: *Canby shall encourage energy conservation and efficiency measures in construction practices.*

RESPONSE

Homes built in this subdivision will meet the Uniform Building Code. Insulation values for walls, floors, roofs and windows will be some of the highest available on the market. This policy is met.

Policy #2: *Canby shall encourage development projects which take advantage of wind and solar orientation and utilization.*

RESPONSE

Fifty percent of the lots in a subdivision are required to meet solar standards. The proposed subdivision layout does not meet this requirement because of existing street patterns that are required for connectivity. 2 of the proposed 4 lots meet solar standards..

Policy #3: *Canby shall strive to increase consumer protection in the area of solar design and construction.*

RESPONSE

Renaissance Development continually strives to provide high quality homes. Quality control is set at a high standard for all aspects of housing construction including solar design and construction. In addition, the City will have opportunity for input throughout the subdivision and building review process and will be able to implement this policy.

Policy #4: *Canby shall attempt to reduce wasteful patterns of energy consumption in transportation systems.*

RESPONSE

The proposed subdivision is in accordance with the City's Transportation Master Plan and as such does not create wasteful patterns of energy consumption in the transportation system.

Policy #5: *Canby shall continue to promote energy efficiency and the use of renewable resources.*

RESPONSE

The proposed subdivision is designed in accordance with the City's Transportation Master Plan and Land Use planning policies. In following these guidelines, we are providing a more compact development that maximizes transportation systems and promotes energy efficiency.

B. CONFORMANCE WITH OTHER APPLICABLE REQUIREMENTS OF THE LAND DEVELOPMENT AND PLANNING ORDINANCE.

Section 16.10.050 Parking Standards Designated.

The parking standards set out in Table 16.10.050 shall be observed. (Ord. 854 § 2[part], 1991; Ord. 848 § 1, 16.10.050, 1990; Ord. 740 § 10.3.10(E), 1984)

RESPONSE

Two spaces per dwelling unit are required for single-family dwellings. The proposed subdivision will provide 2 car garages with adequate space in front of the garages for an additional two cars to park safely.

Section 16.16.010 Low Density Residential Zone.

Uses permitted outright in the R-1 zone shall be as follows: A) Single-family dwelling; one single-family dwelling per lot; B) Agriculture, including all accessory structures necessary to the conduct of agricultural activity but excluding commercial processing, sales, manufacturing, or packaging plants except when used primarily for items grown on the premises; C) Accessory uses and/or accessory structures;

RESPONSE

Single-family dwellings are permitted as an outright use in the R-1 zone. Development standards for the R-1 zone are shown on the chart in section 16.46.010.

Section 16.46.010 Access Limitations on Project Density.

.....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... Local roads within a phased subdivision will be allowed to continue the same width as previously approved.*
- 2. The number of units permitted are as follows:.....
Three accesses: 207 units permitted.*

RESPONSE

1. Local internal streets are proposed with a 32 foot pavement width as approved for phases 1, 2, 3 and 4 of Tofte Farms Subdivision and allowed by code.
2. Three access points were provided for phases 1-3 of the Tofte Farms subdivision. Three access points permit 207 units. Completion of Phase 5 will result in a total of 188 units.

Development Standards for Zone R-1

	<u>Per zone</u>	<u>Proposed</u>
minimum lot area:	7,000sf min.	7,017-9,391 sf
minimum width & frontage:	60' Min.	60' Min.
setbacks:		
street yard	20' min. w/ driveway 15' w/o driveway	20' w/ driveway 15' w/o driveway
rear yard corner	10' 1 story 15' 2 story	10' 1 story 15' 2 story
other rear yard	15' single story 20' two story	15' single story 20' two story
interior yard	7'	7'
max. building height	35'	35'

The proposed subdivision meets vision clearance distances.

Section 16.62 Subdivisions-application procedure and requirements.

RESPONSE

Twenty-five copies of the proposed subdivision are submitted with this text. All information required in this section is to be found on the plans or in this text.

Section 16.64.010 Streets

RESPONSE

Proposed streets meet City standards for minimum right-of-way and roadway widths, alignment, future extensions, intersections angles, existing streets, half streets, cul-de-sacs, alleys, names, grades, and curbs.

Streets will be constructed to City standards.

Section 16.64.020 Blocks

RESPONSE

This phase provides connection of two streets, and does not extend the length of any pre-existing blocks.

Section 16.64.030 Easements

A. Utility lines. Easements for electric lines or other public utilities are required, subject to the recommendations of the utility-providing agency. Utility easements 12 feet in width shall be required along all street lot lines unless specifically waived.

B. Watercourses;

C. Pedestrian Ways are necessary for blocks over six hundred feet in length.

D. Solar easements.

RESPONSE

A. Utility lines are proposed along street lot lines, are designed to follow utility agency's recommendations and will meet City standards.

B. The proposed subdivision is not traversed by a watercourse, drainage way, channel or stream, therefore this standard is not relevant.

Section 16.64.040 Lots

Defines lot size, shape, frontage and other lot concerns.

RESPONSE

All lots conform with requirements of Division III, R-1 zone.

Section 16.64.050 Public Open Space

Due consideration shall be given by the subdivider to the allocation of suitable areas for schools, roads, parks and playgrounds to be dedicated for public use.

RESPONSE

Public open space will be provided through payment of the Parks System Development Charge.

Section 16.64.060 Grading

The Commission may impose bonding requirements, similar to those described in Section 16.64.070, for the purpose of ensuring that grading work will create no public hazard nor endanger public facilities where either steep slopes or unstable soil conditions are known to exist.

RESPONSE

All lots will be graded in conformance with the Uniform Building Code and City standards. Proposed grading will not create a public hazard or endanger public facilities. The site is relatively level, there are no steep slopes or unstable soil conditions, nor is a public facility located adjacent to the site.

Section 16.64.070 Improvements

A.- Q. Improvement Procedures. In addition to other requirements, improvements installed by a land divider either as a requirement of these regulations, or at his own option, shall conform to the requirements of these regulations and improvement standards and specifications followed by the City....

RESPONSE

- A. All City requirements for improvement procedures will be followed.
- B. Developer will install all necessary improvements on-site such as internal streets, drainage, sanitary sewer system, sidewalks, street names and traffic-control signs, streetlights, lot, street and perimeter monumentation, powerlines, telephone, and cable as proposed.
- C. All streets will be constructed to City standards.
- D. Surface drainage and storm sewer systems will be installed to City standards.
- E. Sanitary sewers will be installed to City standards.
- F. Water lines and fire hydrants will be installed to City standards.
- G. Sidewalks will be installed to City standards.
- H. Bicycle routes are not proposed with this subdivision.
- I. Street name signs will be installed to City standards.
- J. Street lights will be installed to City standards.

- K. Curb cuts, street trees and other miscellaneous improvements will be installed to City standards.
- L. There are no flooding or slope hazard areas on-site.
- M. Survey accuracy requirements will be met.
- N. Improvements will be installed or repaired as necessary prior to Commission approval for the final subdivision plat.
- O. A letter of credit or bond or other surety acceptable to the City will be given for any improvements in this subdivision which are not completed prior to the signing of the final plat. Such agreement of assurance shall be in conformance with Paragraph O of Section 16.64.070 of the Land Development and Planning Ordinance.
- P. All improvements installed by the subdivider will be guaranteed as to workmanship and materials for a period of one year following written notice of acceptance by the City to the developer.
- Q. We are not requesting modification of large scale or solar efficient development.

Section 16.95 Solar Access Standards for New Development

At least 80% of the lots in a development subject to this ordinance shall comply with one or more of the options in this section, provided a development may, but is not required to use the options in subsection.....

RESPONSE

This 4 lot subdivision does not meet the basic solar rule, because of the need for continuation of existing street patterns. Two of the four lots meet the basic solar design rule.

C. OVERALL DESIGN AND ARRANGEMENT OF LOTS.

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

RESPONSE

The overall design and arrangement of the subdivision is functional and provides adequate space for building sites, utility easements, and access that may be necessary for future development.

Adjacent properties will not be hindered in use or development by the minor partition and subdivision of this property.

D. PUBLIC FACILITIES AND SERVICES.

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.

RESPONSE

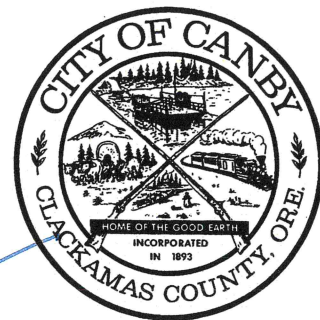
All public utilities are available through phase 2 and 4 of Tofte Farms (water, sewer, gas, telephone, cable and electric). The proposed subdivision is located within the City boundaries and as such all public services are available. Conversations with various service providers during phase one indicated that services are adequate for the proposed subdivision. Proposed and existing public utilities are illustrated in the tentative subdivision application for review.

CONCLUSION

The preceding narrative has explained how the proposed tentative subdivision meets the established standards and criteria identified in section 16.62:

- A. The proposed subdivision is consistent with the text and applicable maps of the Comprehensive Plan,
- B. The proposed subdivision conforms with all other applicable requirements of the Land Development Ordinance,
- C. The overall design and arrangement of lots are functional and provide adequate building sites, utility easement, and necessary access facilities. Adjacent properties are not unduly hindered by the proposed minor partition.
- D. All public utilities and services are currently available or will be provided concurrent with development to adequately meet the needs of the proposed land division.

MEMORANDUM



TO: *Planning Commission*
FROM: *John R. Williams, Community Development & Planning Director*
DATE: *April 29, 2005*

We have received a request to allow a manufacturing use in the Heavy Commercial Manufacturing zone, which requires Planning Commission approval. Following are the details and code requirements. This request can be dealt with by the Commission as a new business item.

Subject Property

The subject property is the former Modcom/3M site at 555 SW 2nd Avenue, located west of Elm Street near Whitman's towing and Pacific Pride fueling. These buildings housed the Modcom business from about 1970 until a couple of years ago. Modcom manufactured plastic dental components using plastic injection molding. The site has been vacant for the past couple of years and we have been working to market the site to industrial tenants.

This area was originally zoned light industrial but was changed to C-M in the 1984 code to facilitate some commercial uses near the highway. However, the subject property contains too much value and utility infrastructure to be used for commercial retail uses and should be allowed to continue as a manufacturing operation, so long as that use does not conflict with nearby businesses, the school, and residences.

Code requirements

Although the zone is titled "Heavy Commercial Manufacturing," it is primarily a commercial zone with limited allowances for manufacturing. Such heavy uses as "rail freight terminal," "tire retreading," and "lumber yard" are allowed outright but manufacturing is limited to 16.30.010(U):

- *Similar heavy commercial, storage, or light manufacturing uses as determined by the Planning Commission.*

Alternatively, applicants may obtain a conditional use permit to allow any use permitted in the M-1 (Light Industrial) zone.

Proposal

At this time, a business called Bowco is looking to purchase the property. Bowco manufactures precision engineered parts for the precast concrete industry. Basically, Bowco encases metal parts of various shapes in plastic using injection molding. These parts are then built into precast concrete manholes, ducts, and utility vaults by other companies offsite.

As noted in their proposal, their use is very similar to that which occupied the building for almost

30 years, has minimal traffic, is contained indoors, and produces very limited noise.

Recommendation

Staff recommends that the Planning Commission approve the applicant's request to have this use considered "similar" to those existing in the zone and area. This recommendation is based on the following:

- Plastic injection molding was performed in this building for almost 30 years by the previous tenant with no known complaints.
- The applicant's use will be contained indoors except for very limited outdoor storage.
- The applicant generates very limited truck traffic and will have limited impact on the surrounding area.
- Although the site is not far from the High School, immediately adjacent uses are quite heavy and include a towing operation, school bus storage and maintenance, and a commercial fueling distribution station (Pacific Pride).
- The building is very specialized with significant power capacity and economically will only make sense for a similar user. We have been marketing this building for several years and are pleased to have a potential occupant at this point.

Options

The Planning Commission could deny the request and require the applicant to obtain a Conditional Use Permit for the use. Staff did not recommend this option because of the similarity of the proposal to previous uses, the very limited impact of the use on the surrounding heavy uses, and the desire to facilitate a new business coming to Canby.

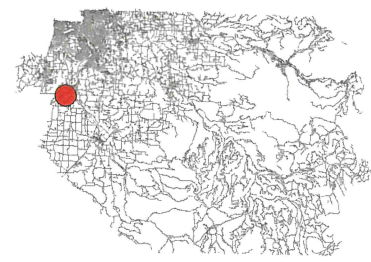
Please contact me if you have any questions before the meeting. If you're not familiar with this site, I would encourage you to drive by to observe the surroundings prior to making a decision.

SUBJECT PROPERTY

555 SW 2nd - Vicinity Map



Canby High School



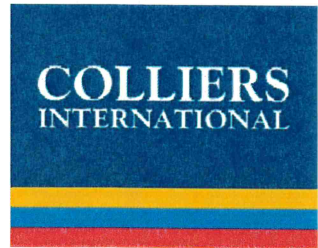
Geographic Information Systems
 121 Library Court
 Oregon City, OR 97045

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

April 29, 2005 04:55 AM



PROPERTY PROPERTY



601 SW Second Avenue, Suite 1950
Portland, Oregon 97204
Telephone: 503.223.3123
Facsimile: 503.227.2447
www.colliers.com

Wednesday, April 27, 2005

John Williams
City of Canby
182 N. Holly Street
Canby, OR 97013

RE: 555 SW 2nd Avenue, Canby, Oregon

Dear John:

Bowco Industries is considering acquiring the above referenced property and moving their manufacturing operation to Canby. Bowco encases metal parts in plastic, which is a process similar in nature to the owner, Mod-Com. The property will require minimum modifications to meet Bowco's needs.

We ask the Planning Commission to approve Bowco's use under CMC 16.30.010, Light Manufacturing Uses, as determined by the Planning Commission. When considering the approval, the Planning Commission should know:

- Bowco's business is a combination of metal fabrication and plastic over molding.
- Recycled products from local plastic recyclers are used for 95% of the material in the molding process.
- Noise impacts will be minimal. Equipment includes: forklifts, delivery trucks, a cooling tower, compressor and a grinder, which are similar to the previous occupant.
- Odors and vapors are minimal to none. There is some welding, which is restricted to a designated area.
- Traffic impacts will be approximately 3 delivery trucks per day coming and going, which includes UPS and materials deliveries.
- Approximately 7 employees will work at the facility during the day and 3 on the evening shifts.

- Traffic from customers is minimal, as Bowco's products are shipped to commercial contractors.
- Outdoor storage and operations will be limited to steel racking, storage bins and pallets. The preference is to store product and material inside, given the NW climate.
- There are no hazardous materials or processes used on site.
- Examples of Bowco's end products are attached for your reference and include: access steps for underground vaults in tank systems, specialized parts for septic systems and man hole access covers.
- Bowco's Operation Manager, Jeff Sanftlehen, lives in the Canby, has children at the high school and is very sensitive to being a good member of the Canby community.

Doug Bowen, Bowco's founder and president, cannot commit to the property until he is sure that his business will be permitted in this location. The property owners (Mod-Com) would like a quick resolution to this issue.

Please contact myself, Doug Bowen or Jeff Sanftlehen (Bowco Industries 503.653.9405) if any additional information is needed.

Sincerely,



Jeffrey R. Brooks, CCIM, SIOR
Vice President

Chapter 16.30
C-M HEAVY COMMERCIAL
MANUFACTURING ZONE

Sections:

- 16.30.010 Uses permitted outright.**
- 16.30.020 Conditional uses.**
- 16.30.030 Development standards.**

16.30.010 Uses permitted outright.

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

- A. A use permitted outright in a C-2 zone, other than dwelling units;
- B. Automobile body shop or heavy repair shop;
- C. Contractor's equipment yard;
- D. Dwelling for watchman or caretaker working on premises;
- E. Fuel distribution, wholesale or retail;
- F. Laundry or laundromat, with or without dry cleaning operation;
- G. Lumber yard;
- H. Machinery or farm equipment sales or service;
- I. Motels or hotels;
- ✓ J. Motor or rail freight terminal;
- ✓ K. Railroad trackage and related facilities;
- L. Restaurant;
- ✓ M. Stone cutting and sales;
- N. Service station;
- O. Tire retreading, recapping and sales;
- P. Transfer or storage;
- Q. Utility storage or service yard;
- R. Veterinarian's office or animal hospital;
- S. Business or professional office;

T. Public buildings or uses;
U. Similar heavy commercial, storage, or light manufacturing uses as determined by the Planning Commission.

V. Attached WTS facilities (see 16.08.120).

W. Detached WTS facilities (monopole), less than 100 feet in height (see 16.08.120). (Ord. 890 section 30, 1993; Ord. 740 section 10.3.29(A), 1984; Ord. 981 section 27, 1997)

16.30.020 Conditional uses.

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

A. A use permitted outright in an M-1 zone and not listed in section 16.30.010 or below;

B. Other light industrial uses as determined by the Planning Commission.

C. Detached WTS facilities (monopole), equal to or over 100 feet in height (see 16.08.120). (Ord. 740 section 10.3.29(B), 1984; Ord. 981 section 28 & 29, 1997)

16.30.030 Development standards.

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

- A. Minimum lot area: none.
- B. Minimum width and frontage: none.
- 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



Chair Brown and Commissioners
City of Canby Planning Commission
Canby, OR 97013

RE: SUB 05-03 – 4 Lot Subdivision on SW 3rd/Fir

Dear Commissioners:

As property owner and applicant in File #SUB 05-03, I am submitting this letter to request reopening the public hearing to allow additional information be submitted. This information is pertinent to the concerns raised during the Planning Commission's deliberation and initial decision at the April 25th public hearing.

I would like the opportunity to provide more detailed information regarding parking – both on-site and on-street, as well as building and site design concerns. I believe you will find the information useful in seeing how the proposed development will fit into the neighborhood, add value to the community and at the same time meet the minimum density requirement. I understand from City staff that reopening the public hearing will require additional public notice. This is fully acceptable to me.

Thank you for your consideration of this request. I will be attending the May 9th Planning Commission meeting to answer any questions you may have.

Sincerely,

A handwritten signature in cursive script that reads "Jason Bristol". The signature is written in black ink and is positioned above the printed name.

Jason Bristol

Chair Brown and Commissioners
City of Canby Planning Commission
Canby, OR 97013

RE: SUB 05-03 – 4 Lot Subdivision on SW 3rd/Fir

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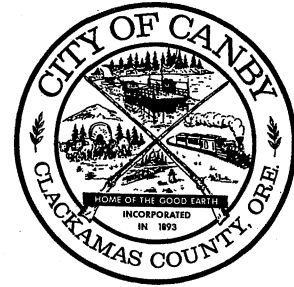
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Thank you for your consideration of this request. I will be attending the May 9th Planning Commission meeting to answer any questions you may have.

Sincerely,

A handwritten signature in cursive script that reads "Jason Bristol". The signature is written in black ink and is positioned above the printed name.

Jason Bristol



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

**A REQUEST FOR APPROVAL) FINDINGS, CONCLUSION & FINAL ORDER
TO SUBDIVIDE ONE TAX LOT) SUB 05-03
INTO 4 LOTS FOR SINGLE) (Bristol)
FAMILY RESIDENCES)**

NATURE OF APPLICATION

The applicant is seeking approval to subdivide one .13 acre parcel into 4 lots. An existing single family dwelling will remain on one lot, and one detached and two attached single family dwellings will be constructed on the three newly created lots.

HEARINGS

The Planning Commission held a public hearing and considered this application at its meeting of April 25, 2005.

CRITERIA AND STANDARDS

SUBDIVISIONS - CMC 16.62.020

This is a quasi-judicial land use application. Applications for a subdivision shall be evaluated based upon the following standards and criteria:

- A. Conformance with the text and applicable maps of the Comprehensive Plan.
- B. Conformance with other applicable requirements of the Land Development and Planning Ordinance.
- C. The overall design and arrangement of lots shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties.
- D. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed land division.

FINDINGS AND REASONS

The Planning Commission deliberated on all testimony presented at the April 25, 2005 public hearing and incorporates the April 15, 2005 Staff Report, written and oral testimony, and Commission deliberations as support for its decision. The Planning Commission hereby accepts and incorporates the findings in the April 15, 2005 staff report insofar as they do not conflict with the following findings:

1. The overall design and arrangement of the proposed parcels will not be functional and will not adequately provide building sites, utility easements, and access facilities which are necessary for the development of the subject property without unduly hindering the use or development of adjacent properties for the following reasons:
 - The Commission discussed access to the site, and the impact of additional traffic and on-street parking on the surrounding area. Public testimony from residents living in the area cited traffic related issues on SW 3rd Avenue as a major concern. Neighbors noted that SW 3rd is currently a very congested street, with on-street parking on both sides of the street usually at capacity. School buses travel on SW 3rd in the morning and afternoon of every school day, and have a very difficult time navigating the street. The near capacity on-street parking situation effectively makes SW 3rd Avenue a one lane street. School buses must travel very slowly to navigate the narrow roadway and resident drivers frequently have to alternate right of way with on coming vehicles due to the narrow roadway. Neighbors testified that the combination of near capacity on-street parking effectively narrowing the roadway to a single lane and on going traffic congestion creates an unsafe situation for children in the neighborhood, and that the proposed subdivision would negatively impact an already serious traffic situation .
 - The Planning Commission discussed the increased demand for on-street parking that the proposed subdivision would likely generate and noted that SW 3rd on-street parking is currently at capacity, and that S. Fir can only accommodate parking on one side due to road width requirements. The Commission noted the number of vehicles entering and exiting the site which would result in traffic safety concerns and found that the proposal would unduly hinder the use of adjacent properties; and
 - The Commission finds that the proposal would result in unacceptable traffic situations at SW 3rd and S Fir considering current infrastructure; and
 - The Planning Commission discussed concerns about the impact of the proposed subdivision on the neighborhood and noted that the proposal is in an established older neighborhood with predominantly single family homes on larger lots. Adjacent property owners testified that the subject proposal would create an isolated high density residential corner with small lots which would not integrate well with the surrounding neighborhood. Therefore, the Planning Commission finds that neighboring properties currently used would be unduly hindered by the proposed development.

CONCLUSION

The Planning Commission of the City of Canby concludes that, based on the findings and conclusions stated above and contained in the April 25, 2005 staff report, and based on written and oral testimony presented at the April 25, 2005 Public Hearing and Commission deliberations, **SUB 05-03 does not comply** with applicable criteria C of Canby Municipal Code Chapter 16.62.020.

ORDER

IT IS ORDERED BY THE PLANNING COMMISSION of the City of Canby that application **SUB 05-03 (Bristol)** is **DENIED**.

I CERTIFY THAT THIS ORDER denying **SUB 05-03** was presented to and **APPROVED** by the Planning Commission of the City of Canby.

DATED this 9th day of May, 2005.

James R Brown, Chairman
Canby Planning Commission

Matilda Deas, AICP
Project Planner

ATTEST:

ORAL DECISION – April 25, 2005

- AYES: Brown, Ewert, Molamphy, Tessman, Helbling, Lucas
- NOES: Manley
- ABSTAIN: None
- ABSENT: None

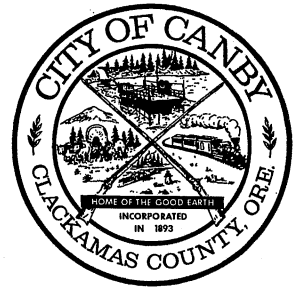
WRITTEN FINDINGS – May 9, 2005

AYES:

NOES:

ABSTAIN:

ABSENT:



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

**A REQUEST FOR APPROVAL) FINDINGS, CONCLUSION & FINAL ORDER
TO SUBDIVIDE ONE TAX LOT) SUB 05-03
INTO 4 LOTS FOR SINGLE) (Bristol)
FAMILY RESIDENCES)**

NATURE OF APPLICATION

The applicant is seeking approval to subdivide one .13 acre parcel into 4 lots. An existing single family dwelling will remain on one lot, and one detached and two attached single family dwellings will be constructed on the three newly created lots.

HEARINGS

The Planning Commission held a public hearing and considered this application at its meeting of April 25, 2005.

CRITERIA AND STANDARDS

SUBDIVISIONS - CMC 16.62.020

This is a quasi-judicial land use application. Applications for a subdivision shall be evaluated based upon the following standards and criteria:

- A. Conformance with the text and applicable maps of the Comprehensive Plan.
- B. Conformance with other applicable requirements of the Land Development and Planning Ordinance.
- C. The overall design and arrangement of lots shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties.
- D. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed land division.

FINDINGS AND REASONS

The Planning Commission deliberated on all testimony presented at the April 25, 2005 public hearing and incorporates the April 15, 2005 Staff Report, written and oral testimony, and Commission deliberations as support for its decision. The Planning Commission hereby accepts and incorporates the findings in the April 15, 2005 staff report insofar as they do not conflict with the following findings:

1. The overall design and arrangement of the proposed parcels will not be functional and will not adequately provide building sites, utility easements, and access facilities which are necessary for the development of the subject property without unduly hindering the use or development of adjacent properties for the following reasons:
 - The Commission discussed access to the site, and the impact of additional traffic and on-street parking on the surrounding area. Public testimony from residents living in the area cited traffic related issues on SW 3rd Avenue as a major concern. Neighbors noted that SW 3rd is currently a very congested street, with on-street parking on both sides of the street usually at capacity. School buses travel on SW 3rd in the morning and afternoon of every school day, and have a very difficult time navigating the street. The near capacity on-street parking situation effectively makes SW 3rd Avenue a one lane street. School buses must travel very slowly to navigate the narrow roadway and resident drivers frequently have to alternate right of way with on coming vehicles due to the narrow roadway. Neighbors testified that the combination of near capacity on-street parking effectively narrowing the roadway to a single lane and on going traffic congestion creates an unsafe situation for children in the neighborhood, and that the proposed subdivision would negatively impact an already serious traffic situation .
 - The Planning Commission discussed the increased demand for on-street parking that the proposed subdivision would likely generate and noted that SW 3rd on-street parking is currently at capacity, and that S. Fir can only accommodate parking on one side due to road width requirements. The Commission noted the number of vehicles entering and exiting the site which would result in traffic safety concerns and found that the proposal would unduly hinder the use of adjacent properties; and
 - The Commission finds that the proposal would result in unacceptable traffic situations at SW 3rd and S Fir considering current infrastructure; and
 - The Planning Commission discussed concerns about the impact of the proposed subdivision on the neighborhood and noted that the proposal is in an established older neighborhood with predominantly single family homes on larger lots. Adjacent property owners testified that the subject proposal would create an isolated high density residential corner with small lots which would not integrate well with the surrounding neighborhood. Therefore, the Planning Commission finds that neighboring properties currently used would be unduly hindered by the proposed development.

CONCLUSION

The Planning Commission of the City of Canby concludes that, based on the findings and conclusions stated above and contained in the April 25, 2005 staff report, and based on written and oral testimony presented at the April 25, 2005 Public Hearing and Commission deliberations, **SUB 05-03 does not comply** with applicable criteria C of Canby Municipal Code Chapter 16.62.020.

ORDER

IT IS ORDERED BY THE PLANNING COMMISSION of the City of Canby that application **SUB 05-03 (Bristol) is DENIED.**

I CERTIFY THAT THIS ORDER denying **SUB 05-03** was presented to and **APPROVED** by the Planning Commission of the City of Canby.

DATED this 9th day of May, 2005.

James R Brown, Chairman
Canby Planning Commission

Matilda Deas, AICP
Project Planner

ATTEST:

ORAL DECISION – April 25, 2005

AYES: Brown, Ewert, Molamphy, Tessman, Helbling, Lucas

NOES: Manley

ABSTAIN: None

ABSENT: None

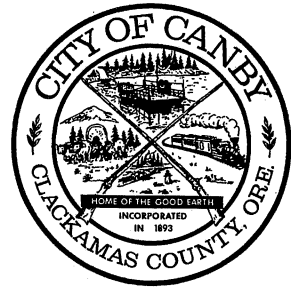
WRITTEN FINDINGS – May 9, 2005

AYES:

NOES:

ABSTAIN:

ABSENT:



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

**A REQUEST FOR APPROVAL) FINDINGS, CONCLUSION & FINAL ORDER
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CRITERIA AND STANDARDS

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

FINDINGS AND REASONS

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1. The overall design and arrangement of the proposed parcels will not be functional and will not adequately provide building sites, utility easements, and access facilities which are necessary for the development of the subject property without unduly hindering the use or development of adjacent properties for the following reasons:
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CONCLUSION

The Planning Commission of the City of Canby concludes that, based on the findings and conclusions stated above and contained in the April 25, 2005 staff report, and based on written and oral testimony presented at the April 25, 2005 Public Hearing and Commission deliberations, **SUB 05-03 does not comply** with applicable criteria C of Canby Municipal Code Chapter 16.62.020.

ORDER

IT IS ORDERED BY THE PLANNING COMMISSION of the City of Canby that application **SUB 05-03 (Bristol) is DENIED.**

I CERTIFY THAT THIS ORDER denying **SUB 05-03** was presented to and **APPROVED** by the Planning Commission of the City of Canby.

DATED this 9th day of May, 2005.

James R Brown, Chairman
Canby Planning Commission

Matilda Deas, AICP
Project Planner

ATTEST:

ORAL DECISION – April 25, 2005

AYES: Brown, Ewert, Molamphy, Tessman, Helbling, Lucas

NOES: Manley

ABSTAIN: None

ABSENT: None

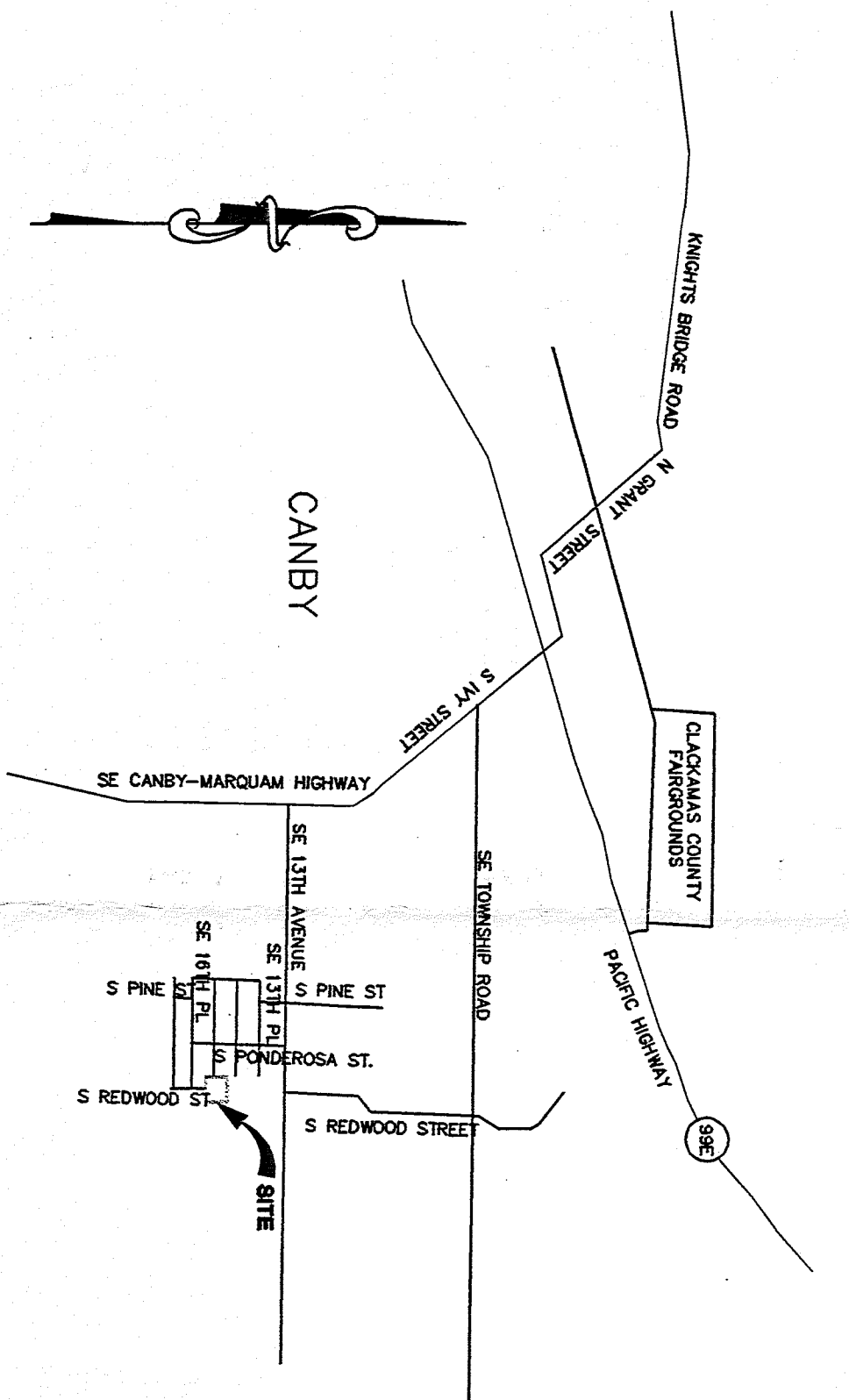
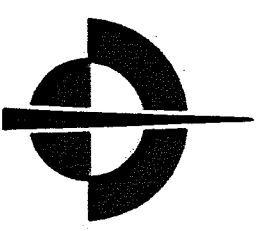
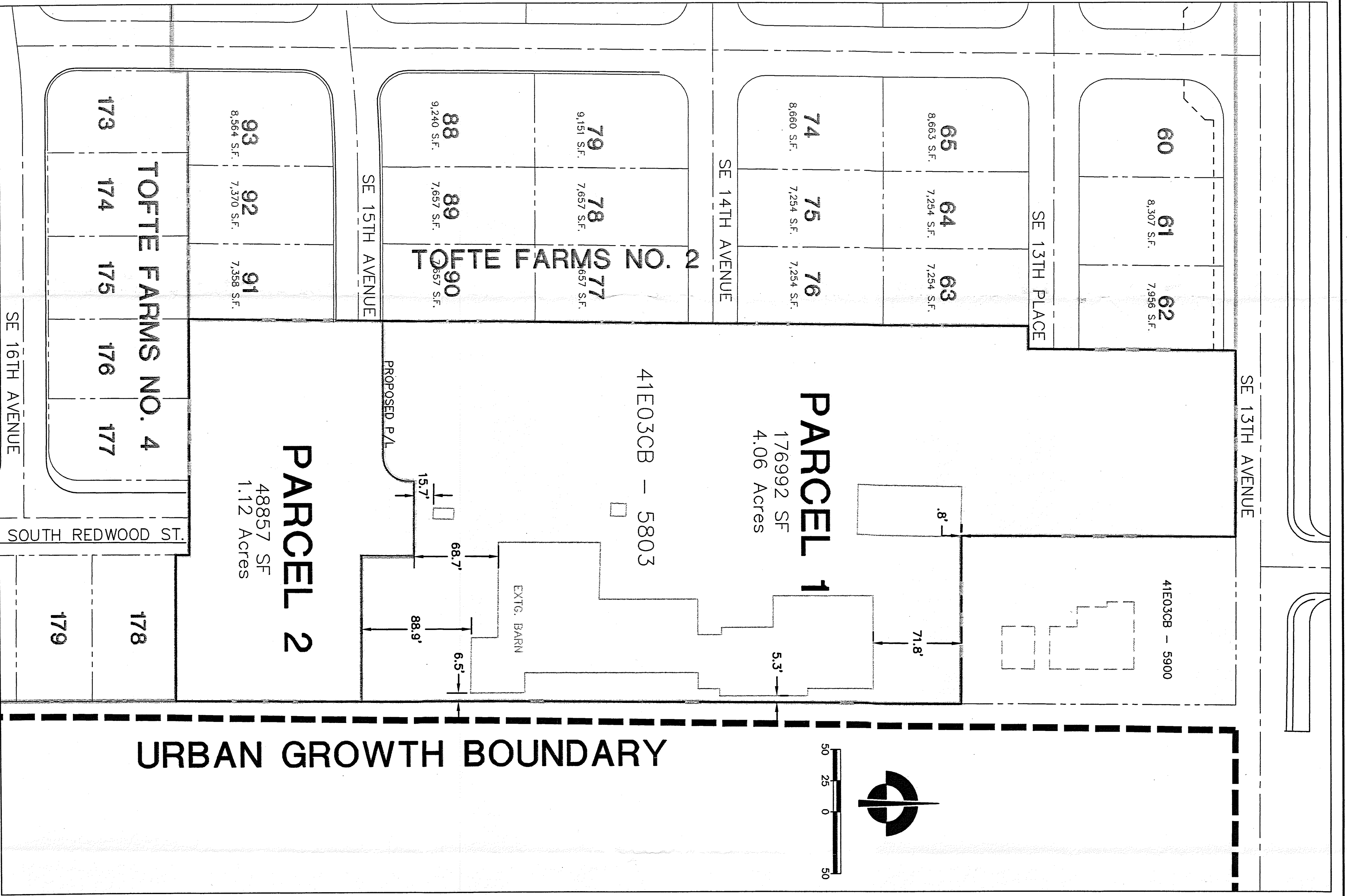
WRITTEN FINDINGS – May 9, 2005

AYES:

NOES:

ABSTAIN:

ABSENT:

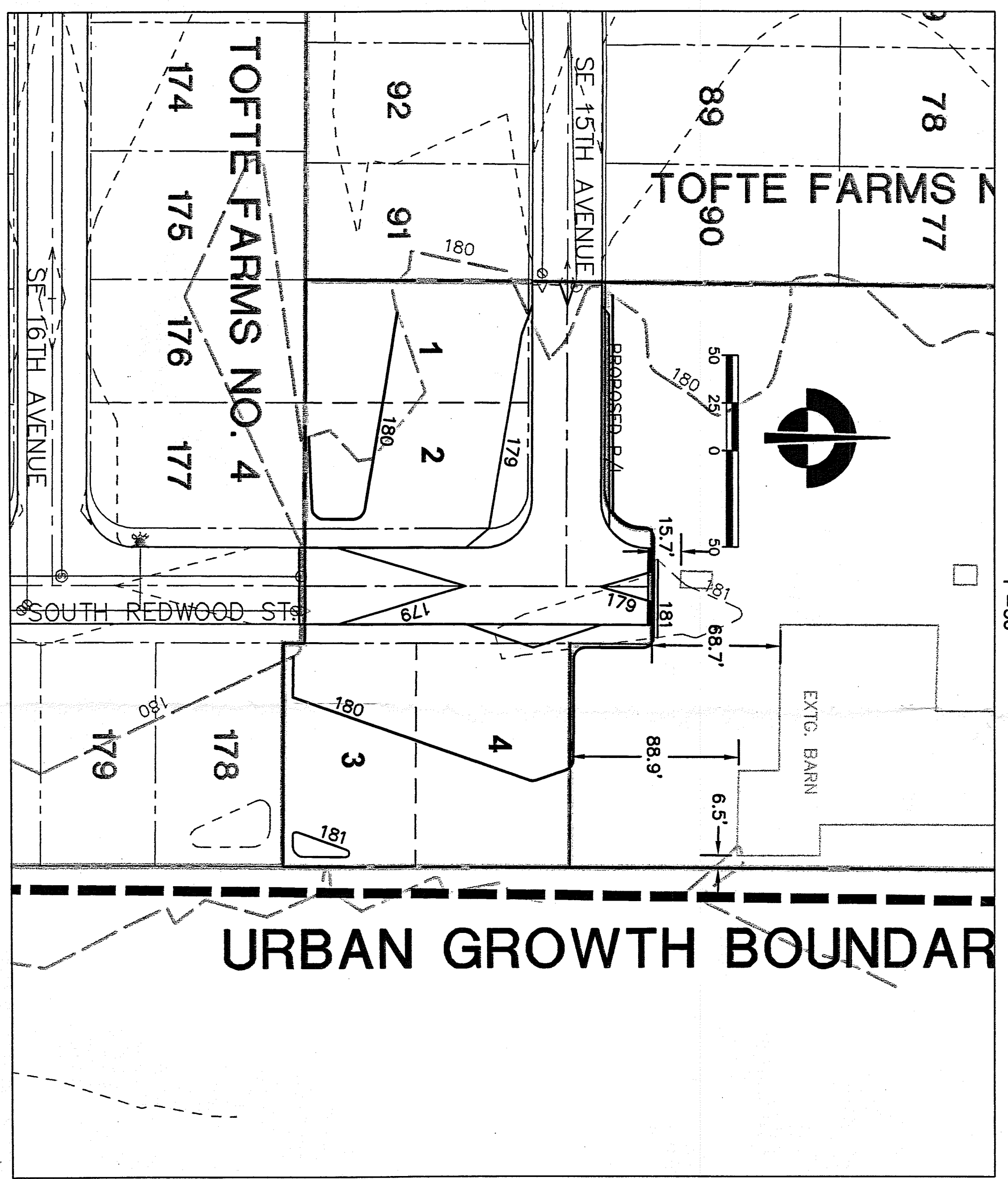
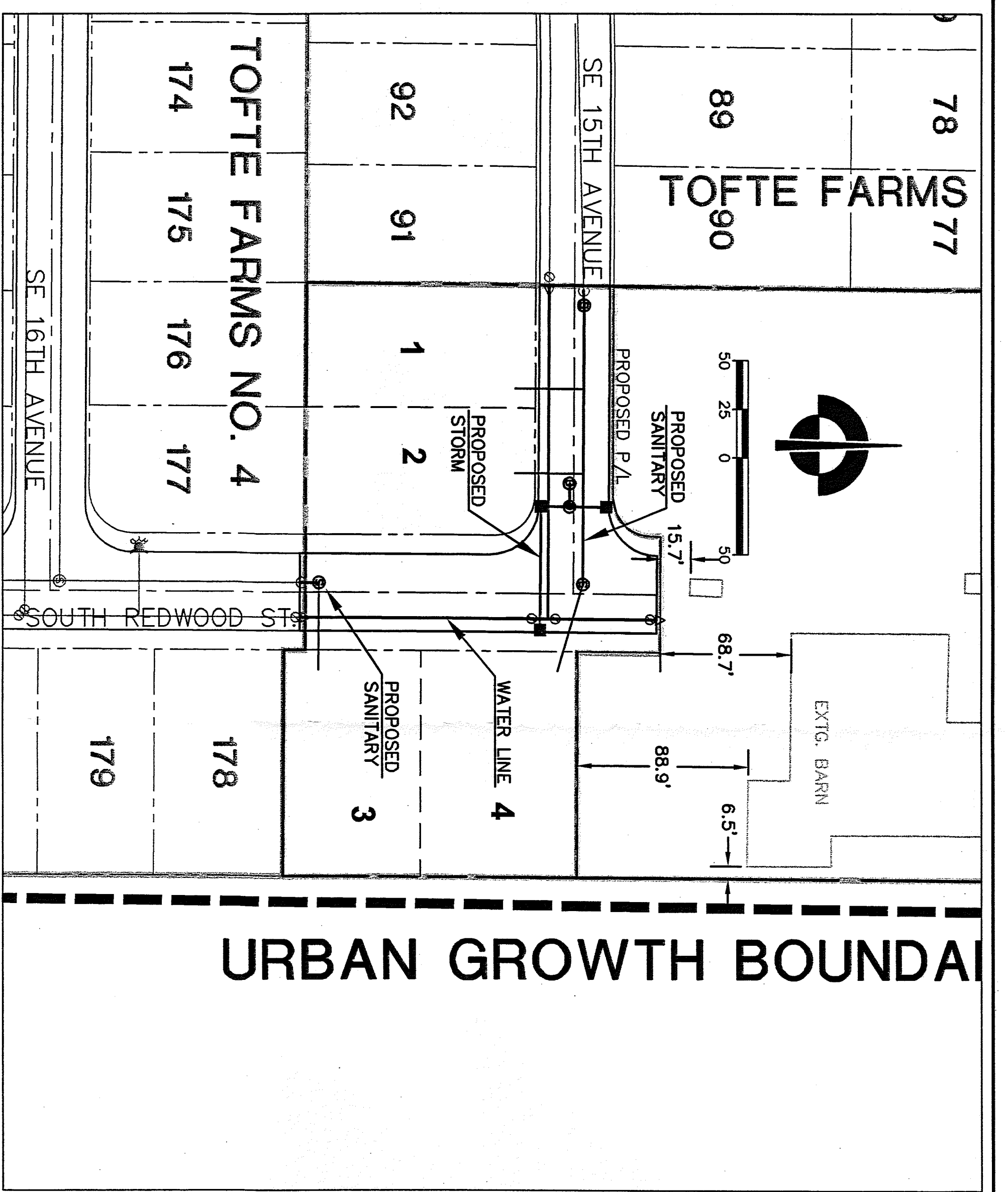
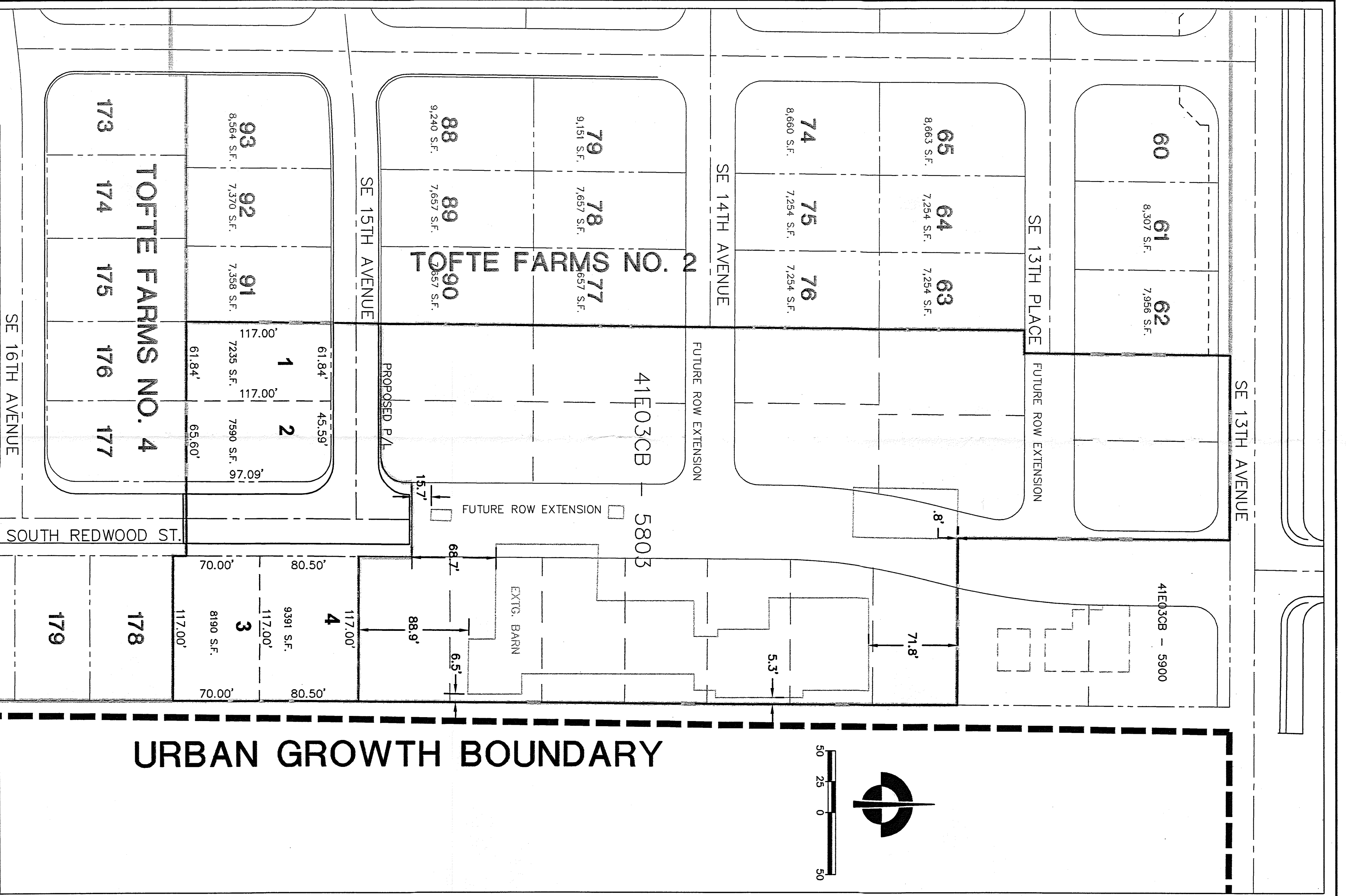


VICINITY MAP
N.T.S.

PARTITION PLAT

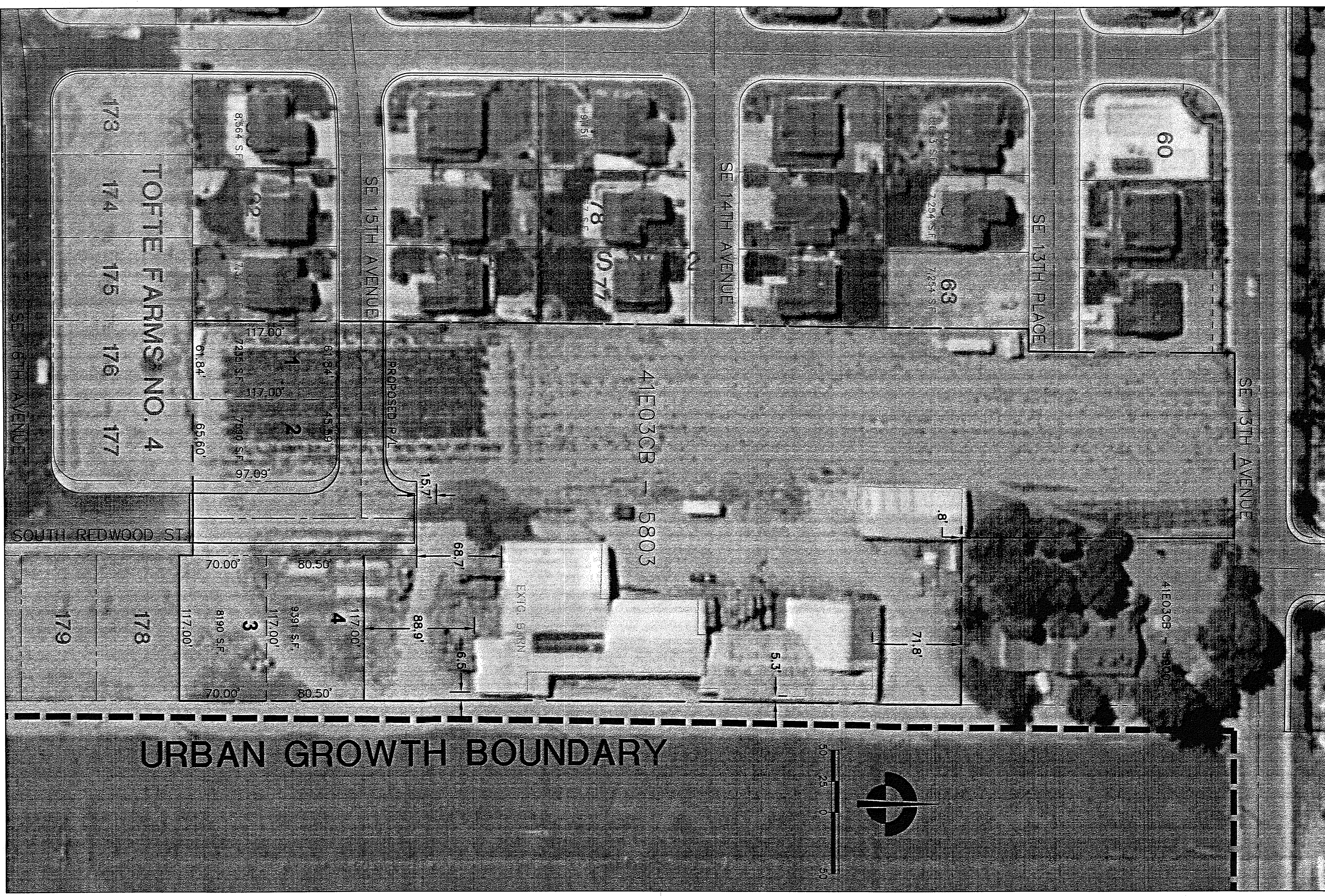
1"=50'

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PARTITION PLAT		CES NW		
2026-PRELIM.DWG		TOFTE 5 CASE FILE NO. XX-XX RENAISSANCE DEVELOPMENT CORP. 16771 BOONES FERRY ROAD LAKE OSWEGO, OR 97035		
		15573 SW BANGY ROAD, STE 300 LAKE OSWEGO, OREGON 97035 503.968.6655 www.cesnw.com		



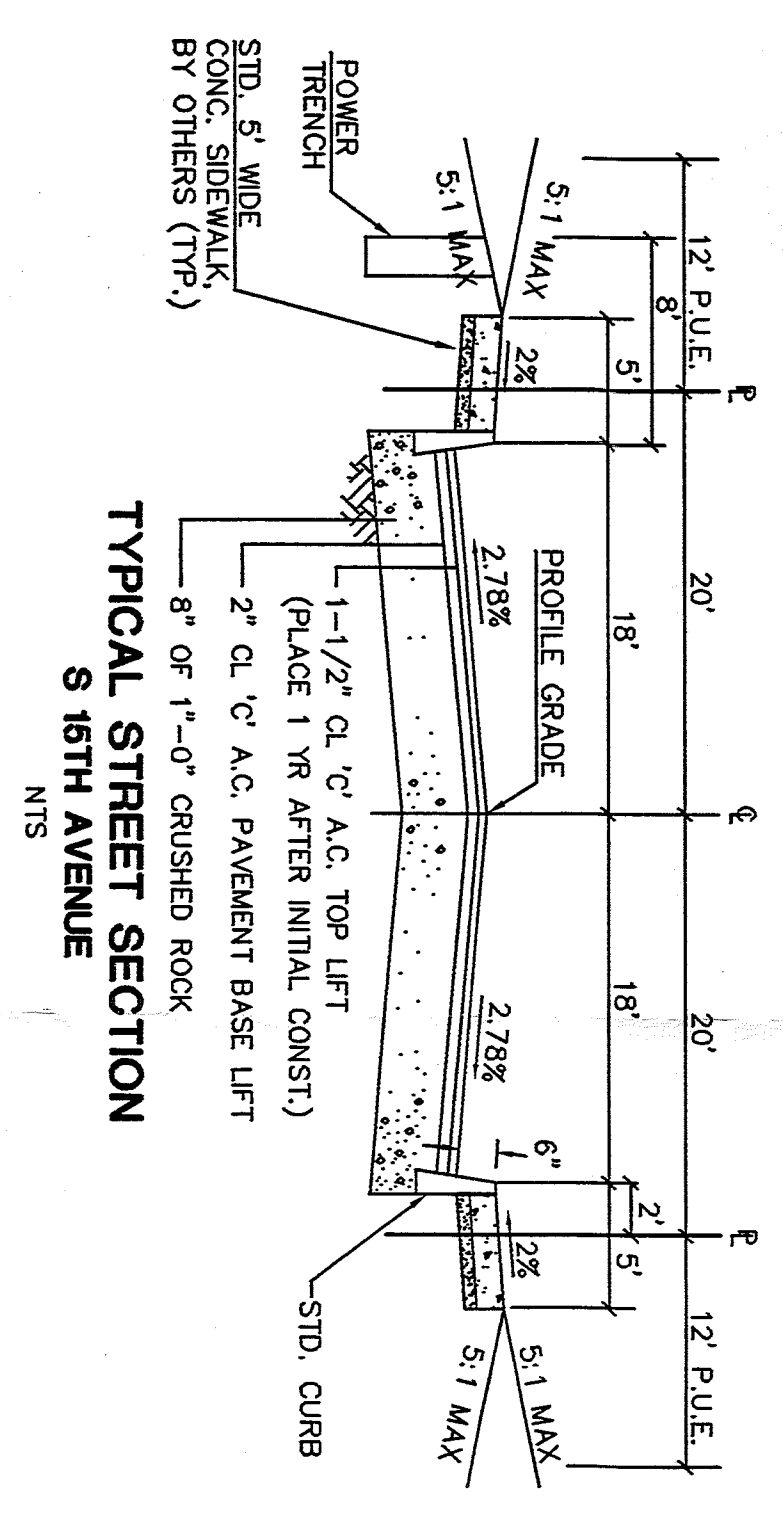
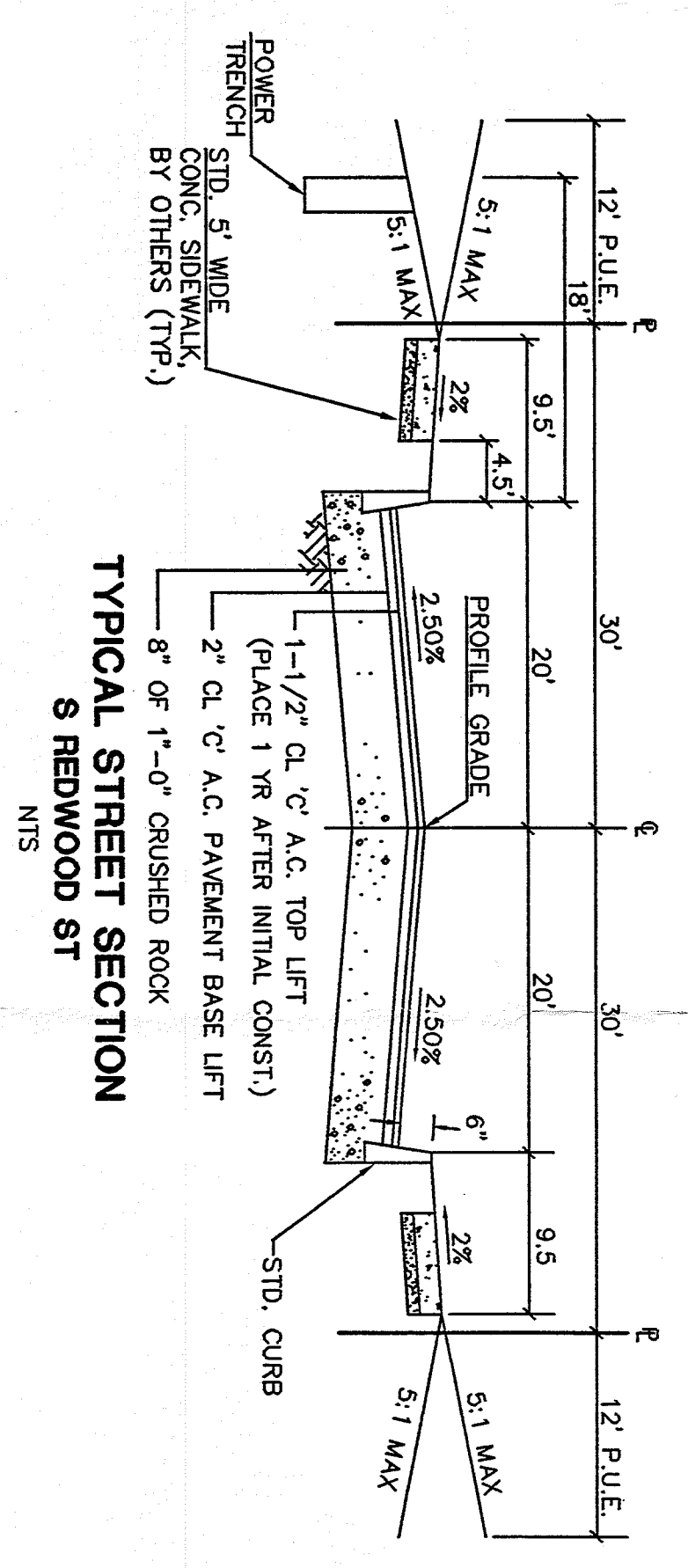
2	1	PRELIMINARY SITE PLAN, GRADING & UTILITIES	CES NW	TOFTE 5 CASE FILE NO. XX-XX
	PROJECT NO.: 2026 DATE: 02/22/05 DESIGNED BY: JDJ DRAWN BY: HHW/JDJ		15573 SW BANGY ROAD, STE 300 LAKE OSWEGO, OREGON 97035 503.968.6655 www.cesnw.com	RENAISSANCE DEVELOPMENT CORP. 16771 BOONES FERRY ROAD LAKE OSWEGO, OR 97035

2026-PRELIM.DWG



AERIAL PHOTO

1"=50'



2	2	PROJECT NO.: 2026	DATE: 02/22/05	REVISIONS	CES NW	TOFTE 5 CASE FILE NO. XX-XX
		DESIGNED BY: JDJ	DRAWN BY: HHW/JDJ			
		AERIAL PHOTO & STREET SECTIONS		15573 SW BANGY ROAD, STE 300 LAKE OSWEGO, OREGON 97035 503.968.6655 www.cesnw.com		
				2026-PRELIM.DWG		