

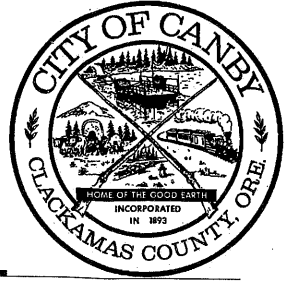
PLANNING COMMISSION AGENDA

August 8, 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 05-07/ZC 05-01 Dream House Construction LLC. The applicant is seeking approval to partition one 0.45 acre parcel into three separate tax lots. Parcel #1 would retain the existing single family dwelling along N Maple Lane and parcels 2 & 3 would feature a new duplex building with the boundary running through the common wall. The partition request is contingent upon the outcome of a simultaneous zone change request being reviewed under separate application (File # ZC 05-01).

MLP 05-08 Thomsen The applicant is seeking approval to partition one 0.5 acre parcel into two separate tax lots. The northern parcel would be approximately 5,048 sq. ft. and would contain the existing single family dwelling. The southern parcel would be a 16,873 sq. ft. flag-lot accessing S. Township Rd. and would contain a triplex building.

DR 05-04 Pioneer Pump (*Information to be mailed*)

IV. NEW BUSINESS

V. FINDINGS

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

SUB 05-10 (NW Floriculture)

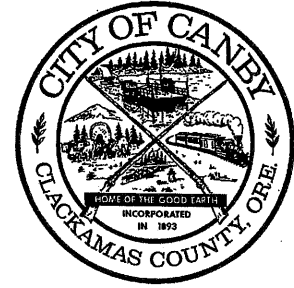
SUB 05-03 (Bristol)

VI. MINUTES 4-25-05

VII. DIRECTORS REPORT

VIII. ADJOURNMENT

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



- STAFF REPORT -

APPLICANT:

Dream House Construction LLC
19596 SW Edy Rd
Sherwood, OR 97140

FILE NO.:

ZC 05-01
(Dream House Construction)

OWNER:

Jason Wilson
8595 Miami St
Wilsonville, OR 97070

STAFF:

Kevin Cook
Associate Planner

LEGAL DESCRIPTION:

Tax Lot 500 of Tax Map 3-1E-33AC

DATE OF REPORT:

August 9, 2005

LOCATION:

919 N Maple Lane on the west side of
Maple Lane south of 10th Avenue.

DATE OF HEARING:

August 22, 2005

COMP. PLAN DESIGNATION:

R-1.5 Medium Density Residential

ZONING DESIGNATION:

R-1 Low Density Residential

I. APPLICANT'S REQUEST:

The applicant is seeking to change the zoning designation for a .45 acre tax lot at 919 N Maple Lane. Current zoning on the subject parcel is R-1 Low Density Residential. The applicant proposes to amend zoning to reflect the Comprehensive Plan designation of R-1.5 Medium Density Residential. Surrounding lots are also currently zoned R-1 and have a Comprehensive Plan designation of R-1.5. The applicant seeks to create a 3-lot partition. Parcel #1 would retain the existing single family dwelling along N Maple Lane

and parcels 2 & 3 would feature a new duplex building with the boundary running through the common wall. The proposal to partition the parcel is contingent on the outcome of this request for a zone change; the partition request is being reviewed under a separate application (File # MLP 05-07).

II. APPLICABLE REGULATIONS

City of Canby General Ordinances:

- 16.16 R-1 Low Density Residential
- 16.18 R-1.5 Medium Density Residential
- 16.54 Amendments to Zoning Map
- 16.88 General Standards

III. MAJOR APPROVAL CRITERIA

16.54.040 - Amendments to the Zoning Map - Standards and Criteria

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

- A. The Comprehensive Plan of the City, and the plans and policies of the County, state and local districts in order to preserve functions and local aspects of land conservation and development;
- B. Whether all required public facilities and services exist or will be provided concurrent with development to adequately meet the needs of any use or development which would be permitted by the new zoning designation.

IV. FINDINGS

A. Background and Relationships

The subject parcel contains 0.45 acres zoned R-1 Low Density Residential. The proposed Zone Change would amend zoning on the parcel from R-1 to R-1.5. The applicant hopes to construct a new duplex building in addition to the existing single family dwelling. Proposed lot 1 would retain the existing dwelling and proposed lots 2 and 3 would contain one single duplex building with the property

line between lots 2 and 3 running through the common wall of the duplex.

B. Comprehensive Plan Consistency Analysis

ii. URBAN GROWTH ELEMENT

- GOAL:**
- 1) TO PRESERVE AND MAINTAIN DESIGNATED AGRICULTURAL AND FOREST LANDS BY PROTECTING THEM FROM URBANIZATION.**
 - 2) TO PROVIDE ADEQUATE URBANIZABLE AREA FOR THE GROWTH OF THE CITY, WITHIN THE FRAMEWORK OF AN EFFICIENT SYSTEM FOR THE TRANSITION FROM RURAL TO URBAN LAND USE.**

iii. LAND USE ELEMENT

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

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

ANALYSIS: *The proposed zone change will allow more density by allowing two new housing units (by way of a single duplex building) in addition to the existing single family dwelling. Because no other lots in the surrounding area have undergone rezoning to medium density, the potential exists for conflict between the proposed medium density and the current low density development pattern of the surrounding lots. The Comprehensive Plan does however designate the majority of the lots directly north of County Fairgrounds and south of NW 10th Avenue as*

medium density. Thus, there is nothing precluding other lots in this area from applying for a zone change and developing to medium density as well. In terms of the Comprehensive Plan, there is no apparent conflict. In terms of the transition from low density to medium density, conflicts will likely arise as different parcels develop to higher densities over time.

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

ANALYSIS: *The proposed zone change directly supports the policy of increasing residential density over encouraging sprawl.*

iv. ENVIRONMENTAL CONCERNS ELEMENT

GOALS: TO PROTECT IDENTIFIED NATURAL AND HISTORIC RESOURCES.

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

TO PROTECT LIVES AND PROPERTY FROM NATURAL HAZARDS.

ANALYSIS: *There are no known natural or historic resources affected by the proposed use; nor are there any known outstanding natural hazards affecting the site.*

While pollution is invariably associated with residential development, it is widely recognized that increased density is more favorable than sprawl in terms of cumulative environmental impacts.

vi. PUBLIC FACILITIES AND SERVICES

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.

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

***ANALYSIS:** All needed public facility and service providers were sent a "Request for Comments" form regarding the proposed Zone Change and partition. Positive Comments were received from Police, Canby Utility, Water, and Canby Telephone. All responses to the Request for Comments indicate that services are available or will become available through development. The City Engineer requests sidewalk along the entire property frontage along N. Maple Lane. The City Traffic Engineer had no concerns with the proposed access for proposed parcels 2 & 3.*

ix. ENERGY CONSERVATION ELEMENT

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

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

***ANALYSIS:** Compared with urban sprawl, increased residential density reduces overall vehicle miles traveled and thus an energy savings is realized.*

Energy efficiency standards will be applied through the building permit process at the time of development or expansion.

Conclusion Regarding Consistency with the Policies of the Canby Comprehensive Plan:

Staff concludes that the proposed Zone Change is consistent with the policies of the Comprehensive Plan. The subject parcel is currently zoned R-1 but the Comprehensive Plan designation recommends eventual R-1.5 zoning as is proposed.

V. CONCLUSION

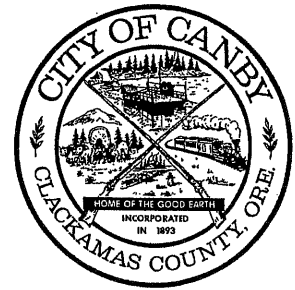
This proposal to amend the Current Zoning map is appropriate in light of the Goals and Policies of the Comprehensive Plan. All public facilities and services exist or will be provided concurrent with the development of the property.

VI. RECOMMENDATION

Based on the findings and conclusions presented in this report, and without benefit of a public hearing, staff recommends that the Planning Commission recommend approval of ZC 05-01 to the City Council.

Exhibits:

1. Applicant's packet
2. Responses to Request for Comments



- STAFF REPORT -

APPLICANT:

Dream House Construction LLC
19596 SW Edy Rd
Sherwood, OR 97140

OWNER:

Jason Wilson
8595 Miami St
Wilsonville, OR 97070

LEGAL DESCRIPTION:

Tax Lot 500 of Tax Map 3-1E-33AC

COMPREHENSIVE PLAN DESIGNATION:

R-1.5 Medium Density Residential

FILE NO.:

MLP 05-07
(Dream House Construction)

STAFF:

Kevin Cook
Associate Planner

DATE OF REPORT:

August 10, 2005

ZONING DESIGNATION:

R-1 Low Density Residential

I. APPLICANT'S REQUEST:

The applicant is seeking approval to partition one 0.45 acre parcel into three separate tax lots. Parcel #1 would retain the existing single family dwelling along N Maple Lane and parcels 2 & 3 would feature a new duplex building with the boundary running through the common wall. The partition request is contingent upon the outcome of a simultaneous zone change request being reviewed under separate application (File # ZC 05-01).

The proposed lot sizes are as follows:

Parcel 1: 8,887 sq. ft.
Parcel 2: 5,303 sq. ft.
Parcel 3: 5,299 sq. ft.

II. APPLICABLE CRITERIA:

1. In judging whether a Minor Partition should be approved, the Planning Commission must consider the following standards and criteria (Ord. 16.60.030):
 - A. Conformance with the text and the applicable maps of the Comprehensive Plan;
 - 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. 16.18 R-1.5 Medium 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 parcel contains 0.45 acres zoned R-1 Low Density Residential. The applicant hopes to construct a new duplex building in addition to the existing single family dwelling. Proposed

lot 1 would retain the existing dwelling and proposed lots 2 and 3 would contain one single duplex building with the property line between lots 2 and 3 running through the common wall of the duplex. The lot is currently zoned R-1 Low Density Residential but is designated as R-1.5 Medium Density Residential in the Comprehensive Plan. The surrounding properties are also zoned R-1 with an R-1.5 Comprehensive Plan designation. The applicant has applied for a zone change to R-1.5 because the density proposed would not be allowed under the current zoning.

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 is a permitted use under the R-1.5 zoning district. Approval of this application is contingent upon approval of the zone change application being reviewed concurrently through File ZC 05-01 (see condition #1). New residences 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 is proposing a duplex unit in addition to the existing single family residence which would be allowed under the proposed R 1.5 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.

There are no known natural or historic resources affected by the proposed use; nor are there any known outstanding natural hazards affecting the site.

While pollution is invariably associated with residential development, it is widely recognized that increased density is more favorable than sprawl in terms of cumulative environmental impacts.

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 #9).

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 2 & 3 (See Condition 13).

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

Analysis: The City Engineer requests sidewalk along the entire property frontage along N. Maple Lane. Since there are no sidewalks on either side of this section of Maple Lane, staff believes that a Waiver of Remonstrance, consenting to future street improvements and a future Local Improvement District, is a reasonable alternative to requiring sidewalk at this time (See Condition 14).

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 needed public facility and service providers were sent a "Request for Comments" form regarding the proposed Zone Change and partition. Positive Comments were received from Police, Canby Utility, Water, and Canby Telephone. All responses to the Request for Comments indicate that services are available or will become available through development. The City

Traffic Engineer had no concerns with the proposed access for proposed parcels 2 & 3.

Neighborhood Comments:

As of the date of this report one neighbor comment was received in opposition to the project.

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-1.5 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 and shall be paved for the entire width (see Condition 13).

- 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 05-07 with the following conditions:

For the Final Plat:

1. This approval is tied to the approval of the associated zone change request, File ZC 05-01. The partition request is approved upon the final approval of the zone change request to R 1.5 (Medium Density Residential). If the final outcome for the zone change request is a denial, the approval for the partition plat will become automatically void. The final partition plat shall not be recorded until final approval of the zone change.

2. 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 ZC 05-01/MLP 05-07*
3. 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.
4. 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.
5. All monumentation and recording fees shall be borne by the applicant.
6. 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:

7. 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.
8. 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:

9. 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.
10. Prior to permit, the applicant shall demonstrate compliance with offstreet parking requirements as listed in Chapter 16.10 of the CMC.

During Construction:

11. The applicant is responsible for all costs associated with the relocation of utilities.
12. 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*.
13. The applicant shall construct an approved curb cut, approach apron and sidewalk ramps at each drive entrance to the parcels. The private access drive shall be paved for the entire length and width. Access improvements shall be inspected and approved by Canby Public Works prior to installation.
14. A five (5) foot sidewalk inclusive of curb shall be constructed for the full frontage of the parent parcel along N Maple Lane. Where mailboxes, fire hydrants or other obstructions are located at the curb, sidewalks shall swing away from the curb in order to remain unobstructed for a full five-foot width **OR** the applicant may sign a Waiver of Remonstrance consenting to future street improvements and the future formation of a Local Improvement District.

Exhibits:

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

ZC 05.01

ZONE MAP CHANGE APPLICATION

Fee \$2,640

OWNER

APPLICANT*

Name Jason Wilson

Name DreamHome Court, LLC

Address 8595 Miami St

Address 19596 S.W. Edy Rd

City Wilmville State OR Zip 97070

City Sherwood State OR Zip 97140

Owners's Signature [Signature]

Phone 503-781-1308

DESCRIPTION OF PROPERTY

Address 919 W. Maple Lane, Clatsop

Tax Map 31E33AC00500 Tax Lot(s) 00500 Lot Size _____ (Acres/Sq. Ft)

PROPERTY OWNER LIST

Attach a list of the names and addresses of the owners of properties located within 500 feet of the subject property (if the address of the property owner is different from the situs, a label for the situs must also be prepared and addressed to "occupant"). Lists of property owners may be obtained from any title insurance company or from the County Assessor. If the property ownership list is incomplete, this may be cause for postponing the hearing. The names and addresses are to be typed onto an 8-1/2" x 11" sheet of mailing labels (1" x 2-5/8"), just as you would address an envelope.

Existing Use Residential - One Home

Proposed Use Medium Density Residential - 3 Homes

Existing Structures 1 single family Ho.

PROJECT DESCRIPTION Division of Property into 3 lots with two new lots. Building two townhomes on each new lot

Zoning R-1 Comprehensive Plan Designation R-1.5

Previous Land Use Action (if any) _____

FOR CITY USE ONLY	
File #	<u>ZC 05-01</u>
Date Received _____	By _____
Completeness Date _____	
Pre-App Meeting _____	

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

MLP 05-07

MINOR LAND PARTITION APPLICATION

FEE \$1,280
PROCESS TYPE III

OWNER

Name Jason Wilson

Address 8595 Miami St

City Wilsonville State OR Zip 97070

OWNER'S SIGNATURE [Signature]

APPLICANT*

Name Dream Home Const LLC

Address 19596 S.W. Edy Rd ⁵⁰³⁻⁵⁰⁴⁻⁵²¹²

City Shelwood State OR Zip 97140

PHONE 503-781-1308

DESCRIPTION OF PROPERTY:

Address 919 N. Maple Lane Canby

Tax Map 3/E33AC Tax Lot(s) 00500 Lot Size _____
(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 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 "ling labels (1" x 2-5/8")", just as you would address an envelope.

Existing Use Single Family

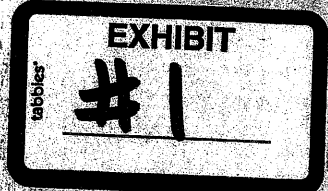
Proposed Use 1 Single family - 2 multi family

Existing Structures 1 single family home

ZONING R-1 COMPREHENSIVE PLAN DESIGNATION R-1.5

PREVIOUS ACTION (If Any) _____

FOR CITY USE ONLY	
File #	<u>MLP 05-07</u>
Date Received	_____ By _____
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.



Dreamhouse Construction

19596 SW EDY RD
SHERWOOD, OREGON
503-504-5212

July 14, 2005

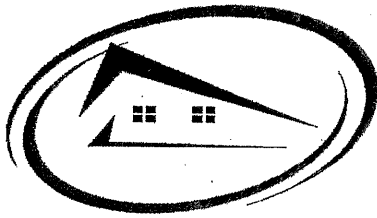
To Whom It May Concern:

The property located at 919 N Maple lane is the subject of the application for zone change. The current use of the property is one single family residence. We propose to change the existing zoning to comply with the cities master plan of medium density. With the change in zoning we propose to construct two town homes (duplex's) on the new lots that are being applied for concurrently with this application. The zoning change request complies with all requirements outlined by the city planner. Included in the packet are the results of the meeting with utilities representatives and the proposed layout and construction requirements.

Thank you for consideration in this matter.

Sincerely,

Frank Funk
Dreamhouse Construction, LLC.
503-504-5212



Dreamhouse Construction

19596 SW EDY RD
SHERWOOD, OREGON
503-504-5212

July 14, 2005

To Whom It May Concern:

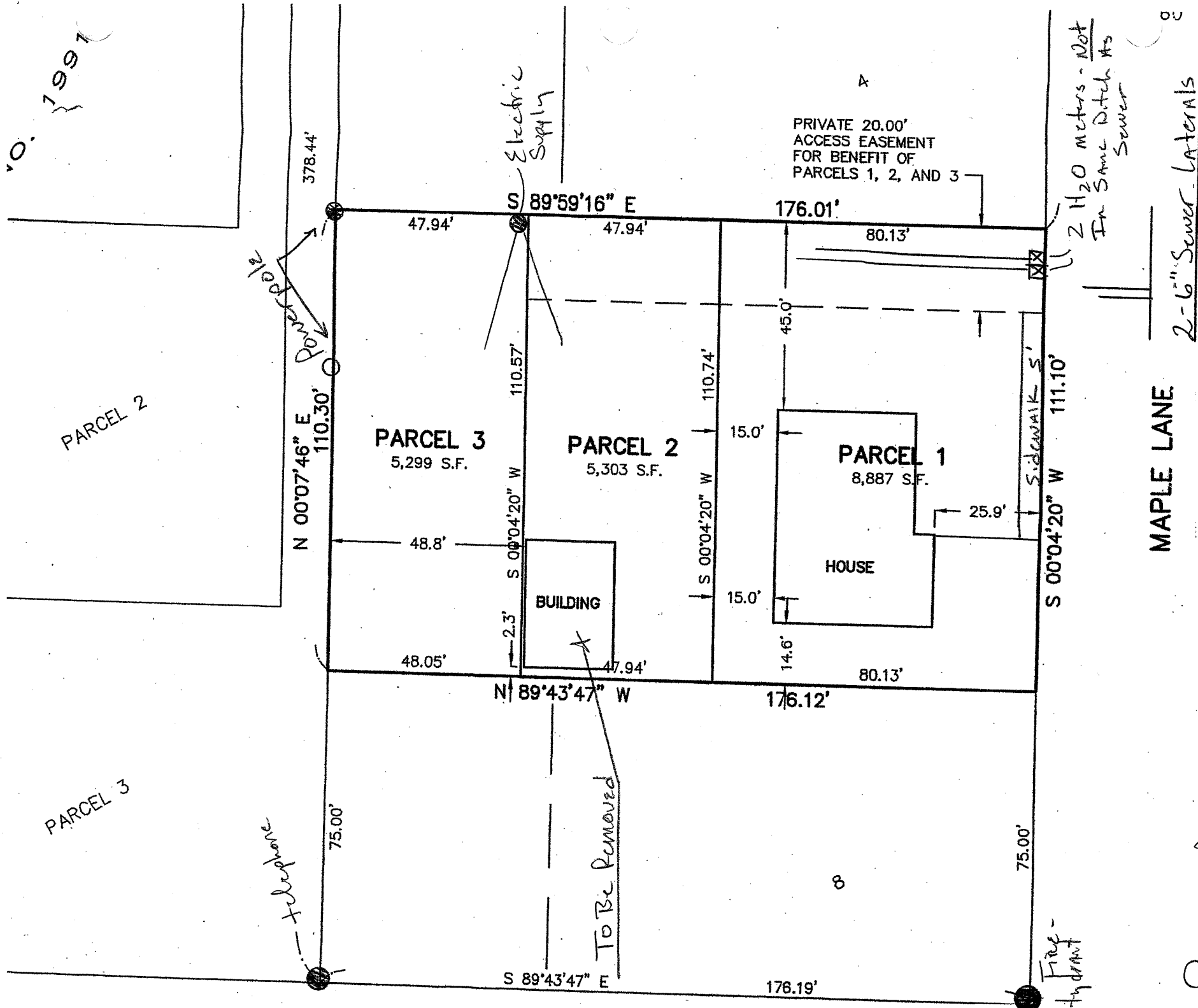
The proposed partition is located at 919 N. Maple Lane. With the submitted application for the zone change we also are submitting an application for a minor land partition. The application is to conform to the applied for zone change and will create two new lots and the current home and lot. The two new proposed lots will conform to the new zoning lot sizes. With the approval of the minor land partition we will be constructing two common wall or "Town home" style buildings. The proposed partition meets the cities requirements for lot size and density as outlined in the master plan.

We have had our preliminary meeting with all of the utility departments and know what will be required during the construction phase. Included with the packet is a layout of the required utility package and location for said utilities.

Thank you for your consideration in this matter.

Sincerely,

Frank Funk
Dreamhouse Construction, LLC.
503-504-5212



10. 1991

PARCEL 2

PARCEL 3

Power Pole

Electric Supply

PRIVATE 20.00' ACCESS EASEMENT FOR BENEFIT OF PARCELS 1, 2, AND 3

2 H₂O meters - Not In Same Ditch As Sewer

2-6" Sewer Laterals

MAPLE LANE

TO BE REMOVED

PARCEL 1
8,887 S.F.
HOUSE

PARCEL 3
5,299 S.F.
BUILDING

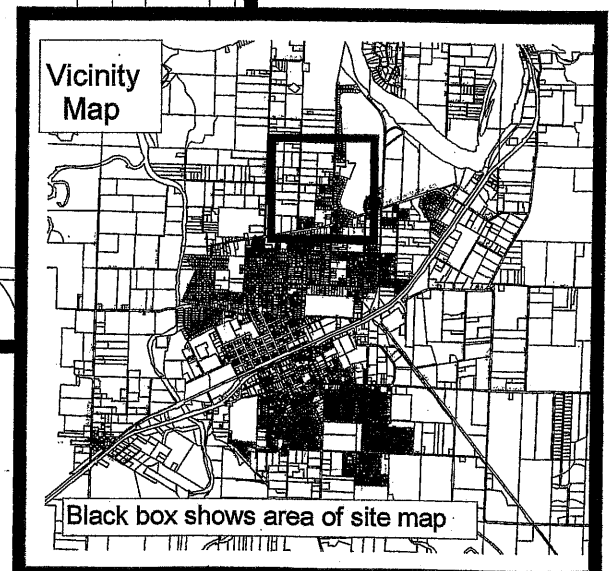
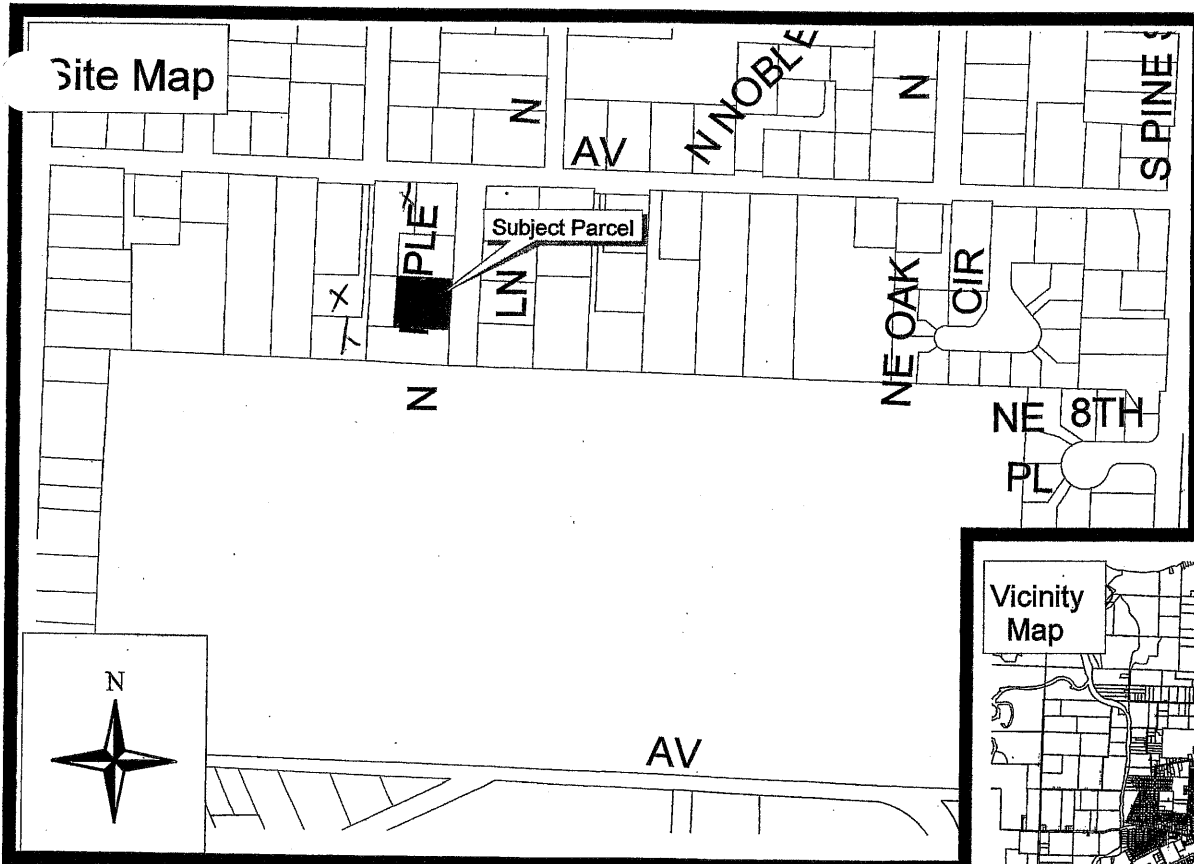
PARCEL 2
5,303 S.F.

Fire Hydrant

Power - Working on w/ Carry Power

DETAILS ON THE HEARING PROCESS

- The approval criteria for this application are in Sections 16.16, 16.18, 16.54, & 16.60 of the Canby Municipal Code. All testimony and evidence must be directed to applicable criteria. Copies of the criteria are available from the Planning Department, located at 182 N. Holly St., at \$.10 per page.
- Anyone wishing to comment on an application may do so by submitting written or oral testimony. Failure to raise an issue in writing or at a hearing, accompanied by statements or evidence of sufficient specificity to afford the Planning Commission an opportunity to respond to the issue, precludes appeal of that issue to the Land Use Board of Appeals.
- A copy of the application and all documents and evidence submitted by or on behalf of the applicant are available for inspection, at no cost, in the office of the Canby Planning Department from 8 AM to 5 PM weekdays, and at the Canby Public Library. Copies will be provided at \$.10 per page at the Canby Planning Department.
- Copies of this notice have been mailed to property owners and residents within 500 feet of the subject property, and will be published in the Canby Herald, and will be posted at City Hall, the Post Office, and the Public Library.



Site and Vicinity Maps

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: August 1, 2005

- TO:**
- | | |
|---|--|
| <input type="checkbox"/> FIRE | <input type="checkbox"/> CANBY POST OFFICE |
| <input type="checkbox"/> POLICE | <input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR |
| <input type="checkbox"/> PUBLIC WORKS | <input type="checkbox"/> CLACKAMAS COUNTY 911 |
| <input type="checkbox"/> CANBY ELECTRIC | <input type="checkbox"/> CLACKAMAS COUNTY TRANSPORTATION |
| <input type="checkbox"/> CANBY WATER | <input checked="" type="checkbox"/> TRAFFIC SAFETY COMMITTEE |
| <input type="checkbox"/> WWTP | <input type="checkbox"/> CLACKAMAS COUNTY |
| <input type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input type="checkbox"/> CTA | <input type="checkbox"/> TRANSPORTATION ENGINEER |
| <input 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 |

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Please review the enclosed application and return comments to **Kevin Cook** by **Wednesday, August 7, 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: Maureen Elmer **Date:** 8-11-05

Title: Chairman **Agency:** Traffic Safety Comm



CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

RECEIVED

DATE: August 1, 2005

AUG 03 2005

- TO:
- | | |
|--|--|
| <input type="checkbox"/> FIRE | <input type="checkbox"/> CANBY POST OFFICE |
| <input type="checkbox"/> POLICE CURRAN-McLEOD | <input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR |
| <input type="checkbox"/> PUBLIC WORKS | <input type="checkbox"/> CLACKAMAS COUNTY 911 |
| <input type="checkbox"/> CANBY ELECTRIC | <input type="checkbox"/> CLACKAMAS COUNTY TRANSPORTATION |
| <input type="checkbox"/> CANBY WATER | <input type="checkbox"/> TRAFFIC SAFETY COMMITTEE |
| <input type="checkbox"/> WWTP | <input type="checkbox"/> CLACKAMAS COUNTY |
| <input checked="" type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input type="checkbox"/> CTA | <input type="checkbox"/> TRANSPORTATION ENGINEER |
| <input 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 |
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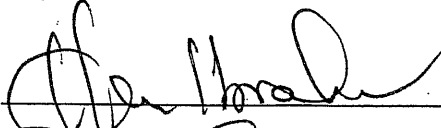
Please review the enclosed application and return comments to **Kevin Cook** by **Wednesday, August 7, 2005**. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

- ① Construct sidewalk along the entire frontage with N. Maple Lane.
- ② Services are available on N. Maple Lane

Please check one box and sign below:

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

Signature:  Date: August 4, 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: August 1, 2005

- TO:**
- | | |
|---|--|
| <input type="checkbox"/> FIRE | <input type="checkbox"/> CANBY POST OFFICE |
| <input checked="" type="checkbox"/> POLICE | <input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR |
| <input type="checkbox"/> PUBLIC WORKS | <input type="checkbox"/> CLACKAMAS COUNTY 911 |
| <input type="checkbox"/> CANBY ELECTRIC | <input type="checkbox"/> CLACKAMAS COUNTY TRANSPORTATION |
| <input type="checkbox"/> CANBY WATER | <input type="checkbox"/> TRAFFIC SAFETY COMMITTEE |
| <input type="checkbox"/> WWTP | <input type="checkbox"/> CLACKAMAS COUNTY |
| <input type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input type="checkbox"/> CTA | <input type="checkbox"/> TRANSPORTATION ENGINEER |
| <input type="checkbox"/> NW NATURAL | <input type="checkbox"/> ODOT/REGION 1/DIST 2B |
| <input type="checkbox"/> WILLAMETTE BROADBAND | <input type="checkbox"/> STATE OF OREGON/REVENUE |
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Comments or Proposed Conditions:

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Signature: Van Pagano **Date:** 8-4-05

Title: Chief **Agency:** Police

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: August 1, 2005

- TO:**
- FIRE
 - POLICE
 - PUBLIC WORKS
 - CANBY ELECTRIC
 - CANBY WATER
 - WWTP
 - CITY ENGINEER
 - CTA
 - NW NATURAL
 - WILLAMETTE BROADBAND
 - CANBY DISPOSAL
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 - BIKE AND PEDESTRIAN COMMITTEE

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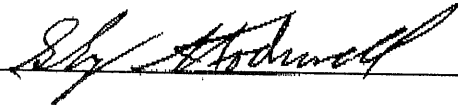
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Comments or Proposed Conditions:

Perimeter easements will be needed to solve this project

Please check one box and sign below:

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Signature:  Date: 8-8-05

Title: Mike 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: August 1, 2005

- TO:**
- | | |
|--|--|
| <input type="checkbox"/> FIRE | <input type="checkbox"/> CANBY POST OFFICE |
| <input type="checkbox"/> POLICE | <input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR |
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Signature: *Fred Kohut* Date: 8-3-05

Title: *President* Agency: *Canby Disposal*

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-9404 FAX 266-1574

DATE: August 1, 2005

- TO:
- FIRE
 - POLICE
 - PUBLIC WORKS
 - CANBY ELECTRIC
 - CANBY WATER
 - WWTP
 - CITY ENGINEER
 - CTA
 - NW NATURAL
 - WILLAMETTE BROADBAND
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Comments or Proposed Conditions:

Service would be from Maple Ln. Space provided to accommodate meter boxes @ driveway.

Services would be \$725⁰⁰ for 5/8 x 3/4" meter
 \$2630⁰⁰ for Residential S.D.C.
 Totaling \$3355⁰⁰ for each service.

Please check one box and sign below:

- Adequate Public Services (of your agency) are available
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Signature: Patrick Plumb Date: 8/5/05

Title: Water Dept Foreman Agency: Canby Utility

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: August 1, 2005

- | | |
|--|---|
| <p>TO:</p> <ul style="list-style-type: none"> <input type="checkbox"/> FIRE <input type="checkbox"/> POLICE <input type="checkbox"/> PUBLIC WORKS <input type="checkbox"/> CANBY ELECTRIC <input type="checkbox"/> CANBY WATER <input type="checkbox"/> WWTP <input type="checkbox"/> CITY ENGINEER <input checked="" type="checkbox"/> CTA <input type="checkbox"/> NW NATURAL <input type="checkbox"/> WILLAMETTE BROADBAND <input type="checkbox"/> CANBY DISPOSAL <input type="checkbox"/> CITY ATTORNEY | <ul style="list-style-type: none"> <input type="checkbox"/> CANBY POST OFFICE <input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR <input type="checkbox"/> CLACKAMAS COUNTY 911 <input type="checkbox"/> CLACKAMAS COUNTY TRANSPORTATION <input type="checkbox"/> TRAFFIC SAFETY COMMITTEE <input type="checkbox"/> CLACKAMAS COUNTY <input type="checkbox"/> CANBY SCHOOL DISTRICT <input type="checkbox"/> TRANSPORTATION ENGINEER <input type="checkbox"/> ODOT/REGION 1/DIST 2B <input type="checkbox"/> STATE OF OREGON/REVENUE <input type="checkbox"/> CANBY BUSINESS REVITALIZATION <input type="checkbox"/> BIKE AND PEDESTRIAN COMMITTEE |
|--|---|


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Signature:  Date: 8-8-05

Title: ASSOCIATE ENG. Agency: CTA

10. 1997

PARCEL 2

PARCEL 3

Power Pole

Telephone

Electric Supply

To Be Removed

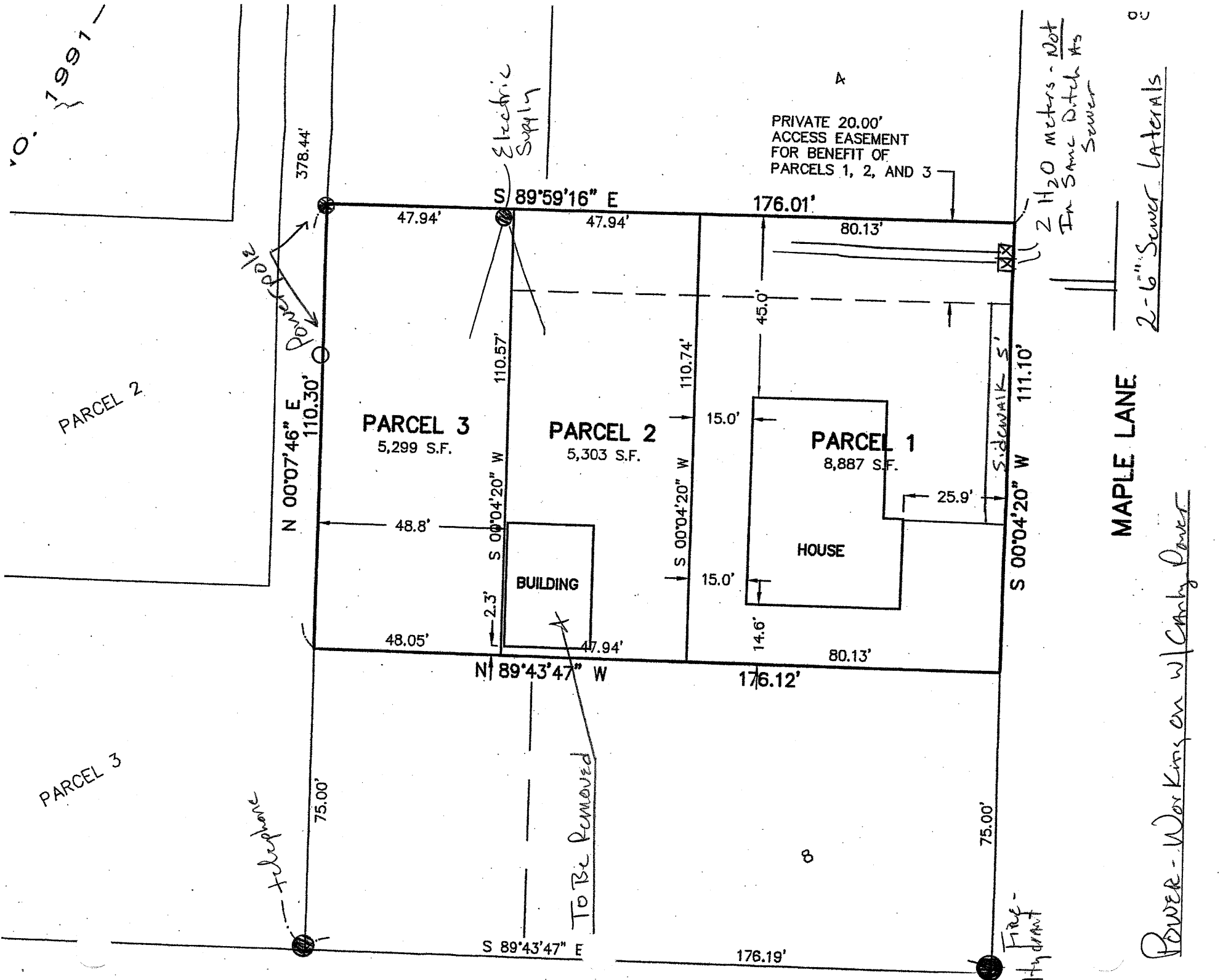
2 H₂O meters - Not In Same Ditch As Sewer

2-6" Sewer Laterals

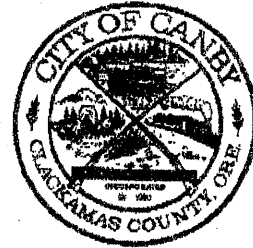
Power - Working on w/ Canby Power

Fire Hydrant

MAPLE LANE



Memorandum



To: Frank Funk
Dreamhouse Construction, LLC

Fax: 503-925-9831

From: Ronda Rozzell
City of Canby Planning Department

Date: February 22, 2005

Subject: Preapplication Conference

A Preapplication Conference for 919 N Maple Lane - Minor Land Partition has been scheduled for Wednesday, March 9, 2005 at 10:30 am located at the City Shops Conference room 1470 NE Territorial Road, Canby, Oregon.

PLEASE NOTIFY ANY OF YOUR PEOPLE THAT NEED TO ATTEND.

The following are the service providers that have been notified and received the prints you provided.

Canby Fire District, Ron Yarbrough	503-266-5851	CUB, Water, Pat Thurston	503-266-1156
Canby Planning, Darren Nichols	503-266-9404	CUB, Electric, Gary Stockwell	503-266-1156
Canby Public Works, Roy Hester	503-266-4021	CUB, AGM, Karl Hansen	503-266-1156
Canby Telephone, Dinh Vu	503-266-8201	Curran-McLeod, Curt McLeod	503-684-3478
NW Natural Gas, Lee Larson	503-585-6611 X 8142	Building Inspector, Bob Godon	503-266-9404
Willamette Broadband, Lynn Tussing	503-982-1253	Parks Dept., Jeff Synder	503-266-4021
Lancaster Engineering, Cat Sumrain	503-248-0313	Canby Planning, Matilda Deas	503-266-9404

If you have any questions, you can contact me at the City of Canby, Phone 266-4021 ext. 298.

John Williams

City of Canby Pre-Application Meeting Notice

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

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

TO:	Canby Planning, Darren Nichols	503-266-9404	Canby Public Works, Roy Hester	503-266-4021 x 259
	CUB Water Dist., Pat Thurston	503-263-4309	Canby Telephone, Dinh Vu	503-266-8201
	CUB Electric Dept., Gary Stockwell	503-263-4307	NW Natural Gas, Lee Larson	503-585-6611 x8142
	CUB, AGM, Karl Hansen	503-266-1156	Curran-McLeod, Curt McLeod	503-684-3478
	Fire District #62, Ron Yarbrough	503-266-5851	Canby Building Inspector, Bob Odon	503-266-9404
	Willamette Broadband, Lynn Tussing	503-982-1253	Cat Surman, Lancaster Engineering	503-248-0313
	Parks Department, Jeff Snyder	503-266-4021	Canby Planning, Matilda Deas	503-266-9404
cc:	Steve Mayes, Oregonian	503-294-5915		
	Donna Becquet, Canby Utility	503-266-1156		

From: Planning Department, Ronda Rozzell

Date: February 22, 2005

Subject: Pre-Application Meeting for a Minor Land Partition - 919 N Maple Lane

Attached is a request for a pre-application meeting.

A meeting with the applicant has been scheduled for Wednesday, March 9, 2005 at 10:30 am at the City Shops Conference Room, 1470 NE Territorial Road, Canby.

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

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

Comments: NO EXISTING SERVICE TO PROPERTY.
SIZE OF SERVICE TO BE ESTABLISHED.
IS FIRE PROTECTION A POSSIBILITY

[Signature]
Signature
WATER DEPT, FOREMAN
Title

2/22/05
Date
Canby Utilities
Company

City of Canby Pre-Application Meeting Notice

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

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

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	CUB Electric Dept., Gary Stockwell	503-263-4307	NW Natural Gas, Lee Larson	503-585-6611 x8142
	CUB, AGM, Karl Hansen	503-266-1156	Curran-McLeod, Curt McLeod	503-684-3478
	Fire District #62, Ron Yarbrough	503-266-5851	Canby Building Inspector, Bob Godon	503-266-9404
	Willamette Broadband, Lynn Tussing	503-982-1253	Cat Surmain, Lancaster Engineering	503-248-0313
	Parks Department, Jeff Snyder	503-266-4021	Canby Planning, Matilda Deas	503-266-9404
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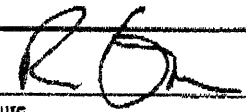
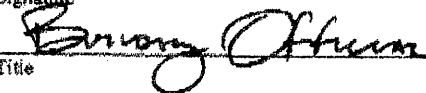
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Comments: - BUILDING ON PARCEL #2 TO BE REMOVED
OR APPLY FOR BUILDING PERMITS FOR REQ'D FIREWALL
CONSTRUCTION

- A DEMOLITION PERMIT IS REQ'D IF REMOVED.


 Signature _____

 Title _____

2.22.05
 Date _____
 Company _____

City of Canby Pre-Application Meeting Notice

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

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

TO:	Canby Planning, Darren Nichols	503-266-9404	Canby Public Works, Roy Hauser	503-266-4021 x 239
	CUB Water Dist., Pat Thurston	503-263-4308	Canby Telephone, Dinh Vu	503-266-8301
	CUB Electric Dept., Cary Blackwell	503-263-4307	NW Natural Gas, Lee Larson	503-383-6611 x8142
	CUB, AOM, Karl Hansen	503-266-1156	Curran-McLeod, Curt McLeod	503-684-3478
	Fire District #02, Ron Yarbrough	503-266-8851	Canby Building Inspector, Bob Geden	503-266-9404
	Williamette Broadband, Lynn Tuning	503-982-1253	Clit Surrain, Lancaster Engineering	503-248-0313
	Parks Department, Jeff Snyder	503-266-4021	Canby Planning, Matilda Dent	503-266-9404
cc:	Steve Mayes, Oregonian	503-254-8913		
	Donna Bequet, Canby Utility	503-266-1156		

From: Planning Department, Ronda Rozzell

Date: February 22, 2005

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Comments:

THERE DO NOT APPEAR TO BE ANY ISSUES WITH EITHER THE DELIVERY LOCATION OR TRAFFIC. I HAVE NO COMMENTS.



Signature
ENGINEERING TECHNICIAN

Title

2/23/05

Date
LANCASTER ENGINEERING

Company

City of Canby
Pre-Application Meeting Notice

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

503-266-4021 ext.: 298
503-266-7233

TO:	Canby Planning, Darron Nichols	503-266-9404	Canby Public Works, Roy Hester	503-266-4021 x 259
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	Willamette Broadband, Lynn Tussing	503-982-1253	Cat Summit, Lancaster Engineering	503-248-0313
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Date: February 22, 2005

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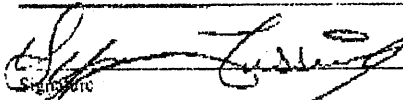
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Comments: ADEQUATE SERVICES ARE PRESENT

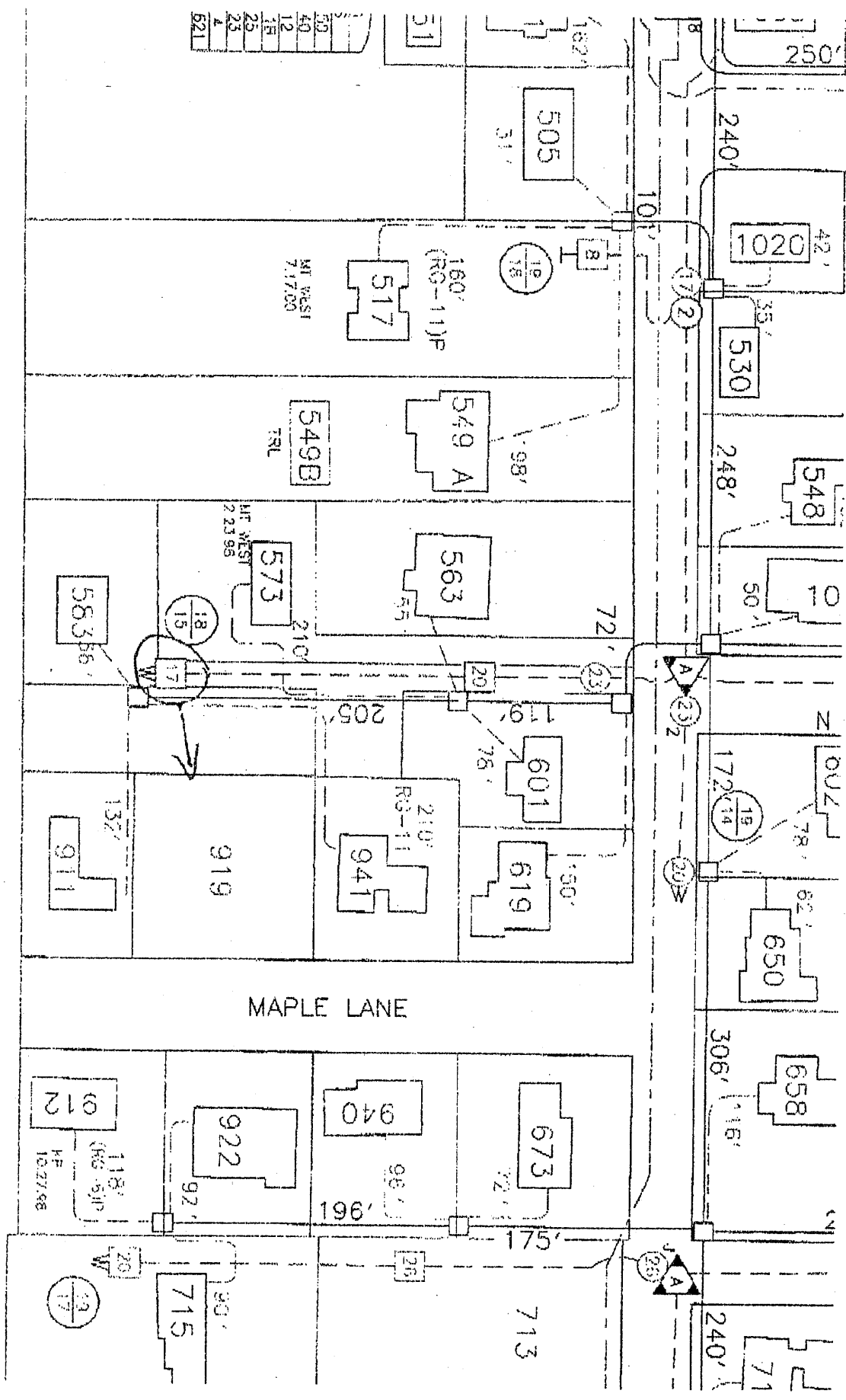
PLEASE CALL IF ANY QUESTIONS
503-982-1253



Lynn Tussing
Title: CONSTRUCTION MAJOR

3-9-05

Date: _____
W. WILLIAMS BROADBAND
Company: _____



31
32
33
34
35
36
37
38
39
40
41
42

180' (RG-11)P
 517
 MT. WEST
 7.17.00

MT. WEST
 2.23.98

118'
 (RG-5)P
 10.27.98

MAPLE LANE

Z

City of Canby Pre-Application Meeting Notice

PO Box 930, Canby, OR 97012
City Shops 1470 NE Territorial Road

503-266-4021 ext. 298
503-266-7338

TO:	Canby Planning, Darren Nichols	503-266-9404	Canby Public Works, Roy Haster	503-266-4621 x 259
	CUB Water Dist., Pat Thurston	503-263-4309	Canby Telephone, Dink Va	503-266-8201
	CUB Electric Dept., Gary Stockwell	503-253-4307	NW Natural Gas, Lee Larson	503-585-6611 x8142
	CUB, AGM, Karl Hansen	503-266-1156	Cumran-McLeod, Curt McLeod	503-684-3478
	Fire District #62, Ron Yarbrough	503-266-5851	Canby Building Inspector, Bob Gordon	503-266-9404
	Willamette Broadband, Lynn Tussing	503-982-1253	Cal Sumner, Lancaster Engineering	503-248-0313
	Parks Department, Jeff Snyder	503-266-4021	Canby Planning, Marilea Deas	503-266-9404
cc:	Steve Mayes, Oregonian	503-294-3915		
	Donna Bequet, Canby Utility	503-266-1156		

From: Planning Department, Ronda Rozzell

Date: February 22, 2005

Subject: Pre-Application Meeting for a Minor Land Partition - 919 N Maple Lane

Attached is a request for a pre-application meeting.

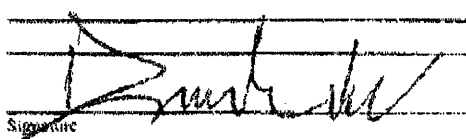
A meeting with the applicant has been scheduled for Wednesday, March 9, 2005 at 10:30 am at the City Shops Conference Room, 1470 NE Territorial Road, Canby.

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

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

Comments:

1. CTA WILL PROVIDE SERVICE AS REQ.
 2. PLEASE SEE ATTACHMENT FOR DEVELOPMENT FEES


 Signature
 ASSOCIATE ENG.
 Title

2-24-05
 Date
 CTA
 Company

Canby Telephone ASSOCIATION

DEVELOPMENT/CONSTRUCTION FEES

On January 1, 2001 Canby Telephone implemented development fees. Development fees are charged on a per address basis and are to be paid by the developer prior to the commencement of work. Single family homes and duplexes are charged at \$120.00 per address and multiple dwelling units are billed at \$60.00 per address.

Payment of development fees can be made at our office at 190 S.E. 2nd Street, Canby or mailed to P.O. Box 880, Canby, Or 97013.

Fees for relocating existing facilities are billed at our hourly rate of \$65.00 per hour for labor, plus the cost of materials. The requestor is required to complete and sign a Request to Relocate Facilities form.

For temporary service (job shack), contact our Customer Care Center to place an order.

Contact Information

To avoid delays, it is important to contact Canby Telephone as soon as possible.

Inquiries or questions should be referred to:

Engineering Manager	Dave Hill	503 266-8204
Associate Engineer	Dinh Vu	503 266-8201
Construction Inspector	Ron Stenger	503 266-8290
Customer Care Center		503 266-8111

City of Canby Pre-Application Meeting Notice

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

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

TO:	Canby Planning, Darren Nichols	503-266-9404	Canby Public Works, Roy Hester	503-266-4021 x 259
	CUB Water Dist., Pat Thurston	503-263-4309	Canby Telephone, Dinh Vu	503-266-8201
	CUB Electric Dept., Gary Stockwell	503-263-4307	NW Natural Gas, Lee Larson	503-585-6611 x8142
	CUB, AGM, Karl Hansen	503-266-1156	Curran-McLeod, Curt McLeod	503-684-3478
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	Parks Department, Jeff Snyder	503-266-4021	Canby Planning, Matilda Deas	503-266-9404
cc:	Steve Mayes, Oregonian	503-294-5915		
	Donna Becquet, Canby Utility	503-266-1156		

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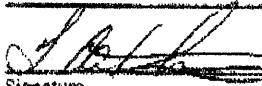
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If you are unable to attend the meeting, but have comments please submit them in writing or call Ronda at 266-4021 ext. 298. They will be forwarded to the applicant.

Comments:

THERE DO NOT APPEAR TO BE ANY ISSUES WITH EITHER THE DRIVEWAY LOCATION OR TRAFFIC. I HAVE NO COMMENTS.


Signature
ENGINEERING TECHNICIAN
Title

2/23/05
Date
LANCASTER ENGINEERING
Company

City of Canby Pre-Application Meeting Notice

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

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

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	CUB, AGM, Karl Hansen	503-266-1156	Curran-McLeod, Curt McLeod	503-684-3478
	Fire District #62, Ron Yarbrough	503-266-3851	Canby Building Inspector, Bob Godon	503-266-9404
	Willamette Broadband, Lynn Tussing	503-982-1253	Cat Sunrain, Lancaster Engineering	503-248-0313
	Parks Department, Jeff Snyder	503-266-4021	Canby Planning, Matilda Deas	503-266-9404
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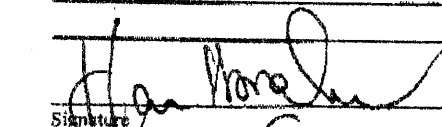
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Comments: SERVICES SHOULD BE AVAILABLE ON N. MAPLE LANE.

IMPROVE SIDEWALK IMPROVEMENTS SHOULD BE CONSTRUCTED ALONG SITE FRONTAGE.



Signature
Project Engineer

Title

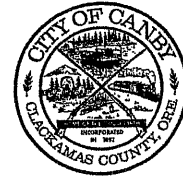
February 28, 2005

Date
Curran McLeod, Inc

Company



CITY OF CANBY COMMENT FORM



If you are not able to attend the Planning Commission hearing of this application, you may submit written comments on this form or in a letter to the Planning Commission.

Please send comments:

- By mail: Planning Department, PO Box 930, Canby, OR 97013
- In person: Planning Department at 170 NW 2nd Avenue
- E-mail: cookk@ci.canby.or.us

APPLICATION: A zone change from Low Density Residential (R-1) to Medium Density Residential (R-1.5) and a partition one 0.45 acre parcel into 3 residential lots consisting of the existing residence and two attached townhouse units.

APPLICANT: Dream House Construction LLC.

CITY FILE #: MLP 05-07 / ZC 05-01

COMMENTS: We do not want this
change of zoning. There is enough
housing for people, and traffic is
busy already on 10th

YOUR NAME: Kathy Bidnick

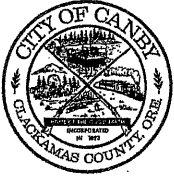
ORGANIZATION/BUSINESS (if any): _____

ADDRESS: 505 NE 10th Ave

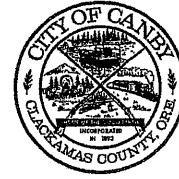
PHONE # (optional): _____

DATE: 8-8-05

Thank You.



CITY OF CANBY COMMENT FORM



If you are not able to attend the Planning Commission hearing of this application, you may submit written comments on this form or in a letter to the Planning Commission.

Please send comments:

By mail: Planning Department, PO Box 930, Canby, OR 97013
In person: Planning Department at 170 NW 2nd Avenue
E-mail: cookk@ci.canby.or.us

APPLICATION: A zone change from Low Density Residential (R-1) to Medium Density Residential (R-1.5) and a partition one 0.45 acre parcel into 3 residential lots consisting of the existing residence and two attached townhouse units.

APPLICANT: Dream House Construction LLC.

CITY FILE #: MLP 05-07 / ZC 05-01

COMMENTS: We oppose the zone change request. If this request is allowed, it will set a precedent that will probably change the demographics of our neighborhood; changes that would be of a negative nature. Increase traffic patterns and concerns would be number one. Property values would also change as well as "live-a-bility".

There are places in Canby that are zoned 1.5 and that is fine. Changing entire neighborhoods because of the desire of one individual (developer) is NOT fine.

Again, we strongly oppose this request. Allowing this change based on increased tax revenues to the city would be short-sighted and very disappointing.

YOUR NAME: BRIAN & LYNN OLSON

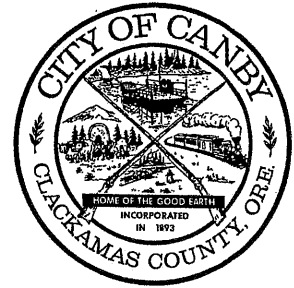
ORGANIZATION/BUSINESS (if any): _____

ADDRESS: 549 NE 10th Canby

PHONE # (optional): 503-263-6391

DATE: 8-9-05

Thank You.



- STAFF REPORT -

APPLICANT:

Jon Thomsen
775 F Avenue
Lake Oswego, OR 97034

OWNER:

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

LEGAL DESCRIPTION:

Tax Map 4-1E-04AA, Tax Lot 4300

LOCATION:

431 S Township Rd on the south side
S Township Rd and west of S Lupine St

COMPREHENSIVE PLAN DESIGNATION:

R-1.5 Medium Density Residential

FILE NUMBER:

MLP 05-08
(Thomsen – Township Rd)

STAFF:

Kevin C. Cook
Associate Planner

DATE OF REPORT:

August 10, 2005

DATE OF HEARING:

August 22, 2005

ZONING DESIGNATION:

R-1.5 Medium Density Residential

I. APPLICANT'S REQUEST:

The applicant is seeking approval to partition one 0.5 acre parcel into two separate tax lots. The northern parcel would be approximately 5,048 sq. ft. and would contain the existing single family dwelling. The southern parcel would be a 16,873 sq. ft. flag-lot accessing S. Township Rd. and would contain a triplex building.

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. 16.18 R-1.5 Medium 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 431 S Township Rd. The parcel currently contains one single family residence.

The applicant proposes to create 2 lots. The northern parcel would be approximately 5,048 sq. ft. and would contain the existing single family dwelling. The southern parcel would be a 16,873 sq. ft. flag-lot accessing S. Township Rd. and would contain a triplex building. The applicant proposes that the triplex receive utility services off of S. Township Road via the proposed flag-strip. The Commission previously identified their desire to have access and utilities come in to this lot from the west where an extension of S Locust Street has been recently installed as part of the Township Trail project (File SUB 04-01/DR 04-02/ZC 04-01). However, it has been reported that the owners of lot 4400, located between the Township Trail project and the subject lot are not interested in development through their rear yard at this time and that they are unwilling to grant any access or utility easements; therefore the applicant is proposing access and utilities off of S. Township Road.

The proposed access drive begins at an existing curb-cut; however, the location of the drive along S. Township Road does not comply with the minimum spacing standard of 150 feet as required under Section 16.46.030 of the Canby Municipal Code. The access is proposed at approximately 100 feet from S. Lupine Street and approximately 50 feet from the driveway for the existing house; discussed further in 3B below.

Neighboring properties to the south are zoned R-1 Low Density Residential. Properties to the east and west are zoned for R-1.5 Medium Density Residential and properties to the north (across S Township Rd) are zoned R-2 High Density Residential.

2. Comprehensive Plan Consistency Analysis

LAND USE ELEMENT

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

Applicable Policies:

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

Analysis: *The proposed development of residential housing on the subject parcel is an approved use of the property and is compatible with surrounding uses. New development will be required to comply with Infill Home Standards through the building permit approval process*

(see Condition # 9).

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 a triplex building in addition to the existing single family residence; thus, allowing the site to come into conformance with the underlying R-1.5 (Medium 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.

There are no known natural or historic resources affected by the proposed use; nor are there any known outstanding natural hazards affecting the site.

While pollution is invariably associated with residential development, it is widely recognized that increased density is more favorable than sprawl in terms of cumulative environmental impacts.

Policy #3-R: Canby shall require that all existing and future development activities meet the prescribed standards for

air, water and land pollution.

Analysis: If required by the State of Oregon, 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. The Public Works Department requests that in the event of a road-cut through S Township a T patch will be required (see Condition 16).

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

Analysis: Sidewalks are in 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 needed public agencies responded to the request for comments. All services will be available at the time of development.*

Pre-application meeting:

City of Canby Public Works Dept.:

- *Preference is to not cut S. Township Road.*
- *The sewer and water lines must be separated by a minimum of 10 feet.*
- *Three separate sewer laterals are required or an 8" main will be required.*

Canby Water Dept.:

- *Water services are on the other side of Township Road.*
- *Originally, there was supposed to have been a loop feed at the south end of the subject property. A "T" and a valve are in placed at the end of Township Trail in anticipation of the roadways extension.*

Canby Electric:

- *We don't need to cut S. Township... We can pull service from the existing pole on the other side of the fence...*

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.

Section 16.46.030 of the CMC requires minimum spacing of 150 feet for access points along a collector street. S. Territorial is classified as a collector in the City's Transportation System Plan. The proposed access drive would be located approximately 100 feet from S. Lupine Street and 50 feet from the existing driveway, and therefore will not meet the standard.

Per 16.46.030, "...proposed developments or land use actions that do not comply with these standards will be required to obtain conditional access approval from the City of Canby. This conditional approval applies to properties that have no reasonable access or cannot obtain reasonable alternative access to the public street system (Ord. 1043 section 3, 2000; Ord. 1076, 2001)"

The Commission previously identified their desire to have access and utilities come in to this lot from the west where an extension of S Locust Street has been recently installed as part of the Township Trail Project. However, it has been reported that the owners of lot 4400, in between Township Trail project and the subject lot are not interested in development through their rear yard at this time and that they are unwilling to grant any access or utility easements; therefore the applicant is proposing access and utilities off of S. Township Road.

***Analysis:** Staff supports the ideal of a street extension through lot 4400 to serve as access to the subject property; however, for the reasons stated above, the preferred option is not available at this time or for the foreseeable future. Staff believes that in the absence of the preferred option, the application substantially meets the requirements set forth in the Land Development and Planning Ordinance. The remaining issue relates to access spacing along S Township Road. Staff has observed a large number of accesses that also do not meet the spacing standard along S. Territorial Road and believes that the larger issue relates to the overall number of access that should be allowed off of this collector street.*

Section 16.46.060 (Amount of access points) states: "In the interest of promoting unified access and circulation systems, the number of access points permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations shall be met. This shall also apply to phased development plans. The owner and all lessees within the affected area are responsible for compliance with the

requirements of this ordinance and both shall be cited for any violation. (Ord 1043 section 3, 2000)”

Analysis: Staff believes that the proposed project should be approved with the condition that the existing access to the existing dwelling be abandoned in favor of shared access between the existing dwelling and the proposed triplex development. This option would entail the removal of the existing approach apron and curb-cut. Installation of adequate off-street parking off of the proposed access drive will be required in its place (see Condition 15). One plan reviewed by the Commission for this area showed a looped driveway with an access at this proposed location and an extension through to Township Trail via lot 4400. As long as lot 4400 does not create a new driveway when it's developed, staff believes that the current plan, with conditions, is consistent with the area plan goals desired by the Commission.

Per section 16.46.070:

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

1. Indirect or restricted access cannot be obtained;

Analysis: The owners of lot 4400 have not granted access over their lot and no other alternatives have been identified.

2. No engineering or construction solutions can be reasonably applied to mitigate the condition; and

Analysis: No engineering or construction solutions have been identified.

3. No alternative access is available from a street with a lower functional classification than the primary roadway.

Analysis: Alternative access is would be available from the South Locust Extension through the Township Trail project to the west, but access by way of lot 4400 has not been granted.

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

Analysis: Staff believes that the current plan, with conditions, is consistent

with the area plan goals desired by the Commission.

- C. *No exception shall be granted where such hardship is self-created.
(Ord. 1043 section 3, 2000)*

Analysis: It can be argued that the hardship is self-created by the applicant by means of their desire to create a flag-lot with a non conforming access location. However, there is an existing curb-cut provided by the City at this location now and the implication is that it has been anticipated that future access serving future development would be located at this spot; the existing curb-cut was in place prior to the applicant's purchase of the parcel. Staff believes that the hardship is not entirely self-created by the applicant.

Section 16.46.040 lists requirements regarding joint and cross access at the time of Design Review (see Condition 12).

With the 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-1.5 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 15).

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

Public services and facilities will be available at the time of development. Services will 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 05-08 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 05-08*
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.

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. If required, 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. New construction will be required to meet the requirements for infill development as listed in in section 16.21.050 of the Canby Municipal Code.
10. Prior to permit, the applicant shall demonstrate compliance with offstreet parking requirements as listed in Chapter 16.10 of the CMC.
11. The proposed triplex development is subject to review and approval through a separate Design Review Application as per Section 16.49.030(1) of the CMC.
12. Prior to permit, the applicant shall demonstrate compliance with the joint and cross access requirements as listed in Chapter 16.46.040 of the CMC.

During Construction:

13. The applicant is responsible for all costs associated with the relocation of utilities.
14. 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*.

15. The existing approach apron, and curb-cut on the west side of the property shall be completely removed and replaced with new sidewalk and curb. New off-street parking shall be provided for the existing dwelling by way of accessing the proposed access drive subject to the approval of the City Planning Department. The private drive shall be paved along the entire length and width. All access improvements, including the new sidewalk and curb, shall be inspected and approved by Canby Public Works prior to installation.

16. Any road-cuts to South Township Road shall be repaired with a T-patch and coordinated with the Public Works Department.

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

Name Wild Horse Rentals
Address 25355 NE Glass Rd
City Arroyo State OK Zip 97002

APPLICANT*

Name Jon Thomssen
Address 775 F Ave
City Lake Oswego State OR Zip 97034

OWNER'S SIGNATURE _____ PHONE _____

DESCRIPTION OF PROPERTY:

Address 431 S Township Rd
Tax Map 411E04AA Tax Lot(s) # 4300 Lot Size .48 AC
(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 one single family home on property used as rental.

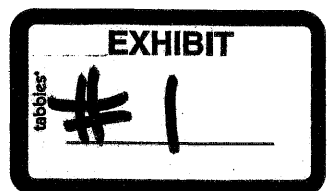
Proposed Use Proposing the addition of a triplex on a newly created flag lot.
Existing Structures One existing home.

ZONING R1.5 COMPREHENSIVE PLAN DESIGNATION R1.5

PREVIOUS ACTION (If Any) _____

FOR CITY USE ONLY	
File #	<u>MLP 05-08</u>
Date Received	<u>7-21-05</u> By <u>KC</u>
Completeness Date	_____
Pre-App Meeting	_____

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



July 20, 2005

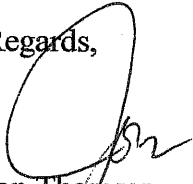
City of Canby
182 N. Holly Street
Canby, OR 97013

Please find the following information regarding the proposed construction of a triplex at 431 S. Township Road as part of the application for a Minor Land Partition. The information includes a summary of the property and proposed development. If anyone has questions or comments please feel free to contact me at the following:

Fax: 503-699-6947

Tel: 503-475-0706

Regards,



Jon Thomsen

CC: Tom Thomsen
Darren Monen

and Partition Application for 431 S. Township, July 2005
by Jon Thomsen
75-0706

of Property and Development

located at 431 S. Township Road in Canby, Oregon. The property is bordered to the north and residences to the east, south and west. The 219.25' by 100' R1.5. A house exists on the lot (see Preliminary Map). The owner seeks to lot and build a tri-plex. Access to the tri-plex will be from a driveway Township on the northeast corner of the property. The contemplated single fits within the City's comprehensive plan for development within the R1.5

via Township with the exception of power which is above round existing house. It is contemplated that the owner may need to upgrade the y ground. Regarding the cutting into Township, it was determined that top (fall) of the existing sewer line on Locust street in the new Ed Netter is insufficient for the owner to access utilities from that fore, the owner contemplates accessing utilities via Township.

S. Township Road

Sewer
Water
Gas
Electrical

Existing Water
Electrical

Existing Water Meter
Existing Power

Existing House
431 S. Township

165000

67.3'

75.0'

25.0'

Sewer
Water
Gas

165000

69.6'

151.9'

9.0'

59.0'

13.0'

Proposed
Electrical
Water
Gas
Sewer

Unit 3

Unit 2

Unit 1

New Design

78.0'

23.3'

Prelim
Owner's
503-6
Draw
503-
Scale
July

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: August 1, 2005

- TO:**
- | | |
|---|--|
| <input type="checkbox"/> FIRE | <input type="checkbox"/> CANBY POST OFFICE |
| <input type="checkbox"/> POLICE | <input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR |
| <input type="checkbox"/> PUBLIC WORKS | <input type="checkbox"/> CLACKAMAS COUNTY 911 |
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| <input type="checkbox"/> CITY ATTORNEY | <input type="checkbox"/> BIKE AND PEDESTRIAN COMMITTEE |

The City has received MLP 05-08 (Thomsen – Township Road), an application from Jon Thomsen of Wild Hare Rentals, LLC requesting a minor land partition to add a triplex on the newly created flag lot. The property is zoned R 1.5 (Medium Density). The property is located at 431 S Township Road

Please review the enclosed application and return comments to **Kevin Cook** by **Wednesday, August 7, 2005**. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

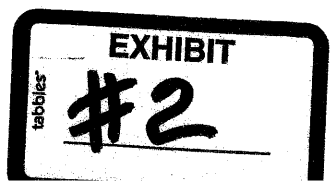
Comments or Proposed Conditions:

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: Maureen Egan **Date:** 8-11-05

Title: Chairman **Agency:** Traffic Safety Comm.



**CANBY PLANNING DEPARTMENT
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[503] 266-9404

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Comments or Proposed Conditions:

see attached

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Signature: *Debra L. General* **Date:** *8/4/05*

Title: *Superintendent* **Agency:** *Canby School District*

Canby School District

Attachment to Request for Comments

The property under consideration is in the Eccles Elementary School attendance area. School district patrons approved a bond in November 2004 to build a new middle school to alleviate the pressure on Ackerman Middle School and reopen the Lee campus of AMS into an elementary school. A boundary committee will convene in September 2005 to determine the elementary school boundaries. It is unknown at this time which elementary school will ultimately be impacted by the annexation of this application.

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Signature: Ken Pagano **Date:** 8-4-05

Title: Chief **Agency:** Police

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[503] 266-9404

FAX 266-1574

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Signature: Fred Kohert Date: 8-3-05

Title: President Agency: Canby Disposal

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[503] 266-9404

FAX 266-1574

DATE: August 1, 2005

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Signature: *Lyne Roseman* Date: 8-8-05

Title: Lyne Roseman Agency: Canby Utility Elect.

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[503] 266-9404

FAX 266-1574

DATE: August 1, 2005

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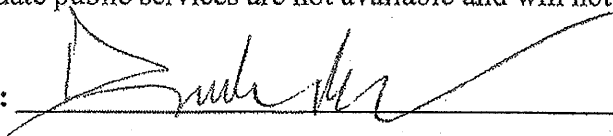
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Signature:  **Date:** 8 - 8 - 05

Title: ASSOCIATE ENGINEER **Agency:** CTA



CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

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FAX 266-1574

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Comments or Proposed Conditions:

S.D.C.'s FOX @ TRIPLEX ARE \$1891⁰⁰ / UNIT + \$100⁰⁰ ADOPIN
FOR METERS

AVAILABLE SPACE NEEDED FOR METERS ON S.E. TOWNSHIP Rd.

Please check one box and sign below:

- Adequate Public Services (of your agency) are available
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Signature: Patrick [Signature] Date: 8/5/05

Title: WATER DEPT FOREMAN Agency: CANBY UTILITY

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

RECEIVED

DATE: August 1, 2005

AUG 03 2005

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- | | |
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Comments or Proposed Conditions:

1) Services exist on S. Township Rd

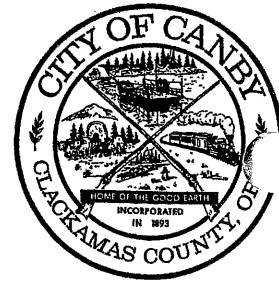
2) No frontage improvements are required

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Signature: [Signature] Date: August 4, 2005

Title: Project Engineer Agency: Curran McLeod, Inc



Pre-Application Meeting

431 S Township Road

7-14-05

10:30 am

Attended by:

Jon Thomsen, Property Owner, 503-475-0706
Kevin Cook, Canby Planning Department, 503-266-9404
Roy Hester, Public Works Department, 503-266-4021

Darren Moen, Property Owner, 503-263-3879
Gary Stockwell, CU Electric Department, 503-263-4307
Pat Thurston, CU Water Distribution Dept., 503-263-4309

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

PROPERTY OWNER, Jon Thomsen

- The property is located at 431 S Township Road, we want to place a tri-plex on the flag lot and access the utilities from Township Road. We did try to pursue the avenue of going across the neighbors lot and connecting the Ed Netter's project (Locust Street). The neighbor will not give the easement for the sewer or utilities coming through.

CITY OF CANBY, PUBLIC WORKS DEPARTMENT, Roy Hester

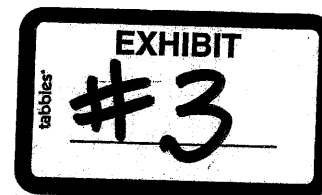
- Township Trail was originally platted as a private drive and the Planning Commission said "no" they wanted the road to be public because they wanted all the utilities feed off of this area and not cut Township Road. I am just adhering to the Planning Commission's wishes.
- You cannot have the sewer line in the same ditch as the water line they also should be separated by 10-foot span.
- You will need three (3) separate sewer laterals or an 8" main, one or the other.

CITY OF CANBY, PLANNING DEPARTMENT, Kevin Cook

- I did get some background information from John Williams and he did fill me in on that exact issue from the Planning Commission. His feeling was the Commission is definitely going to have some heart break over this proposal on that very issue, the Commission would much rather see you come off of Locust with all utilities and access.
- If you want to propose this project you will need to go in front of the Planning Commission and ask them to reverse their findings.
- We need to go through design review for a land partition. If you are planning to sell these individually you will need to have a PUD, which is a fairly simple process. We can go over that at a different time.

PROPERTY OWNER, Darren Moen

- The woman that owns the property between the developments does not want to give us access through her property.



CANBY UTILITY, WATER DISTRIBUTION DEPARTMENT, Pat Thurston

- Services will have to be out at the street. Our services are on the other side of Township Road and if they were cut the street we would have to put it back in its original condition.
- Township Trail's conditions were supposed to have a loop feed and at the south portion of the property where a "T" and a valve are placed to continue across the proposed roadway.

CANBY UTILITY, ELECTRIC DEPARTMENT, Gary Stockwell

- We do not have to cut Township Road at all; the point of contact will be the pole on the other side of the fence. As designed, these have a habit of morphing a little or changing more or less, you will need to provide us with a trench from the pole to the property into a landscaped area and from there I would set a secondary box and service for the townhomes. If these are going to be individual sale, however the property is going to be arranged as town home style we would need an easement across in order to serve each individual. Our standpoint is pretty cut and dry.
- Line extension fee is \$375.00 per unit.
- Per secondary service is \$800.00.



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

**A RE APPROVAL TO
SUB EXISTING)
PAR RESIDENTIAL)
BUILF)
APPF 8,200 SF-10,200 SF)**

**FINDINGS, CONCLUSIONS & FINAL ORDER
SUB 05-10
(Kraft Place - Northwest Floriculture)**

**NATU
CATION**

Property is zoned R1, low density residential. Surrounding properties are also residential with the exception of the parcel located across NE 22nd Ave. to is located outside of the City limits and the UGB. As shown on the plot plan (bit 1) the lot currently has one house with two out-buildings. The home and g will be removed. Access for proposed lot 1 will be directly off of NE 22nd for the remaining three lots will be from a 'knob' off of proposed NE 21st ace was approved as part of the Auburn Farms II Subdivision (SUB 05-01), en platted. A portion (720 sq. ft.) of the proposed 'knob' on NE 21st Place is rough this subdivision. Proposed lot 2's access will utilize 6 feet along NE 2 with a proposed 10.5 foot wide easement to be granted by proposed Auburn II, as not been recorded as of the date of this report.

**HEARD
The Plan**

held a public hearing to consider this application on August 8, 2005.

**CRITER
ARDS**

A. Su City of Canby Code Section 16.62.020
si-judicial land use application. Applications for a subdivision shall be sed upon the following standards and criteria:

- formance with the text and applicable maps of the Comprehensive Plan.
- formance with other applicable requirements of the land development and g ordinance.

3. The overall design and arrangement of lots shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without hindering the use or development of adjacent properties.
4. It must be demonstrated that all required public facilities and services available, or will become available through the development, to adequately meet the needs of the proposed land division.

FINDINGS AND REASONS

The Planning Commission deliberated on all testimony presented at the August 8, 2005 public hearing and includes the July 21, 2005 staff report. The Planning Commission accepts the findings and conclusions of the July 21, 2005 staff report insofar as they do not conflict with the following additional considerations:

1. The Commission discussed the applicant's request to utilize lot size averaging. The maximum allowed lot area requirements set forth under 16.16.030. The maximum allowed lot area for the zone is 10,000 sq. ft. and the average lot size for the four lots will be 9,118 sq. ft. The Commission discussed the applicant's request for a waiver to the requirements of 16.16.030.B.3. The Commission finds that more than 10% of the lots be greater than 10,000 sq. ft. without a public hearing. The Commission will modify the maximum lot area requirements if they cannot be met due to existing lot dimensions, road patterns, or other site characteristics. The Commission finds that the existing lot dimensions of the parent parcel, the best configuration is for the lots as they are proposed and that narrower lots would make it more difficult to build standard single family dwellings on the lots.
2. The Commission discussed the applicant's proposal to convey 130 sq. ft. from the Auburn Farms II subdivision to proposed lot 2 in order to give lot 2 a 10-foot wide access strip. The Commission finds that the conveyance of land from Auburn Farms II to proposed lot 2 is an appropriate solution to the question of access to lot 2.

CONCLUSION

Based on the July 21, 2005 staff report, public testimony received at the August 8, 2005 public hearing and Commission deliberation, the Planning Commission concludes that:

1. The subdivision request, with appropriate conditions, is considered to be in conformance with the Comprehensive Plan;
2. The subdivision request is in conformance with the applicable requirements of the Municipal Code regarding access to the site and hindrance of development of adjacent parcels;
3. The overall design and arrangement of lots will be functional and will adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without hindering the use or development of adjacent properties.

development of the subject property without unduly hindering the use or development of adjacent properties.

4. Necessary public services are available or will become available through the development of the property to adequately meet the needs of the proposed subdivision.

ORDER

IT IS ORDERED by the Planning Commission of the City of Canby that **SUB 05-10** is **APPROVED** subject to the following conditions:

For the Final Plat:

1. The final plat shall reference this land use application (City of Canby, File No. SUB 05-10) 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:
 - Six (6) foot wide public utility easements along all interior lot lines and exterior lot lines where neighboring lots have provided easements of at least four (4) feet.
 - Ten (10) foot wide public utility easements along non-street exterior property lines where neighboring lots have dedicated utility easement of less than four (4) feet.
 - Twelve (12) foot wide public utility and tree planting easements along all street frontages.
4. All monumentation and recording fees shall be borne by the applicant.

Prior to the signing of the Final Plat:

5. A deed restriction preventing the further division of Lot 1 shall be recorded with the Clackamas County Clerk's Office.
6. The proposed access easement provided by lot 70, Auburn Farms Phase II in favor of lot 2 shall be recorded **OR** the applicant shall obtain a lot line adjustment between the two lots subject to City approval **OR** the proposed Tract A may be conveyed to the parent parcel at the time of the final plat for Auburn Farms Phase II.

7. The subdivision development fee, as provided in the Land Development and Planning Ordinance Section 16.68.040 (G), shall be paid.
8. The land divider shall follow the provisions of Section 16.64.070 Improvements, in particular, but not limited to subparagraph (O) Bonds, which requires a surety bond, personal bond or cash bond for 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 subdivision improvements and recover the full cost of the improvements.
9. A copy of the CC&Rs that will be filed with the subdivision, if any, shall be submitted to the City Planning Department, prior to the signing of the final plat, and shall include a statement that street trees will be planted along street frontages, within the street tree planting easement. The CC&Rs must also include a statement notifying home owners of their responsibilities under the current Tree Ordinance for maintenance of street trees.
10. A contract between the developer and a certified landscape contractor must be approved by the City prior to the signing of the final plat. The contract must include a street tree and planter strip planting plan (as appropriate) with the types and locations of trees to be planted and timing of the planting. The landscape contractor must be licensed in all phases of landscape contracting by the Oregon Landscapers Contractors Board.

Prior to construction:

11. No development on proposed lots 2, 3, and 4 shall occur prior to the installation of NE 21st Place in the Auburn Farms II subdivision.
12. 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 fifteen (15) 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 provider 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.

As part of construction:

13. A five foot sidewalk is required on the property's full frontage along NE 22nd Avenue and along NE 21st Place. As necessary the sidewalk shall swing around mailboxes, newspaper boxes, or fire hydrants, such that it is unobstructed for its full width.
14. All City erosion control regulations shall be followed during construction as specified by the Canby Municipal Code. Two erosion control permits are required for this development.

After construction:

15. "As built" drawings shall be submitted to the City within sixty (60) days of completion. A copy of the "as built" drawings shall be submitted on a computer disk, in AutoCad or other acceptable format.

Notes:

16. House numbers shall be visible from the street but numbers painted on the curb shall not be the primary method of meeting this requirement.
17. The applicant is responsible for all costs associated with the relocation of utilities.
18. The final plat must be submitted to the City within one (1) year of the approval of the preliminary plat (CMC 16.68.070).
19. 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 the final plat by the Planning Director.
20. Any relocation of existing utilities required due to construction of the development shall be done at the applicant's expense.

I CERTIFY THAT THIS ORDER approving **SUB 05-10** was presented to and **APPROVED** by the Planning Commission of the City of Canby.

DATED this 22nd day of August, 2005.

James R. Brown, Chair
Canby Planning Commission

Kevin C. Cook
Associate Planner

ATTEST:

ORAL DECISION – August 8, 2005

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

NOES: None

ABSTAIN: None

ABSENT: Manley

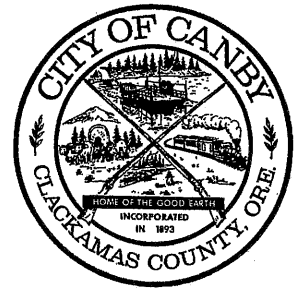
WRITTEN DECISION – August 22, 2005

AYES:

NOES:

ABSTAIN:

ABSENT:



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

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

NATURE OF APPLICATION

The applicant is seeking approval to subdivide one .3 acre parcel into 4 lots. An existing single family dwelling will remain on one lot, and one detached and two attached single family dwellings will be constructed on the three newly created lots.

HEARINGS

The Planning Commission held a public hearing and considered this application at its meetings of April 25, June 27th and August 8th, 2005.

CRITERIA AND STANDARDS

SUBDIVISIONS - CMC 16.62.020

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

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

FINDINGS AND REASONS

The Planning Commission deliberated on all testimony presented at the April 25, June 27th and August 8th, 2005 public hearings and incorporates the April 15, 2005 Staff Report, written and oral testimony, and Commission deliberations as support for its decision. The Planning Commission hereby accepts and incorporates the findings in the April 15, 2005 staff report insofar as they do not conflict with the following findings:

1. The overall design and arrangement of the proposed parcels will be functional and will adequately provide building sites, utility easements, and access facilities which are necessary for the development of the subject property without unduly hindering the use or development of adjacent properties for the following reasons:

- The Commission discussed access to the site, and the impact of additional traffic and on-street parking on the surrounding area. Public testimony from residents living in the area cited traffic related issues on SW 3rd Avenue as a major concern. Neighbors noted that SW 3rd Avenue is very congested, especially when parking is near capacity on both sides of the street. This in turn creates safety issues, especially for children in the neighborhood. School buses must travel very slowly to navigate the narrow roadway and resident drivers frequently have to alternate right of way with on coming vehicles due to the narrow roadway.

At the Planning Commission's request staff held a public meeting to discuss in more detail the traffic related issues in the neighborhood and at the proposed development site. Neighbors reiterated their concerns regarding congestion, safety, speeding, and on street parking. Neighbors noted that they sometimes chose to park on the street to help slow traffic. The participants developed a prioritized list of actions to address the traffic situation, but were clear that even if the actions were implemented the applicant's development would be unacceptable as proposed. The majority of participants agreed that one additional single family home would be acceptable on the subject parcel.

The Commission directed staff to facilitate implementation of the prioritized traffic mitigation measures. The Commission found that the development as proposed provided adequate on site parking and that the additional 6 vehicles expected to be generated by this development would not create significant additional traffic safety concerns, and would not unduly hinder the use of adjacent properties.

- The Planning Commission discussed concerns about the impact of the proposed subdivision on the neighborhood. Neighbors noted that the proposal is in an established older neighborhood with predominantly single family homes on larger lots, and adjacent property owners testified that the development proposal would create an isolated high density residential corner with small lots which would not integrate well with the surrounding neighborhood.

The Planning Commission noted that the subject property and all the adjacent properties have been zoned for High Density Residential (R-2) development since the City of Canby adopted its Comprehensive Plan in 1984, and the proposed development meets the minimum density requirements of the R-2 zone. As all the neighboring properties are zoned R-2, and there are several higher density developments within a few blocks of the subject property, and the neighboring properties could be developed to the same standards as the subject parcel, the

Planning Commission finds that the proposed development would not unduly hinder the use of the neighboring properties.

CONCLUSION

The Planning Commission of the City of Canby concludes that, based on the findings and conclusions stated above and contained in the April 15, 2005 staff report, and based on written and oral testimony presented at the April 25, June 27th and August 8th, 2005 Public Hearings and Commission deliberations, SUB 05-03 will comply with applicable criteria C of Canby Municipal Code Chapter 16.62.020.

ORDER

IT IS ORDERED BY THE PLANNING COMMISSION of the City of Canby that application SUB 05-03 (Bristol) is **APPROVED**, subject to the following conditions:

For the Final Plat:

1. The final plat shall reference this land use application (City of Canby, File No. SUB 05-03) 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:
 - Six (6) foot wide public utility easements along all interior lot lines and exterior lot lines where neighboring lots have provided easements of at least four (4) feet.
 - Ten (10) foot wide public utility easements along non-street exterior property lines where neighboring lots have dedicated utility easement of less than four (4) feet.
 - Twelve (12) foot wide public utility and tree planting easements along all street frontages.
4. All monumentation and recording fees shall be borne by the applicant.

Prior to the signing of the Final Plat:

5. The subdivision development fee, as provided in the Land Development and Planning Ordinance Section 16.68.040 (G), shall be paid.
6. 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 subdivision improvements and recover the full cost of the improvements.
7. A copy of the CC&Rs that will be filed with the subdivision, if any, shall be submitted to the City Planning Department, prior to the signing of the final plat, and shall include a statement that street trees will be planted along street frontages, within the street tree planting easement. The CC&Rs must also include a statement notifying home owners of their responsibilities under the current Tree Ordinance for maintenance of street trees.
8. A contract between the developer and a certified landscape contractor must be approved by the City prior to the signing of the final plat. The contract must include

a street tree and planter strip planting plan (as appropriate) with the types and locations of trees to be planted and timing of the planting. The landscape contractor must be licensed in all phases of landscape contracting by the Oregon Landscapers Contractors Board.

Prior to construction:

9. 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 fifteen (15) 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 provider 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.

As part of construction:

10. A five foot sidewalk including curb is required on the property's full frontage along S. Fir Street. As necessary the sidewalk shall swing around mailboxes, newspaper boxes, or fire hydrants, such that it is unobstructed for its full width.
11. A new ADA ramp shall be constructed at the intersection of SW 3rd Avenue and S. Fir Street.
12. All City erosion control regulations shall be followed during construction as specified by the Canby Municipal Code. Two erosion control permits are required for this development.
13. Parcels 1, 2 and 3 require street trees.

After construction:

14. "As built" drawings shall be submitted to the City within sixty (60) days of completion. A copy of the "as built" drawings shall be submitted on a computer disk in AutoCad or other acceptable format.

Notes:

15. House numbers shall be visible from the street but numbers painted on the curb shall not be the primary method of meeting this requirement.
16. The applicant is responsible for all costs associated with the relocation of utilities.
17. The final plat must be submitted to the City within one (1) year of the approval of the preliminary plat (CMC 16.68.070).
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 the final plat by the Planning Director.

19. All setback requirements must be met on the existing house with respect to the new lot lines.
20. Any relocation of existing utilities required due to construction of the development shall be done at the applicant's expense.
21. Parking shall be provided on site as per the initial site plan. No groups of parking spaces shall allow vehicles to back out on to SW 3rd Avenue.

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

DATED this 22nd day of August, 2005.

James R Brown, Chairman
Canby Planning Commission

Matilda Deas, AICP
Project Planner

ATTEST:

ORAL DECISION – August 8, 2005

AYES: Manley, Molamphy, Helbling,

NOES: Brown, Tessman

ABSTAIN: None

ABSENT: Ewert, Lucas

WRITTEN FINDINGS – August 22, 2005

AYES:

NOES:

ABSTAIN:

ABSENT:

MINUTES

CANBY PLANNING COMMISSION

7:00 PM April 25, 2005
City Council Chambers, 155 NW 2nd

I. ROLL CALL

PRESENT: Chairman Jim Brown, Commissioners Geoffrey Manley, John Molamphy, Tony Helbling, Geoffrey Manley, Barry Lucas, Dan Ewert, Randy Tessman

STAFF: John Williams, Community and Planning Director, Matilda Deas, Project Planner, Carla Ahl, Planning Staff

OTHERS PRESENT: Terry Tolls, Allen Patterson, Jodee Kelly, Arbie Irasin, Pat Sisul, Ronald Berg, Bob Zimmer, Jason Bristol, Steve Bloomquist, Tom Zauner, Stacy Zauner, John Wyland, Charles Burden, Leonard Walker, Les Johnson, Georgia Johnson, Margaret Schoonover, Katie Westcott

II. CITIZEN INPUT

None

III. PUBLIC HEARINGS

SUB 05-01 Auburn Farms Phase II Chairman Brown read the public hearing format. When asked if any Commissioner had a conflict of interest, none were expressed. When asked if any Commissioner had ex-parte contact, Mr. Ewert stated he had visited the site but had drawn no conclusion. No questions were asked of the Commissioners.

Darren Nichols, Associate Planner presented the staff report. He explained the applicant seeks approval to create 53 buildable lots on two parcels containing 11.37 acres. He stated that this would be an extension of Phase I that the Commission approved last year. Darren explained street access would be by means of a 40' public right-of-way from N Locust, N Lupine, N Laurelwood, NE 21st Ave. and NE 22nd Ave., with a typical street grid matching existing developments.

All requirements for R1 (Low Density Residential) designation have been met and there are single-family developments to the south and east. The property is currently vacant with minimal structures that accommodate their nursery operation.

The applicant is requesting to continue to use an existing well on the property for use in their nursery operation. Canby Utility has expressed an interest in the well for possible future use. The presence of the well will require additional consideration from DEQ regarding storm water issues.

The intersection at Territorial and Hwy 99E is currently operating at level "F"; ODOT has begun improvements to the intersection, which will include the installation of the traffic signal in the spring of 2006.

Improvements are required including sidewalks, planter strips, and curb cuts and drive aprons along all street frontages, and one street tree pre lot will be required. The applicant plans to use planter strips as storm water infiltration swales in conjunction with the approved infiltration system for Phase I.

The Public Works Supervisor has concerns regarding placing a private water line under the newly constructed half street improvements along N. Locust. The County has jurisdiction over the road and they have agreed to allow the line to be installed with the understanding that all piping in the public right of way must be abandoned and removed prior to acceptance of N Locust by the City.

Darren explained that if this application is approved it would be the final phase of the development and a condition has been added that an irrevocable option to purchase parkland be completed prior to final approval of this phase. The details of this acquisition will be available for the Commission to review.

Staff concludes with appropriate conditions the application complies with all necessary criteria and recommends approval.

APPLICANT: Pat Sisul, Sisul Engineering explained that every property owner in the surrounding area has plans to develop in the near future, and the applicant has worked with them to design streets that will facilitate future developments, and the street system has been designed to not encourage through traffic on Locust St.

Mr. Sisul explained that Phase I has been constructed with half street improvements and improvements on the west side of Locust continuing out to Territorial allowing two 10' travel lanes with bump outs around the fir trees.

Mr. Sisul explained that the owner of tax lot 300 has granted an easement for the construction of the eyebrow, so when his application comes in, the street structure will already be in place

Mr. Sisul explained that this construction will improve the water quality in the area by creating a looped system, eliminating the dead end mains.

Mr. Sisul explained that the well is a high capacity well and has an 8" water line. They have met with the Public Works Supervisor and a representative from Clackamas County Dept. of Transportation to discuss the issues. Locust is a county road, and will remain county jurisdiction until such time as the city will accept it. The City won't accept it until it is fully improved, both sides from Territorial to 22nd. It was proposed to the county that the water line would be put into steel casing below the sanitary service. He stated there would be an emergency shut off valve clearly marked at the site of the well.

Mr. Brown questioned the water line being below sanitary sewer lines. Mr. Sisul agreed that typically they are not allowed, but they are taking precautionary measures that have been approved by the County. Mr. Brown asked if creating this water line under the street would preclude the city from accepting the street. Mr. Sisul explained that the County's language on the permit states that at any time the City could require the water line to be abandoned.

Mr. Sisul stated that maintenance of the bio swale would be by the Home Owner's Association. He asked that condition #2 be clarified that prior to any issuance of a building permit, the well will be abandoned and delivered to the City. Mr. Sisul asked that condition #30 clearly state the conditions for the transfer of the well and for the removal of the water line.

Proponents: None

Opponents: None

Mr. Brown questioned how the new process for obtaining the parks had worked. Matilda explained that it went very well

The Commission discussed lot #30, which will contain the well, it was decided that the lot needed to be landscaped and the well house needed to be secure. These issues will be added to the findings.

It was moved by Mr. Ewert to approve SUB 05-01 as amended by suggested revisions on conditions 2 – 8 – 14 – 18 – 20 and with the added wording on condition #30 regarding securing the well house and landscaping. Seconded by Mr. Tessman. Motion carried 7-0.

SUB 05-03 (Bristol) Chairman Brown read the public hearing format. When asked if any Commissioner had a conflict of interest, none were expressed. When asked if any Commissioner had ex-parte contact, Mr. Helbling stated he had visited the site but had drawn no conclusion. No questions were asked of the Commissioners.

Matilda Deas presented the staff report. She explained this is a four lot subdivision, with an existing home that will remaining on one lot and 3 new units

being created, two of which will be attached single family dwellings. She stated that the property and surrounding area are both zoned R2 (high density residential). There is an existing garage which will need to be relocated.

A neighborhood meeting had been held and one main issue discussed was the lack of on street parking along S. Fir Street. Neighbors were concerned that there would not be available parking if this property were developed. She stated that the current street standards only allows for parking on one side of the street.

It was unclear if the applicant was providing garages and she suggested the Commission question the applicant regarding garages and parking configuration. The City Engineer suggested that the drive access to the existing home be taken from S 3rd, on the westerly portion to remove it from the vision clearance area on the corner.

There is an existing tree that is located next to the house and next to the sidewalk; the applicant is looking at porous pavers to try and save the tree. There will be a new sidewalk and a new ADA ramp on the corner as part of the street improvements.

Matilda explained that the design of the home would have to meet the residential design standards, and most of the neighbors concerns would be addressed through that process.

Mr. Brown questioned what the minimum lot size was; Matilda explained that in the R 2 zone it is a minimum density standard of 14 units per acre and not a lot size. Mr. Tessman questioned what the surrounding lots were built out as. Matilda stated they were mostly single-family homes.

APPLICANT: Ken Sandblast addressed the Commission. He explained that the existing garage had already been removed, where the parking would be located and that the drive access could be moved to 3rd Ave. if the Commission would prefer it there.

Mr. Sandblast explained that the applicant is trying to save a large tree that exists on the lot, allowing the sidewalk to go around the tree would help keep the tree viable, and they ask that the street not be widened to keep from restricting the tree even more.

Mr. Sandblast stated that even if there were on street parking provided it would only provide one or two spots, code requires the applicant provide 2 parking spaces per unit and the applicant has met that requirement.

Mr. Sandblast stated that in the recommendations of the staff report which deals with easements needs to clarify that there is one side of the lot that only

has a 7' yard, so they would be unable to provide the 12' exterior easement mentioned there.

Mr. Sandblast stated they would like the condition which asks the sidewalk be allowed to meander, states the reason as trying to save the tree. He also pointed out that there are 2 conditions # 19.

Mr. Helbling questioned where the parking would be located. Mr. Sandblast stated parking would be on the north side of the house, the exact location would be determined by the location of the drive access.

Mr. Molamphy asked for clarity on the whole parking situation. Mr. Sandblast explained he had used the term tandem and typically it means double deep single car parking. He stated there would be at least a single-family garage.

Mr. Brown asked what the buildings would look like, since they were small lots. Mr. Sandblast stated they would be 2 story homes. Mr. Brown stated that there needs to be communication between the neighboring property owners and the applicant, since he was putting 2 story homes in a traditional single story neighborhood.

Mr. Helbling stated there were 2 story homes across the street and directly behind this lot to the south are new 2 story homes. So he believed these would match somewhat.

Mr. Tessman questioned when this area had been designated as an area for high-density development and was the plan that these larger lots would be built as higher density. John stated that was the theory that these lots would be redeveloped to the higher density, but this area has been slower to redevelop than other areas. John explained that this area has been zoned R2 since at least the early 80's. Mr. Brown believes that design standards will be an issue with this development.

PROPONENTS: None

OPPONENTS:

Tom Zauner stated his concerns as loss of privacy by having 2 story homes looking down into his property, that this will start a trend to divide and build duplexes, he stated there are only 5 parking spaces on Fir between 3rd and 4th and most of the time 3 of are taken and the duplexes will use on street parking. The street is narrow at one end to allow room for an existing large tree, he believes if parking was allowed on both sides of the street it would not make it any narrower than the area around the tree.

Margaret Schoonover agreed that parking is an issue, there have been 2-parked vehicles struck recently. She believes this area was intended for private homes and that duplexes would not fit in the neighborhood, and expressed her concern that the existing house could be turned into a duplex and create even more traffic congestion. She believes the property should be returned to a zoning that would only allow private homes. She stated her concern that this is a high traffic area with no areas for the children to play.

Sally Larson stated she had the same concerns. Traffic is a major concern especially between 7:30 am and 9:00 am due to school traffic, extra cars mean more problems. She explained she hadn't known it was a high-density area when she purchased her home and believes people will start selling their homes.

Stacy Zauner stated she believed that this development would eventually be built, but she hoped that the property would be fenced for safety reasons. She did not believe that Fir St. could support 2-sided parking because 3rd St. is extremely congested and traffic can only travel through one car at a time.

Ron Berg stated he shared his neighbors concerns. He agreed with Ms. Schoonover that the existing home could be converted into a duplex, since it had been a duplex before. He stated there is a traffic problem on Fir St and did not believe it could handle more traffic. He understood the zoning process, but there are times that a development doesn't fit, there are concerns with the narrow streets, and no off street parking, it is just cramming too much in a small area.

REBUTTAL: Ken Sandblast clarified that none of this development will be duplexes; they will all be individually owned, on individual lots. He stated that the applicant has investigated converting the existing house into a duplex but decided it was not economically viable to bring it up to code.

Mr. Sandblast stated that this application complies with the density requirements of the code. The City's planning is based on the comprehensive plan, transportation plan and the utility plans, the density that is planned for this area has been accounted for in those plans. The comments that have come back for this application from providers state there is capacity. The application meets all necessary criteria and asked the Commission to approve the application.

Mr. Tessman stated that this is another one of the crucial areas where high density abuts a low-density zone. John explained that the entire area is high density with a large variety of lot sizes. Mr. Tessman stated it is difficult to evaluate a development like this when everything, except the duplex across the street, is single family. He stated he could relate to the people who spoke in opposition to this application.

Mr. Brown addressed the criteria for approval. He stated the application meets most of the criteria, except "C", which requires the development not unduly hinder the use or development of adjacent properties. He believes this development will change the character of the neighborhood in a big way.

Mr. Molamphy believed the parking in the area was an issue. He knows this is a high-density area, but livability becomes an issue, ingress and egress and providing places for people to park, so he agreed it did not meet "C" either.

Mr. Brown believes that the vision for the high density in this area was that someone would purchase 7 or 8 lots and do a redevelopment that would create density, not create 2350 sq ft lots. John clarified that the home would have to meet the same setback requirements that homes in new subdivision would have to meet, 20' front yards, 20' backyard and 7' side setbacks, just the size of the houses are smaller.

Mr. Brown explained that there is a housing spike at this time, which is great for people who own homes, but not for people who are looking to buy their first homes and developments like this are where people start out.

Mr. Tessman stated that with the traffic and parking issues that have been brought up as well as the character of the neighborhood he would vote against this application.

Mr. Lucas stated that 10 or 15 years ago the City Council tried to address the traffic issues in this area. Nothing was changed and there was no solution to the problem, so the traffic problem hasn't gotten any better.

Mr. Helbling stated he also had a concern about 3rd Ave. It is a one-way street that alternates with the direction of traffic. He added that the corner by the high school is extremely congested and more parking on the street will make it more so.

Mr. Ewert stated he had a problem with the density issue when it was dealt with years ago. This application meets the requirements and the Commission needs to look at the zoning, if we want the neighborhoods to stay with the bigger lots then we need to do the work to fix the comp plan. If we don't want it, then the density goes in and every large lot that can be cut up and put into developments like this will be. He didn't see how this application would unduly hinder adjacent properties; they will just do the same thing. If the traffic is such an issue can we require a traffic study?

John explained that a traffic study deals with capacity, and that is not really an issue with this area. The city has the ability to remove on street parking and force people to park on their own lots and eliminate the problem.

Mr. Brown stated he drives down 3rd often, and has noticed there are a lot of cars parked on the street, but very little available off street parking, and most homes are on small lots with no garage or carport area, the only parking is along the street. It is a design problem not a transportation problem.

Mr. Helbling questioned that if this was approved, could the Commission condition the homes have some continuity with the surrounding neighborhood. John stated that the County not have the ability to require that. Mr. Brown stated that we have a weak code and other jurisdictions have much stronger codes. Typically Canby citizens do not want the City to have that kind of control. But every year there seems to be more support for it.

Mr. Manley commented that the project engineer had recommended places for access and parking which were not part of the conditions of approval and believed they should be added.

Mr. Ewert believed that the access to this development was not adequate. No matter what the zoning, if you can't safely get there, then it's a problem. He believes that development shouldn't get too far from common sense and everything he has heard tonight states that there is a problem there.

It was moved to deny SUB 05-03 for not meeting Criteria "C". Motion carried 6-1 with Mr. Manley voting nay.

SUB 05-04 Burden II, Chairman Brown read the public hearing format. When asked if any Commissioner had a conflict of interest, none were expressed. When asked if any Commissioner had ex-parte contact, Mr. Helbling stated that he has had contact with the applicant and with the realtors as a member of Canby Business Revitalization and Development but has not had any conversations regarding this application and intends to participate, Mr. Brown had visited the site but had drawn no conclusions. No questions were asked of the Commissioners.

John Williams presented the staff report. He explained that the application is to divide 43.86 acres into 12 lots of varying size. One existing residence and several accessory buildings will remain on the newly created parcels. The application meets zoning and comprehensive plan designations for M-1 and M-2 Light and Heavy Industrial zones. The majority of the parcels will be zoned M-1 with a corner of the west side zoned M-2.

John explained there is a deeded right-of-way running through the parcels for the construction of Hazel Dell Way with some parcels taking access off of 1st Ave. and the parcels to the south having access on S. Sequoia.

John stated the subdivision is intended to facilitate future industrial development of the properties. There are some parcels on the northern side that

will not have sanitary sewer services available until a lift station is put in, the Urban Renewal Advisory Committee and the Urban Renewal District are considering constructing a lift station that will provide service to these lots. Staff has determined that services will become available upon development.

John stated that if a design review comes in for one of the lots that does not have sewer service it would not be constructed until it does. So either the City builds it or the Developer pays it, either way it would be eligible for system development charge reimbursement.

John explained that the traffic study was deferred until development since there is a wide variety of industry allowed there with no way of knowing what will be built. So the traffic study would be part of the design process.

John stated that in the original master plan for the park Hazel Dell Way was going to come up from Sequoia to Hazel Dell, continue at First and possibly continue up to Hwy 99E. We have held out putting that road in based on the result of some traffic modeling that has been done. The model showed that the truck traffic will be handled by Sequoia, Mulino/ Haines and eventually by 13th Ave. on the south side. If the development of the park works out as the model indicates there will be no need to connect Sequoia with Hazel Dell.

Mr. Brown questioned if Hazel Dell would punch through to the east, if not why have the proposed geometry. John believed that the curve could be rounded off. Mr. Brown asked about the proposed "pork chop" John stated that originally when there had been talk of extra legs, all the traffic coming off 1st Ave into town will be coming on Hazel Dell, so the pork chop was to facilitate that. It may no longer be needed.

John stated that the lay out of the lots seems to be functional, with most of the access taken from Hazel Dell and several shared access agreements have been made in order to make sure it meets our spacing standard of 200'.

John stated that people are looking for smaller parcels, they want to own their own property with as small as 5000 square foot buildings. Staff has recommended approval of the application.

APPLICANT: Charles Burden, representing the Estate of Ray Burden explained that the lots have been reduced in size, there seems to be more of a market for the smaller lots.

Terry Tolls, Realtor stated they had intentionally put in a shared access point because they knew it would be needed for the Maderia property. They created a perpendicular property line from Hazel Dell Way to facilitate the access, even though it is not the most efficient alignment for the buildings.

Mr. Tolls hadn't realized that the shared access had been added to the conditions and asked that it be removed in case it would be necessary to reconfigure some of the lots for future buyers. They would maintain the 200' minimum spacing.

Mr. Tolls explained that they would be coming back to the Commission for lot line adjustments to accommodate buyers. He stated that waiting to divide the lots until there are buyers takes 6 to 8 months and that is too long. So the applicant realizes there may need to be adjustments, but that would be a faster process.

Mr. Tolls asked that if the turn on Hazel Dell Way is changed that John Williams notify the applicants engineer. John stated he would.

Mr. Ewert questioned how they plan on keeping truck traffic off of 1st St. and Haines Rd. Mr. Tolls explained that they are looking at Walnut St. to become the substitute for that traffic. Mr. Ewert asked how the intersection at 1st and Sequoia will work. Mr. Tolls stated there are many options at that intersection and will be solving some of those problems with internal circulation.

Mr. Brown questioned where the drainage swale went. Mr. Burden explained where the area is located on the site. Mr. Brown questioned if the lot sizes were partly due to the topography of the location. Mr. Burden agreed the slopes were an issue. Mr. Tolls stated that due to the size of the lots there will be a higher employee per acre ratio and a diversity of users.

Mr. Helbling questioned where the retention pond was located. Mr. Tolls showed where the pond would be located if it was needed.

PROPONENTS: None

OPPONENTS: None

Mr. Brown asked if once the applicant had created a tax lot, it is easy to adjust. John explained that a lot line adjustment is an administrative procedure and only takes 3 weeks.

Mr. Brown believed that allowing Mr. Tolls request to remove the condition requiring the joint access was reasonable, and suggested the 90% curve be reworked.

It was moved by Mr. Tessman to approve SUB 05-04 with the amendment to condition #7. Seconded by Mr. Lucas. Motion carried 7-0.

V. FINDINGS

DR 05-02 It was moved by Mr. Manley to approve the findings as written. Seconded by Mr. Helbling. Motion carried 6-0-1 with Mr. Tessman abstaining.

VI. MINUTES

April 11, 2005 It was moved by Mr. Manley to approve the minutes as amended by the correction of the date. Seconded by Mr. Molamphy. Motion carried 6-0-1 with Mr. Tessman abstaining.

VII. DIRECTOR-S REPORT

John stated there had been a meeting of the NE Canby Master Plan group and explained that the neighbors idea of smaller lots are 1 acre lots. They are doing a good job of doing some future planning and the Commission will probably see something from them in June. Their next meeting will be in May. Mr. Brown questioned how detailed the plan would be, John explained that they have shown how the plan will work, with local streets but it is not an exact plan.

John addressed the issue of the Bristol application and stated that there is existing high density areas like that in other places in town. He asked if the Commission would like for staff to hold public workshops and creating plans for existing areas. Mr. Brown suggested holding workshops to find out what is most important and work on it, then figure out where the City wants to go.

Mr. Tessman stated that screening buffers are important and they need to be looked at. Mr. Brown suggested that there are too few zones and creating more zone types would be appropriate. Mr. Ewert stated that as Canby grows there is a need to revisit areas and see if the zoning is working, He did not believe it was working in this area.

Mr. Manley questioned if the street is so narrow why the City isn't working at getting more right-of-way to widen the street. John explained that it is more of a problem with the location of the houses, and the big tree. Mr. Brown stated that to get an accurate picture, there needs to be time spend looking at the areas, breaking up into small groups and analyze what is working and what is not.

John commented that there is another issue to consider and that is Measure 37, if you take away someone's rights to develop their property, then you could be creating Measure 37 claims.

VIII. ADJOURNMENT