



City of Canby  
 Planning Department  
 111 NW 2<sup>nd</sup> Avenue  
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 Canby, OR 97013  
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# LAND USE APPLIACTION

## MAJOR VARIANCE Process Type III

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

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

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

Property Owner Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Address: \_\_\_\_\_ 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*

- 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.
- 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.
- 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:**

\_\_\_\_\_  
 Street Address or Location of Subject Property                      Total Size of Property                      Assessor Tax Lot Numbers

\_\_\_\_\_  
 Existing Use, Structures, Other Improvements on Site                      Zoning                      Comp Plan Designation

\_\_\_\_\_  
 Describe the Proposed Development or Use of Subject Property

STAFF USE ONLY				
FILE #	DATE RECEIVED	RECEIVED BY	RECEIPT #	DATE APP COMPLETE

## MAJOR VARIANCE APPLICATION – TYPE III

***All required application submittals detailed below must also be submitted in electronic format on a CD, flash drive or via email. Required application submittals include the following:***

Applicant City  
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- 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*.
  
- Mailing labels (1" x 2-5/8") for all property owners and all residents within 500 feet of the subject property. **If the address of a property owner is different from the address of a site, a label for each unit on the site must also be prepared and addressed to “occupant.”** A list of property owners may be obtained from a title insurance company or from the County Assessor.
  
- 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, including the applicable Design Review Matrix, 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:  
  

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- Three (3) copies of a Traffic Impact Study (TIS), conducted or reviewed by a traffic engineer that is contracted by the City and paid for by the applicant (payment must be received by the City before the traffic engineer will conduct or review a traffic impact study.)  
Ask staff to determine if a TIS is required.
  
- One (1) copy in written format of the minutes of the neighborhood meeting as required by Municipal Code 16.89.020 and 16.89.070. The minutes shall include the date of the meeting and a list of attendees.
  
- 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

Applicant City  
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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.

- Ten (10) copies of the proposed plot plan, printed on paper no smaller than 8.5"x11", 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 variance that is being requested.

### **MAJOR VARIANCE – TYPE III: 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. Staff investigates the application, writes a staff report, issues public notice, notifies surrounding property owners, and makes all facts relating to the request available to the Planning Commission and all interested parties.

5. Prior to the public hearing, the City will prepare notice materials for posting on the subject property. This material must be posted **by the applicant** at least ten (10) days before the public hearing.
6. The staff report will be available to all interested parties seven (7) days prior to the hearing.
7. The Planning Commission holds a public hearing. The staff report is presented to the Commission. Testimony is presented by the applicant, proponents and opponents, followed by rebuttal from the applicant.
8. The Commission then issues findings of fact which support approval, approval with conditions, or denial of the application. A decision may be appealed to the City Council.
9. If the Planning Commission decision is appealed, City Council holds a public hearing. The staff report is presented and testimony taken, as at the original hearing(s). Unless the City Council decides to hear the appeal de novo, only testimony regarding items already in the record is permitted, and no new information may be entered. In the case of an appeal, the Council may affirm, revise, or reverse the decision of the Planning Commission in all or in part. The Council may also remand the matter back to the hearing body for further consideration.

### **MAJOR VARIANCE – TYPE III: STANDARDS AND CRITERIA**

Under Section 16.53.020 of the Canby Municipal Code, an application for MAJOR VARIANCE approval shall be evaluated based on the following standards and criteria:

- A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the City and within the same zone. These exceptional or extraordinary circumstances result from tract size or shape, topography or other circumstances over which the owners of the property have no control. Actions of previous owners do not constitute other exceptional or extraordinary circumstances; and
- B. The variance is necessary to assure that the applicant maintains substantially the same property rights as are possessed by the owners of other property in the city and within the same zone; and
- C. Granting this variance will not be materially detrimental to the intent or purposes of the city's Comprehensive Plan or the Land Development and Planning Ordinance; and
- D. Granting this variance will not be materially detrimental to other property within the same vicinity; and
- E. The variance requested is the minimum variance which will alleviate the hardship; and
- F. The exceptional or unique conditions of the property which necessitate the issuance of a variance were not caused by the applicant, or the applicant's employees or relatives.