

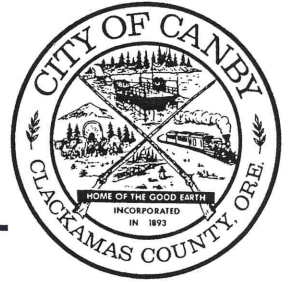
# PLANNING COMMISSION AGENDA

*Corrected date* →

**October 10, 2005**

**7:00 PM - Regular Meeting**

**City Council Chambers - 155 NW 2<sup>nd</sup> Avenue**



## I. ROLL CALL

## II. CITIZEN INPUT ON NON-AGENDA ITEMS

## III. PUBLIC HEARINGS

**SUB 05-11** (Lee) The applicant is seeking approval to subdivide a 39,865 sq. ft. (0.915 acres) parcel located on the south side of Territorial between N. Maple and N. Laurelwood, into a 14 lot subdivision consisting of 13 townhouses and one single family residence. The townhouses would consist of three triplex buildings and two duplex buildings. Continued from 9-26-05

**DR 05-05** (Canby Place) An application by Sterling Development Corporation to develop a 85,348 sq. ft. CM zoned parcel located at the southwest corner of Hwy 99E and Berg Parkway, with three buildings totaling 18,180 sq. ft. Continued from 9-26-05.

**MLP 05-11** (Bristol) The applicant is seeking approval to partition one 7,590 square foot parcel located on the SE corner of SE 2nd Ave and S. Knott St., into two separate tax lots. Parcel 1 (north) would be 4,830 sq. ft. and contains the existing single family dwelling; Parcel 2 (south) would be 2,760 sq. ft. on which the applicant proposes to construct a new single family dwelling.

## IV. NEW BUSINESS

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

**SUB 05-11** (Lee)

**MLP 05-09/ ZC 05-02** (BRJM)

**VI. MINUTES** 8-22-05 to be mailed later

## VII. DIRECTOR'S 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*

# MINUTES

## CANBY PLANNING COMMISSION

7:00 PM August 22, 2005  
City Council Chambers, 155 NW 2<sup>nd</sup>

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### I. ROLL CALL

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

**STAFF:** John Williams, Community Development-Planning Director, Matilda Deas, Project Planner, Kevin Cook, Associate Planner Carla Ahl, Planning Staff

**OTHERS PRESENT:** Jason Bristol, Jerry Turner, Allen Patterson, Bill Greenleaf, Brenda Greenleaf, Cindy Harker, Marlin Harker, Joan Perincheif, Ken Perincheif, Jim Simpson, Bev Simpson, Betty Ott, Paul Calhorn, John Ellis, Russ Hanson, Charles Burden, Frank Funk

### II. CITIZEN INPUT

None

### III. PUBLIC HEARINGS

**MLP 05-07/ZC 05-01** Chairman Brown read the public hearing format. When asked if any Commissioner had a conflict of interest, none was expressed. When asked if any Commissioner had ex-parte contact, Mr. Ewert stated he had visited the site, but had drawn no conclusions. No questions were asked of the Commissioners.

Kevin Cook presented the staff report. He explained that this is an application to change the zoning on this parcel from R1 to R1.5 to create a 3-lot partition. The existing house would remain on parcel #1, facing N. Maple St, parcels 2 & 3 would contain either one duplex with the common wall being the boundary or each lot would contain a duplex. This issue needs to be clarified with the applicant. Kevin explained that individually sellable units would require a conditional use permit. The applicant would like to proceed with the minor land partition if the zone change is approved.

The Comp Plan designates this area as R 1.5, but this would be the first property to rezone to that density. Access would be from a 25-foot easement

along the north property line. The existing out building would be removed prior to construction. The lot sizes and dimensions comply with the code under R 1.5.

The City Engineer has recommended sidewalks along the frontage, but no other lots have sidewalks at this time, so staff is recommending a condition to require a waiver of remonstrance.

Testimony in opposition was received after the staff report was written and has been provided to the Planning Commission. Mr. Brown questioned what the existing zone was. Kevin explained the existing is R-1 and the comp plan designation is R 1.5. Mr. Tessman questioned how long the area has been designated as R 1.5 John explained it was zoned R 1.5 since the 80's.

Mr. Manley questioned why a conditional use permit might be needed. Kevin explained it would be needed if the homes were individually sellable units, a duplex is allowed, but if they wanted to sell it to 2 owners it would require a conditional use permit.

#### **APPLICANT:**

**Frank Funk** asked if the Commission had any questions about the application and clarified they were proposing a duplex on each newly created lot.

Mr. Brown explained to the audience that there are 2 separate issues to discuss. The zone change, and if the zone change is approved then the minor land partition. If the zone change was not approved there would be no reason to hear the minor land partition, until after the City Council hearing on the same matter.

#### **PROPONENTS:**

**Jason Wilson** stated this application fits with the City's master plan to control urban sprawl.

#### **OPPONENTS:**

**Ken Perincheif** stated he owns a flag lot that is contiguous to the proposed property. He had read the original application which he believed was for a single duplex and was opposed to that application. The application would not fit in a neighborhood of single ranch style homes. He believes having two-story homes would have an adverse effect on the neighborhood. Allowing this zone change would set a precedent that the City might welcome but the neighborhood would abhor since there are a few large properties that might allow future partitions. He stated that when he and his wife created a minor partition in 1991 they chose not to change the zoning and to retain the R1 designation. The City of Canby endorses as much infill as possible for tax revenues but rezoning

properties like this is not an appropriate way of achieving that goal. He specified that his opposition is only towards the zone change and would not oppose the applicant creating single-family dwellings.

**Jim Simpson** stated he and his wife were both opposed to this application. He believed the development would not fit in the neighborhood of older home, and they would be fine with a development of single-family dwellings.

**Bill Greenleaf** stated he is opposed to this application. He lives in an older home and believes the neighborhood needs to be built up, this application would have the opposite affect, by having non-owner residents and he believes non-owner residents encourages gang activity. He stated that he is a teacher and the schools are crowded, there is a new middle school being built, but it will not make the problem go away. He stated the street infrastructure will not support additional traffic, Maple Ct is cracking severely, the base has failed under the street. This neighborhood is single family and crowding in 2 duplexes would not be a wise choice.

**Marlin Harker** stated his property adjoins this development. They purchased a quarter acre lot and built their home there because they liked the neighborhood of single-family homes. If this application were approved there would be a huge duplex sitting in his front yard.

**Joan Perincheif** questioned how this development would benefit the neighbors and the neighborhoods. If it is not beneficial then it is detrimental to the neighborhood.

**John Ellis** did not believe it was possible to put any more traffic on Maple Street when there is only parking on one side of the street at this time, there would be no way they could accommodate the on street parking. He stated that building duplexes would guarantee rentals. He did not see anyway this could be a benefit to the neighborhood.

**Paul Calhoun** stated he has lived there 28 years and is opposed to this zone change. Most of the homes are single story ranch style houses and 2 story duplexes would not fit the neighborhood. His mother's property also borders this development, and she is concerned that the shade from a 2-story home would ruin her garden. He stated he is concerned regarding the increase in traffic and that there is not adequate on street parking and opposes this application.

**Brenda Greenleaf** stated she is opposed to this application due to the increase of traffic, especially during the fair. NE 10th is a very busy street and she has safety concerns about children and pets. She stated that there is already gang activity in the area. She expressed her concern that non-owner residents do not promote stability and the kind of neighborhood they want.



Mr. Brown asked how often the livestock gate is used throughout the year. She stated she was unsure but there is considerable traffic that goes in and out of it throughout the year. She did not believe the street could handle the traffic from 4 more households, and this could set a precedent that would allow more partitions and create a real problem.

**John Ellis** stated he had spoken to the Planning Department 2 years ago regarding the livestock gate being used for other events than for livestock at the fair and the gate was shut up and only used during the fair. This year they have started opening it again and he went to the Planning Department again and was told there was nothing found regarding the gate only being allowed for livestock use. He added rentals would lower his property value.

**Jim Simpson** commented that the City Plan states that this area is designated for R 1.5. He stated most of the people who are at the meeting are citizens of Canby and none of them want this change.

#### **REBUTTAL:**

**Mr. Funk** stated that this area is designated for R 1.5 in the master plan for the City. Mr. Funk stated he was unaware he would need to come back to the Planning Commission for a conditional use on this application. His plan is to make affordable housing for the City of Canby, similar to the development on Redwood and then sell it. He clarified that they have accounted for the required parking spaces per dwelling unit, so parking shouldn't be an issue.

Mr. Brown asked the question Ms Perincheif's had asked, how is this a benefit to the neighborhood? Mr. Funk responded that the City of Canby is growing and to avoid pushing farther out into the rural areas, this area has been planned for the past 20 years to develop to a higher density.

John stated this is a difficult decision and will come up again as this type of development increases, due to the low supply of land inside the city limits. The problem is that once an application gets to the Planning Commission then it is subject to the planning code and the law and the Commission has to make their decision according to the criteria. John explained the height limitations and the set backs would be the same whether it was zoned R1.5 or a R1. The only difference is the type of uses allowed.

Mr. Brown stated there is an interesting situation in Canby, the voters for the last several years have voted down most annexations. The City Council has determined that an adequate supply of buildable land is 3 years worth; the city has about a 2 year supply at this time, so there is a land shortage. He explained purchasing a lot to build a single family home on is difficult since there are probably only 3 or 4 left in the City. Mr. Brown stated that if the voters wanted no growth, one of the unanticipated factors is the increase in the cost of land. The

small pieces of property have gone up in value and it is now worth it to maneuver additional lots on property that is already in the city limits.

Mr. Brown addressed the comments that the city is allowing this type of growth to generate tax revenue, he stated that it is not true, the city is required by State rules to have a certain level of density, and to meet with that requirement the Commission has tried not to balloon the Urban Growth Area, by bringing density to the inside core.

Mr. Ewert stated that the Commission does not have to approve this application; they have the ability to separate incompatible uses while grouping compatible uses. Just because this "fits" the picture doesn't mean the Commission has to do it.

Mr. Helbling explained that due to citizens not voting to approve annexations, the value of land already inside the city has become so high that it is now economically feasible to divide property, and the Planning Commission will see more applications like this. He stated that this property has not been rezoned yet. His major concern was the condition of the streets and this development would add significant traffic to a street that is significantly deteriorated. He stated that usually when there is a development like this there would be street improvements required. He questioned John Williams if this issue could be addressed in the conditions. John asked if there was discussion regarding street improvements at the pre-application meeting. Kevin explained that he was not at the meeting, but the City Engineer did recommend sidewalks, but did not talk about street improvements. John explained that typically improvements would be triggered if there were inadequate capacity rather than pavement conditions.

Mr. Brown expressed his concern that the County Fairgrounds livestock gate brings some of the heaviest vehicles onto N. Maple St. and adding additional lots onto this street could begin to impair the function of that facility. The comprehensive zoning designation could lead to more lots being created.

Mr. Molamphy stated that the comprehensive zoning designation was determined 20 to 25 years ago, now the area is developed as R1 residential and the people who live there want that type of neighborhood. Putting 2 duplexes would impact the streets. He believes there has to be some type of infill due to the price of land, but this has an impact on the neighborhood that will not be beneficial. He suggested the zoning may not be appropriate at this time, and questioned if the Commission had to follow the law exactly or if the first criteria regarding preserving function and aspects of land conservation and development to adequately meet the needs of the new development that would be permitted by the new zoning designation. Mr. Brown believed these criteria addressed infrastructure, and all the infrastructure is in place. Mr. Molamphy stated that livability was also a factor.

Mr. Tessman stated he believed the development met Criteria "B", and did not believe the Commission should hold neighborhoods hostage for annexation votes. He believes that the neighborhood has not been developed to the R 1.5 standard. He believed that the area was zoned R 1.5 to bring more density downtown, but he does not believe piece meal development is the way to do it.

Mr. Brown believed the only way you could create high density in the downtown area is by tearing it out in blocks, the reality of this neighborhood actually developing as shown on the comprehensive map is not reasonable, unless the price of land becomes so high it becomes financially feasible.

Mr. Tessman believes that the price of land would increase if people decided to sell as a block of land. But one piece of land at a time will not fit the criteria.

Mr. Manley believed the application did meet both criteria A and B, and the land was originally chosen because of it's location close to the Fairgrounds and that being a site that would typically be up zoned and then step down to lower densities further away. At the time of the comprehensive zoning this area was built out close to what it is now and that it is part of the original plan for this area to become denser.

It was moved by Mr. Tessman to recommend denial to the City Council of ZC 05-01 based on that it does not conform to implementation measures of Criteria "A" the plans and policies of the County, State and Local Districts in being that this will be a piece meal type application. Seconded by Mr. Molamphy. Mr. Helbling went on record stating that denial of this application doesn't mean that the Commission agrees or disagrees with a growth philosophy either way. This application is a change of zoning before things change. Mr. Brown believes that the application meets the goals of the County; his concern is if the application preserves the function and he believes it falls short on that issue. Mr. Tessman agreed with Mr. Brown and modified his motion. Mr. Tessman clarified that the Commission was recommending denial of the application due to it not preserving the function of local aspects of that particular area, and it is a piece meal application. Mr. Ewert stated it did not meet Policy #1 which states that Canby is to guide the development of uses to be orderly efficient and suitably related to one another and to separate compatible and incompatible uses. Mr. Ewert did not believe this was grouping compatible uses. Mr. Helbling believed the Planners at the time envisioned bulldozing and rebuilding the area, this is sticking density in. Motion carried 5-1-1 with Mr. Manley voting nay and Mr. Lucas absent.

The Commission decided to vote on the Minor Land Partition after the application for the zone change was heard by the City Council. The application for MLP 05-07 was continued until September 26, 2005.

It was explained to the audience that the application has to be heard by the City Council at their September 21, 2005 hearing. They will make the final decision on the application. Mr. Brown stated it is a public hearing and encouraged the audience to attend. He explained that if the City Council approves the zone change then the Planning Commission would hear the Minor Land Partition.

**MLP 05-08** (Thomsen) Chairman Brown read the public hearing format. When asked if any Commissioner had a conflict of interest, none was expressed. When asked if any Commissioner had ex-parte contact, none was expressed. No questions were asked of the Commissioners.

John Williams, Planning Director presented the history of this application, last year the Planning Commission was presented with a high density application and there were many people who testified at the hearing that the designation was not appropriate at that location. The City initiated changing the south side of Township from Knott St. to Pine St. to the medium density designation of R 1.5. The applicant came back to the Commission with a revised plan at R1.5 and the Commission approved that application.

John added that one of the conditions placed on that application was to create the access to city street standards to accommodate future development of the properties to the east and to consolidate driveways and reduce the number of accesses on Township.

John explained this application is not for the neighboring property, but for the second property to the east. When the application came to the office there was a discussion regarding creating the connecting street. The applicants contacted the owner of the middle property and were told they had no intention of developing the property at this time.

Kevin Cook, Associate Planner presented the staff report. He explained the applicant is applying to divide the property into two lots with the northern lot maintaining the existing single family residence, and the southern parcel to contain a tri-plex building. The applicant is proposing accessing utilities from Township, which providers have stated would be available, but would require a street cut.

The spacing of the accesses is a concern since Township is a collector street and has a 140' spacing requirement. This application does not comply to that standard, staff has recommended the applicant provide a shared access with the existing house. Mr. Ewert asked if the newly created lot would be accessed from the west side of the property. Kevin explained staff has proposed closing the existing access to the west, and have the existing house share the new access drive on the east side. Mr. Ewert questioned how that would solve the

problem. Kevin explained it would not solve the problem but it would not increase the number of accesses at that location.

Mr. Molamphy stated that the PC went to great lengths trying to control the traffic flow in this area with the previous application. He asked if there was any mitigations being done to allow for a connection in the future. Kevin stated it would not preclude a future connection.

Mr. Manley asked if it would be possible for the applicant to divide the northern lot again. Kevin stated it would be difficult to meet the setback and parking requirements.

**APPLICANT:**

Jon Thomsen, explained that the goal is to build a triplex on the newly created lot to the south. He said he has spoken with the neighbor to the west, and she has no intention of developing her parcel, and to make the connection with Locust St. They asked if they could get across her property to make the connection with Locust St. and it is not feasible since there is a large accessory structure in the way.

Mr. Thomsen explained that they are not able to connect to Mr. Netter's sewer line because it is too shallow and they will have to access the water from Township so it makes sense to make all connections to Township.

Mr. Thomsen stated that there was a curb cut for the back parcel when they purchased the property. He does not agree with closing the existing driveway for the home since it would make the garage useless. He stated this will be a nice development with single story modern craftman single story homes with nice backyards and ample front yards. Mr. Brown questioned if the applicant wanted to remove the existing access. Mr. Thomsen stated they did not agree with staff's recommendation and would like to retain the access.

Darren Monen stated they had purchased the property over 5 years ago, prior to the zone change and the discussion of continuing Locust St. They had two options when they purchased the property, apply for a zone change and put in the tri-plex or put a single family home on the property. He believed that if the driveway was removed from the home, it would take value away from the property.

Mr. Monen presented information regarding the depth of the sewer on Township and explained that the development to the east was not deep enough for them to connect to without putting a lift station in. He explained that they will need to cut into Township to access the waterline and the sewer will be available there.

Mr. Helbling explained that this is the opportunity to plan a neighborhood and questioned if the access road would be built so it could be connected across in the future to Mr. Netter's property. Mr. Monen stated potentially it could be, but he is unsure of how the homes will set and where the parking will be, so he could not say it is possible. He added there would be loss of property for the difference between a private drive and a public street. Mr. Monen expressed his belief that the if the property to the west developed it would be easy for them to connect with Mr. Netter's development.

Mr. Helbling explained this is the opportunity to see the development relative to what is around it. He asked if there could be consideration for the placement of the housing so there could be a connection made in the future. Mr. Thomsen stated they had not considered it as part of this application. John Williams explained that the applicant would have to come back to the Planning Commission with a design review on a tri-plex.

**Proponents:** None

**Opponents:** None

Kevin read a letter from Josh and Linda Calvert who had concerns that the proposed tri-plex would be unsuitable for this location due to the negative impact it would have on neighboring property. They cited increased traffic, traffic noise, neighborhood and would affect the live-ability of the neighborhood. They questioned if the area could handle to storm water run off for a tri-plex development. The stated the access would not meet the standard for spacing and did not believe an exception should be made.

Kevin summarized a letter from Cynthia May who believes the dense development would have a negative impact to the neighborhood.

Kevin presented a letter from Betty and John Cox who asked to be counted as a no vote on the application.

#### **REBUTTAL:**

Mr. Monen stated that they were not changed the zone, when they purchased the property they paid more for it because it was able to be divided. He stated that if the Commission decided to combine the access points and require that the existing house come in from the west, it would devalue the house and make the garage useless.

Mr. Monen did not believe they would devalue the surrounding properties by developing a vacant field, it would add to the value of the neighborhood. He stated that they have to mow the field down due to the fire hazard in the summertime and believes it would be an improvement to have the property developed. He questioned how there could have been a discussion regarding

the creation of a road when they have owned their property for 5 years and the properties to the west have new owners, there have been no meetings with the City, only one discussion with Mr. Netter on the phone.

Mr. Tessman questioned if there was any consideration given to abandon the house. Mr. Monen stated it is a nice house and it was never their intention to demolish the house.

Mr. Brown asked why a tri-plex, the neighbors are concerned because they will be rental houses. Mr. Monen explained that is what they do, they have 13 rentals in town and they intend to keep them long term. Mr. Thomsen stated that their rentals are very well maintained, and they have a vigorous screening of tenants.

Mr. Brown closed the public hearing and opened Commissioner deliberations. He stated it was frustrating that the Commission intended on looping this road, and that the sewer was installed at a depth that made it impossible to extend. John stated that the City should have reviewed the plans so he was unsure how it happened that the sewer was approved without the proper slope.

Mr. Helbling questioned if this would be a public driveway. John explained that the access on the Netter property is public street, an extension of Locust. This will be a private drive. Mr. Helbling questioned if it would ever become a public street. John explained that if the middle property develops in the future, it should access Locust St. through the Netter property.

Mr. Brown stated there was no way the Commission could hold this applicant hostage by what his neighbor will or will not do.

Mr. Molamphy addressed the applicant's comment that they were not contacted and clarified that the Commission did not try to burden their property, they were trying to set the area up for future development.

Mr. Helbling agreed with the owners request that they be allowed to keep the access for the existing home. The Commissioners discussed the access and decided to allow the owners to maintain the existing driveway.

Mr. Tessman believed that approving this application would abandon any idea of connecting the properties, the owner of the middle property probably has plans to use that shed for many years to come.

It was moved by Mr. Manley to approve MLP 05-08 with the modification of removing the requirement of closing the existing driveway. Seconded by Mr. Molamphy.



Mr. Ewert stated the Commission had spent a great deal of time discussing how this area will function. He doesn't agree that they should give up and create a traffic hazard to keep a garage. The proposed application does not conform with the traffic standard, and it would be making a bad situation worse to approve it. Mr. Brown stated it does not conform either way. Mr. Ewert added that they can't keep the applicant from developing, but they can make the situation a little better by combining the accesses in that location.

Mr. Helbling believed the driveway should stay but suggested the applicant coordinate the placement of structures and the private road so it is in alignment with the Locust St. extension from the Netter development. He believes that it would create continuity and a flow for traffic, and if it is not done at this time, it would never be able to be done. John questioned if the road should be a public street. Mr. Helbling believes it should be a private street built in a manner to allow the roads to connect in the future.

The Commission discussed if the applicant should be required to build to street standards and to create a public road. John explained that the Netter development has a public street down to the knuckle, with a private street off of that to the houses. Mr. Molamphy stated that the middle property, when it develops would be required to obtain access from the Netter development which would be two thirds of what the Commission had asked for. Mr. Ewert stated that they could have what they asked for if they do it right tonight.

Mr. Tessman believes the egress of that property should be a right turn only, being so close to Lupine. Mr. Brown did not believe that would be enforceable and that people would turn left. There had been discussion of making that connection a one way street, to get the traffic off of Locust and now the trips have accumulated and have put them on Locust, there is no egress point. John explained that one of the things that came out of the Netter development was that the Locust intersection now lines up.

Motion carried 4-2-1 with Mr. Ewert and Mr. Brown voting nay, and Mr. Lucas absent.

**DR 05-04** Pioneer Pump, Chairman Brown read the public hearing format. When asked if any Commissioner had a conflict of interest, none was expressed. When asked if any Commissioner had ex-parte contact, Mr. Helbling stated that he, as president of CBRD has had meetings with VADA, one of the possible tenants, but he planned on participating. No questions were asked of the Commissioners.

John presented the staff report. He explained that the applicant requests approval to construct two industrial buildings in the Pioneer Industrial Park. The buildings would be accessed by a single driveway off of Sequoia Parkway.

Pioneer Pump is an existing business located on 3rd Avenue in Canby. They have chosen a site in Canby to expand and will be the second business in the new Industrial Park. They are also proposing to build a smaller building using the single shared access point and parking lot that which could possibly be leased by VADA, a manufacturer of medical training equipment.

The code section is the industrial overlay, the main goal of the industrial matrix is to increase landscaping and create good looking buildings from the street and address site design on the driveways.

The applicant is proposing 55 parking spaces to be located in a central area and accessed by a single driveway. The access will be off of Sequoia and will meet spacing requirements. The light at Sequoia and Hwy 99E is under capacity at this time so there are no traffic capacity problems. The applicant put together a traffic study of their existing facility to document their existing traffic problem, and it was found to be acceptable to staff.

There are no parking areas between the building and the street. The applicant has proposed 2 loading docks at the larger building but has asked for a waiver of the condition on the smaller building, John explained that the Commission has dealt with that issue in the past by writing a condition of approval that states if the use is changed a loading dock will be required at the smaller building. John stated that staff has recommended allowing the waiver for the small building.

The access drive will be 30 feet wide, and they are purposing two nine foot wide, concrete sidewalks off of Sequoia, one to each building. John explained that the tree retention aspect of the matrix did not apply since the trees that are located on the property are non-native nursery stock.

Staff is purposing for the applicant to maintain the planter strips, if any of the trees purchased by Urban Renewal need to be replaced it will be the owners responsibility to replace them. The applicant will be required to plant some over sized trees to meet the landscaping matrix standard.

The applicant is purposing concrete tilt-up buildings, with a grey and steel coloration. The buildings are 40' from the right-of-way with landscaping in between. The entrances will be on the side and the street facing facade will have larger windows, and a trim design. The outdoor trash areas are purposed to be screened. There will be exterior lighting, but it is unclear if there will be any lighting above the doors, the applicant will have to address that issue.

The application meets the minimum design matrix required for approval. All utilities are available at the site. Staff recommends approval of this application. John stated this is the kind of development the park is aimed at bringing in.

Mr. Brown questioned if fencing was typically required. John stated he would look it up. Mr. Brown questioned if there would be parking lot lighting. John stated the applicant would need to address that issue.

Mr. Ewert questioned when the street islands would be put in. John explained that the Master Plan calls for the islands to go in after the accesses are located.

Mr. Brown questioned since this applicant is in first, will the applicant across the way need to match the access point. John stated he was unsure how the access points line up with the development across the street. Mr. Brown expressed his concern that if the access points weren't coordinated, there would be no street islands.

#### **APPLICANT:**

**Jerry Turner**, explained he was one of the owners of Pioneer Pump. He started the business in 1998 and purchased the land in Canby about a year later. He explained their pump manufacturing business has grown steadily since then and has started a sister company in England that purchase the pumps to resell to Europe and African markets.

Mr. Turner state they now employ 35 people in their Canby facility. He stated there would not be retail traffic just an occasional training seminar for customers. He explained that there will be approximately 4,800 square feet of office space and 2,950 of mezzanine area. Originally there will be a production area in the back and the production area will move forward where the warehouse is shown now and eventually they will build another 25,000 to 30,000 square foot building. He stated that they will do approximately 14-15 million dollars in sales in Canby this year, and they plan to have 70-80 employees at the end of a 5 year period.

Mr. Tessman asked if there would be multiple shifts. Mr. Turner explained they will run 4 ten hours days, with a fifth day if they need overtime.

Mr. Brown questioned if they were purposing a fence. Mr. Turner explained they are purposing a fence around the gravel area, and will store some product there. Mr. Brown questioned the parking lot lighting. Mr. Turner explained that they will provide adequate lighting throughout the parking lot.

Mr. Turner stated there is no signed agreement with VADA yet, but if it doesn't work out they still plan on developing the land as proposed and put it on the market. They have an agreement with VADA to share the loading dock facility since he will only need a dock about once a week.

Mr. Ewert questioned where the bio-swale would go when they develop the lot. The applicant stated that the bio swale would stay there. Mr. Brown questioned where the parking lot would grow when they expanded. Russell Hanson, engineer answered the questions regarding the bio-swale. He explained that the bio-swale would remain where it is, and that there is adequate parking designated for future expansion.

Mr. Ewert asked if Mr. Hanson was aware of where the access point was for the building across the street. Mr. Hanson stated he did not know. John stated he would be able to find out where the access is. Mr. Brown suggested that on future design reviews the access point would be shown.

**PROPONENTS:**

Charles Burden stated his approval of this application. And encouraged the Commission to vote in favor of this application.

**OPPONENTS:**

None

Mr. Brown closed the public hearing and opened Commissioner deliberations.

Mr. Molamphy believed that this project fits the type of business the City is looking for and he supports the application.

Mr. Brown questioned the color of the building. The applicant responded that it will be gray with a dark green accent stripe.

Mr. Tessman agreed it was a straight forward application and something the Planning Commission has been looking forward to, the actual development of the Industrial Park. He believes that once building begins in the park, it will fuel development there. He intends to vote in favor of this application.

Mr. Brown stated there had been hours in public hearings, taking testimony and editing text, and the City is trying to make this a painless process to help move development forward.

It was moved by Mr. Ewert to approve DR 05-04 with the condition that parking lot lights be included. Seconded by Mr. Helbling. Motion carried 6-0.

## **V. FINDINGS**

**SUB 05-10** It was moved by Mr. Helbling to approve the findings for SUB 05-10 as written. Seconded by Mr. Tessman. Motion carried 5-0-1 with Mr. Manley abstaining.

**SUB 05-03** It was moved by Mr. Helbling to approve the findings for SUB 05-03 as written. Seconded by Mr. Molamphy. Motion carried with Mr. Manley abstaining.

## **VI. MINUTES**

**April 25, 2005** It was moved by Mr. Molamphy to approve the minutes with the punctuation correction noted by Mr. Tessman. Seconded by Mr. Ewert. Motion carried 6-0.

## **VII. DIRECTOR'S REPORT**

John stated there would be a workshop to follow up on the public facilities and services discussion and that the consultant would be there to discuss some of the changes.

John stated that on the 31st of August there will be a meeting between URD and CBRD to talk about downtown redevelopment project, and how Urban renewal money has been used in other communities to do projects.

## **VIII. ADJOURNMENT**

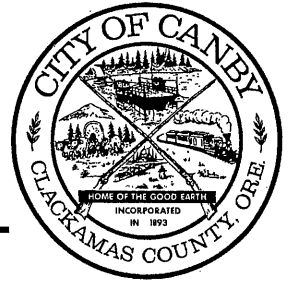
# PLANNING COMMISSION AGENDA

October 10, 2005

7:00 PM - Regular Meeting

City Council Chambers - 155 NW 2<sup>nd</sup> Avenue

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## I. ROLL CALL

## II. CITIZEN INPUT ON NON-AGENDA ITEMS

## III. PUBLIC HEARINGS

**SUB 05-11** (Lee) The applicant is seeking approval to subdivide a 39,865 sq. ft. (0.915 acres) parcel located on the south side of Territorial between N. Maple and N. Laurelwood, into a 14 lot subdivision consisting of 13 townhouses and one single family residence. The townhouses would consist of three triplex buildings and two duplex buildings. Continued from 9-26-05

**DR 05-05** (Canby Place) An application by Sterling Development Corporation to develop a 85,348 sq. ft. CM zoned parcel located at the southwest corner of Hwy 99E and Berg Parkway, with three buildings totaling 18,180 sq. ft. Continued from 9-26-05.

**MLP 05-11** (Bristol) The applicant is seeking approval to partition one 7,590 square foot parcel located on the SE corner of SE 2nd Ave and S. Knott St., into two separate tax lots. Parcel 1 (north) would be 4,830 sq. ft. and contains the existing single family dwelling; Parcel 2 (south) would be 2,760 sq. ft. on which the applicant proposes to construct a new single family dwelling.

## IV. NEW BUSINESS

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

**SUB 05-11** (Lee)

**MLP 05-09/ ZC 05-02** (BRJM)

**VI. MINUTES** 8-22-05 to be mailed later

## VII. DIRECTOR'S 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:**

Mel Lee  
15746 S. Hattan Road  
Oregon City, OR 97045

**FILE NO.:**

SUB 05-11  
(Territorial Road Townhomes)

**OWNER:**

Mel Lee  
15746 S. Hattan Road  
Oregon City, OR 97013

**STAFF:**

Kevin Cook  
Associate Planner

**LEGAL DESCRIPTION:**

Tax Lot 1401 of  
Tax Map 3-1E-28DC

**DATE OF REPORT:**

September 14, 2005

**LOCATION:**

605 NE Territorial Road  
On the south side of Territorial Rd.  
between N Maple St. and N Laurelwood  
Lp. The property is also located at  
the terminus of N. Manzanita St.

**DATE OF HEARING:**

September 26, 2005

**COMP. PLAN DESIGNATION:**

High Density Residential (R-2)

**ZONING DESIGNATION:**

High Density Residential (R-2)

**I. APPLICANT'S REQUEST:**

The applicant is seeking approval to subdivide a 39,865 sq. ft. (0.915 acres) parcel into a 14 lot subdivision consisting of 13 townhouses and one single family residence. The townhouses would consist of three triplex buildings and two duplex buildings. The site is located at 605 NE Territorial Road at the terminus of N. Manzanita St. and on the south side of Territorial Road. This application conforms to the standards for the R-2 zone. An application for a Minor Variance to allow up to a 10 % reduction in the required setbacks for the proposed eastern lots



will be separately administratively reviewed.

## II. APPLICABLE CRITERIA:

### 1. SUBDIVISIONS - 16.62.020

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

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

### 2. **Other Applicable Policies and Regulations:**

City of Canby General Ordinances:

- 16.10 Off Street Parking/Loading
- 16.20 R-2 High Density Residential Zone
- 16.62 Subdivision - Applications
- 16.64 Subdivisions - Design Standards
- 16.66 Subdivisions - Planning Commission Action
- 16.68 Subdivisions - Final Procedures and Recordation
- 16.86 Street Alignment
- 16.95 Solar Access Standards for New Development

## III. FINDINGS:

### 1. **Location and Background**

The subject property is currently zoned R-2, high density residential. The applicant is requesting a minor variance to allow 19-foot front yard and 18-foot rear yard setbacks for the east townhouse units. The parcel currently contains two single-family dwellings, which are to be removed. The applicant proposes to

extend N. Manzanita through to NE Territorial Rd. via a private road connection. The private road will have a 20 foot wide width and will feature sidewalk on the west side. The surrounding properties are also zoned R-2 High Density Residential and are developed. Only the property to the east is developed to the R-2 zoning district at this time. The applicant is proposing a private road that will extend N. Manzanita Rd. with NE Territorial Rd. The private road will have a 20 foot road width and sidewalk on the west side. Because of the way the public portion of N. Manzanita lines up with the property and the relative narrowness of the lot, a full width street connection would render about half of the lot undevelopable in terms of housing. Staff supports the narrower road width because it should provide a level of traffic calming, and there are already primary connections onto NE Territorial off of N Locust to the west and N. Maple to the east.

## 2. Comprehensive Plan Consistency Analysis

### ***URBAN GROWTH ELEMENT***

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

#### ***Applicable Policy:***

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

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

### ***LAND USE ELEMENT***

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

#### ***Applicable Policies:***

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

grouping compatible uses.

*Analysis: All properties in the area are designated for residential use.*

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 R-2 zone requires a minimum density of 14 units per net acre. Accounting for the land needed for the extension of N. Manzanita, the minimum required number units for this property is 11 units. The applicant proposes 14 units.*

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

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

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

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

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

*Analysis: The proposed subdivision will be consistent with the land use map. The applicant will be building in accordance with the allowed density for the R-2 zone.*

### ***ENVIRONMENTAL CONCERNS ELEMENT***

**GOALS: TO PROTECT IDENTIFIED NATURAL AND HISTORICAL RESOURCES.**

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

**TO PROTECT LIVES AND PROPERTY FROM NATURAL HAZARDS.**

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

Applicable Policies:

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

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

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

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

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

Analysis: *There are no parks required in the area by the Canby Parks Master Plan.*

**TRANSPORTATION ELEMENT**

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

Applicable Policies:

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

Analysis:

*Sidewalks and bike lanes should be continued along NE Territorial Road as recommended by the City Engineer (see Condition #12). The City Engineer has suggested the half street improvements and recommends that lot 5 gain access*

*off of the private road instead of from Manzanita Street to the south. The City Engineer suggests a tapering of the city owned portion of Manzanita Road from the 50 foot width down to the 20 foot width proposed for the private road. Staff agrees with the recommendations made by the City Engineer because the proposed arrangement would clearly present a conflict between cars entering and departing lot 5 and through traffic traveling along N. Manzanita St. (See Condition 14). Public Works requests concrete approaches on both ends of the private road extension of N. Manzanita (See Condition 11). Public works also requests signage at both entrances to the private road that read "Private Road"*

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

*Analysis: As of the writing of this report, the City Traffic Engineer has not identified any site distance concerns for the project.*

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

*Analysis: Sidewalks are proposed for the west side of N. Manzanita and are to be constructed along the south side of NE Territorial Road adjacent to the subject parcel (Condition #12).*

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 Police Department has signed off on the project as proposed. The Fire District has indicated that the access, as proposed, is adequate provided parking is enforced (Conditions 5 & 12).*

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

*Analysis: The Traffic Engineer recommends maintaining the existing bike lane on the south side of Territorial Road along the property's frontage.*

## ***PUBLIC FACILITIES AND SERVICES ELEMENT***

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

Applicable Policies:

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

*Analysis: All needed public facility and service providers were asked to comment on this application. Returned comment forms are shown in Exhibit 2. Canby Utility Water and Electric, Canby Telephone, and all stated that service provision was available or would become available through development. Following is a summary of provider comments:*

**City Engineer:** *Sidewalk should be constructed along the street frontage with NE Territorial (see Condition 12). Suggest tapering curb along N. Manzanita down to the proposed curb on the private road (see Condition 14).*

**Fire Dept:** *Adequate public facilities of the Fire Dept. are available.*

**Water Dept:** *Waterline and meter plan may need adjustment prior to construction. Size of water meter to be established.*

**Canby Electric:** *A power plan will be developed after plat approval; this may require undergrounding existing overhead power lines.*

**Police:** *Adequate public facilities of the Police Dept. are available.*

**School Dist:** *Adequate public facilities of the School District are available. District boundaries are still being determined.*

**Canby Telephone:** *Adequate public services will become available through the development.*

**From the pre-application meeting of May 10, 2005:**

**Public Works:** Provide concrete approaches on NE Territorial and N. Manzanita (Condition 10) and signs that read private drive (Condition 7). Sewer line is located on N. Manzanita St. – may need to back up to the manhole to hook up because of depth. City will maintain the 8” sewer main and you can use either 4” or 6” laterals, placing a cleanout for each lateral at the property line (Conditions 6 & 14). Homeowner to be responsible for their portion of the line to the house. Each unit will have its own line (Conditions 6 & 14). City will not provide any maintenance on the private road. Do all street improvements along NE Territorial. Existing septic tank will need to be drained, capped and removed.

**Fire Dept:** We will need a fire hydrant on NE Territorial at the entrance to the subdivision (Condition 12). Fire Dept. will require ‘No Parking’ signs and rolled curbs because to the private drive width (Condition 12).

**Neighbor Comments:**

One letter in opposition to the project was received.

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

Analysis: No schools are planned for this area.

**ECONOMIC ELEMENT**

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

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

**HOUSING ELEMENT**

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

Applicable Policies:

Policy #2: Canby shall encourage a gradual increase in housing density as a response to the increase in housing costs and the need for more rental housing.



*Analysis: The proposed subdivision is located on property zoned for high density residential development.*

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

*Analysis: The type of housing proposed is typically more affordable than individual single-family homes.*

### ***ENERGY CONSERVATION ELEMENT***

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

*Applicable Policies:*

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

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

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

*Analysis: Solar access is difficult on the site due to the north-south orientation of the lot and the overall density of the lot.*

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

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

### **3. Evaluation Regarding Subdivision Approval Criteria**

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

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

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

*Analysis: Section 16.10.050 requires a minimum of 2 off-street parking spaces per dwelling unit. In past decisions, the Commission has allowed 'stacked parking' in which a single car is parked in the garage and a single car is parked in the driveway in front of the garage. This has generally been allowed in cases where the applicant has provided additional guest/overflow parking within the development. The submitted design does not provide any additional parking. Staff is concerned that the limited parking as proposed would lead to a parking problem on the private portion of Manzanita in violation of emergency access requirements. Staff believes that a minimum number of additional spaces acceptable would be one additional space for every two units for a total of 7 spaces. Staff is requesting the applicant to identify additional off-street parking for the development (see Condition 1).*

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

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

*With the conditions below, the proposed subdivision meets these requirements for design, arrangement, and access to lots.*

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

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

#### IV. CONCLUSION

1. Staff concludes that the subdivision, with appropriate conditions, is considered to be in conformance with the Comprehensive Plan;
2. Staff concludes that the subdivision, with appropriate conditions, is considered to be in conformance with other applicable requirements of the Land Development and Planning Ordinance;

3. Staff concludes that, with the recommended conditions, the overall design and arrangement of the proposed parcels will be functional and will adequately provide building sites, utility easements, and access facilities which are necessary for the development of the subject property without unduly hindering the use or development of adjacent properties; and
4. Staff concludes that, with the exception of schools, all necessary public services will become available through the development of the property, to adequately meet the needs of the proposed land division.

## **VI. RECOMMENDATION**

Based upon the application and drawings submitted, facts, findings and conclusions of this report, and without benefit of a public hearing, staff recommends that the Planning Commission approve SUB 05-11 with the following conditions:

### **For the Final Plat:**

1. Applicant shall identify a minimum of 7 guest/overflow off-street parking spaces for the development; to be reviewed and approved by the City Planning Department.
2. The final plat shall reference these land use applications (City of Canby, File No. SUB 05-11 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.
3. The final plat mylars must contain, in the form specified, all information necessary to satisfy all matters of concern to the County Surveyor, or the Surveyor's authorized Deputy, including, but not necessarily limited to, various matters related to land surveying, land title, plat security, and plat recordation.
4. Easements shall be provided as follows for the parent parcel:
  - Five (5) foot wide public utility easements along all interior lot lines except for common wall boundaries.
  - Ten (10) foot wide public utility easements along non-street exterior property lines.
  - Twelve (12) foot wide public utility and tree planting easements along all street frontages.
  - A public easement for use of the private road and associated sidewalk.
  - Easements for public utilities shall be provided as required by utility providers.
5. The 10-feet of additional right-of-way along the property's frontage with NE

Territorial Rd. shall be dedicated to the City as proposed.

**Prior to the signing of the Final Plat:**

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 improvements and recover the full cost of the improvements.
6. A copy of the CC&Rs that will be filed with the subdivision shall be submitted to the City Planning Department, prior to the signing of the final plat, and shall include, at a minimum, the following:
  - Land which is not intended for physical development, such as building or street uses, is required to remain in open space usage perpetually. Maintenance of such open space areas shall remain the responsibility of the individual owner or owners' association, in a manner outlined in the by-laws of such association.
  - The manner in which any open space, park and recreational area, and parking areas are to be maintained shall be presented along with the preliminary copy of the proposed owners' association by-laws and contractual agreements shall be submitted with the preliminary subdivision.
  - A statement notifying home owners of their responsibilities to provide and maintain one street tree per lot frontage.

**Prior to construction:**

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

**As a part of construction:**

8. Traffic control signs shall be provided at the developer's expense as required by the Director of Public Works. A sign that reads "End of City Maintained Street" or

similar wording shall be placed at the entrances to the development.

9. Street lighting shall be provided by the developer as necessary and shall be provided for all private streets to meet City street lighting standards.
10. An erosion control permit is required. All City erosion control regulations shall be followed during construction as specified by the Canby Municipal Code.
11. The applicant shall construct an approved curb cut and approach apron at the drive entrance to each parcel. Concrete approaches shall be installed at both ends of the private road. Access improvements and sidewalks and paving shall be inspected and approved by Canby Public Works prior to installation.
12. Five (5) foot sidewalks shall be constructed along all street frontages. Where mailboxes, fire hydrants or other obstructions must be located at the curb, sidewalks shall swing away from the curb such that the walkway remains unobstructed for a full five-foot width. Sidewalk along N. Manzanita shall be curb-tight. Street improvements shall be installed as required by the Canby Public Works Department. Sidewalk and bicycle lanes shall be constructed along NE Territorial Road and shall line up with existing sidewalk and bike lanes to the east and west. Bicycle lanes shall also be maintained to the specifications of Canby's Transportation System Plan as part of street improvements along N.E. Territorial Road.
13. No parking signs and/or painted curbs indicating no parking shall be placed in front of all areas not intended for parking on the approved site plan.
14. The curb and sidewalk along the public portion of N. Manzanita St. shall extend north in such a manner that the public street will taper down to the 20- foot width of the private portion of N. Manzanita St. Reflectors shall be installed behind the curb in the transition area in order to guide drivers in poor visibility conditions. Access to proposed lot 5 shall be from the private road only; no additional accesses are allowed onto the public portion of N. Manzanita St.
15. Street improvements shall be constructed to City standards and shall be approved by the City Engineer and Canby Public Works prior to construction.

**After construction:**

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

**Notes:**

17. The final plats must be submitted to the City within one (1) year of the approval

of the preliminary plat according to Section 16.68.020.

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

**Exhibits:** Shared with VAR 05-02

1. Applicant's packet (including site plans and narrative)
2. Responses to request for comments
3. Traffic Study
4. Minutes of the pre-application meeting

**City of Canby**  
**SUBDIVISION APPLICATION**  
Fee See the Last Page

**OWNERS**

**APPLICANT\***

Name: Mel Lee  
Address: 15746 S. Hattan Road  
City: Ore. City State: OR Zip: 97045  
Phone: 503 936-1492 cel Fax: 503 631-2459  
Owners Signature: *Mel Lee*

Name: Mel Lee  
Address: 15746 S. Hattan Road  
City: Oregon City State: OR Zip: 97045  
Phone: 503 936-1492 cell Fax: 503 631-2459

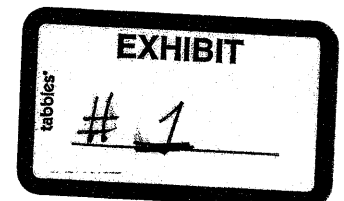
**DESCRIPTION OF PROPERTY:**

Address: 605 NE Territorial Road  
Tax Map: T3S-R1E-28DC Tax Lot(s): 1401 Lot Size: 39,865 Sq.Ft.

**USE OF PROPERTY**

Existing Use: Single-Family Home  
Proposed Use: Nine attached single-family, two duplexes, one single-family  
Existing Structures: One dwelling  
Zoning: R2, High Density Comprehensive Plan Designation: HDR, High Density Residential  
Previous Land Use Action (if any): none

FOR CITY USE ONLY	
File #:	<i>SUB 05-11 / VAR 05-02</i>
Date Received:	<i>7-18-05</i> By: <i>CJA</i>
Completeness:	
Pre-App Meeting:	
Hearing Date:	







COUNTRY CLUB

TERRITORIAL

MAPLE

22ND

LOCUST

X

# 12-Lot Townhouse Subdivision (Territorial RD)

## Mel Lee, Compass #5887

**Site Address:** 605 NE Territorial Rd., Canby  
**Assessor Map:** T3S-R1E-28DC, TL 1401  
**Zoning:** R2      **Plan:** HDR      **Area:** 39,865 Square Feet

### Applicant & Contract Purchaser

Mel Lee      Office 503 631-2459  
Lee Custom Homes      Fax 503 631-2459  
15746 S. Hattan Road      Mobile 503 936-1492  
Oregon City, OR 97045

### Past Owner

Raymond Brown  
605 NE Territorial Rd  
Canby, OR 97013

### Consultant & Representative

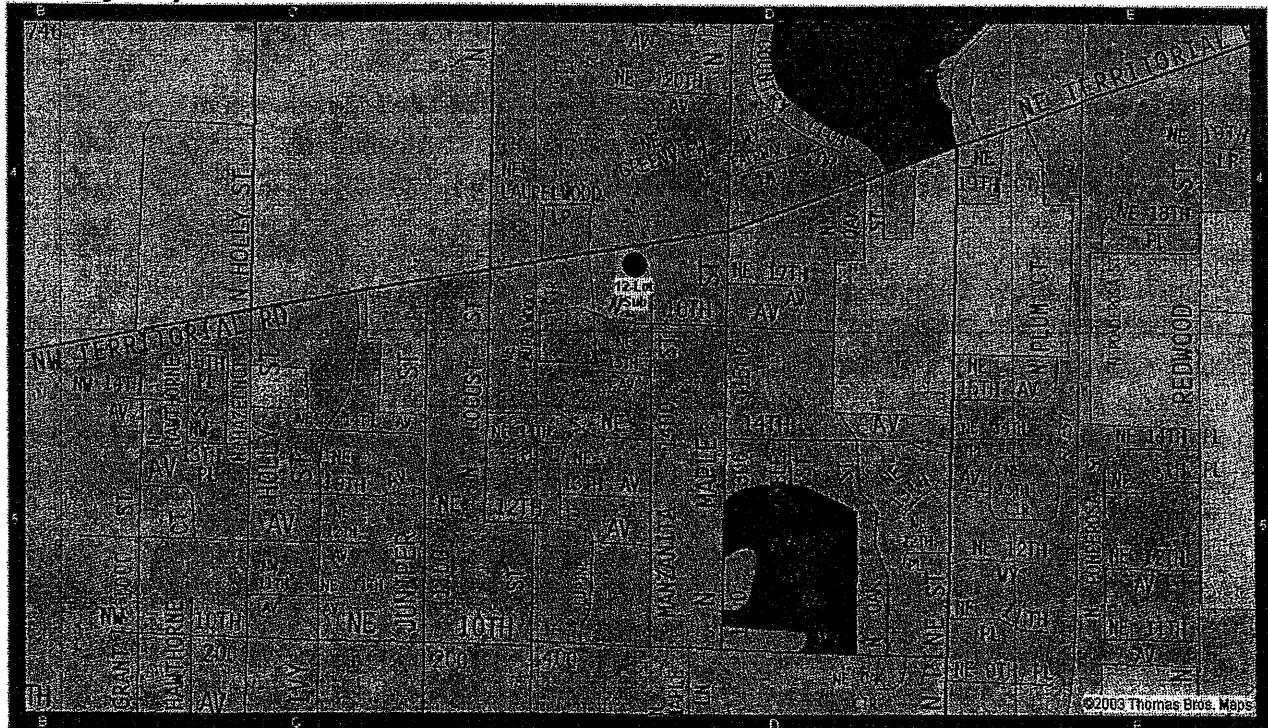
Karl Mawson AICP, Compass Engineering  
6564 SE Lake Road, Milwaukie, Oregon 97222  
Tel: (503) 653-9093, Fax: (503) 653-9095  
Email: karlm@compass-engineering  
Job #5887

**Jurisdiction:** City of Canby. Pre-application meeting was held on May 10, 2005 and was attended by Thurston, Vu, Mawson, Meredith, Hester, Yarbrough, Stockwell, Mickelsen, Lee, and Deas.

### Project

12 Lot Townhouse Subdivision, 14 Units

### Vicinity Map



# Narration

## SUBDIVISION: STANDARDS AND CRITERIA

Under Section 16.62.020 of Canby's Municipal Code, 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.

The Comprehensive Plan shows this as High Density Residential, and the plan designation is carried over to the zoning classification. In the Comprehensive Plan, high density zoning is noted as being important to meet population and density goals. Because during the last plan update little additional land was designated as high density it is important to utilize the existing high density areas to obtain both density and housing diversity objectives. Infill development is projected to result in 929 duplex and multiple-family units. The site 39,865 is square foot site. After removing the private street and the Territorial Road dedication, there is a net area of 33,375. Based on a minimum required density of 14 units per acre, 11 or more units are required for this property. Fourteen units are proposed, three units greater than the minimum. This is a relatively low number for the high density zone, but it reflects the applicants desire to create single lot dwellings. A standard apartment complex could create more units, and provide many more units.

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

Below is information addressing the applicable sections of the Land Development Code. The subdivision submittal criteria are intended to address a number of standards, or ensure the submittal information indicates whether the code is being met.

#### 16.64.010 Streets.

As much as possible, the new private street is lined up with NE Manzanita. There is not adequate site width to have a standard public local street go north/south through the lot. (Such a design would have approximately 30% of the site used for right-of-way). Also there is not a need to have NE Manzanita provide improved direct access from Territorial Street to this particular neighborhood. A narrow private street limits traffic volume while still providing north and south access to this development and a water line loop session. The street will remain open to the public.

#### 16.64.015 Access.

The access design does provide connectivity, increased fire safety with two access points, and close to a 90 degree alignment with Territorial Road

#### 16.64.020 Blocks.

At roughly 250 feet in length, the block length is well within the Canby standards for block length.

#### **16.64.030 Easements.**

Due to the short block length, lack of watercourses, and the poor solar orientation, pedestrian, watercourse, and pedestrian easements are not required. The project will provide utility easements as required by City staff.

#### **16.64.040 Lots.**

Although there is not a minimum lot area requirement, there is a width and frontage requirement met by this design. The width of the site results in relatively short lot depths. The lot layout regarding such things as orientation with the street meet code standards.

#### **16.64.050 Public open spaces.**

Public spaces are not required or proposed for this project.

#### **16.64.060 Grading of building sites.**

This site is very flat, and little grading is required. The site is so flat that some grading and fill work will occur to raise the private street such that the water runs both ways.

#### **16.64.070 Improvements.**

The type of improvements, as well as the timing and construction of those improvements will meet City standards. The private street and sidewalk will be constructed to City standards for permanent street construction. Along with additional right-of-way dedication along Territorial Road, sidewalks, curbs, and any required street improvements will be constructed. Initial review of the traffic generation and the capacity and current traffic volumes of Territorial Road indicate this project can be easily accommodated with the current street system. Survey and monumentation standards will be met as part of the final plat and construction process.

As much as possible the surface and storm water improvements will be done on-site. The sanitary sewer will come from the south. (The current line does not extend to the south property line of this site, so the line will need to be extended.) An eight inch water line will be looped from Territorial to Manzanita. A fire hydrant will be installed off the NE Territorial entrance. As part of this project the overhead electrical line that runs along the south side of the property will be eliminated. Public Utility Easements will be placed where needed. All survey standards and requirements shall be met.

**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.**

This design does create a street connecting Territorial Road and Manzanita, provides typical lot sizes for medium sized town houses. There is a very large single family home to the west and an apartment complex to the east. This development does not hinder the development of any adjacent property.

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

All required services are available in Territorial Road, although some services to the south will be used as well. Because this is an infill development, other services are available such as police and fire.

### **16.46.010 Access and Number of units in residential development.**

This site is difficult to obtain the minimum density because of the narrowness of the lot. It is an infill development, surrounded by existing development. Our approach is to utilize a private street with no parking on the private street. With two access points and 14 units, the development easily meets the standard. The two duplexes would require private joint access agreements if those units were to be sold.

**A. Chapter 16.64, Subdivisions - Design Standards;**  
Have been addressed above.

#### **C. Chapter 16.95, Solar Access Standards for New Development.**

The street runs north and south on this narrow property, which limits solar access. On the west side of the new street the two duplexes and one single family home have adequate spacing to provide some solar access. The north duplex is separated by roughly 55 feet from nearest structure to the south across paved driveways. The single family home should have good solar access as well as it lines up with a right-of-way to the south.

The remainder of the units require the exception for on-site shading as the density and north-south running street precludes good solar access. In addition, this project at 14 units, is close to the minimum density for the site. Meeting more of the solar access requirement reduces the density to the minimum. (The distance between the north and south 3-unit townhouses is approximately 93 feet, such that a single-family unit would still not meet a 70 foot solar access standard. But completely removing one 3-unit townhouse results in only one additional unit meeting solar access standards.

### **16.53.010 Minor Variances.**

**A. The following variances shall be reviewed using a Type II procedure (see Chapter 16.89), using the approval criteria in subsection B, below. Applications shall be made on forms provided by the Planning Department.**

- 1. Setbacks: up to a ten percent (10%) reduction to the setbacks required in the zone.**

There are two minor variances being requested as part of this development application. Both variances relate to the townhouse units on the east side of the proposed private street. The request for a front yard variance from 20 to 19 feet results in a 5% reduction. The request for a rear yard variance if from 20 to 18 feet, or a 10% variance. Both meet the maximum reduction of 10%.

**B. A minor variance may be granted if the applicant demonstrates compliance with all of the following criteria, if applicable:**

**1. The variance is required due to the lot configuration or other physical conditions of the site;**

The most important characteristic of the site is the width of the parcel and the north and south access. Providing ownership lots works best if a private street is placed approximately in the center of the parcel. (If the street was placed on one side, the lots would be very long, and the number of lots would be 115 in length. This length is appropriate for larger lot sizes, but even if the lots were 30 feet in width only 8 lots could be obtained. This is well under the anticipated density for this zone.) A multiple-family development with multiple units in a single structure private access that does not go through the site would not require any minor variances, but would be less compatible with the surrounding dwellings to the north and west.

The elimination of the two minor variances could be accommodated by reducing the depth of the proposed townhouses from 36 to 33 feet. That change does two things. First, it makes it harder to find or modify structure design. More importantly it results in a reduction in the size of the units that can be constructed. We believe the larger units better reflect both what people are will to purchase, and also is more compatible with other dwellings in the area.

**2. The variance is proposed in order to preserve trees or will not result in the removal of significant natural resources, including trees;**

The proposed variance does not affect the number of trees removed or protected under this townhouse design, so criteria 2 is probably not applicable to these two minor variance request. We are attempting to save the trees along Territorial Road, and a reduction in depth makes it easier to reduce width, allowing some shifting of units to the south.

**3. The variance will not reduce allowable lot size, violate landscaping requirements, or result in a violation of other chapters or sections of this ordinance; and**

This request does not violate other sections of this ordinance. A 19 foot parking area is an adequate parking space, allows front yard tree planting, and complies with other sections of the ordinance.

**4. The variance will not be materially detrimental to other property within the same vicinity.(Ord. 1080, 2000)**

The rear yard minor variance from 20 to 18 feet will result in the dwellings being located 2 feet closer to the east property line (and to the inhabitants of that property). It is unlikely that 2 foot reduction will be discernable to the adjacent apartment dwellers, especially when that view is partially obscured with existing and future trees.



September 20, 2005

Kevin Cook  
City of Canby  
172 NW 2<sup>nd</sup> Avenue  
Canby, OR 97013

*RE: Manzanita Townhouses*

Dear Kevin:



We have reviewed the site plan for the proposed development between Territorial Road and Manzanita Street. We have the following comments regarding the project.

The site is located between N Manzanita Street and NE Territorial Road and is proposed to be developed with a total of one single-family home, two duplex buildings, and nine townhouses. There is an existing home on the property, which will be replaced with development for a total new development scenario of two duplex units and nine townhouses.

Manzanita Street is classified as a Local Street by the City of Canby. The pavement width on Manzanita Street is about 40 feet with curbs, sidewalks and on-street parking on the road. The site is too narrow to extend the existing public street; the access to the site will be a narrow private road between the terminus of Manzanita Street and Territorial Road. This private road is proposed to have a pavement width of 20 feet. The remainder of the public road width is shown in the site plan as a driveway access for lot 3.

To determine the number of trips generated by the proposed development, trip rates from *TRIP GENERATION, Seventh Edition*, were used. The rates from land-use code 230, *Residential Condominium/Townhouse*, were used for the townhouse portion of the project and rates from land-use code 224, *Rental Townhouse*, were used for the duplex units. The trip generation for land-use code 224 does not include rates for the weekday trips, so the weekday trips were derived from a comparison with weekday rates for land-use code 230. The trip generation assumed nine townhouses and four rental townhouse units.

Development of the site is expected to result in an additional seven trips during the morning peak hour, eight trips during the evening peak hour, and 86 trips during an average



Kevin Cook  
September 20, 2005  
Page 2 of 4

weekday. The results of the trip generation are shown in the table below and the trip generation worksheets are included in the attached technical appendix.

<b>TRIP GENERATION SUMMARY</b>			
<b>Manzanita Townhouses</b>			
	<u>Entering Trips</u>	<u>Exiting Trips</u>	<u>Total Trips</u>
<i>Residential Condominium/Townhouse (9 units)</i>			
AM Peak Hour	1	3	4
PM Peak Hour	3	2	5
Weekday	26	26	52
<i>Rental Townhouse (4 units)</i>			
AM Peak Hour	1	2	3
PM Peak Hour	2	1	3
Weekday	17	17	34
<i>Total Site Trips</i>			
AM Peak Hour	2	5	7
PM Peak Hour	5	3	8
Weekday	43	43	86

Since the conditions in the vicinity of the site resemble the conditions for a previous project, Burbank Estates, the trip distribution for Burbank Estates, shown in the traffic study prepared by Lancaster Engineering in April 2004, was used to determine the distribution of site trips.





Kevin Cook  
September 20, 2005  
Page 3 of 4

### *Site Access*

Based on the site plan, the proposed access road will be aligned with a driveway to a church on the north side of Territorial Road. With an aligned intersection, there will be no conflicts between site traffic and church traffic. Site access to Territorial Road is adequate as shown in the site plan.

The site plan shows access to the single-family home directly from Manzanita Street at the location where the private road abuts the existing public street. There is the potential for conflicts between vehicles exiting the home and vehicles exiting the site, although these conflicts are expected to be rare since neither the site nor the home will generate much traffic. It would be preferable for the home to access the private road and barricade the section of Manzanita Street that is not to be used.

### *Pedestrian and Bicycle Facilities*

Territorial Road is discussed in the City's Transportation System Plan as a three-lane section with bike lanes. There are bike lanes to the east and west of the site. These bike lanes should be continued along the frontage to extend the bicycle facilities.

### *Sight Distance*

Sight distance was examined at the proposed location of site access onto Territorial Road. Sight distance was measured at a point 15 feet from the edge of the travel lane from a driver's eye height of 3.5 feet to an oncoming driver's eye height of 3.5 feet. The posted speed on Territorial Road at the site is 35 mph, requiring at least 390 feet of sight distance in either direction.

There are numerous trees and other vegetation on the site, although it was assumed this vegetation would be removed to provide the sidewalk facilities along the frontage. With the removal of the trees and vegetation, sight distance will be in excess of 390 feet in both directions and will be adequate for site traffic.



Kevin Cook  
September 20, 2005  
Page 4 of 4

If you have any questions about this letter, please don't hesitate to call me.

Yours truly,

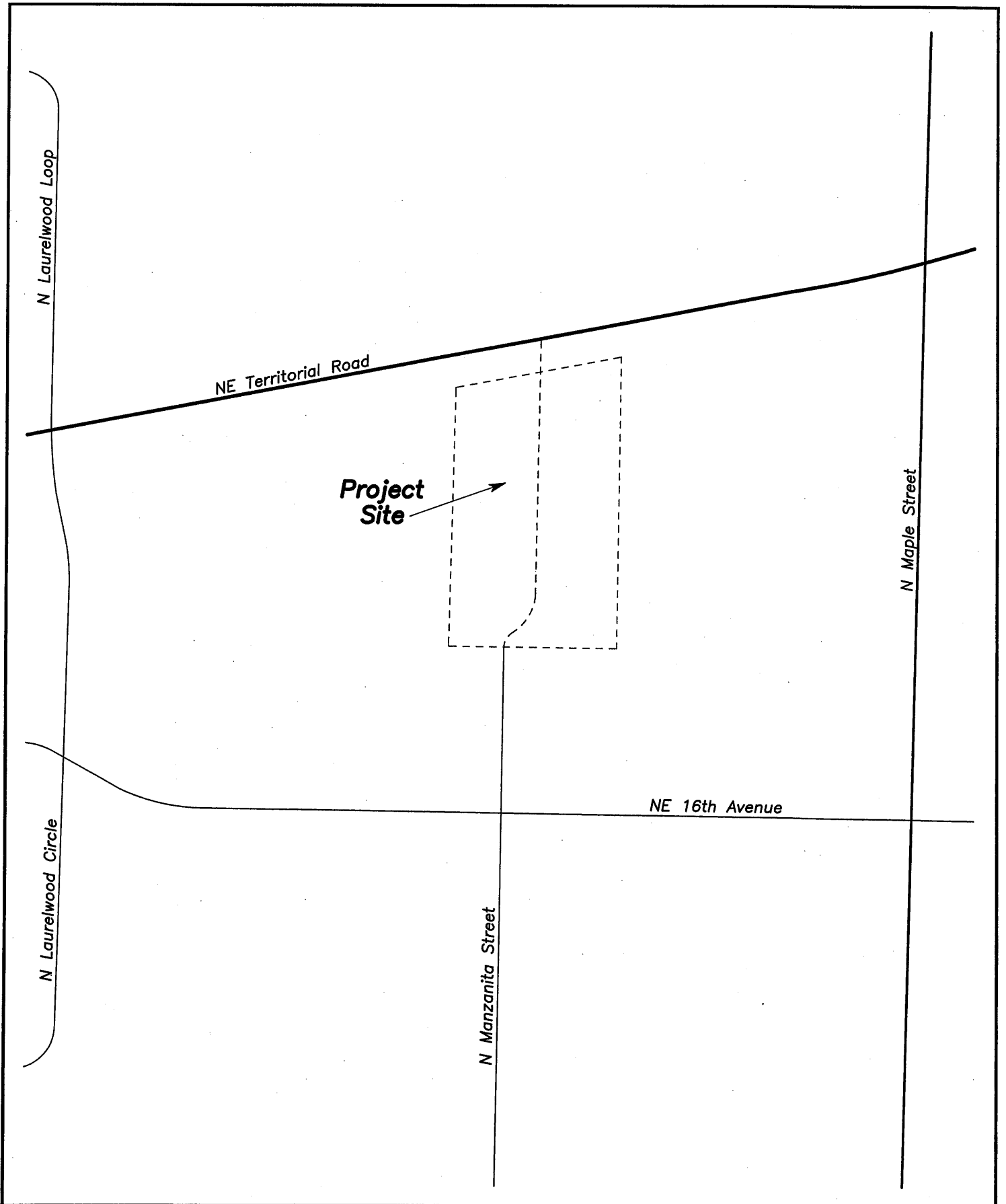
A handwritten signature in black ink, appearing to read 'Catriona Sumrain'. The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Catriona Sumrain  
Engineering Technician

attachment: Technical Appendix



*TECHNICAL APPENDIX*



1e

VICINITY MAP  
Existing Lane Configurations  
& Traffic Control Devices



no scale

FIGURE  
1

APPENDIX



## TRIP GENERATION CALCULATIONS

*Land Use:* Residential Condominium/Townhouse  
*Land Use Code:* 230  
*Variable:* Dwelling Units  
*Variable Value:* 9

### AM PEAK HOUR

*Trip Rate:* 0.44

	Enter	Exit	Total
Directional Distribution	17%	83%	
Trip Ends	1	3	4

### PM PEAK HOUR

*Trip Rate:* 0.52

	Enter	Exit	Total
Directional Distribution	67%	33%	
Trip Ends	3	2	5

### WEEKDAY

*Trip Rate:* 5.86

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	26	26	52

### SATURDAY

*Trip Rate:* 5.67

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	26	26	52

## Minor Partition Application

301 SE 2<sup>nd</sup> Avenue

This application requests approval of a minor partition to divide property located at 301 SE 2<sup>nd</sup> Avenue in Canby into two parcels. The subject property is described as Tax Lot 2800 of Assessor's Map 3 1E 33DC. The site is 0.17 acres in area and contains an existing single-family residence. The property is zoned R-2.

The criteria for approval of minor partition application are found in Chapter 16.60.030 of the Canby Municipal Code:

### ***16.60.030 Minor partitions.***

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

- A. *Conformance with the text and applicable maps of the Comprehensive Plan;*
- 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. (Ord. 740 section 10.4.30 (B)(1), 1984)*

#### A. Conformance to Comprehensive Plan

The subject property is designated High Density Residential. The R-2 zoning district is applied to this property in implementation of this comprehensive plan designation and Policy No. 5 of the Comprehensive Plan's Land Use Element [*Canby shall utilize the Land Use Map as the basis of zoning and other planning or public facility decisions*].

The proposed development that would occur on this property as a result of approval of this application is construction of one additional single-family home on the property. This use is typical of other uses found in this neighborhood and, therefore, is in conformance with Policy No. 1 [*Canby shall guide the course of growth and developments so as to separate conflicting or incompatible uses while grouping compatible uses*].

Permitting the development of this site at a density consistent with the existing zoning is supportive of Policy No. 2 [*Canby shall encourage a general increase in the intensity and density of permitted development as a means of minimizing sprawl*].

The site is adequately served with all required public services, so approval of this application does not conflict with Policy No. 3 [*Canby shall discourage any development which will result in overburdening any of the community's public facilities or services*].

There are no identified natural hazard areas on the subject property so approval of this application is not in conflict with Policy No. 4 [*Canby shall limit development in areas identified as having an unacceptable level of risk because of natural hazards*].

#### B. Conformance With Land Development and Planning Ordinance

The subject property is zoned R-2 High Density Residential Zone. The proposed use of the subject property is single-family residential. This use is permitted outright in the R-2 zone per Section 16.20.010.

Per Subsection 16.20.030A, the minimum density required in the R-2 zone is 14 units per acre. The subject property contains 7,590 sq. ft., or .17 acre. A minimum of 2 units must be located on this site to conform to this standard. The proposed two single-family homes will satisfy this requirement.

Subsection 16.20.030B requires a minimum width and frontage of 20 feet in the R-2 zone. Parcel 1 has a width of 70 feet and a total of 139 feet of street frontage. Parcel 2 is 40 feet wide and has 40 feet of frontage. This standard is met.

Per Subsection 16.20.030C, the minimum yard requirements are:

1. Street yard: twenty feet on side with driveway; fifteen feet for all other street sides; except that street yards may be reduced to ten feet for covered porches only.
2. Rear yard: all corner lots, ten feet single story or fifteen feet two-story; all other lots: fifteen feet single story or twenty feet two-story;
3. Interior yard: seven feet, except as otherwise provided for zero-lot line housing. Interior yards may be reduced to three feet for detached accessory structures erected sixty feet or more from any street other than an alley.

The existing home does not conform to the required street yard requirement of 20 feet as the house is set back approximately 19 feet from the street. This is an existing non-conforming condition and, as it will not be altered in any way by this proposal, it is permissible per the non-conforming use provisions of Section 16.52. All other minimum yard requirements are met by the existing structure. The yard requirements for the future single-family residence will be reviewed at the time of building permit application. No variances are anticipated or proposed.

Subsection 16.20.030D sets a maximum building height of 35 feet in the R-2 zone. The existing home conforms to this standard. Compliance of the new home to be built on Parcel 2 will be reviewed at the time of building permit application.

Subsection 16.20.030E establishes a maximum lot coverage for single-family homes of 70 percent. Lot coverage for the existing home on the new Parcel 1 will be slightly less than 20 percent (956 sq. ft. of coverage on 4,830 sq. ft. of lot area. Parcel 2 is 2,760 sq. ft. in area, permitting a maximum coverage of 1,932 sq. ft. Compliance with this standard will be reviewed at the time of building permit application.

Subsection 16.20.030F requires that sight distance at intersections be protected by maintaining vision clearance areas. No new construction is proposed within the vision clearance area at the intersection of S. 2<sup>nd</sup> Avenue and S. Knott Street.

#### C. Overall Design of Parcels

Both lots proposed in this partition are suitable for the single-family residential use proposed. Parcel 1 contains the existing home and provides for adequate setbacks except where existing non-conforming front yards exist. Parcel 2 is rectangular in configuration and provides sufficient room for the construction of one single-family residence. Easements for utilities and sidewalks along the street frontages of these parcels will be provided as required by the City.

#### D. Street Access

Both lots in this partition have direct access to a City street. No private roads are proposed.

#### E. Service Availability

All services required for the development of this property are readily available along the site's frontage on S. Knott and S. 2nd Avenue. Sanitary sewer and Canby water are available in both streets. Storm drainage can be accommodated on-site. Telephone, gas and electric services are also available along the street frontage of the subject property.

#### Conclusion:

The proposed partition complies with the applicable comprehensive plan policies and development standards. Adequate services are available to provide for the needs generated by the development. Approval of this application is hereby requested.



### CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

(503) 266-9404

FAX 266-1574

DATE: September 20, 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 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"/> OREGON DEPT. TRANSPORTATION     |
| <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"/> PARKS AND RECREATION            |
| <input type="checkbox"/> BIKE AND PEDESTRIAN COMM | <input type="checkbox"/> CITY TRANSPORTATION ENGINEER    |
| <input type="checkbox"/> PGE                      | <input type="checkbox"/> OTHER _____                     |

The City has received MLP 05-11 (Bristol - 301 SE 2<sup>nd</sup> Avenue), an application from Jason Bristol requesting a minor land partition to divide Tax Lot 2800 into 2 new tax lots. The property is zoned R-2 (High Density). The property is located at 301 SE 2<sup>nd</sup> Avenue

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

Comments or Proposed Conditions:

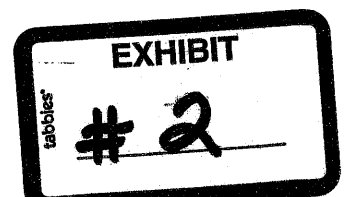
shall meet a requirements of Canby fire District  
for access and fire flow

Please check one box and sign below:

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

Signature: [Signature] Date: 9-22-05

Title: DFM Agency: Canby Fire Dist



### CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: September 20, 2005

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

The City has received MLP 05-11 (Bristol – 301 SE 2<sup>nd</sup> Avenue), an application from Jason Bristol requesting a minor land partition to divide Tax Lot 2800 into 2 new tax lots. The property is zoned R-2 (High Density). The property is located at 301 SE 2<sup>nd</sup> Avenue

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

Comments or Proposed Conditions:

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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: \_\_\_\_\_

9-26-05

Title: \_\_\_\_\_

ASSOCIATE ENG

Agency: \_\_\_\_\_

CTA

**CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

**DATE:** September 20, 2005

- TO:**
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| <input type="checkbox"/> FIRE                     | <input type="checkbox"/> CANBY POST OFFICE               |
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| <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"/> PARKS AND RECREATION            |
| <input type="checkbox"/> BIKE AND PEDESTRIAN COMM | <input type="checkbox"/> CITY TRANSPORTATION ENGINEER    |
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Please review the enclosed application and return comments to **Kevin Cook** by **Wednesday, \_\_\_\_\_, 2005**. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

**Comments or Proposed Conditions:**

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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: Ken Pagan Date: 9-28-05

Title: Chief Agency: Police

### CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

(503) 266-9484

FAX 266-1574

DATE: September 20, 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 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"/> OREGON DEPT. TRANSPORTATION     |
| <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"/> PARKS AND RECREATION            |
| <input type="checkbox"/> BIKE AND PEDESTRIAN COMM | <input type="checkbox"/> CITY TRANSPORTATION ENGINEER    |
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Please review the enclosed application and return comments to Kevin Cook by Wednesday, \_\_\_\_\_, 2005. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

**Comments or Proposed Conditions:**

a power plan will be developed after approval

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Please check one box and sign below:

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

Signature: [Signature] Date: 9-26-05

Title: Line Foreman Agency: Canby Utility Elect.

**CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

**DATE:** September 20, 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 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"/> OREGON DEPT. TRANSPORTATION     |
| <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"/> PARKS AND RECREATION            |
| <input type="checkbox"/> BIKE AND PEDESTRIAN COMM | <input type="checkbox"/> CITY TRANSPORTATION ENGINEER    |
| <input type="checkbox"/> PGE                      | <input type="checkbox"/> OTHER _____                     |

The City has received MLP 05-11 (Bristol – 301 SE 2<sup>nd</sup> Avenue), an application from Jason Bristol requesting a minor land partition to divide Tax Lot 2800 into 2 new tax lots. The property is zoned R-2 (High Density). The property is located at 301 SE 2<sup>nd</sup> Avenue

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

**Comments or Proposed Conditions:**

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Please check one box and sign below:

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

Signature: Darwin Jewel Date: 9/20/05

Title: Supervisor Agency: WWTP

### CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

(503) 266-9404

FAX 266-1574

DATE: September 20, 2005

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

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

Comments or Proposed Conditions:

SERVICE INSTALLATION = 4725<sup>00</sup>

SYSTEM DEVELOPMENT CHARGE = 2630<sup>00</sup>

Total for Water = 3355<sup>00</sup>

PRECONSTRUCTION CONFORMANCE IS MANDATORY.

Please check one box and sign below:

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

Signature: [Signature] Date: 9/20/05

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:** September 20, 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 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"/> OREGON DEPT. TRANSPORTATION     |
| <input type="checkbox"/> NW NATURAL               | <input type="checkbox"/> ODOT/REGION 1/DIST 2B           |
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| <input type="checkbox"/> CANBY DISPOSAL           | <input type="checkbox"/> CANBY BUSINESS REVITALIZATION   |
| <input type="checkbox"/> CITY ATTORNEY            | <input type="checkbox"/> PARKS AND RECREATION            |
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| <input type="checkbox"/> PGE                      | <input type="checkbox"/> OTHER _____                     |

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

**Comments or Proposed Conditions:**

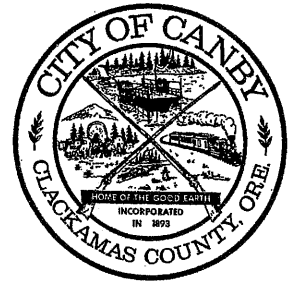
ONE HOME WILL GENERATE ONE TRIP DURING THE PEAK HOUR AND TEN TRIPS  
DURING AN AVERAGE WEEKDAY. THE EXISTING FACILITIES ARE ADEQUATE TO  
SUPPORT THIS DEVELOPMENT.

**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: 21 SEP 2005

Title: ENGINEERING TECHNICIAN Agency: LANCASTER ENGINEERING



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

**A REQUEST TO CHANGE ZONING ) FINDINGS, CONCLUSION & FINAL ORDER  
FROM LOW DENSITY RESIDENTIAL ) ZC 05-02  
TO HIGH DENSITY RESIDENTIAL ) (BRJM)**

**NATURE OF APPLICATION**

The applicant is seeking to change the zoning designation for a .29 acre tax lot at 535 Knights Bridge Road. Current zoning on the subject parcel is R-1 Low Density Residential. The applicant proposes to amend the zoning to reflect the Comprehensive Plan designation of R-2 High Density Residential. The lots to the north, east, and west are currently zoned R-1 Low Density Residential. The lots to the south are currently zoned R-2 High Density Residential. The Comprehensive Plan designation for the lots east, west, and south is for High Density Residential. The lots to the north, across Knights Bridge Rd., have a Comp. Plan Designation of Low Density Residential. The applicant seeks to create a 2-lot partition. Parcel #1 would retain the existing single family dwelling along Knights Bridge Rd. and parcel 2 would feature a new duplex building. 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 05-09).

**HEARINGS**

The Planning Commission held a public hearing and considered this application at its meeting of September 26, 2005.

**CRITERIA AND STANDARDS**

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

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



## **FINDINGS AND REASONS**

After holding a public hearing and considering the September 9, 2005 staff report, the Planning Commission deliberated and reached a decision on September 26, 2005 recommending approval of the applicant's request for zone change to the City Council. The Planning Commission finds that the applicant's request is in compliance with the Comprehensive Plan of the City of Canby and the Commission adopts the findings and conclusions contained in the September 9, 2005 staff report.

## **CONCLUSION**

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

- A. This application is in compliance with all elements of the Comprehensive Plan of the City, including Policy 6 of the Land Use Element, and the plans and policies of the County, state and local districts.
- B. All required public facilities and services exist or will be provided concurrent with development to adequately meet the needs of any use or development which would be permitted by the new zoning designation.

## **RECOMMENDATION**

**IT IS RECOMMENDED BY THE PLANNING COMMISSION** of the City of Canby that the Canby City Council approve **ZC 05-02**.

**I CERTIFY THAT THIS ORDER** recommending approval of **ZC 05-02** was presented to and **APPROVED** by the Planning Commission of the City of Canby.

DATED this 10<sup>th</sup> day of October, 2005.

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James R. Brown, Chair  
Canby Planning Commission

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Kevin C. Cook  
Associate Planner

**ATTEST:**

**ORAL DECISION – September 26, 2005**

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

NOES:

ABSTAIN:

ABSENT: Ewert

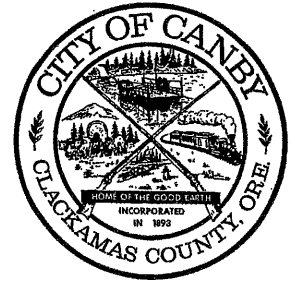
**WRITTEN FINDINGS – October 10, 2005**

AYES:

NOES:

ABSTAIN:

ABSENT:



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

<b>AN APPLICATION TO</b>	)	<b>FINDINGS, CONCLUSIONS &amp; FINAL ORDER</b>
<b>PARTITION ONE 0.29 ACRE</b>	)	<b>MLP 05-09</b>
<b>PARCEL INTO TWO SEPARATE</b>	)	<b>(BRJM)</b>
<b>PARCELS</b>	)	

**NATURE OF APPLICATION**

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

**HEARINGS**

The Planning Commission held a public hearing to consider this application on September 26, 2005.

**CRITERIA AND STANDARDS**

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

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

## **FINDINGS AND REASONS**

The Planning Commission deliberated on all testimony presented at the September 26, 2005 public hearing, including the September 9, 2005 staff report. The Planning Commission hereby accepts and incorporates the findings in the September 9, 2005 staff report, in so far as it does not conflict with the following supplemental finding:

The Commission found that it may be difficult for the applicant to maintain a full 20 foot unobstructed width as required in Condition 15; thus, the Commission accepts the applicant's proposal to add full sprinkler fire protection to the new dwelling units in lieu of maintaining a 20 foot driveway width.

## **CONCLUSION**

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

1. The partition request, with appropriate conditions, is considered to be in conformance with the Comprehensive Plan;
2. The partition request is in conformance with the applicable requirements of the Municipal Code regarding access to the site and hindrance of developing adjacent parcels;
3. The overall design and arrangement of parcels shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of the adjacent properties;
4. No private streets are proposed; and
5. Necessary public services are available or will become available through the development of the property to adequately meet the needs of the proposed partition.

## ORDER

**IT IS ORDERED** by the Planning Commission of the City of Canby that **MLP 05-09** is **APPROVED** subject to the following conditions:

### **For the Final Plat:**

1. This approval is tied to the approval of the associated zone change request, File ZC 05-02. The partition request is approved upon the final approval of the zone change request to R-2 (High 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 12 foot wide driveway is required to serve the rear lot. The proposed access easement on lot 3000 must be recorded prior to the signing of the final partition plat.
3. 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 05-02/MLP 05-09*
4. 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.
5. 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.
6. All monumentation and recording fees shall be borne by the applicant.
7. 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:**

8. 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.
9. 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:**

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

**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 applicant shall construct an approved curb cut, approach apron and sidewalk ramps at each drive entrance to the flag lot. The private access drive shall be paved for the entire length and width. There shall be no parking allowed at anytime within the the access drive.  
In addition to the 12 foot paved surface, an unobstructed width of 20 feet shall be maintained **OR** all new dwelling units shall have full sprinkler fire protection in lieu of the 20 foot unobstructed width. Access improvements shall be inspected and approved by Canby Public Works prior to installation.

16. A five (5) foot sidewalk inclusive of curb shall be constructed for the full frontage of the parent parcel along Knights Bridge Road. 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.
17. The applicant shall plant an arborvitae hedge on the south side of the property as a privacy screen between properties.

**I CERTIFY THAT THIS ORDER** approving **MLP 05-09** was presented to and **APPROVED** by the Planning Commission of the City of Canby.

**DATED** this 10<sup>th</sup> day of October, 2005.

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James R. Brown, Chair  
Canby Planning Commission

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Kevin C. Cook  
Associate Planner

**ATTEST:**

**ORAL DECISION – September 26, 2005**

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

**NOES:** None

**ABSTAIN:** None

**ABSENT:** Ewert

**WRITTEN DECISION – October 10, 2005**

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**



# MINUTES

## CANBY PLANNING COMMISSION

7:00 PM August 22, 2005  
City Council Chambers, 155 NW 2<sup>nd</sup>

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### I. ROLL CALL

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

**STAFF:** John Williams, Community Development-Planning Director, Matilda Deas, Project Planner, Kevin Cook, Associate Planner Carla Ahl, Planning Staff

**OTHERS PRESENT:** Jason Bristol, Jerry Turner, Allen Patterson, Bill Greenleaf, Brenda Greenleaf, Cindy Harker, Marlin Harker, Joan Perincheif, Ken Perincheif, Jim Simpson, Bev Simpson, Betty Ott, Paul Calhorn, John Ellis, Russ Hanson, Charles Burden, Frank Funk

### II. CITIZEN INPUT

None

### III. PUBLIC HEARINGS

**MLP 05-07/ZC 05-01** Chairman Brown read the public hearing format. When asked if any Commissioner had a conflict of interest, none was expressed. When asked if any Commissioner had ex-parte contact, Mr. Ewert stated he had visited the site, but had drawn no conclusions. No questions were asked of the Commissioners.

Kevin Cook presented the staff report. He explained that this is an application to change the zoning on this parcel from R1 to R1.5 to create a 3-lot partition. The existing house would remain on parcel #1, facing N. Maple St, parcels 2 & 3 would contain either one duplex with the common wall being the boundary or each lot would contain a duplex. This issue needs to be clarified with the applicant. Kevin explained that individually sellable units would require a conditional use permit. The applicant would like to proceed with the minor land partition if the zone change is approved.

The Comp Plan designates this area as R 1.5, but this would be the first property to rezone to that density. Access would be from a 25-foot easement

along the north property line. The existing out building would be removed prior to construction. The lot sizes and dimensions comply with the code under R 1.5.

The City Engineer has recommended sidewalks along the frontage, but no other lots have sidewalks at this time, so staff is recommending a condition to require a waiver of remonstrance.

Testimony in opposition was received after the staff report was written and has been provided to the Planning Commission. Mr. Brown questioned what the existing zone was. Kevin explained the existing is R-1 and the comp plan designation is R 1.5. Mr. Tessman questioned how long the area has been designated as R 1.5 John explained it was zoned R 1.5 since the 80's.

Mr. Manley questioned why a conditional use permit might be needed. Kevin explained it would be needed if the homes were individually sellable units, a duplex is allowed, but if they wanted to sell it to 2 owners it would require a conditional use permit.

#### **APPLICANT:**

**Frank Funk** asked if the Commission had any questions about the application and clarified they were proposing a duplex on each newly created lot.

Mr. Brown explained to the audience that there are 2 separate issues to discuss. The zone change, and if the zone change is approved then the minor land partition. If the zone change was not approved there would be no reason to hear the minor land partition, until after the City Council hearing on the same matter.

#### **PROPONENTS:**

**Jason Wilson** stated this application fits with the City's master plan to control urban sprawl.

#### **OPPONENTS:**

**Ken Perincheif** stated he owns a flag lot that is contiguous to the proposed property. He had read the original application which he believed was for a single duplex and was opposed to that application. The application would not fit in a neighborhood of single ranch style homes. He believes having two-story homes would have an adverse effect on the neighborhood. Allowing this zone change would set a precedent that the City might welcome but the neighborhood would abhor since there are a few large properties that might allow future partitions. He stated that when he and his wife created a minor partition in 1991 they chose not to change the zoning and to retain the R1 designation. The City of Canby endorses as much infill as possible for tax revenues but rezoning

properties like this is not an appropriate way of achieving that goal. He specified that his opposition is only towards the zone change and would not oppose the applicant creating single-family dwellings.

**Jim Simpson** stated he and his wife were both opposed to this application. He believed the development would not fit in the neighborhood of older home, and they would be fine with a development of single-family dwellings.

**Bill Greenleaf** stated he is opposed to this application. He lives in an older home and believes the neighborhood needs to be built up, this application would have the opposite affect, by having non-owner residents and he believes non-owner residents encourages gang activity. He stated that he is a teacher and the schools are crowded, there is a new middle school being built, but it will not make the problem go away. He stated the street infrastructure will not support additional traffic, Maple Ct is cracking severely, the base has failed under the street. This neighborhood is single family and crowding in 2 duplexes would not be a wise choice.

**Marlin Harker** stated his property adjoins this development. They purchased a quarter acre lot and built their home there because they liked the neighborhood of single-family homes. If this application were approved there would be a huge duplex sitting in his front yard.

**Joan Perincheif** questioned how this development would benefit the neighbors and the neighborhoods. If it is not beneficial then it is detrimental to the neighborhood.

**John Ellis** did not believe it was possible to put any more traffic on Maple Street when there is only parking on one side of the street at this time, there would be no way they could accommodate the on street parking. He stated that building duplexes would guarantee rentals. He did not see anyway this could be a benefit to the neighborhood.

**Paul Calhoun** stated he has lived there 28 years and is opposed to this zone change. Most of the homes are single story ranch style houses and 2 story duplexes would not fit the neighborhood. His mother's property also borders this development, and she is concerned that the shade from a 2-story home would ruin her garden. He stated he is concerned regarding the increase in traffic and that there is not adequate on street parking and opposes this application.

**Brenda Greenleaf** stated she is opposed to this application due to the increase of traffic, especially during the fair. NE 10th is a very busy street and she has safety concerns about children and pets. She stated that there is already gang activity in the area. She expressed her concern that non-owner residents do not promote stability and the kind of neighborhood they want.

Mr. Brown asked how often the livestock gate is used throughout the year. She stated she was unsure but there is considerable traffic that goes in and out of it throughout the year. She did not believe the street could handle the traffic from 4 more households, and this could set a precedent that would allow more partitions and create a real problem.

**John Ellis** stated he had spoken to the Planning Department 2 years ago regarding the livestock gate being used for other events than for livestock at the fair and the gate was shut up and only used during the fair. This year they have started opening it again and he went to the Planning Department again and was told there was nothing found regarding the gate only being allowed for livestock use. He added rentals would lower his property value.

**Jim Simpson** commented that the City Plan states that this area is designated for R 1.5. He stated most of the people who are at the meeting are citizens of Canby and none of them want this change.

#### **REBUTTAL:**

**Mr. Funk** stated that this area is designated for R 1.5 in the master plan for the City. Mr. Funk stated he was unaware he would need to come back to the Planning Commission for a conditional use on this application. His plan is to make affordable housing for the City of Canby, similar to the development on Redwood and then sell it. He clarified that they have accounted for the required parking spaces per dwelling unit, so parking shouldn't be an issue.

Mr. Brown asked the question Ms Perincheif's had asked, how is this a benefit to the neighborhood? Mr. Funk responded that the City of Canby is growing and to avoid pushing farther out into the rural areas, this area has been planned for the past 20 years to develop to a higher density.

John stated this is a difficult decision and will come up again as this type of development increases, due to the low supply of land inside the city limits. The problem is that once an application gets to the Planning Commission then it is subject to the planning code and the law and the Commission has to make their decision according to the criteria. John explained the height limitations and the set backs would be the same whether it was zoned R1.5 or a R1. The only difference is the type of uses allowed.

Mr. Brown stated there is an interesting situation in Canby, the voters for the last several years have voted down most annexations. The City Council has determined that an adequate supply of buildable land is 3 years worth; the city has about a 2 year supply at this time, so there is a land shortage. He explained purchasing a lot to build a single family home on is difficult since there are probably only 3 or 4 left in the City. Mr. Brown stated that if the voters wanted no growth, one of the unanticipated factors is the increase in the cost of land. The

small pieces of property have gone up in value and it is now worth it to maneuver additional lots on property that is already in the city limits.

Mr. Brown addressed the comments that the city is allowing this type of growth to generate tax revenue, he stated that it is not true, the city is required by State rules to have a certain level of density, and to meet with that requirement the Commission has tried not to balloon the Urban Growth Area, by bringing density to the inside core.

Mr. Ewert stated that the Commission does not have to approve this application; they have the ability to separate incompatible uses while grouping compatible uses. Just because this "fits" the picture doesn't mean the Commission has to do it.

Mr. Helbling explained that due to citizens not voting to approve annexations, the value of land already inside the city has become so high that it is now economically feasible to divide property, and the Planning Commission will see more applications like this. He stated that this property has not been rezoned yet. His major concern was the condition of the streets and this development would add significant traffic to a street that is significantly deteriorated. He stated that usually when there is a development like this there would be street improvements required. He questioned John Williams if this issue could be addressed in the conditions. John asked if there was discussion regarding street improvements at the pre-application meeting. Kevin explained that he was not at the meeting, but the City Engineer did recommend sidewalks, but did not talk about street improvements. John explained that typically improvements would be triggered if there were inadequate capacity rather than pavement conditions.

Mr. Brown expressed his concern that the County Fairgrounds livestock gate brings some of the heaviest vehicles onto N. Maple St. and adding additional lots onto this street could begin to impair the function of that facility. The comprehensive zoning designation could lead to more lots being created.

Mr. Molamphy stated that the comprehensive zoning designation was determined 20 to 25 years ago, now the area is developed as R1 residential and the people who live there want that type of neighborhood. Putting 2 duplexes would impact the streets. He believes there has to be some type of infill due to the price of land, but this has an impact on the neighborhood that will not be beneficial. He suggested the zoning may not be appropriate at this time, and questioned if the Commission had to follow the law exactly or if the first criteria regarding preserving function and aspects of land conservation and development to adequately meet the needs of the new development that would be permitted by the new zoning designation. Mr. Brown believed these criteria addressed infrastructure, and all the infrastructure is in place. Mr. Molamphy stated that livability was also a factor.

Mr. Tessman stated he believed the development met Criteria "B", and did not believe the Commission should hold neighborhoods hostage for annexation votes. He believes that the neighborhood has not been developed to the R 1.5 standard. He believed that the area was zoned R 1.5 to bring more density downtown, but he does not believe piece meal development is the way to do it.

Mr. Brown believed the only way you could create high density in the downtown area is by tearing it out in blocks, the reality of this neighborhood actually developing as shown on the comprehensive map is not reasonable, unless the price of land becomes so high it becomes financially feasible.

Mr. Tessman believes that the price of land would increase if people decided to sell as a block of land. But one piece of land at a time will not fit the criteria.

Mr. Manley believed the application did meet both criteria A and B, and the land was originally chosen because of it's location close to the Fairgrounds and that being a site that would typically be up zoned and then step down to lower densities further away. At the time of the comprehensive zoning this area was built out close to what it is now and that it is part of the original plan for this area to become denser.

It was moved by Mr. Tessman to recommend denial to the City Council of ZC 05-01 based on that it does not conform to implementation measures of Criteria "A" the plans and policies of the County, State and Local Districts in being that this will be a piece meal type application. Seconded by Mr. Molamphy. Mr. Helbling went on record stating that denial of this application doesn't mean that the Commission agrees or disagrees with a growth philosophy either way. This application is a change of zoning before things change. Mr. Brown believes that the application meets the goals of the County; his concern is if the application preserves the function and he believes it falls short on that issue. Mr. Tessman agreed with Mr. Brown and modified his motion. Mr. Tessman clarified that the Commission was recommending denial of the application due to it not preserving the function of local aspects of that particular area, and it is a piece meal application. Mr. Ewert stated it did not meet Policy #1 which states that Canby is to guide the development of uses to be orderly efficient and suitably related to one another and to separate compatible and incompatible uses. Mr. Ewert did not believe this was grouping compatible uses. Mr. Helbling believed the Planners at the time envisioned bulldozing and rebuilding the area, this is sticking density in. Motion carried 5-1-1 with Mr. Manley voting nay and Mr. Lucas absent.

The Commission decided to vote on the Minor Land Partition after the application for the zone change was heard by the City Council. The application for MLP 05-07 was continued until September 26, 2005.

It was explained to the audience that the application has to be heard by the City Council at their September 21, 2005 hearing. They will make the final decision on the application. Mr. Brown stated it is a public hearing and encouraged the audience to attend. He explained that if the City Council approves the zone change then the Planning Commission would hear the Minor Land Partition.

**MLP 05-08** (Thomsen) Chairman Brown read the public hearing format. When asked if any Commissioner had a conflict of interest, none was expressed. When asked if any Commissioner had ex-parte contact, none was expressed. No questions were asked of the Commissioners.

John Williams, Planning Director presented the history of this application, last year the Planning Commission was presented with a high density application and there were many people who testified at the hearing that the designation was not appropriate at that location. The City initiated changing the south side of Township from Knott St. to Pine St. to the medium density designation of R 1.5. The applicant came back to the Commission with a revised plan at R1.5 and the Commission approved that application.

John added that one of the conditions placed on that application was to create the access to city street standards to accommodate future development of the properties to the east and to consolidate driveways and reduce the number of accesses on Township.

John explained this application is not for the neighboring property, but for the second property to the east. When the application came to the office there was a discussion regarding creating the connecting street. The applicants contacted the owner of the middle property and were told they had no intention of developing the property at this time.

Kevin Cook, Associate Planner presented the staff report. He explained the applicant is applying to divide the property into two lots with the northern lot maintaining the existing single family residence, and the southern parcel to contain a tri-plex building. The applicant is proposing accessing utilities from Township, which providers have stated would be available, but would require a street cut.

The spacing of the accesses is a concern since Township is a collector street and has a 140' spacing requirement. This application does not comply to that standard, staff has recommended the applicant provide a shared access with the existing house. Mr. Ewert asked if the newly created lot would be accessed from the west side of the property. Kevin explained staff has proposed closing the existing access to the west, and have the existing house share the new access drive on the east side. Mr. Ewert questioned how that would solve the

problem. Kevin explained it would not solve the problem but it would not increase the number of accesses at that location.

Mr. Molamphy stated that the PC went to great lengths trying to control the traffic flow in this area with the previous application. He asked if there was any mitigations being done to allow for a connection in the future. Kevin stated it would not preclude a future connection.

Mr. Manley asked if it would be possible for the applicant to divide the northern lot again. Kevin stated it would be difficult to meet the setback and parking requirements.

**APPLICANT:**

Jon Thomsen, explained that the goal is to build a triplex on the newly created lot to the south. He said he has spoken with the neighbor to the west, and she has no intention of developing her parcel, and to make the connection with Locust St. They asked if they could get across her property to make the connection with Locust St. and it is not feasible since there is a large accessory structure in the way.

Mr. Thomsen explained that they are not able to connect to Mr. Netter's sewer line because it is too shallow and they will have to access the water from Township so it makes sense to make all connections to Township.

Mr. Thomsen stated that there was a curb cut for the back parcel when they purchased the property. He does not agree with closing the existing driveway for the home since it would make the garage useless. He stated this will be a nice development with single story modern craftman single story homes with nice backyards and ample front yards. Mr. Brown questioned if the applicant wanted to remove the existing access. Mr. Thomsen stated they did not agree with staff's recommendation and would like to retain the access.

Darren Monen stated they had purchased the property over 5 years ago, prior to the zone change and the discussion of continuing Locust St. They had two options when they purchased the property, apply for a zone change and put in the tri-plex or put a single family home on the property. He believed that if the driveway was removed from the home, it would take value away from the property.

Mr. Monen presented information regarding the depth of the sewer on Township and explained that the development to the east was not deep enough for them to connect to without putting a lift station in. He explained that they will need to cut into Township to access the waterline and the sewer will be available there.



Mr. Helbling explained that this is the opportunity to plan a neighborhood and questioned if the access road would be built so it could be connected across in the future to Mr. Netter's property. Mr. Monen stated potentially it could be, but he is unsure of how the homes will set and where the parking will be, so he could not say it is possible. He added there would be loss of property for the difference between a private drive and a public street. Mr. Monen expressed his belief that the if the property to the west developed it would be easy for them to connect with Mr. Netter's development.

Mr. Helbling explained this is the opportunity to see the development relative to what is around it. He asked if there could be consideration for the placement of the housing so there could be a connection made in the future. Mr. Thomsen stated they had not considered it as part of this application. John Williams explained that the applicant would have to come back to the Planning Commission with a design review on a tri-plex.

**Proponents:** None

**Opponents:** None

Kevin read a letter from Josh and Linda Calvert who had concerns that the proposed tri-plex would be unsuitable for this location due to the negative impact it would have on neighboring property. They cited increased traffic, traffic noise, neighborhood and would affect the live-ability of the neighborhood. They questioned if the area could handle to storm water run off for a tri-plex development. The stated the access would not meet the standard for spacing and did not believe an exception should be made.

Kevin summarized a letter from Cynthia May who believes the dense development would have a negative impact to the neighborhood.

Kevin presented a letter from Betty and John Cox who asked to be counted as a no vote on the application.

**REBUTTAL:**

Mr. Monen stated that they were not changed the zone, when they purchased the property they paid more for it because it was able to be divided. He stated that if the Commission decided to combine the access points and require that the existing house come in from the west, it would devalue the house and make the garage useless.

Mr. Monen did not believe they would devalue the surrounding properties by developing a vacant field, it would add to the value of the neighborhood. He stated that they have to mow the field down due to the fire hazard in the summertime and believes it would be an improvement to have the property developed. He questioned how there could have been a discussion regarding

the creation of a road when they have owned their property for 5 years and the properties to the west have new owners, there have been no meetings with the City, only one discussion with Mr. Netter on the phone.

Mr. Tessman questioned if there was any consideration given to abandon the house. Mr. Monen stated it is a nice house and it was never their intention to demolish the house.

Mr. Brown asked why a tri-plex, the neighbors are concerned because they will be rental houses. Mr. Monen explained that is what they do, they have 13 rentals in town and they intend to keep them long term. Mr. Thomsen stated that their rentals are very well maintained, and they have a vigorous screening of tenants.

Mr. Brown closed the public hearing and opened Commissioner deliberations. He stated it was frustrating that the Commission intended on looping this road, and that the sewer was installed at a depth that made it impossible to extend. John stated that the City should have reviewed the plans so he was unsure how it happened that the sewer was approved without the proper slope.

Mr. Helbling questioned if this would be a public driveway. John explained that the access on the Netter property is public street, an extension of Locust. This will be a private drive. Mr. Helbling questioned if it would ever become a public street. John explained that if the middle property develops in the future, it should access Locust St. through the Netter property.

Mr. Brown stated there was no way the Commission could hold this applicant hostage by what his neighbor will or will not do.

Mr. Molamphy addressed the applicant's comment that they were not contacted and clarified that the Commission did not try to burden their property, they were trying to set the area up for future development.

Mr. Helbling agreed with the owners request that they be allowed to keep the access for the existing home. The Commissioners discussed the access and decided to allow the owners to maintain the existing driveway.

Mr. Tessman believed that approving this application would abandon any idea of connecting the properties, the owner of the middle property probably has plans to use that shed for many years to come.

It was moved by Mr. Manley to approve MLP 05-08 with the modification of removing the requirement of closing the existing driveway. Seconded by Mr. Molamphy.

Mr. Ewert stated the Commission had spent a great deal of time discussing how this area will function. He doesn't agree that they should give up and create a traffic hazard to keep a garage. The proposed application does not conform with the traffic standard, and it would be making a bad situation worse to approve it. Mr. Brown stated it does not conform either way. Mr. Ewert added that they can't keep the applicant from developing, but they can make the situation a little better by combining the accesses in that location.

Mr. Helbling believed the driveway should stay but suggested the applicant coordinate the placement of structures and the private road so it is in alignment with the Locust St. extension from the Netter development. He believes that it would create continuity and a flow for traffic, and if it is not done at this time, it would never be able to be done. John questioned if the road should be a public street. Mr. Helbling believes it should be a private street built in a manner to allow the roads to connect in the future.

The Commission discussed if the applicant should be required to build to street standards and to create a public road. John explained that the Netter development has a public street down to the knuckle, with a private street off of that to the houses. Mr. Molamphy stated that the middle property, when it develops would be required to obtain access from the Netter development which would be two thirds of what the Commission had asked for. Mr. Ewert stated that they could have what they asked for if they do it right tonight.

Mr. Tessman believes the egress of that property should be a right turn only, being so close to Lupine. Mr. Brown did not believe that would be enforceable and that people would turn left. There had been discussion of making that connection a one way street, to get the traffic off of Locust and now the trips have accumulated and have put them on Locust, there is no egress point. John explained that one of the things that came out of the Netter development was that the Locust intersection now lines up.

Motion carried 4-2-1 with Mr. Ewert and Mr. Brown voting nay, and Mr. Lucas absent.

**DR 05-04** Pioneer Pump, Chairman Brown read the public hearing format. When asked if any Commissioner had a conflict of interest, none was expressed. When asked if any Commissioner had ex-parte contact, Mr. Helbling stated that he, as president of CBRD has had meetings with VADA, one of the possible tenants, but he planned on participating. No questions were asked of the Commissioners.

John presented the staff report. He explained that the applicant requests approval to construct two industrial buildings in the Pioneer Industrial Park. The buildings would be accessed by a single driveway off of Sequoia Parkway.

Pioneer Pump is an existing business located on 3rd Avenue in Canby. They have chosen a site in Canby to expand and will be the second business in the new Industrial Park. They are also proposing to build a smaller building using the single shared access point and parking lot that which could possibly be leased by VADA, a manufacturer of medical training equipment.

The code section is the industrial overlay, the main goal of the industrial matrix is to increase landscaping and create good looking buildings from the street and address site design on the driveways.

The applicant is proposing 55 parking spaces to be located in a central area and accessed by a single driveway. The access will be off of Sequoia and will meet spacing requirements. The light at Sequoia and Hwy 99E is under capacity at this time so there are no traffic capacity problems. The applicant put together a traffic study of their existing facility to document their existing traffic problem, and it was found to be acceptable to staff.

There are no parking areas between the building and the street. The applicant has proposed 2 loading docks at the larger building but has asked for a waiver of the condition on the smaller building, John explained that the Commission has dealt with that issue in the past by writing a condition of approval that states if the use is changed a loading dock will be required at the smaller building. John stated that staff has recommended allowing the waiver for the small building.

The access drive will be 30 feet wide, and they are purposing two nine foot wide, concrete sidewalks off of Sequoia, one to each building. John explained that the tree retention aspect of the matrix did not apply since the trees that are located on the property are non-native nursery stock.

Staff is purposing for the applicant to maintain the planter strips, if any of the trees purchased by Urban Renewal need to be replaced it will be the owners responsibility to replace them. The applicant will be required to plant some over sized trees to meet the landscaping matrix standard.

The applicant is purposing concrete tilt-up buildings, with a grey and steel coloration. The buildings are 40' from the right-of-way with landscaping in between. The entrances will be on the side and the street facing facade will have larger windows, and a trim design. The outdoor trash areas are purposed to be screened. There will be exterior lighting, but it is unclear if there will be any lighting above the doors, the applicant will have to address that issue.

The application meets the minimum design matrix required for approval. All utilities are available at the site. Staff recommends approval of this application. John stated this is the kind of development the park is aimed at bringing in.

Mr. Brown questioned if fencing was typically required. John stated he would look it up. Mr. Brown questioned if there would be parking lot lighting. John stated the applicant would need to address that issue.

Mr. Ewert questioned when the street islands would be put in. John explained that the Master Plan calls for the islands to go in after the accesses are located.

Mr. Brown questioned since this applicant is in first, will the applicant across the way need to match the access point. John stated he was unsure how the access points line up with the development across the street. Mr. Brown expressed his concern that if the access points weren't coordinated, there would be no street islands.

#### **APPLICANT:**

**Jerry Turner**, explained he was one of the owners of Pioneer Pump. He started the business in 1998 and purchased the land in Canby about a year later. He explained their pump manufacturing business has grown steadily since then and has started a sister company in England that purchase the pumps to resell to Europe and African markets.

Mr. Turner state they now employ 35 people in their Canby facility. He stated there would not be retail traffic just an occasional training seminar for customers. He explained that there will be approximately 4,800 square feet of office space and 2,950 of mezzanine area. Originally there will be a production area in the back and the production area will move forward where the warehouse is shown now and eventually they will build another 25,000 to 30,000 square foot building. He stated that they will do approximately 14-15 million dollars in sales in Canby this year, and they plan to have 70-80 employees at the end of a 5 year period.

Mr. Tessman asked if there would be multiple shifts. Mr. Turner explained they will run 4 ten hours days, with a fifth day if they need overtime.

Mr. Brown questioned if they were purposing a fence. Mr. Turner explained they are purposing a fence around the gravel area, and will store some product there. Mr. Brown questioned the parking lot lighting. Mr. Turner explained that they will provide adequate lighting throughout the parking lot.

Mr. Turner stated there is no signed agreement with VADA yet, but if it doesn't work out they still plan on developing the land as proposed and put it on the market. They have an agreement with VADA to share the loading dock facility since he will only need a dock about once a week.

Mr. Ewert questioned where the bio-swale would go when they develop the lot. The applicant stated that the bio swale would stay there. Mr. Brown questioned where the parking lot would grow when they expanded. Russell Hanson, engineer answered the questions regarding the bio-swale. He explained that the bio-swale would remain where it is, and that there is adequate parking designated for future expansion.

Mr. Ewert asked if Mr. Hanson was aware of where the access point was for the building across the street. Mr. Hanson stated he did not know. John stated he would be able to find out where the access is. Mr. Brown suggested that on future design reviews the access point would be shown.

#### **PROPONENTS:**

Charles Burden stated his approval of this application. And encouraged the Commission to vote in favor of this application.

#### **OPPONENTS:**

None

Mr. Brown closed the public hearing and opened Commissioner deliberations.

Mr. Molamphy believed that this project fits the type of business the City is looking for and he supports the application.

Mr. Brown questioned the color of the building. The applicant responded that it will be gray with a dark green accent stripe.

Mr. Tessman agreed it was a straight forward application and something the Planning Commission has been looking forward to, the actual development of the Industrial Park. He believes that once building begins in the park, it will fuel development there. He intends to vote in favor of this application.

Mr. Brown stated there had been hours in public hearings, taking testimony and editing text, and the City is trying to make this a painless process to help move development forward.

It was moved by Mr. Ewert to approve DR 05-04 with the condition that parking lot lights be included. Seconded by Mr. Helbling. Motion carried 6-0.

## **V. FINDINGS**

**SUB 05-10** It was moved by Mr. Helbling to approve the findings for SUB 05-10 as written. Seconded by Mr. Tessman. Motion carried 5-0-1 with Mr. Manley abstaining.

**SUB 05-03** It was moved by Mr. Helbling to approve the findings for SUB 05-03 as written. Seconded by Mr. Molamphy. Motion carried with Mr. Manley abstaining.

## **VI. MINUTES**

**April 25, 2005** It was moved by Mr. Molamphy to approve the minutes with the punctuation correction noted by Mr. Tessman. Seconded by Mr. Ewert. Motion carried 6-0.

## **VII. DIRECTOR'S REPORT**

John stated there would be a workshop to follow up on the public facilities and services discussion and that the consultant would be there to discuss some of the changes.

John stated that on the 31st of August there will be a meeting between URD and CBRD to talk about downtown redevelopment project, and how Urban renewal money has been used in other communities to do projects.

## **VIII. ADJOURNMENT**


8-15-05

City of Canby  
182 N Holly  
Canby, Ore. 97013

Re: Pioneer Pump Building phase-I improve 2 acre portion of the site approx. 229' wide x 455' deep located at Sequoia Parkway Canby, Oregon tax lot 700 with a new 38,600 sq. ft bldg. 32,600 warehouse - Mfg. & 6000 office 4000 sq. ft. main level & 2000 sq.ft. on second level. The bldg. will be (concrete tilt-up w/ flat roof). Balance of site( 1 acre +/-)to remain natural.

To whom it may concern ,

HDN Architects P.C. is submitting a proposed 38,600 sq. ft. warehouse-Mfg./office building to be completed in 2005/6 the proposal includes 55 parking spaces -the zoning code requires 33 spaces for warehouse /mfg. and 18 for office for a total of 51 required spaces. The owner currently is only using about 35+- spaces at there existing site. The owner has done a traffic count @ there existing site which we include. We are also providing 2-loading bays/ code. The building is to be a conc. Tilt-up w/ flat roof approx. 25' high and will be painted (exterior body Miller milastic(Light Grey Dennat) 8791 Trim- Miller Acrinamel semi. (Fired steel ) 8794. The building will require public services as noted on drawings and meets all current zoning setbacks and height requirements.



Russell K. Hanson  
HDN Architects P.C.



# SITE AND DESIGN REVIEW APPLICATION

FEE \*See Fee Schedule Below  
Process Type III

### OWNER

Name PIONEER PUMP  
Address 461 N.E 3RD AVE  
City CANBY State ORE Zip 97013  
Phone 503-266-4115 Fax \_\_\_\_\_

### APPLICANT\*\* Russell Hanson

Name HAN ARCHITECTS P/C  
Address 215 N.W. PARK AVE  
City PORTLAND State ORE Zip 97209  
Phone 503 224-0110 Fax 224-5948

OWNERS SIGNATURE FOR PIONEER PUMP ARCHITECT  
Chris Hanson

### DESCRIPTION OF PROPERTY:

Address SEQUOYA PARKWAY  
Tax Map \_\_\_\_\_ Tax Lot(s) 700 Lot Size 4 ACRES  
(Acres/Sq/Ft.)  
Existing Use BARE LAND  
Proposed Use OFF. WAREHOUSE, MFG.  
Existing Structures NONE

ZONING IO COMPREHENSIVE PLAN DESIGNATION \_\_\_\_\_

PREVIOUS LAND USE ACTION (if any) \_\_\_\_\_

**Total Fee =** Size Component (based on acreage)  
+ Public Improvement Component

**Size Component**  
 \$1,500 first 0.5 acres  
 \$100 for each additional 0.1 acres from 0.5 acres up to 2.5 acres  
 \$100 for each additional 0.5 acres from 2.5 acres up to 8.0 acres  
 \$100 for each additional 1.0 acres from 8.0 acres up to 13 acres  
 \$5,000 Maximum for 13 acres and above

**Public Improvements Component:**  
 0.3% of total estimated public improvement cost (to be submitted with design review)

**FOR CITY USE ONLY**

File # \_\_\_\_\_  
 Receipt # \_\_\_\_\_  
 Date Received \_\_\_\_\_ By \_\_\_\_\_  
 Completeness Date \_\_\_\_\_  
 Pre-App Meeting \_\_\_\_\_  
 Hearing Date \_\_\_\_\_

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

# SITE AND DESIGN REVIEW: INSTRUCTIONS TO APPLICANTS

1. The applicant may request a pre-application conference, or the City Planner may determine that a pre-application conference is necessary after the application has been discussed or upon receipt of the application by the City. A pre-application conference is strongly recommended prior to submitting an application.
2. The applicant will be required to hold a neighborhood meeting with adjacent property owners and neighborhood representatives prior to submitting their application, unless this requirement is waived by the City.
3. Afterwards, the applicant files a complete application with the City, which includes the following information:

Applicant Check      City Check

- One (1) copy of pages 1, 2, 3, and 4 of this application. Pages 2 and 3 include a checklist; this checklist should be included in the application with all relevant items checked by the applicant in the "applicant" column. If any items are considered to be not applicable, the omissions should be explained on a separate sheet. The City may request further information at any time before deeming the application complete.
- Payment of appropriate fees, cash or checks only. Checks should be made out to the City of Canby.
- A list of property owners within 500 feet of the subject property, on mailing labels (1" x 2-5/8"). **If the address of a property owner is different from the address of a site, a label for each unit on the site must also be prepared and addressed to "occupant."** A list of property owners may be obtained from a title insurance company or from the County Assessor.
- Twenty-five (25) copies of a written statement, on 8-1/2" x 11" paper, describing the proposed development and including supportive documentation regarding the particular design in terms of its conformance with the Comprehensive Plan, Municipal Code, and Design Review Matrix (page 7), and availability and adequacy of public facilities and services.
- Ten (10) copies of a traffic impact analysis, conducted or reviewed by a traffic engineer that is contracted by the City and paid for by the applicant (through the City), including an accident report for the adjacent roads and nearby intersections, for any project that results in any one of the following:
  - A. More than one access onto any collector or arterial street (such streets being designated by the City of Canby Transportation System Plan);
  - B. More than six (6) residential units that enter onto any collector or arterial street;
  - C. Any multiple family dwellings (apartments, condominiums, townhouses, etc.) with more than six (6) units; or
  - D. Industrial or commercial enterprises which generate more than one hundred (100) vehicles per day.

# SITE AND DESIGN REVIEW: INSTRUCTIONS TO APPLICANTS

- If the development is located in an area designed by the Hazard ("H") Overlay Zone, one (1) copy of an affidavit signed by a licensed professional engineer that the development will not result in any undue hazard for the occupants or users of the development, nor in any unusual public expense in the event of flooding, landslide, or other natural disaster.
- Twenty-five (25) copies of the site plan. The site plan shall include the following information:
  - A. Vicinity Map. Vicinity map at a scale of 1"=400' showing the relationship of the plat to the existing street or road pattern.
  - B. Detailed Site Plan. The site plan and landscape plan shall be drawn at a scale no smaller than 1"=50'.
  - C. General Information. The following general information shall be shown on the site plan and/or landscape plan:
    1. Name of the development;
    2. Date, north arrow, and scale of drawing;
    3. Appropriate identification of the drawing as a site plan and/or landscape plan;
    4. Property lines in relation to the development;
    5. Names and addresses of the owner or owners, and developer, engineer, architect, or other individual(s) who prepared the site plan and/or landscape plan;
    6. The location, widths, and names of all existing or planned streets, other public ways and easements within or adjacent to the lot, and other important features;
    7. Contour lines having the following minimum intervals:
      - a. One-foot contour intervals for areas containing wetlands, or areas located within a 500-year flood plain;
      - b. Two-foot contour intervals for ground slopes between five and ten percent;
      - c. Five-foot contour intervals for ground slopes exceeding ten percent;
    8. Location and direction of all watercourses on and abutting the tract. Approximate location of areas subject to inundation, stormwater overflow or standing water. Base flood data showing elevations of all property subject to inundation in the event of a one-hundred-year flood shall be shown;
    9. Natural features, such as rock outcroppings, marshes or wetlands (as delineated by the State Division of Lands), wooded areas, isolated preservable trees (trees with trunks over 6" in diameter as measured 4 feet above the ground), and significant areas of vegetation;
    10. A plan for grading in areas that have wetlands, natural drainage areas or areas that are located within a 500-year flood plain;
    11. Location of all existing structures, and whether or not any of them are to be retained with the development;
    12. Location of all proposed structures, showing exterior doors;
    13. Profile elevations of the buildings, including color and material.
    14. Bicycle paths, bicycle parking areas, sidewalks and other pedestrian

Received Time Apr. 27. 9:32AM

BIG BODY  
MILLER GREY DENWAY  
TRIM  
FIRED STEEL 8794

CONC. TIL

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- ways;
- 15. Landscaping areas and water systems for landscaped areas;
- 16. Types, sizes, and location of plants to be used in the landscaping (can be a "palette" of possible plants to be used in specific areas for landscaping);
- 17. Completed landscaping calculation form (see page 4);
- 18. Parking layout, including specially designated areas for compact cars and handicapped spaces. The patterns of vehicular traffic shall be shown, including ingress and egress points onto adjacent streets;
- 19. Locations and types of traffic control signs;
- 20. Distances between structures and other significant features, including property lines;
- 21. Planned exterior lighting arrangement;
- 22. Method of screening garbage cans and exterior storage areas from view;
- 23. Locations, sizes and types of fences to be used;
- 24. Vision clearance areas;
- 25. Storm drainage plans;
- 26. Locations and general size and nature of utility lines, pipelines, standpipes, hydrants, etc.;
- 27. Arrangement and location of mailboxes; and
- 28. Size, color, profile, and location of all signage proposed for the development.

# SITE AND DESIGN REVIEW APPLICATION: LANDSCAPING CALCULATIONS

## Site Areas

1. Building area	33,600	☞ Square footage of building footprint
2. Parking/hardscape	39,528	☞ Square footage of all sidewalks, parking, & maneuvering areas
3. Landscaped area	28,420	☞ Square footage of all landscaped area
4. Total developed area	101,548	☞ Add lines 1, 2 and 3
5. Undeveloped area	40,682	☞ Square footage of any part of the site to be left undeveloped.
6. Total site area	142,230	☞ Total square footage of site

## Required Site Landscaping (Code 16.49.080)

7. Zone	±0	☞ Fill in the Appropriate Zone and Percentages: R-1, R-1.5, R-2 Zones: 30% C-2, C-M, C-R, M-1, M-2 Zones: 15% C-1 Zone: 7.5%
8. Percent of required landscaping	15%	
9. Total developed area	101,548	☞ Fill in value from line 4
10. Required square footage of landscaping	15,232	☞ Multiply developed area by % of required landscaping
11. Proposed square footage of landscaping	28,420	☞ Fill in value from line 3

## Required Landscaping within a Parking Lot (Code 16.49.120(4))

Note: this section and the next apply only to projects with more than 10 parking spaces or 3,500 square feet of parking area

12. Zone	±0	☞ Fill in the Appropriate Zone and Percentages: R-1, R-1.5, R-2, C-2, C-M, C-R, M-1, M-2 Zones: 15% C-1 Zone: 5%
13. Percent of required landscaping	15%	
14. Area of parking lot & hardscape	20,657	☞ Fill in area of parking and maneuvering areas plus all paved surface within ten (10) feet of those areas.
15. Required square footage of landscaping within 10 feet of parking lot	3,098	☞ Multiply area of parking lot (line 14) by percent of required landscaping (line 13)
16. Proposed square footage of Landscaping within 10 feet of parking lot	3,701	☞ Calculate the amount of landscaping proposed within 10 feet of all parking and maneuvering areas.

## SITE AND DESIGN REVIEW APPLICATION: LANDSCAPING CALCULATIONS

17. Number of parking spaces	55	☞ Total number of parking spaces
18. Area of parking lot & hardscape	20,657	☞ Area from line 14
19. Number of parking spaces (line 17) divided by 8	7	☞ Round up to the nearest whole number
20. Area of parking lot (line 18) divided by 2,800	8	☞ Round up to the nearest whole number
21. Number of required trees in parking lot	8	☞ Take the larger of the previous two rows

22. Number of trees provided within feet of parking lot

10

☑ Count the number of proposed trees within 10 feet of parking and maneuvering areas.

## SITE AND DESIGN REVIEW: PROCESS AFTER APPLICATION

1. Staff will check the application, making sure that it is complete and all fees are paid. Copies of the application materials are routed to various City/State/County departments, as applicable, for their comments. Along with the comments received from others, the application is reviewed for completeness. The City Planner will accept or return the application with a written list of omissions within thirty (30) calendar days of the submittal.
2. Staff investigates the request, writes a staff report, issues public notice, notifies surrounding property owners, and makes all facts relating to the request available to the Planning Commission and all interested parties.
3. Prior to the public hearing, the City will prepare notice materials for posting on the subject property. This material must be posted **by the applicant** at least ten (10) days before the public hearing.
4. The staff report will be available to all interested parties seven (7) days prior to the hearing.
5. The Planning Commission holds a public hearing approximately thirty (30) days after the application is determined to be complete. The staff report is presented. Testimony is presented by the applicant, proponents and opponents, followed by rebuttal from the applicant.
6. The Commission then issues findings of fact which support approval, modification or denial of the application. A decision may be appealed to the City Council.
7. If an approval or a denial is appealed, City Council holds a public hearing. The staff report is presented and testimony taken, as at the original hearing(s). However, only testimony regarding items already in the record is permitted, and no new information may be entered. In the case of an appeal, the Council may affirm, revise or reverse the action of the Planning Commission in all or in part. The Council may also remand the matter back to the hearing body for further consideration.
8. Prior to construction of most projects, a preconstruction meeting is held with the city and all applicable utility and service providers. If required, this meeting must be held before issuance of any building permits for the projects.

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## SITE AND DESIGN REVIEW: STANDARDS AND CRITERIA

1. The Board shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the following:
  - a. The proposed site development, including the site plan, architecture, landscaping and graphic design, is in conformance with the standards of this and other applicable City ordinances insofar as the location, height and appearance of the proposed development are involved; and
  - b. The proposed design of the development is compatible with the design of other developments in the same general vicinity; and
  - c. The location, design, size, color and materials of the exterior of all structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity; and
  - d. The Board shall, in making its determination of compliance with subsections (b) and (c) above, use the following matrix [page 7] to determine "compatibility." An application is considered to be "compatible," in regards to subsections (b) and (c) above, if a minimum of sixty-five (65%) percent of the total possible number of points (not including bonuses) are accumulated for the whole development; and
  - e. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed development.
2. The Board shall, in making its determination of compliance with the above requirements, be guided by the objectives and standards set forth in this section. If the site and design review plan includes utility facilities or public utility facility, then the City Planner shall determine whether those aspects of the proposed plan comply with applicable standards.
3. The Board shall, in making its determination of compliance with the requirements set forth, consider the effect of its action on the availability and cost of needed housing. The Board shall not use the requirements of this section to exclude needed housing types. However, consideration of these factors shall not prevent the Board from imposing conditions of approval necessary to meet the requirements of this section. The costs of such conditions shall not unduly increase the cost of housing beyond the minimum necessary to achieve the purposes of this ordinance.
4. As part of the site and design review, the property owner may apply for approval to cut trees in addition to those allowed in Section 12.20.080 of the City Tree Ordinance. The granting or denial of said application will be based on the criteria in Chapter 12.20 of the City Tree Ordinance. The cutting of trees does not in and of itself constitute change in the appearance of the property which would necessitate application for site and design review.

## CITY OF CANBY DESIGN REVIEW MATRIX

Parking:			
Screening of loading facilities from public ROW [not screened /partially screened / full screening]	0	1	2
Landscaping (breaking up of expanse of asphalt)	0	1	
Parking lot lighting [no / yes]	0	1	
Location (behind the building is best)[front / side / behind]	0	1	2
Number of parking spaces (% of min.) [x>120% / 100%-120% / x=100%]	0	1	2

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

Traffic			
Distance of access to intersection [x<70' / 70'-100' / x>100']	0	1	2
Access drive width (% of minimum) [x<120% or x>150% / 120%-150%]	0	1	
Pedestrian access from public sidewalk to bldg. [1 entrance connected / all entrances connected]	0		2
Pedestrian access from parking lot to building [No walkways / Walkway next to bldg / No more than one undesignated crossing of access drive and no need to traverse length of access drive]	0	1	2

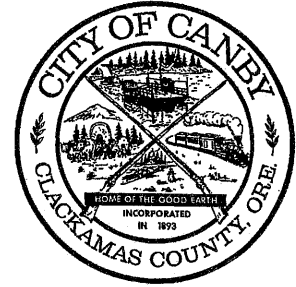
Building Appearance			
Style (architecture) [not similar - similar to surrounding]	0	1	2
Color (subdued and similar is better) [neither/similar or subdued/similar & subdued]	0	1	2
Material [concrete or wood or brick is better]	0	1	
Size (smaller is better) [over 20,000 s.f. / under 20,000 s.f.]	0	1	

Tree Retention			
For trees outside of the building footprint and parking/access areas (3 or more trees) [No arborist report / follows <50% of arborist recommendation / follows 50%-75% of arborist rec. / follows 75% of arborist rec.]	0	1	2 3
Replacement of trees removed that were recommended for retention [x<50% / x>50%]	0	1	

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

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





## ***- STAFF REPORT -***

***APPLICANT:***

Sterling Development Corporation  
3252 Holiday Court, Suite 224  
La Jolla, CA 92037

***FILE NO.:***

DR 05-05  
(Canby Place)

***OWNER:***

Plantore  
PO Box 400  
Canby, OR 97013

***STAFF:***

Kevin C. Cook  
Associate Planner

***LEGAL DESCRIPTION:***

Tax Lot 400  
Currently includes portions  
of lots 500, 600, 601, and 602  
all of Tax Map 4-1E-05A  
(pending final plat recordation  
of City File ZC 04-02)

***DATE OF REPORT:***

September 12, 2005

***LOCATION:***

At the southwest corner of  
Highway 99 & Berg Parkway

***DATE OF HEARING:***

September 26, 2005

***COMP. PLAN DESIGNATION:***

Heavy Commercial/Manufacturing (C-M)

***ZONING DESIGNATION:***

Heavy Commercial/Manufacturing (C-M)

***I. APPLICANT'S REQUEST:***

The City has received DR 03-05, an application by Sterling Development Corporation to develop a 85,348 sq. ft. CM zoned parcel with three buildings totaling 18,180 sq. ft. (21% lot coverage). Building A will be a 3,280 sq. ft. KFC/A&W drive-through

restaurant; the design elevations for this building have not been submitted. The applicant plans to submit the design of Building A for Design Review at a later date, but has requested that parking, landscaping and all other site concerns be addressed as a part of this review. Staff has agreed to the request and parking calculations are based on the assumption that the building will be a restaurant. Building B will be a 3,070 sq. ft. tenant with a drive-through. Building C will be a 11,830 sq. ft. multi-tenant retail building; the majority of this building will be reserved for an anchor tenant.

## **II. APPLICABLE REGULATIONS**

### **City of Canby General Ordinances:**

- 16.10 Off-Street Parking and Loading
- 16.30 C-M Heavy Commercial/Manufacturing
- 16.42 Signs
- 16.49 Site and Design Review

## **III. MAJOR APPROVAL CRITERIA**

### **16.49.040 Site and Design Review Criteria and standards.**

1. The Board shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the following:

- A. The proposed site development, including the site plan, architecture, landscaping and graphic design, is in conformance with the standards of this and other applicable City ordinances insofar as the location, height and appearance of the proposed development are involved; and
- B. The proposed design of the development is compatible with the design of other developments in the same general vicinity; and
- C. The location, design, size, color and materials of the exterior of all structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity.
- D. The Board shall, in making its determination of compliance with subsections B and C above, use the following matrix to determine "compatibility." An application is considered to be "compatible," in regards to subsections B and C above, if a minimum of 65% of the total possible number of points (not including bonuses) are accumulated for the whole development.
- E. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed development.

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

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

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

### **DESIGN REVIEW MATRIX**

<b>Parking</b>			
Screening of loading facilities from public ROW [not screened /partially screened / full screening]	0	1	2
Landscaping (breaking up of expanse of asphalt)	0	1	
Parking lot lighting [no / yes]	0	1	
Location (behind the building is best)[front / side / behind]	0	1	2
Number of parking spaces (% of min.) [x>120% / 100%-120% / x=100%]	0	1	2

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

<b>Traffic</b>			
Distance of access to intersection [x<70' / 70'-100' / x>100']	0	1	2
Access drive width (% of minimum) [x<120% or x>150% / 120%-150%]	0	1	
Pedestrian access from public sidewalk to bldg. [1 entrance connected / all entrances connected]	0		2
Pedestrian access from parking lot to building [No walkways / Walkway next to bldg / No more than one undesignated]	0	1	2

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

crossing of access drive and no need to traverse length of access drive]				
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Tree Retention				
For trees outside of the building footprint and parking/access areas ( 3 or more trees) [No arborist report / follows <50% of arborist recommendation / follows 50%-75% of arborist rec. / follows 75% of arborist rec.]	0	1	2	3
Replacement of trees removed that were recommended for retention [x<50% / x>50%]	0	1		

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

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

**IV. FINDINGS:**

**A. Background and Relationships:**

The property is located at the southwest corner of Berg Parkway between Highway 99E and was originally part of the SR Smith manufacturing facility. The property was recently part of lot line adjustment and zone change (application CPA 04-01/LLA 04-01/ZC 04-02); the subject parcel as shown on the site plan reflects a slightly modified version of what was approved by application CPA 04-01/LLA 04-01/ZC 04-02); The applicant has applied for a modification to the original zone change and lot line adjustment (file # MOD 05-06). Condition #1 requires approval of file # MOD 05-06 prior to obtaining any building permits.

Land surrounding the subject parcel, comprised of the SR Smith site, is zoned M-2 Heavy Industrial. The land across Highway 99E is zoned M-1 Light Industrial. The land across Berg Parkway is zoned C-2 Highway Commercial and is the site of the Safeway Retail Center.

## **B. Evaluation Regarding Site and Design Review Approval Criteria**

### ***Design Review Matrix Analysis***

#### **1. Parking**

The 3,280 square foot KFC/A&W restaurant building will utilize 32 parking spaces, which is the minimum required. The 3,070 square foot 'drive-through' building will utilize approximately 35 parking spaces; 30 would be required. The remaining 50 spaces will serve the retail building; 48 is the number of spaces required for this building. Four bicycle parking spaces are shown for the retail building; which is the amount required. No Bicycle parking is shown for either of the other two buildings; the requirement is for a minimum of 3 spaces for each building (see Condition 22) The parking lot will have hooded lights and meets our parking lot landscaping requirements.

#### **2. Traffic/Access**

The applicant has applied for a permit from ODOT for access off of Highway 99 E. ODOT has not yet made a determination for the permit. ODOT has indicated that they would like to see inter-parcel circulation and/or shared access with the S.R. Smith property, which is in the preliminary planning stages of making changes to facilities and internal circulation. Minimizing the number and maximizing the spacing of accesses onto Hwy 99 E is of primary concern to ODOT. As of the writing of this report, discussions between ODOT and Plantore LLC, the current owner of the subject parcel and the S.R. Smith property, were continuing. It is unclear at this point in time how the discussions might affect the applicants desire to have direct access to Hwy. 99E. Staff recognizes the importance of direct access to the Highway to the future businesses on the site. Staff supports the right-in, right-out striped turn-lane option into the site; this option is also supported by the City Engineer, the City Traffic Engineer, the City Traffic Safety Committee, and has tacit support from ODOT at this time.

ODOT recommends frontage improvements along Hwy 99 E. to include sidewalks, curb with drainage inlets, bike lane, and right turn lane striping. Installation of street trees may require an application for an ODOT design exception. Additional right of way dedication may be necessary to accommodate the highway improvements, however, the exact amount has not yet been determined by ODOT. A survey may be needed to determine the amount of right of way. ODOT is recommending the following conditions which are incorporated into the conditions of approval at the end of this report:

1. Curb, sidewalk and bike lane shall be constructed consistent with the City Transportation System Plan and related development code and roadway standards to provide pedestrian and bicycle access to the site and safely accommodate traffic operations. ODOT/ADA minimum design standards must also be met.
2. Right of way dedication as necessary to accommodate the highway improvements shall be provided through deed to the Oregon Department of Transportation, and demarcated on the final County plat.
3. An ODOT Approach Road Permit must be obtained for access to OR 99E for the proposed use.
4. An ODOT Miscellaneous Permit is required for all work in the highway right of way.
5. An ODOT Drainage Permit is required for connection to state highway drainage facilities. Connection will only be considered if the site's drainage naturally enters ODOT right of way. The applicant must provide ODOT District with a preliminary drainage plan showing impacts to the highway right of way.

A drainage study prepared by an Oregon Registered Professional Engineer is usually required by ODOT if:

1. Total peak runoff entering the highway right of way is greater than 1.77 cubic feet per second; or
2. The improvements create an increase of the impervious surface area greater than 10,758 square feet.

The applicants have provided a traffic study conducted by Group Mackenzie. The study finds that the proposed development will meet the projected capacity issues. The City Traffic Engineer has reviewed the submitted traffic study and finds that the results of the study are acceptable.

### 3. Signs

The site is allowed a **total of 764 square feet** of signage. This calculation breaks down as follows:

**Building A**, the KFC/A&W is allowed 150 sq. ft. based on the proposed building size. A 60% bonus is allowed because the site has double frontage; thus, the total allowed is **240 sq. ft.**

**Building B**, the drive-through building is allowed 150 sq. ft. based on the proposed building size. The 60% double frontage bonus applies, so the total is **240 sq. ft.**

**Building C**, the multi-tenant building is allowed 150 sq. ft. for the first 10,000 sq. ft. of building and 15 sq. ft. additional sign area for every 1,000 sq. ft. The 60% double frontage bonus applies, so the total for this building would be **284 sq. ft.**

The applicant has submitted a sign plan and as proposed the total signage area for the site would equal 316 sq. ft. Therefore, **a balance of 448 sq. ft. remains** for future signage, such as buildings signs, if desired. Sign color will be compatible with building color. Actual signage will have to meet the area requirements through a sign permit application.

**4. Lot Landscaping standards and Tree Retention**

Exhibit 1 includes a summary of the landscaping calculations for this site, showing that all required landscaping standards have been met. The site will include 16,663 square feet of landscaped area, (19%) including trees, shrubs, and groundcover. Sheet L1 of Exhibit 1 illustrates the proposed plan. The landscaped areas will be watered by an automatic irrigation system.

**5. Building Appearance**

Building elevations are shown on sheets A3.1B and A3.1C for buildings B and C. Building A will be review through a future Design Review application. Buildings B and C will use stucco and stone columns, which will compliment nearby commercial development. The buildings will provide an attractive improvement to the southern gateway into the City. Materials and colors are shown on the elevations.

**Compatibility Matrix**

Five of the six sections of the Design Review Matrix apply to this application. The proposed application receives, in staff's determination, a total of 27 points out of a total possible of 31 points, or 87% percent. The applicant achieves a score of 90% when the earned bonus points are included in the calculation. The minimum percentage required to be considered "compatible" is 65 percent, so this proposal is considered to be compatible. Following is staff's determination of the point totals.

<u>CRITERIA</u>	<u>PTS/ POSS</u>	<u>NOTES</u>
<b>Parking</b>		
Screening of loading facilities	N/A	
Parking lot landscaping	1/1	Landscaping softens asphalt.
Parking lot lighting	1/1	Hooded lights.
Location of parking	1/2	Parking behind "front" of building.
Number of parking spaces	1/2	100 % of requirement provided.
<b>Traffic</b>		
Distance of access to intersection	1/2	Accesses are less than 300 feet from intersections.
Access drive width	1/1	Accesses width exceeds the minimum required.
Pedestrian access from public sidewalk	2/2	Entrances are connected.
Pedestrian access from parking lot to building	2/2	No need to traverse access drive.
<b>Signs</b>		

Dimensional size of sign	2/2	Area suggested is 41% less than allowed.
Similarity of sign to building	1/2	Signs somewhat match buildings, stone columns and/or base would create better match.
Pole sign	1/1	No pole signs are proposed
Location of sign	1/1	Signs will be within 25' of entrance
<b>Tree Retention</b>		
Tree retention	n/a	No trees exist on site
Replacement of trees	n/a	
<b>Building Appearance</b>		
Style	2/2	Similar to nearby development.
Color	2/2	The colors are similar and subdued.
Material	1/1	Stucco and Stone.
Size	1/1	Buildings are all under 20,000 square feet.
<b>Types of Landscaping</b>		
# of non-required trees	1/1	1-or more trees per 500 square feet of landscaping.
Amount of grass	0/2	Less than 25% lawn proposed.
Location of Shrubs	1/1	Shrubs mostly in background.
Automatic Irrigation	4/4	Automatic irrigation provided
<b>Bonus Points</b>		
2 or more trees 3" or more	0/2	None
Trash Receptacle Screening	1/1	The trash receptacle is screened.
Park/Open Space	0/0	No open space provided.

## 6. Availability of Adequate Public Facilities and Services

Service provider comments are shown in exhibit 2. CTA, Canby Utility (electric and water), the Wastewater Treatment Plant, The Police Department, The Fire Department, and The Parks and Recreation Department indicated that adequate public services are available, or will become available through the development. ODOT's comments were discussed in the traffic section.

## 7. Development Standards

There are no lot size, minimum width, or frontage requirements in the C-M zone. The 20 foot setback on Highway 99E has been met, and is the only setback requirement on this lot. Maximum lot coverage, building height, and vision clearance requirements have been met.

## V. CONCLUSION

Staff concludes that, with conditions, the application will meet the requirements for site and design review approval. In direct response to the criteria for site and design review, staff has concluded the following:



- 1A. The proposed development of the site is consistent with the applicable standards and requirements of the Canby Municipal Code and other applicable City ordinances insofar as the location, height and appearance of the proposed development are involved; and
- 1B. The proposed design of the development is compatible with the design of other development in the vicinity; and
- 1C. The location, design, size, color, and materials of the exteriors of structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity; and
- 1D. The proposal is deemed compatible given that staff allocated a percentage of 90% on the design review matrix when 65% is considered compatible; and
- 1E. All required public facilities and services exist or can be made available to adequately meet the needs of the proposed development.
2. Public utility and service providers have indicated that the existing proposal can be made to comply with applicable standards.
3. The proposed development will not increase the cost of housing in Canby.
4. The property owner is not applying to remove street trees.

VI. *RECOMMENDATION:*

Based upon the application, elevations, the site plan received by the City, the facts, findings and conclusions of this report, and without the benefit of a public hearing, staff recommends that the Planning Commission approve DR 05-05 with the following conditions:

**Prior to the issuance of a Building Permit:**

1. No building permits shall be issued until City application number MOD 05-06 receives final approval in order to match property lines and zoning boundaries to what has been proposed on the site plans.
2. **A right-of-way dedication sufficient to allow Berg Parkway to be built to a full 44 foot width, curb to curb, shall be deeded to the City prior to the issuance of a building permit. The dedicated width must include the curb and sufficient area to include the curb return and turning movement at the 99E / Berg intersection. The required 5 foot wide sidewalk may be part of the dedication or can included within a pedestrian easement.**
3. 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.
4. A pre-construction conference shall be held prior to construction and issuance of any building permit. Twelve copies of the pre-construction plans shall be given to

the City for review and approval by Canby Utility, Canby Telephone, Willamette Broadband, the City, and other required utility providers prior to the pre-construction conference. The construction plans shall include, as appropriate, the plans for street design, storm water, sewer, water, fire hydrants, electric, cable, telephone, natural gas, street lights, and mail boxes.

5. A revised set of **all** full size development plans (including site plan, landscape plan, elevation, etc.) shall be submitted which depicts each of the written conditions to the satisfaction of the City Planning Department.

**For the Building Permit Application:**

6. A detailed landscape construction plan shall be submitted with the building permit application. The detailed landscape plan shall show: the number of plants, plant spacing/location of planting, the type of plants, the size of plants, the schedule of planting, and irrigation plans. The landscape plan shall reflect the approved landscape plan submitted with the Design Review application, and any modifications that might be required in order to compensate for any reductions in landscaping that occur due to ODOT right-of-way incursion into the proposed landscaped areas.
7. The landscaping shall be planted at such a density so as to provide a minimum of 95% coverage of the landscape areas with vegetation, within a 3-year time period. Bark mulch and similar material shall consist of not more than 5% of the total landscape area after the 3-year period. The plant spacing and starting plant sizes shall meet the ODOT plant spacing/starting size standards. Trees are to be a minimum of 2" caliper.
8. Wheel stops are required for all parking spaces **facing towards the Mollalla River and Hwy 99E**. The wheel stops shall be placed two (2) feet in front of the end of each space.
9. All interior sidewalks and access-ways shall be a minimum of five (5) feet in width.
10. Bicycle parking shall be provided per the requirements of CMC 16.10.100.
11. Details of sign dimensions and mounting techniques shall be shown on the building permit submittal or on a subsequent sign permit application.

**Prior to Issuance of a Building Permit**

12. The proposed access onto Highway 99E shall be right-in and right-out only **and shall be striped in accordance with ODOT requirements**. The applicant shall acquire a road approach permit for highway access and a miscellaneous permit for frontage improvements from ODOT.



13. Curb, sidewalk and bike lane shall be constructed consistent with the City Transportation System Plan and related development code and roadway standards to provide pedestrian and bicycle access to the site and safely accommodate traffic operations. ODOT/ADA minimum design standards must also be met.
14. Right of way dedication as necessary to accommodate the highway improvements shall be provided through deed to the Oregon Department of Transportation, and demarcated on the final County plat.
15. An ODOT Drainage Permit is required for connection to state highway drainage facilities. Connection will only be considered if the site's drainage naturally enters ODOT right of way. The applicant must provide ODOT District with a preliminary drainage plan showing impacts to the highway right of way.

A drainage study prepared by an Oregon Registered Professional Engineer may be required by ODOT if:

- A. Total peak runoff entering the highway right of way is greater than 1.77 cubic feet per second; or
- B. The improvements create an increase of the impervious surface area greater than 10,758 square feet.

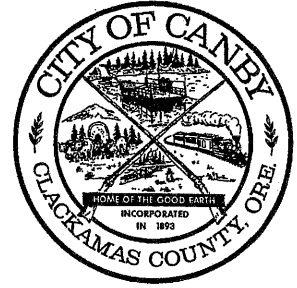
#### **During Construction**

16. An erosion control permit is required. All City erosion control regulations shall be followed during construction as specified by the Canby Municipal Code
17. Any relocation of existing utilities required due to construction of the development shall be done at the expense of the applicant.
18. All storm water shall be disposed of on-site unless ODOT imposes additional drainage requirements. The design of storm water facilities shall be approved by the City Engineer and Public Works Supervisor. The applicant is responsible for obtaining approval from DEQ, if necessary, for private drywells.
19. ADA Ramps shall be provided as required by the Public Works Supervisor.
20. Site lighting shall be "hooded" to project light downward.
21. Frontage improvements shall be constructed as required by the Public Works Supervisor. Eight foot sidewalks, inclusive of curbs, are required on Highway 99E and Berg Parkway, as per CMC 16.08.090. **Sidewalks may be reduced to 5 foot width along Hwy 99E from the access drive west towards the Mollalla River Bridge. Five foot sidewalks are required along the property's frontage with Berg Parkway.**
22. "Staple" type bicycle racks shall be provided at the front of all proposed buildings. The racks shall accommodate a minimum of three bicycles per each building frontage.

23. Raised crosswalk connections shall be provided between all three buildings; plans to be reviewed and approved by the Planning Department.

Exhibits:

1. Applicant's packet
2. Responses to request for comments
3. Traffic Study



## **- STAFF REPORT -**

### **APPLICANT:**

Jason Bristol  
21733 S. Hwy. 99E  
Canby, OR 97013

### **OWNER:**

Jason Bristol  
21733 S. Hwy. 99E  
Canby, OR 97013

### **LEGAL DESCRIPTION:**

Tax Map 3-1E-33DC, Tax Lot 2800

### **LOCATION:**

301 SE 2<sup>nd</sup> Avenue  
Southeast corner of  
South 2<sup>nd</sup> Ave. & S Knott St.

### **COMPREHENSIVE PLAN DESIGNATION:**

R-2 High Density Residential

### **FILE NUMBER:**

MLP 05-11  
(Bristol)

### **STAFF:**

Kevin C. Cook  
Associate Planner

### **DATE OF REPORT:**

September 28, 2005

### **DATE OF HEARING:**

October 10, 2005

### **ZONING DESIGNATION:**

R-2 High Density Residential

### **I. APPLICANT'S REQUEST:**

The applicant is seeking approval to partition one 7,590 square foot parcel into two separate tax lots. Parcel 1 (north) would be 4,830 sq. ft. and contains the existing single family dwelling; Parcel 2 (south) would be 2,760 sq. ft. on which the applicant proposes to construct a new single family dwelling. Access for the lot is currently off of S. Knott St.; however, it appears that this access will need to be abandoned to make room for the new development. The applicant will be required to provide two off-street parking spaces for each unit. Stacked parking will not be allowed for this site; the lot is located in a high density residential area and parking is likely already an issue. Access for parcel 2 would have to be off of S. Knott St. It is likely that the only way to accommodate the off-

street parking requirement for lot 2 would be to dedicate the entire ground floor to garage space for the new dwelling. Parking for lot 1 could possibly come off of S. 2<sup>nd</sup> Ave. The applicant is required to show compliance with the parking standards prior to the issuance of a building permit (Condition 9). The application meets current zoning and comprehensive plan designations of R-2 High Density Residential.

**II. APPLICABLE CRITERIA:**

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

**III. FINDINGS:**

**1. Location and Background**

The subject property is located at 301 SE 2<sup>nd</sup> Ave. The parcel is zoned R-2 (High Density Residential) and currently contains one single family residence. Parcel 2 will contain a single family dwelling, which is the minimum allowed density for a parcel of this size in the R-2 zoning district. The new dwelling will be required to meet the standards for an infill home as listed in section 16.21.050 (Condition 14).

The applicant will be required to meet development requirements set forth by the public works department (Condition #12). Neighboring properties to the east, west, and south are zoned for R-2. Properties across South 2<sup>nd</sup> Ave. to the north are zoned C-2 (Highway Commercial).

## 2. Comprehensive Plan Consistency Analysis

### *LAND USE ELEMENT*

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

*Applicable Policies:*

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

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

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

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

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

*Analysis:* *A "Request for Comments" has been sent to all public facility and service providers (please see*

*discussion under Public Services Element).*

## **ENVIRONMENTAL CONCERNS ELEMENT**

**GOALS: TO PROTECT IDENTIFIED NATURAL AND HISTORICAL RESOURCES.**

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

**TO PROTECT LIVES AND PROPERTY FROM NATURAL HAZARDS.**

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

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

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

## **TRANSPORTATION ELEMENT**

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

*Applicable Policies:*

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

*Analysis: Existing street and utility improvements are sufficient to support development of the proposed partition. An approved curb cut and apron are required to provide drive access to Parcel 2 (Condition 12). One street tree will be required on each street frontage (Conditions 13).*



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

*Analysis:* No sidewalks currently exist surrounding this lot. The applicant will be required to install sidewalks along all street frontages (Condition 15).

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.

1. *Analysis:* All returned requests for comments indicated services are readily available.

Neighborhood Comments:

*No neighborhood comments were received.*

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

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

### **3. Evaluation Regarding Minor Land Partition Approval Criteria**

- A. Conformance with the text and with the applicable maps of the Comprehensive Plan.  
*See discussion in part III.2, above.*
- B. Conformance with all other requirements of the Land Development and Planning Ordinance.  
*With recommended conditions, the partition will comply with the requirements of the Land Development and Planning Ordinance, including lot sizes, frontage, access, and coverage requirements.*
- C. The overall design and arrangement of parcels shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties.  
*With recommended conditions, the proposed partition will be functional and will provide building sites, necessary utility easements, and access facilities. Proposed parcels meet lot size and coverage requirements of the R-2 zone.*
- D. No minor partitioning shall be allowed where the sole means of access is by private road, unless it is found that adequate assurance has been provided for year-round maintenance sufficient to allow for unhindered use by emergency vehicles, and unless it is found that the construction of a street to city standards is not necessary to insure safe and efficient access to the parcels.  
*No private roads will be created by this partition and parking shall be prohibited in the private access drive.*
- 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 05-11 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 05-11*
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. 5 foot wide pedestrian access easements will be required along the entire frontage of the property.

### 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. Prior to issuance of a building permit a stormwater permit shall be obtained from the State of Oregon if required by the Department of Environmental Quality (DEQ). An acceptable stormwater system plan shall be approved by the State of Oregon - DEQ and the Canby Public Works Department.
9. Prior to permit, the applicant shall demonstrate compliance with offstreet parking requirements as listed in Chapter 16.10 of the CMC; parking must be provided for both lots. Stacked parking will not be permitted for the site development.

**During Construction:**

10. The applicant is responsible for all costs associated with the relocation of utilities.
11. Any new sewer main and/or new laterals shall be installed by the applicant at the time of development. Location and construction of the sewer main and/or laterals shall be approved by the Public Works Supervisor *prior to excavation*.
12. The applicant shall construct an approved curb cut, approach apron and sidewalk ramps at each drive entrance to the parcels. Access improvements shall be inspected and approved by Canby Public Works prior to installation.
13. The applicant shall plant a minimum of one street tree along the street frontage of each lot. Street trees shall be placed 11' behind the back of sidewalk.
14. New dwelling units for parcel 2 will be required to comply with the standards for infill homes as listed in Section 16.21.050.
15. A five (5) foot sidewalk inclusive of curb shall be constructed for the full frontage of the parent parcel along SE 2<sup>nd</sup> Ave. and S Knott St. Where mailboxes, fire hydrants or other obstructions are located at the curb, sidewalks shall swing away from the curb in order to remain unobstructed for a full five-foot width. An ADA ramp shall be constructed at the southeast corner of the intersection of SE 2<sup>nd</sup> Ave and S Knott St.

**Exhibits:**

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

7590  
17-7405.2

### MINOR LAND PARTITION APPLICATION

FEE \$1,280  
PROCESS TYPE III

#### OWNER

#### APPLICANT\*

Name Jason Bristol

Name Same As Owner

Address 21733 S. Hwy. 99E

Address \_\_\_\_\_

City Canby State OR Zip 97013

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

OWNER'S SIGNATURE Jason Bristol PHONE (503) 803-2920

#### DESCRIPTION OF PROPERTY:

Address 301 SE 2nd Avenue

Tax Map 3S 1E 33DC Tax Lot(s) TL 2800 Lot Size 0.17 Acres  
(Acres/Sq. Ft.)

#### PROPERTY OWNER LIST

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

Existing Use 1 single-family residence

Proposed Use Divide property into two parcels. Existing home to remain. One new single-family home proposed.

Existing Structures One existing single-family home

ZONING: R-2 COMPREHENSIVE PLAN DESIGNATION High Density Residential

PREVIOUS ACTION (if Any) None

FOR CITY USE ONLY	
File #	<u>MLP 05-11</u>
Date Received	<u>8-15-05</u> By <u>CJA</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.





## TRIP GENERATION CALCULATIONS

*Land Use:* Rental Townhouse  
*Land Use Code:* 224  
*Variable:* Dwelling Units  
*Variable Value:* 4

### AM PEAK HOUR

*Trip Rate:* 0.7

	Enter	Exit	Total
Directional Distribution	33%	67%	
Trip Ends	1	2	3

### PM PEAK HOUR

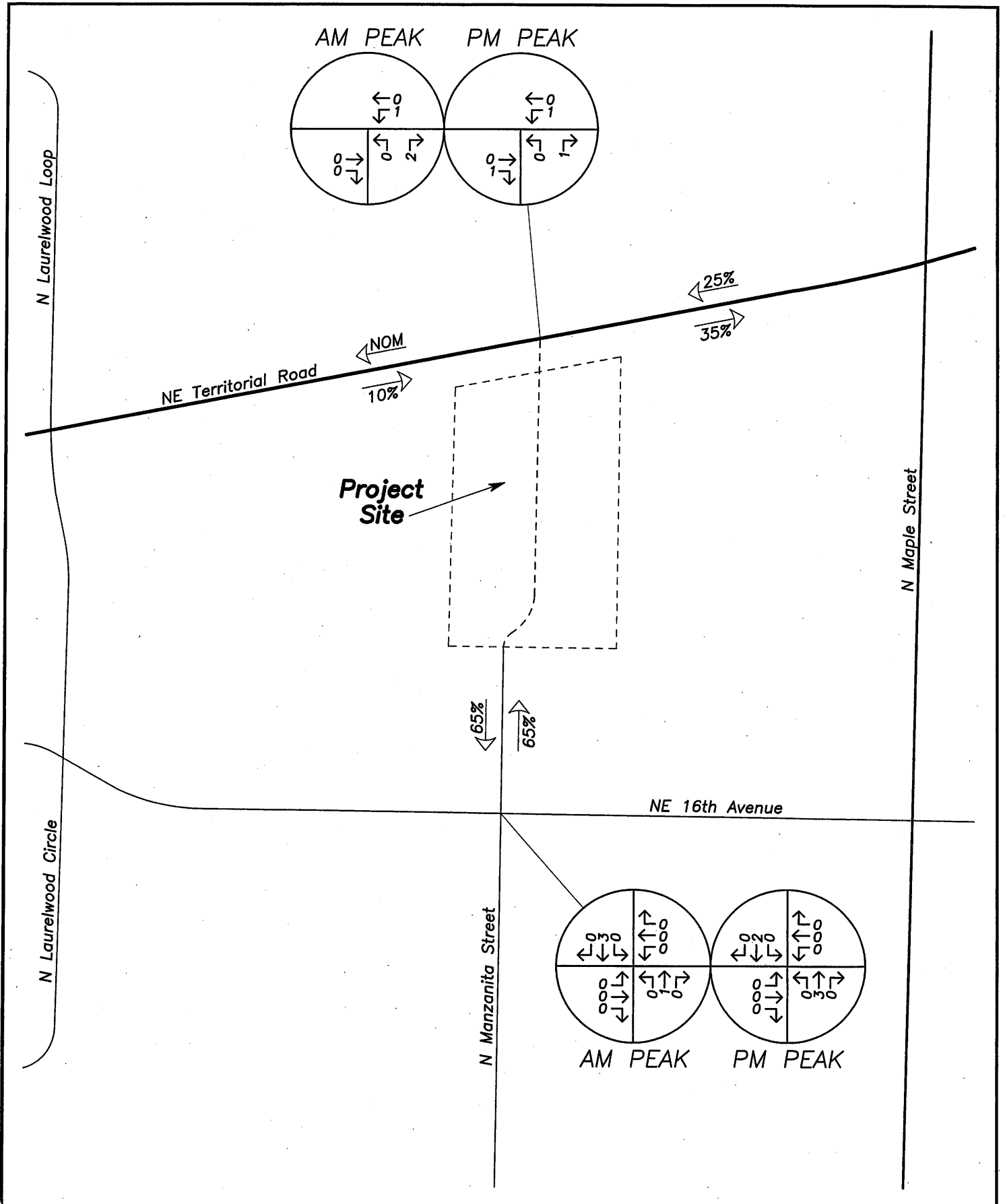
*Trip Rate:* 0.72

	Enter	Exit	Total
Directional Distribution	51%	49%	
Trip Ends	2	1	3

### WEEKDAY (EST.)

*Trip Rate:* 8.72

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	17	17	34



*Le*

**SITE TRIP DISTRIBUTION & ASSIGNMENT**  
 Inbound and Outbound Percentages & Site Trips  
 AM & PM Peak Hours



**FIGURE 2**

**APPENDIX**