

## AGENDA PLANNING COMMISSION

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**Monday, November 9, 2020**  
**7:00 PM (Virtual Meeting)**

**Commissioner John Savory (Chair)**

**Commissioner Larry Boatright (Vice Chair)**

**Commissioner Jeff Mills**

**Commissioner Jason Taylor**

**Commissioner Jennifer Trundy**

**Commissioner Michael Hutchinson**

**Commissioner: *Vacant***

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### 1. CALL TO ORDER

- a. Invocation and Pledge of Allegiance

**2. CITIZEN INPUT ON NON-AGENDA ITEMS** –This is an opportunity for audience members to address the Planning Commission on items not on the agenda. Each person will be given 3 minutes to speak. Staff and the Planning Commission will make every effort to respond to questions raised during citizens input before the meeting ends or as quickly as possible thereafter. **\*\*\*If you would like to speak virtually or in person, please email or call the Recording Secretary by 3:00 pm on November 9, 2020 with your name, the topic you'd like to speak on and contact information: fousel@canbyoregon.gov or call 503-266-0733. Once your information is received, you will be sent instructions to speak. Please note that Commissioners will be attending this meeting virtually.**

**3. MINUTES** – May 11, 2020 Planning Commission Meeting Minutes

**4. NEW BUSINESS** – None

### 5. PUBLIC HEARINGS

- a. To consider a request to construct a 4-townhome subdivision on approximately 0.15 acres of land located on NW 3<sup>rd</sup> Avenue in an R-2 High Density Residential Zone. **(SUB 20-03 Schneider Square Subdivision).**
- b. To consider a request to make minor recommended amendments to the City's 2010 Transportation System Plan (TSP). These amendments reflect a revised alignment for a connector road between the Canby Pioneer Industrial Park and State Highway 99E, which was previously planned as an extension to Otto Road but is proposed to be an extension of S Walnut Street. **(TA 20-02 2010 TSP Amendments).**
- c. To consider a request to make proposed code amendments for the new micro cell technology and the telecommunication facilities. **(TA 20-01 Telecommunications Facilities).**

**6. FINAL DECISIONS** –These are the final, written versions of previous oral decisions.  
No public testimony is taken.

- a. SUB 20-03 Schneider Square Subdivision Final Findings
- b. TA 20-02 2010 Transportation System Plan Amendments Final Findings
- c. TA 20-01 Telecommunications Facilities Final Findings

**7. ITEMS OF INTEREST/REPORT FROM PLANNING STAFF–**

- a.** Next regularly scheduled Planning Commission meeting – Monday, November 23, 2020

**8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION**

**9. ADJOURNMENT**

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for person with disabilities should be made at least 48 hours before the meeting at 503-266-7001. A copy of this agenda can be found on the City’s webpage at [www.canbyoregon.gov](http://www.canbyoregon.gov) . City Council and Planning Commission Meetings are broadcast live and can be viewed on CTV Channel 5. For a schedule of the playback times, please call 503-263-6287.

**\*\*We are requesting that rather than attending in person you view the meeting on CTV Channel 5 or on YouTube: [YouTube Link](#). If you do not have access virtually, there are a small number of chairs provided inside the Council Chambers to allow for distancing.**

**SCHNEIDER SQUARE SUBDIVISION (SUB 20-03)**  
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**MINUTES**  
**CANBY PLANNING COMMISSION**  
**7:00 PM – Monday, May 11, 2020**

**PRESENT:** Commissioners John Savory, Jennifer Trundy, Jeff Mills, and Michael Hutchinson

**ABSENT:** Larry Boatright, Derrick Mottern, and Jason Taylor

**STAFF:** Ryan Potter, Senior Planner, and Laney Fouse, Recording Secretary

**OTHERS:** Jason Sahlin, Craig Harris, and Bob Cambra

**CALL TO ORDER**

Chair Savory called the meeting to order at 7:00 p.m.

**CITIZEN INPUT ON NON-AGENDA ITEMS** – None

**MINUTES**

Approval of Planning Commission Minutes for March 9, 2020

**Motion:** A motion was made by Commissioner Trundy and seconded by Commissioner Hutchinson to approve the March 9, 2020 Planning Commission minutes. Motion approved 4/0.

**NEW BUSINESS** - None

**PUBLIC HEARINGS**

- a. To consider a Remand from the City Council of **APP 20-01(DR 19-02)** by Caruso Produce, appealing language of two conditions of approval in the Final Findings of DR 19-02 but not the Commission's final approval of the project.

Chair Savory opened the public hearing and read the hearing statement which would apply to both hearings. He asked if any Commissioner had conflicts of interest or ex parte contacts to declare for either application. There were none.

Ryan Potter, Senior Planner, presented the staff report. This was an appeal of a Planning Commission decision from January 13, 2020. The appeal was related to specific conditions. On February 19, 2020, the City Council declined to hear the applicant's appeal and remanded it back to the Planning Commission. He explained the existing conditions of the site. It was partitioned into two lots in December and the western lot was intended to accommodate Caruso Produce. The proposal was for a 95,060 square foot produce distribution facility. It was a relocation of Caruso Produce's existing operations. There would be cooler storage, conditioned warehouse, staging/loading areas, and accessory office space. It would be a 24 hour per day operation with approximately 70 employees over 3 shifts. There would be 30 loading berths and 96 parking spaces. He reviewed the applicable criteria used to evaluate the application. Staff found that the project was consistent with all of the applicable criteria with conditions. The conditions included standard conditions of approval, half street improvements to SE 4<sup>th</sup> Avenue, restrictions related to access/circulation, and additional conditions regarding street improvement in response to agency comments. The agency comments were from Canby Fire, City Engineer, and Clackamas County. Public comments included both general support and concerns. He discussed the appeal timeline. The appeal did not overturn the approval of the proposed project, but requested revisions to two conditions of approval. These were Conditions #24 and 25 related to public improvements on S Mulino Road and use of that roadway for project related vehicle trips. These were half-street improvements on SE 4<sup>th</sup> with a taper to S Mulino and half-street improvements to S Mulino that were being requested to be deferred to

the time that parcel 2 was developed. All Caruso access would be via S Walnut until SE 4<sup>th</sup> Avenue was fully built to the east or west. Signage prohibiting trucks from left turns onto S Mulino would be required until a route northward was established. The main request was not requiring the half street improvements on S Mulino. This was consistent with the conversations between the Planning Director and Clackamas County after the Planning Commission decision. The County just wanted to know there would be improvements at some time but understood that there was not a strong nexus between those improvements and the Caruso Produce project specifically. He summarized the comment letters to the City Council which were mostly supportive of the project. There were concerns/comments regarding the circulation to/from the industrial park. Based on the additional information received by the Planning Director and the appeal, staff analyzed the nexus between the improvements to S Mulino and the approved project. Staff's findings were: the truck trips generated by Caruso Produce would not be allowed to use S Mulino Road and would take alternative routes, the project site was not directly adjacent to S Mulino Road, the parcel retained by the original property owner was assigned responsibility for S Mulino Road improvements under the minor land partition MLP 19-03, and improvements to S Mulino Road would prevent the existing property owner from continuing to operate his business. Staff recommended granting the appeal subject to the conditions of approval. The remand options were to uphold the decision as previously approved or uphold the decision but revise Conditions #24 and 25 as requested.

Questions: Commissioner Mills asked if the new information was primarily the statement from Clackamas County about what they expected the improvements to be as well as how the improvements would not allow the existing property owner to operate his business. Mr. Potter said yes, and it was important to note the original staff report did not identify the improvements on S Mulino as a condition for the project. Those came out of a late received memo from the County. The Planning Director had additional conversations with the County where they clarified that it wasn't a hard ask of this specific project and would be willing to approve the project as originally stated. The partition did allocate those improvements to the second parcel.

Commissioner Trundy said at the meeting where this was discussed there was a concern that if the improvements did not get done now they would not get done ever. She wanted to make sure that with all the conversations that had been going on that the City had been reassured that would not happen. Mr. Potter said as part of the conditions for the partition, the improvements were required.

Commissioner Mills thought the business on the other parcel was grandfathered in and would not have to make any improvements. Mr. Potter said right now they were not proposing to develop that parcel. The improvements would be delayed until a later time, but staff was concerned about requiring improvements that did not have a direct nexus with the project. There was a concern that they had County roads that needed improvements on long stretches and it was a matter of when the appropriate time was to require those improvements. Usually it was adjacency and the proposed project using that piece of roadway. If the trucks were taking Walnut to Sequoia, they were not impacting S Mulino.

Commissioner Hutchinson said there was an issue with lack of sidewalks in Canby. However, there was an adjacent property that was undeveloped and there would be a gap in the sidewalk anyway. He did not think the improvements should be required especially if it would impinge on the existing business.

Commissioner Mills would like to know why curbs and sidewalks would interfere with the existing business. Chair Savory agreed.

Applicant: Jason Sahlin, project manager representing the applicant, stated the development was for Caruso Produce and the balance of the property would be continued to operate as a farm business. When the site was improved in the future it would trigger the S Mulino improvements. The farm truck activity went in and out of the entire length of Mulino and they had a loading dock ramp that backed up to their building and they shipped out of that dock. The challenge of the road improvements would be the fact that the farm business would be interrupted and from a cost standpoint would be difficult for them to sustain the business. Caruso was buying a

piece of land and the proposed development did not impact Mulino. They would not be using Mulino and it was not fair to impose the improvements on them at this point.

Proponents: Craig Harris, representing the property owner of the undeveloped farm parcel, said these were two separate tax lots. The property owner operated a farm business and if the street improvements were done they would be limited to the number of driveways and locations for maneuvering. They wanted to continue operating their business in Canby.

Chair Savory asked how seriously these additional requirements would impair the farm business. Mr. Harris explained it would be a financial burden and they would have to shut down their operation and look for somewhere else to go.

Chair Savory asked how long they had been in business at this location. Mr. Harris thought it was over 20 years.

Opponents/Neutral: Bob Cambra, Canby resident, asked for clarification. He thought he heard that once the roadway to 99E was completed, this company would be allowed to use S Mulino. Mr. Potter said the condition said the applicant shall install signage prohibiting trucks from turning left onto S Mulino from SE 4<sup>th</sup> Avenue until such time that additional road improvements to the north allowed for truck traffic.

Mr. Cambra said as a citizen he did not want to be stuck with the cost of improving S Mulino. He thought it should be the businesses who were accessing the road that should pay for the improvements.

Mr. Sahlin said access for truck traffic from Mulino out to 99E was prohibited. There was a much larger restriction on the access than just this section of land.

Mr. Potter said the circulation for the Industrial Park was meant to be internal and most of it went to Sequoia to 99E. That was why SE 4<sup>th</sup> Avenue was in the Transportation System Plan to accommodate the industrial traffic in this area to get to Sequoia. Caruso would be improving SE 4<sup>th</sup> Avenue so that it could take truck traffic out of the area towards 99E. The revised conditions allowed for more flexibility.

Chair Savory closed the public hearing.

Deliberation: Commissioner Trundy thought it made sense to revise the conditions as proposed by staff.

Commissioner Mills discussed the industrial overlay whose purpose was to provide efficient circulation and access as well as provide visual continuity for streetscapes and developments. The second was one of the drivers behind providing the additional improvements because the way this development was planned there was no provision for filling in gaps for a long period of time. That was why he voted for the improvement. The code said the Planning Commission could impose conditions to protect public health and safety on any discretionary land use application. There was a flaw in the overlay plan that did not provide for how the gaps would be met and the problem was what would happen in the intervening 20-30 years when things were not at the end point. That was why he tried to do something about it. He was sympathetic to the farming operation, however they were saying they could not operate in an industrial park if the road was improved. He questioned that it would put them out of business.

Commissioner Hutchinson agreed with the comments about continuity of pedestrian safety and lighting. He thought the issue was the ability for the farm to use the loading dock. There was an excavation company adjacent to them and there would be a gap there in any case. He thought it would be unsafe one way or the other for pedestrians and bicyclists as well as drivers. He was in favor of the revised conditions.

**Motion:** A motion was made by Commissioner Trundy and seconded by Commissioner Hutchinson to approve APP 20-01(DR 19-02) Caruso Produce. Motion failed due to a tie vote 2 yes (Trundy and Hutchinson)/2 no (Mills and Savory).

- b. To consider the 17th Avenue Subdivision (SUB 20-01) consisting of 9 lots at 1629 N Redwood St.

Chair Savory opened the public hearing.

Mr. Potter presented the staff report. This was a request for a subdivision of 9 lots on N Redwood. He discussed the applicable criteria and existing conditions on the site. It would be R-1, low density residential, and backed up to existing homes within Postlewait Estates. The applicant proposed 9 single family detached residential lots with an existing home to be retained on proposed lot 9. N Redwood was a collector street under County jurisdiction in this area. The existing driveway on Redwood would be removed and all the access would be on NE 17<sup>th</sup> Avenue. The lot sizes complied with the 7,000 to 10,000 square foot range except for the existing home which would be on a 12,825 square foot lot. That was allowed because it was an existing home. A traffic analysis was not required because the other developments along Redwood had traffic studies that included this site. The studies showed there was capacity for this development without the need for mitigation. There were conditions of approval to ensure that the sidewalk and ADA ramp improvements in the N Redwood Street right-of-way were constructed in compliance with the design standards requested by the County. The conditions included the standard conditions of approval as well as approval from Clackamas County for the public improvements, new improvements to NE 17<sup>th</sup> Avenue shall include a minimum 4.5 foot wide planter strip and concrete sidewalk to match the existing improvements, and requirement to remove the existing driveway and fill in the gap in the masonry fence along N Redwood. The applicant would be responsible for the maintenance of the fence and new driveways. Correspondence was received from Canby Fire (compliance with fire codes), City Engineer (public infrastructure improvements), Clackamas County (transportation improvements), and USPS (CBU mailbox to be located on NE 17<sup>th</sup> in front of lot 3). Public comments were also received expressing concern about limiting parking on 17<sup>th</sup>, the development should be in the Postlewait Estates HOA, access to homes for fire/life safety, exemptions to the design standards, number of inlets into the shared driveways, impacts from developments already being built, and driveways fronting out towards existing homes. Staff recommended approval with conditions.

Applicant: Mark Dane, applicant, said there were 43 conditions of approval and he was in agreement with them all. However, he wanted to clarify Conditions #10 and #16. This property was the last phase of the Postlewait Estates. At the neighborhood meeting, the HOA encouraged him to become part of the HOA and he had kept that door open. He agreed there had to be an HOA of some sort to maintain the development. He was in conversations with Clackamas County to keep the sidewalk and ADA ramp instead of removing and replacing them. Regarding Condition #10, the private street would be built to the City local street standard cross-section, but he clarified it would be the cross-section vertically not horizontally. Regarding Condition #16, tracts a and b should be built to 20 feet in width not 26 feet which followed fire code and would discourage parking on the street. All utilities were available and this property was included in past traffic studies.

Commissioner Mills asked for clarification on the flag lots. Mr. Dane said the flag lots were lots 6, 8, and 9.

There was discussion regarding the emergency access to lot 6.

Commissioner Mills thought lot 1 would be a flag lot. Mr. Dane said it would take access on NE 17<sup>th</sup> and though it was technically not a flag lot, it would function like a flag lot.

Proponents: None

Opponents: None

Neutral: None

Chair Savory closed the public hearing.

Deliberation: Commissioner Trundy understood the neighborhood's concerns but it was only 9 homes. She did not think it would have an impact on traffic or people getting out.

Commissioner Hutchinson said his concern was lot 6. There would need to be a lot of pavement to make a driveway to the house. He was not sure if anything could be done about that. Other than that he was in support.

Commissioner Mills asked which lots would receive a design standard exemption. Mr. Potter said the exemptions only applied when the front of the house was facing out to the public. Most house plans did not trigger the exemption.

Mr. Potter said Condition #16 would be amended to say they would comply and be consistent with Canby Fire, City Engineer, and Public Works standards.

Commissioner Hutchinson discussed the Commission emailing each other about applications.

**Motion:** A motion was made by Commissioner Trundy and seconded by Commissioner Mills to approve SUB 20-01 17th Avenue Subdivision with the change to Condition #16 regarding the driveway width. Motion passed 4/0.

**FINAL DECISIONS** (Note: These are final, written versions of previous oral decisions. No public testimony.)

- a. Caruso Produce Remand on Appeal Final Findings (APP 20-01/DR 19-02)

The final findings for denial of APP 20-01 were approved by consensus.

- b. 17<sup>th</sup> Ave Subdivision Final Findings (SUB 20-01)

The final findings for approval of SUB 20-01 were approved by consensus.

#### **ITEMS OF INTEREST/REPORT FROM PLANNING STAFF**

- a. Next regularly scheduled Planning Commission meeting – Monday, May 25, 2020 was being cancelled due to Memorial Day. City offices would be closed. The next meeting would be scheduled for June 8, 2020.

#### **ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION**

- a. Commissioner Mills emphasized the matter of emails between Commissioners that should not be happening. He asked for staff to consider how to help prevent them from doing that in the future.

#### **ADJOURNMENT**

**Motion:** A motion was made by Commissioner Hutchinson and seconded by Commissioner Trundy to adjourn the meeting. Motion passed 4/0.

The meeting adjourned at 8:42 pm.





# City of Canby

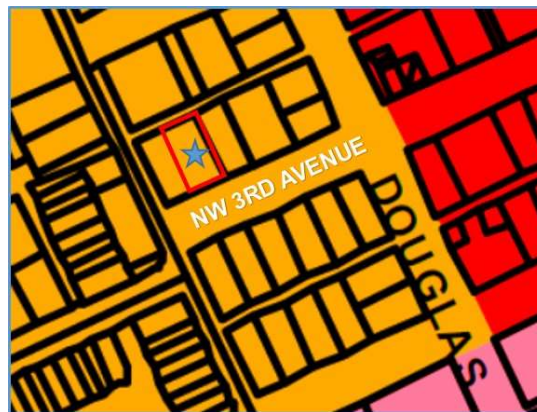
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**File #: SUB 20-03 – Schneider Square Subdivision**

**HEARING DATE:** November 9, 2020  
**STAFF REPORT DATE:** October 30, 2020  
**TO:** Planning Commission  
**STAFF:** Ryan Potter, AICP, Senior Planner

## Applicant Request

The applicant is seeking approval to subdivide a 0.15-acre lot into four legal lots that would accommodate the future construction of two duplexes.



## Property/Owner Information

**Location:** NW 3<sup>rd</sup> Avenue between N Cedar and N Douglas Streets  
**Tax Lots:** 31E33CC 00601  
**Property Size:** 0.15 acre  
**Comprehensive Plan:** HDR – High Density Residential  
**Current Zoning:** R-2 High Density Residential  
**Owner:** Jason Bristol  
**Applicant:** Jason Bristol  
**Application Type:** Subdivision (Type III)  
**City File Number:** SUB 20-03

## Staff Recommendation

Based on the application submitted and the facts, findings, and conclusions of this report, staff recommends that the Planning Commission **Approve** SUB 20-03 pursuant to the Conditions of Approval presented in *Section V* at the end of this staff report.

## **Attachments**

- A. Land Use Application – Subdivision Type III
- B. Application Narrative
- C. Proposed Subdivision Plat
- D. Preliminary Site Plan and Building Elevation Exhibits
- E. Neighborhood Meeting Minutes
- F. Public Comments

## **Existing Conditions**

The subject property is an infill site located on the north side of NW 3rd Avenue, mid-block between N Cedar Street and N Douglas Street. The property is designated for High Density Residential (HDR) uses in the City of Canby Comprehensive Plan and has an R-2, High Density Residential Zone, classification. The property is vacant with no structures or vegetation. Adjacent properties feature residential uses on parcels also zoned for R-2 uses.

Under existing conditions, the subject property is served by the following utility providers:

- Water and electric service – Canby Utility
- Wastewater and streets – City of Canby Public Works
- Solid waste disposal services – Canby Disposal
- Fire services – Canby Fire District
- Police services – City of Canby Police Department

## **Project Overview**

The property owner requests to subdivide the 0.15-acre subject property into a four lot subdivision that is intended to accommodate the construction of two duplexes. The homes would be attached to each other from their rear elevations (as opposed to their side elevations, as in most duplexes). Two lots would front onto NW 3rd Avenue and two would front onto the alley to the north. The home's front doors are planned to face a common private sidewalk that traverses the middle of the subject property. At either end of this walkway, near the respective public right-of-ways, pergolas over the walkway would visually demarcate the subdivision's pedestrian entrance.

The design of the proposed subdivision is similar to that of Bergman Square, which was approved by Planning Commission on June 10, 2019 for another portion of the same city block, facing NW 4th Avenue.

## **Analysis and Findings**

### **I. Applicable Criteria**

In addition to components of the City of Canby Comprehensive Plan, applicable criteria used in evaluating this application are listed in the following sections of the *City of Canby's Land Development and Planning Ordinance*:

- 16.08 General Provisions
- 16.10 Off-street Parking and Loading
- 16.20 R-2 High Density Residential Zone
- 16.21 Residential Design Standards
- 16.62 Subdivisions – Applications

- 16.64 Subdivisions – Design Standards
- 16.68 Subdivisions – Final Procedures and Recordation
- 16.89 Application and Review Procedures
- 16.120 Parks, Open Space, and Recreation Land – General Provisions

## II. **Facts and Findings**

The following analysis evaluates the proposed subdivision’s conformance with applicable approval criteria and other Canby Municipal Code (CMC) sections, as listed above in Section I.

### **Section 16.08.070: *Illegally Created Lots***

In no case shall a lot created in violation of state statute or City ordinance be considered as a lot of record for development purposes, until such violation has been legally remedied. Subdivision applications are required to include “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 lots of record are located.”

The subject property is shown on Tax Map 31E33CC as found in the Clackamas County Online Parcel Information Application (C-Map). The lot line adjustment and variance processed for the subject property in 2019 (LLA 19-02/VAR 19-03), along with the sale deed provided by the applicant as part of this subdivision application, indicate that the affected parcel is a legal lot for land use purposes.

**Finding 1:** For the above reasons, Planning Staff finds this request is consistent with applicable provisions of the Canby Municipal Code.

### **Chapter 16.10: *Off-Street Parking and Loading***

Section 16.10.050 of the Municipal Code requires that each single-family dwelling provide two off-street parking spaces. The subject property’s four proposed dwelling units would each have a one-car garage and a driveway accommodating one car. Therefore, the proposed individual lots would each comply with the code related to off-street parking.

**Finding 2:** For the above reasons, Planning Staff finds this request is consistent with applicable provisions of the Canby Municipal Code.

### **Chapter 16.20: *R-2 High Density Residential Zone***

As identified in Chapter 16.20 of the Municipal Code, the R-2 zone requires that residential development achieve a minimum density of 14 units per acre, with no stated maximum density. The four proposed lots are each 1,640 square feet, which is 26.7 units per acre. Therefore, the requested subdivision is consistent with the City’s density standards for this zone. The R-2 zone does not have a minimum or maximum lot size; therefore no lot size exception is required.

Minimum yard requirements for non-corner lots in the R-2 zone include a 20-foot setback on the street-facing side (front), 7-foot side yards, and 19-foot-long driveways (measured between garage door and back of sidewalk). The applicant’s narrative states that these can be met by the proposed project design. The proposed project includes second-story porches projecting over each driveway, which utilizes a provision of Chapter 16.20 that allows covered porches to be as close as 10 feet from the front property line. The upper-story living space of each proposed home also encroaches two feet into the space above

the 20-foot front setback, however this is allowed per Interpretation INT 19-01, which allows second stories to project up to two feet over front setbacks if the projection is 60 percent or less of the second story façade's width. As the proposed project consists of residential units attached at their rear elevations, they provide no "rear" yards. Therefore, rear yard requirements to not apply.

Site plan approval of the four proposed homes will require the project applicant to demonstrate that the units fully comply with minimum required setbacks and development standards.

**Finding 3:** For the above reasons, Planning Staff finds this request is consistent with applicable provisions of the Canby Municipal Code.

### **Chapter 16.21: Residential Design Standards**

This section of the CMC identifies design standards designed to prevent homes from having street-facing facades that are dominated by garages. Due to the design and orientation of the four proposed homes, their garages comprise over 60 percent of each first-story front façade. For this reason, the homes must meet six of the "design menu" standards identified in this chapter. The preliminary elevations of the proposed homes indicate that they would likely satisfy a minimum of six listed items. However, this will be verified as part of the site plan approval for the homes.

With the intention of ensuring that there is a visual connection between the entry of a home and the street, and to provide a pleasant pedestrian environment, this chapter of the CMC requires that one entrance for each structure be at an angle of up to 45 degrees from the street or open onto a covered porch that is at least 48 square feet. The size of the subject property, design of the proposed townhomes, and requirement for off-street parking precludes the proposed subdivision from featuring building entries that meet this criteria. However, after this was discussed at the pre-application meeting for the proposed subdivision, the applicant modified the project to feature two pergolas at either end of the shared central sidewalk. These decorative vertical features will visually demarcate the pedestrian entrance to the subdivision's four "front" doors. Planning staff believe that this meets the intention of the code section discussed above. Furthermore, the proposed homes have extensive glazing, including first-floor windows, to better mimic the pedestrian experience of walking past traditionally-sited single family homes.

**Finding 4:** For the above reasons, Planning Staff finds this request is consistent with applicable provisions of the Canby Municipal Code.

### **Chapter 16.62: Subdivisions – Applications**

This chapter requires that subdivision applications demonstrate that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed land division. As discussed in the pre-application conference for this project, the subject property and its surrounding vicinity are already served by water, sewer, and electric service, and are served by existing public streets.

**Finding 5:** For the above reasons, Planning Staff finds this request is consistent with applicable provisions of the Canby Municipal Code.

### **Section 16.64.010: Subdivision Design Standards – Streets**

The proposed subdivision is planned for an infill<sup>1</sup> site adjacent to an existing street and existing alley. Although minor right-of-way improvements would be required, the subdivision would not require new streets or the realignment or extension of existing streets. NW 3<sup>rd</sup> Avenue and the existing alley to the north would function as under existing conditions. Therefore, most provisions of this section are not applicable.

Improvements to the public right-of-way needed to accommodate the subdivision include new curb cuts and driveway approaches; demolition and replacement of the existing sidewalk on NW 3<sup>rd</sup> Avenue; removal and replacement of curb where necessary; and accommodation of utility extensions as needed. Improvements to the existing alley could also be necessary, including repaving of a portion of the road surface. Section V of this staff report identifies conditions of approval related to street improvements.

*Finding 6:* For the above reasons and as conditioned, Planning Staff finds this request is consistent with applicable provisions of the Canby Municipal Code.

### **Section 16.64.015: Subdivision Design Standards – Access**

Access to the proposed subdivision is provided from NW 3<sup>rd</sup> Avenue and the existing alley to the north. Two lots would have frontage on the existing alley to the north and two lots would have frontage on NW 3<sup>rd</sup> Avenue to the south. Each lot would feature its own individual driveway for vehicular access and a shared driveway facility would not be required. As required by Subsection 16.64.015, sidewalk would continue to be provided on NW 3<sup>rd</sup> Avenue.

*Finding 7:* For the above reasons, Planning Staff finds this request is consistent with applicable provisions of the Canby Municipal Code.

### **Section 16.64.020: Subdivision Design Standards – Blocks**

As discussed above, the proposed subdivision would be on an infill site surrounded by existing urbanized land. The subdivision would not create new city blocks or change the orientation or size of existing blocks.

*Finding 8:* For the above reasons, Planning Staff finds this request is consistent with applicable provisions of the Canby Municipal Code.

### **Section 16.64.030: Subdivision Design Standards – Easements**

The proposed subdivision can be adequately served by water, sewer, and electric service. Water service will be extended to the proposed units from NW 3<sup>rd</sup> Avenue, while electrical service and sewer laterals will be connected to main line infrastructure in the alley. Each unit will have individual utility connections that will be located in shared utility easements traversing the property that shall be indicated on the partition plat to be recorded. The preliminary plat provided in the subdivision application submittal shows proposed easements, including a 12-foot PUE along NW 3<sup>rd</sup> Avenue as required by Subsection 16.64.030.

The four proposed lots would require a shared private path that would traverse the length

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<sup>1</sup> Note that the CMC narrowly defines “infill homes” related to the code’s residential infill standards. The subject property does not meet this definition as it is located in an R-2 zone; the term is used here in a generic sense that the property is a small site on an existing, older city block with existing land uses on the immediately adjacent parcels.

of the subject property between NW 3rd Avenue and the alley. This sidewalk would span portions of all four lots. Accordingly, the applicant will need to submit a draft Shared Private Sidewalk Path and Maintenance Agreement that is necessary to assure future maintenance and repair for the common shared path. The recorded plat for this subdivision will need to provide a shared private easement with a note referring to the Shared Private Sidewalk Access and Maintenance Agreement. These requirements are identified in Section V of this staff report.

*Finding 9:* For the above reasons and as conditioned, Planning Staff finds this request is consistent with applicable provisions of the Canby Municipal Code.

#### **Section 16.64.040: Subdivision Design Standards – Lots**

This section of the CMC requires that the “lot size, width, shape, and orientation” of subdivision lots be appropriate for the subdivision’s location and land use. As discussed above in analysis of project consistency with Chapter 16.20, the proposed lots comply with R-2 zoning standards, including having widths and street frontages (each 28.5 feet) that are greater than the minimum standard of 20 feet. As required by Section 16.64,040, the proposed lot lines run at right angles to the street. In general, the dimensions and layout of the proposed lots are typical for small-lot development on high-density-zoned parcels in a downtown-adjacent neighborhood that features a mix of residential building typologies and densities.

*Finding 10:* For the above reasons, Planning Staff finds this request is consistent with applicable provisions of the Canby Municipal Code.

#### **Section 16.64.070: Subdivision Design Standards – Improvements**

As discussed in this section, public improvement work related to the proposed subdivision shall not commence prior to construction drawings being checked for adequacy and approved by the City Engineer, Public Works Staff, and Planning Staff.

The proposed development involves removal and replacement of the sidewalk along NW 3<sup>rd</sup> Avenue. As a condition of approval, the project applicant will be required to install the new sidewalk to comply with the City’s Public Works Design Standards except sidewalk width, which will be required to match that of adjacent properties.

Standards for provision of street trees are outlined in City Ordinance 1385, Exhibit B. There are no existing street trees on the subject property available for preservation. Per the City’s requirements, (per Ordinance 1385) a street tree must be provided for every 30 linear feet of street frontage. The property’s frontage on NW 3<sup>rd</sup> Avenue is 57 feet.

The applicant proposes to install private infiltration chambers on each of the four lots. Storm water runoff would be conveyed to these facilities and not to offsite conveyance facilities, as required by City ordinance. The proposed subdivision has been designed to minimize impervious surfaces, including minimization of paved driveway surfaces and use of a compact, two-story, common-wall building typology.

*Finding 11:* For the above reasons and as conditioned, Planning Staff finds this request is consistent with applicable provisions of the Canby Municipal Code.

#### **Chapter 16.120: Parks, Open Space, and Recreational Land**

This section of the CMC requires dedication of parkland or payment of system development charges (SDCs) to compensate for the increased demand for recreational

amenities generated by new land uses. The proposed subdivision does not dedicate park or open space. If approved, the City will provide the applicant with an itemized summary of applicable SDCs.

*Finding 12:* For the above reasons, Planning Staff finds this request is consistent with applicable provisions of the Canby Municipal Code.

**Additional Analysis and Findings:**

- **Comprehensive Plan.** The adopted City of Canby Comprehensive Plan envisioned the ultimate urbanization of this property, and the intended land use of this property (HDR – High Density Residential) is consistent with the proposed subdivision.

*Finding 13:* For the above reasons, Planning Staff finds this request is consistent with applicable provisions of the Comprehensive Plan.

- **Public Neighborhood Meeting.** The applicant held a public meeting via Zoom on September 2, 2020 and two neighbors attended. The applicant presented the proposed subdivision and gathered public input from the attendees. As shown in the meeting notes, the applicant responded to neighbor concerns regarding street parking and mailbox locations.

*Finding 14:* For the above reasons, Planning Staff finds this request is consistent with applicable provisions of the Canby Municipal Code.

- **Traffic Study.** Due to the scale of the proposed subdivision, staff determined that a Traffic Impact Study (TIS) for future development on the subject property is not required.

*Finding 15:* For the above reasons, Planning Staff finds this request is consistent with applicable provisions of the Canby Municipal Code.

- **Fire Safety.** The proposed duplexes will be designed as townhomes with respect to fire rating. The applicant has indicated that the units will be constructed to comply with all building and fire codes applicable to attached single-family dwelling units.

*Finding 16:* For the above reasons, Planning Staff finds this request is consistent with applicable provisions of the Canby Municipal Code.

Staff has reviewed the applicant’s narrative and submitted material and finds that this subdivision application conforms to the applicable review criteria and standards subject to the conditions of approval noted in Section V of the staff report.

**III. Public and Agency Comments**

Notice of this application and opportunity to provide comment was mailed to owners and residents of lots within 500 feet of the subject properties and to all applicable public agencies. All citizen and agency comments/written testimony that was received to date are attached to this staff report and will be presented to the Planning Commission.

No items of major controversy were identified at the neighborhood meeting held September 2, 2020. One public comment was received by City staff via email from a neighbor requesting that a privacy fence be constructed between their property and the subject property.

#### IV. Conclusion

Based on the application submitted and the facts, findings, and conclusions of this report, staff recommends that the Planning Commission **approve** Subdivision SUB 20-03, Schneider Square, subject to the conditions of approval identified in Section V of this report.

#### V. Conditions of Approval

##### **General Public Improvement Conditions:**

1. Prior to the start of any public improvement work, the applicant shall schedule a pre-construction conference with the City and obtain construction plan sign-off from applicable agencies.

Submittal of construction drawings shall include items required but not included in the subdivision application submittal, including a utility plan, a landscape plan, and a detailed site plan showing sidewalks, curbs, and other proposed modifications to the public ROW.

2. The development shall comply with all applicable City of Canby Public Works Design Standards.
3. Civil engineering drawings for public improvements shall use the North American Vertical Datum of 1988 (NAVD 88) when establishing depths and heights.

##### **Fees/Assurances:**

4. All public improvements, with the exception of sidewalks, are normally installed prior to the recordation of the final plat. If the applicant wishes to forgo construction of any portion of the public improvements until after the recordation of the final plat, then the applicant shall provide the City with appropriate performance security (subdivision performance bond or cash escrow) in the amount of 110% of the cost of the remaining public improvements to be installed.
5. If the applicant chooses to provide a subdivision performance bond for some or all of the required public improvements, the applicant shall obtain a certificate from the City Engineer that states:
  - a. The applicant has complied with the requirements for bonding or otherwise assured completion of required public improvements.
  - b. The total cost or estimate of the total cost for the development of the subdivision. This is to be accompanied by a final bid estimate of the subdivider's contractor, if there is a contractor engaged to perform the work, and the certificate of the total cost estimate must be approved by the city engineer.
6. The applicant must guarantee or warranty all public improvement work with a one-year subdivision maintenance bond in accordance with 16.64.070(P), except for sidewalks.
7. The applicant must pay the appropriate City fees authorized public improvement and a Site Plan Development Engineering Plan Review fee as applicable prior to the construction of public or private improvements.



**Streets:**

8. Improvements to NW 3rd Avenue shall include construction of new curb cuts and driveway approaches, demolition and replacement of the existing sidewalk, removal and replacement of curb where necessary (as determined by the City Engineer or their designee), and accommodation of utilities extensions as needed. Improvements to the existing alley shall also be constructed as needed to accommodate the horizontal transition from alley to new driveways and/or to minimize drainage issues. All public improvements shall be constructed in conformance with Section 2.2 of the City of Canby Public Works Design Standards, dated December 2019.
9. The existing sidewalk on NW 3rd Avenue shall be replaced to match the existing sidewalk width of adjoining properties.

**Water/Sewer:**

10. An existing sanitary sewer line is located under the alley at the northern boundary of the subject property. Sanitary sewer laterals will be required to extend and serve this development.
11. Any existing domestic or irrigation wells shall be abandoned in conformance with OAR 690-220-0030. A copy of the Oregon Water Rights Department (OWRD) abandonment certification shall be submitted to the City.
12. Any existing onsite sewage disposal system shall be abandoned in conformance with DEQ and Clackamas County Water Environmental Services (WES) regulations. A copy of the septic tank removal certificate shall be submitted to the City.
13. Water services/fire protection infrastructure shall be constructed in conformance with Canby Utility and Canby Fire Department requirements.

**Storm Water:**

14. All private storm drainage discharge shall be disposed on-site. A storm water drainage plan to address onsite runoff shall be submitted to the City Engineer. The design methodology shall be in conformance with the City of Canby December 2019 Public Works Standards.
15. The developer's engineer shall demonstrate how storm runoff generated from the new impervious surfaces will be disposed. If drywells (UIC) are used as a means to discharge storm runoff, they must meet the following criteria:  
The UIC structure's location shall meet at least one of the two conditions:
  - a. The vertical separation distance from the UIC and seasonal high groundwater is more than 2.5 feet, or
  - b. The horizontal separation distance between the UIC and any water well is a minimum of 267 feet in accordance with the City of Canby Stormwater Master Plan, Appendix C, Groundwater Protectiveness Demonstration and Risk Prioritization Underground Injection Control (UIC) Devices.
16. The storm drainage report shall be in conformance with the requirements as stated in Chapter 4 of the City of Canby Public Works Design Standards dated December 2019.

**Grading/Erosion Control:**

17. An erosion control permit shall be obtained from the City of Canby prior to any onsite ground disturbance.
18. The applicant shall submit a grading and erosion control plan for approval by Canby Public Works in conjunction with construction plan approval prior to the installation of public improvements and start of grading for this subdivision.

**General Final Plat Conditions:**

19. The applicant shall apply for final plat approval at the City and pay any applicable City fees to gain approval of the final subdivision plat. Prior to the recordation of the final plat at Clackamas County, it must be approved by the City and all other applicable agencies. The City will distribute the final plat to applicable agencies for comment prior to signing off on the final plat if deemed necessary.
20. All public improvements or submittal of necessary performance security assurance shall be made prior to the signing and release of the final plat for filing of record.
21. The final plat shall conform to the necessary information requirements of CMC 16.68.030, 16.68.040(B), and 16.68.050. The City Engineer or County Surveyor shall verify that these standards are met prior to the recordation of the subdivision plat.
22. All "as-builts" of City public improvements installed shall be filed with Canby Public Works within sixty days of the completion of improvements.
23. Clackamas County Surveying reviews pending subdivision plat documents for Oregon Statutes and county requirements. A subdivision final plat prepared in substantial conformance with the approved tentative plat must be submitted to the City for approval within one year of approval of the tentative plat or formally request an extension of up to 6-months with a finding of good cause.
24. The applicant shall record the final plat at Clackamas County within 6 months of the date of the signature of the Planning Director.
25. The applicant shall assure that the City is provided with a copy of the final plat in a timely manner after it is recorded at Clackamas County, including any CC&Rs recorded in conjunction with the final plat.
26. The City shall assign addresses for each newly created subdivision lot and distribute that to the developer, and other agencies that have an interest.

**Final Plat – Easements:**

27. A 12-foot utility and sidewalk easement along the street frontage of NW 3rd Avenue shall be noted on the final plat unless specifically waived by utility service providers. This easement may be combined with other easements and shall be measured from the property boundary. An additional 12-foot easement along the rear alley shall be noted if specifically requested by a utility provider.
28. Public utility easements traversing the subject property related to water, sewer, and electric service shall be noted on the final plat. These shall include easements on the eastern and western outside edges of the property (for sewer service) and along the site's interior pathway (for water and electric service).
29. A Shared Private Sidewalk Access and Maintenance Agreement for the pathway traversing the center of the subject property shall be recorded with the final plat.

The recorded plat shall include a note identifying the location of the area of shared access.

**Street Trees:**

30. A Street Tree Plan shall be submitted with the final plat, and street tree fees must be paid prior to release of the final plat. The plan will allow the City to establish street trees per the Tree Regulation standards in Chapter 12.32 of the Canby Municipal Code.
31. Street trees shall be selected from the City-approved tree list. The street tree ordinance requires the developer to pay the City \$250 per tree for installation and two (2) year maintenance period; the property owners will take over all the responsibilities after that date.

**Monumentation/Survey Accuracy Conditions:**

32. The County Surveyor shall verify that the survey accuracy and monumentation requirements set forth in Oregon Revised Statutes and CMC 16.64.070(M) are met prior to the recordation of the final plat. Installation of the front lot monumentation (along and within street rights-of-way) and the replacement of any existing monuments destroyed during improvement installation shall be confirmed by the City Engineer or County Surveyor prior to the recordation of the final partition plat.
33. 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. The City Engineer or County Surveyor shall verify compliance with this condition prior to the recordation of the final plat.

**Residential Building Permit Conditions:**

34. Construction of all required public improvements and recordation of the final subdivision plat must be completed prior to the construction of any homes.
35. The homebuilder shall apply for a City of Canby Site Plan Permit and County Building Permit for the proposed duplexes.
36. The homebuilder shall apply for a City of Canby Erosion Control Permit.
37. All residential construction shall be in accordance with applicable Public Works Design Standards.
38. Onsite storm water management on individual lots shall be designed in compliance with the Canby Public Works Design Standards.
39. Clackamas County Building Codes Division will provide structural, electrical, plumbing, and mechanical plan review and inspection services for home construction per contract with the City. The applicable county building permits are required prior to construction of each home.
40. Minimum residential driveway widths at the inside edge of the sidewalk shall be 12 feet. Driveways shall be ADA-compliant.
41. Sidewalks and planter strips shall be constructed by the homebuilder as shown on the approved tentative plat.
42. All usual system development charges shall be collected for each home within this development.

43. Prior to occupancy of the proposed homes, a code-compliant privacy fence shall be constructed on the property lines facing adjacent residential uses.
44. In order to meet the intent of CMC 16.21.040, homes constructed on the property shall feature the amount of front-façade glazing (windows and doors) conceptually shown in the building elevations included in the subdivision application materials. Per these same conceptual exhibits, pergolas shall be constructed over the shared central sidewalk to demarcate the pedestrian entrance to the subdivision's homes.



City of Canby  
Planning Department  
222 NE 2<sup>nd</sup> Avenue  
PO Box 930  
Canby, OR 97013  
(503) 266-7001

# LAND USE APPLICATION

## SUBDIVISION

### Process Type III

**APPLICANT INFORMATION:** (Check ONE box below for designated contact person regarding this application)

Applicant Name: Jason Bristol Phone: 5038032920  
Address: 21733 S Hwy 99e Email: jbristol@web-ster.com  
City/State: Canby, OR Zip: 97013

Representative Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Email: \_\_\_\_\_  
City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

Property Owner Name: New Era Hill LLC Phone: \_\_\_\_\_  
Signature: Jason Bristol  
Address: Same as applicant Email: \_\_\_\_\_  
City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

Property Owner Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Address: \_\_\_\_\_ Email: \_\_\_\_\_  
City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

NOTE: Property owners or contract purchasers are required to authorize the filing of this application and must sign above

- 1 All property owners represent they have full legal capacity to and hereby do authorize the filing of this application and certify that the information and exhibits herewith submitted are true and correct.
- 2 All property owners understand that they must meet all applicable Canby Municipal Code (CMC) regulations, including but not limited to CMC Chapter 16.49 Site and Design Review standards.
- 3 All property owners hereby grant consent to the City of Canby and its officers, agents, employees, and/or independent contractors to enter the property identified herein to conduct any and all inspections that are considered appropriate by the City to process this application.

**PROPERTY & PROJECT INFORMATION:**

380  
East of 694 NW Ave, Canby 6,562 sq ft 31E33CC00600 Tract 2  
 Street Address or Location of Subject Property Total Size of Assessor Tax Lot Numbers  
 Property  
Bare Land R2 High Density  
 Existing Use, Structures, Other Improvements on Site Zoning Comp Plan Designation

Subdivision to create 4 tax lots for new construction

Describe the Proposed Development or Use of Subject Property

STAFF USE ONLY				
SUB 20-03	9-3-20	LF		
FILE #	DATE RECEIVED	RECEIVED BY	RECEIPT #	DATE APP COMPLETE

# Schneider Square Townhomes

Canby, Oregon

## Land Use Application

- Subdivision

Owner:  
Jason Bristol  
503-803-2920  
[jbristol@web-ster.com](mailto:jbristol@web-ster.com)

Iselin Architects, P.C.  
1307 7<sup>th</sup> Street  
Oregon City, OR 97045  
503-656-1942  
Todd Iselin  
[todd@iselinarch.com](mailto:todd@iselinarch.com)

Architect:

### Project Information:

The subject property is 0.15 acres (6,562 sq. ft) in area and located to the east of 694 N.W. 3rd Avenue. The site is zoned R-2, HDR as are all adjacent properties. The site is also zoned HDR in the comprehensive plan. The property is adjacent to single family residences and the area is home to apartments and single-family attached and detached residences.

### Project Summary:

The proposed development includes the construction of 4 townhomes on approximately .15 acres of land. The property is located between N. Grant St. and N. Cedar St., fronting N.W. 3rd Avenue. The property is zoned R-2 and is vacant of structures and vegetation.

The site will consist of two identical buildings with two homes each, for a total of 4 units. Both N.W. 3rd Avenue and the alley between N. Grant St. and N. Cedar St. will provide vehicular access to the unit garages as well as primary runs of utilities. In addition to the single car garages attached to each townhome, a parking pad in front of each garage will provide an additional parking space per unit. Pedestrian access to each of the 4 townhomes will be from N.W. 3<sup>rd</sup> Avenue and the alley. Additionally, a private walkway from the public sidewalk on N.W. 3<sup>rd</sup> Avenue will provide an additional pedestrian access to each unit. The walkway will be covered at each entrance with a pergola. Mail delivery will be located on the north side of N.W. 3<sup>rd</sup> Avenue per the Postmaster.

Each townhome unit will include two stories and 813 square feet of living area and 292 square feet of garage. The main level will include the garage, one bedroom and bathroom. Primary living space will be upstairs with an additional bedroom and bathroom. The upstairs will open onto a covered porch. The buildings will be wood framed with trussed roofs and fire rated and sound isolated unit demising walls. Exteriors shall be finished with a combination of beveled siding and accent areas. Roofs will be composition shingles.

### Conformance with Planning and Zoning Requirements:

#### **Subdivision Development**

##### *Chapter 16.10 Off-Street Parking and Loading*

The parking requirement for single family dwellings is two spaces per dwelling unit (Table 16.10.050). The project is single family. The proposed parking will be satisfied by one-car garages for every unit and a parking space outside of each garage thereby meeting the number of required parking stalls for a single-family development.

##### *Chapter 16.20 R-2 High Density Residential Zone*

The zoning designation for the site and surrounding properties is R-2, High Density Residential Zone. The proposal is for a subdivision to fit within the requirements of that district.

The proposal for subdivision involves the creation of 4 new lots for attached single family dwellings constructed in 2 groups of 2 attached dwellings. These proposed residential uses are allowed outright in the zone (Sec. 16.20.010.B). New lots in the R-2 Zone are required to meet the development standards specified in Section

16.20.030. Development standards can be verified when plans for building permits are submitted for each lot. The following table lists requirements and how the application proposes to satisfy each standard:

*Section 16.20.030 R-2 Zone Dimensional Standards*

Requirement	Proposed
16.20.030.A Minimum Residential Density: 14 dwellings per acre	Total Site Area = 6,562 sq. ft. Minimum Density (R-2) = 14 units per acre Minimum number of units allowed = 2.11 => 3  Lots proposed = 4
16.20.030.B Minimum width and frontage: 20 feet	All lots have a minimum width of 20 feet and frontage on a public street of 20 feet.
16.20.030.C Minimum yard requirements: Street yard, 20 feet for the side with driveway Other street yards, 15 feet  Rear yard, 20 feet for two story building  Interior yard: 7 feet	Street yard side with driveway: All units have a street yard side with a driveway and street yards will be 20 feet to the building and 14 feet to the covered porches. There are no additional street yards.  The “rear yards” are the sides of the buildings that connect the units for zero lot line development and a true rear yard doesn’t exist.  All units have an interior yard side and interior yards will be 7 feet to the building.
16.20.030.D Maximum building height: 35 feet	Buildings will be two stories in height, or approximately 24 feet in height.
16.20.030.E Maximum amount of impervious surface in the R-2 Zone shall be 70% of the lot area.	Impervious coverage percentages are as follows: Overall Site: 58% Lots 1-4: 58%

*Chapter 16.46 Access Limitations*

This section specifies limitations to density based upon access. This application requests access from existing public roadways and doesn’t propose the creation or alteration of roadways.

**Division III. Zoning, R-2 High Density Residential**

- A. Minimum residential density: The proposed development contains 4 units on a .15 acres lot, exceeding the minimum requirement of 14 units per acre.
- B. Minimum width and frontage: The width and frontage of each lot is 28.53’.
- C. Minimum yard requirements:
  - a. Front yard (with driveway): 20’ to building, 14’ to covered porch.
  - b. Rear yard: Not applicable
  - c. Side yard: 7’ to building



- D. Maximum building height and length: The typical building height is 24' and the maximum length is 75' at ground level.
- E. Maximum amount of impervious surface: 5,538 sq. ft. (70% of total site area). Proposed impervious surface area of 3,806 sq. ft. (58% of the total site area).
- F. Other regulations: NA

**Division IV. Land use Regulations, Subdivisions**

*Chapter 16.62 Applications*

Standards and criteria for approval of a subdivision are set forth in Sec. 16.62.020, as follows:

*A. Conformance with other applicable requirements of the Land Development and Planning Ordinance;*

As addressed in the drawings and narrative, the proposed development meets the requirements of the base zone, R-2. This application satisfies the filing procedures and information required in Section 16.62.010.

*B. 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;*

The overall design and layout of the site is functional and provides adequate building sites, as demonstrated by the dwelling footprints shown for each proposed lot. Access for each lot is provided by a public roadway. Neighboring properties are residential and will be compatible with the higher density residential development being proposed in the same way that similar development in other areas of the City is compatible with surrounding lower density residential properties. Development of adjacent properties will not be hindered, as neighboring properties are similarly zoned R-2 and will eventually be redeveloped in a denser manner, similar as to what is being proposed with this application. High density zoning near the downtown core will help support retail businesses in downtown area where people can walk to shop, bank or to take in a movie.

*C. Subdivision design and layout shall incorporate Low Impact Development techniques where possible to achieve the following:*

- 1. Manage storm water through a land development strategy that emphasizes conservation and use of onsite natural features integrated with engineered storm water controls to more closely mimic predevelopment hydrologic conditions.*
- 2. Encourage creative and coordinated site planning, the conservation of natural conditions and features, the use of appropriate new technologies and techniques, and the efficient layout of open space, streets, utility networks and other public improvements.*
- 3. Minimize impervious surfaces.*
- 4. Encourage the creation or preservation of native vegetation and permanent open space.*
- 5. Clustering of residential dwellings where appropriate to achieve (1-4) above. The arrangement of clustered dwellings shall be designed to avoid linear development patterns.*

The proposed subdivision has been planned to make effective use of the 0.15 acres space through effective clustering of dwelling units around a central walkway. Impervious surfaces have been minimized through the proposed construction of two-story tall buildings having one car garages. Providing one car garages on the main floor of the units eliminates large impervious parking areas that are typically placed in front of the homes.

Storm water will be disposed of through private infiltration chambers located on each of the four lots. No storm water will be discharged from the site. The site doesn't contain any trees for preservation.

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

All necessary public facilities and services are available to the site, as discussed in other sections of this narrative and as shown on the plans and maps included with the application.

*E. The layout of subdivision streets, sidewalks, and pedestrian ways supports the objectives of the Safe Routes to Schools Program by providing safe and efficient walking and bicycling routes within the subdivision and between the subdivision and all schools within a one-mile radius. During review of a subdivision application, city staff will coordinate with the appropriate school district representative to ensure safe routes to schools are incorporated into the subdivision design to the greatest extent possible.*

The proposed layout provides connectivity to local streets through centrally located internal walkway. Convenient and efficient access to local streets is provided with the proposed layout.

*F. A Traffic Impact Study (TIS) may be required in accordance with Section 16.08.150.*

It was determined by the Planning Director that a Traffic Impact Study is not required as part of this application.

## *Chapter 16.64 Subdivisions Design Standards*

### *Section 16.64.010 Streets*

No new public streets are being created. The proposed project will not limit or preclude future use of neighboring sites as adjacent properties can develop by taking access from N.W 3<sup>rd</sup> Avenue, N. Grant Street or the alley between N. Grant Street and N. Cedar Street.

Improvements to the N.W 3<sup>rd</sup> Avenue street frontage will include removal and replacement of some curb and the sidewalk in order to create driveway approaches in the appropriate location for the development. The width of the new sidewalk will match the existing sidewalk.

### *Section 16.64.015 Access*

The site does not propose access to a state highway; this section does not apply.

### *Section 16.64.020 Blocks*

The City requires subdivisions to be designed to accommodate blocks that provide lots of suitable size and access in multiple directions. However, this project does not include blocks due to the nature of the site, the high-density zoning, and the location of the site in relation to existing intersections.

### *Section 16.64.030 Easements*

Easements will be provided as necessary to satisfy requirements of the City of Canby and to provide for necessary and appropriate access within the development. The private walkway will be an easement area and utility easements will be required for utilities.

### *Section 16.64.040 Lots*

Lots will be 28.53 feet wide. Units will be single family attached constructed in groups of two-dwelling units. All lots will front upon a public street.

The proposed design will create building lots where each unit will be located on its own lot.

### *Section 16.64.060 Grading of Building Sites*

Grading will be accomplished on-site according to a plan reviewed and approved by the City at time of building permit application.

### *Section 16.64.070 Improvements*

Improvements for the subdivision will be accomplished as required by this section. Plans have been submitted as part of this application to show the arrangement of the sidewalks/pathways, public utilities, and other improvements necessary to provide for the convenience, health, and safety of future residents of this community and of the City. Please refer to specific plans for details where cuts to the pavement of N.W. 3<sup>rd</sup> Avenue will be minimal.

### *Chapter 16.120 Parks, Open Space and Recreation Land*

The City of Canby shall require park land dedication or a fee in lieu of park land dedication in the form of a system development charge. The City has indicated that it would prefer that lots in the subdivision pay a system development charge.

## **CONCLUSION**

The foregoing narrative and accompanying plans and documents, together demonstrate that the proposed subdivision is generally in conformance with applicable criteria and standards identified.

Therefore, the applicant requests that the Planning Commission approve the proposal.

## **APPENDIX:**

- A. Reduced Drawings and Renderings**
- B. Pre-Application Meeting Minutes**
- C. Neighborhood Meeting Minutes**
- D. Title Report**

# SCHNEIDER SQUARE

A REPLAT OF LOTS 5 & 6 BLOCK 18 OF "CANBY" LOCATED IN THE S.W. 1/4 SECTION 33, T.3S., R.1E., W.M. IN THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON

ZTEC ENGINEERS INC.

3880 S.E. 8TH AVENUE, SUITE 280, PORTLAND, OREGON 97202

PH: (503) 235-8795 FAX: (503) 233-7889

JOB: 19-4331-1 DATE:

CLACKAMAS COUNTY SURVEYOR  
RECEIVED \_\_\_\_\_  
ACCEPTED FOR FILE \_\_\_\_\_  
SURVEY

## LEGEND:

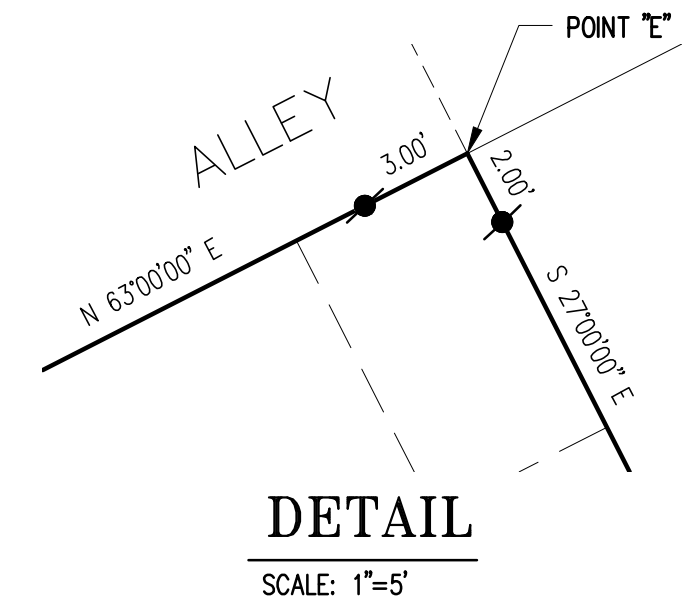
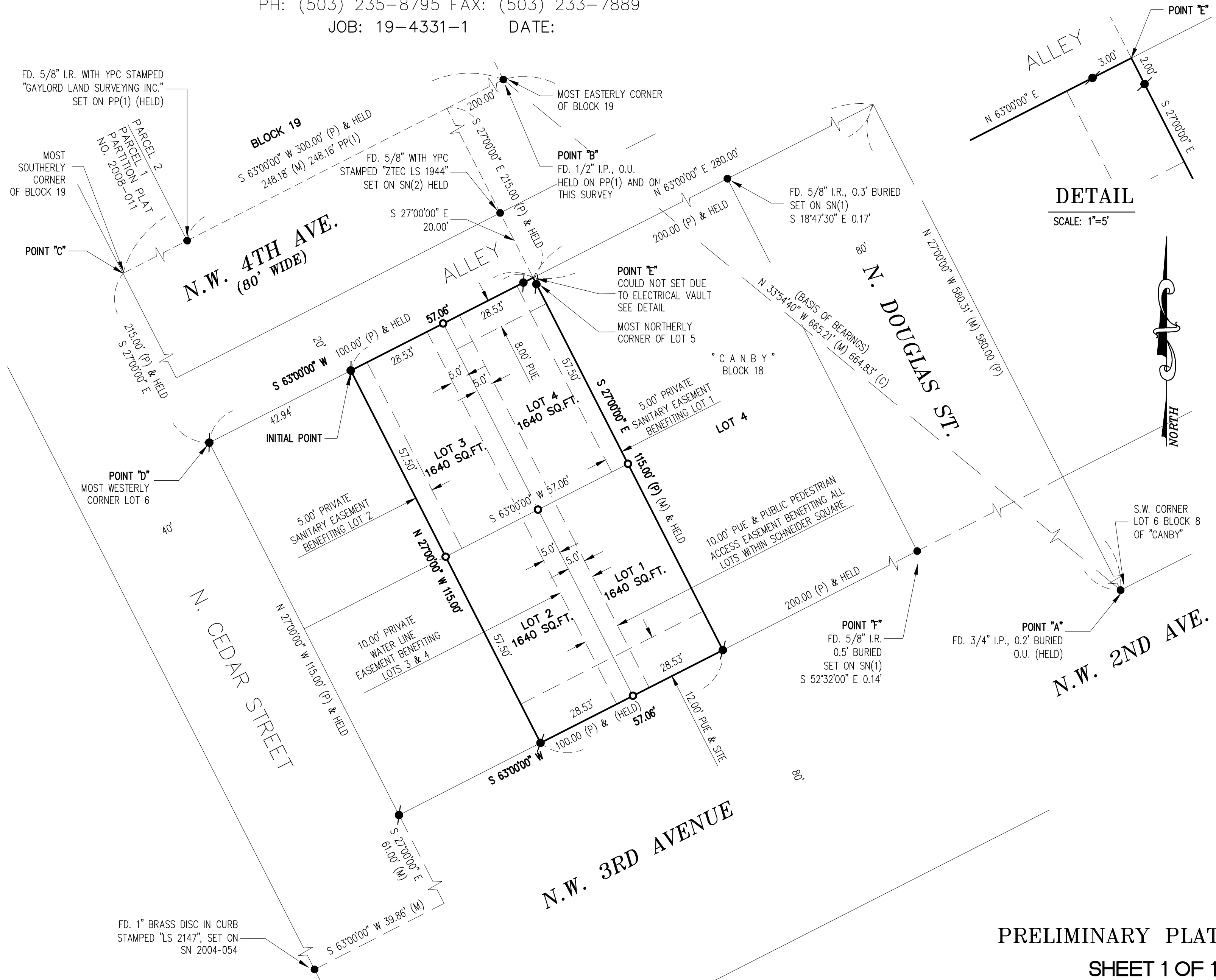
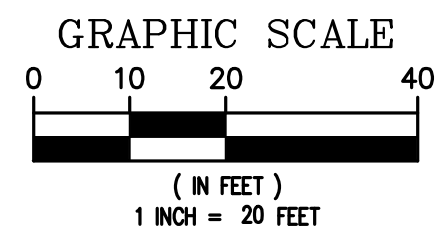
- DENOTES MONUMENTS FOUND AS NOTED
- ⦿ DENOTES 5/8" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "ZTEC LS 1944", SET ON SN 2020 - \_\_\_\_\_
- DENOTES 5/8"x30" LONG IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "ZTEC" SET ON 2-27-20
- I.R. DENOTES IRON ROD
- I.P. DENOTES IRON PIPE
- FD. DENOTES FOUND
- (M) DENOTES MEASURED
- YPC DENOTES YELLOW PLASTIC CAP
- (P) DENOTES PLAT OF "CANBY" PLAT NO. 14
- SN. DENOTES SURVEY NUMBER, CLACKAMAS COUNTY SURVEY RECORDS
- SN(1) SN 5394
- SN(2) SN 2018-210
- (C) DENOTES CALCULATED
- PP(1) PARTITION PLAT NO. 2008-011
- PUE PUBLIC UTILITY EASEMENT
- STE STREET TREE EASEMENT

## NARRATIVE:

PURPOSE OF SURVEY: TO DETERMINE THE BOUNDARIES OF THAT TRACT OF LAND DESCRIBED IN THAT DEED RECORDED AS DOCUMENT NO. 2019-053834, CLACKAMAS COUNTY DEED RECORDS, BEING ALL OF LOTS 5 AND 6, BLOCK 18 OF "CANBY" (PLAT NO 14) AND TO MONUMENT A PROPERTY LINE ADJUSTMENT PER CITY OF CANBY CASE FILE NO. LLA 19-02, AND DOCUMENT NO. 2020-021750. TRACT 2 TO BE A FUTURE PLAT "SCHNEIDER SQUARE".

BASIS OR BEARINGS: N 33°54'40" W BETWEEN THE 3/4 INCH IRON PIPE FOUND AT POINT "A" AND THE 1/2 INCH IRON PIPE FOUND AT POINT "B", AS CALCULATED FROM THE PLAT, WITH THE RESULTING BEARING ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF NW 4TH AVE. OF S 63°00'00" W MATCHING THE PLAT AND PP(1) AND SN 2018-210.

MONUMENTS WERE SEARCHED FOR ALONG BOTH RIGHT OF WAYS ON N.W. 3RD AVENUE BETWEEN N. CEDAR ST. AND N. DOUGLAS ST., BUT ONLY THE 5/8" I.R. AT POINT "F" WAS FOUND, BUT NOT HELD. THE 1/2 IRON PIPE AT POINT "B" WAS HELD ON PP(1) AND ON SN 2018-210 AND WAS ALSO HELD ON THIS SURVEY. FROM POINT "B" THE PLAT BEARING OF S 63°00'00" W WAS HELD THROUGH POINT "G" ALONG WITH THE PLAT DISTANCE OF 300.00 FEET TO ESTABLISH POINT "C". FROM POINT "C" THE PLAT ANGLE OF 90°00'00" AND PLAT DISTANCE OF 215.00 FEET WAS HELD TO ESTABLISH THE MOST WESTERLY CORNER OF LOT 6 (POINT "D"). FROM POINT "D" PLAT BEARINGS AND DISTANCES WERE HELD TO ESTABLISH THE CORNERS OF THE SUBJECT PROPERTY.



PRELIMINARY PLAT  
SHEET 1 OF 1

28.53' N 63 00' 00" E

28.53' N 63 00' 00" E

57.5' N 27 00' 00" W

57.5' N 27 00' 00" W

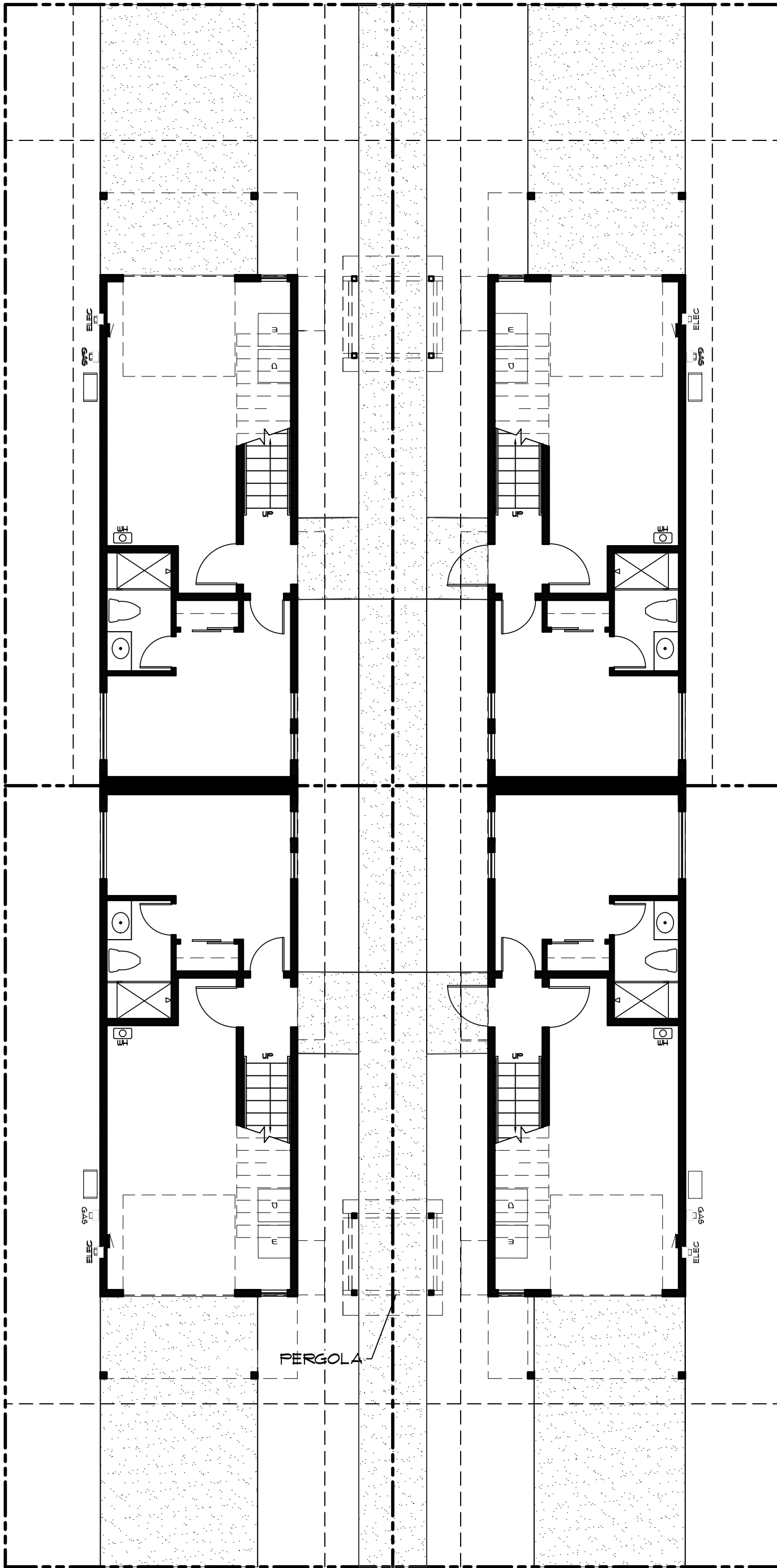
57.5' N 27 00' 00" W

57.5' N 27 00' 00" W

28.53' S 63 00' 00" W

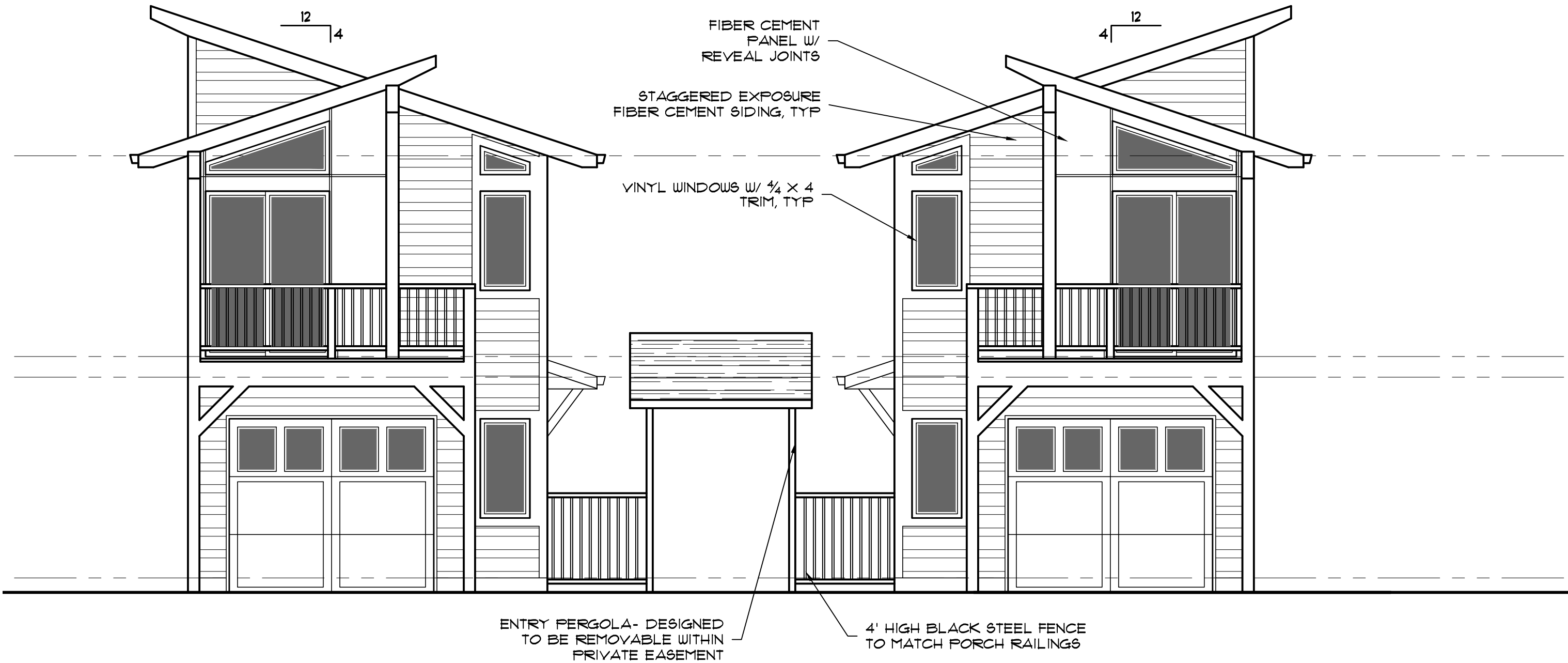
28.53' S 63 00' 00" W

PERGOLA



NW 3rd AVE

**SCHNEIDER SQUARE**  
2023 PRELIM SITE PLAN



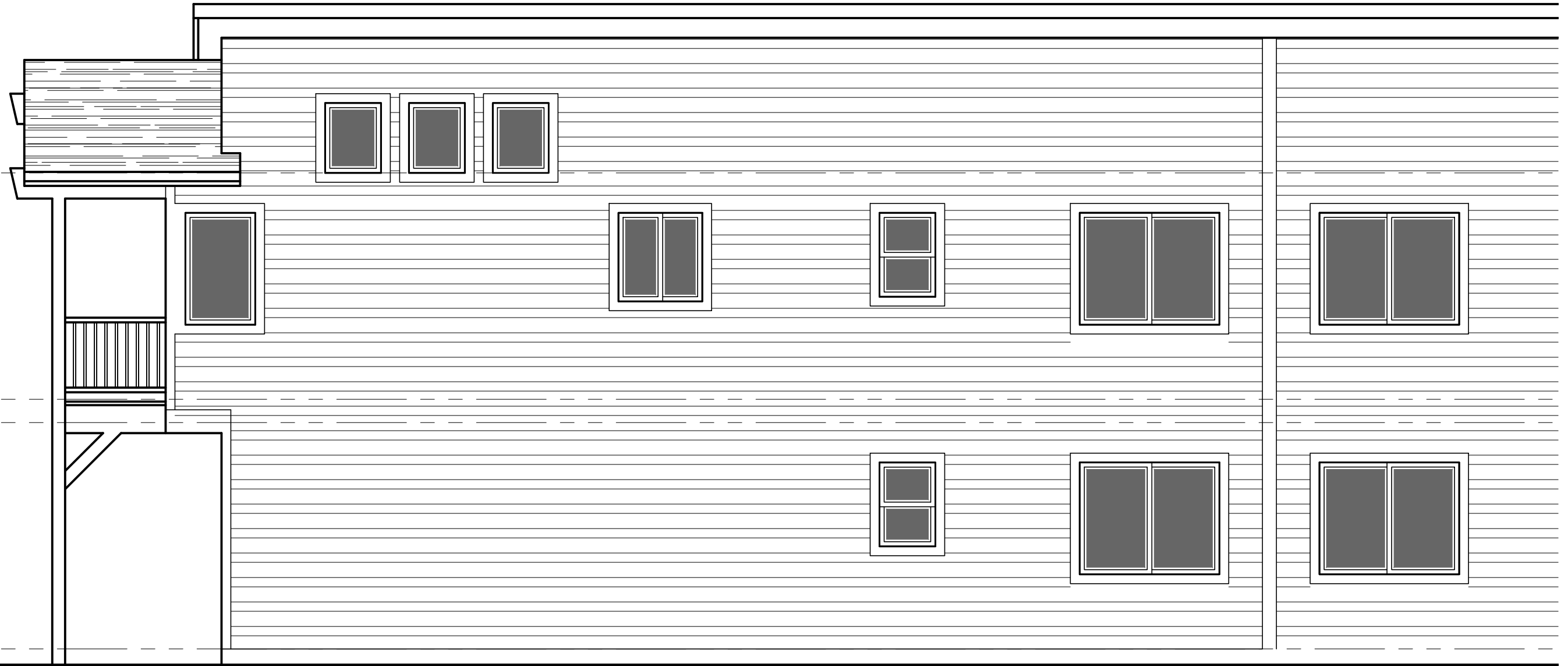
**STREET SIDE ELEVATION/ ALLEY SIDE SIMILAR**

1/4" = 1'-0"

**SCHNEIDER SQUARE**  
2023

**ISELIN**  
ARCHITECTS, P.C.  
1307 7th Street - Oregon City, Oregon 97045  
503.656.1942 - f. 503.656.0658 - www.iselinarchitects.com

1/4" = 1'-0"  
07.08.2020



PARTIAL EXTERIOR SIDE ELEVATION

1/4" = 1'-0"

**SCHNEIDER SQUARE**  
2023

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1/4" = 1'-0"  
07.08.2020

ELEVATION  
SYMMETRICAL  
ABOUT THIS LINE



PERGOLA IN  
FOREGROUND  
(DASHED)

## PARTIAL INTERIOR SIDE ELEVATION

1/4" = 1'-0"

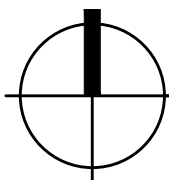
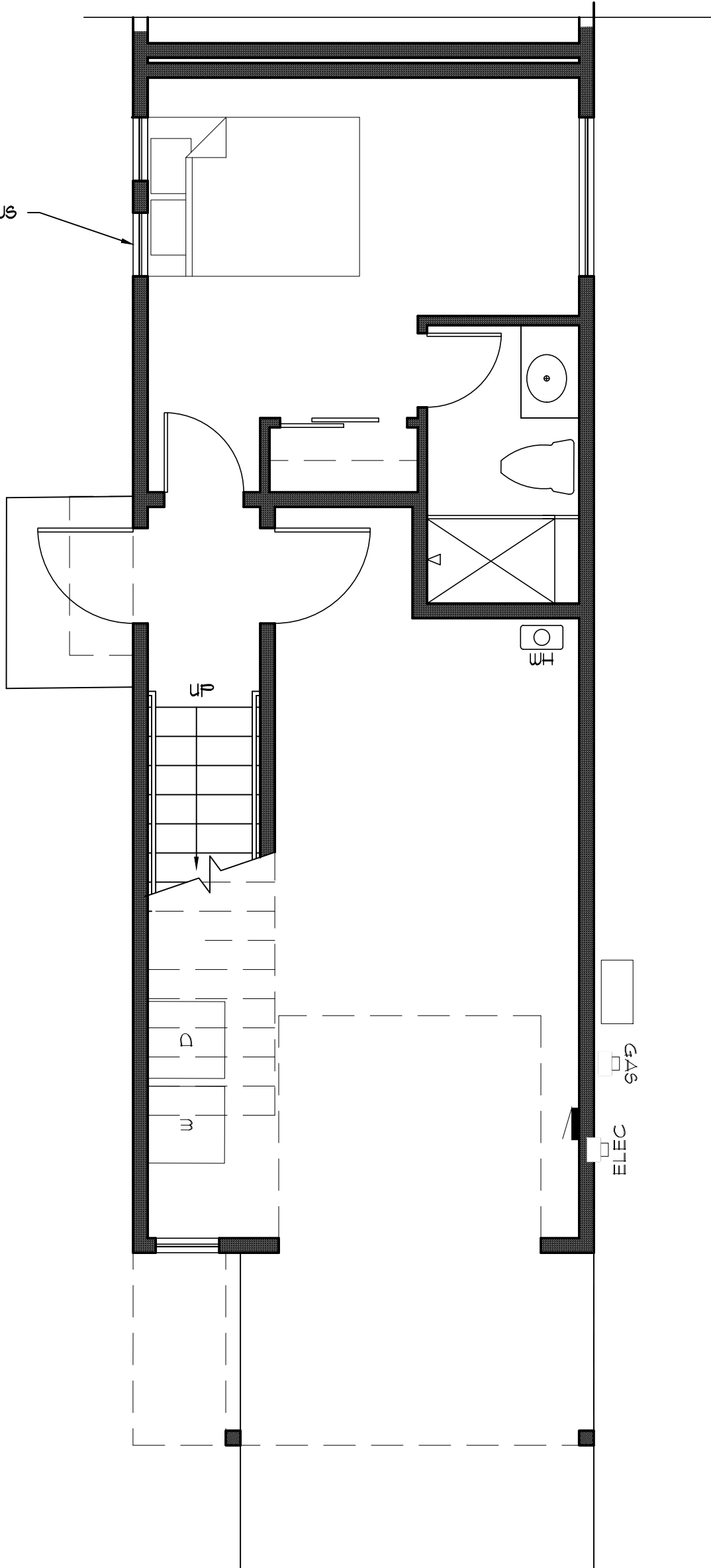
**SCHNEIDER SQUARE**  
2023

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1/4" = 1'-0"  
07.08.2020



HIGH WINDOWS



# LOWER LEVEL PLAN

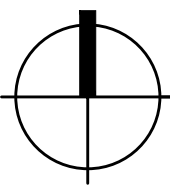
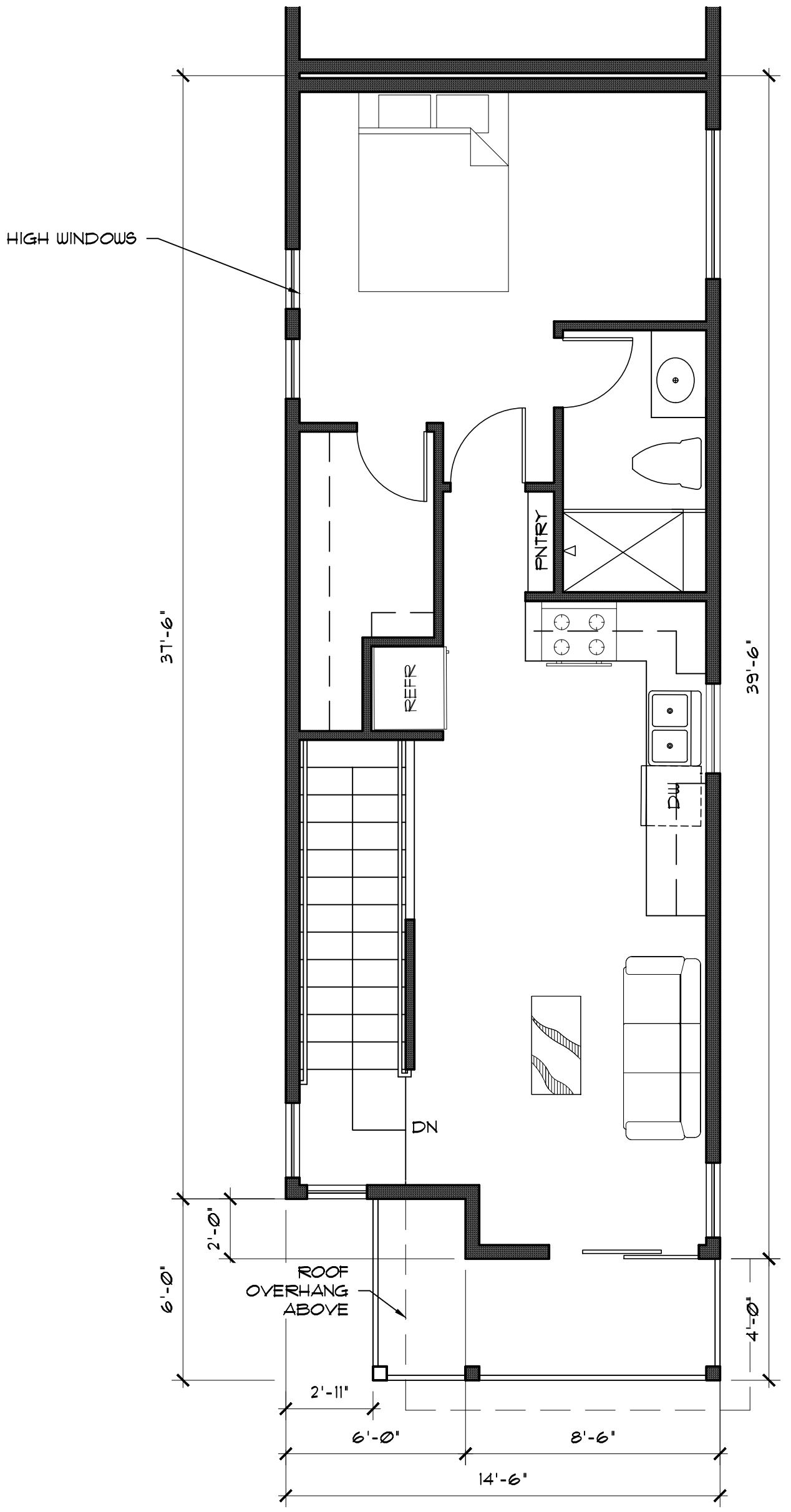
1/4" = 1'-0"

**SCHNEIDER SQUARE**  
2023

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1/4" = 1'-0"  
07.08.2020



**UPPER LEVEL PLAN**

1/4" = 1'-0"

**SCHNEIDER SQUARE**  
2023

## Public Meeting (Zoom) Attendees and Notes

Date 9/2/20 at 6:30 pm

Regarding property East of: 694 NW 3<sup>rd</sup> Ave, Canby

Jason Bristol held a Zoom meeting on 9/2/20. The people in attendance were Carla Melott and Andy Hale.

The plans were sent to the attendees prior to the meeting for their review.

Concern: Parking

Response: The parking is dictated by code and this project meets the requirement. NW 3<sup>rd</sup> Ave. is open for overflow parking and doesn't appear to be overcrowded.

Concern: Location of the Mailboxes

Response: The Postmaster dictates the location of the mailboxes and I will propose to place them together with another to minimize the impact to parking.

Concern: Unmarked crosswalks at the intersection of NW 3<sup>rd</sup> Ave. and N Cedar St. Didn't know if now was a good time to bring it up but he knew the minutes go to the City and thought it would start the ball rolling.

Response: Told him I would reach out to Jerry at the Roads Dept. to see if the striping is something that is on the list of projects or how it could be reviewed. Neighbor also stated he would reach out to the Safety Committee to see if it could get elevated. I spoke to Jerry on 9/8 and he informed me that he visited cross walks when the curbing went in and he didn't feel he could safely stripe cross walks due to the alignment of the intersection.

Both liked the look of the town homes. I explained the town homes will benefit the neighborhood and the price point will help increase the inventory of an affordable housing option.

Meeting completed at 7:00 pm.

## Laney Fouse

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**From:** Cherri Archer <cherriarcher@gmail.com>  
**Sent:** Wednesday, October 28, 2020 9:10 PM  
**To:** PublicComments  
**Subject:** Comment about proposed building of townhouses

To whom it concerns,

I am writing on behave of Viola Maxine Buie who is the property own to the left of the proposed 4 townhouse project on 3rd Street near N Grant.

My grandmother is 87 years old she is concerns about additional noice these townhouses will bring her wish is that the owner build a privacy fence along the property line between her property and townhouses to help contain some of the sounds and additional activity.

Please feel free to reach out if you have any questions.

Cherri Archer