

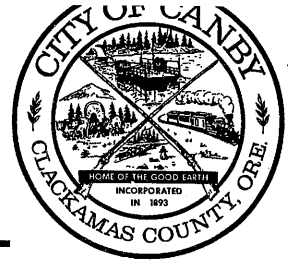
PLANNING COMMISSION AGENDA

July 11, 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

MLP 05-05 (Mees) The applicant is seeking approval to partition one 14,800 square foot parcel, located at 1185 NE 11th Place, between N. Pine and the Molalla Forest Rd, into two separate tax lots. The existing home will remain on the front lot (#1) and a buildable lot will be created to the rear of the parent parcel. The applicant proposes to provide access to the rear lot by means of a twenty foot wide access drive off NE 11th Place.

MLP 05-06 (Thompson) The applicant is seeking approval to partition one 17,250 square foot parcel, located at the southwest corner of NW 5th and N. Fir Street, one block north of NE 10th, into three separate tax lots. Parcel 1 (west) would contain 6,210 sq. ft. and a new duplex residential building; Parcel 2 (southeast) would contain 6,000 sq. ft. and a new duplex, and Parcel 3 (northeast) would contain 5,040 sq. ft. where the existing single family residence would remain.

IV. NEW BUSINESS

A request for an interpretation for parking requirements for accessory living space within an existing single family residence.

V. FINDINGS

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

VAR 05-01/SUB 05-08/PUD 05-01 (Pine Station)

DR 05-03 (Broetje)

VI. MINUTES

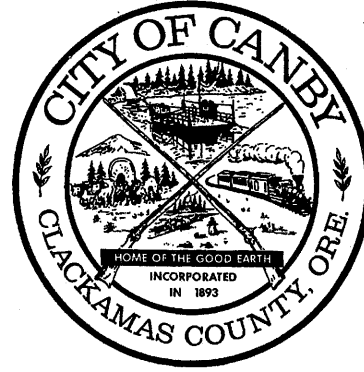
None

VII. DIRECTORS REPORT

VIII. ADJOURNMENT

IX.

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



STAFF REPORT -

APPLICANT:

Thomas Mees
10055 SE 250th NE Ave.
Gresham, OR 97080

FILE NUMBER:

MLP 05-05

OWNER:

Same

STAFF:

Matilda Deas, ACIP
Project Planner

LEGAL DESCRIPTION:

Tax Map 3-1E-34BB, Tax Lot 1000

DATE OF REPORT:

July 1, 2005

LOCATION:

1185 NE 11th Place,
Between N. Pine and
The Molalla Forest Road

DATE OF HEARING:

July 11, 2005

COMPREHENSIVE PLAN DESIGNATION:

R-1 Low Density Residential

ZONING DESIGNATION:

R-1 Low Density Residential

I. APPLICANT'S REQUEST:

The applicant is seeking approval to partition one 14,800 square foot parcel into two separate tax lots of 7,575 SF (lot #1) and 7,225 SF (lot #2). The existing house, which has access from NE 11th Place, will remain on the front lot (#1), creating one buildable lot to the rear of the parent parcel. The applicant proposes to provide access to the rear lot by means of a twenty foot wide access drive off NE 11th Place, which will terminate in a 12' by 20' turn around.

The application meets current zoning and comprehensive plan designations of R-1 Low Density

Residential.

II. APPLICABLE CRITERIA:

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

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

III. FINDINGS:

1. Location and Background

The subject property is located at 1185 NE 11th Place. The parcel currently contains one single family residence located toward the front of the parent parcel on the south side of

NE 11th Place. If the partition is approved, one additional single family home could be constructed on proposed lot #2 located behind the existing home.

Drawings submitted by the applicant show a 20 foot wide access drive on the west side of parcel one that extends approximately 104 feet from NE 11th Place to the proposed rear lot. The access will be paved, and a shared access easement shall be recorded on the partition plat.

Neighboring properties are all zoned for R-1 Low Density Residential development and are predominantly single story homes.

2. Comprehensive Plan Consistency Analysis

LAND USE ELEMENT

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

Applicable Policies:

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

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

The existing residence is a single story home; any new residence may be required to comply with Infill Home Standards through the building permit approval process

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

Analysis: *This application will permit additional development of the subject parcel and will help to maximize the efficient use of the property. The applicant has not submitted a development proposal for the newly created parcel but residential design standards will apply at the time of development.*

Policy #3: Canby shall discourage any development which will result

in overburdening any of the community's public facilities or services.

Analysis: A "Request for Comments" has been sent to all public facility and service providers (please see discussion under Public Services Element).

ENVIRONMENTAL CONCERNS ELEMENT

GOALS: TO PROTECT IDENTIFIED NATURAL AND HISTORICAL RESOURCES.

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

TO PROTECT LIVES AND PROPERTY FROM NATURAL HAZARDS.

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

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

Analysis: Subsequent development of the proposed partition must meet stormwater management approval from DEQ and Canby Public Works prior to issuance of building permits.

TRANSPORTATION ELEMENT

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

Applicable Policies:

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

Analysis: Existing street and utility improvements are

sufficient to support development of the proposed partition.

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

Analysis: *The applicant does not propose sidewalks along the street frontage but sidewalks will be required either as a part of this development or when sidewalks are constructed for all of NE 11th Place. Currently there are no sidewalks on either side of NE 11 Place.*

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

Analysis: *The Canby Police Department and Canby Fire District received notice of the proposed partition. Neither agency expressed concern with access to the site.*

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 public facility and service providers were sent a "Request for Comments." The Fire Department, **Public Works**, Canby Utility- Electric, **Wastewater Treatment Plant Supervisor, City Engineer**, Canby Telephone responded positively, indicating that services will become available through development.*

NW Natural Gas noted that services were not available, and suggested that a Public Utility Easement be required on the access road.

Canby Utility will require a trench on the east side of the property to relocate transformers to the front of the

property.

Neighborhood Comments:

Staff received a letter from Susan and Gerald Duffy that expressed their concerns about allowing a flag lot in an older established neighborhood, and losing a mature attractive tree to the 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 partition, with recommended conditions of approval, is consistent with Canby's Comprehensive Plan. Development of the parcels shall comply with applicable provisions of the City of Canby Land Development and Planning Ordinance, Building Codes, and other County and State regulations.

3. Evaluation Regarding Minor Land Partition Approval Criteria

- A. Conformance with the text and with the applicable maps of the Comprehensive Plan.
See discussion in part III.2, above.
- B. Conformance with all other requirements of the Land Development and Planning Ordinance.
With recommended conditions, the partition will comply with the requirements of the Land Development and Planning Ordinance, including lot sizes, frontage, access, and coverage requirements.
- C. The overall design and arrangement of parcels shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties.
With recommended conditions, the proposed partition will be functional and will provide building sites, necessary utility easements, and access facilities. Proposed parcels meet lot size and coverage requirements of the R-1 zone.
- D. No minor partitioning shall be allowed where the sole means of access is by private road, unless it is found that adequate assurance has been provided for year-round maintenance sufficient to allow for unhindered use by emergency vehicles, and unless it is found that the construction of a street to city

standards is not necessary to insure safe and efficient access to the parcels.

No private roads will be created by this partition and parking shall be prohibited in the private access drive. The drive shall be maintained for continuous, unhindered access for emergency vehicles .

- 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.

Except for NW Natural Gas, public services and facilities are available to adequately meet the needs of this land division. See discussion in part III.2, above.

IV. CONCLUSION

1. Staff concludes that the partition request, with appropriate conditions, is considered to be in conformance with the Comprehensive Plan and the Municipal Code.
2. Staff concludes that, with appropriate conditions, the overall design and arrangement of the proposed parcels are functional and will adequately provide building sites, utility easements, and access facilities necessary for development of the subject property without unduly hindering the use or development of adjacent properties.
3. No private roads will be created.
4. Staff concludes that all necessary public services will become available through the development of the property to adequately meet the needs of the proposed partition.

V. RECOMMENDATION

Based on the application and drawings submitted and based on the facts, findings and conclusions of this report, and without benefit of a public hearing, staff recommends that the Planning Commission approve MLP 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 MLP 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 upon completion.

3. All monumentation and recording fees shall be borne by the applicant.
4. Twelve (12) foot utility easements shall be provided along 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:

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

Prior to Construction:

6. A stormwater permit shall be obtained from the State of Oregon (DEQ) prior to issuance of a building permit. An acceptable stormwater system plan shall be approved by the State of Oregon - DEQ and the Canby Public Works Department.

During Construction:

7. A five (5) foot sidewalk inclusive of curb shall be constructed for the full frontage of the parent parcel along **NE 11th Place**. Where mailboxes, newspaper boxes, fire hydrants, or other obstructions are located at the curb, sidewalks shall swing away from the curb such that the walkway remains unobstructed for a full five-foot width.
8. The applicant is responsible for all costs associated with the relocation of utilities.
9. 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*.
10. Parking shall be prohibited in the access drive in order to provide continuous, unhindered emergency vehicle access. A **"Private Drive: No Parking"** sign shall be installed by the developer in compliance with City standards.

11. The applicant shall construct an approved curb cut, approach apron and sidewalk ramps at each drive entrance to the parcels. Access improvements and sidewalks shall be inspected and approved by Canby Public Works prior to installation.

Exhibits:

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

11th Place
PARTION APPLICATION NARRATIVE

APPLICANT: Thomas Mees

LOCATION: The subject property is located on the south side of 11th Place in the City of Canby,
East of NE Pine St.

LEGAL

DESCRIPTION: Assessors Map 746d5 Tax Lot 1000 AKA 1788 Green Tree Manor Lt3 Blk2

SITE AREA: 14,800 Square Feet.

ZONING : R-1

COMP PLAN

DESIGNATION: Low Density Residential

APPROVAL

CRITERIA: City of Canby Comprehensive Plan
Title 16 Division III- Zoning
Title 16 Division IV- Land Division

APPLICANTS

REQUESTED

APPROVAL: Minor Partition Plat creating two (2) legal lots.

This Application has been prepared by T Mees. The applicant and co-owner of the
partition subject site.



PROJECT SUMMARY
1185 NE 11th PL. Canby OR, 97013

This Land use application involves the partitioning of an existing 14,800 sq. ft parcel into two legal lots of record. The subject site is currently zoned as "R-1" by the City of Canby and is located and located on NE 11th Place near NE Pine St.

This partition application will create one lot #1 of approximately 7575 sq. ft. with existing driveway on 11th Pl. Lot #2 will be approximately 7225 sq. ft and will access 11th Pl. Via a flag drive with turnaround.

Both of the proposed lots meet the requirements for lot designs in the city of Canby's R-1 Zone including the minimum 7000 sq. ft lot size. The existing detached single family home located on the subject property will remain Lot # 1 of the partition. Existing utilities located within the NE 11th Place right of way, are available to serve both lots being created.

Date: 5/18/05
Existing Use: Single Family Dwelling
Location : 1185 NE 11th PL
Legal Description: Tax Lot #1000 of tax map # 31E34BB0 1000
Zoning: R-1

We propose to partition the lot and build a new affordable residence on the newly created lot to the rear of the present home site. We believe the proposal is in compliance with all City of Canby ordinances. Our efforts are directed towards creating a new home in such a manner as to fully utilize the land, remove pressure from farm land being converted to home sites, as well as minimize the impact on adjacent land owners.

The average size of existing dwellings within a two hundred-foot radius of the subject property is 1280 square ft. On average they contain 3 bedrooms and 1 bath, with construction in the 1960's. Our residence will be approximately 1500 square ft, with 3 bedrooms and 2.5 baths. Parking will be constructed in compliance with city standards.

Existing water and sewer service are located in the street directly in front of the subject property and currently serve the existing house.

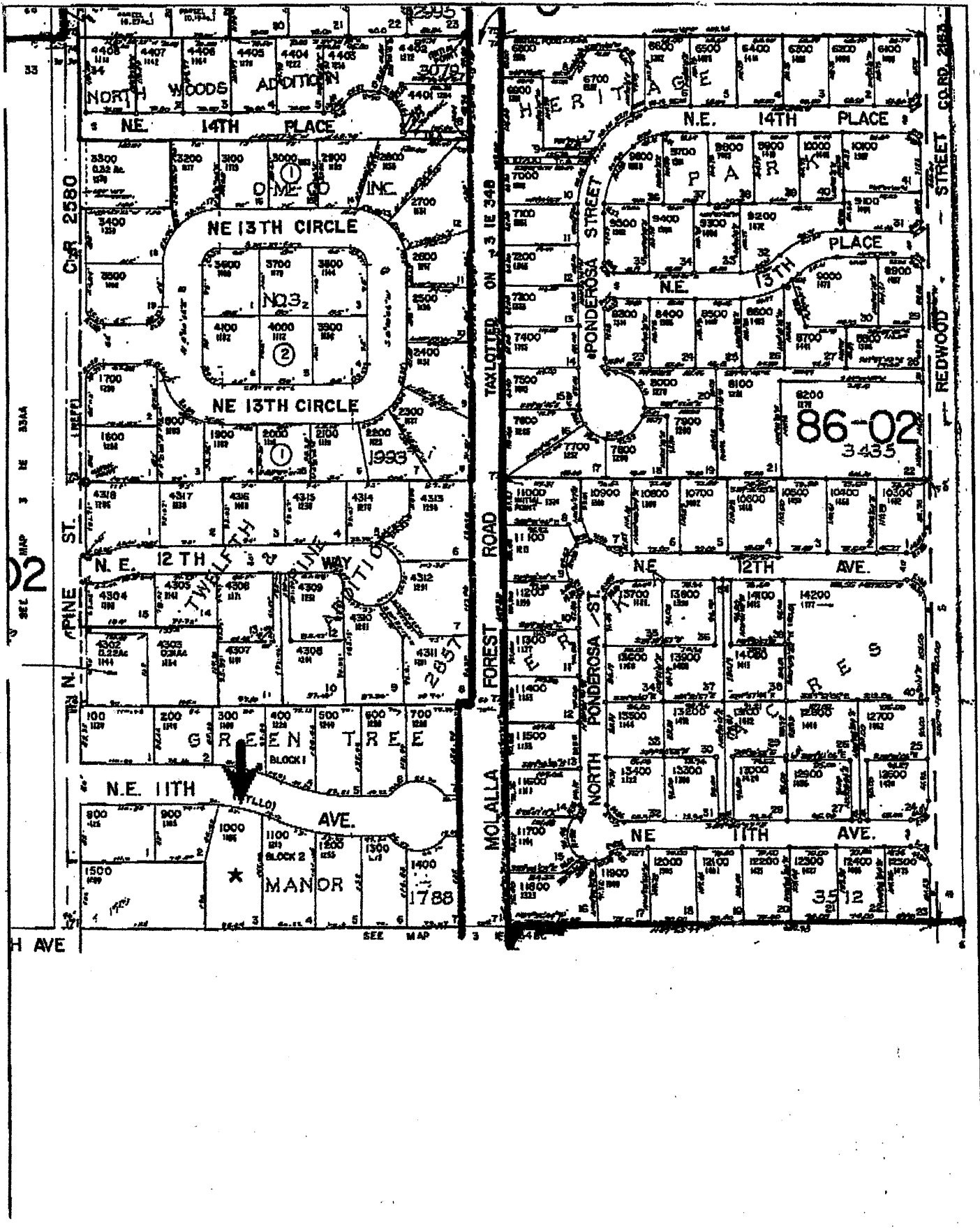
Electricity and telephone service are also currently available at the curb.

We will build a house to conform with and preserve the integrity of the neighborhood.

We believe we have met the criteria and that our proposed development plan will add beauty and value to the area and provide an additional and necessary affordable housing opportunity for families in our community.

Respectfully submitted this 17th day of May, 05.





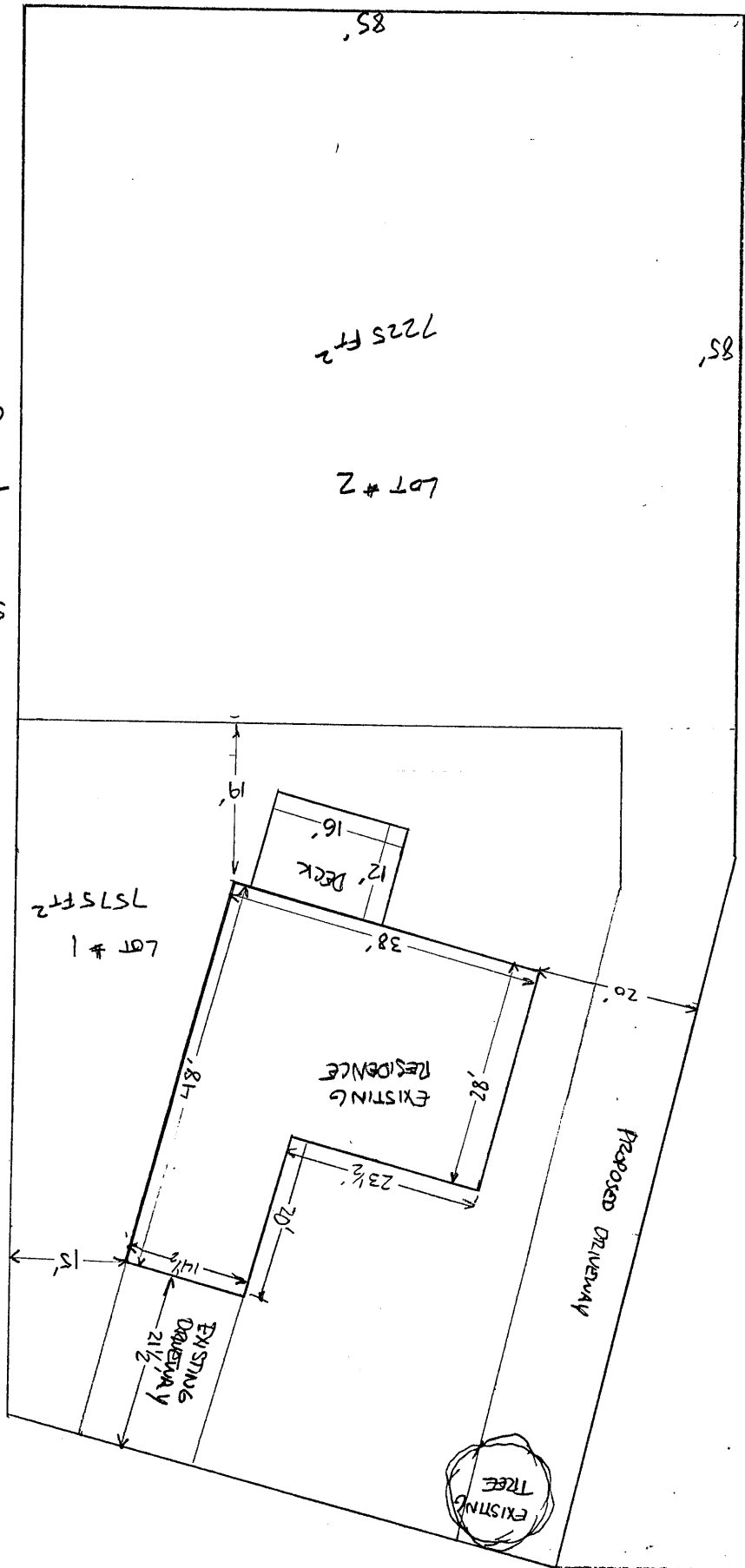
THIS MAP IS PROVIDED AS A COURTESY OF LAWYERS TITLE INSURANCE CORPORATION

This map is made solely for the purpose of assisting in locating said premises, and the Company assumes no responsibility for any in dimensions areas and locations ascertained by actual survey.



PREPARED/OWNED BY:
 THOMAS MEES
 10055 SE 250TH AVE
 GIBBSMAN OR 97080
 S/LT/OS
 SCALE 1" = 20'
 N
 ↓

SUBJECT PROPERTY:
 1185 NE 11TH PLACE
 CHUBB, OR 97013



CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: April 13, 2005

- TO:
- FIRE
 - POLICE
 - PUBLIC WORKS
 - CANBY ELECTRIC
 - CANBY WATER
 - WWTP
 - CITY ENGINEER
 - CTA
 - NW NATURAL
 - WILLAMETTE BROADBAND
 - CANBY DISPOSAL
 - CITY ATTORNEY
 - CANBY POST OFFICE
 - CLACKAMAS COUNTY ASSESSOR
 - CLACKAMAS COUNTY 911
 - CLACKAMAS COUNTY TRANSPORTATION
 - TRAFFIC SAFETY COMMITTEE
 - CLACKAMAS COUNTY
 - CANBY SCHOOL DISTRICT
 - TRANSPORTATION ENGINEER
 - ODOT/REGION 1/DIST 2B
 - STATE OF OREGON/REVENUE
 - CANBY BUSINESS REVITALIZATION
 - BIKE AND PEDESTRIAN COMMITTEE

The City has received MLP 05-03 (Caffall), an application by Caffall Construction to partition an existing tax lot into two legal lots. The current site area is 14,800 SF. The site is located 1185 NE 11th Place near NE Pine Street. The tax map is 3 1E 34 BB 1000.

Please review the enclosed application and return comments to Matilda Deas by Monday, April 25, 2005. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

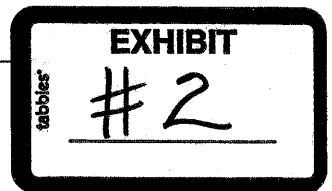
Comments or Proposed Conditions:

Please check one box and sign below:

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

Signature: Lawrence Broad Date: 4-19-05

Title: Fire Marshal Agency: CFD #62



CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: April 13, 2005

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| <input type="checkbox"/> CITY ATTORNEY | <input type="checkbox"/> BIKE AND PEDESTRIAN COMMITTEE |

The City has received MLP 05-03 (Caffall), an application by Caffall Construction to partition an existing tax lot into two legal lots. The current site area is 14,800 SF. The site is located 1185 NE 11th Place near NE Pine Street. The tax map is 3 1E 34 BB 1000.

Please review the enclosed application and return comments to Matilda Deas by Monday, April 25, 2005. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

IF Approved Condition's will be Addressed
at Development.

OKAY

Please check one box and sign below:

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

Signature: Roy Webster

Date: 20 APR 05

Title: PW SUPERVISOR

Agency: CITY OF CANBY

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

(503) 266-9404

FAX 266-1574

DATE: April 13, 2005

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Please review the enclosed application and return comments to Matilda Deas by Monday, April 25, 2005. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

CANBY UTILITY WILL REQUIRE A TRENCH ON THE EAST SIDE
OF THE PROPERTY TO RELOCATE THE TRANSFORMER TO THE FRONT
OF THE PROPERTY.

Please check one box and sign below:

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

Signature: *John Hochmull* Date: 4-25-05

Title: Line Foreman Agency: Canby Utility Elect.

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: June 27, 2005

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| <input type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> CANBY BUSINESS REVITALIZATION |
| <input type="checkbox"/> CITY ATTORNEY | <input type="checkbox"/> BIKE AND PEDESTRIAN COMMITTEE |

This is the same as MLP 05-03 (Caffall), an application by Caffal Construction. The only change is a different applicant. If you have question, please give us a call..

The City has received MLP 05-05 (Mees), an application by Thomas Mees to partition an existing lot creating a 7,660 SF building site. The property is zoned R-1 and is located 1185 NE 11th Place, the south side of NE 11th place, a cul-de-sac near NE Pine Street.

Please review the enclosed application and return comments to **Matilda Deas** by **Wednesday, July 1, 2005**. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

Please check one box and sign below:

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

Signature: Darwin Tramel Date: 6/28/05

Title: Supervisor Agency: WWTP

CANBY PLANNING DEPARTMENT NT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: April 13, 2005

RECEIVED

TO:

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Please review the enclosed application and return comments to Matilda Deas by Monday, April 25, 2005. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

If curb and sidewalk do not exist along the site frontage, we suggest that they should be installed.

Please check one box and sign below:

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

Signature:

[Handwritten Signature]

Date:

April 19, 2005

Title:

Project Engineer

Agency:

Curran McLeod, Inc

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: April 13, 2005

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| <input type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input type="checkbox"/> CTA | <input type="checkbox"/> TRANSPORTATION ENGINEER |
| <input checked="" type="checkbox"/> NW NATURAL | <input type="checkbox"/> ODOT/REGION 1/DIST 2B |
| <input type="checkbox"/> WILLAMETTE BROADBAND | <input type="checkbox"/> STATE OF OREGON/REVENUE |
| <input type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> CANBY BUSINESS REVITALIZATION |
| <input type="checkbox"/> CITY ATTORNEY | <input type="checkbox"/> BIKE AND PEDESTRIAN COMMITTEE |

The City has received **MLP 05-03 (Caffall)**, an application by **Caffall Construction** to partition an existing tax lot into two legal lots. The current site area is 14,800 SF. The site is located 1185 NE 11th Place near NE Pine Street. The tax map is 3 1E 34 BB 1000.

Please review the enclosed application and return comments to **Matilda Deas** by **Monday, April 25, 2005**. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

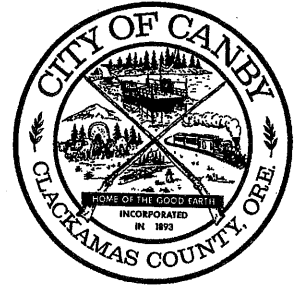
Just keep from have problems in the future, a PUE should be required on access road.

Please check one box and sign below:

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

Signature: Brian Van Snocum **Date:** 4-25-05

Title: Supervisor Engr **Agency:** NW Natural



- STAFF REPORT -

APPLICANT:

Jon Thomsen
775 F Avenue
Lake Oswego, OR 97034

FILE NUMBER:

MLP 05-06
(Thomsen)

OWNER:

Wild Hare Rentals, LLC.
25355 NE Glass Rd
Aurora, OR 97002

STAFF:

Kevin C. Cook
Associate Planner

LEGAL DESCRIPTION:

Tax Map 3-1E-33CB, Tax Lot 3500

DATE OF REPORT:

June 29, 2005

LOCATION:

Southwest corner of
N.W. 5th street and N. Fir Street
one block north of NE 10th

DATE OF HEARING:

July 11, 2005

COMPREHENSIVE PLAN DESIGNATION:

R-2 High Density Residential

ZONING DESIGNATION:

R-2 High Density Residential

I. APPLICANT'S REQUEST:

The applicant is seeking approval to partition one 17,250 square foot parcel into three separate tax lots. Parcel 1 (west) would contain 6,210 sq. ft. and a new duplex residential building; Parcel 2 (southeast) would contain 6,000 sq. ft. and a new duplex, and Parcel 3 (northeast) would contain 5,040 sq. ft. where the existing single family residence would remain. The applicant proposes to provide access to lot 1 by way of NW 5th St. and to lot 2 by way of N Fir St. The application meets current zoning and comprehensive plan designations of R-2 High Density Residential.

II. APPLICABLE CRITERIA:

1. In judging whether a Minor Partition should be approved, the Planning Commission must consider the following standards and criteria (Ord. 16.60.030):
 - A. Conformance with the text and the applicable maps of the Comprehensive Plan;
 - B. Conformance with all other applicable requirements of the Land Development and Planning Ordinance;
 - C. The overall design and arrangement of parcels shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties;
 - D. No minor partitioning shall be allowed where the sole means of access is by private road, unless it is found that adequate assurance has been provided for year-round maintenance sufficient to allow for unhindered use by emergency vehicles, and unless it is found that the construction of a street to city standards is not necessary to insure safe and efficient access to the parcels;
 - E. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed land division.
2. Other Applicable Criteria:
 - A. 16.10 Off-Street Parking and Loading
 - B. 16.20 R-2 High Density Residential Zone
 - C. 16.56 General Provisions (Land Division Regulations)
 - D. 16.60 Major or Minor Partitions
 - E. 16.64 Subdivisions - Design Standards

III. FINDINGS:

1. Location and Background

The subject property is located at 493 N Fir Street. The parcel currently contains one single family residence on the west side of N Fir.

Drawings submitted by the applicant shows parking between the street and the duplex units. The applicant will be required to meet access and parking standards at the time of application for a building permit (Conditions #9 & #12). The proposed lot sizes and

dimensions are sufficient to accommodate the required parking, although adjustments to the building footprints as shown on the preliminary plat will likely need to occur in order to meet the standards. There are existing sidewalks fronting the property on both N. Fir and NW 5th. The applicant will be required to meet development requirements set forth by the public works department (Condition #12).

Neighboring properties are all zoned for R-2 High Density Residential development.

2. Comprehensive Plan Consistency Analysis

LAND USE ELEMENT

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

Applicable Policies:

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

Analysis: *The proposed development of residential housing on the subject parcel is an approved use of the property and is compatible with surrounding uses. The existing residence is a single story home; new residences will be required to comply with Infill Home Standards through the building permit approval process (See Condition 14).*

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

Analysis: *This application will permit additional development of the subject parcel and will help to maximize the efficient use of the property. The applicant is proposing two duplex units in addition to the existing single family residences; thus, allowing the site to come into conformance with the underlying R-2 (High Density Residential) zoning district.*

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

Analysis: A "Request for Comments" has been sent to all public facility and service providers (please see discussion under Public Services Element).

ENVIRONMENTAL CONCERNS ELEMENT

GOALS: TO PROTECT IDENTIFIED NATURAL AND HISTORICAL RESOURCES.

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

TO PROTECT LIVES AND PROPERTY FROM NATURAL HAZARDS.

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

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

Analysis: The proposed partition must meet storm water management approval from DEQ and Canby Public Works prior to issuance of building permits (see Condition #8).

TRANSPORTATION ELEMENT

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

Applicable Policies:

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

Analysis: Existing street and utility improvements are sufficient to support development of the proposed partition. An approved curb cut and apron are required to provide drive access to Parcels 1 & 2. One street tree will be required on each street frontage (four trees total); See Conditions 12 & 13.

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

Analysis: Sidewalks are in place for both street frontages.

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

Analysis: The Canby Police Department and Canby Fire District received notice of the proposed partition. Neither agency expressed concern with access to the site.

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: As of the writing of this report, only the City waste water treatment plant had responded to a request for comments, they did not indicate any concerns regarding the project.

Minutes from the pre-application meeting held on June 8, 2005 revealed the following (see pre-app. meeting minutes):

- *Canby Utility, Water Distribution Dept.: Water is available for the proposed development. Metering for the existing house will possibly need to be relocated.*
- *Canby Utility, Electric Dept.: Electricity will be made*

available at the applicant's expense. Service to the existing dwelling will need to be converted to underground.

- *Canby Telephone: Telephone service will be made available.*
- *City of Canby Public Works Dept.:*
 1. *The alleyway will need to be repaved for the full width of the property. The sewer line runs down the alley (see Condition 12).*
 2. *No sewer laterals servicing an individual unit are allowed to run underneath another individual unit.*
 3. *The applicant may need to reposition the sewer lateral to avoid running it underneath any proposed structures.*
 4. *Sewer inspections will be done by the City.*
 5. *Rain drains must be maintained on site.*
 6. *An erosion control permit will be required prior to moving any soil.*
 7. *An easement may be required in favor of the existing house (lot 3) for continued access to the sewer main through the other lots (see Condition #5).*

Neighborhood Comments:

No neighborhood comments were received.

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

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

3. Evaluation Regarding Minor Land Partition Approval Criteria

- A. Conformance with the text and with the applicable maps of the Comprehensive Plan.
See discussion in part III.2, above.
- B. Conformance with all other requirements of the Land Development and Planning Ordinance.
With recommended conditions, the partition will comply with the requirements of the Land Development and Planning Ordinance, including

lot sizes, frontage, access, and coverage requirements.

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

With recommended conditions, the proposed partition will be functional and will provide building sites, necessary utility easements, and access facilities. Proposed parcels meet lot size and coverage requirements of the R-2 zone.

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

No private roads will be created by this partition and parking shall be prohibited in the private access drive. The drive shall be maintained for continuous, unhindered access for emergency vehicles (see Condition 12).

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

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

IV. CONCLUSION

1. Staff concludes that the partition request, with appropriate conditions, is considered to be in conformance with the Comprehensive Plan and the Municipal Code.
2. Staff concludes that, with appropriate conditions, the overall design and arrangement of the proposed parcels are functional; utility easements and access facilities necessary for development of the subject property can be provided without unduly hindering the use or development of adjacent properties.
3. No private roads will be created.
4. Staff concludes that all necessary public services will become available through the development of the property to adequately meet the needs of the proposed partition.

V. RECOMMENDATION

Based on the application and drawings submitted and based on the facts, findings and conclusions of this report, and without benefit of a public hearing, staff recommends that the Planning Commission approve MLP 04-02 with the following conditions:

For the Final Plat:

1. A final partition plat illustrating the conditions of approval shall be submitted to the City Planner for review and approval. The final partition plat shall reference this land use application: City of Canby File Number MLP 05-06
2. The final partition plat shall be a surveyed plat map meeting all of the specifications required by the Clackamas County Surveyor. The partition map shall be recorded with the Clackamas County Surveyor and with the Clackamas County Clerk; a final copy of the signed and recorded map shall be provided to the Canby Planning Department upon completion.
3. A new deed and legal description for the proposed parcels shall be prepared and recorded with the Clackamas County Clerk. A copy of the new deeds shall be provided to the Canby Planning Department.
4. All monumentation and recording fees shall be borne by the applicant.
5. Twelve (12) foot utility easements shall be provided along 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. An easement in favor of proposed lot 3 for the purpose of retaining existing sewer line access shall be recorded over any new lots where the sewer line servicing the existing residence is found to exist.

Notes:

6. The final plat must be recorded with the Clackamas County Surveyor within one (1) year of the preliminary plat approval in accordance with Canby Ordinance 16.60.060. Mylar copies of the final plat must be signed by the City Planning Director prior to recording the plat with Clackamas County.
7. House numbers shall be visible from the street but numbers painted on the curb shall not be the primary method of meeting this requirement.

Prior to Construction:

8. A stormwater permit shall be obtained from the State of Oregon (DEQ) prior to issuance of a building permit. An acceptable stormwater system plan shall be approved by the State of Oregon - DEQ and the Canby Public Works Department.
9. Prior to permit, the applicant shall demonstrate compliance with offstreet parking requirements as listed in Chapter 16.10 of the CMC.

During Construction:

10. The applicant is responsible for all costs associated with the relocation of utilities.
11. Any new sewer main and/or new laterals shall be installed by the applicant at the time of development. Location and construction of the sewer main and/or laterals shall be approved by the Public Works Supervisor *prior to excavation*.
12. The applicant shall construct an approved curb cut, approach apron and sidewalk ramps at each drive entrance to the parcels. The alleyway shall be repaved along the entire width of the property frontage abutting the alley. Access improvements shall be inspected and approved by Canby Public Works prior to installation.
13. The applicant shall plant a minimum of one street tree along the street frontage of each unit (two trees per duplex building). Street trees shall be placed 11' behind the back of sidewalk.
14. Duplex unit #1 (on the west parcel) will be required to comply with the standards for infill homes as listed in Section 16.21.050.

Exhibits:

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

MINOR LAND PARTITION APPLICATION

FEE \$1,280

PROCESS TYPE III

OWNER

APPLICANT*

Name ~~Jon Thomsen~~
Wild Here Rentals, LLC.
Address 25355 NE Glass Rd.

Name Jon Thomsen
Address 775 E Ave

City Astoria State OR Zip 97002

City Lake Oswego State OR Zip 97034

OWNER'S SIGNATURE *[Signature]*

PHONE 503/678/2342
cell-503-475-0706

DESCRIPTION OF PROPERTY:

Address 493 N Fir Street

31E33CB03500

Tax Map Tax Lot(s) Lot Size .4 Acres
(Acres/Sq. Ft.)

PROPERTY OWNER LIST

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

Existing Use There is 1 (one) single family home on lot used as rental.

Proposed Use Proposing the addition of two (2) duplexes on property.

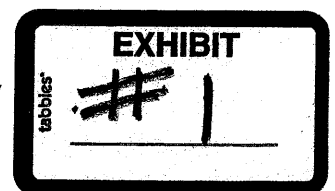
Existing Structures One existing home.

ZONING R2 COMPREHENSIVE PLAN DESIGNATION R2

PREVIOUS ACTION (If Any)

FOR CITY USE ONLY	
File #	MCP 05-06
Date Received	6-13-05 By <i>[Signature]</i>
Completeness Date	
Pre-App Meeting	

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



Summary of Property and Development

Property is located at the corner of 5th and N. Fir Street in Canby, Oregon. The property is bordered by 5th street to the North, N. Fir Street to the East, an alley to the South and a residence to the West. The 150' by 100' lot is zoned R2. A house exists on the lot (see Map). The owner seeks to build two additional duplexes on the lot in approximately the NW (duplex 1) and SE (duplex 2) corners. Access to duplex 1 would be from 5th Street and access to duplex 2 would be from N. Fir Street. The proposed development satisfies the density requirements and development standards for R2 zoning per the City of Canby's Land Development and Planning Ordinances. Please see Map for further details. The property and proposed development were subject of a Preliminary Application Conference held at the City Shops Conference room at 10:30 a.m. on Wednesday, June 8th 2005.

Duplex 1 Access to Utilities

Gas: There is a 1" gas line that terminates midway down on 5th street before it reaches N. Fir Street. It is contemplated that Duplex 1 would bring gas into each unit from this line.

Water: There is a 4" water line on 5th that would be tapped to provide water to both units in Duplex 1. Two new water meters would be located in the NW corner of the property in front of Duplex 1 (see Preliminary Map).

Sewer: There is an 8" sewer line that runs through the alley to the south of the property. It is contemplated that a lateral would be run from this sewer line to each unit.

Electrical and Telephone: Power and telephone / cable are located via the alley to the south of the property. The existing house's power and telephone are currently above ground served from the alley. It is contemplated that units 1 and 2 would receive power and telephone via underground connection from the alley.

Duplex 2 Access to Utilities

Gas: There is a 2" gas line on N. Fir Street that terminates before the Alley. It is contemplated that Duplex 2 would bring in gas to each unit from this gas line. There most likely will be a need to extend the existing 2" line further to the North (in front of Duplex 2) to facilitate the connecting gas service.

Water: There is a 4" water line that runs via N. Fir Street. It is contemplated that Units 1 and 2 of Duplex 2 will tap this line for water. Two additional water meters will be located in front of Duplex 2 on the SE corner of the Property.

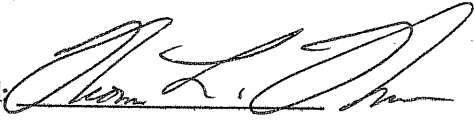
Sewer: It is contemplated that Units 1 and 2 of Duplex 2 will connect to the same 8" sewer line located in the Alley as Duplex 1. Two sewer laterals will be constructed.

Electrical and Telephone: The existing power and telephone demark is located approximately 7' from the contemplated SW corner of Duplex 2. Duplex 2 would bring underground electrical and telephone services to both its Units from the existing demark.

Wild Hare Rentals, LLC.
25355 NE Glass Rd
Aurora, OR 97002

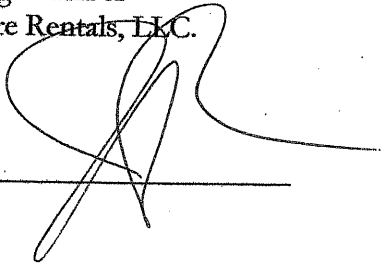
This letter serves as evidence of authority for Jon Thomsen to serve as applicant and representative towards filing the application for minor land partition on behalf of Wild Hare Rentals, LLC.

Signed: _____



Thomas L. Thomsen
Managing Member
Wild Hare Rentals, LLC.

Signed: _____



Jon Thomsen

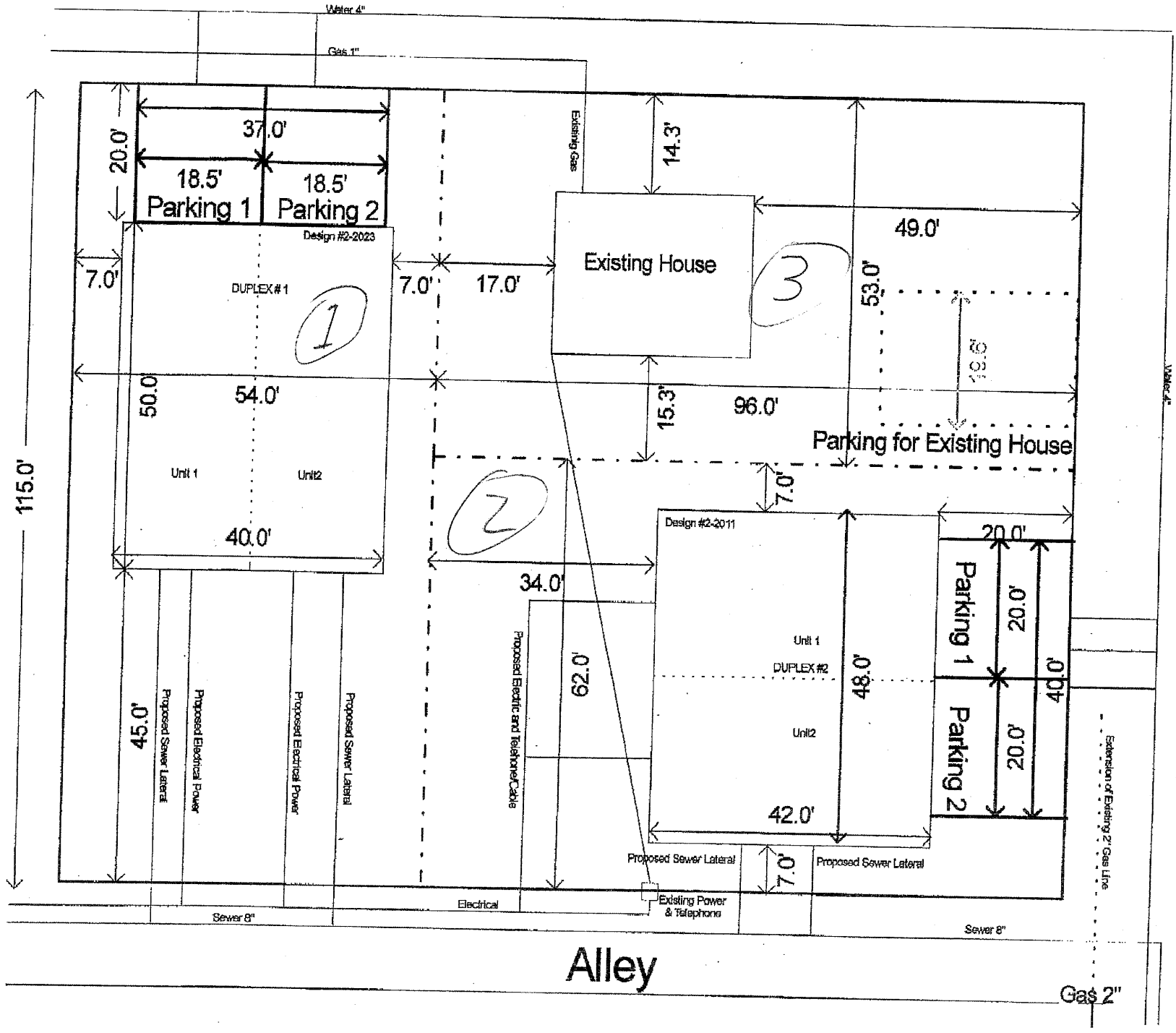
Date: June 12, 2005

5th Street

North

N. Fir Street

Alley



Preliminary Map - 493 N. Fir Street
 Applicant: Jon Thomssen 503-475-0708
 Scale 1" = 20'
 May 2005

Property Owner: Wild Hare Rentals, L.L.C.
 25365 NE Glass, Rd Aurora, OR 97002

Parcel 1 (contains existing house) 96'x53'
 Parcel 2 (contains duplex #1) 118'x54'
 Parcel 3 (contains duplex #2) 62'x66'

MEMORANDUM

To: Kevin Cook
From: Catriona Sumrain
Date: June 30, 2005
Subject: MLP 05-06 (Thomsen)

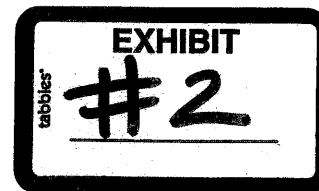
Kevin:

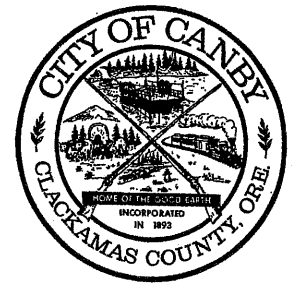
I have reviewed the proposed site plan for the proposed duplex units for the Thomsen project, and have a few comments. Both Fir Street and 5th Avenue at the site frontage are Local Streets and, as such, have no access control. Access to the alleyway would be preferred in order to preserve the operation on the streets, but it is my understanding that driveway access onto either street would be allowed under the City's code. There are no recommendations for access.

If no off-street parking is made available, vehicles will be required to use on-street parking. Typically, on-street parking does not restrict intersection sight distance if only a few vehicles park on the street. However, be advised that if there are several vehicles parked too closely to an access point, intersection sight distance could become restricted. In this situation, if the vehicles using the site park near the existing driveway, it is possible that the view for the homeowner exiting his or her driveway would be obstructed by the parked vehicles.

This would not necessarily make the situation unsafe. Intersection sight distance is used to ensure adequate operation on the street system. There is an additional measurement, stopping sight distance, that is used to provide for safety. Stopping sight distance is the minimum distance needed for a driver to recognize and stop for an obstruction in the road, such as a vehicle pulling out of a driveway. Traffic speeds in the area should be low enough that stopping sight distance is available, so the issue is not one of safety, but more of comfort for the exiting driver(s). Therefore, it is suggested that on-site parking be made available, if possible.

CS





Pre-Application Meeting

493 N Fir Street

June 8, 2005

10:30 am

Attended by:

Pat Thurston, CU, Water Distribution Dept., 503-263-4309
Jon Thomsen, Owner/Applicant, 503-475-0706
Gary Stockwell, CU, Electric Dept., 503-263-4307

Roy Hester, Public Works Dept., 503-266-4021
Dinh Vu, Canby Telephone Assoc., 503-266-8201

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

OWNER/APPLICANT, Jon Thomsen

- This project is located on 493 N Fir Street and we plan on keeping the existing house and constructing two duplexes, one on the northwest corner and one on the southeast. Duplex 1 on the northwest corner will have access off of 5th Street and Duplex 2 will be accessed from Fir Street.

CANBY UTILITY, WATER DISTRIBUTION DEPARTMENT, Pat Thurston

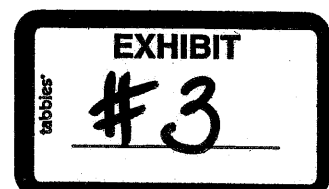
- We have water available on 5th and N Fir Streets.
- If you plan on sprinkling the duplexes you will need to have a 1" meter for each address and the System Development Charges (SDC) will not change, but I will verify the costs for you. Each service will be \$750.
- I may have to do something different with the existing house's water service because the meter is on a different lot than the existing house.

CANBY UTILITY, ELECTRIC DEPARTMENT, Gary Stockwell

- The existing house will have to be converted to underground, the conversion to the panel and trenching will be at your expense. I will provide a cost quote for the entire development. I might have to make some changes in the alley to provide this much capacity, after you are approved by the City you can schedule an appointment with me and we can take a closer look and develop an electrical plan.
- As far as the fee goes the existing house will be time and materials. The development fees for the duplex will be \$950 each and then you will have to decide if these will be a townhouse style for individual sale or rental properties. The differences are the individual services or gang meter base with one service to the structure, there is a savings to go with the gang meter service. Each service, if individual and you provide the trench, will be \$800 a piece. If you go with the gang meter service it will be \$800 for the 1st meter and \$750 for the 2nd, but you will also save a lot in the trenching. I will give you a sheet specifying the electric costs; you will need to talk to Pat about the water costs.

CANBY TELEPHONE ASSOCIATION, Dinh Vu

- We will pretty much follow the electric, if Gary does trench in this direction (Dinh pointed to a place on the plans to Jon) we will put conduit there for future usage.



CITY OF CANBY, PUBLIC WORKS DEPARTMENT, Roy Hester

- This alleyway was just paved a couple of years ago and with all this reconstruction I am going to have you repave that alley the full width of the property. Our sewer is in the middle of the alleyway.
- I want the sewer lateral on duplex 2, unit 1 (or which ever one is proposed) moved around to the side because I will not allow a sewer lateral underneath the other unit of the duplex to service unit 1.
- I will TV the sewer main in the alleyway and locate the sewer lateral to the existing house. If the lateral is positioned under the new proposed structures you will need to move the sewer lateral.
- The City of Canby will do all the sewer inspections.
- Rain drains have to be maintained in site.
- You will need an Erosion Control Permit from the City prior to moving any dirt.
- You might need to create an easement to the existing house because you will be going through the other lots to get to the sewer main.

M E M O R A N D U M

TO: The City of Canby Planning Commission

FROM: Kevin C. Cook, Associate Planner

DATE: June 30, 2005

Issue: Request for an interpretation for parking requirements for accessory living space within an existing single family residence.

Synopsis: The applicants, Lee and Jeannine Wibbels of 345 SW 6th Ave, in Canby are remodeling their attic to become a studio apartment with separate cooking facilities. With cooking facilities and a separate bathroom the unit constitutes an independent dwelling from the main house. The applicants state that the number of cars parked at the residence will not change. The issue, however, is that the scenario could change over time and the parking increase could eventually become realized. The applicants wish to protect their evergreen trees and do not wish to pave over and/or dig up the root system and thereby endanger the tree. The question at hand is: In the event of another vehicle parking at the location, would it be reasonable to allow either stacked parking at the location and/or on the curbside or should the applicant create the third parking space even if it means possible removal of the tree?

Recommendation: Staff believes the request for tandem parking and/or curbside parking is a reasonable one. There does not appear to be a parking problem on 6th Avenue at this time.

Options:

- 1. Waive the parking requirement in favor of tandem parking and/or curbside parking.**
- 2. Require the applicant to create additional onsite parking.**

Attached:

- 1. Letter from Lee and Jeannine Wibbels dated June 22, 2005.**
- 2. Plans for remodel**
- 3. Photographs of existing conditions + tree**

June 22, 2005

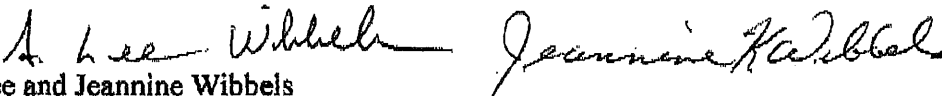
To Whom It May Concern:

We are writing this letter concerning a decision that needs to be made in order for us to finish an addition to our home which was started in the fall of 1999. At that time we added a two car garage to our home which included a second floor above it. It is now time for us to finish that portion of our project. However, it has been brought to our attention that since this project is being considered a "mother-in-law's suite" it may be necessary to add a concrete slab to widen our driveway in order to park a third car there. Our driveway is flanked by a pair of 25-30+ year old pine trees. To put the slab on the left side will cut so severely into the root system of that evergreen tree that we fear it will eventually kill it. The tree on the right side of the driveway would have to be taken out completely if the slab were to be poured there.

We have lived at 345 SW 6th in Canby for more than 25 years. Our property is located on the corner of SW 6th and SW 6th Place and is one of the larger lots on the block. We have plenty of curbside parking. Our family consists of four adults, and we each have a car - two are parked in the driveway/garage and two are parked at the curb on SW 6th Place. There are no houses facing us on 6th Place, therefore the cars are not a hindrance to anyone. After this second floor addition is finished, it will be occupied for the next four to five years by either one or both of our daughters. Therefore, the number of vehicles here would not be more than four. And, of course, as our children move away, the cars will go with them. The plan after the children move is to provide for our parents, if necessary. There again, the maximum number of vehicles would not exceed four.

Since one of two beautiful evergreen trees which greatly adds to the beauty and value our home would have to be destroyed, and since the number of cars we have parked will probably not be more than what we have at this present time, we ask you to please make an exception in this case and waive the requirement for a new slab for a third parking spot. Thank you for your time and consideration.

Sincerely,

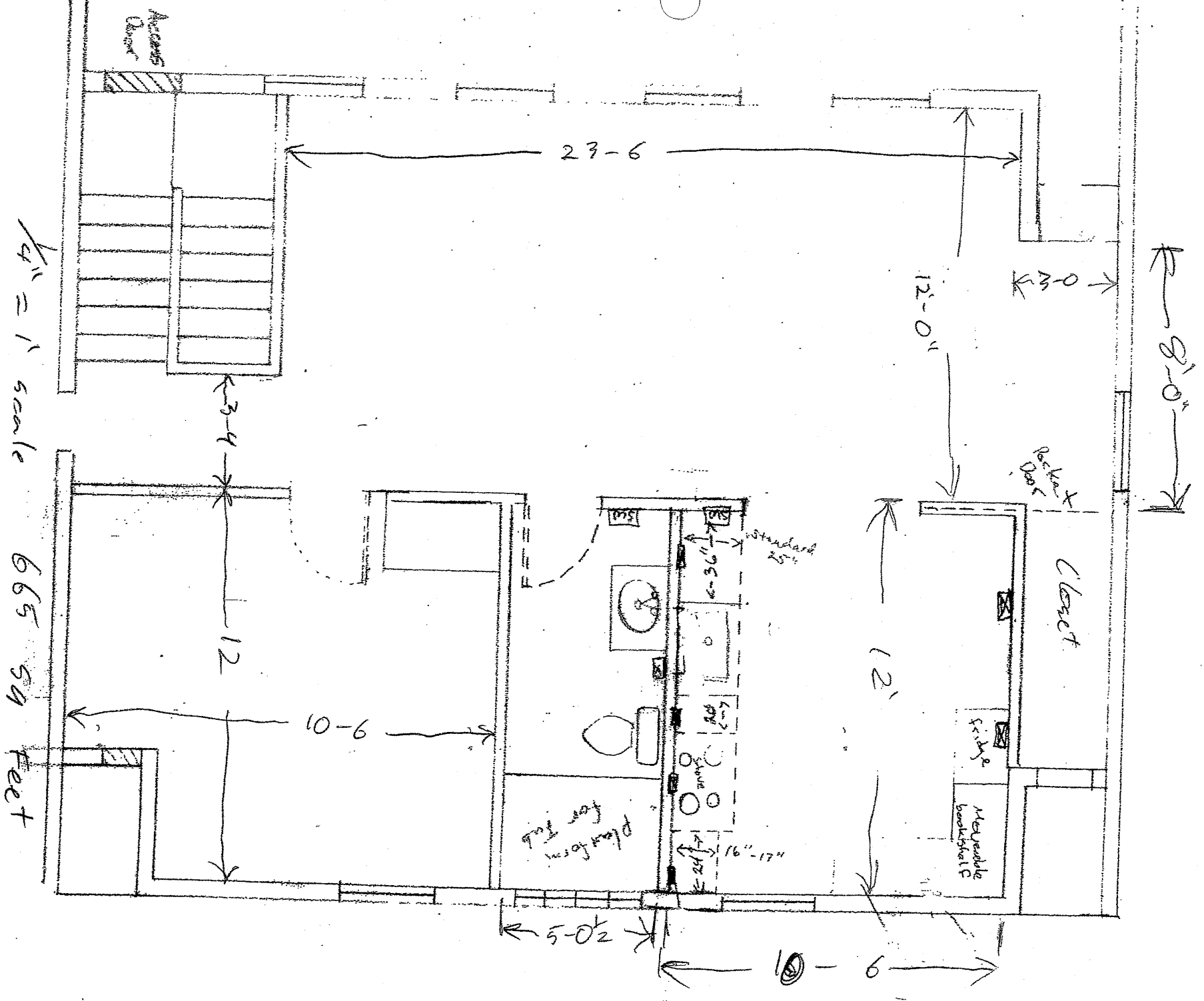

Lee and Jeannine Wibbels

345 SW 6th Ave.

Canby, Oregon 97013

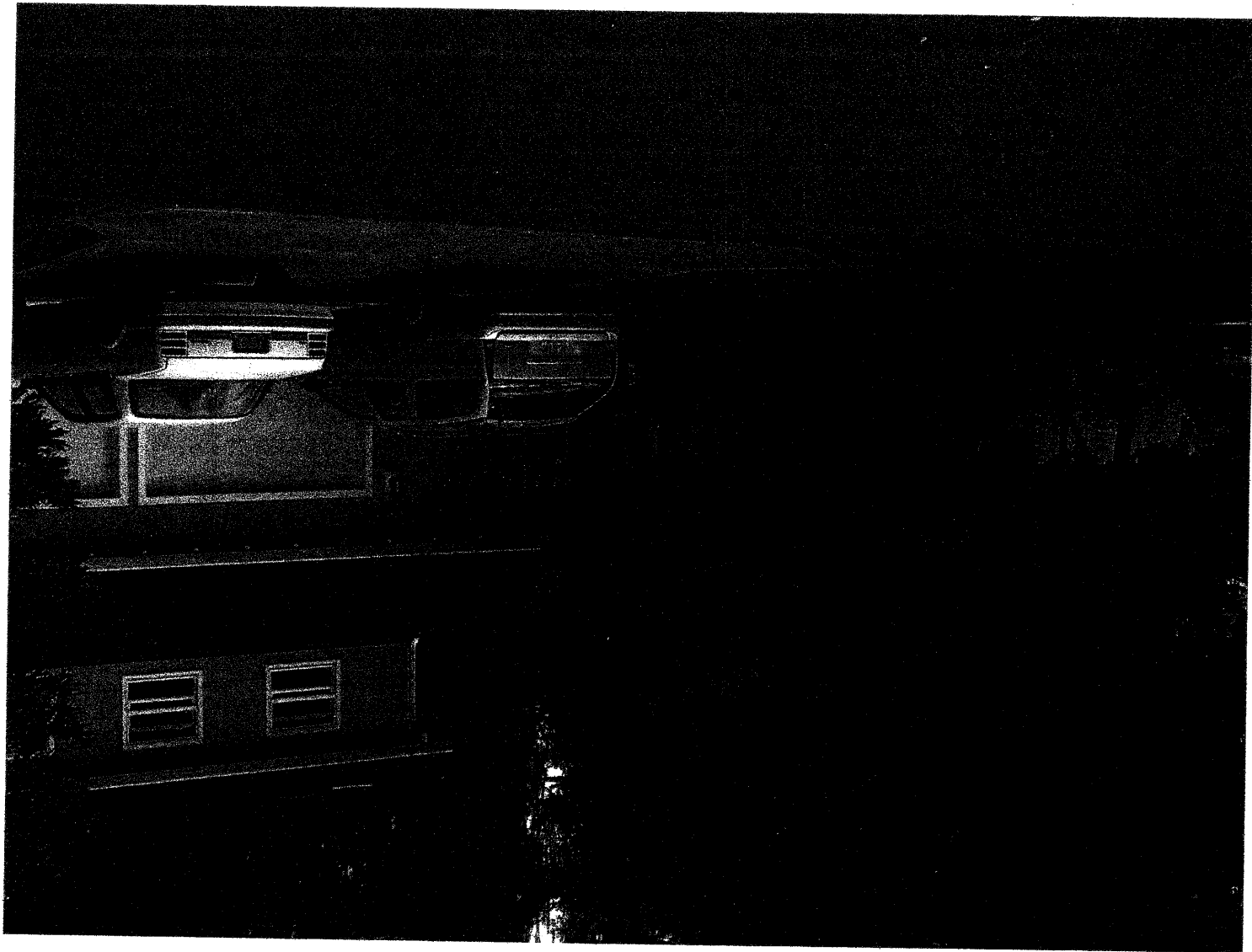
503-266-4883

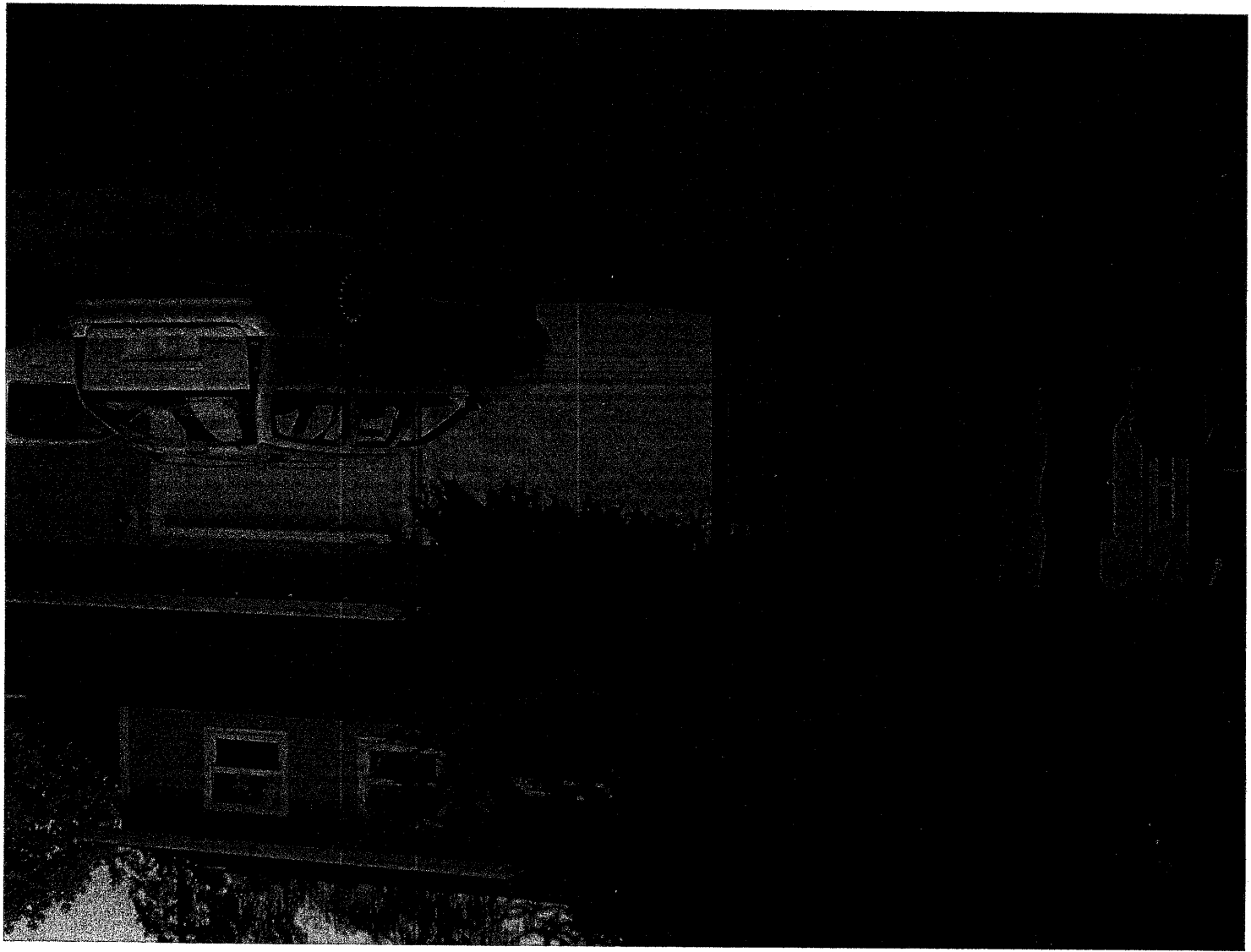
543 NW 6-
Candy, OR 97013



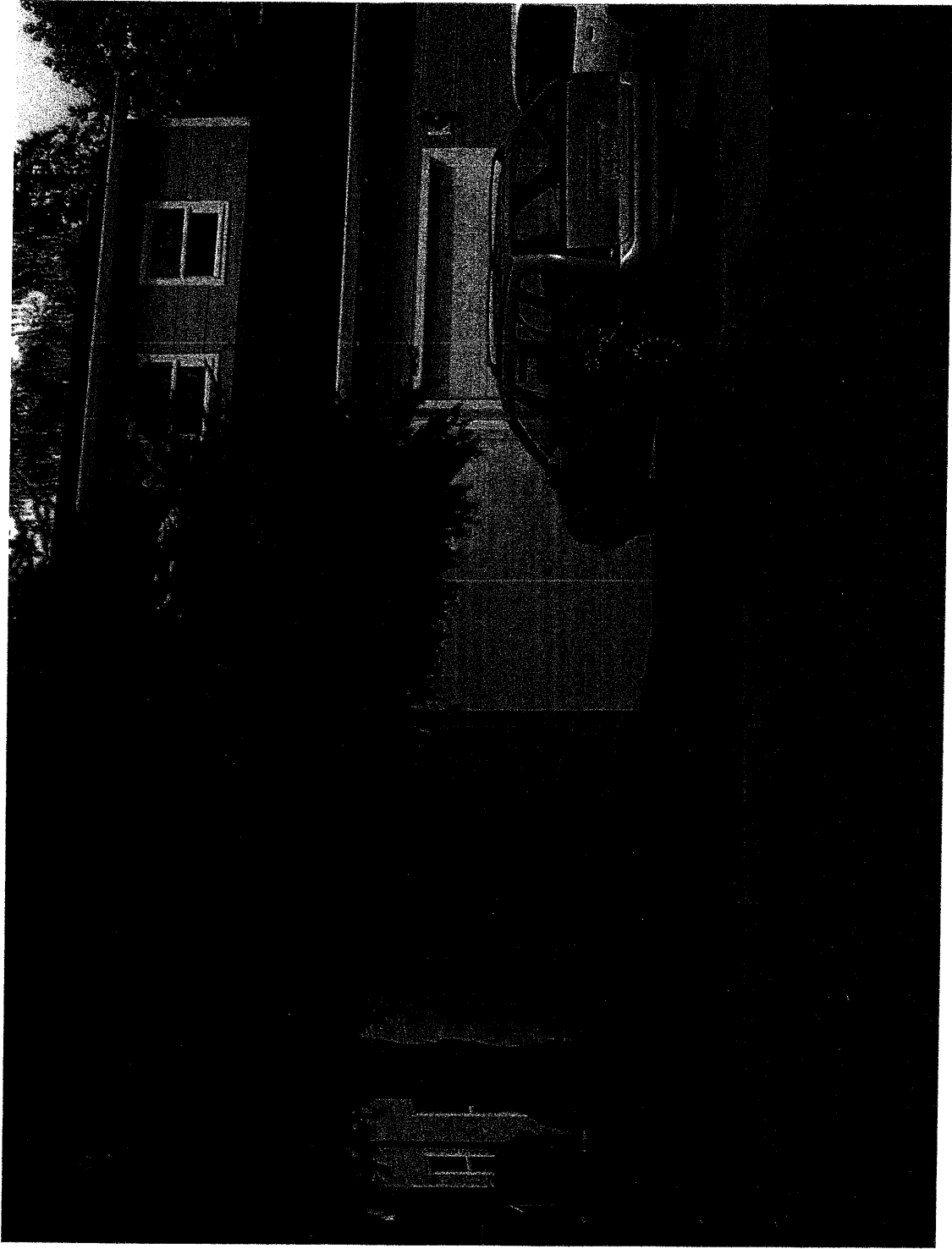
1/4" = 1' scale
665 sq feet











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

**A REQUEST FOR APPROVAL
TO GRANT A VARIANCE
ALLOWING A PLANNED UNIT
DEVELOPMENT TO BE
CONSIDERED ON A PARCEL
LESS THAN ONE ACRE IN SIZE.**

**FINDINGS, CONCLUSION & FINAL ORDER
VAR 05-01/SUB 05-08/PUD 05-01
(S.T.J., LLC)**

**A REQUEST FOR APPROVAL
TO SUBDIVIDE A 0.976 ACRE
PARCEL INTO A PLANNED
UNIT DEVELOPMENT
CONTAINING 11 SINGLE
FAMILY LOTS CONSISTING
OF FOUR DUPLEX BUILDINGS
AND ONE TRIPLEX BUILDING.**

NATURE OF APPLICATION

The applicant is seeking approval to subdivide a 42,520 sq. ft. (0.976 acres) parcel into a Planned Unit Development with 11 lots consisting of a total of four duplexes and one triplex. The site is located at 1063 NE Territorial Road on the southwest corner of N.E. Territorial Road and N. Pine Street. This application conforms to the standards for the R-2 zone and could only be approved pending Planning Commission approval of the concurrently submitted Variance (VAR 05-01).

HEARINGS

The Planning Commission held a public hearing and considered this application at its meeting of June 27, 2005.

CRITERIA AND STANDARDS

VARIANCE

This is a quasi-judicial land use application. In judging whether a major variance should be approved, the Planning Commission must consider the following standards and criteria (CMC. 16.53.020):

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

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

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:

- i. Conformance with the text and applicable maps of the Comprehensive Plan.
- ii. Conformance with other applicable requirements of the land development and planning ordinance.
- iii. 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.
- iv. 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.

PLANNED UNIT DEVELOPMENT

Planned Unit Developments require “a minimum of ten percent of the gross area of the development shall be devoted to park and recreational purposes, and shall be located in a common area or dedicated to the public.”

Section 17.76.030 of the Canby Municipal Code specifies 12 (A through L) standards and criteria for judging planned unit developments. Items J and K apply only to the conversion of existing residential units into condominiums.

- A. The site approval as acted upon by the Commission shall be binding upon the developer and variations from the plan shall be subject to approval by the Commission.
- B. All land within the planned unit development may be subject to contractual agreements with the City and to recorded covenants providing for compliance with the City's requirements.
- C. The development of the property in the manner proposed will be in keeping with the requirements of this title, other than those provisions allowing for special treatment of PUD's.
- D. The plan for the proposed development shall present a unified and organized arrangement of buildings and service facilities.
- E. The development must be designed so that the land areas and buildings around the perimeter of the project do not conflict with the adjoining properties. The Commission may establish special conditions for the perimeter of the development to minimize or mitigate the potential conflicts.
- F. Each planned unit development shall be a complete development considering all previous requirements. The Commission may, in addition, require the inclusion of facilities such as special curbs, sidewalks, street lights, storm drainage, sanitary sewers, underground power and telephone lines, landscaping and adequate easements for utilities.
- G. Land which is not intended for physical development, such as building or street uses, may be required to remain in open space usage perpetually. Maintenance of such open space areas shall remain the responsibility of the individual owner or owners' association, in a manner outlined in the by-laws of such association.
- H. The manner in which any open space or park and recreational area are to be maintained shall be presented along with the preliminary copy of the proposed owners' association by-laws and contractual agreements shall be submitted with the preliminary subdivision. In the case of an individual owner, the Commission may impose special requirements to assure long-term maintenance.
- I. The Planning Commission may, and in the case of single story or townhouse structures, shall, require the separation of utilities from one unit to the next.
- L. No fence/wall shall be constructed throughout a planned unit development where the effect or purpose is to wall said project off from the rest of the community

unless reviewed and approved by the Planning Commission.

FINDINGS AND REASONS

The Planning Commission deliberated on all testimony presented at the June 27, 2005 public hearing and incorporates the June 13, 2005 staff report and Commission deliberations as support for its decision. The Planning Commission hereby accepts and incorporates the findings in the June 13, 2005 staff reports, in so far as they do not conflict with the following supplemental findings:

1. The Planning Commission found that the applicant's request to construct curb-tight sidewalks along N. Pine Street is reasonable because of a potential conflict with the proposed drainage basin located in the vicinity of the sidewalk improvements and because all other sidewalks on N. Pine Street are also curb-tight.
2. The Planning Commission found that the applicant's requests for relief from standard setbacks both within the project and from Territorial Road are reasonable given the overall design of the project in support of the required density minimums set forth in the R-2 (High Density Residential) zoning district, the dedication of open space as required through the PUD process, the peculiar shape of the lot, and the lack of any greater impact on neighboring parcels.
3. The Planning Commission found that the applicant's request for a waiver of the solar access requirements is reasonable due to the fact that meeting the requirement would be nearly impossible to achieve because of the density and orientation of the project.
4. The Planning Commission found that the applicant's proposal for "tandem" parking was appropriate as a part of this specific Planned Unit Development proposal. This determination is based upon the fact that the applicant has provided guest/overflow parking within the development, as well as along N. Pine Street.

CONCLUSION

The Planning Commission of the City of Canby concludes that based on the findings and conclusions contained in the June 13, 2005 staff reports and testimony at the June 27, 2005 public hearing, and Commission deliberations, that VAR 05-01/SUB 05-08/PUD 05-01 will comply with all applicable criteria by the application of certain conditions.

ORDER

IT IS ORDERED BY THE PLANNING COMMISSION of the City of Canby that application **VAR 05-01/SUB 05-08/PUD 05-01** is approved, subject to the following conditions:

For the Final Plat:

1. The final plat shall reference these land use applications (City of Canby, File No. SUB 05-08/ PUD 05-01 and VAR 05-01) and shall be registered with the Clackamas County Surveyor's Office and recorded with the Clackamas County Clerk's Office. Evidence of this shall be provided to the City of Canby Planning Department prior to the issuance of building permits.
2. The final plat mylars must contain, in the form specified, all information necessary to satisfy all matters of concern to the County Surveyor, or his authorized Deputy, including, but not necessarily limited to, various matters related to land surveying, land title, plat security, and plat recordation.
3. Easements shall be provided as follows for exterior lot lines of the parent parcel:
 - Five (5) foot wide public utility easements along all interior lot lines except for common wall boundaries.
 - Ten (10) foot wide public utility easements along non-street exterior property lines.
 - Twelve (12) foot wide public utility and tree planting easements along all street frontages.

Prior to the signing of the Final Plat:

4. 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 subdivision improvements for any improvement not completed prior to the signing of the final plat. The bond shall provide for the City to complete the required improvements and recover the full cost of the improvements.
5. A copy of the CC&Rs that will be filed with the subdivision shall be submitted to the City Planning Department, prior to the signing of the final plat, and shall include, at a minimum, the following:
 - Land which is not intended for physical development, such as building or street uses, is required to remain in open space usage perpetually. Maintenance of such open space areas shall remain the responsibility of the individual owner or owners' association,

- in a manner outlined in the by-laws of such association.
- The manner in which any open space, park and recreational area, and parking areas are to be maintained shall be presented along with the preliminary copy of the proposed owners' association by-laws and contractual agreements shall be submitted with the preliminary subdivision.
- Any other covenants necessary to ensure the long-term maintenance of the Planned Unit Development and its facilities.
- An easement for the storm line in Tract A.

Prior to construction:

6. The design, location, and planned installation of all utilities, including but not limited to water, electric, sanitary sewer, natural gas, telephone, and cable television shall be approved by the appropriate utility provider. Final approval of site and utility plans is required prior to the issuance of any building permit. To facilitate this, twelve (12) copies of pre-construction plans shall be given to the City to be reviewed and approved by the Canby Utility Board, the Canby Telephone Association, the City, and other required utility providers prior to the pre-construction conference. The construction plans shall include the street design, storm water, sewer, water, electric, telephone, gas, street lights, mail boxes and street trees. Utilities shall be separated from one unit to the next.

As a part of construction:

7. Street lighting shall be provided by the developer as necessary and shall be provided for all private streets to meet City street lighting standards.
8. An erosion control permit is required. All City erosion control regulations shall be followed during construction as specified by the Canby Municipal Code.
9. As necessary, sidewalks shall swing around obstructions such as mailboxes, newspaper boxes, or fire hydrants, such that they are unobstructed for their full width.
10. The applicant shall construct an approved curb cut and approach apron at the drive entrance to each parcel. Access improvements and sidewalks and paving shall be inspected and approved by Canby Public Works prior to installation.
11. 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. The sidewalk along N.E. Territorial and N. Pine shall be curb-tight. Bicycle lanes shall also be maintained to the specifications of Canby's Transportation System Plan as part of street improvements along N.E. Territorial Road.

12. A minimum five foot tangent between the curb bump-out and the curb reverse curve shall be maintained.
13. No parking signs and/or painted curbs indicating no parking shall be placed in front of all areas not intended for parking on the approved site plan.
14. Half street improvements are required along N.E. Territorial Road as well as along N. Pine Street. Street improvements shall be constructed to City standards and shall be approved by the City Engineer and Canby Public Works prior to construction.
15. An ADA access strip shall be installed between the existing and proposed ADA Ramp.

After construction:

16. "As-built" drawings of all public improvements shall be submitted to the City within sixty (60) days of completion. A copy of the "as-built" drawings shall be submitted on a computer disk in an AutoCAD format.

Notes:

17. The final plats must be submitted to the City within one (1) year of the approval of the preliminary plat according to Section 16.68.020.
18. The approval of this application will be null and void if the final plat is not submitted to the County within six (6) months after signing of the plat by the chairman of the Planning Commission (Section 16.68.070).
19. Any relocation of existing utilities required due to construction of the development shall be done at the expense of the applicant.
20. Sanitary system and storm drainage plans shall be approved by DEQ prior to construction.
21. The site approval as acted upon by the Commission shall be binding upon the developer and variations from the plan shall be subject to approval by the Commission.

I CERTIFY THAT THIS ORDER approving **VAR 05-01/SUB 05-08/PUD 05-01** was presented to and **APPROVED** by The Planning Commission of the City of Canby.

DATED this 11th day of July, 2005.

James R. Brown, Chair
Canby Planning Commission

Kevin C. Cook
Associate Planner

ATTEST:

ORAL DECISION - June 27, 2005

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

NOES: None

ABSTAIN: None

ABSENT: None

WRITTEN FINDINGS - July 11, 2005

AYES:

NOES:

ABSTAIN:

ABSENT:

above, if a minimum of 65% of the total possible number of points (not including bonuses) are accumulated for the whole development.

- E. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed development.
2. The Board shall, in making its determination of compliance with the above requirements, be guided by the objectives and standards set forth in this section. If the site and design review plan includes utility facilities or public utility facility, then the City Planner shall determine whether those aspects of the proposed plan comply with applicable standards.
 3. The Board shall, in making its determination of compliance with the requirements set forth, consider the effect of its action on the availability and cost of needed housing. The Board shall not use the requirements of this section to exclude needed housing types. However, consideration of these factors shall not prevent the Board from imposing conditions of approval necessary to meet the requirements of this section. The costs of such conditions shall not unduly increase the cost of housing beyond the minimum necessary to achieve the purposes of this ordinance.
 4. As part of the site and design review, the property owner may apply for approval to cut trees in addition to those allowed in Section 12.20.080 of the City Tree Ordinance. The granting or denial of said application will be based on the criteria in Chapter 12.20 of the City Tree Ordinance. The cutting of trees does not in and of itself constitute change in the appearance of the property which would necessitate application for site and design review.

FINDINGS AND REASONS

The Planning Commission, after holding a public hearing on June 27, 2005 and considering the June 17, 2005 staff report, deliberated and reached a decision on June 27, 2005 approving the applicant's request for design review. The Commission adopted the findings and conclusions contained in the June 17, 2005 staff report, insofar as they do not conflict with the following supplemental findings:

CONCLUSION

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

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

- development in the vicinity; and
- 1C. The location, design, size, color, and materials of the exteriors of structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity; and
 - 1D. The proposal is deemed compatible given that staff allocated a percentage of 75% on the design review matrix when 65% is considered compatible; and
 - 1E. All required public facilities and services exist or can be made available to adequately meet the needs of the proposed development.
2. Public utility and service providers have indicated that the existing proposal can be made to comply with applicable standards.
 3. The proposed development will not increase the cost of housing in Canby.
 4. The property owner is not applying to remove street trees.

ORDER

IT IS ORDERED BY THE PLANNING COMMISSION of the City of Canby that **DR 05-03** is approved, subject to the following conditions:

Prior to City Review of a Building Permit Application:

1. The design, location, and planned installation of all utilities, including but not limited to water, fire protection, electric, sanitary sewer, natural gas, telephone, and cable television shall be approved by the appropriate utility provider.
2. A pre-construction conference shall be held prior to construction and issuance of any building permit. Copies of the pre-construction plans shall be given to the City for review and approval by all required utility providers prior to the pre-construction conference. The construction plans shall include, as appropriate, the plans for street design, storm water, sewer, water, fire hydrants, electric, cable, telephone, natural gas, street lights, and mail boxes.

To be shown on plans submitted with the Building Permit Application:

3. A detailed landscape construction plan shall be submitted with the building permit application. The detailed landscape plan shall show: the number of plants, plant spacing/location of planting, the type of plants, the size of plants, the schedule of planting, and automatic irrigation plans. The landscape plan shall reflect the approved landscape plan submitted with the Design Review application.
4. The landscaping shall be planted at such a density so as to provide a minimum of 95% coverage of the landscape areas with vegetation, within a 3-year time period. Bark mulch and similar material shall consist of not more than 5% of the total landscape area after the 3-year period. The plant spacing and starting plant sizes shall meet the ODOT plant spacing/starting size standards. New trees are to be a minimum of 2" caliper.

5. Wheel stops are required except in areas where sidewalks are at least 8 feet in width and in areas where landscaping within 2 feet of the curb is limited to groundcover and will not be damaged by vehicle overhangs. Wheel stops shall be provided for all parking spaces located adjacent to landscaping or walkways that do not meet the above criteria. The wheel stops shall be placed two (2) feet in front of the end of the space.
6. All interior sidewalks and accessways shall be a minimum of five (5) feet in width.
7. If necessary, recorded easements on the property shall be approved for vacation by appropriate utility providers and new easements recorded to the utility providers' specifications.
8. 2 bicycle parking spaces shall be provided for this building. Bicycle parking spaces shall meet the requirements of CMC 16.10.100.
9. Handicapped parking spaces shall be provided as required by the state building code and shall be shown on the building permit application.

During Construction:

10. Erosion control during construction shall be provided by following Clackamas County's Erosion Control measures. Any grading and fill conducted on the site shall comply with City and County regulations.
11. Any relocation of existing utilities required due to construction of the development shall be done at the expense of the applicant.
12. All storm water shall be disposed of on-site. The design of stormwater facilities shall be approved by the City Engineer and Public Works Supervisor. The applicant is responsible for obtaining approval from DEQ, if necessary, for private drywells.
13. ADA Ramps shall be provided as required by the Public Works Supervisor.
14. Site lighting shall be "hooded" to project light downward.
15. Proposed signage for this site falling under the sign code shall be reviewed by the Planning Commission as a new business item.
16. Separation is required between Canby Utility's potable water lines and any on-site irrigation lines per applicable rules and requirements such as those of the Oregon Health Division.

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

DATED this 11th day of July, 2005.

James R. Brown, Chair
Canby Planning Commission

John R. Williams
Community Development & Planning Director

ATTEST:

ORAL DECISION – June 27, 2005

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

NOES: none

ABSTAIN: none

ABSENT: none

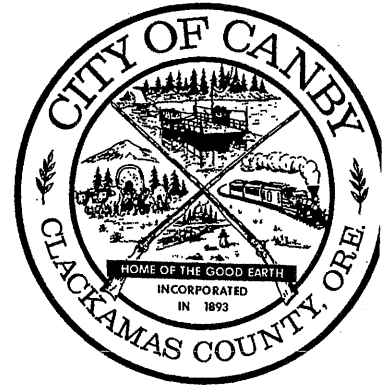
WRITTEN FINDINGS – July 11, 2005

AYES:

NOES:

ABSTAIN:

ABSENT:



STAFF REPORT

TO: *Planning Commission*
FROM: *Matilda Deas, AICP*
DATE: *July 5, 2005*
RE: *MOD 05-04: SMS Auto Fabrics*

We've received an application from Doug Pollack to modify his Design Review approval and have scheduled your review for July 11, 2005 as a new business item. Following is a summary of the request, the process to be used in this case, and an analysis of the criteria.

Request

Mr. Pollack received approval in 2003 to construct an auto fabric warehouse facility on S. Redwood Street (adjacent to JV Northwest). He is now proposing to build a 9,600 addition to the existing building. The proposed addition will be constructed to match the existing building in materials and color. No additional parking or loading docks are proposed, and all public services were brought to the site for the phase I development.

Process

This intermediate modification will be dealt with by the Planning Commission as a new business item. If the request is approved, we will mail notice to neighboring property owners and any others who have standing from the last public hearing process. Any of these individuals may request a public hearing *at the applicant's expense* by filing a written request within 10 days.

Criteria

The criteria for this application are the same as for the original application, as follows:

16.49.040 Site and Design Review - Criteria and Standards

1. The Board shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the following:
 - A. The proposed site development, including the site plan, architecture, landscaping and graphic design, is in conformance with the standards of this and other applicable city ordinances insofar as the location, height and appearance of the proposed development are involved; and
 - B. The proposed design of the development is compatible with the design of other developments in the same general vicinity; and
 - C. The location, design, size, color and materials of the exterior of all structures and signs are compatible with the proposed development and

appropriate to the design character of other structures in the same vicinity.

D. The Board shall, in making its determination of compliance with subsections B and C above, use the following matrix to determine "compatibility". An application is considered to be "compatible", in regards to subsections B and C above, if a minimum of 65 percent of the total possible number of points (not including bonuses) are accumulated for the whole development.

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

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

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

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

** See Site and Design Review Criteria Matrix on following page.*

DESIGN REVIEW MATRIX

Parking				
Screening of loading facilities from public ROW [not screened /partially screened / full screening]	0	1	2	
Landscaping (breaking up of expanse of asphalt)	0	1		
Parking lot lighting [no / yes]	0	1		
Location (behind the building is best)[front / side / behind]	0	1	2	
Number of parking spaces (% of min.) [x>120% / 100%-120% / x=100%]	0	1	2	
Traffic				
Distance of access to intersection [x<70' / 70'-100' / x>100']	0	1	2	
Access drive width (% of minimum) [x<120% or x>150% / 120%-150%]	0	1		
Pedestrian access from public sidewalk to bldg. [1 entrance connected / all entrances connected]	0		2	
Pedestrian access from parking lot to building [No walkways / Walkway next to bldg / No more than one undesignated crossing of access drive and no need to traverse length of access drive]	0	1	2	
Tree Retention				
For trees outside of the building footprint and parking/access areas (3 or more trees) [No arborist report / follows <50% of arborist recommendation / follows 50%-75% of arborist rec. / follows 75% of arborist rec.]	0	1	2	3
Replacement of trees removed that were recommended for retention [x<50% / x>50%]	0	1		

Signs			
Dimensional size of sign (% of maximum permitted) [x>75% / 50% - 75% / x<50%]	0	1	2
Similarity of sign color to building color [no / some / yes]	0	1	2
Pole sign [yes / no]	0	1	
Location of sign [x>25' from driveway entrance / within 25' of entrance]	0	1	

Building Appearance			
Style (architecture) [not similar - similar to surrounding]	0	1	2
Color (subdued and similar is better) [neither/similar or subdued/similar & subdued]	0	1	2
Material [concrete or wood or brick is better]	0	1	
Size (smaller is better) [over 20,000 s.f. / under 20,000 s.f.]	0	1	

Types of Landscaping			
# of non-required trees [x<1 per 500 SF of landscaping / 1 or more per 500 SF of landscaping]	0	1	
Amount of Grass [<25% / 25% - 50% / x>50%]	0	1	2
Location of shrubs [foreground / background]	0	1	
Automatic Irrigation) [no / yes]	0		4

Bonus Points		
2 or more trees at least 3" in caliper	1	2
Park/open space retention for public use	1	2
Trash receptacle screening	1	

FINDINGS:

Staff concludes that the proposed addition has no effect on the Site and Design Review matrix score, as listed above. Therefore, staff recommends approval of the request as proposed.

Should the Planning Commission approve the request, public notice will be issued and neighbors can request a public hearing if desired.

Staff concludes that the application meets the requirements for Site and Design Review approval with the recommended modification to condition #20. In direct response to the criteria for Site and Design Review, staff concludes the following:

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

The proposed addition is consistent with the applicable standards and requirements of the Canby Municipal Code and other applicable ordinances insofar as the location, height and appearance of the proposed development are involved. The applicant had previously bonded for landscape improvements, which due to seasonal constraints took longer than anticipated to install. All landscaping requirements for phase I have been completed.

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

The design of the addition matches the existing building.

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

The design, materials, and color of the proposed addition will match the existing building.

- D. The Board shall, in making its determination of compliance with subsections B

and C above, use the following matrix to determine “compatibility”. An application is considered to be “compatible”, in regards to subsections B and C above, if a minimum of 65% of the total possible number of points (not including bonuses) are accumulated for the whole development.

The development met 84% of the criteria for Site and Design Review, not including bonus points, and 88% with bonus points included in the calculation, thereby meeting the test for compatibility. Please refer to analysis of the development with the design review matrix above.

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

All public facilities and services are available on site. Storm water will be handled on site with the expansion of the existing swale.

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

All utilities are on site.

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

This proposal will not impact needed housing cost or availability.

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

N/A

Recommendation

Based on the findings and conclusions presented in this report, and without benefit of a public hearing, staff recommends that the Planning Commission approve MOD 05-04. The previous approval included a condition (#20) that upon change of ownership or change of use, 16 additional parking spaces and two loading docks would be constructed, unless otherwise approved by the Planning Commission. Staff recommends modifying condition #20 to require 26 additional parking spaces rather than 16, to incorporate the parking requirements for the additional square footage of the proposed addition.

Exhibits:

1. Applicant's narrative, site plan, structure elevation, vicinity map.
2. Findings for DR 03-02

6-07-05

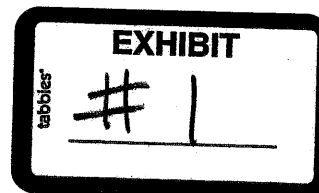
City of Canby
182 N Holly
Canby, Ore. 97013

Re: SMS Headquarters Building phase-II 1.48 acre site approx. 265' wide x 433' deep located at 350 S. Redwood St. Canby, Oregon with a new addition of 9600 sq. ft warehouse space to the existing 28,800 sq.ft bldg (concrete tilt-up flat roof) with exterior to match

To whom it may concern ,

HDN Architects P.C. is submitting a proposed 9600 sq. ft. warehouse addition to the existing building completed in 2004 the proposal doesn't included any additional parking as the staff will remain the same and the owner currently is only using about half of the existing spaces. The owner has done a traffic count which we include. The building addition is to be a conc. Tilt-up w/ flat roof to match existing and will be painted to match the existing building colors(exterior body Miller milastic(brown) 04m0539 Trim- Miller Acrinamel semi. (black) 03m0369. The building addition will not required any additional public services and meets all current zoning setbacks and height requirements.


Russell K. Hanson
HDN Architects P.C.



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

**A REQUEST FOR SITE AND DESIGN) FINDINGS, CONCLUSION & FINAL ORDER
APPROVAL FOR A 28,800 SQ. FT.)
STORAGE WAREHOUSE) DR 03-02
(SMS Auto Fabrics)**

NATURE OF APPLICATION

The applicant is seeking approval to build a 28,800 square foot storage warehouse for automobile fabrics adjacent to JVNW(Pierpoint LLC) on S. Redwood. The subject parcel was part of a recently approved partition application submitted by Pierpoint LLC (MLP 02-04).

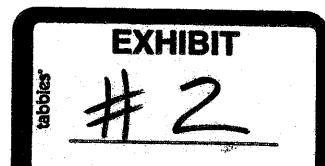
HEARINGS

The Planning Commission held a public hearing and considered this application at its June 23, 2003 meeting.

CRITERIA AND STANDARDS

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

1. The Board shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the following:
 - A. The proposed site development, including the site plan, architecture, landscaping and graphic design, is in conformance with the standards of this and other applicable City ordinances insofar as the location, height and appearance of the proposed development are involved; and
 - B. The proposed design of the development is compatible with the design of other developments in the same general vicinity; and
 - C. The location, design, size, color and materials of the exterior of all structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity.
 - D. The Board shall, in making its determination of compliance with subsections B and C above, use the following matrix to determine "compatibility". An application is considered to be "compatible", in regards to subsections B and C above, if a minimum of 65% of the total possible number of points (not including bonuses) are accumulated for the whole development.



- E. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed development.
2. The Board shall, in making its determination of compliance with the above requirements, be guided by the objectives and standards set forth in this section. If the site and design review plan includes utility facilities or public utility facility, then the City Planner shall determine whether those aspects of the proposed plan comply with applicable standards.
 3. The Board shall, in making its determination of compliance with the requirements set forth, consider the effect of its action on the availability and cost of needed housing. The Board shall not use the requirements of this section to exclude needed housing types. However, consideration of these factors shall not prevent the Board from imposing conditions of approval necessary to meet the requirements of this section. The costs of such conditions shall not unduly increase the cost of housing beyond the minimum necessary to achieve the purposes of this ordinance.
 4. As part of the site and design review, the property owner may apply for approval to cut trees in addition to those allowed in Section 12.20.080 of the City Tree Ordinance. The granting or denial of said application will be based on the criteria in Chapter 12.20 of the City Tree Ordinance. The cutting of trees does not in and of itself constitute change in the appearance of the property which would necessitate application for site and design review.

FINDINGS AND REASONS

The Planning Commission, after holding a public hearing on June 23, 2003 and considering the June 13, 2003 staff report, deliberated and reached a decision approving the applicant's request for design review. The Commission adopted the findings and conclusions contained in the June 13, 2003 staff report, insofar as they do not conflict with the following supplemental findings:

1. The Commission discussed parking and loading berths and decided that when a change of use and/or change of ownership occurred at this site 16 additional parking spaces and 2 loading berths will be constructed.

CONCLUSION

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

- 1A. The proposed development of the site is consistent with the applicable standards and requirements of the Canby Municipal Code and other applicable City ordinances insofar as the location, height and appearance of the proposed development are involved; and
- 1B. The proposed design of the development is compatible with the design of other development in the vicinity; and
- 1C. The location, design, size, color, and materials of the exteriors of structures and

- signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity; and
- 1D. The proposal is deemed compatible given that staff allocated a minimum or higher number of points per category on the design review matrix; and
 - 1E. All required public facilities and services exist or can be made available to adequately meet the needs of the proposed development.
 2. Public utility and service providers have indicated that the existing proposal can be made to comply with applicable standards.
 3. The proposed development will not increase the cost of housing in Canby.
 4. The property owner is not applying to remove street trees.

ORDER

IT IS ORDERED BY THE PLANNING COMMISSION of the City of Canby that **DR 03-02** is approved, subject to the following conditions:

Prior to City Review of a Building Permit Application:

1. The design, location, and planned installation of all utilities, including but not limited to water, electric, sanitary sewer, natural gas, telephone, and cable television shall be approved by the appropriate utility provider.
2. A pre-construction conference shall be held prior to construction and issuance of any building permit. Twelve copies of the pre-construction plans shall be given to the City for review and approval by Canby Utility, Canby Telephone, Willamette Broadband, the City, and other required utility providers prior to the pre-construction conference. The construction plans shall include, as appropriate, the plans for street design, storm water, sewer, water, fire hydrants, electric, cable, telephone, natural gas, street lights, and mail boxes.
3. A revised set of all full size development plans (including site plan, landscape plan, elevation, etc.) shall be submitted which depicts each of the written conditions to the satisfaction of the City Planning Department

To be shown on plans submitted with the Building Permit Application:

4. Automatic irrigation is required. A detailed landscape construction plan shall be submitted with the building permit application. The detailed landscape plan shall show: the number of plants, plant spacing/location of planting, the type of plants, the size of plants, the schedule of planting, and automatic irrigation plans. The landscape plan shall reflect the approved landscape plan submitted with the Design Review application.
5. All planter islands and strips abutting parking areas shall be a minimum of forty-

eight (48) inches measured from the back of curb. All required trees shall be a minimum of 2" caliper.

6. The landscaping shall be planted at such a density so as to provide a minimum of 95% coverage of the landscape areas with vegetation, within a 3-year time period. Bark mulch and similar material shall consist of not more than 5% of the total landscape area after the 3-year period. New trees are to be a minimum of 2" caliper.
7. Wheel stops shall be not be required in areas where sidewalks are at least 8 feet in width and in areas where landscaping within 2 feet of the curb is limited to groundcover and will not be damaged by vehicle overhangs. Wheel stops shall be provided for all parking spaces located adjacent to landscaping or walkways that do not meet the above criteria. The wheel stops shall be placed two (2) feet in front of the end of the space.
9. All interior sidewalks and accessways shall be a minimum of five (5) feet in width. These shall be shown on the final building plans.
10. A minimum of four (3) bicycle parking space shall be provided for the facility. All vehicular spaces shall meet the requirements of CMC 16.10.070. Bicycle parking spaces shall meet the requirements of CMC 16.10.100 and shall be shown on the final building plans. Bicycle parking shall be located within fifty (50) feet of the main entrance to the building, but not further than the closest automobile parking space.
11. Handicapped parking spaces shall be provided as required by the state building code and shall be shown on the building permit application.

During Construction:

12. An erosion control permit is required. All City erosion control regulations shall be followed during construction as specified by the Canby Municipal Code.
13. Any relocation of existing utilities required due to construction of the development shall be done at the expense of the applicant.
14. Storm water system plans must be approved by DEQ, Canby's Public Works Supervisor, and the City Engineer.
15. ADA Ramps shall be provided as required by the Public Works Supervisor. ADA ramp design shall conform to current standards
16. Site lighting shall be "hooded" to project light downward.

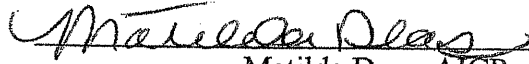
17. Signage for this site shall be reviewed by the Planning Commission as a new business item.
18. Fire hydrant(s) shall be provided on site per the Fire Marshal's requirements.
19. Interior sprinkler design shall be approved by the Fire Marshal.
20. Upon change of ownership and/or change of use, 16 additional parking spaces and two loading docks will be constructed, unless otherwise approved by the Planning Commission.

I CERTIFY THAT THIS ORDER approving DR 03-02 was presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 14th day of July, 2003.



Jim R. Brown, Chair
Canby Planning Commission



Matilda Deas, AICP
Project Planner

ATTEST:

ORAL DECISION - June 23, 2003

AYES: Manley, Thalhofer, Molamphy

NOES: Brown, Ewert

ABSTAIN: none

ABSENT: Able, Vissers

WRITTEN FINDINGS - July 14, 2003

AYES: Thalhofer, Molamphy

NOES: Brown

ABSTAIN: Able

ABSENT: Manley, Ewert, Vissers