

# A G E N D A

Book

## CANBY PLANNING COMMISSION REGULAR MEETING City Council Chambers

Monday, June 8, 1992  
7:30 p.m.

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### I. ROLL CALL

### II. MINUTES

April 27, 1992 (carried forward)  
May 4, 1992 (carried forward)  
May 11, 1992  
April 8, 1992

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

### IV. COMMISSION DISCUSSION OF PLANNING ISSUES

### V. COMMUNICATIONS

### VI. FINDINGS

MLP 92-02 - Canby Elementary School District (new school)  
CUP 92-05/DR 92-04 - Canby Elementary School District (new school)

### VII. PUBLIC HEARINGS

ZC 92-01, an application by Mimi Chitty (applicant) for approval of a Zone Change for a 3.1 acre parcel, from Light Industrial with a Planned Unit Development overlay (M-1/PUD) to Medium Density Residential (R-2). The applicant ultimately will propose to develop the parcel into multi-family residential uses on this and contiguous parcels. The property is located on the west side of N. Baker Street and south of N.W. 6th Avenue (Tax Lot 1002 of Tax Map 3-1E-32D). Continued from April 27, 1992.

CPA 92-01, an application by Mimi Chitty (applicant) for approval of a Comprehensive Plan Amendment from Light Industrial to High Density Residential, to permit construction of multi-family residential development on this and contiguous parcels. The property is located on the west side of N. Baker Street and south of N.W. 6th Avenue (Tax Lot 1002 of Tax Map 3-1E-32D). Continued from April 27, 1992.

DR 92-05, an application by McDonalds Corporation for approval to construct a new fast food restaurant. The site is located on the corner of S. Birch Street and 99-E (Tax Lots 6100 and 6102 of Tax Map 3-1E-33CC).

MLP 92-03 (previously designated MLP 92-02 in error), an application by Pat Harmon for approval of a minor land partition to divide a 26,100 square foot lot into three parcels. The two new parcels would be 7,500 and 7,040 square feet, respectively. The third parcel, with the existing home, would be 7,920 square feet. The applicant intends to construct single family homes on each of the two new parcels. The property is located at 664 S. Ivy Street (Tax Lot 900 of Tax Map 4-1E-4AB).

VIII. NEW BUSINESS

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  
John Zieg  
Tamara Maher

Wade Wiegand  
Laurie Gustafson  
Henry Fenske

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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.*



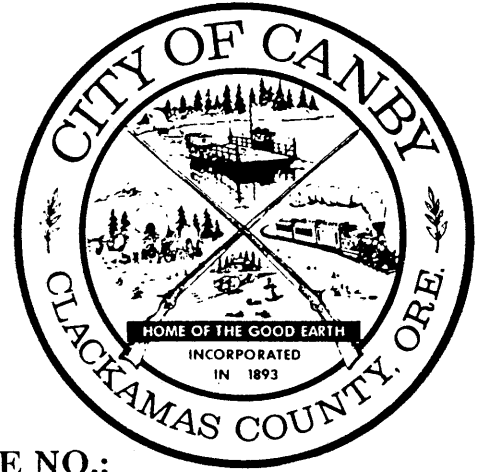
MINOR PROJECTS FOR PLANNING STAFF  
AND PLANNING COMMISSION

1. Include Planning Director and staff in Chapter 16. See Fenske 34, 38, 39, 40,43, 49, 50, 52 and 54
2. Adopt revised Park Plan Policies into the Comprehensive Plan
3. Strengthen Subdivision requirements regarding
  - a) adequate public facilities,
  - b) no construction prior to final plat approval,
  - c) park and school dedication,
  - d) phased development.
4. Plat definitions - preliminary, tentative, final
5. Improve Design Review Ordinance
  - a) 30% landscape vs. 15%
  - b) require more trees than were originally there and preservation
6. Widen R-1 setbacks as per market trends, Lake Oswego, public
7. Revise Section 2.28.010 on Planning Commission procedures
8. Revise P.U.D. section - limit size, exclude major and minor partitions and require common areas.
9. Delineate limited land use decisions with Planning Commission appeal
10. Make more independent experts available at hearings.

MAJOR PROJECTS FOR PLANNING STAFF  
AND PLANNING COMMISSION

1. Transportation S.D.C. - plan and methodology
2. Historic Ordinance Revision, including special adoptive reuses for historic structures downtown.
3. Improved Advanced Funding Ordinance and Agreement wording- workshop with City Administrator and City Attorney.
4. Increase development and application fees after survey.
5. Review policy of 15% of City = M zone - Alternatives to increased taxes, promote site development C-M zone.
6. Sidewalk Plan and/or specific ordinance guidelines.
7. Incorporate some of the Ashland pedestrian-friendly regulations.
8. Tree Ordinance upgrade - Public land, street, private land.
9. Develop Canby vs. METRO program-policy-review.
10. Formalize P.I.A. concept in Canby public facility extension.

**- STAFF REPORT -**



**APPLICANT:**

McDonald's Corporation  
5000 S.W. Meadows  
Lake Oswego, OR 97035

**FILE NO.:**

DR 92-05

**OWNER:**

Same

**STAFF:**

Robert G. Hoffman, AICP  
Planning Director

**LEGAL DESCRIPTION:**

Tax Lot 6100 and 6200 of  
Tax Map 3-1E-33CC

**DATE OF REPORT:**

May 29, 1992

**LOCATION:**

Southeast corner of Birch and 99E

**DATE OF HEARING:**

June 8, 1992

**COMP. PLAN DESIGNATION:**

Commercial/Manufacturing Land Use

**ZONING DESIGNATION:**

C-M Heavy Commercial  
Manufacturing

**I. APPLICANT'S REQUEST:**

The applicant is requesting approval of a Design Review Application to construct a new quick service restaurant, approximately 2,490 square feet, with drive through, landscaping and parking. The total site is approximately .61 acres, or approximately 24,570 square feet. An 8 foot high wooden corral for refuse will be included.

## II. APPLICABLE REGULATIONS

- **City of Canby General Ordinances:**

- 16.10 Off-Street Parking and Loading
- 16.30 C-M - Heavy Commercial/Manufacturing Zone
- 16.88 General Standards
- 16.49 Site and Design Review

- **City of Canby Comprehensive Plan:**

- i. Citizen Involvement
- ii. Urban Growth
- iii. Land Use
- iv. Environmental Concerns
- v. Transportation
- vi. Public Facilities and Services
- vii. Economics
- viii. Housing
- ix. Energy

## III. MAJOR APPROVAL CRITERIA

### Site and Design Review

The Planning Commission, sitting as the Design Review Board, shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the following:

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

- C. The location, design, size, color and materials of the exterior of all structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity.
- D. The effect of its action on the availability and cost of needed housing, including any needed conditions, but not increasing such cost beyond the minimum necessary to achieve the purposes of this ordinance.

#### **IV. FINDINGS:**

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

The immediately surrounding area is planned for commercial and manufacturing use, and zoned for the same use. There are businesses in the general area. The adjacent land is in commercial use and a high school is situated one block to the south.

##### **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 regarding 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.

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

The project is entirely within the City limits and within the Urban Growth Boundary. It fully meets the intent of Canby goals and policies regarding the Comprehensive Plan Urban Growth Chapter. All necessary urban services are provided for the site or can be provided at the site with extensions of service.

### 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: . . . Separate conflicting or incompatible uses while grouping compatible uses.

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

Policy #3: . . . Discourage any development which will result in overburdening . . . public facilities or services.



Policy #5: . . . Utilize the land use map as the basis of zoning and other . . . decisions.

### ANALYSIS

The proposal is a quick service restaurant building and site. It is to be located on a flat site along 99-E at S. Birch Street. The Comprehensive Plan identifies this area as a Commercial-Manufacturing area. The area immediately to the north, east, south and west, adjacent to the site, is identified as commercial-manufacturing land use in the Comprehensive Plan. Light industrial uses would be allowed as conditional uses in the area. Highway Commercial and Heavy Commercial and Manufacturing uses would be permitted nearby. The land use to the south is a high school and a shopping center. A quick service restaurant will be compatible with the surrounding land uses which are existing and proposed, and will provide desirable service to the workers and students.

As a result of the discussions and statements made by the staff and engineers of the City's Sewer Treatment Plant during the City Council/Planning Commission Workshop Meeting of January 22, 1992, and according to Department responses to "request for comments", the sewer treatment plant, at this time, is determined to have the capacity to handle the proposed quick service restaurant, but certain details raised by the Public Works and Sewer Treatment Plant staff need to be resolved (see below).

#### 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: . . . maintain and protect surface water and groundwater.

Policy #3-R: . . . require that . . . development activities meet the prescribed standards for . . . pollution.

Policy #4-R: . . . mitigate . . . noise pollution generated . . .

Policy #7-R: . . . improve the overall scenic and aesthetic qualities...

Policy #8-R: . . . preserve and maintain open space where appropriate...

### ANALYSIS

Disposal of storm water will be necessary. The State has authorized using their storm water disposal pipe. State and Local Code regulations will require the development to meet standards to prevent air, water, and noise pollution. The proposal will have minimal effect on the open space since the site is less than 25,000 square feet and is already developed. Public Works staff has questioned the purpose of the sanitary sewer line in the trash corral. The sewerage treatment staff have requested that a "grease trap" be provided and a "sampling" be regularly carried out, and that at least Sections I and II of the "DDF" discharge application be filled out and any anticipated problems solved early in the process, prior to construction..

### v. **TRANSPORTATION CONCERNS**

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

Policy #1: . . . provide the necessary improvement to city streets. . . encourage the county . . . commitment to local county roads . . . keep pace with growth.

Policy #2: . . . work cooperatively with developers to assure that new streets are constructed . . .

Policy #3: . . . improve problem intersections. . .

Policy #4: . . . provide an adequate sidewalk and pedestrian pathway system . . .

Policy #6: . . . assure that all new developments provide adequate access . . .

Policy #7: . . . provide appropriate facilities for bicycles and . . . other slow moving, energy efficient vehicles.

### ANALYSIS

Access to the site is proposed to be by way of 99-E and S.W. 2nd Avenue. Off-street parking will be provided for on-site. A sidewalk will be needed for the property frontage along 99-E, Birch and 2nd Avenue. These sidewalks are indicated on the submitted plans. As of May 19, 1992, the applicant has reported that the State Highway Department has denied direct access to 99-E. The appeal has also been denied. Recent contact indicates the State may approve "exit only" to 99-E. The site currently has a wide access drive on Highway 99-E and a drive on S.W. 2nd Avenue.

## 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: . . . work closely and cooperate with all entities and agencies providing public facilities and services.

Policy #2: . . . utilize all feasible means of financing needed public improvements . . .

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

**ANALYSIS**

All public facilities are available for the proposal with adequate capacity. The service providers have been asked for input and have not expressed any problems with serving the project.

**vii. ECONOMIC**

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

Policy #2: . . . encourage commercial development. . .

Policy #3: . . . increase employment opportunities. . .

**ANALYSIS**

The project would provide a new business in Canby, providing food service and adding income and employment opportunities for the community.

**viii. HOUSING**

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

(not applicable)

**ix. ENERGY CONSERVATION**

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

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

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

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

Policy #5: . . . promote energy efficiency and the use of renewable resources.

### ANALYSIS

The State has rules which encourage energy conservation through design and construction methods.

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

Based upon the above described analysis, the proposal is hereby found to be consistent with the policies of the Comprehensive Plan, provided conditions are added to the approval regarding sewerage discharge and access to 99-E..

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

##### **1. Part IV - Section 2, No. 2**

**"Minimum area for landscaping is 15% of the total area to be developed."**

The total site is approximately 24,570 square feet. About 3,685 square feet should be in landscaped space. Approximately 6,200 square feet will be landscaped (25%). The maximum percentage of barkdust landscaping allowed for credit is 30%. None is indicated. It appears that all landscaped areas will be planted with at least ivy or larger natural vegetation.

2. **Part IV - Section No. 11**

**All plant growth in landscaped areas of developments shall be controlled by pruning, trimming or otherwise.**

Maintenance is to be done by the owner/operator.

3. **Parking**

The parking requirement is 10 spaces per 1,000 square feet gross floor area. The building is just under 2,500 square feet. Thus, just under 25 parking spaces are required. Twenty-nine spaces are provided in the plan. On-site maneuvering is available.

4. **Access**

Access for passenger vehicles to the restaurant is from 99-E and S.W. 2nd Avenue. The access drive indicated on the plans is 24 feet, which meets the ordinance requirement of a minimum of 20 feet. The one-way drives are 12 feet, as required. The stacking area for drive-up service has six (6) spaces, clear of the public right-of-way. This is within the required 2 to 8 spaces. The proposed driveways are as far as possible from the intersection, while still providing five feet from the property line, as required.

5. **Architecture**

The application describes the project as being a "McDonalds"-owned specifications and drawings. Major materials include T-111 siding, insulated glass, shingled roof, with a play area proposed for the northern side of the building.

Color of the exterior is to be "McDonald yellow and red" trim, white siding and an **unspecified** color for the roof.

Building plans and elevations are part of the application. A 25 foot high "Logo" sign with a total of  $32\frac{1}{2} + 22.5 = 55$  square feet on **each** surface. The ordinance allows a total of 150 square feet of surface. Smaller directional signs are also proposed. The main body of the signs are red or yellow and include standard McDonald lettering. The sign is set back ten (10) feet from the sidewalk and seventeen (17) feet from the curb, which meets all requirements.

**6. Other Aspects**

**a. Utilities**

Utilities are available in the vicinity. The service providers have not expressed any problems with servicing the site.

**b. Access**

The lot, as proposed, accesses 99-E and S.W. 2nd Avenue. To date, the State Highway Department has not approved the 99-E drive. The police report suggests that "Right Turn Only" on 99-E may be appropriate. The site circulation appears to function well. Recent contact with the State indicates they may approve "exist only" onto 99-E.

**c. Landscaping**

The high school principal has requested that sidewalks be provided from S.W. 2nd to S.W. 4th Avenues.

The landscaping vegetation will consist of 20 trees and about 60% shrubs and groundcover plants. The design was prepared by a registered landscape architect.

**d. Density and yards and height**

The structure is about 16 feet high and no side yard setbacks are required. Almost 60 feet of front yard setback from 99-E is provided. The lot coverage is only about 10%, nowhere near the 60% allowed in the zone. Vision clearance requirements have been met.

**V. CONCLUSION**

Provided that the Commission is satisfied with proposed colors and signs, and considering the previous analysis and following recommended conditions, staff hereby determines that the restaurant and related site development described in the application and accompanying materials is in conformance with the standards of this and other applicable ordinances; the design is compatible with the design of other developments in the vicinity; and, the location, design, size, and materials of the exterior of the structure will be compatible with the proposed development and appropriate to the design character of other structures in the same vicinity. The building design and

color selection and signs are consistent with the McDonalds trademark designs and not inconsistent with surrounding development. The landscaping appears to be well planned.

Further, staff concludes that, with approval conditions:

1. the proposed use of the site is consistent with the applicable requirements and policies of the Comprehensive Plan and the development ordinance;
2. the characteristics of the site are suitable for the proposed use;
3. all required public facilities and services exist (or can be made to exist at the time of development) to adequately meet the needs of the proposed restaurant; and
4. the proposed use will not alter the character of the surrounding areas in such a way as to substantially limit or preclude the uses allowed.

#### **V. RECOMMENDATION:**

Based upon the application and drawings submitted, facts, findings and conclusions of this report, and without the benefit of a public hearing, staff recommends that the Planning Commission approve DR 92-05, with conditions, for a quick service restaurant. Furthermore, staff recommends approval of DR 92-05 with the following conditions:

1. Provided that the State Highway Department approves, an access driveway from Highway 99-E may be constructed and shall operate with right-turn-only traffic (both in and out) or as an "exit only" drive. Appropriate signs for this access shall be provided, as approved the the Planning Director.
2. Prior to building permit approval, a full "DDF" discharge application shall be filled out and any discharge requirements be provided, as required by the Public Works Sewer Treatment Plant staff including, but not limited to, a grease trap and regular clean-out. Also a sewer sampling point shall be provided at the property line.



3. The pavement on Birch shall be extended to the curb with comparable surface treatment to the existing pavement designed and constructed to the requirements of the Director of Public Works.

**Exhibits:**

1. Application for Design Review
2. Vicinity Map
3. Department Responses to "Request for Comments"
4. Full set of drawings, including site plan, elevations, landscaping, etc. (*too large to reproduce*)

STATE AND DESIGN REVIEW APPLICATION

Fee: \$250

OWNER

APPLICANT

Name McDonald's CORPORATION

Name KEITH PERRYEA

Address 5000 SW MEADOWS

Address 5000 SW MEADOWS

City LAKE OSWEGO State OR Zip 97034

City LAKE OSWEGO State OR Zip 97034

SIGNATURE [Handwritten Signature]

Phone: 503/684-9334

DESCRIPTION OF PROPERTY:

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

or

Legal Description, Metes and Bounds (Attach Copy)

Plat Name LEGAL DESCRIPTION Lot \_\_\_\_\_ Block \_\_\_\_\_

ATTACHED [Handwritten Signature]

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 APPLIANCE RETAIL/REPAIR Proposed QUICK SERVICE RESTAURANT WITH DRIVE-THRU

Existing Structures ONE METAL CLAD SHOP TYPE BUILDING

Surrounding Uses NORTH=HWY 99, WEST=BIRCH STREET, EAST=POOL AND SPA RETAIL, SOUTH= 2nd STREET

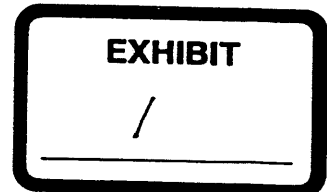
PROJECT DESCRIPTION

CONSTRUCT A NEW QUICK SERVICE RESTAURANT, APPROXIMATELY 2490 SF, WITH DRIVE-THRU LANDSCAPING AND PARKING PER THE CITY OF CANBY REQUIREMENTS. INCLUDED IN THE DEVELOPMENT WILL BE AN 8' HIGH WOODEN CORRAL FOR REFUSE.

ZONING CM COMPREHENSIVE PLAN DESIGNATION

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

File No. DR92-05
Receipt No.
Received by
Date Received 4-23-92
Completeness Date
Pre-Ap Meeting
Hearing Date 6-8-92



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

THIS MAP IS FURNISHED AS A CONVENIENCE IN LOCATING PROPERTY AND THE COMPANY ASSUMES NO LIABILITY FOR ANY VARIATIONS AS MAY BE DISCLOSED BY ACTUAL SURVEY

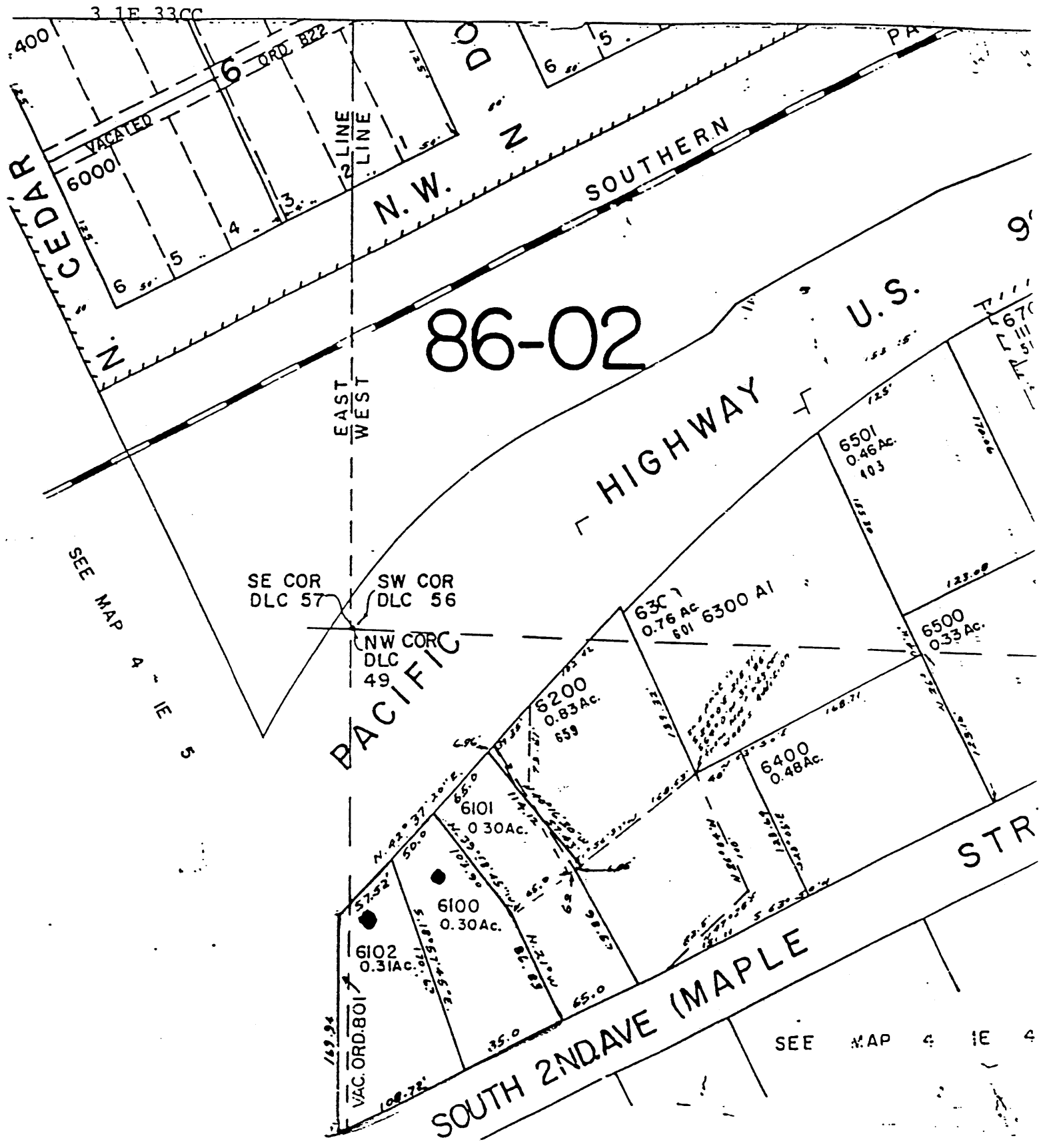


# First American Title Insurance Company of Oregon

an assumed business name of TITLE INSURANCE COMPANY OF OREGON

1700 S.W. FOURTH AVE., PORTLAND, OR 97201-5512

(503) 222-3651




February 28, 1992

City of Canby  
Planning Commission  
182 N. Holly  
Canby, OR 97013

Gentlemen:

I am the contract purchaser of record for tax parcels #R31E33CC06102 and #R31E33CC06100. The legal description and map are attached. The owner of record is listed as Francis Rodman; however, the sale of my property has not been disclosed to the record owner at this time and will not continue if a building permit is not granted. I authorize McDonald's Corporation to act in my behalf in applying for design review and building permits for this property.

Sincerely,



---

Glenn Carpenter  
102 NW 59th St.  
Vancouver, WA

Enclosure

lc:1136r

## EXHIBIT "A"

PARCEL I:

A part of the Philander Lee Donation Land Claim in Section 4, Township 4 South, Range 1 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at a point that is North 51°56' East, 6.00 feet from the most Easterly corner of that tract of land conveyed to True G. Whitman, et ux, by Deed recorded in Book 421, page 428, Clackamas County Deed Records, which beginning point is also South 64° West, 361.86 feet, and South 26° East, 218.71 feet and South 51°56' West, 120.56 feet from an axle at the Northwestern corner of Weed's Addition to Canby; thence South 51°56' West 65.00 feet to an iron rod and the point of beginning of the tract to be described; thence South 21°00' East 86.83 feet to a point on the Northerly line of South 2nd Avenue; thence South 63°50' West along said Northerly line, 85.00 feet; thence North 18°57'45" West 170.63 feet to a point on the Southerly line of Highway 99E; thence North 42°37'27" East along said line, 50.00 feet; thence South 39°58'45" East 103.90 feet to the point of beginning.

PARCEL II:

A part of the Philander Lee Donation Land Claim in Section 4, Township 4 South, Range 1 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at a point on the North line of South 2nd Avenue, which is South 63°50' West 150.00 feet from the Southeasterly corner of that tract conveyed to Betty Schroeder and Marilyn Hahn and recorded as Recorder's Fee No. 75 34319 Clackamas County Records; said Southeasterly corner being South 26° East 218.71 feet, South 64° West 361.86 feet, South 51°50' West 120.58 feet, and South 26°20'30" East 98.52 feet from an axle at the Northwestern corner of Weed's Addition to Canby; thence South 63°50' West along the Northerly line of South 2nd Avenue, 98.72 feet to the intersection of the East line of South Birch Street; thence North 0°19'40" East along the East line of South Birch Street, 169.94 feet to the intersection of the Southerly line of Highway 99E; thence North 42°37'20" East along said line, 47.52 feet; thence South 18°57'45" East 170.63 feet to the point of beginning.

TOGETHER WITH the vacated Easterly 10 feet of South Birch Street lying West of and adjacent to said property as vacated by Ordinance No. 801 recorded November 19, 1987 as Recorder's Fee No. 87 52454.

## LEGAL DESCRIPTION

### ENTIRE PARCEL

A tract of land situated in a portion of the Philander Lee Donation Land Claim in the NW. 1/4 of Section 4, T.4S., R.1E., W.M., City of Canby, Clackamas County, Oregon, being more particularly described as follows:

Commencing at a point that is North  $51^{\circ}56'00''$  East, 6.00 feet from the most Easterly corner of that tract of land conveyed to True G. Whitman, et ux, by Deed recorded in Book 421, page 428, Clackamas County Deed Records, which beginning point is also South  $64^{\circ}00'00''$  West, 361.86 feet, and South  $26^{\circ}00'00''$  East, 218.71 feet and South  $51^{\circ}56'00''$  West, 120.56 feet from an axle at the Northwestern corner of Weed's Addition to Canby; thence, South  $51^{\circ}56'00''$  West, 65.00 feet to an iron rod and the True Point of Beginning of the tract to be described; thence, South  $21^{\circ}00'00''$  East 86.83 feet to a point on the Northerly right-of-way line of South 2nd Avenue; thence, South  $63^{\circ}50'00''$  West, along said right-of-way line 194.89 feet to a point of intersection with the east right-of-way line of Old Pacific Highway (South Birch Street) as vacated in Ordinance No. 801, recorded November 19, 1987 in Fee No. 87-52454; thence, along said east right-of-way line North  $0^{\circ}19'40''$  East, 163.94 feet to a point of intersection with the southerly right-of-way line of Pacific Highway No. 99E (S.W. 1st Avenue); thence, along said southerly right-of-way line North  $42^{\circ}37'20''$  East, 112.38 feet; thence, South  $39^{\circ}58'45''$  East, 103.90 feet to the True Point of Beginning.

CANBY

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

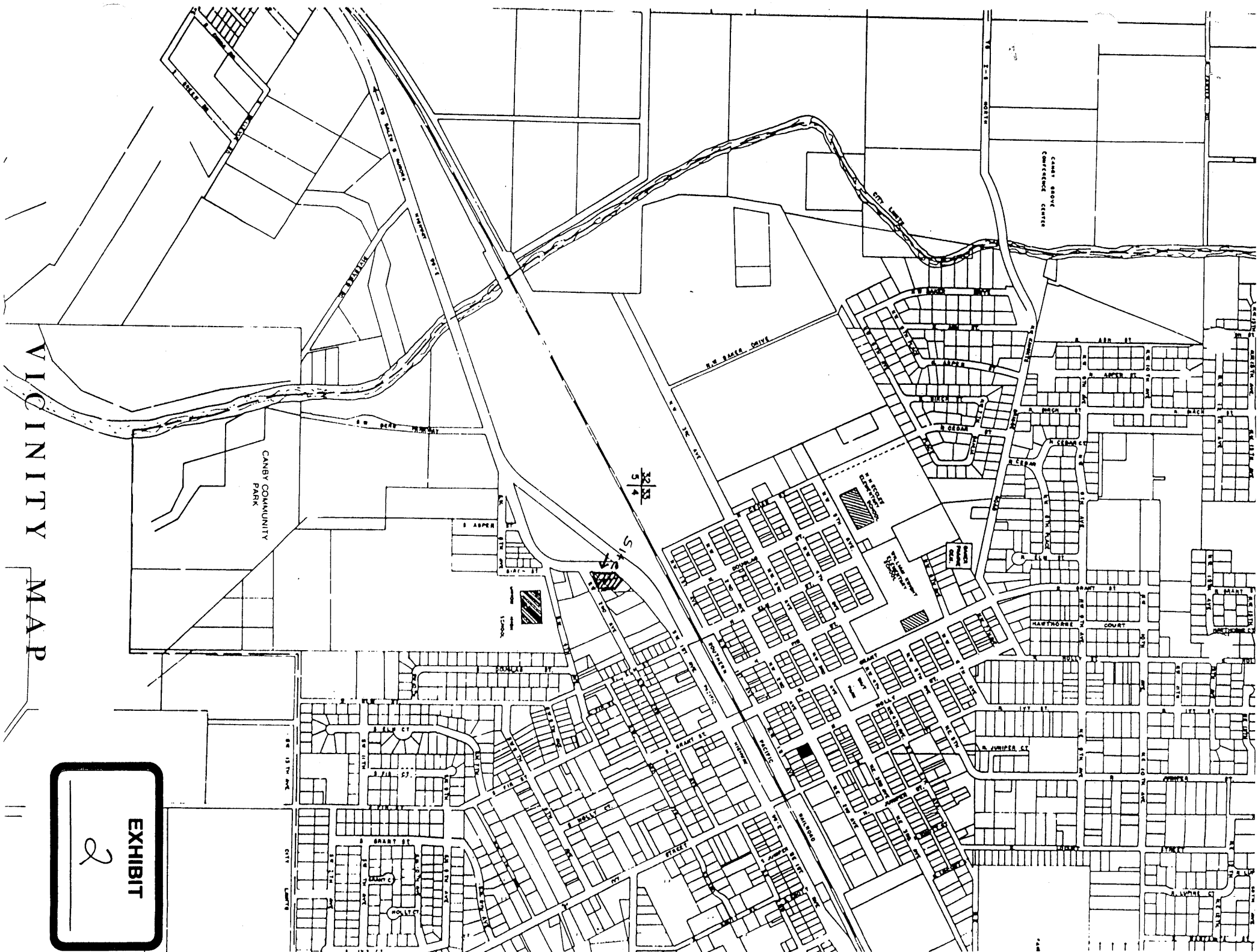
*Leonard Schelsky*

OREGON  
JULY 13, 1979  
LEONARD SCHELISKY

VICINITY MAP

EXHIBIT

2



CANBY COMMUNITY PARK

3433  
S  
4

CANBY GROVE  
CONFERENCE CENTER

S 13TH AVE  
CITY CENTER

N.W. BAKER DRIVE

S 13TH AVE

HARTHOPE COURT

N. JUNIPER ST

FRANK ST

MELLY CT

GRANT ST

10TH AVE

11TH AVE

12TH AVE

N. AVONEL ST

10TH AVE

11TH AVE

12TH AVE

13TH AVE

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307TH AVE

CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS

67-27

DATE: April 28, 1992

TO: CUB, PUBLIC WORKS (Roy and Rusty), FIRE, POLICE, SEWER, MIKE JORDAN, TOM  
PIERSON, TODD SCHMIT, GARY HYATT, CANBY HIGH SCHOOL

The City has received DR 92-05, an applications by McDonald's Corporation to build a fast food store on the corner of S. Birch and 99-E (Tax Lots 6100 and 6102 of Tax Map 3-1E-33CC).

We would appreciate your reviewing the enclosed applications and submitting comments by May 8, 1992 PLEASE. The Planning Commission will hold a public hearing on June 8, 1992 to consider this application. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

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- 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

EXHIBIT  
3

Signature: Gary F. Hyatt Date: 5/6/92



CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS

DATE: April 28, 1992

TO: CUB, PUBLIC WORKS (Roy and Rusty), FIRE POLICE, SEWER, MIKE JORDAN, TOM  
PIERSON, TODD SCHMIT, GARY HYATT, CANBY HIGH SCHOOL

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Comments or Proposed Conditions:

GREAT PLAN - NEED MORE SOLID BUSINESSES LIKE  
THIS IN TOWN!  
Get more fast food places like this!

Only problem may be driveway on highway -  
possibly in only - OR IN AND right TURN  
only OUT.

- 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: J. Tiger

Date: 5/7/92

CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS

DATE: April 28, 1992

TO: CUB, PUBLIC WORKS (Roy and Rusty), FIRE, POLICE, SEWER, MIKE JORDAN, TOM  
PIERSON, TODD SCHMIT, GARY HYATT, CANBY HIGH SCHOOL

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Comments or Proposed Conditions:

CONCERNED ABOUT STUDENT ACCESS FROM THE HIGH SCHOOL.

COULD THERE BE SIDEWALKS EXTENDED FROM SECOND AVENUE

TO FOURTH AVENUE.

SUBMITTED BY: STEPHEN MILLER  
SUPERINTENDENT

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 Miller Date: 4-28-92

CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS

DATE: April 28, 1992

TO: CUB, PUBLIC WORKS (Roy and Rusty), FIRE, POLICE, SEWER, MIKE JORDAN, TOM PIERSON, TODD SCHMIT, GARY HYATT, CANBY HIGH SCHOOL

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Comments or Proposed Conditions:

Could you find out why there is a Sanitary  
Sewer Line going to TRASH CORRAL?  
The PARKING Lot STORM DRAINAGE is hooking to  
the STATE ODOT System. IF the STATE ODOT,  
doesn't approve, then a drywell will need to  
be installed in PARKING Lot.

This is a very good set of plans.

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

Signature: Roy L. Hester Date: 4-30-92

CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS

DATE: April 28, 1992

TO: CUB, PUBLIC WORKS (Roy and Rusty), FIRE, POLICE, SEWER, MIKE JORDAN, TOM  
PIERSON, TODD SCHMIT, GARY HYATT, CANBY HIGH SCHOOL

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We would appreciate your reviewing the enclosed applications and submitting comments by May 8, 1992 PLEASE. The Planning Commission will hold a public hearing on June 8, 1992 to consider this application. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

\* Fill out Section I & II of "DDF" Discharge Application  
\* Grease trap Required  
\* Sampling Areas for waste water discharge Required

- 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

*Clean Water Act  
CFR #40*

Signature: Steph Plana

Date: 4/30/92

CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS

DATE: April 28, 1992

TO: CUB, PUBLIC WORKS (Roy and Rusty), FIRE, POLICE, SEWER, MIKE JORDAN, TOM  
PIERSON, TODD SCHMIT, GARY HYATT, CANBY HIGH SCHOOL

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Comments or Proposed Conditions:

- A grease trap is required but also provide a sewer sampling point at the property line.
- The state has a storm line on 99E that they may allow connection to. If not, all stormwater must be handled on the site.
- The driveway cut on 99E must go through the state and I understand that there are some problems.
- Partial street improvements are needed in Birch, there isn't adequate paving right at the curb.

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: Wayne L. Klem

Date: 5/28/92

CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS

DATE: April 28, 1992

TO: CUB, PUBLIC WORKS (Roy and Rusty), FIRE, POLICE, SEWER, MIKE JORDAN, TOM  
PIERSON, TODD SCHMIT, GARY HYATT, CANBY HIGH SCHOOL

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We would appreciate your reviewing the enclosed applications and submitting comments by May 8, 1992 PLEASE. The Planning Commission will hold a public hearing on June 8, 1992 to consider this application. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

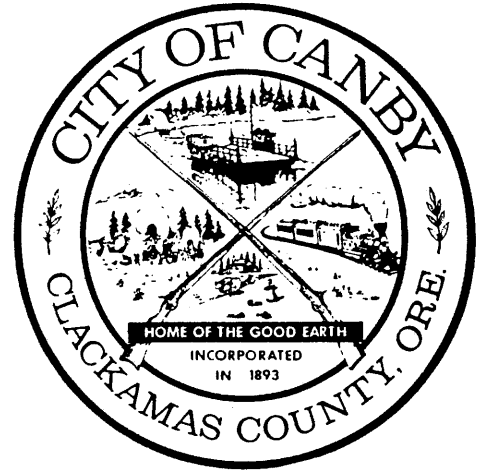
*At this time Canby Fire District has no comments  
or concerns with this proposed development.*

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- 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: *April 30, 1992*

**- STAFF REPORT -**



**APPLICANT:**

Patrick S. Harmon  
733 S.E. 1st Avenue  
Canby, OR 97013

**FILE NO.:**

MLP 92-03

**OWNER:**

Israel Flores-Carrillo  
1046 S. Ivy Street  
Canby, OR 97013

**STAFF:**

James S. Wheeler  
Assistant Planner

**LEGAL DESCRIPTION:**

Tax Lot 900 of  
Tax Map 4-1E-4AB

**DATE OF REPORT:**

May 29, 1992

**LOCATION:**

664 S. Ivy Street

**DATE OF HEARING:**

June 8, 1992

**COMP. PLAN DESIGNATION:**

Commercial Residential

**ZONING DESIGNATION:**

R-1

**I. APPLICANT'S REQUEST:**

The applicant is requesting approval of a minor land partition of a 26,100 square foot parcel into three parcels approximately 7,920, 7,500, and 7,040 square feet in size.

## 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. 16.16.030 Development Standards in R-1 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:

The subject property is identified on the Clackamas County Assessor's Map as Tax Lot 900 of Tax Map 4-1E-4AB. The property consists of approximately 26,100 square feet, with 94 lineal feet of frontage along S. Ivy Street. The entire area is zoned R-1, Low Density Residential.

The lot is currently occupied by a single-family house addressed as 664 S. Ivy Street. Two small buildings are situated behind the main house. These buildings were previously used as rentals, but currently are in a state of disrepair. There are three pine trees along the south side of the existing drive. Two of the pine trees are dead or dying. There is room for adequate yards if the minor partition is granted.

##### 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.**

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

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 land partition as proposed, and the development of the lot with a single family homes, would be consistent with the comprehensive plan designation of the subject property, commercial-residential. The proposal is also consistent with the current zoning classification of Low Density Residential (R-1). The resulting front lot of the partition (with the most street frontage) would still be capable of being used for commercial purposes if the zoning classification of the property were changed to Commercial-Residential (C-R).

If the property were rezoned to Commercial-Residential (C-R) to conform to the Comprehensive Plan, the proposal would be consistent with the new zoning classification. The use of the property for commercial purposes would, most likely, be confined to that portion fronting S. Ivy Street, which is currently occupied by the single family house. Therefore, the application for a minor lot partition is not likely to decrease the subject property's potential for commercial development.

The existing rental units will not be allowed to be used as such after the minor lot partition due to the size of the partitioned lots. The location of the rental units are likely to be within the required setbacks of lots 1 and 2. If that is the case, both units will need to be removed.

**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. The proposal will have minimal effect on the groundwater quality. The existing house and the two rental units are on the City's sewer system. 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. The proposal will have minimal affect on the open space since the site is less than 1 acre.

### 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 #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.

### ANALYSIS

A twenty-foot reciprocal access drive will be provided for the two flag lots. The existing house will have an maintenance/ easement agreement for the access drive until such time as it is rezoned to Commercial-Residential. This will allow three residential units access to Ivy Street at one location, instead of three separate locations, thus keeping safety hazards to a minimum along S. Ivy Street. The three pine trees located along the south side of the existing drive will have to be removed for the 20' access drive. One of the rental units will also need to be removed.

A sidewalk along S. Ivy Street will be required. The Fire Chief has stated that, for safety reasons, a turnaround, suitable for fire vehicles is necessary for flag lots with access drives in excess of 150'. Such a turnaround will be necessary for Lot 3 (the lot located in the back, or east, portion of the lot).

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

## ANALYSIS

All public facilities are available for the proposal with adequate capacity. A new elementary school and additions have been proposed to be built on Township Road and the High School has recently received approval of a project that will provide expanded capacity. Police, Fire, Water, Electric, and Natural Gas services have adequate capacity to service this project. There is a fire hydrant located directly across the street for the access drive for the subject parcel. The City requires a park system development fee for all new residential units that is utilized in expanding and maintaining the City's park system. At the time Lots 2 and 3 would be developed, fees for recreation facility development will be required.

### 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.**

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.

## ANALYSIS

The partition of the subject property will allow additional housing units to be built.

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 City has adopted an ordinance that requires the review of solar access for both properties to the north of the project and for the subject property at the time of building. 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. Compliance with All Other Applicable City Ordinances:**

1. Section 16.60.030 of the Canby Municipal Code requires all public facilities and services be available, or made available through the development of the property.

**a. Sewer**

There are currently two sewer laterals on the subject property. One lateral is for the existing house on proposed lot 1. The other lateral is connected to the two rental units. The second lateral will be able to be used for a single family house on proposed lot 2, but a new lateral will be needed for lot 3. It is the City's policy that single family homes be connected to the sewer system through separate laterals.

**b. Water**

The water system is operated by Canby Utility Board. The Utility Board has reported adequate facilities to service this proposal.

**c. Electricity**

The electrical system is owned and operated by the Canby Utility Board. The Utility Board has reported adequate facilities to service this proposal.

**d. Easements**

Utility easements need to be placed along the access drive, six feet wide along the interior lot lines, and twelve feet wide along exterior lot lines.

**e. Storm Drainage**

All on-site storm water will be dealt with on-site and not discharged to the City system.

**2. Streets/Traffic**

Sidewalks and curbing are not present and will be needed on the east side of S. Ivy street.



#### **D. Overall Design of Parcels**

The partition as proposed will result in the creation of three lots consisting of approximately 7,920 square feet, 7,500 square feet, and 7,040 square feet, respectively. Access all parcels will be from a common access drive. Access to parcel 1 from the common access drive will be terminated at such time as the zoning classification is changed to Commercial-Residential. A separate driveway to S. Ivy Street will provide access to parcel 1 at the time of zoning reclassification.

The subject property is generally flat, with room for building and required setbacks and yards. The parcel is zoned R-1, Low Density Residential, and each parcel is large enough to provide the required development space and yards. With the new lot configuration, the two current rental units will need to be removed to maintain proper yard setback requirements.

#### **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 new lot.
3. Staff concludes that the partition will have adequate frontage on a public street to insure safe and efficient access for single family structures.
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, provided that conditions deal with sewer connection, easements, sidewalk needs, and street widening.

#### **VI. RECOMMENDATION**

Based upon the findings and conclusions in this report, the information submitted by the applicant, and the additional information contained in the file (and without benefit of public hearing), staff recommends approval of MLP 92-03, subject to the following conditions:

1. The applicant shall prepare a final partition map. The final partition map 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.
2. A new deed and legal description for the new parcel shall be prepared and recorded with the Clackamas County Clerk. A copy of the new deeds shall be provided to the Canby Planning Department.
3. A sidewalk and curb shall be provided along S. Ivy Street prior to occupancy of a home on either lot 2 or lot 3.
4. Permanent utility construction and maintenance easements including, but not limited to, electric and water cables, pipeline conduits and poles shall be provided as follows:
  - along the common access drive;
  - 6 feet in width along interior lot lines; and,
  - 12 feet in width along exterior lot lines.
5. A final partition modified to illustrate the conditions of approval, shall be submitted to the City Planner for review and approval. The final partition shall reference this land use application -- City of Canby, Planning Department, File No. MLP 92-03.
6. Plans to extend the sewer shall be approved for construction by the Director of Public Works, prior to the issuance of any building permits on the site.
7. All monumentation and recording fees shall be borne by the applicant.
8. All utilities must meet the standards and criteria of the providing utility authority.

9. A minimum distance of fifteen feet shall be provided between the existing house on parcel 1 and the property line for parcel 2.
10. All outbuildings shall be 3 feet from any property line or the common access drive, or shall be removed.
11. A turnaround for emergency vehicles shall be provided for on lot 3 according to the Fire Chief's specifications.

Exhibits:

1. Application and Vicinity Map
2. Site Plan
3. Requests for Comments

MINOR LAND PARCEL ZONING APPLICATION

Fee: \$300.00

OWNER

APPLICANT

Name M/M Israel Flores/Carrillo

Name Patrick S. Harmon

Address 1046 S. Ivy Ct.

Address 733 SE 1st Ave.

City Canby State Ore. Zip 97013

City Canby State Oregon Zip 97013

Signature: [Handwritten Signature]

Phone: 503-266-6861

DESCRIPTION OF PROPERTY:

Tax Map T4S, R1E, S 4AB Tax Lot(s) 900 Lot Size 26,100 sq. feet  
SN-0769434 (Acres/Sq. Ft.)

or 664 S. Ivy St., Canby, Oregon 97013

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 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 Residential Proposed Residential

Existing Structures One Single Family Residence & Two unused buildings

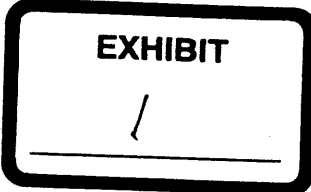
PROJECT DESCRIPTION

The purpose of this application is to divide the subject property as shown on the proposed plat plan. The present zoning is for single family housing which is compatible with this application—it is the owners intention to construct one single family home on each lot and leaving the front parcel as it is now with the potential for change to CR zone in the future which will comply with the comprehensive plan.

ZONING R-1 COMPREHENSIVE PLAN DESIGNATION Commercial/Residential

PREVIOUS ACTION (if any) Lot Line Adjustment (1991)

File No. MLP 92-02  
Receipt No. \_\_\_\_\_  
Received by \_\_\_\_\_  
Date Received \_\_\_\_\_  
Completeness Date \_\_\_\_\_  
Pre-App Meeting \_\_\_\_\_  
Hearing Date 6-8



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

04/17/92

City of Canby  
Planning Commission  
182 N. Holly  
Canby, Oregon 97013

Planning Commission:

RE: 664 S. Ivy St., Canby, Oregon 97013  
AKA:T4S,R1E,Sec 4AB-TL 900

The following LCDC goals are applicable to the minor partition of the above mentioned property.

Goal 9 - Economy of the State:

Due to the shortage of affordable single family residential lots in Canby and considering that the highest and best use of the subject property to be developed is for single family—the contiguous properties are presently being used for residential.

Goal 11—Public Facilities and Services:

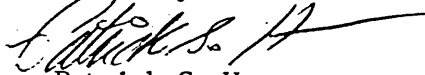
There are both Sewer and water service located in Ivy st./both electrical and phone are also readily available. The owner of the subject property presently has two dwellings hooked to city sewer(one home not occupied) and a permit(sewer) that was paid for several years ago. All services will be brought in underground to service the dwellings to be constructed.

Goal 12—Transportation:

This property has good access to Ivy St. the driveway will be blacktopped with the initial entrance being 25' wide and tapering to 20' in width. The drive will service all three with certain conditions—1.A maintenance agreement/easement agreement—The front lot will have this agreement deleted should the zone be changed to CR

I would hope that the City of Canby/Planning Commission would see this proposal as a good use of this land.

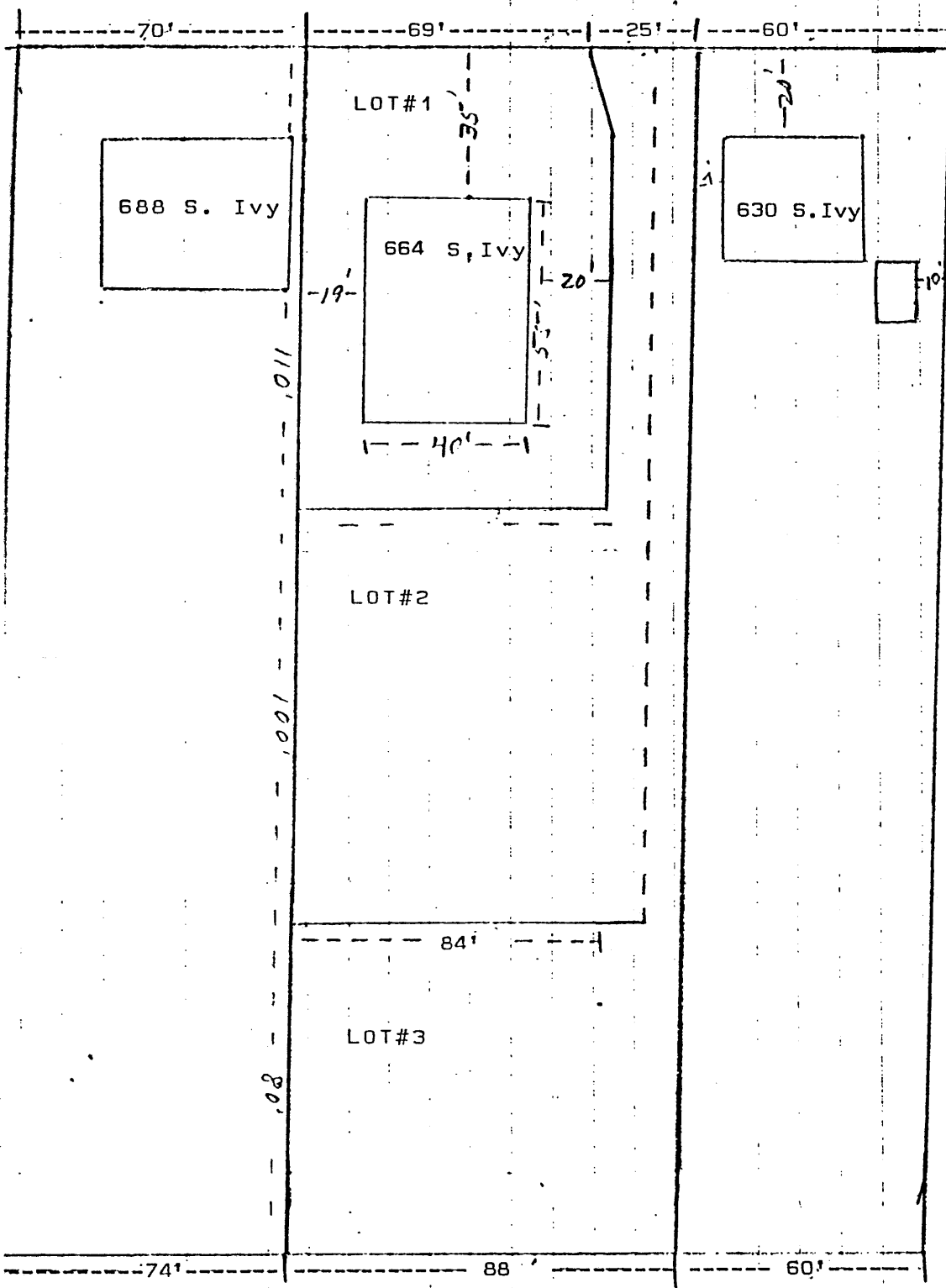
Sincerely



Patrick S. Harmon  
733 SE 1st Ave.  
Canby, Oregon 97013

HWY. 170 (AKA: S. IVY. ST.)

60'



Owner-Israel&Jesusita Flores-Carrillo

Property Address:  
664 S. Ivy  
Canby, Oregon 97013

Date: April 16, 1992

Zoning: R-1

Acreage: 26,100 Sq.Ft-Total  
#1. 7,920  
#2. 7,500  
#3. 7,040

Sewer: Available

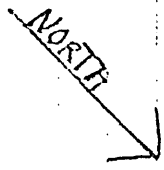
Water: Available

Scale: 1/4"=10'

Legal: T4S,R1E,Sec.4AB-TL90

Owner Mailing Address:  
1046 S. Ivy Ct.  
Canby, Ore.  
97013

Map Prepared by  
Patrick S. Harmon

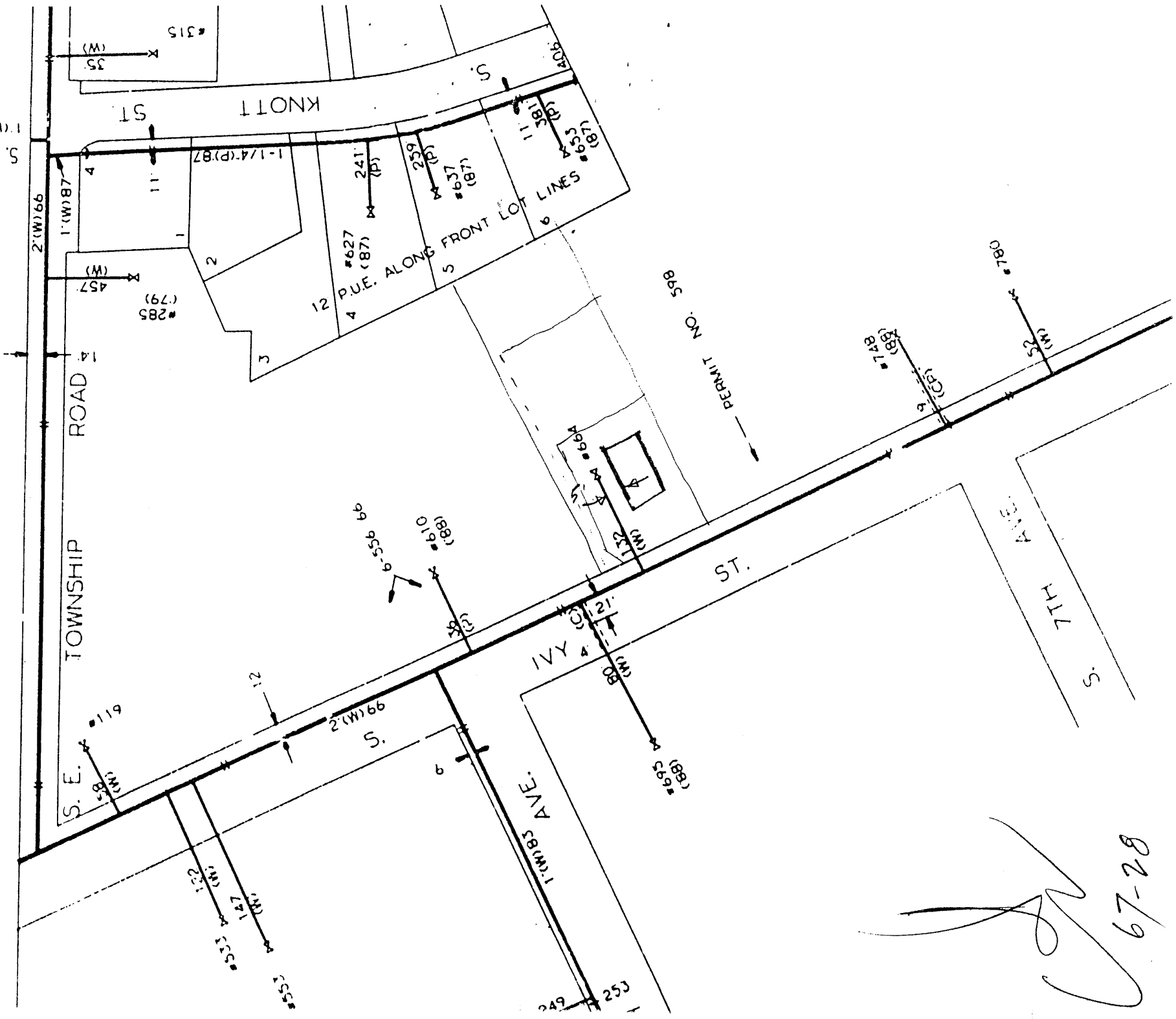








S. KNOTT ST.  
1' (W) 66 W.S.



*[Handwritten Signature]*  
67-28

# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

*JSW  
5/16/92*

DATE: May 4, 1992

TO: CUB, PUBLIC WORKS (Roy and Rusty), FIRE, POLICE, MIKE JORDAN, TOM PIERSON, TODD SCHMIT, GARY HYATT, CANBY ELEM. SCHOOL

The City has received MLP 92-02, an applications by Pat Harmon to divide property on the east side of S. Ivy Street into three lots. The lot with the existing home would measure 7,920 square feet. The two new lots would measure 7,500 and 7,040 square feet, respectively. The applicant intends to construct a single family home on each new parcel (Tax Lot 900 of Tax Map 4-1E-4AB).

We would appreciate your reviewing the enclosed applications and submitting comments by May 15, 1992 PLEASE. The Planning Commission will hold a public hearing on June 8, 1992 to consider this application. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

*No Problem - but addresses should be  
seen AT IVY STREET.*

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 Stiger*

Date: *5/7/92*

# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

930  
5/15/92

DATE: May 4, 1992

TO: CUB, PUBLIC WORKS (Roy and Rusty), FIRE, POLICE, MIKE JORDAN, TOM PIERSON, TODD SCHMIT, GARY HYATT, CANBY ELEM. SCHOOL

The City has received MLP 92-02, an applications by Pat Harmon to divide property on the east side of S. Ivy Street into three lots. The lot with the existing home would measure 7,920 square feet. The two new lots would measure 7,500 and 7,040 square feet, respectively. The applicant intends to construct a single family home on each new parcel (Tax Lot 900 of Tax Map 4-1E-4AB).

We would appreciate your reviewing the enclosed applications and submitting comments by May 15, 1992 PLEASE. The Planning Commission will hold a public hearing on June 8, 1992 to consider this application. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

See Flag lot requirements for turnaround at end of driveway and display of address numbers.

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- 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 5, 1992

# CANBY FIRE DISTRICT NO. 62

P.O. BOX 909 CANBY, OREGON 97013  
(503) 266-5851 FAX 266-1320

January 24, 1992

To: Bob Hoffman

From: Canby Fire District #62

Subject: Flag lot regulations

Dear Bob,

Due to the amount of flag lots that have been developed in the past year, the Canby Fire District feels that the items listed below need to be addressed. The Fire District feels that if these items can be adopted, it will help insure proper access and fire protection to any future developments.

1. Driveways longer than 150 feet shall be provided with approved provisions for the turning around of fire apparatus.
2. If a dwelling is to be built on a flag lot and the building is more than 250 feet from a fire hydrant, a hydrant shall be installed at the entrance of the driveway from subject street. Hydrant shall be supplied by no less than a 6" water main, installed as per CUB specifications. Cost of installation of hydrant shall be the developer's responsibility.
3. Address for proposed dwelling shall be displayed at driveway entrance from street. Numbers for address shall be at least 3" in height.
4. The Canby Fire District request that when a flag lot is to be developed, this office be notified prior to the issuance of a building permit.

Please contact this office if you have any questions concerning the above items. Also, please be advised that the above items were taken from the 1991 Uniform Fire Code, which has been adopted by the City of Canby.

Sincerely,



Jack Stark  
Canby Fire Marshal

JS/mlg

cc: File



# PLANNING COMMISSION

## SIGN-IN SHEET

Date: JUNE 8, 1992

NAME (Please Print)	ADDRESS (Please Print)
✓ Tom KOTZIAN	JOHNSON CONTROLS - 800NW 3 <sup>rd</sup>
✓ Ray Hudson	630 N.W. Baker Dr.
✓ Gloria Hudson	630 N.W. Baker Dr.
✓ Marguerite Cereghino	184 N.W. 10 <sup>th</sup> Avenue
Aloysia Moore	1815 N.W. 6 <sup>th</sup> Pl.
✓ Alan Miller	746 NW Baker Dr.
VERNO QUIST	650 N. BIRCH
↓ Barbara Jones	885 NW 6 <sup>th</sup>
★ Star Star	885 NW 6 <sup>th</sup>
✓ Teresa H. Myers	995 NW 6 <sup>th</sup> Ave
Tom Myers	995 NW 6 <sup>th</sup> Ave
✓ DAN EWERT	596 NW BAKER
✓ PAT EWERT	596 NW BAKER.
Earl Cox	610 N Birch
Franklyn Hood	661 NW BAKER
Maime Hood	" "
✓ Jimmy Jones	600 N.W. Baker
✓ Julie Chapen	5957 Cedar

PLANNING COMMISSION

TESTIMONY SIGN-IN SHEET

Date: June 8 1992

NAME  
(Please Print)

ADDRESS  
(Please Print)

Clara Adams

626 N. Birch

GENE CHAPIN

595 N. Cedar

John C. Anic Kirk Jr

1510 Resimunt Rd West Linn

Jack Hammond

32032 S. Barlow RJ

Alan James

19548 S Lyons Rd DC

Dorothy Knight Mitchell

655 NW Barber Dr

George E. Mitchell

- - - - -

ANDY DITOMASSO

775 N.E. 31st PLACE

Wanda Rohrer-Heyerly

725 NW 6th Ave Canby

Pat Harmon

R.B. 216 - Canby

John

1046 S. 7th Ct, Canby OR

Tamara Kennedy

1035 NW 6th Pl Canby, OR

Jim McElhin

901 S.W. 15th Ave Canby

Mary Kay Watson

613 N. Birch Canby, OR

Marilyn Smith

P.O. Box 1060 - Woodburn, OR

Barbara

1005 N.W. 6th Ave Canby

Ann Wanner

1005 N.W. 6th Ave Canby

Don Myslinsky

770. S.W. 4th CANBY

Karen - not much

Restored

IF would like a plan meet to those who speak.