

# **A G E N D A**

## **CANBY PLANNING COMMISSION REGULAR MEETING City Council Chambers Monday, June 14, 1993**

**7:30 p.m.**

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**I. ROLL CALL**

**II. MINUTES**

April 26, 1993  
May 10, 1993

**III. CITIZEN INPUT ON NON-AGENDA ITEMS**

**IV. COMMUNICATIONS**

**V. FINDINGS**

**VI. COMMISSION DISCUSSION OF PLANNING ISSUES**

**VII. NEW BUSINESS**

**VIII. PUBLIC HEARINGS**

SUB 93-02, an application by Valley Farms Partnership for approval to develop a 20-lot subdivision, Valley Farms, Phase 3. The property is located on the north side of S.E. 13th Avenue, east of S. Ivy Street (Tax Lot 1900 of Tax Map 4-1E-3).

LLA 93-03, an application by Ronald Tatone for approval of a lot line adjustment combining the area south of Tax Lot 309 [part of Tax Lot 316] with Tax Lot 310, and the area south of Tax Lots 303 and 304 [also parts of Tax Lot 316] added to those respective lots, as previously approved. The property is located at the northern end of N.W. Baker Street, north of N.W. 9th Avenue (Tax Map 3-1E-32A).

MLP 93-01, an application by Donald K. Eby (owner) and Michelle Lindig (applicant) for approval to partition a 16,597 square foot parcel into two parcels, and create a 12 foot deeded access in addition to and together with the proposed westerly parcel. The parcel is located on the west side of S. Locust Street, north of S.E. Township Road (Tax Lot 3600 of Tax Map 3-1E-33DC), also known as 357 S. Locust Street.

**IX. DIRECTOR'S REPORT**

**X. ADJOURNMENT**

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The City of Canby Planning Commission welcomes your interest in these agenda items. Please feel free to come and go as you please.

Kurt Schrader, Chair  
Linda Mihata, Vice-Chair  
Tamara Maher  
Bob Gustafson

Henry Fenske  
Wade Wiegand  
Stan Elliot

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**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 at the beginning of the hearing.*

*Unless there is a continuance, if a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven (7) days after the hearing.*



## MEMORANDUM

**TO:** *Planning Commission*

**FROM:** *Linda Mihata/Bob Hoffman*

**RE:** *Trees*

**DATE:** *June 2, 1993*

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Linda Mihata and Bob Hoffman met on May 20, 1993 and discussed the next steps, with regard to Tree planning.

### *Conclusions/Recommendations*

1. **Regarding Subdivisions:** Our current Tree Ordinance and Subdivision Ordinance can be a basis for requiring trees in new subdivisions with minimal change (see attachment). We should start on any new subdivisions. Township Village is an 11-phase subdivision. We have currently approved Phase V. Perhaps we should give them a warning, and then require trees in the next phase.
2. **Otherwise, the City should do a Tree Plan:** Activate Planning Commission Tree Committee. Elements could include, but not be limited to:
  - Protect groves of trees
  - Strengthen partition section of Development Code to require tree plantings
  - Protect "significant trees," e.g. Salem, Forest Grove, West Linn
  - Separate lots - new homes should place trees if appropriate location can be found, at the discretion of the Planning Director or City Forester
  - City-sponsored Planting Program including:

- a. high priority locations
- b. tree nursery on City-owned land (e.g., cemetery, CUB site near the Molalla, City Shop or Treatment Plant excess sites)
- c. tree lottery for streets which apply.
- d. City to plant trees

- Do resident-interest surveys
- Develop funding strategies (federal, State, private)
- Tree condition surveys
- Promote "Urban Forestry Program" - arborist can assist
- Define methods to avoid conflicts with utilities and signs
- Other

10. Where dedicated or undedicated open space proposed or provided, it shall be the subdividers responsibility to provide standard public improvements to and through that open space.

#### C. Streets.

1. All streets, including alleys, within the subdivision and streets adjoining, but only partially within the subdivision shall be improved.

2. All public streets shall be constructed to city standards for permanent street and alley construction. Catchbasins and dry wells shall be installed and interconnected to provide drainage as may be required by the city engineer. Upon completion of the street improvement, monuments shall be reestablished and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street centerlines as required by Oregon Revised Statutes Chapter 92.

3. Prior to city approval of the final subdivision plat, all perimeter and back lot line monumentation shall be installed and the installation of the front lot monumentation (along and within street rights-of-way) shall be guaranteed. Any monuments destroyed during improvement installation shall be replaced at the developer's expense.

#### D. Surface Drainage and Storm Sewer System.

1. Drainage facilities shall be provided within the subdivision and to connect the subdivision to drainageways or storm sewers outside the subdivision, if necessary, as determined by the city engineer.

2. Capacity, grade and materials shall be by a design approved by the city engineer. Design of drainage within the subdivision shall take into account the location, capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such area. In addition to normal drainage design and construction, provisions shall be made to handle any drainage from preexisting subsurface drain tile. It shall be the design engineer's duty to investigate the location of drain tile and its relation to public improvements and building construction.

E. Sanitary Sewers. Sanitary sewers shall be

installed to serve the subdivision and to connect the subdivision to existing mains. In the event it is impractical to connect the subdivision to the city sewer system, the commission may authorize the use of septic tanks if lot areas are adequate, considering the physical characteristics of the area. The commission may require the subdivider to install and seal sewer lines to allow for future connection to the city system.

F. Water System. Water lines and fire hydrants serving the subdivision and connecting the subdivision to city mains shall be installed to the satisfaction of the supervisor of the water department and the fire marshal.

G. Sidewalks. Sidewalks shall be required on both sides of a public street and in any special pedestrian way within the subdivision, except that in the case of identified arterials, or industrial districts, the commission may approve a subdivision without sidewalks if alternative pedestrian routes are available. Sidewalk construction may be postponed until the actual construction of buildings on the lots, provided that adequate assurance is given that such sidewalks will be installed.

H. Bicycle Routes. If appropriate to the extension of a system of bicycle routes, existing or planned, the commission may require the installation of bicycle lanes within streets or the construction of separate bicycle paths.

I. Street Name Signs. Street name signs shall be installed at all intersections according to city standards or deposit made with the city of an amount equal to the cost of installation.

J. Street Lighting System. Streetlights shall be required to the satisfaction of the manager of the Canby Utility Board.

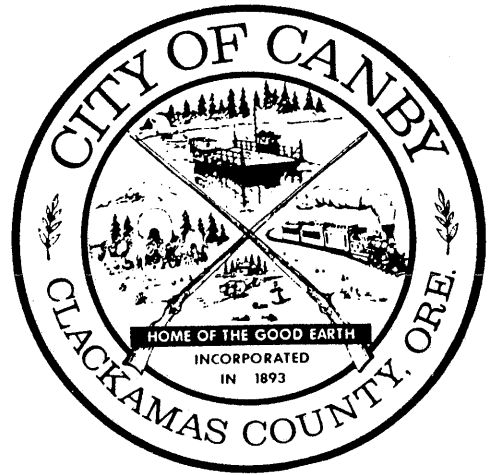
#### K. Other Improvements.

1. Curb cuts and driveway installation are not required of the subdivider but, if installed, shall be according to city standards.

2. Street tree planting is not required of the subdivider ~~but, if planted,~~ <sup>AND</sup> shall be according to city requirements and of a species compatible with the width of the planting strip. (see Ord. 852 TREE Ord) ✓

3. The developer shall make necessary arrangements with utility companies or other persons, or corporations affected, for the installation

# **- STAFF REPORT -**



**APPLICANT:**

Mark Keysboe  
P.O. Box 426  
Wilsonville, OR 97070

**FILE NO.:**

SUB 93-02  
(Valley Farms Phase III)

**OWNER:**

Valley Farms Partnership  
722 Main St., Suite D  
Oregon City, OR 97045

**STAFF:**

James S. Wheeler  
Assistant Planner

**LEGAL DESCRIPTION:**

Tax Lot 1900 of  
Tax Map 4-1E-3A

**DATE OF REPORT:**

June 4, 1993

**LOCATION:**

North side of S.E. 13th Avenue  
east of S. Ivy Street

**DATE OF HEARING:**

June 14, 1993

**COMP. PLAN DESIGNATION:**

Low Density Residential

**ZONING DESIGNATION:**

R-1 (Low Density Residential)

**I. APPLICANT'S REQUEST:**

The applicant is requesting approval for the third and final phase (20 lot) of a three-phase subdivision.

## **II. APPLICABLE CRITERIA:**

### **A. City of Canby Code Section 16.62.020**

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

- 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.

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

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

- 16.16 R-1 Low Density Residential Zone
- 16.60 Major and Minor Partitions (Subdivisions)  
(especially 16.64, Subdivision Design)
- 16.86 Street Alignment
- 16.88 General Standards

## **III. FINDINGS:**

### **A. Background and Relationships**

The subject parcel is located on the north side of S.E. 13th Avenue, east of S. Ivy Street. The proposal is phase three of a three phase subdivision, and will subdivide the subject parcel into 20 lots.

Phase I, 10.6 acres and 43 lots, was subdivided in 1992 (SUB 92-02). Phase II (SUB 93-01), approximately 9.7 acres and 42 lots, is still going through the final plat subdivision process. The Final Order for Phase I was approved 8/10/92, and the Final Order for Phase II was approved 4/26/93.

B. Comprehensive Plan Consistency Analysis

i. *Citizen Involvement*

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

ANALYSIS

The notification process and public hearing are a part of the compliance with the adopted policies and process pertaining to Citizen Involvement.

ii. *Urban Growth*

- **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.

ANALYSIS

The property is entirely within the Urban Growth Boundary. It fully meets the intent of Canby's Goals and Policies regarding the Comprehensive Plan Urban Growth Chapter.

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.

### ANALYSIS

The parcel is zoned R-1, Low Density Residential and is proposed to be developed with single family residential structures. The Comprehensive Plan land use designation of the subject parcel is Low Density Residential, which is consistent with the zoning and the proposed development. The development pattern of the proposed subdivision is similar to that of surrounding residential developments.

The uses that immediately surround the proposed development include agriculture to the east and south, silviculture to the west (with plans for future residential development), and rural residential and agriculture to the north. All surrounding land is within the urban growth boundary and is planned for eventual residential development. The proposed development is similar in density to that of nearby residential development.

Policy 3 states that public facilities and services should not be overburdened by the proposed development. The city's sewer treatment plant is currently undergoing expansion construction, and a new sewer main is under construction along S. Pine Street to S. Redwood Street, from 99-E to the subject parcel. A new elementary school is expected to be opened the fall of 1993, and the junior high school and the high school are also currently undergoing major expansion construction.

*iv. Environmental Concerns*

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

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

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

- |             |  |
|-------------|--|
| 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 #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.                                   |

## ANALYSIS

The site has Latourell loam soil. There has been farming of the area in the past. There are no known soil problems related to urban type development. Canby's storm and sanitary sewer procedure will provide protection for ground water and surface water. Drywells are proposed.

Building, health and other Code regulations will protect against other types of pollution. The development ordinance will provide review of buildings, and encourage preservation of some measure of open space, where appropriate.

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

### ANALYSIS

This phase will provide the final connection of S. Redwood Street between Township Road and S.E. 13th Avenue. The extension of S.E. 10th Avenue from Township Village Phase V to S. Redwood Street is also proposed for this phase. The right-of-way width for S. Redwood Street is proposed to be fifty (50) feet and the right-of-way width for S.E. 10th Avenue is proposed to be forty (40) feet.

As a part of Phase I, the developer has made a contribution to the City for the improvement of the intersection of S. Ivy Street and S.E. 13th Avenue. The contribution included the anticipated development of Phases II and III. Therefore, contributions to help alleviate anticipated traffic impacts from this development on the intersection have been accounted for.

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

### ANALYSIS

Electric, water, gas and phone service providers have indicated that servicing this subdivision is possible and will not be difficult.

The water and sewer lines have already been approved to be constructed down the proposed S. Redwood Street right-of-way to serve Phases I and II. The water line in S. Redwood Street will be 8" and the sewer line will be 12". Both services are proposed to be extended for S.E. 10th Avenue. For S.E. 10th Avenue, the water line is proposed to be 6" and the sewer line is proposed to be 8". The sewer will be connected to the main in S. Redwood Street. The completion date is expected to be this summer.

The Parks Plan has designated an area to the east of this property for a future park. The new Trost Elementary School site located to the northeast of this site will be on a twenty (20) acre site which is sufficient to provide for recreational activity. This site is easily accessible for the proposed subdivision. The Township Village project immediately to the west has dedicated six acres of land for park purposes to be used in conjunction with the recreational facilities existing with the public schools on adjoining land. Parks Systems Development Fees will be required of all homes built within this subdivision project, and will therefore contribute their "fair share" to the City's development of parks and open space.

#### *vii. Economic*

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

### ANALYSIS

This application will not directly affect the economic base of the City. The land has not been planned for economic development, or any other development that would directly affect the economic base of the City. 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.

*viii. Housing*

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

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

This subdivision will provide an opportunity for 105 single family units of housing, since it is zoned R-1. This phase (phase 3) will provide 20 single family residential lots ranging in size from 7,000 square feet to 12,100 square feet.

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

### ANALYSIS

Recently constructed housing will have increased standards for energy efficiency. Of the 20 lots proposed, at least 16 lots will meet the Solar Access Ordinance basic requirements (80%). Phase 3 meets the requirements of the Solar Access Ordinance.

**C. Conclusion Regarding Consistency with the Policies of the Canby Comprehensive Plan and Compliance with Other Applicable City Ordinances:**

Review of the above analysis will show that the proposed subdivision is consistent with the policies of the Comprehensive Plan. Development of each 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.

**D. Conformance with Applicable Requirements of the Land Development and Planning Ordinance**

**16.64.010 Streets.**

The width of the street right-of-ways, forty (40) feet for S.E. 10th Avenue and fifty (50) feet for S. Redwood Street, are appropriate. The proposed street names are in accordance with the street naming ordinance.

The full connection of S. Redwood from this subdivision phase to the school property to the north requires some off-site construction. S. Redwood Street is a minor collector and its function will be to funnel local traffic to both Township Road (a major collector) and S.E. 13th Avenue (an arterial road). The connection is necessary to provide a functional road connecting Township Road and S.E. 13th Avenue. This off-site construction will be a requirement of this subdivision phase. The applicant can apply for advance financing for the off-site improvements required.

No cul-de-sacs are proposed and the connections to the east, north, and south are provided for by the proposed streets. The lot layout is such that the addressing scheme will not be difficult.

#### **16.64.020 Blocks.**

Generally, the block designs, sizes, topography, lengths, and shapes are well suited to the site and provide an adequate framework for lot design.

#### **16.64.030 Easements.**

Six foot utility easements will need to be along all interior lot lines. The interior property lines of the lots along the east and north exterior lines of this phase will need to have a six foot permanent utility easement with an additional six feet of temporary utility easement. The additional six foot utility easement will automatically drop upon development of land adjacent to that interior lot line. Twelve foot utility easements will be needed along all other exterior lot lines.

The applicant is proposing to have the sidewalks constructed 2.5 feet behind the curb. A restriction against covering the 2.5 foot strip of land between the sidewalk and curb with non-vegetative matter will be necessary. Because of the relatively narrow aspect of the strip of land between the sidewalk and the curb, some homeowners have deemed it easier to "landscape" the strip with concrete or mulch instead of vegetation. The Planning Commission finds this practice unacceptable in light of the overall appearance of the subdivision, therefore requiring a restriction against this practice when a relatively small sidewalk setback is proposed (such as 2.5 feet).



**16.64.040 Lots.**

The lots will range in size from 7,000 square feet to 12,100 square feet. All lots will meet the minimum required area of 7,000 square feet, and will be of such dimensions as not to preclude development with single-family homes for reasons of insufficient room for required setbacks. All lots are at least 60 feet in width for interior lots and at least 65 feet for corner lots. There are two lots (97 and 98) that are narrow relative to their depth. These dimensions are resultant from the alignment of S.E. 10th Avenue. The alignment, as proposed, is necessary to make the necessary connection to the alignment of S.E. 10th Avenue in the Township Village subdivision project. While the two lots may be relatively narrow, they meet the minimum requirements and will be functional.

**16.64.050 Public Open Spaces.**

The Parks Plan has designated an area to the east of this property for a future park. The Township Village project immediately to the west has dedicated six acres of land for park purposes to be used in conjunction with the recreational facilities existing with the public schools on adjoining land. Parks Systems Development Fees will be required of all homes built within this subdivision project, and will therefore contribute their "fair share" to the City's development of parks and open space. The elementary school under construction, Trost Elementary, to the northeast on a twenty (20) acre site will have space for some recreational activity.

**16.64.070 Improvements.**

A bond will be required for any improvements in the subdivision that are not completed prior to the signing of the final plat. Such agreement of assurance shall be in conformance with Paragraph (O) of Section 16.64.070 of the Land Development and Planning Ordinance.

- E. Design and Lot Arrangement - The Overall design shall be functional in terms of sites, utility easements and access, without hindering adjacent development.**

The layout and provision of services to the proposed subdivision has been described by staff in detail in the preceding section (D). The design and arrangement of the lots and streets are functional.

#### **IV. CONCLUSION**

In general, the proposed subdivision is consistent with the Comprehensive Plan, all applicable requirements of the Land Development and Planning Ordinance, and the overall design and arrangement of lots is functional and will not unduly hinder use or development of adjacent properties. Conditions are proposed herein to provide the necessary changes and details required to meet the City's standards for subdivisions.

#### **V. RECOMMENDATION**

Based on the application, site plan, the facts, findings and conclusions presented in this report, and without benefit of public testimony, staff recommends that the Planning Commission approve, with conditions, SUB 93-02 (Valley Farms Phase III). The following conditions shall apply:

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

1. Utility easements shall be provided. Exterior lines of the subdivision adjacent to other developments with easements, and easements along all interior lot lines, are to be six (6) feet wide off of each lot, for a total of twelve (12) feet. Exterior lines of the subdivision that are not adjacent to other developments with easements, are to be six (6) feet wide with an additional temporary six (6) feet, for a total of twelve (12) feet. The additional six feet shall be in effect until the adjoining land is developed with utility easements. The final plat shall provide for this reduction once the adjacent easement becomes available.
2. The final plat shall reference this land use application - City of Canby, File No. SUB 93-02, 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 requested subsequent to the date of this approval.
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 his authorized Deputy, including, but not necessarily limited to, various matters related to land surveying, land title, plat security, and plat recordation.

4. A restriction against covering the 2.5 foot strip of land between the sidewalk and curb with non-vegetative matter shall be placed on the final plat.

**As a part of construction:**

5. Any necessary utilities shall be constructed to the specifications of the utility provider.
6. Street name and traffic control signs shall be provided at the developer's expense. This shall include "Stop" street signs where required by the Director of Public Works.
7. Erosion-control during construction shall be provided by following the recommendations of the "Erosion Control Plans Technical Guidance Handbook," by Lori Faku and Rick Raety, dated November 1989, as revised (currently January, 1991).
8. S. Redwood Street shall be constructed to its full width from the terminus of Phase II to the Trost Elementary School property to the north. This includes off-site improvements and Advanced Financing for these off-site improvements may be applied for.
9. Storm water drainage and design for the subdivision shall be approved by the Director of Public Works.
10. The design and construction of the sewer system for the subdivision shall be approved by the Director of Public Works.

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

11. 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.

**After construction:**

12. "As-built" drawings shall be submitted to the City within sixty (60) days of completion.

**Exhibits:**

1. Application
2. Vicinity Map
3. Tentative Plat (*too large to reproduce*)
4. Responses to Request for Comments

**SUBDIVISION APPLICATION**

Fee: \$600 + \$20/lot

**OWNER**

**APPLICANT**

Name Valley Farms Partnership

Name Mr. Mark Keysboe

Address 722 Main St. Suite D

Address P.O. Box 426

City Oregon State OR Zip 97045

City Wilsonville State OR Zip 97070

SIGNATURE [Signature]

Phone: 1 656-0513

**DESCRIPTION OF PROPERTY:**

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

**Legal Description, Metes and Bounds (Attach Copy)**

Plat Name Valley Farms 1 Lot 44 Block Northerly 250 Feet.

**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 an 8-1/2 x 11 sheet of labels*, just as you would address an envelope.

**USE**

Existing Vacant

Proposed Single Family Residential

Existing Structures None

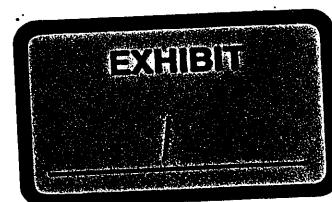
**PROJECT DESCRIPTION**

Applicant proposes the third phase of a three phase development consisting of 20 single family residential lots. See the tentative plat for additional detail and narrative.

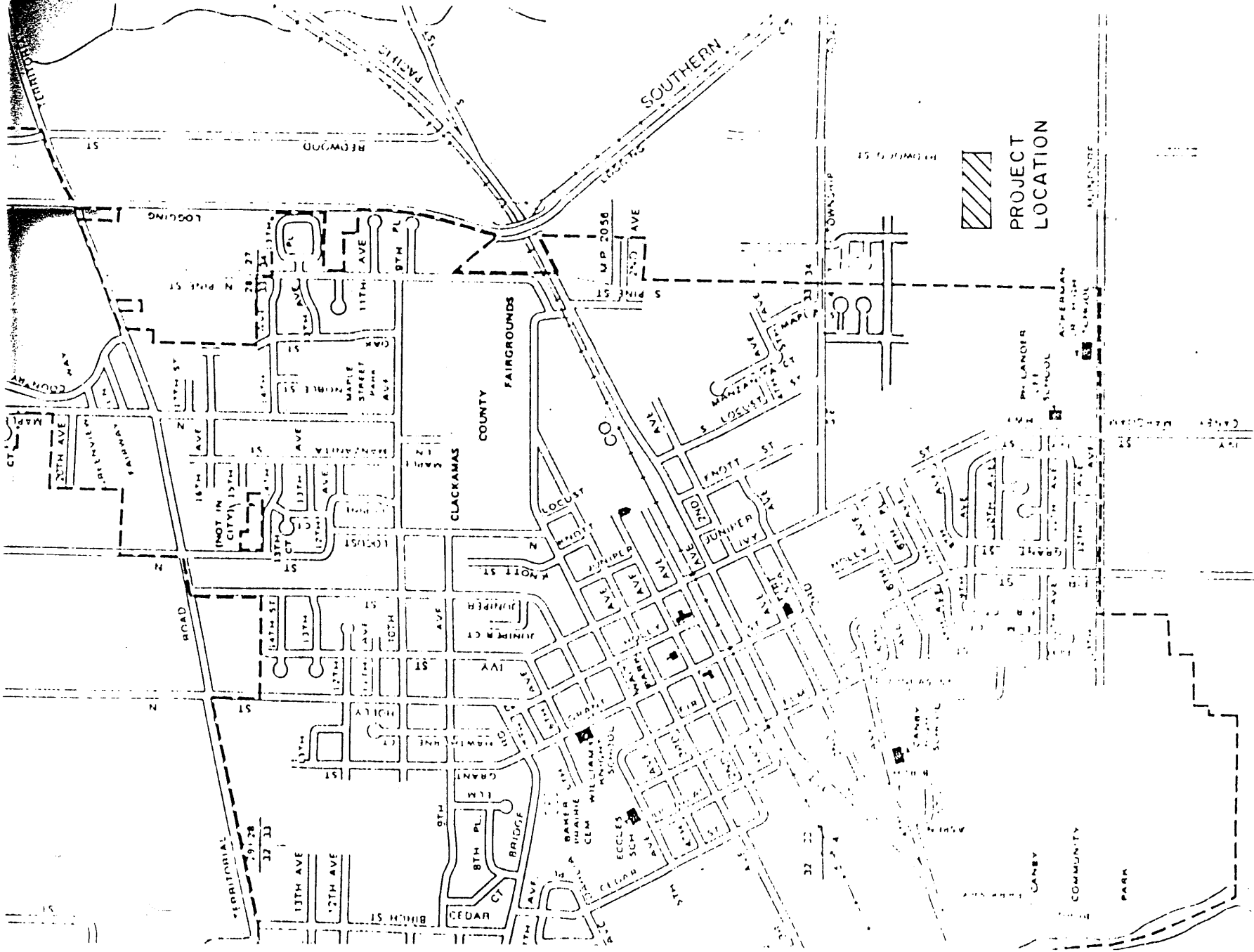
ZONING R-1 COMPREHENSIVE PLAN DESIGNATION R-1

PREVIOUS ACTION (if any) Annexation, Phase 1 & Phase 2

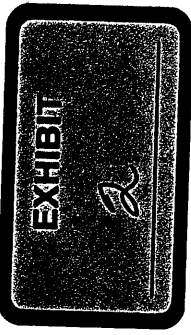
File No. SUB 93-02  
Receipt No. 2290  
Received by ASW  
Date Received 5/17/93  
Completeness Date \_\_\_\_\_  
Pre-App Meeting \_\_\_\_\_  
Hearing Date 6/14/93



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



CANBY, OREGON



# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

99  
6/3/93

DATE: May 18, 1993

TO: CUB, PUBLIC WORKS, FIRE, POLICE, (SEWER) HIGH SCHOOL AND ELEMENTARY SCHOOL, TOM PIERSON (TELEPHONE CO.) TODD SCHMIT (NW TELECOM), GARY HYATT (NW NAT. GAS), MIKE JORDAN, JOHN KELLY

The City has received SUB 93-02, an application by Valley Farms Partnership for approval to develop a 20-lot subdivision, Valley Farms - Phase 3. The property is located on the north side of S.E. 13th Avenue, east of S. Ivy Street (Tax Lot 1900 of Tax Map 4-1E-3).

We would appreciate your reviewing the enclosed application and returning your comments by May 28, 1993 PLEASE. The Planning Commission will consider this application on June 14, 1993. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

*Check with Ray Heste for Sewer line capacity*

- 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

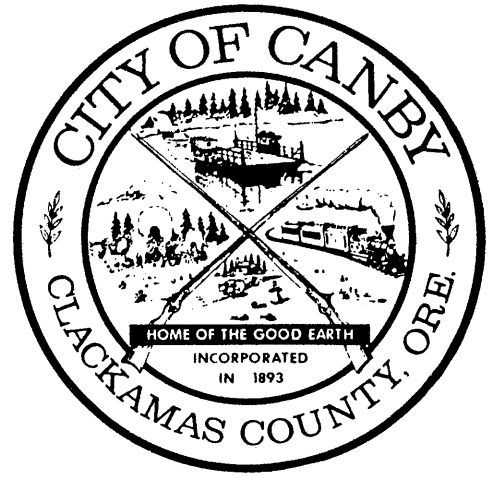


Signature: \_\_\_\_\_ Date: \_\_\_\_\_





# **- STAFF REPORT -**



## **APPLICANT:**

Ronald G. Tatone  
P.O. Box 114  
Canby, OR 97013

**FILE NO.:**  
LLA 93-03

## **OWNER:**

Ronald G. Tatone/Gloria J. Ives  
Mr. and Mrs. Hamstreet  
Mr. and Mrs. Nerenberg  
% P.O. Box 114  
Canby, OR 97013

## **STAFF:**

Robert G. Hoffman, AICP  
Planning Director

## **LEGAL DESCRIPTION:**

Tax Lot 303, 304, 310, 316  
of Tax Map 3-1E-32A

## **DATE OF REPORT:**

June 4, 1993

## **LOCATION:**

984 N. Baker Street

## **COMP. PLAN DESIGNATION:**

Low Density Residential

## **ZONING DESIGNINATION:**

R-1 (*Low Density Resid.*)

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

The applicant is requesting approval to adjust the lot line between Tax Lot 316 and Tax Lots 303, 304, 310 of Tax Map 3-1E-32A. The application proposes to split Tax Lot 316 into three sections and adjoin the three sections to Tax Lots 303, 304, and 310. No parcel will remain of Tax Lot 316. Tax Lot 304 will receive approximately 7,838 square feet, tax lot 303 will receive approximately 4,947 square feet, and tax lot 310 will receive approximately 1,877 square feet. There will be a four (4) foot connection between Tax Lot 310 and the triangular portion of Tax Lot 316 which is proposed to be added to Tax Lot 310.

## **II. BACKGROUND AND RELATED INFORMATION**

The Commission previously approved Lillian's Meadow Subdivision with Tax Lot 316 a part of that subdivision. Subsequently, the owners of Tax Lot 303, 304 and 309 requested lot line adjustments (LLA 92-06) such that portions of Tax Lot 316 would be added to their respective lots. The Planning Commission approved that request. At this time, the final steps for filing the approved lot line adjustment have not been taken. All owners were not able to reach agreements regarding purchase of their respective portions of Tax Lot 316. Mr. Tatone then **informally** requested that the City approve adding the most northerly portion of Tax Lot 316 [a triangle] to either Tax Lot 310 or Tax Lot 303, instead of Tax Lot 309. The Commission denied this informal request, and stated that the applicant could reapply, should he wish to pursue either alternative. This application is the result. The Lillian's Meadow Subdivision originally approved by the City included Tax Lot 316, which was considered of sufficient size and shape, and with a twenty (20) foot driveway connection to N. Baker Street, which was considered to be adequate. It was expected to be developed, since it would be in excess of 14,660 square feet with a 100 foot depth.

## **III. APPLICABLE CRITERIA:**

This is a quasi-judicial land use application. In judging whether a Lot Line Adjustment should be approved, the City Planner and the Planning Commission must consider the following standards:

### **16.58.030 Review by Planner and Engineer**

The City Planner and City Engineer [and, if referred by the Planner, the Planning Commission] 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** [emphasis added] of this title, including the setback requirements of Division III. Except, however, that lot line adjustments are permitted on non-conforming lots and lots with non-conforming structures provided that the non-conforming 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 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.

**IV. OTHER APPLICABLE CRITERIA:**

- A. 16.16.030 Development Standards in R-1 Areas
- B. 16.56 General Provisions (for land divisions)  
[including 16.56.010(5) "To provide lots, parcels, and development sites of sufficient shape, size and character for the purpose for which they are used."]
- C. 16.58 Lot Line Adjustments
- D. 16.64.040 Lots (A). Size and Shape. "The lot size, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated."

**V. REVIEW FOR CONFORMANCE TO SECTION 16.58.030:**

- A. Setback and Yard Requirements

The lot located at 984 N. Baker Street will not remain as an individual lot upon completion of the proposed lot line adjustment. The lot will be adjoined to three lots located on N. Ash Street. There are no buildings located on the parcel (984 N. Baker Street). The resulting size and configuration of the three parcels receiving land will not be deficient in setback and yard requirements.

- B. No new lots or parcels will be created as a result of the lot line adjustment, and in reality, one lot will be removed (984 N. Baker Street).

- C. A survey is not required by the City of Canby.
- D. No additional building sites are being created. No hazardous locations have been identified.
- E. Size and Shape and Character - Tax Lot 310, as proposed, will be of an unusual, irregular shape, consisting of 13,442 square feet, and a triangular shape of 1,877 square feet, with a four (4) foot connection. The shape and character are **not** consistent with other lots in the area, and will not serve the intended use. The additions to Tax Lot 303 and 304 would result in regular useable lots, if approved.

## **VI. OTHER INFORMATION**

- A. 16.58.040 Approval procedure-City planner responsibility. This section states that "In any case where the city planner determines that a lot line adjustment will significantly alter the design and appropriate development of a subdivision or partition which has previously been approved by the city or other nearby property, the city planner shall schedule the application for consideration by the commission." It is the determination of the city planner that this lot line adjustment **will** significantly alter the design and appropriate development of the subdivision known as Lillian's Meadow, and other nearby property. The **shape** of the resultant Tax Lot 310, if this proposal is approved, will not be similar to other lots in the area and the four (4) foot connection between the two portions of Tax Lot 310, as proposed, will **not** be sufficient for the intended use, being residential.

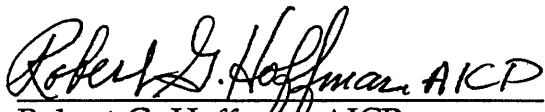
Since the Commission has previously reviewed the original adjustment, the City Planner is referring this application for Commission review.


## **VII. CONCLUSION**

Staff finds that the lot line adjustment request is **not** in conformance with the applicable approval criteria since shape and character requirements are not met.

**VIII. RECOMMENDATION:**

Without benefit of a public hearing, and based upon the findings and conclusions in this report, the information submitted by the applicant, and the additional information contained in the file, the City Planner recommends denial of the proposed Lot Line Adjustment (LLA 93-03).

  
\_\_\_\_\_  
Robert G. Hoffman, AICP  
City Planner

  
\_\_\_\_\_  
Roy Hester  
for Canby City Engineer

**Exhibits:**

1. Application
2. Vicinity Map/Lot Line Adjustment Map
3. Project Description

LOT LINE ADJUSTMENT APPLICATION

Fee: \$100.00

OWNER

APPLICANT

Name Ronald G. Tatone / Colovia Inc Name Ronald G. Tatone  
 Address 1127 W. Locust St. P.O. Box 114 Address PO Box 114  
 City Canby State OR Zip 97013 City Canby State OR Zip 97013  
 SIGNATURE Ronald G. Tatone Phone: 266-9542 Res 235-8795 BU

DESCRIPTION OF PROPERTY:

Tax Map 31E 32A Tax Lot(s) 316 Lot Size 14661 ft<sup>2</sup>  
 (Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)

Plat Name Lillian's Meadow Lot 2 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 an 8-1/2 x 11 sheet of labels, just as you would address an envelope.

USE

Existing Vacant / R-1  
 Proposed Combine with Contiguous Tax Lots

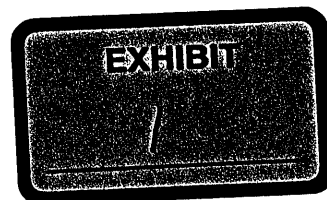
Existing Structures None

PROJECT DESCRIPTION

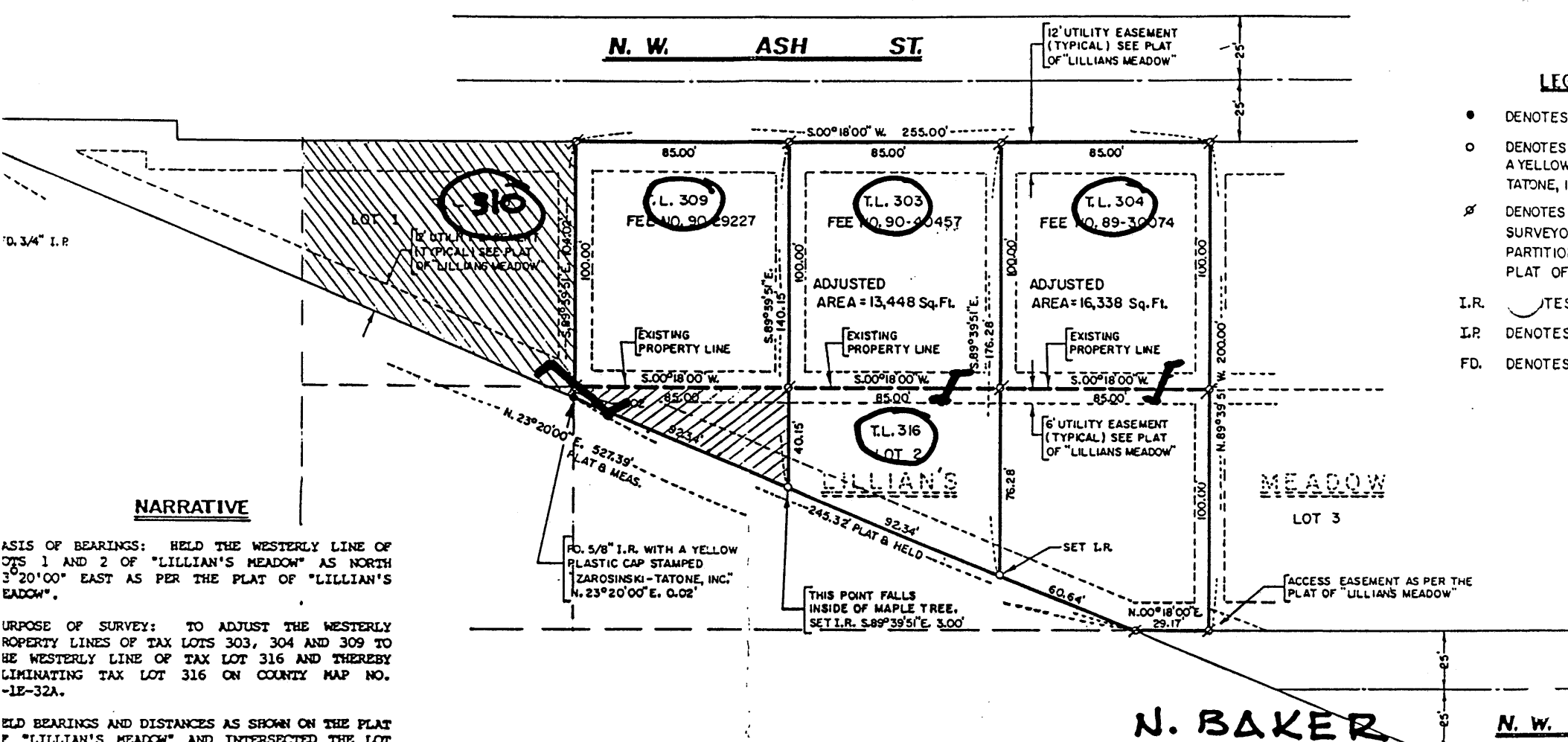
See attached Mission Statement

ZONING R-1 COMPREHENSIVE PLAN DESIGNATION R-1  
 PREVIOUS ACTION (if any) Approved / Denied

File No. LLA 93-03  
 Receipt No. 2295  
 Received by \_\_\_\_\_  
 Date Received \_\_\_\_\_  
 Completeness Date \_\_\_\_\_  
 Pre-App Meeting \_\_\_\_\_  
 Hearing Date \_\_\_\_\_



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



**LEG**

- DENOTES A YELLOW TATONE, IN
- DENOTES SURVEYOR PARTITION PLAT OF
- ⊗ DENOTES SURVEYOR PARTITION PLAT OF
- I.R. (circle) DENOTES
- I.P. DENOTES
- FD. DENOTES

**NARRATIVE**

**ASIS OF BEARINGS:** HELD THE WESTERLY LINE OF LOTS 1 AND 2 OF "LILLIAN'S MEADOW" AS NORTH  $3^{\circ}20'00''$  EAST AS PER THE PLAT OF "LILLIAN'S MEADOW".

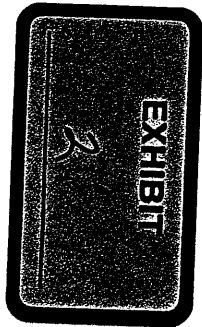
**PURPOSE OF SURVEY:** TO ADJUST THE WESTERLY PROPERTY LINES OF TAX LOTS 303, 304 AND 309 TO BE WESTERLY LINE OF TAX LOT 316 AND THEREBY ELIMINATING TAX LOT 316 ON COUNTY MAP NO. -1E-32A.

**FIELD BEARINGS AND DISTANCES AS SHOWN ON THE PLAT OF "LILLIAN'S MEADOW" AND INTERSECTED THE LOT LINES OF TAX LOTS 309 - 303 AND 303 - 304 WITH THE WESTERLY LINE OF TAX LOT 316, COUNTY MAP NO. -1E-32A.**

**NOTE:**

1. PROPERTY LINE ADJUSTMENT (LLA 92-06) APPROVED BY CITY PLANNING COMMISSION IN ACCORDANCE WITH CITY OF CANBY DEVELOPMENT CODE CHAPTER 16-58.
2. SURVEYED DECEMBER 15, 1992.

**VICINITY MAP**



PROJECT DESCRIPTION

BACKGROUND

Application for a lot line adjustment on the subject Tax Lot 316 (lot 2) Lillian's Meadow was heard by the Planning Commission in November 1992. The purpose of the application was to allow Tax Lots 303, 304 and 309 to extend their respective side line to the westerly boundary of Tax Lot 316 and include that area with their existing tax lot.

That application was approved by the Planning Commission.

The owner of Tax Lot 309 has expressed limited interest in the area initially proposed to be combined with Tax Lot 309.

This action prompted an alternate lot line adjustment request to allow that portion lying west of Tax Lot 309 be combined either with Tax Lot 303 or Tax Lot 310.

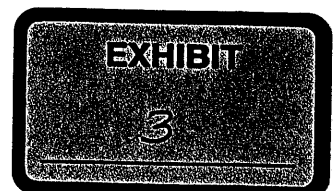
Planning Commission at their April 26 meeting denied this alternate.

A meeting was held with the owners of Tax Lots 303, 304, 309 and the applicant Monday, May 3, 1993. A discussion of the Planning Commission denial was discussed.

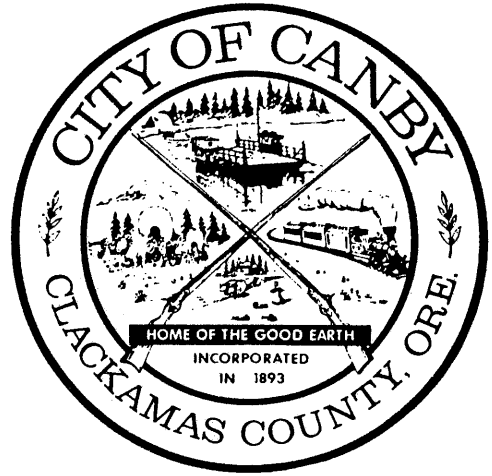
The owners agreed to re apply for the lot line adjustment with the modification affecting Tax Lots 309 and 310.

The owners of Tax Lots 303, 304, 309, 310 and 316 agreed unanimously to re apply for property line adjustment.

This application requests that the area south of Tax Lot 309 be combined with Tax Lot 310. The area south of Tax Lot 303 and 304 would be the same as the initial application.







## **- STAFF REPORT -**

**APPLICANT:**

Michelle Lindig  
357 S. Locust  
Canby, OR 97013

**FILE NO.:**

MLP 93-01

**OWNER:**

Donald K. Eby  
2069 Country Club Rd.  
Canby, OR 97013

**STAFF:**

James S. Wheeler  
Assistant Planner

**LEGAL DESCRIPTION:**

Tax Lot 3700 of Tax Map 3-1E-33DC

**DATE OF REPORT:**

June 4, 1993

**LOCATION:**

357 S. Locust Street  
west side of S. Locust Street

**DATE OF HEARING:**

June 14, 1993

**COMP. PLAN DESIGNATION:**

High Density Residential

**ZONING DESIGNINATION:**

R-2 (Medium Density Residential)

**I. APPLICANT'S REQUEST:**

The applicant is requesting approval to partition a 16,597 square foot parcel into two parcels, 7,058 square feet and 8,460 square feet (with 1080 square feet of access), respectively.

182 N. Holly, P.O. Box 930, Canby, Oregon 97013, (503) 266-4021

## **II. APPLICABLE CRITERIA:**

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. No minor partitions shall be approved 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.

## **III. OTHER APPLICABLE CRITERIA**

- A. 16.20.030 Development Standards in R-2 Areas
- B. 16.56 General Provisions (for land divisions)
- C. 16.60 Major or Minor Partitions
- D. 16.62 Subdivisions - Applications
- E. 16.64 Subdivisions - Design Standards

#### IV. FINDINGS:

##### A. Location and Background

The subject property is identified on the Clackamas County Assessor's Map as Tax Lot 3700 of Tax Map 3-1E-33DC. It is located on the west side, at 357 S. Locust Street. The property consists of approximately 16,597 square feet. There is approximately 90 feet of frontage along S. Locust Street. The entire parcel is zoned R-2, Medium Density Residential.

##### B. Comprehensive Plan Consistency Analysis

###### i. Citizen Involvement

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

###### ANALYSIS

The notification process and public hearing are a part of the compliance with adopted policies and process regarding citizen involvement.

###### 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.**

###### ANALYSIS

The project is entirely within the City limits and within the Urban Growth Boundary. The project meets the intent of Canby goals and policies regarding the Comprehensive Plan Urban Growth Chapter.

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

**ANALYSIS**

The property is zoned R-2, which is consistent with the land use map of the Comprehensive Plan. The property is currently used for a single family residence. The proposed parcel 2 of the partition (8,460 square feet) will be large enough for a duplex to be built. The overall size of the parcel under application would suggest the possibility of permitting development of a total of four units (the existing single family unit and a triplex), however, the dimensions of the parcel and the location of the existing house are such as to make that possibility difficult to realize. Therefore, the proposed minor land partition will divide the parcel into the most reasonable lot sizes for maximum development given the existing circumstances. Proposed parcel one (7,058 square feet) will continue to be used for single family residence.

There are single family residences immediately adjacent to the subject parcel. There are multi-family residential structures in the immediate area of the subject parcel. There are very tentative plans to build a duplex on proposed parcel two. While considering the development potential is not a standard for review of a Minor Land Partition, the development potential of the proposed vacant parcel 2 is consistent with the provisions of this element of the Comprehensive Plan. No

potential conflicts that may arise with the surrounding single family residences from a duplex development is anticipated.

*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 #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 #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.                       |

**ANALYSIS**

On-site disposal of storm water will be required of any development. The predominant soil is Latourell loam, which is suitable for building sites. State and Local Code requirements regarding air, water, and noise pollution will be required of the development and construction. State laws and local regulations will require development to meet standards to prevent air, water, land and noise pollution.

A nearby neighbor of the subject parcel has written a letter regarding concern of developing the subject parcel residentially instead of a park (Exhibit 4). The City has initiated steps to purchase land, approximately one acre in size, four lots to the north of the subject parcel. The City intends to develop the land into a small neighborhood park.

With the construction of the access drive for proposed parcel two, two small holly trees and a locust tree will need to be removed. The large cherry tree, that will be located near the northwest corner of proposed parcel one, should be preserved. Some pruning will probably be required for proper clearance of vehicles using the access drive.

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

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**

Access for both parcels will be from S. Locust Street. Access for proposed parcel two will be from a twelve (12) foot access drive on the west side of the subject parcel. Proposed parcel one will have an easement over the access drive to utilize the drive as a driveway. As

such, there will be one driveway for a potential of three units. Access for proposed parcel one could be provided independent of the access drive if necessary. A twelve (12) foot wide drive for a potential two units on proposed parcel two is considered appropriate.

*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.

**ANALYSIS**

All public facilities are available for the proposal with adequate capacity. A sidewalk will be needed across the full frontage of the subject parcel. The portion of the subject parcel needing the sidewalk, proposed parcel one, is already developed. As such, the sidewalk will need to be built prior to the occupancy of any development of proposed parcel two.

*vii. Economic*

■ **GOAL:** **TO DIVERSITY AND IMPROVE THE ECONOMY OF THE CITY OF CANBY.**  
*(Not Applicable)*

*viii. Housing*

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

## ANALYSIS

The partition of the subject property will allow additional housing units to be built in a residential area.

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

## ANALYSIS

The partitioned lots will meet the requirements of the Solar Access Ordinance. The State has rules which encourage energy conservation through design and construction methods.

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

Based upon the above described analysis, the proposal is consistent with or can, with conditions, be made consistent with the policies of the Comprehensive Plan.



### **C. Overall Design of Parcels**

The configuration of the partition will allow for proper setback distances for residential construction on parcel two, and will provide sufficient setback distances for the existing building on parcel one.

## **V. CONCLUSION**

1. Staff finds that the partition request, with appropriate conditions, is 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 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 findings and conclusions in this report, and without benefit of public hearing, staff recommends approval of MLP 93-01, subject to the following conditions:

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 93-01.
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 interior lot lines; and,
  - 12 feet in width along exterior lot lines.
6. All utilities must meet the standards and criteria of the providing utility authority.
7. A sidewalk shall be constructed for the full frontage along S. Locust Street of both lots one and two. The sidewalk shall be constructed prior to the occupancy of any development on lot two.

Exhibits:

1. Application
2. Vicinity Map
3. Partition Plat
4. Neighbor's Letter
5. Request for Comments Responses

# MINOR LAND PARTITION APPLICATION

Fee: \$600.00

## OWNER

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

## APPLICANT

Name Michelle Lindig  
Address 357 S. Locust St.  
City Canby State OR Zip 97013  
Phone: 266-4091

## DESCRIPTION OF PROPERTY:

Tax Map 31E33DC Tax Lot(s) 3700 Lot Size 16597.49 sq. ft.  
(Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)

Plat Name see attached 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 Sgl. family residential Proposed Single family or duplex flaglot

Existing Structures One single-family residence

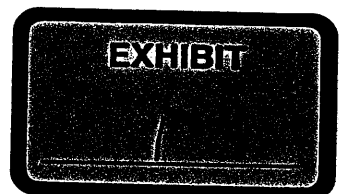
## PROJECT DESCRIPTION

Partition existing tax lot #31E33DC3700 (16597.49 sq. ft.)  
into two parcels and create 12' deeded access in addition to  
and together with the proposed westerly parcel.

ZONING R-2 COMPREHENSIVE PLAN DESIGNATION R-2

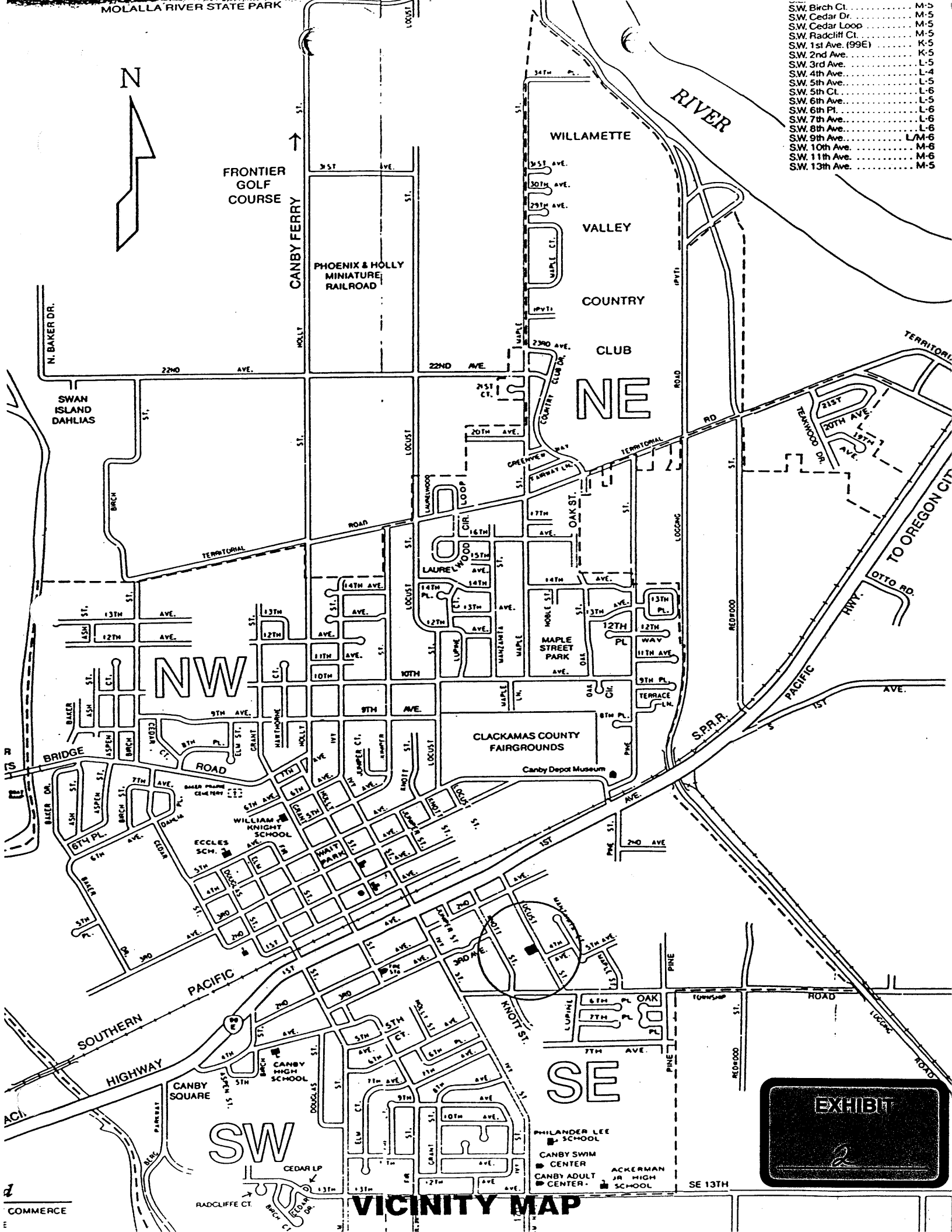
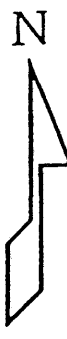
PREVIOUS ACTION (if any) none

File No. MLP 93-01  
Receipt No. 2297  
Received by *ML*  
Date Received 5-19-93  
Completeness Date 5/20/93  
Pre-App Meeting \_\_\_\_\_  
Hearing Date 6/14/93



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

- S.W. Birch Ct. .... M-5
- S.W. Cedar Dr. .... M-5
- S.W. Cedar Loop .... M-5
- S.W. Radcliff Ct. .... M-5
- S.W. 1st Ave. (199E) .... K-5
- S.W. 2nd Ave. .... K-5
- S.W. 3rd Ave. .... L-5
- S.W. 4th Ave. .... L-4
- S.W. 5th Ave. .... L-5
- S.W. 5th Ct. .... L-6
- S.W. 6th Ave. .... L-5
- S.W. 6th Pl. .... L-6
- S.W. 7th Ave. .... L-6
- S.W. 8th Ave. .... L-6
- S.W. 9th Ave. .... L/M-6
- S.W. 10th Ave. .... M-6
- S.W. 11th Ave. .... M-6
- S.W. 13th Ave. .... M-5



FRONTIER GOLF COURSE

CANBY FERRY

PHOENIX & HOLLY MINIATURE RAILROAD

WILLAMETTE VALLEY COUNTRY CLUB

NW

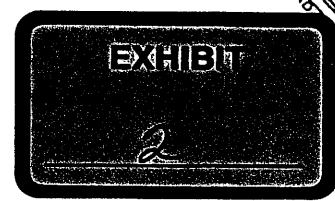
NE

NW

SE

SW

VICINITY MAP



PROPOSED EBY LAND PARTITION

90.00'

90.00'

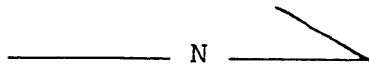
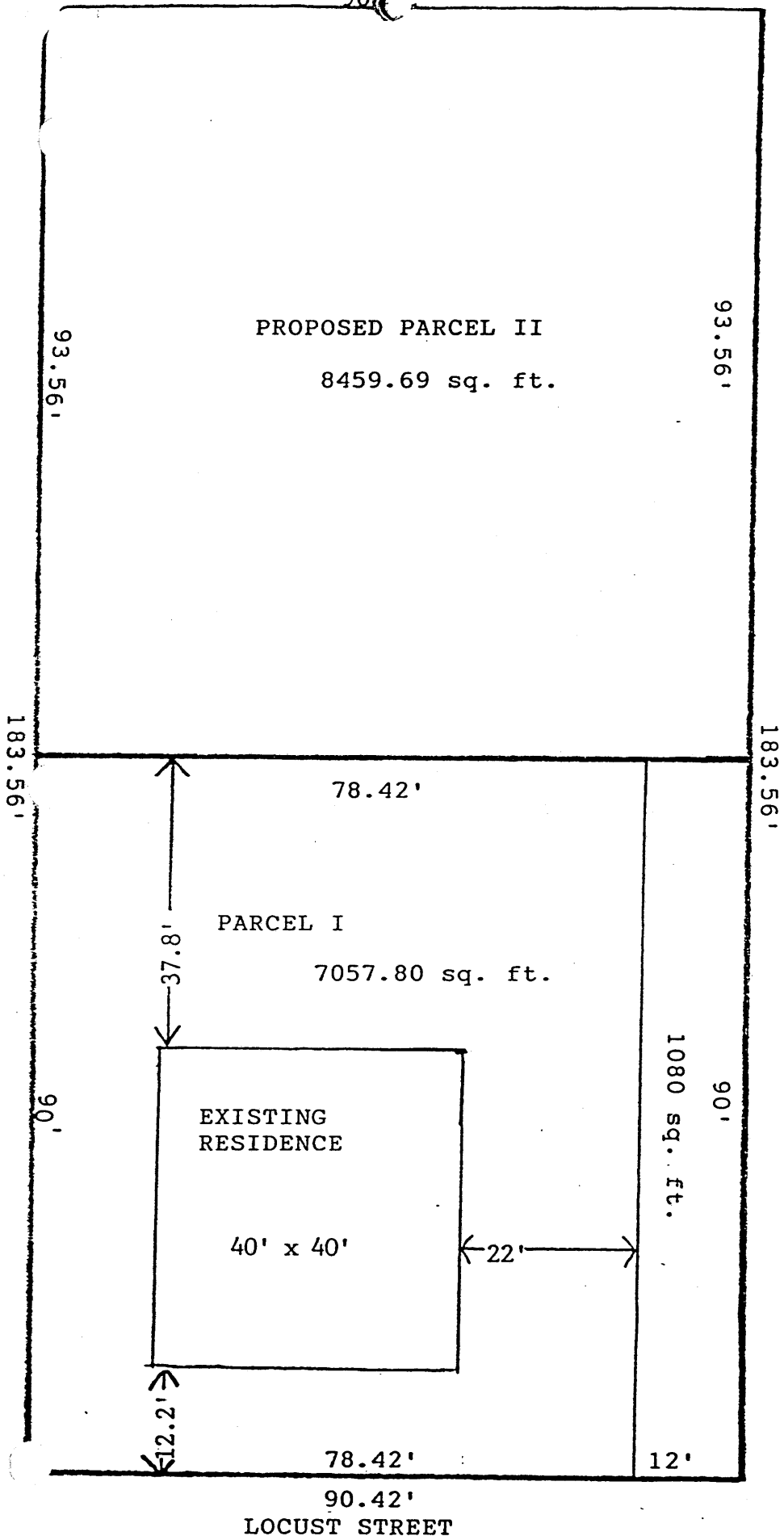
May 19, 1993

OWNER:

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

MAP PREPARED BY:

Michelle Lindig  
357 S. Locust St.  
Canby, OR 97013



SCALE 1"=20'

Typical utility easements will be granted.

Existing sanitary sewer and 12" water main located on Locust Street.



391 South Locust St.  
Canby, OR 97013  
May 27, 1993

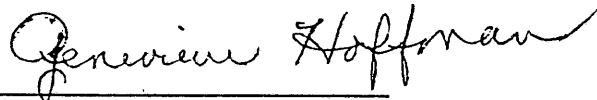
City of Canby Planning Commission  
P.O. Box 930  
Canby, OR 97013

Re: MPL 93-01 proposing a Minor Land Partition of  
Tax Lot 3600 of Tax Map 3-1E-33DC.

I wish to submit written testimony regarding the property under consideration. I had heard that the city was considering developing a park on that property. There is a fundamental need for a park in this neighborhood. There are many young children who have no access to a playground and many older young people who could certainly use a place for shooting baskets and visiting together. At present children play ball in close proximity to the street and often are in danger from cars. South Locust is a very busy street as many people use it as a route from 99E to Township Road. I also think many adults from the apartment houses would enjoy a space with tables where they could meet, watch their children and visit.

I do hope the city will not miss this opportunity to purchase the land, It is the only open space large enough for park development close to the dense population of families.

Sincerely,



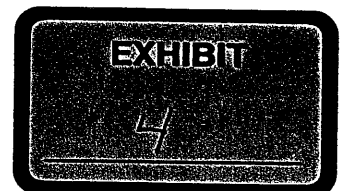
Genevieve Hoffman

A further thought occurs. A park in that location might encourage neighborhood activity which would help in breaking down cultural barriers as some of the people living in the area would have more opportunity to meet and become acquainted.

RECEIVED

MAY 28 1993

CITY OF CANBY



# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

95W  
5/27/93

DATE: May 21, 1993

TO: CUB, PUBLIC WORKS, FIRE, POLICE, SEWER, HIGH SCHOOL AND ELEMENTARY SCHOOL, TOM PIERSON (TELEPHONE CO.) TODD SCHMIT (NW TELECOM), GARY HYATT (NW NAT. GAS), MIKE JORDAN, JOHN KELLY

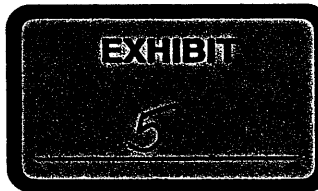
The City has received MLP 93-01, an application by Donald K. Eby (owner) and Michelle Lindig (applicant) for approval to partition a 16,597 square foot parcel into two parcels, and create a 12 foot deeded access in addition to and together with the proposed westerly parcel. The parcel is located on the west side of S. Locust Street, north of S.E. Township Road (Tax Lot 3600 of Tax Map 3-1E-33DC), also known as 357 S. Locust Street.

We would appreciate your reviewing the enclosed application and returning your comments by May 28, 1993 PLEASE. The Planning Commission will consider this application on June 14, 1993. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

*This office has no comments or conditions regarding the partition at this time.*

- 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: *Jack Stark* Date: *May 24, 1993*

# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

5/27/93  
9sw

DATE: May 21, 1993

TO: CUB, PUBLIC WORKS, FIRE, POLICE, SEWER, HIGH SCHOOL AND ELEMENTARY SCHOOL, TOM PIERSON (TELEPHONE CO.) TODD SCHMIT (NW TELECOM), GARY HYATT (NW NAT. GAS), MIKE JORDAN, JOHN KELLY

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Comments or Proposed Conditions:

A Sewer Lateral will need to be installed. The Sewer Main is on the East side of S. Locust. A Large Tree may have to be removed for drive way to new lot.

- 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: Way L. Hester Date: 5-26-93



# PLEASE RETURN ATTACHMENTS!!!

95W  
6/3/93

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

DATE: May 21, 1993

TO: CUB, PUBLIC WORKS, FIRE, POLICE, SEWER, HIGH SCHOOL AND ELEMENTARY SCHOOL, TOM PIERSON (TELEPHONE CO.) TODD SCHMIT (NW TELECOM), GARY HYATT (NW NAT. GAS), MIKE JORDAN, JOHN KELLY

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Comments or Proposed Conditions:

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- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature: \_\_\_\_\_

*S. Hans*

Date: \_\_\_\_\_

*6/3/93*