

A G E N D A
CANBY PLANNING COMMISSION
REGULAR MEETING
City Council Chambers
Monday, October 23, 1995
7:30 p.m.

I. ROLL CALL

II. MINUTES

July 24, 1995
August 14, 1995
September 25, 1995
October 8, 1995

III. CITIZEN INPUT ON NON-AGENDA ITEMS

IV. COMMUNICATIONS

V. OLD BUSINESS

VI. NEW BUSINESS

VII. FINDINGS

CUP 95-03 - C.U.B. Water Treatment Plant
SUB 95-05 - Wiederhold Village

VIII. PUBLIC HEARINGS

MLP 95-06/LLA 95-06, an application by Donald K. Eby [applicant] and Donald K. Eby and Konstantin and Maria Verbin [owners] for approval to adjust the common property line between Tax Lots 1600 and 1700, exchanging approximately 1,230 square feet to straighten out the property line. The applicant is also requesting approval to partition the resulting property [Tax Lots 1600 and 1910, after the Lot Line Adjustment] into 3 parcels, approximately .52 acres [11,550 square feet], .14 acres [6,109 square feet], and .13 acres [5,476 square feet], respectively. The properties are located on the northeast corner of S. Locust and S.E. Township Road (Tax Lots 1600, 1700 and 1910 of Tax Map 3-1E-33DD).

IX. DIRECTOR'S REPORT

XI. ADJOURNMENT

KURT SCHRADER, CHAIR
JAMES LARSON
CARLIN JACKSON
LINDA MIHATA, VICE-CHAIR
DAN EWERT
BOB GUSTAFSON
BRAD GERBER

MEETING TIMELINES AND PROCEDURES

- In order not to restrict any person from testifying but, rather, to encourage everyone to do so, the Canby Planning Commission shall try to adhere as closely as possible to the following timelines:

Applicant (or representative[s]) - not more than 15 minutes
Proponents - not more than 5 minutes
Opponents - not more than 5 minutes
Rebuttal - not more than 10 minutes

- Everyone present is encouraged to testify, even if it is only to concur with previous testimony. For more complete presentations, Proponents and Opponents may "buy" time from one another. In so doing, those either in favor, or opposed, may allocate their time to a spokesperson who can represent the entire group.

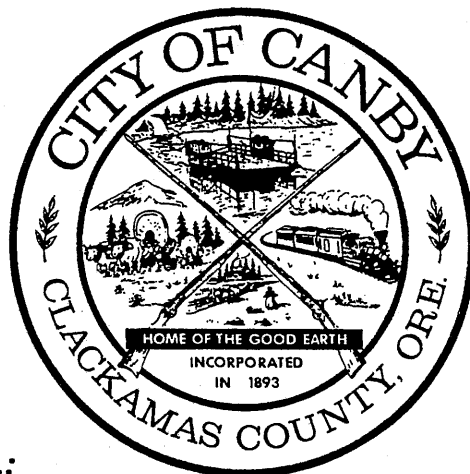
- All questions must be directed through the Chair.

- Any evidence to be considered must be submitted to the hearing body for public access.

- All written testimony received, both for and against, shall be summarized by staff and presented briefly to the hearing body during presentation of the Staff Report.

The applicable substantive criteria for evaluating the application are displayed on the walls. Please direct your testimony to these criteria or other criteria in the Plan or land use regulations which you believe apply to the decision. Failure to raise an issue at this hearing with sufficient specificity to afford the Commission or Council and the parties an opportunity to respond to the issue precludes appeal to LUBA on that issue. A decision shall be made by the hearing body at the close of the hearing or the matter will be continued to a date certain in the future. This will be the only notice of that date that you will receive.





- STAFF REPORT -

APPLICANT:

Donald K. Eby
2069 Country Club Road
Woodburn, OR 97071

OWNERS:

Donald K. Eby
2069 Country Club Road
Woodburn, OR 97071

Konstantin & Maria Verbin
11912 S. Barnards Road
Molalla, OR 97038

LEGAL DESCRIPTION:

Tax Lots 1600, 1700, 1910 of Tax Map
3-1E-33DD

LOCATION:

416 S.E. Township Road, the northeast
corner of Township Rd. and S. Locust St.

COMP. PLAN DESIGNATION:

High Density Residential

I. APPLICANT'S REQUEST:

The applicant is requesting approval to adjust the common property line between Tax Lots 1600 and 1700, exchanging approximately 1,230 square feet to straighten out the property line. The applicant is also requesting approval to partition the resulting property (Tax Lots 1600 and 1910 after the Lot Line Adjustment) into three parcels, approximately .52 acres (22,550 square feet), .14 acres (6,109 square feet), and .13 acres (5,476 square feet), respectively. The properties are located on the northeast corner of S. Locust Street and S.E. Township Road.

FILE NO.:

MLP 95-06/LLA 95-06

STAFF:

James S. Wheeler
Assistant City Planner

DATE OF REPORT:

October 12, 1995

DATE OF HEARING:

October 23, 1995

ZONING DESIGNATION:

R-2 (*High Density Residential*)

II. APPLICABLE CRITERIA:

Minor Land Partition:

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

- 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. 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.
- E. 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.

Lot Line Adjustment

16.58.050 Approval procedure - Commission responsibility.

The Commission shall review the information submitted and shall make a decision approving, modifying or denying the proposal so as to assure compliance with the requirements of the Land Development and Planning Ordinance. The applicant shall be notified in writing of the decision of the Commission and the reasons therefor. One copy of the proposed plan shall be returned to the applicant labeled "approved," "denied" or "modified." An additional copy shall be kept on file for future reference.

III. OTHER APPLICABLE CRITERIA

- A. 16.20.030 Development Standards in R-2 Areas
- B. 16.56 General Provisions (for land divisions)
- C. 16.58 Lot Line Adjustments
- D. 16.60 Major or Minor Partitions
- E. 16.64 Subdivisions - Design Standards

IV. FINDINGS:

A. Location and Background

The subject properties are identified on the Clackamas County Assessor's Map as Tax Lots 1600, 1700, and 1910 of Tax Map 3-1E-33DD. It is located on the northeast corner of S. Locust Street and S.E. Township Road. There is a single family residence on Tax Lot 1600 and Tax Lot 1700. There is a metal shop building on Tax Lot 1910.

The lot line adjustment will change the orientation of the common property boundary between Tax Lots 1600 and 1700 from a northwest to southeast orientation to a north-south orientation. The lot line adjustment will make the configuration of Tax Lots 1600 and 1910 more developable.

The partition will split the combination of Tax Lots 1600 and 1910 into three lots. Parcels 2 and 3 will be developed with single family residences (parcel 3 having the existing home), and parcel 1 will have the potential of being developed with as much as eight units.

B. Comprehensive Plan Consistency Analysis

i. Citizen Involvement

- **GOAL: TO PROVIDE THE OPPORTUNITY FOR CITIZEN INVOLVEMENT THROUGHOUT THE PLANNING PROCESS.**

Policy #1: Canby shall reorganize its citizen involvement functions to formally recognize the role of the Planning Commission in meeting the six required citizen involvement components of statewide planning goal No. 1, and to re-emphasize the City's commitment to on-going citizen involvement.

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

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

Analysis

1. The notification process and public hearing are a part of the compliance with adopted policies and process regarding citizen involvement. The Planning Commission seeks input of all citizens at the public hearing of all applications.

2. The Planning Commission adheres to acting upon applications within a sixty (60) day time period from the date of determination of a complete application. Any continuation of the review period is done with the approval of the applicant, or through admission of new information into the review process.

3. The review of the contents of the Comprehensive Plan is not germane to this application.

ii. Urban Growth

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

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

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

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

Analysis

1. The property is entirely within both the Urban Growth Boundary and the City Limits. No direct input from the County has been determined to be necessary or desirable nor was any sought.
2. No changes to the Urban Growth Boundary are proposed with this application.
3. All necessary urban services are, or will be available for the partition [see discussion under *Public Services Element*].

iii. Land Use Element

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

- Policy #1 Canby shall guide the course of growth and development so as to separate conflicting or incompatible uses, while grouping compatible uses.
- Policy #2 Canby shall encourage a general increase in the intensity and density of permitted development as a means of minimizing urban sprawl.
- Policy #3 Canby shall discourage any development which will result in overburdening any of the community's public facilities or services.
- Policy #4: Canby shall limit development in areas identified as having an unacceptable level of risk because of natural hazards.
- Policy #5 Canby shall utilize the land use map as the basis of zoning and other planning or public facility decisions.
- Policy #6: Canby shall recognize the unique character of certain areas and will utilize the following special requirements, in conjunction with the requirements of the land development and planning ordinance, in guiding the use and development of these unique areas.

Analysis

1. There is currently one existing single family home on the property. The properties to the east, west, and north are zoned High Density Residential (R-2), the same as the subject property. The properties to the south are zoned Low Density Residential (R-1), however, the Comprehensive Plan land use designation for these properties is High Density Residential (R-2).

Multi-family developments exist to the north and west, while single family residences are located on the properties to the east and south.

2. The partition of the property will permit the applicant to efficiently utilize proposed parcel 1 for high density residential development while allowing proposed parcel 3 to be retained with the existing single family home, and proposed parcel 2 to be developed with a single family residential home on a relatively small lot.

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

4. No natural hazards have been identified on the subject property.

5. The zoning of the property, R-2, High Density Residential, is consistent with the Land Use Map designation for the property (High Density Residential). The minimum lot size for parcels in the R-2 zone is 5000 square feet, and all parcels will meet the minimum lot size.

6. The subject property is not located in any "areas of special concern".

iv. Environmental Concerns

■ **GOAL:** 1) TO PROTECT IDENTIFIED NATURAL AND HISTORICAL RESOURCES.

2) TO PREVENT AIR, WATER, LAND, AND NOISE POLLUTION. TO PROTECT LIVES AND PROPERTY FROM NATURAL HAZARDS.

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

Policy #1-R-B: Canby shall encourage the urbanization of the least productive agricultural area within the urban growth boundary as a first priority.

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

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

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

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

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

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

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

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

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

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

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

Analysis

1-R-A. The subject property has Class I soils. The land use designation of the property is for residential and the property is currently within the City limits with all necessary infrastructure readily available.

1-R-B. The subject property, while currently under-utilized, is considered to be urbanized.

2-R. The storm water drainage of the subject property is handled on-site. Clackamas County reviews storm water management and compliance with the Federal Clean Water Act.

3-R. The existing use has not created a known pollution problem. Construction activity is required to comply with prescribed standards for air, water, and land pollution, through the building permit process and the State's Department of Environmental Quality standards. The minor land partition will not, in of itself, generate any pollution of any form.

4-R. Insubstantial noise will be expected as a result of residential activity. The minor land partition will not, in of itself, generate any noise.

5-R. The subject property is not a sand and gravel operation, nor will the proposed partition or future use of the land hinder any sand and gravel operation. There is no sand and gravel operation within the City limits.

6-R. The subject property and surrounding properties are not historic sites.

7-R. The partition itself will not affect the scenic or aesthetic quality of the City. Future development of either of the proposed parcels will affect the scenic and aesthetic quality of the City. The development of open space changes the scenic or aesthetic quality of the City, sometimes for the better and sometimes for the worse. The visual impacts of development of the proposed parcel 1 will be reviewed through the Site and Design Review process in the future.

8-R. The subject property is considered to be open space at this time. Preservation of open space on the property in perpetuity is impractical. The Parks Master Plan does not call for any specific open or recreation space at, or near, the subject property.

9-R. No wildlife or fish habitats are known on the subject property.

1-H. The subject property has no steep slopes.

2-H. The subject property is not in a flood zone.

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

v. **TRANSPORTATION**

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

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

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

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

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

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

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.

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

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

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

- Policy #10: Canby shall work to expand mass transit opportunities on both a regional and an intra-city basis.
- Policy #11: Canby shall work with private developers and public agencies in the interest of maintaining the transportation significance as well as environmental and recreational significance of the Willamette River.
- Policy #12: Canby shall actively promote improvements to state highways and connecting county roads which affect access to the city.

Analysis

1. Road improvements will be needed for S.E. Township Road. Normally, construction of road improvements are not required until vacant property is developed. In this proposal, the access for the vacant property will be from S. Locust Street, with no direct connection to S.E. Township Road. Parcel 2 will be developed with a single family home, which will not receive further planning review. Additionally, the section of Township Road in front of this property is considered to be failing. Therefore, any approval of the minor land partition will need to include the road improvements to S.E. Township Road prior to the signing of the plat (or bonding).

No additional right-of-way is needed for either S.E. Township Road, or for S. Locust Street.

2. The improvement to S.E. Township Road will need to include half-street improvement, curbs, and utilities. Street trees for parcels 1 and 2 will be required with development of those parcels. An A.D.A. (American Disabilities Act) access ramp for the sidewalk at the corner of S. Locust Street and S.E. Township Road is needed. There are two hollies and two cedars existing along Township Road. The two hollies will need to be removed in order to provide the sidewalks. The two cedars appear to be quite healthy and will not be in the way of the sidewalk, however they will be close enough to be impacted. Removal of the cedars may be necessary if the construction of the sidewalk will cause enough of a deterioration in the health and hazard potential of the trees to warrant removal. The arborist for the City should be on site when the sidewalk is staked out for construction.

3. The nearest major intersection to the subject property is the intersection of S. Ivy Street and S.E. Township Road. At this time, that intersection is considered to be a "problem intersection". The proposed partition will not impact the intersection, as no other development is currently proposed. A maximum of three more units can be approved with no further planning review. Future development of parcel 1, for more than two units will be reviewed for the potential traffic impacts that might be generated.

4. Sidewalks will be required for parcel 3 (the parcel with the existing home). Sidewalks for parcels 1 and 2 will be required with development of those parcels. An A.D.A. (American Disabilities Act) access ramp for the sidewalk at the corner of S. Locust Street and S.E. Township Road is needed.
5. The subject property is not involved in any possible overpass or underpass of Highway 99-E and the railroad.
6. The fire district and police department have responded to the Request for Comments and have indicated that both adequate services are available.
7. S.E. Township Road will eventually be built to "collector" standards, which will have room for the provision of a bike lane.
8. The existing use and the proposed use of the property have no specific use for the rail facilities that exist in Canby.
9. The proposed partition has no bearing on efforts to improve or expand nearby air transport facilities.
10. The mass transit system in operation in Canby has no direct bearing on the proposed partition. No future transit stops have been proposed. The City has adopted a Transportation Systems Plan study which included mass transit considerations. Any future development of the property will be reviewed in light of the Transportation Systems Plan.
11. The subject property is not near the Willamette River and will have no effect on the transportation potential or use of the Willamette River.
12. The subject property is fully within the City limits and is not near any "entry point" into the City.

vi. **Public Facilities and Services**

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

- Policy #1: Canby shall work closely and cooperate with all entities and agencies providing public facilities and services.
- Policy #2: Canby shall utilize all feasible means of financing needed public improvements and shall do so in an equitable manner.
- Policy #3: Canby shall adopt and periodically update a capital improvement program for major city projects.
- Policy #4: Canby shall strive to keep the internal organization of city government current with changing circumstances in the community.

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

Analysis

1. All needed public facility and service providers were sent a "Request for Comments" regarding this application. Positive responses were received from the Public Works Department, NW Natural Gas, School District, Police Department, Fire District, and the engineer for the City. All have indicated that adequate facilities and/or services are available. The Canby Utility Board, Canby Telephone Association, and Waste Water Treatment Department have not responded to the "Request for Comments". There has been no recent indication, unofficial or otherwise, of potential inadequacy of facilities or services from these providers. Electric, water, and telephone facilities are available in S. Locust Street and/or S.E. Township Road.
2. Needed 'public improvements' include the improvement and widening of S.E. Township Road. These improvements will occur with the partitioning of the property.
3. A capital improvement program is not a part of this application.
4. The City's internal organization is not germane to this application.
5. The City has adopted a Parks Master Plan in which appropriate sites or areas for recreation facilities are identified. No parks have been designated in the vicinity of the subject property.

vii. ECONOMIC

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

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

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

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

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

Analysis

1. The proposed development is not industrial in nature, nor does the current zoning of the subject property allow industrial development.
2. The proposed development is not commercial in nature, nor does the current zoning of the subject property allow commercial development.
3. Development of this site, with homes, will provide residences for Canby business owners and employees, and also will provide a few employment opportunities and expand the market for Canby businesses.
4. The proposed subdivision will have no effect on agricultural operations that contribute to the local economy.

viii. HOUSING

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

- Policy #1: Canby shall adopt and implement an urban growth boundary which will adequately provide space for new housing starts to support an increase in population to a total of 20,000 persons.
- 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.
- Policy #3: Canby shall coordinate the location of higher density housing with the ability of the city to provide utilities, public facilities, and a functional transportation network.
- 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.
- Policy #5: Canby shall provide opportunities for mobile home developments in all residential zones, subject to appropriate design standards.

Analysis

1. The location and size of the Urban Growth Boundary is not a part of the proposed application. When the Urban Growth Boundary was designated and calculations to determine the amount of land needed for residential growth, in 1984 as a part of the acknowledged 1984 Comprehensive Plan, the subject property was designated for residential development.

2. The proposed partition will allow for the residential development of an 28,659 square feet of land beyond the existing home. Any development will increase housing density. There is a potential for an additional 9 units (8 units on parcel 1 and 1 unit on parcel 2).
3. The proposed development does not include higher density housing. Future development of the parcel will most likely include higher density housing, with the potential maximum density of 17 units per acre.
4. The proposed development does not include housing for low income persons. Future development of the property may include housing for low income persons.
5. The proposed development is not a mobile home development. Future development of the property may include mobile/manufactured homes.

ix. ENERGY CONSERVATION

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

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

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

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

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

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

Analysis

1. Energy conservation and efficiency as a part of construction practices has been incorporated into the building permit review process and the Uniform Building Code.
2. The orientation of the subject property in this proposal does not meet the basic solar access standards for new residential developments. The orientation of the parcels 2 and 3 are north-south, however, the parcel 3 is less than 90 feet in the north-south dimension. Parcel 3 has the existing home, and with Township Road located to the south, access to solar energy will not be inhibited by the partition and the dimensions of parcel 3.

Parcel 1 does not conform to the basic solar standard. A protected solar building line is not possible for this parcel. Only the "Performance Option" is feasible (Section 16.95.030.C.). Under this option, the lot is considered to comply with the design standard, if:

- a. Habitable structures built on that lot will have their long axis oriented within 30 degrees of a true east-west axis, and at least 80% of their ground floor south wall will be protected from shade by structures and non-exempt trees using appropriate deed restrictions (deed restrictions being placed on the properties to the south); **or**
 - b. Habitable structures built on that lot will orient at least 32% of their glazing (window areas) and at least 500 square feet of their roof area to face within 30 degrees east or west of true south, and that glazing and roof areas are protected from shade by structures and non-exempt trees using appropriate deed restrictions.
3. The project will not hinder any residential access to solar energy.
 4. The City has adopted a Transportation Master Plan. City standards, transportation patterns of all developments will be reviewed through the Transportation Master Plan.
 5. Energy conservation and efficiency as a part of construction practices has been incorporated into the building permit review process and the Uniform Building Code.

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

Review of the above analysis will show that the proposed partition, with the recommended conditions of approval, is consistent with the policies of the 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.

C. Evaluation Regarding Minor Land Partition Approval Criteria

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

See above discussion.

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

The partition, in all other respects, is in 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.

The size and orientation of the proposed parcels is such that future development of parcels 1 and 2 are both possible and feasible. The existing home on parcel 3 will meet all the necessary setbacks as a result of the partition, except the front yard setback. The existing home is currently 18 feet from the front property line. The partition does not alter this situation at all.

Access facilities are available. Parcel 1 has access to S. Locust Street. The partition could be arranged so that parcel 1 has access to Township Road, with parcel 2 being located on S. Locust Street. The access for parcel 1, as proposed (to S. Locust Street), is the best option in that the parcel that will have the highest potential for the highest amount of traffic will not be accessing directly onto Township Road, the busier of the two roads. Utility easements along the new property lines will be needed to allow for potential utility extensions.

- 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.

As best as staff has been able to determine, 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. No indication of difficulties have been mentioned, officially or otherwise, with regards to these public facilities and services providing service to any development.

- E. 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.

No new private roads are proposed as a part of this application.

D. Evaluation Regarding Lot Line Adjustment Approval Criteria

The approval criteria for Lot Line Adjustment, under Planning Commission review, is that the resulting lots conform to the standards of the Land Use Development and Planning Ordinance. The resulting lots will be a minimum of 5,000 square feet and all setbacks for the existing homes will be met.

V. CONCLUSION

1. Staff concludes that the partition and lot line adjustment request, with appropriate conditions, is considered to be in conformance with the Comprehensive Plan and the Municipal Code.
2. Staff concludes that the overall design of the proposed partition will be compatible with the area and will provide adequate building area for the provision of public facilities and services for the lots.
3. Staff concludes that, with appropriate conditions, the overall design and arrangement of the proposed parcels are functional and will adequately provide building sites, utility easements, and access facilities which are necessary for the development of the subject property without unduly hindering the use or development of adjacent properties.
4. Staff concludes that all necessary public services will become available through the development of the property, to adequately meet the needs of the proposed land division.

VI. RECOMMENDATION

Based upon the application and drawings submitted, facts, findings and conclusions of this report, and without benefit of a public hearing, staff recommends that should the Planning Commission approve MLP 95-06/LLA 95-06, the following conditions should apply:

For the Final Plat

1. A final partition plat modified to illustrate the conditions of approval, shall be submitted to the City Planner for review and approval. The final partition plat shall reference this land use application -- City of Canby, Planning Department, File No. MLP 95-06.
2. The final partition plat shall be a surveyed plat map meeting all of the specifications required by the Clackamas County Surveyor. Said partition map shall be recorded with the Clackamas County Surveyor and Clackamas County Clerk, and a copy of the recorded map shall be provided to the Canby Planning Department.
3. A new deed and legal description for the new 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. Permanent utility construction and maintenance easements including, but not limited to, electric and water cables, pipeline conduits and poles shall be provided as follows:

6 feet in width along all common lot lines,
10 feet in width along all exterior lot lines, except
12 feet in width along street frontages.

6. Deed restrictions that cover either option (a) or (b) below shall be recorded with the County on the plat or on documents recorded with the plat. The deed restrictions shall be reviewed by the City prior to the recording of the plat and/or documents.
 - a. Habitable structures built on parcel 1 shall have their long axis oriented within 30 degrees of a true east-west axis, and at least 80% of their ground floor south wall will be protected from shade by structures and non-exempt trees on parcels 2 and 3, using appropriate deed restrictions.
 - b. Habitable structures built on parcel 1 shall orient at least 32% of their glazing (window areas) and at least 500 square feet of their roof area to face within 30 degrees east or west of true south, and that glazing and roof areas are protected from shade by structures and non-exempt trees on parcels 2 and 3, using appropriate deed restrictions.

Prior to the Signing of the Plat

7. A new deed and legal description for the parcels, after the lot line adjustment, shall be prepared and recorded with the Clackamas County Clerk. A copy of the new deeds shall be provided to the Canby Planning Department.
8. Improvements to S.E. Township Road shall include: Half-street improvement (twenty feet in width), curbs, sidewalks along parcel 3, street lights, utilities, and street trees (along S. Locust Street for parcel 3), shall be constructed prior to the signing of the plat.
9. The arborist for the City shall be on site prior to the construction of the sidewalks on parcel 1. The holly trees shall be removed. The cedar trees shall be retained, except as ordered by the arborist.

Notes

10. Prior to the occupancy of parcels 1 and 2, sidewalk and street trees will be required.
11. The final plat must be recorded with Clackamas County within one (1) year of the approval of the preliminary plat approval in accordance to Section 16.60.060. The mylar for the final plat must be signed by the City prior to the recording of the plat.

Exhibits:

1. Lot Line Adjustment Application
2. Minor Land Partition Application
3. Vicinity Map
4. Lot Line Adjustment Plat
5. Minor Land Partition Plat
6. Request for Comments Responses

LOT LINE ADJUSTMENT APPLICATION

Fee: \$100.00

OWNER

APPLICANT

Name Donald K. Eby
Konstantin & Maria Verbin, h&w
Address 2069 Country Club Road
11912 S. Barnards Road
City Woodburn State OR Zip 97071
Molatta OR 97038

Name DONALD K. EBY
Address 2069 Country Club Rd.
City Woodburn State OR Zip 97071
Phone: 992-5082

SIGNATURE [Signature]
SIGNATURE Konstantin Verbin
SIGNATURE maria Verbin

DESCRIPTION OF PROPERTY:

Tax Map 3 1E 33DD Tax Lot(s) 1600 & 1700 Lot Size .5 ac. & .28 ac.
(Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)

Plat Name Lot Block

PROPERTY OWNERSHIP LIST

Attach a list of the names and addresses of the owners of properties located within 100 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 labels, just as you would address an envelope.

USE

Existing R-2
Proposed R-2

Existing Structures Single Family residence & Duplex

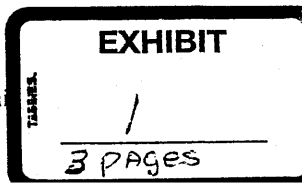
PROJECT DESCRIPTION

To adjust the existing property line between Tax Lots 1600 and 1700 through the exchange of reciprocal triangular shaped portions of each tax lot. This exchange will result in Tax Lot 1700 becoming rectangular in shape, and will relieve an encroachment problem that presently exists with the access to the duplex located on Tax Lot 1700. This exchange of properties will be accomplished by the recording of Warranty Deeds (see attached Agreement with Exhibits).

ZONING R-2 COMPREHENSIVE PLAN DESIGNATION High Density Residential
PREVIOUS ACTION (if any)

File No. LLA 95-06
Receipt No. 9656
Received by SA [Signature]
Date Received 9/27/95
Completeness Date 9/29/95
Pre-App Meeting
Hearing Date 10-23-95

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



LOT LINE ADJUSTMENT APPLICATION

PROJECT DESCRIPTION - NARRATIVE

I. APPLICANTS' REQUEST:

The applicants are requesting the approval of a Lot Line Adjustment to the common property line dividing Tax Lots 1600 and 1700.

II. DESCRIPTION OF THE PROJECT:

Each applicant has mutually agreed to exchange a triangular shaped portion of their respective property with the other, which triangular shaped portions are nearly equal in area. The purpose of the exchange is to change the shape of Tax Lot 1700 to a rectangle, but more importantly, the exchange will remedy an existing driveway access to the duplex (located on Tax Lot 1700) which encroaches on Tax Lot 1600.

III. APPLICABLE CRITERIA:

Chapter 16.58.030 of the Canby Land Use and Development Ordinance provides that the City Planner and City Engineer "shall review the proposed lot line adjustment and shall determine whether the following criteria have been met:

A. Each of the remaining parcels and any structures located thereon shall be in full compliance with all regulations of this title, including setback requirements of Division III. Except, however, that lot line adjustments are permitted on nonconforming lots and lots with nonconforming structures provided that the nonconforming lots and structures will be no less in conformity as a result of the lot line adjustment.

B. No new lots or parcels will be created as a result of the lot line adjustment without receiving approval as a partition or subdivision.

C. If the City Planner or City Engineer deems it necessary to assure the accuracy of recorded information, a survey may be required of the applicant. Such survey will be at the applicant's cost.

D. Lot line adjustments shall not be permitted where the result will be the creation of additional building sites in known hazardous locations or where the appropriate development or extension of public facilities will be impaired as a result. (Ord. 740 § 10.4.20(B), 1984)"

IV.

DISCUSSION

The applicants' proposal to exchange portions of their properties as illustrated on the enclosed "Tentative Partition Map" will result in the two subject parcels being "no less in conformity" with the regulations of this title, since the existing structures will not be altered or enlarged. In fact, the existing nonconformity of access encroachment on Tax Lot 1700 will be resolved in this process. Therefore, Criteria A, above, has been met.

No new parcels are being created by this lot line adjustment. Therefore, Criteria B, above, has been met.

A survey of the subject parcels has been completed, and legal metes and bounds descriptions of the parcels subject to exchange are enclosed as exhibits to the Exchange Agreement. Therefore, Criteria C, above, has been met, or can be met if additional surveying is required.

The proposed lot line adjustment is not located in any "known hazardous locations", nor will any "extension of public facilities" be required. Therefore, Criteria D does not apply to the best of the applicants' knowledge.

V.

CONCLUSION

The proposal to adjust a common boundary line between two parcels of property through the agreed exchange of small portions of each applicant's property has met the City's criteria for approval. This application for a Lot Line Adjustment is submitted concurrently with an application for a Minor Partition. However, the minor partition is a separate matter involving only one property owner, and contingent upon the approval of the proposed lot line adjustment. Based upon the attached Agreement for the Exchange of Real Property, together with its exhibits, it is respectfully requested that the Lot Line Adjustment to the common property line between Tax Lots 1600 and 1700 be approved on its own merits.

MINC LAND PARTITION APPLICATION

Fee: \$900

OWNER

APPLICANT

Name Donald K. Eby
Address 2069 Country Club Road
City Woodburn State OR Zip 97071
Signature: Donald K. Eby

Name SAME
Address
City State Zip
Phone: 982-5082

DESCRIPTION OF PROPERTY:

Tax Map Tax Lot(s) 1600 & 1910 Lot Size .783 acres (Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy) Attached as Attachment III
Plat Name Lot Block

PROPERTY OWNERSHIP 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 two (2) 8-1/2 x 11 sheets of labels, just as you would address an envelope.

USE

Existing High Density Residential Proposed High Density Residential
Existing Structures Single Family Residence, metal shop building

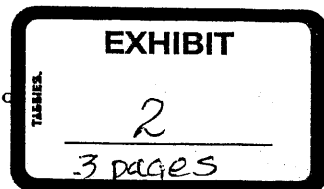
PROJECT DESCRIPTION

To partition parent lot (Tax Lots 1600 and 1910, combined under single ownership) into three separate legal lots of record.

ZONING R-2 COMPREHENSIVE PLAN DESIGNATION High Density Residential
PREVIOUS ACTION (if any)

File No. MLP 95-06
Receipt No. 916576
Received by [Signature]
Date Received 9-27-95
Completeness Date 9/29/95
Pre-App Meeting
Hearing Date 10-23-95

If the applicant is not the property owner, he must attach documentary evidence of authority as agent in making application.



MINOR LAND PARTITION APPLICATION

ATTACHMENT I.

PROJECT DESCRIPTION - NARRATIVE

I. APPLICANT'S REQUEST:

To partition approximately .783 acres of land in the R-2 zone into three separate legal lots of record, as illustrated in the enclosed Attachment III. This application is contingent upon the City's approval of a lot line adjustment, the application for which has been submitted concurrently herewith. The newly prepared legal metes and bounds description of the parent lot in this proposal, and the Tentative Partition Map, enclosed with this application as Attachment III, have been prepared assuming the approval of the proposed lot line adjustment.

II. DESCRIPTION OF THE PROJECT:

The applicant is proposing to combine Tax Lots 1600 (after lot line adjustment) and 1910 and re-partition the parent lot into three separate parcels. Proposed Parcel I, containing 22,550 square feet (proposed) contains an existing metal shop building. Parcel 2, as proposed, contains 6,109 square feet, and Parcel 3, as proposed, contains 5,476 square feet and an existing single family residence. No changes in the use of the parcels is contemplated.

III. APPLICABLE CRITERIA:

Section 16.60.030 of the Canby Land Use and Development Ordinance provides: "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 the 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 § 10.4.30(B)(1), 1984)"

Section 16.60.050 of the Ordinance further provides that tentative maps "shall be submitted to the Commission for review and determination that the proposal will be compatible with the Comprehensive Plan and the requirements of the Land Development and Planning Ordinance...", and "Upon action by the Commission the applicant shall be notified in writing of the decision reached and of the steps which must be taken before the parcels can be transferred or utilized for separate development."

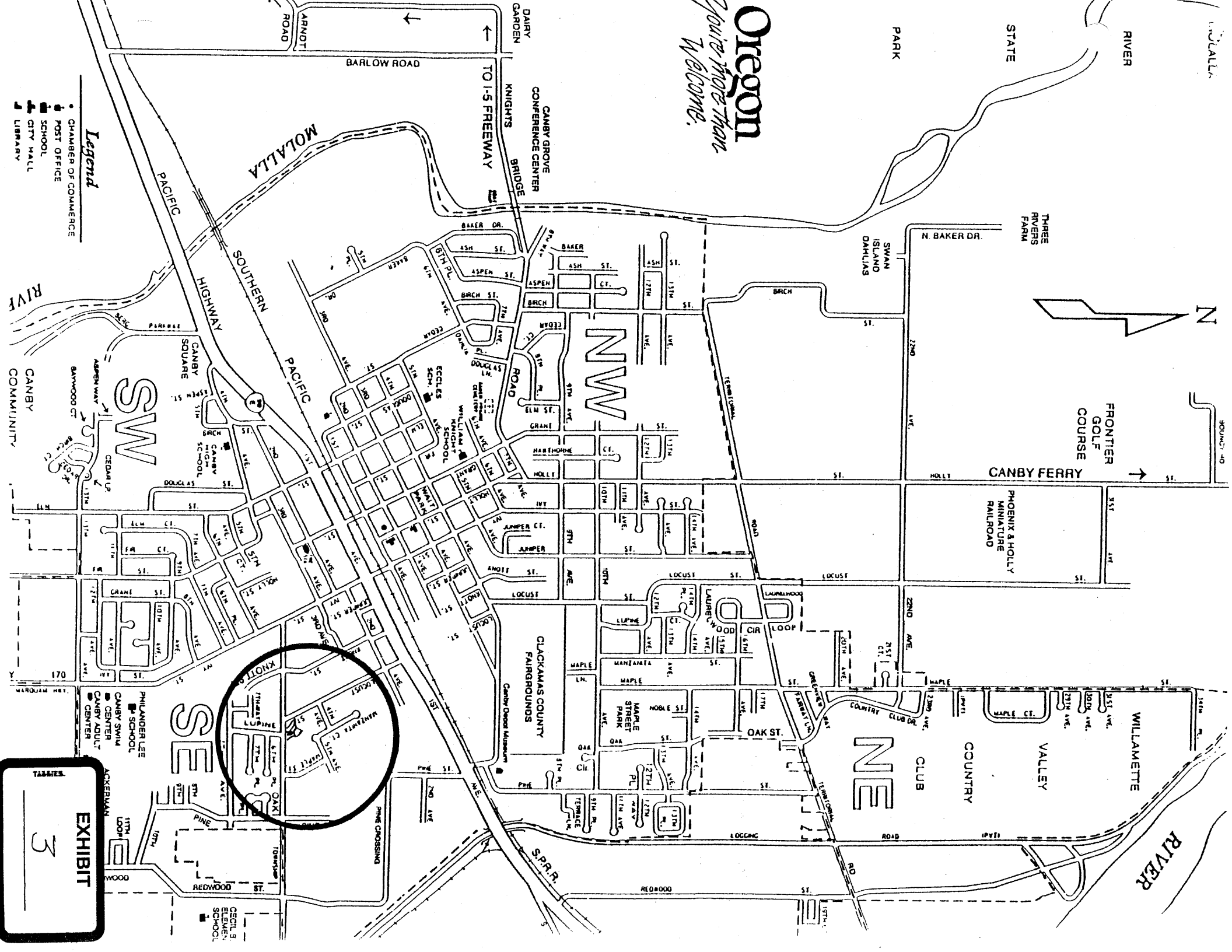
IV. DISCUSSION

The proposal to partition a parcel of land containing .783 acres, more or less, into three separate legal lots (subject to the approval of a lot line adjustment) is in conformance with the text of the comprehensive plan. The proposal will have very little, if any impact on the nine Elements of the Comprehensive Plan. The existing structures on the subject property include a single family residence and a shop building. The subject property is designated High Density Residential, and the existing structures and uses are permitted in this zoning designation. The proposed minor partition is also in conformance with the Land Development and Planning Ordinance with regard to minimum lot size, required setbacks, access, utilities, services, etc.. The overall design and arrangement of the proposed new parcels adequately provides building sites and utility easements, and results in a more functional access solution than that existing on the parcels at the present time. Therefore, Criteria A, B, and C should receive a favorable evaluation from the Commission. Criteria D does not apply in this proposal, since none of the three proposed new lots will receive access by private road or easement. Public facilities and services are available at the present time. In the event any additional development is proposed, building permit applications would require the provision of public facilities. Therefore, Criteria E should also receive a favorable evaluation from the Commission.

V. CONCLUSION

The proposal to partition a parcel of property into three new parcels of record, all of which comply with all zoning and land development requirements should receive a favorable evaluation, and approval from the Commission. The proposal will have no adverse effect on the surrounding area, and conforms with present zoning. Therefore, it is respectfully requested that the Minor Land Partition be approved as submitted, provided the Lot Line Adjustment receives approval.

Oregon
More than
Welcome.



- Legend**
- CHAMBER OF COMMERCE
 - ✉ POST OFFICE
 - 🎓 SCHOOL
 - 🏛️ CITY HALL
 - 📖 LIBRARY

TABLER
EXHIBIT
3

PROPOSED LOT LINE ADJUSTMENT

OWNER: DONALD EBY
2069 COUNTRY CLUB RD.
WOODBURN, OREGON

PREPARED BY:

PACIFIC SURVEYS
141 N. GRANT ST.
CANBY, OR. 97013
PHONE: (503) 266-9979

SEPTEMBER 26, 1995

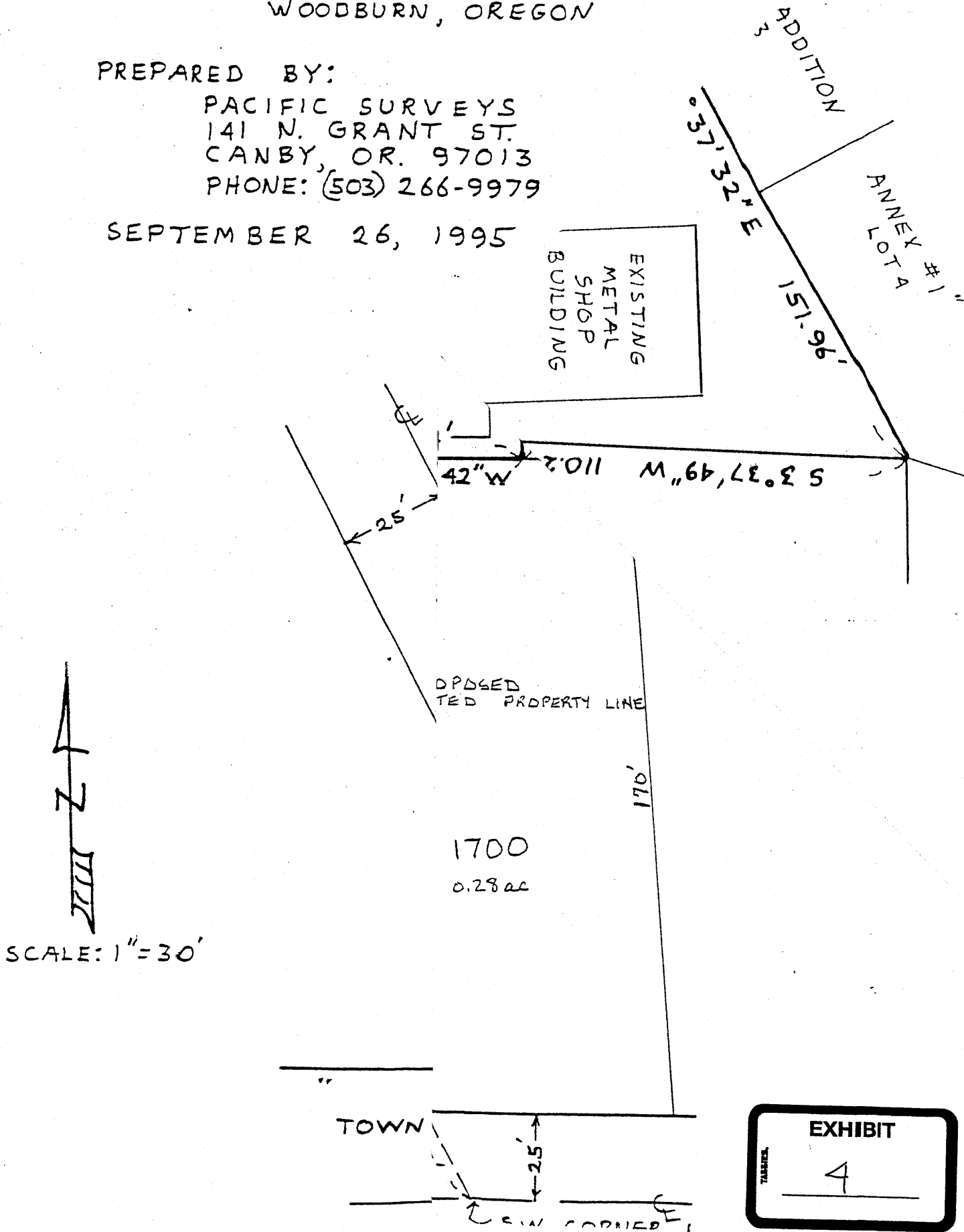


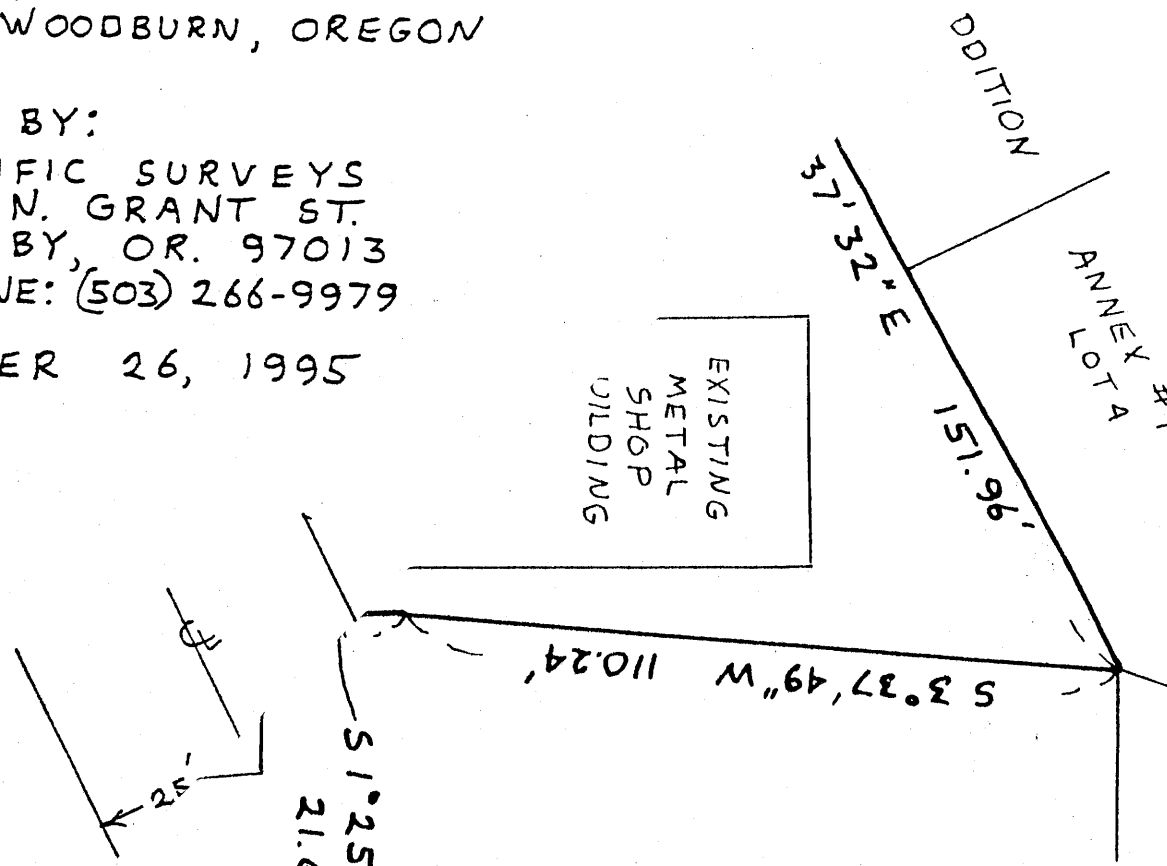
EXHIBIT
4

PROPOSED PARTITION

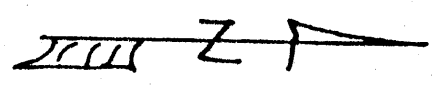
OWNER: DONALD EBY
2069 COUNTRY CLUB RD.
WOODBURN, OREGON

PREPARED BY:
PACIFIC SURVEYS
141 N. GRANT ST.
CANBY, OR. 97013
PHONE: (503) 266-9979

SEPTEMBER 26, 1995



SCALE: 1"=30'



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Charles H. Haylock

OREGON
JAN 21, 1988
CHARLES H. HAYLOCK
2319

SE VALID
1/30/97

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: October 3, 1995

TO: FIRE, POLICE, CUB, TOM PIERSON/TODD SCHMIDT, NW NATURAL GAS, MIKE JORDAN, JOHN KELLEY, ROY, STEVE, CURT McLEOD, SCHOOL DISTRICT, CLACKAMAS COUNTY

The City has received MLP 95-06/LLA 95-06, an application by Donald Eby [applicant and owner] for approval to adjust the eastern property line and to partition the resultant 34,135 square foot parcel into three parcels, 22,550 square feet, 6,109 square feet, and 5,476 square feet, respectively. The site is located on the northeast corner of S.E. Township Road and S. Locust Street [Tax Lots 1600 and 1910 of Tax Map 3-1E-33DD].

We would appreciate your reviewing the enclosed application and returning your comments by **October 10, 1995 PLEASE**. The Planning Commission plans to consider this application on October 23, 1995. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

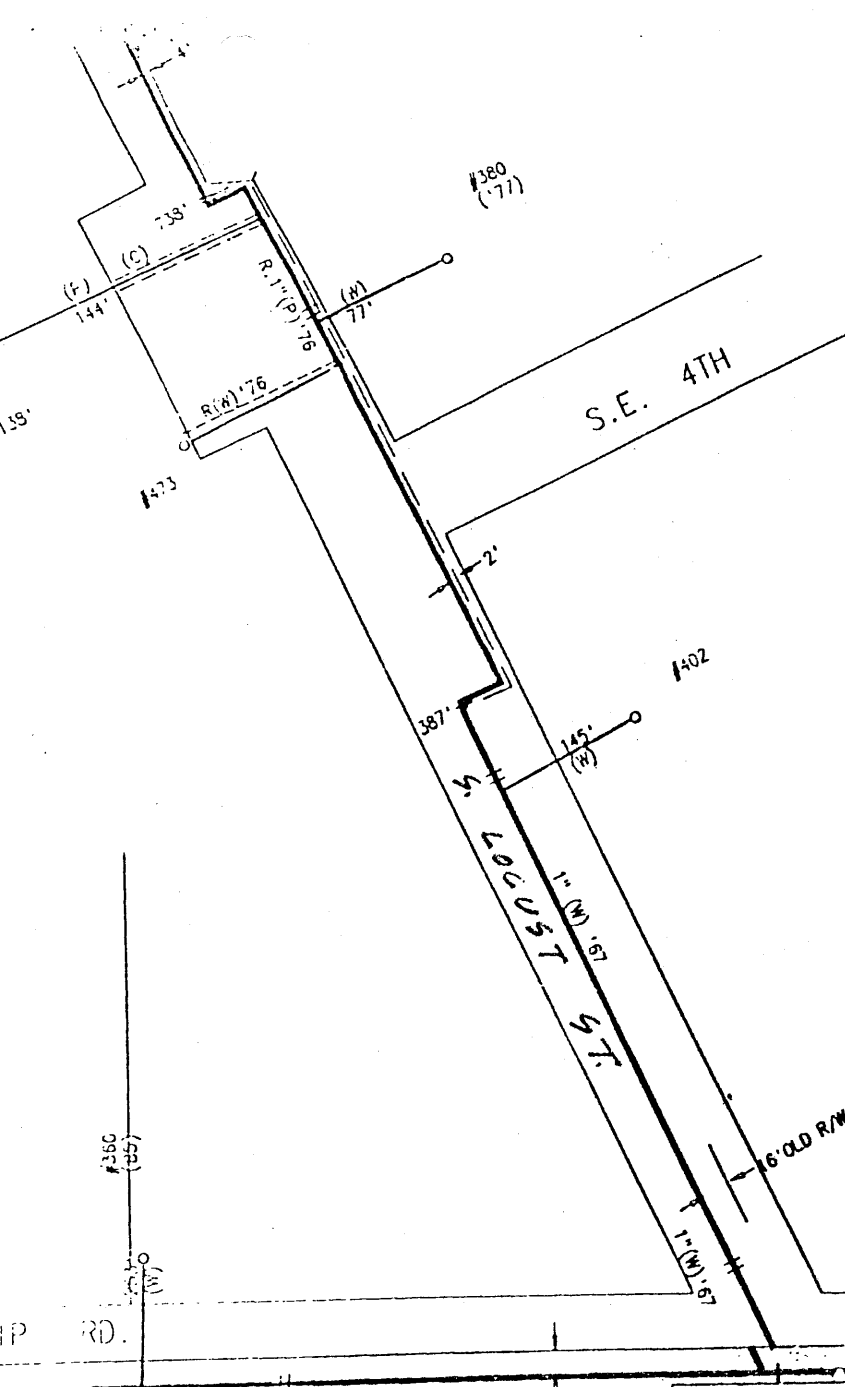
Please check one box:

- 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

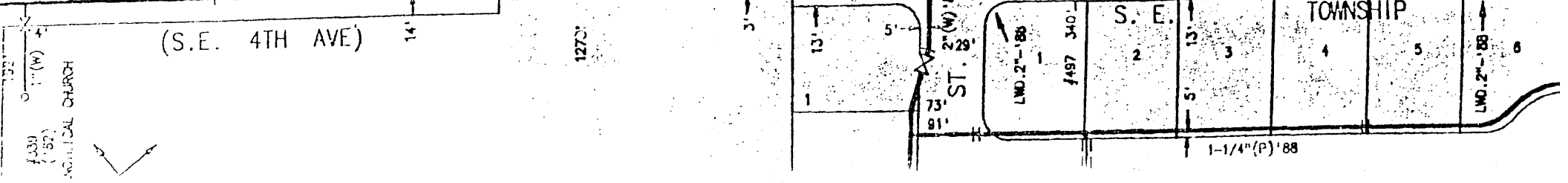
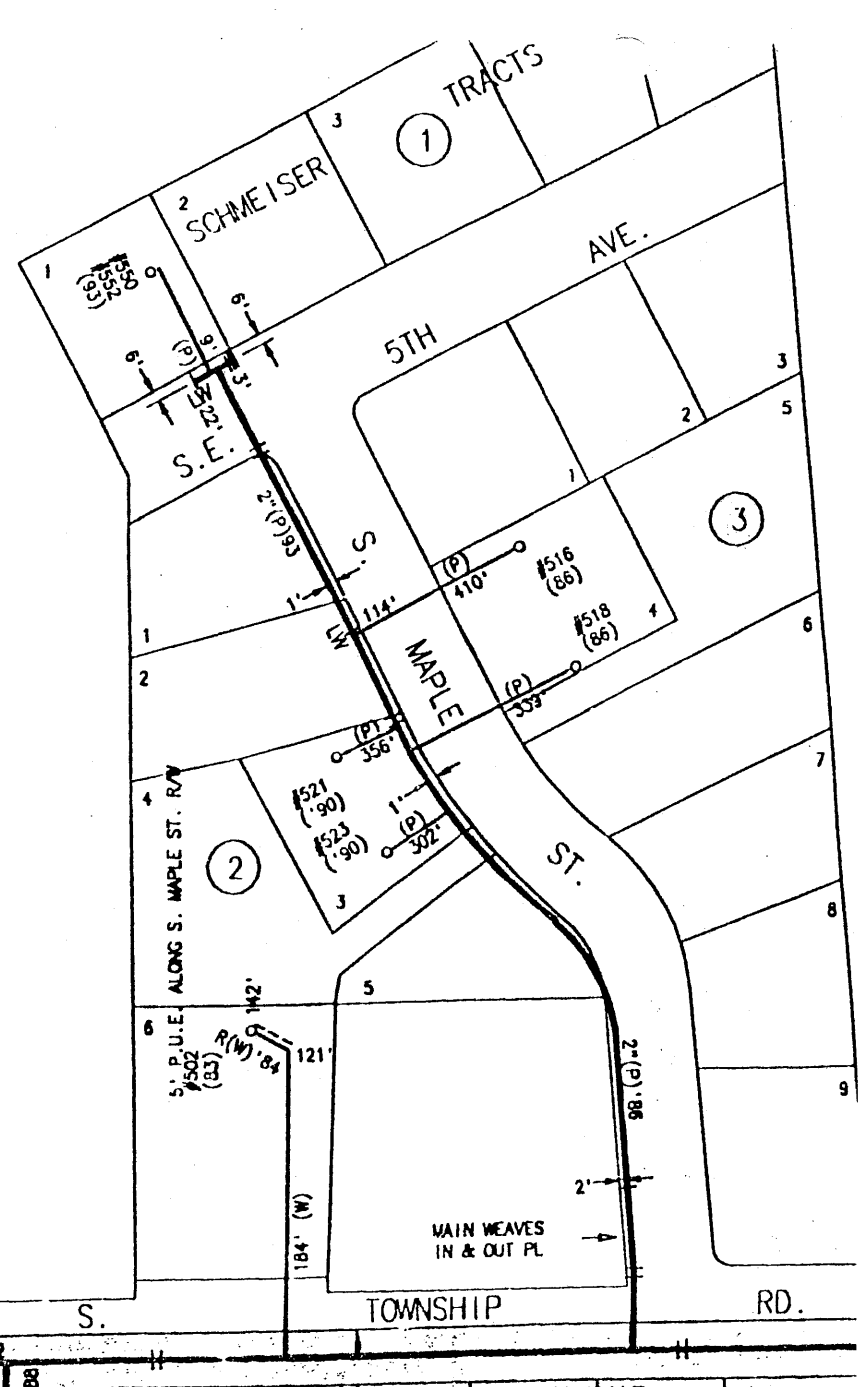
Signature: *Gary F. Hest* Date: 10/10/95

Agency: NW Natural Gas Title: Engineering F

TALKER	EXHIBIT
	<u>6</u>
	<u>7 pages</u>



66-28



PLEASE RETURN ATTACHMENTS!! RECEIVED

OCT 4 1995
@ 2:30 PM
OFFICE OF THE SUPERINTENDENT
CANBY SCHOOL DISTRICT

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: October 3, 1995

TO: FIRE, POLICE, CUB, TOM PIERSON/TODD SCHMIDT, NW NATURAL GAS, MIKE JORDAN, JOHN KELLEY,
ROY, STEVE, CURT McLEOD, SCHOOL DISTRICT, CLACKAMAS COUNTY

The City has received MLP 95-06/LLA 95-06, an application by Donald Eby [applicant and owner] for approval to adjust the eastern property line and to partition the resultant 34,135 square foot parcel into three parcels, 22,550 square feet, 6,109 square feet, and 5,476 square feet, respectively. The site is located on the northeast corner of S.E. Township Road and S. Locust Street [Tax Lots 1600 and 1910 of Tax Map 3-1E-33DD].

We would appreciate your reviewing the enclosed application and returning your comments by **October 10, 1995 PLEASE**. The Planning Commission plans to consider this application on October 23, 1995. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

Please check one box:

- 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: Stephen Mills Date: 10-4-95
Agency: Canby Sch. Dist. Title: Super

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: October 3, 1995

TO: FIRE, POLICE, CUB, TOM PIERSON/TODD SCHMIDT, NW NATURAL GAS, MIKE JORDAN, JOHN KELLEY,
ROY, STEVE, CURT McLEOD, SCHOOL DISTRICT, CLACKAMAS COUNTY

The City has received MLP 95-06/LLA 95-06, an application by Donald Eby [applicant and owner] for approval to adjust the eastern property line and to partition the resultant 34,135 square foot parcel into three parcels, 22,550 square feet, 6,109 square feet, and 5,476 square feet, respectively. The site is located on the northeast corner of S.E. Township Road and S. Locust Street [Tax Lots 1600 and 1910 of Tax Map 3-1E-33DD].

We would appreciate your reviewing the enclosed application and returning your comments by **October 10, 1995 PLEASE**. The Planning Commission plans to consider this application on October 23, 1995. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

By adjusting the property line that is OK. IF THIS
IS APPROVED, THEN CONDITIONS WILL NEED TO BE MET.
SEWER LATERAL CONSTRUCTION. STORM CONSTRUCTION ON TOWNSHIP
TREES REMOVED ALONG TOWNSHIP FOR CURB + SIDEWALK
PROCEEDING EAST FROM S. LOCUST ACROSS PARCEL 1 + 2.
ALSO BUILD AN ADA RAMP AT LOCUST + TOWNSHIP.

Please check one box:

- 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: Don Eby

Date: Oct. 2 1995

Agency: City of Canby

Title: Public Works Supervisor

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: October 3, 1995

TO: FIRE, POLICE, CUB, TOM PIERSON/TODD SCHMIDT, NW NATURAL GAS, MIKE JORDAN, JOHN KELLEY, ROY, STEVE, CURT McLEOD, SCHOOL DISTRICT, CLACKAMAS COUNTY

The City has received MLP 95-06/LLA 95-06, an application by Donald Eby [applicant and owner] for approval to adjust the eastern property line and to partition the resultant 34,135 square foot parcel into three parcels, 22,550 square feet, 6,109 square feet, and 5,476 square feet, respectively. The site is located on the northeast corner of S.E. Township Road and S. Locust Street [Tax Lots 1600 and 1910 of Tax Map 3-1E-33DD].

We would appreciate your reviewing the enclosed application and returning your comments by **October 10, 1995 PLEASE**. The Planning Commission plans to consider this application on October 23, 1995. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

Please check one box:

- 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: RON YARBROUGH

Date: 10-5-95

Agency: CANBY FD #62

Title: FIRE MARSHAL

OCT - 4 1995

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: October 3, 1995

TO: FIRE, POLICE, CUB, TOM PIERSON/TODD SCHMIDT, NW NATURAL GAS, MIKE JORDAN, JOHN KELLEY, ROY, STEVE, CURT McLEOD, SCHOOL DISTRICT, CLACKAMAS COUNTY

The City has received MLP 95-06/LLA 95-06, an application by Donald Eby [applicant and owner] for approval to adjust the eastern property line and to partition the resultant 34,135 square foot parcel into three parcels, 22,550 square feet, 6,109 square feet, and 5,476 square feet, respectively. The site is located on the northeast corner of S.E. Township Road and S. Locust Street [Tax Lots 1600 and 1910 of Tax Map 3-1E-33DD].

We would appreciate your reviewing the enclosed application and returning your comments by **October 10, 1995 PLEASE**. The Planning Commission plans to consider this application on October 23, 1995. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

Please check one box:

- 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: Curt McLeod Date: 10-4-95
 Agency: CONTRACT ENGINEER Title: _____

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: October 3, 1995

TO: FIRE, POLICE, CUB, TOM PIERSON/TODD SCHMIDT, NW NATURAL GAS, MIKE JORDAN, JOHN KELLEY, ROY, STEVE, CURT McLEOD, SCHOOL DISTRICT, CLACKAMAS COUNTY

The City has received MLP 95-06/LLA 95-06, an application by Donald Eby [applicant and owner] for approval to adjust the eastern property line and to partition the resultant 34,135 square foot parcel into three parcels, 22,550 square feet, 6,109 square feet, and 5,476 square feet, respectively. The site is located on the northeast corner of S.E. Township Road and S. Locust Street [Tax Lots 1600 and 1910 of Tax Map 3-1E-33DD].

We would appreciate your reviewing the enclosed application and returning your comments by **October 10, 1995 PLEASE**. The Planning Commission plans to consider this application on October 23, 1995. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

Please check one box:

- 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: Jerry Weger Date: 10-3-95
Agency: Police Dept. Title: Police Chief