

MINOR VARIANCE APPLICATION – TYPE II

Instructions to Applicants

All required application submittals detailed below must also be submitted in electronic format on a CD, flash drive or via email to: PlanningApps@canbyoregon.gov

Applicant City
Check Check

- One (1) copy of this application packet. The City may request further information at any time before deeming the application complete.
- Payment of appropriate fees – cash or check only. Refer to the city’s Master Fee Schedule for current fees. Checks should be made out to the *City of Canby*.
- Please submit one (1) electronic copy of mailing addresses in either an EXCEL SPREADSHEET or WORD DOCUMENT** for all property owners and all residents within 200 feet of the subject property. If the address of a property owner is different from the address of a site, an address for each unit on the site must also be included and addressed to “Occupant.” A list of property owners may be obtained from a title insurance company or from the County Assessor’s office.
- One (1) copy of a written, narrative statement describing the proposed development and detailing how it conforms with the Municipal Code and to the approval criteria and availability and adequacy of public facilities and services. **Ask staff for applicable Municipal Code chapters and approval criteria.** Applicable Code Criteria for this application includes:

- One copy of either the recorded plat or the recorded deeds or land sales contracts that demonstrates how and when legal property lines were established and where the boundaries of the legal lot(s) of record are located. If the property is a lot or parcel created by plat, a copy of the recorded plat may be obtained from the Clackamas County Surveyor’s office. If the property is a legal lot of record created by recorded deed or land sales contract at a time when it was legal to configure property lines by deed or contract, then those recorded deeds may be obtained from the Clackamas County Office of the Clerk, or a Title Company can also assist you in researching and obtaining deeds.
- Two (2) paper copies of the proposed plot plan, printed on 11 ½” x 17” paper, and drawn to an engineer’s scale no smaller than 1”=50’. The plot plan shall include the following information:
 - A. All legal lot lines, north arrow, lot size and dimensions, location of public and private easements, and location and names of all adjacent streets.
 - B. Any major topographic or landscape features, driveways, wells, septic tanks, drain fields, and jurisdictional watercourses or wetlands on or abutting the property. As a reminder, the property owner is responsible for meeting all state/federal wetland and waterway regulations.
 - C. Location and description of all existing and proposed structures. Call out the distance between the structures and lot lines, and clearly illustrate the setback variance that is being requested.

MINOR VARIANCE – TYPE II: APPLICATION PROCESS

1. Prior to submitting an application, all applicants are encouraged to request a pre-application meeting with the City, or the City Planner may determine that a pre-application meeting is necessary after an application has been discussed or upon receipt of an application by the City. To schedule a pre-application meeting, an applicant must submit a completed pre-application form and set of preliminary plans to the City Planner, and after receiving the Planner's initials, must then make and take 16 copies of the pre-application materials to the Canby Public Works Department to schedule the pre-application meeting. The City does not charge a fee for a pre-application meeting.
2. At the time an application is submitted to the City, payment of all required application processing fees is required. An application will not be accepted without payment of fees. City Staff can provide you with information concerning application fees.
3. Staff will check the application, making sure that it is complete and all fees are paid. Copies of the application materials are also routed to various City/State/County departments, as applicable, for their comments. The City Planner will accept or return the application with a written list of omissions within thirty (30) calendar days of the submittal.
4. Notice of the application is mailed to all property owners and residents within 200 feet of the property. The property owners and residents are given 10 days to submit written comments.
5. Staff investigates the application, including comments received, and writes a decision. The staff's decision is mailed to the applicant, to the property owners and residents who received the original notice, and to anyone else who submitted comments during the comment period; and opportunity is given to appeal the decision.
6. An appeal must be requested in writing within 10 days of the date the decision notice is mailed. If an appeal is requested, the applicant is required to pay an additional \$1,600 application processing fee to cover the cost of the appeal hearing.
7. Prior to the appeal hearing, the City will prepare notice materials for posting on the subject property. This material will be posted **by staff** at least ten (10) days before the public hearing.
8. The staff report will be available to all interested parties seven (7) days prior to the hearing.
9. The Planning Commission holds a public hearing on the appeal request. Unless the Planning Commission decides to hear the appeal de novo, only testimony regarding items already in the record is permitted, and no new information may be entered. The staff report is presented to the Commission. Testimony is presented by the appellant, the applicant, proponents and opponents.
10. The Commission then makes findings of fact, and issues a decision to either uphold the original decision, modify the original decision, or overturn the original decision. The Planning Commission's decision may be appealed to the City Council.
11. If the Commission's decision is appealed, City Council holds a public hearing. The staff report is presented and testimony taken, as at the original hearing(s). The City Council decides to hear the appeal either de novo, or on the record. The Council may affirm, revise or reverse the action of the Planning Commission in all or in part. The Council may also remand the matter back to the hearing body for further consideration.

MINOR VARIANCE – TYPE II: STANDARDS AND CRITERIA

Under Section 16.53.010 of the Canby Municipal Code, an application for MINOR VARIANCE approval shall be evaluated based on the following standards and criteria:

- A. The variance is required due to the lot configuration or other physical conditions of the site;
- B. The variance is proposed in order to preserve trees or will not result in the removal of significant natural resources, including trees;
- C. The variance will not reduce allowable lot size, violate landscaping requirements, or result in a violation of other chapters or sections of this ordinance; and
- D. The variance will not be materially detrimental to other property within the same vicinity.