



AGENDA

CANBY CITY COUNCIL MEETING

January 17, 2018

7:30 PM

Council Chambers

222 NE 2nd Avenue, 1st Floor

Mayor Brian Hodson

Council President Tim Dale

Councilor Tracie Heidt

Councilor Traci Hensley

Councilor Greg Parker

Councilor Tyler Smith

Councilor Sarah Spoon

CITY COUNCIL MEETING – 7:30 PM

1. CALL TO ORDER

- A. Invocation
- B. Pledge of Allegiance

2. COMMUNICATIONS

3. CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS

(This is an opportunity for audience members to address the City Council on items not on the agenda. Each person will be given 3 minutes to speak. You are first required to fill out a testimony/comment card prior to speaking and hand it to the City Recorder. These forms are available by the sign-in podium. Staff and the City Council will make every effort to respond to questions raised during citizens input before tonight's meeting ends or as quickly as possible thereafter. For Agenda items, please fill out a testimony/comment card and give to the City Recorder noting which item you wish to speak on.)

4. MAYOR'S BUSINESS

5. COUNCILOR COMMENTS & LIAISON REPORTS

6. CONSENT AGENDA

(This section allows the City Council to consider routine items that require no discussion and can be approved in one comprehensive motion. An item may be discussed if it is pulled from the consent agenda to New Business.)

- A. Approval of Minutes of the January 3, 2018 City Council Regular Meeting
- B. Reappointment to the Canby Utility Board Pg. 1

7. PUBLIC HEARING

- A. APP 17-02 Appeal of Planning Commission Decision for the Seven Acres Subdivision (3500 N Maple Street) Pg. 2

8. RESOLUTIONS & ORDINANCES

- A. Ord. 1469, Amending Canby Municipal Code Chapter 16.110 By Changing the Name of the Historic Review Board to the Heritage and Landmark Commission and Adding a Non-Voting Membership Position of a High School Student Residing Within the Canby School District Boundary (**2nd Reading**) Pg. 250

9. NEW BUSINESS

- A. Findings, Conclusion & Final Order TA 17-01 (Changing Name of the Historic Review Board to the Heritage and Landmark Commission and Adding a Non-Voting Membership Position of a High School Student Within the Canby School District Boundary)

Pg. 270

10. CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS

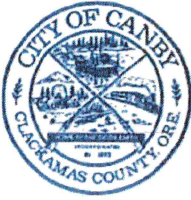
11. CITIZEN INPUT

12. ACTION REVIEW

13. EXECUTIVE SESSION: ORS 192.660(2)(h) Litigation

14. ADJOURN

*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Kim Scheafer at 503.266.0733. A copy of this Agenda can be found on the City's web page at 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.



**CITY OF CANBY
COMMITTEE, BOARD, &
COUNCIL APPOINTMENT APPLICATION**

CUB
Date: 1/4/18 Position Applying For: Board Member
Name: Jack Brito Occupation: Local Business Owner
Home Address: Canby OR 97013
Employer: Hot Rod Dreamworks Position: Owner
Daytime Phone: _____ Evening Phone: _____
E-Mail Address: _____
What are your community interests (committees, organizations, special activities)? Rotary,
Chamber & Kiwanis

What are your major interests or concerns in the City's programs? Business growth in the
community

Reason for your interest in this position: To provide helpful support

Experience and educational background: High School graduate

List any other City or County positions on which you serve or have served: None

Referred by (if applicable): Gary Potter

Please return to:

*City of Canby - Attn: City Recorder
PO Box 930, 222 NE 2nd Avenue, Canby, OR 97013
Phone: 503.266.0733 Fax: 503.266.7961 Email: scheaferk@canbyoregon.gov*

Note: Information on this form may be available to anyone upon a Public Records Request and may be viewable
on the City's web page. 5/2017

Date Received: 1-4-2018 Date Appointed: _____ Term Expires: 2-28-2021
Date Resigned: _____ Destruction Date: _____



M E M O R A N D U M

DATE: *Prepared: December 22, 2017 for January 17, 2018 Council Hearing*

TO: *Mayor and City Council*

FROM: *Bryan Brown, Canby Planning Director*

RE: *Appeal (File No. APP 17-02) of Planning Commission Decision for application (SUB 17-05) –Seven Acres Subdivision by Canby Development LLC at 3500 N Maple Street.*

Background: At their October 23, 2017 meeting the Planning Commission, after holding a public hearing, voted 7 - 0 to approve the above referenced subdivision application and approved written findings of their decision at the next regularly scheduled Planning Commission meeting on November 13, 2017. A decision notice was sent out the next day to all those having legal standing by either requesting to be kept informed or having provided written or oral testimony on this proposed development.

Appeal (File No. APP 17-02) was submitted by Michael McNichols, Tony Polito and the Friends of NE Maple Street on the appeal deadline of November 27, 2017. Staff requested an extension of the 120-day rule from the existing January 18 deadline to February 23, 2018 for which Council action and a written decision must otherwise be adopted by law to permit staff and the Council additional flexibility to conclude City action regarding this subdivision proposal. The applicant has provided staff the additional requested review time extension.

Appeal & Council Action: The appellant has provided a required statement or narrative that explains the basis of the appeal made of the Planning Commission's approval of the proposed subdivision application. The original subdivision applicant continues to bear the burden of proof that their development proposal complies with the applicable review criteria and city standards. City Code indicates that an appeal hearing shall be conducted using the same procedure as used at the Planning Commission hearing, with the subdivision applicant to present their case for approval, followed by the Appellant and any others who may be against, with the applicant wrapping up with the final rebuttal.

Staff has reviewed the Appellant's statement that explains the specific issues as to why they are appealing or aggrieved. The appellant's statement of appeal is attached to this memorandum and indicates three primary issues to their premise that the Planning Commission's decision should be reversed or at least delayed for further necessary study to be conducted. The Appellant states (1) safety concerns to pedestrians and bicyclists as proposed, (2) failure to obtain affirmative acceptance of the plan from the Fire Marshal, and (3) failure to adequately address wetland mitigation and storm water runoff. Staff indicated in our original report to the Planning Commission that we believe all of these issues have been shown to have been satisfactorily addressed. Again, ultimately it is the applicant's burden to demonstrate compliance with these issues that have been raised with this appeal.

The Land Development & Planning Ordinance provides in (Section 16.89.050 (I) (3) "The City Council shall overturn the decision of the Planning Commission only when one or more of the following findings are made:

- a. That the Commission did not correctly interpret the requirements of this title, the Comprehensive Plan, or other requirements of law,
- b. That the Commission did not observe the precepts of good planning as interpreted by the Council; or
- c. That the Commission did not adequately consider all of the information which was pertinent to the case".

The Council's action on an appeal shall be governed by the same general regulations, standards, and criteria as apply to the Commission in the original consideration of the application. To this end, staff has attached the original staff report to the Planning Commission with our recommendation, the applicant's submittal and supporting narrative and drawings, and the written input received to date in the application review process including the Appellant's Statement of Appeal and additional written citizen input received as a result of notice provided of the Appeal.

As previously mentioned, the written findings of the Planning Commission are attached as well as the minutes of the Planning Commission meeting of October 23, 2017 at which the subdivision application was approved. It is staff's practice to support the decision of the Planning Commission, and we continue to support approval of the subdivision application.

Possible Alternative Council Motion(s):

"I move to (uphold and approve) or (reverse and deny) File No. SUB 17-05 Seven Acres Subdivision located at 3500 N Maple Street".

Attachments:

- Attorney Michael Robinson's Letter on Behalf of Canby Development with Exhibits
- Kati Gault's Email on Behalf of Canby Development with attachments
- Appellant's (File No. APP 17-02) Statement or Reasons for Appeal
- Planning Commission Written Decision and Findings
- Planning Commission Minutes of October 23, 2017
- Planning Commission Staff Report
- Applicant Subdivision submittal: narrative and drawings
- All written input received since notice of Appeal
- All written input received before and at the Planning Commission Hearing

January 8, 2018

Michael C. Robinson
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VIA EMAIL

Mayor Brian Hodson
City of Canby City Council
Canby City Hall
222 NE 2nd Avenue
Canby, OR 97013

**Re: City of Canby File No. APP 17-02; Letter on Behalf of Canby Development, LLC
Concerning Appeal of Canby Planning Commission Approval of City of Canby File
No. SUB 17-05**

Dear Mayor Hodson and Members of the Canby City Council:

This office represents Canby Development, LLC, the Applicant. This letter explains why the Canby City Council (the "City Council") should reject the appeal of the Canby Planning Commission's (the "Planning Commission") unanimous approval of the 22 lot preliminary subdivision on a 6.84 acre property zoned R-1, "Low Density Residential" and approve the preliminary subdivision application. As explained in this letter, substantial evidence in the whole record demonstrates that the Applicant has satisfied the relevant approval criteria for the subdivision in Canby Zoning Ordinance ("CZO") 16.62.020.A-F. The application is classified as a "Limited Land Use" decision as that term is defined in ORS 197.015(12) and subject to ORS 197.075(1). This application is not a Planned Unit Development.

1. Introduction.

My client has worked diligently to answer questions and address issues raised by the property's neighbors. Doug Sprague and his family would like the neighboring property owners to support the application but understands their concerns, especially regarding traffic. That is why my client has retained numerous experts, including a traffic expert in addition to the City's traffic consultant, to address these issues.

While Doug and his family respect the neighbors and their opinions, the Applicant's task in this matter is to identify relevant approval criteria and explain why the Applicant has satisfied that criteria with substantial evidence. In the course of doing so, we may have to explain why the neighbors' testimony or evidence is either irrelevant or not substantial evidence. This argument is not meant to denigrate the neighboring property owners' participation but is simply a fact of

quasi-judicial applications. We note this so that the City Council understands why the Applicant makes the arguments that it must make.

This application is not about a comprehensive plan map amendment, a zoning map amendment, a request to increase density above that allowed in the R-1 Zoning District, or a request that dimensional setbacks be reduced. Instead, the preliminary subdivision application requests approval of 22 lots, fewer than the maximum number of lots allowed on this property, and the only exceptions that are requested are those related to lot sizes to make them larger rather than smaller and dimensional standards related to the lot shapes which are caused by the Applicant's desire to have larger lots and by the shape of the property to be subdivided. The proposed subdivision lots meet applicable R-1 dimensional standards with the approval of the two exceptions discussed below.

The exceptions requested do not seek to increase density or reduce lot size. The Planning Commission found that both exceptions satisfied applicable approval criteria. One exception allowed two larger lots and the second exception allowed a reduced lot width for lots on cul-de-sacs.

The reason we make these points for the City Council's consideration is to point out that the Applicant is requesting nothing out of the ordinary and, in fact, is seeking to develop the property with less density for single-family homes, the same land use type on the adjacent properties.

One final fact merits the City Council's attention. The Montecucco family, which has long owned and farmed the property on the west side of North Maple Street, supports the application. The Montecucco's attorney testified in favor of the application at the Planning Commission hearing. In fact, the Applicant and the Montecuccos have arrived at an agreement whereby the Montecuccos will dedicate needed additional right-of-way to North Maple Street, thus allowing the Applicant to make the street improvements on which the Planning Commission conditioned its approval.

All of this means that this application is simply a subdivision for long-vacant property, based on the zoning district in which the property has long been located and for which the Applicant has worked hard to address the standards necessary to improve North Maple Street.

2. Procedural Status and Introductory Issues.

A. Procedural Status.

The Planning Commission considered the application at its October 23, 2017 public hearing. After several hours of testimony, the Planning Commission unanimously approved the

application with recommended conditions of approval that are feasible to be satisfied based on substantial evidence in the whole record. The Applicant agrees with the 49 conditions of approval contained at Planning Commission decision pages 5-13. This appeal followed.

Planning Director Bryan Brown's memorandum to the City Council reviews the Planning Commission decision, the appeal and provides the City Council with options. Mr. Brown stated "The staff indicated in our original report to the Planning Commission that we believe all of these [appeal] issues have been shown to have been satisfactorily addressed. Again, ultimately it is the applicant's burden to demonstrate compliance with these issues that have been raised with this appeal. ... It is staff's practice to support the decision of the Planning Commission, and we continue to support approval of the subdivision application."

The Planning Department has consistently recommended that the Planning Commission, and now the City Council, approve this application. The Applicant appreciates the Planning Commission's and Planning Department's support of the application.

B. Final Written Argument.

ORS 197.763(e) provides that the applicant may submit final written argument without new evidence after the record is closed to all other parties. Because the record is still being made in the City Council appeal hearing, the Applicant does not waive its right to final written argument. If the Applicant requests final written argument, it will also consider granting an extension to the 120-day period in ORS 227.178(1) so that the City Council has the necessary time to reach a tentative and final decision on the application.

C. Entire Planning Department File Physically Before the City Council.

The entire Planning Department file containing all of the documents placed before the Planning Commission and submitted to the City Council since the Planning Commission's decision should be physically before the City Council.

D. Ex Parte Contacts.

ORS 227.180(2) provides that quasi-judicial decision makers must disclose *ex parte* contacts at the beginning of the first hearing following the *ex parte* contact. The Applicant recognizes that citizens have a right to contact their City Council members. The Applicant respectfully requests that the City Council disclose any oral or written *ex parte* contacts, including information gained from site visits by City Council members so that participants in the public hearing may have an opportunity to rebut any *ex parte* contacts.

E. The Application is for “Needed Housing”.

Because this application is classified as a “Needed Housing” application under ORS 197.303(1)(a), two statutory standards apply to the City Council’s review. The first is ORS 227.173(2) that provides: “When an ordinance establishing approval standards is required under ORS 197.307 to provide only clear and objective standards, the standards must be clear and objective on the face of the ordinance.” While the Applicant has chosen to address each and every approval criterion even if subjective, the Applicant does not waive its right to assert that a final decision relying on subjective approval standards that are not clear and objective on their face is improper.

The second statute is ORS 197.307(4), which provides: “Except as provided in subsection (6) of this section [ORS 197.307(6) is inapplicable to the city], a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of needed housing on buildable land described in subsection (3) of this section. The standards, conditions and procedures may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.”

The subdivision site is buildable land. Thus, the City may apply only clear and objective standards, conditions and procedures pursuant these this statutory provisions to the application’s approval. If the City Council should seek to approve the application with fewer lots even though the number of lots proposed is already less than the maximum allowed in the R-1 Zoning District, that would have the effect of “discouraging needed housing through unreasonable cost” by imposing a greater cost on the remaining lots.

F. Canby Comprehensive Plan Policies Do Not Apply to the Application.

ORS 197.195(1) provides in relevant part that “If a city or county does not incorporate its comprehensive plan provisions into its land use regulations, the comprehensive plans may not be used as a basis for a decision by the city or county or on appeal from that decision.

The CZO shows that no particular part of the Canby Comprehensive Plan has been incorporated into the CZO. Further, there is no evidence that no later than September 29, 1993 that the City made a decision to incorporate all of its applicable Comprehensive Plan standards into the CZO. Even if such evidence were in the record, there is no indication in the CZO itself that such relevant Comprehensive Plan policies have indeed been incorporated.

3. New Evidence Submitted On Behalf of the Applicant Responding to Issues Raised in the Appeal.

This letter contains five exhibits with new evidence responding to issues raised in the appeal. The exhibits and the issues they respond to are as follows:

A. Exhibit 1, a December 29, 2017 letter from John Middleton, P.E. Mr. Middleton is an Oregon Registered Professional Engineer. Mr. Middleton's letter addresses issues raised regarding the subdivision's storm drainage. Mr. Middleton, whose firm designed the storm drainage system, states: "The onsite storm drainage collection and treatment system will be designed to meet all City of Canby requirements." His letter further states that the design "will reduce considerably the runoff from [the subdivision] property and Montecucco property presently directed the storm line and any 34th Pl." Mr. Middleton's letter, in addition to other substantial evidence in the record regarding storm drainage, demonstrates that the application satisfies CZO 16.62.020.C.1 regarding stormwater. In fact, as the City Council knows, subdivisions and their storm drainage systems that are reviewed and approved by the City Public Works Department result in improved drainage, not worsened drainage.

B. Exhibit 2, a January 5, 2018 from James D. Imbrie, G.E. Mr. Imbrie of GeoPacific Engineering, Inc. is an Oregon Registered Professional Engineer. Mr. Imbrie's letter addresses the suitability of using the Molalla Forest Road for emergency vehicle access. Mr. Imbrie's letter notes "The Molalla Forest Road has been used for decades for heavy hauling consisting of log trucks, some of which were reportedly in excess of 75,000 lb GVW. More recently, in the last decade, the road was overlain with two inches of AC [asphaltic concrete] for its use as a pathway. We understand that two recent subdivisions, Willamette Green and Manor on the Green, as well as the wastewater treatment plant, currently already use the road for emergency access. ... Based on our past observations of fully loaded trucks on the road, we conclude that it is more than acceptable for use as an emergency vehicle access to a maximum of 75,000 lb GVW."

Mr. Imbrie's letter means that the Molalla Forest Road is more than acceptable for use as secondary fire access to the subdivision. As the City Council can conclude, secondary fire access for the subdivision also provides secondary fire access for the developments south of the subdivision property, thus benefitting those property owners as well.

Further, the City's consulting engineer, Hassan Ibrahim, P.E., stated in an email to Mr. Brown: "I am not aware of any loading restrictions on that road [the Molalla Forest Road] and I concur with Jerry's assessment." Mr. Jerry Melzen, the Public Works Department lead for streets stated in an email: "That road [the Molalla Forest Road] will handle fire trucks without any problems. We drive all of our heavy equipment on it. We also allow the golf course to haul sand in with trucks a pups. Unless Hassan knows something I don't I would say there is no problem."

C. Exhibit 3, a January 2, 2018 email from Todd Gary, Division Chief, Community Risk Reduction, Canby Fire District, responds to an email from the Applicant regarding what the Canby Fire District requires for access on North Maple Lane. Mr. Gary's email states that "Canby fire district will follow the Oregon Fire code and require 20' width clear for access on Maple Street. 28' is the minimum full paved road (Maple) width, including parking."

Mr. Gary's letter is substantial evidence demonstrating that the fire district is satisfied that the Applicant's proposed improvements to North Maple Street, which are feasible to be satisfied and which have been required in conditions of approval by the Planning Commission, satisfy fire code requirements for acceptable access width. The City Council can conclude that this addresses issues regarding emergency access on the street.

As a further matter, much of the testimony directed to the City Council against this application raised issues associated with everyday life in Canby: school buses stopped on a street to pick up children, pedestrians and bicyclists using streets or their shoulders for everyday activities, parked cars and other commonplace activities. It is not possible to judge the capacity of a road based on these common and everyday occurrences. Were that the standard, no city street would satisfy such a standard. However, the City Council has before it, as did the Planning Department and the Planning Commission, substantial evidence from two traffic experts: the City's own traffic consultant, DKS Associates, which provided two memoranda concluding that North Maple Street, with the improvements proposed by the Applicant and approved by the Planning Commission, is capable of satisfying relevant City street standards and providing a street that is acceptable including the additional vehicle trips generated by this application, and the Applicant's own traffic engineer, Todd Mobley of Lancaster Engineering, who submitted two letters demonstrating that North Maple Street has the capacity to accept vehicle trips from this subdivision.

D. Exhibit 4, a January 5, 2018 from Todd E. Mobley, P.E. Mr. Mobley is a principal in Lancaster Engineering, the traffic engineering firm engaged by the Applicant to analyze traffic impacts. Mr. Mobley is an Oregon Registered Professional Engineer. Mr. Mobley's letter responds to the appeal issues regarding the traffic data used by DKS Associates and Lancaster Engineering. Mr. Mobley correctly rebuts Mr. Howell's assertion, who is not a traffic engineer nor has he obtained a traffic engineer, that the traffic counts are incorrect. In other words, Mr. Buckley's challenge is not only to the date that Mr. Mobley counted vehicle trips but to the City traffic engineer's date of counting vehicle trips. Mr. Mobley states "The assertion is made in the Howell letter that volumes are highest during the summer months, but there is no empirical evidence to suggest that this is true. Vehicle traffic is far less dependent on whether weather than pedestrian and bicycle traffic and vehicle traffic on local city streets is not subject to wide seasonal fluctuations."

Additionally, Mr. Mobley states “The traffic speed and volume data used by both DKS and Lancaster [are] accurate and reliable. Mr. Howell’s assertion that they are artificially low is not supported by empirical evidence.”

In other words, the City Council has before it substantial evidence by two qualified traffic engineering firms as to the validity of the vehicle trip counts versus non-substantial evidence by non-traffic engineers, whereas there is no traffic engineer who has offered an opinion to the contrary. The City Council must conclude based on this comparison that the Applicant has submitted substantial evidence demonstrating the reliability of its traffic volume data.

Mr. Mobley also addresses the issue of pedestrians and vehicles on North Maple Street. Mr. Mobley points out that “In this case, the measure of safety is primarily dependent on the speed and volume of vehicular traffic, not the volume of people walking or riding bicycles.” Mr. Mobley refers to his October 23, 2017 memorandum in which he notes the criteria used to gauge safety of local streets. He concludes “Again, the traffic speed and volume data considered in the analysis is complete, accurate and reliable.” Thus, the City Council is again presented with the issue of substantial evidence from a reputable traffic engineering firm versus speculative assertions not based on substantial evidence and with no qualifications to do so from an individual.

Finally, Mr. Mobley concludes: “The transportation analyses in the record all agree that the proposed street section will safely accommodate all uses of N Maple Street with the subdivision in place. This is supported and agreed upon by professional engineers with both DKS Associates and Lancaster Engineering, as well as City of Canby staff.”

The City Council can conclude that substantial evidence in the whole record submitted by the Applicant and by the City demonstrates that the application satisfies relevant approval standards regarding streets.

E. Exhibit 5, a December 17, 2017 letter from Martin R. Schott, Ph.D., responds to wetlands and site drainage issues. Mr. Schott is an expert in wetland analysis. Mr. Schott’s letter addresses issues raised in the appeal regarding impact of prior grading on the site on wetlands. Mr. Schott rebuts the opponents’ argument that the Applicant has caused a reduction of wetlands. He states: “The primary reason the wetlands proved to be smaller than what was originally mapped is due to several reasons not associated with the filling. The primary reason why the wetlands are smaller is due to the update to the wetland delineation manual. The Western Regional Supplement was released in 2010, and it made several changes in what constituted hydric soils.” Mr. Schott goes on to explain the result of that change in hydric soil qualification. He also states “Finally, even if the filling contributed to the shrinking of the wetland, which I don’t believe to be the cause, the filling was in uplands, and not within the

jurisdiction of either The Oregon Department of State Lands, or the US Army Corps of Engineers.”

The City Council can reject arguments related to the impact of prior grading or filling on the site as to wetlands. However, an additional issue must be addressed by the City Council. The issue of prior activity on the site is completely irrelevant to the approval criteria before the City Council for this application and, in fact, the opponents make no attempt to link this issue to approval criteria. ORS 197.195(1) provides that decisions such as this must be based on relevant approval criteria. The same is found in CZO Section 16.62.020.

For all of the reasons contained in the evidence and as explained in additional detail below, the City Council can conclude that substantial evidence supports a finding that the Applicant has satisfied relevant approval criteria.

4. Summary of Planning Commission Decision.

The major issues before the Planning Commission were traffic, a second access for emergency vehicles, improvements and need for improvements to North Maple Street and drainage. The decision by the Planning Commission (**Exhibit 6**) noted the following:

- Found that the North Maple Street improvements “would not result in additional expense to existing homeowners and that would not eliminate their existing parking along the east side of the street.” (Decision at page 3.) No on-street parking will be lost.
- Approved of the Applicant’s proposed North Maple Street improvements. (*Id.*) The walkway will be separated from the improved street.
- Noted that the Canby Fire District fire marshal did not oppose the use of the logging road (the Molalla Forest Road) as a second emergency access. (*Id.*)
- Found that the Applicant’s requested exceptions to allow just two lots to exceed the 10,000 square foot averaging maximum met the applicable approval criteria. (*Id.*)
- Found that the Applicant had justified lot frontages of less than the standard 60’ width on cul-de-sacs because adequate access is maintained to each of those lots. (*Id.*)
- Relied upon substantial evidence from the City’s traffic consultant, DKS Engineering, and the Applicant’s traffic engineer, Lancaster Engineering. (Decision at page 4.) The DKS memorandum dated April 8, 2015 at page 2 states “This increase in vehicle trips [from the subdivision] will not significantly impact traffic operations along the surrounding transportation network and will not trigger the need for evaluation of off-site

impacts to surrounding intersections based on operation standards.” Further, the DKS memorandum dated November 17, 2016 at page 3 states under the heading “Safety and Parking Issues” that: “The proposed cross-section of N Maple Street provides an accommodation for pedestrians and bicycles on one side of the roadway.”

Further, the City Council may rely upon substantial evidence from Curran-McLeod, Inc. in its September 7, 2017 memorandum to Planning Director Bryan Brown. The memorandum notes the following:

- North Maple Street meets local street design standards as proposed by the Applicant with the exception of recommending that the sidewalk be constructed on the east side;
- The subdivision’s proposed interior streets meet City local street standards; and
- The City will review and approve the Applicant’s storm drainage analysis during the final plat review (Condition of Approval 24 at Planning Commission decision page 10). This means that the final plat cannot be approved without City approval. The Applicant maintains the burden of proof throughout the development process. (**Exhibit 7.**)

Additionally, the City of Canby Public Works Department submitted a September 11, 2017 comment from Jerry Nelzen to the Applicant stating “The proposed subdivision at 3500 North Maple Street can be served by Sanitary Sewer and Stormwater system.” (**Exhibit 8.**)

Throughout the whole record before the City Council, the Planning Commission found that substantial evidence demonstrates that all required City services and facilities will be adequate and feasible to be provided to the site, and that the application meets relevant subdivision approval standards, and that the proposed lots meet relevant R-1 standards.

5. Response to Appeal Issues.

This section of the letter addresses issues raised in the appeal.

What is remarkable about the appeal is that fails to cite relevant approval criterion. While the burden of proof is upon the Applicant, an appeal upon which the City Council could rely upon must relate issues and evidence to approval criteria. For the reasons explained below, the appeal completely fails to do so.

A. Pedestrian and Bicyclist Safety on North Maple Street.

The appellant asserts that the Applicant failed to address safety. However, the appellant cites no relevant approval criterion for this assertion. Nevertheless, substantial evidence in the whole

record demonstrates that the Applicant's traffic engineer and the City's traffic engineer addressed this issue.

The appellant also asserts that the "Tour Canby Loop", new evidence submitted after the Planning Commission hearing, affects this issue. It does not. First, as Mr. Mobley stated, pedestrian and bicycle safety is a matter of vehicle speed and volume. Second, the conditions of approval require the Applicant to construct additional pedestrian facilities on North Maple Street, thus improving at the Applicant's expense pedestrian facilities on the street. Further, North Maple Street is a relatively low volume street contrary to the non-substantial evidence testimony of opponents. It is more than capable of accommodating the amount of vehicle trips (approximately 220 daily trips with approximately 22 morning peak hour trips and 22 evening peak hour trips). Further, while the appellant emphasizes the "Tour Canby Loop" as a reason to deny this application, the appellant provides no information about how many bicyclists might use that route. Furthermore, if the route proved to be disruptive, the City has no obligation to continue publicizing it.

However, all of the appellant's issues are undermined by the Applicant's substantial evidence which demonstrates that to the extent this issue is relevant to an approval criterion, the road will be safe after development of the subdivision. The appellant fails to define what he regards as "high volumes of pedestrian and bicycle traffic". Further and most importantly, the appellant's arguments are not substantial evidence; they are unsupportive speculative comments. The appellant's arguments are not supported by substantial evidence in the form of testimony from a reputable traffic engineer.

B. Subdivision Site Wetland and Site Drainage Issue.

The appellant raises an argument regarding wetland and drainage issues. First, the appellant cites no relevant approval criteria for this issue. Further, his assertion regarding fill is irrelevant to approval criteria. Second, the 1994 decision is irrelevant to this application. Finally, Mr. Schott's and Mr. Middleton's letters demonstrate that the wetland issue and storm drainage issue have been adequately addressed.

C. Conclusion.

The appeal is without substance because it fails to raise a single relevant approval criteria, does not rely on substantial evidence, ignores substantial evidence in the whole record and attempts to raise 24 year old issues irrelevant to this proceeding.

The City Council must reject the appeal.

6. Conclusion.

The City Council, after considering all of the argument and evidence, can conclude that the Applicant has met its burden of proof by submitting substantial evidence demonstrating that relevant approval criteria are satisfied.

The Applicant understands why persons are opposed to the application but the number of persons opposed, or the vehemence of their opposition, has nothing to do with whether the Applicant has met its legal burden of proof. Because the Applicant has done so, the City Council can reject the appeal and approve the application with the Planning Commission's recommended conditions of approval.

The Applicant looks forward to developing his property subject to the stringent conditions of approval imposed by the Planning Commission and the City's oversight. The Applicant pledges to work cooperatively with neighbors if any issues arise in order to resolve them as quickly as possible.

On behalf of the Applicant, we want to thank the City Council for its attention to the relevant approval criteria and substantial evidence in this matter.

Very truly yours,



Michael C. Robinson

MCR:sv

Enclosures

Cc: Mr. Bryan Brown (w/encls.) (via email)
Mr. Doug Sprague (w/encls.) (via email)
Ms. Katie Gault (w/encls.) (via email)
Mr. Todd Mobley (w/encls.) (via email)
Mr. John Middleton (w/encls.) (via email)
Mr. James D. Imbrie (w/encls.) (via email)
Mr. Martin R. Schott (w/encls.) (via email)
Mr. Corey Westerman (w/encls.) (via email)
Mr. David Delmar (w/encls.) (via email)

EXHIBITS

- Exhibit 1** December 29, 2017 letter from John Middleton, P.E.
- Exhibit 2** January 5, 2018 letter from James D. Imbrie, G.E.
- Exhibit 3** January 2, 2018 email from Todd Gary, Division Chief, Community Risk Reduction, Canby Fire District
- Exhibit 4** January 5, 2018 letter from Todd E. Mobley, P.E.
- Exhibit 5** December 27, 2017 letter from Martin R. Schott, Ph.D.
- Exhibit 6** November 14, 2017 Canby Planning Commission Decision approving SUB 17-05
- Exhibit 7** September 7, 2017 Memorandum from Curran-McLeod, Inc. to Bryan Brown.
- Exhibit 8** September 11, 2017 letter from Jerry Nelzen to the Applicant.

ZTec Engineers, Inc.

Civil ♦ Structural ♦ Surveying

3880 SE 8th Ave.,

Ross Island Plaza, Suite 280,

Portland, OR 97202

(503) 235-8795

FAX: (503) 233-7889

E-mail: john@ztecengineers.com

John McL. Middleton, P.E.

Chris C. Fischborn, P.L.S.

Ronald B. Sellards, P.E.

12-29-17

To: Doug Sprague
Canby Excavating

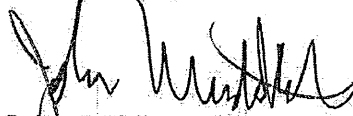
Re: Subdivision Storm Drainage Design

The onsite storm drainage collection and treatment system will be designed to meet all City of Canby requirements.

The main components of the storm water collection system will be the new 24" storm line that will cross the subdivision from west to east collecting the runoff from Montecucco property and the proposed subdivision. The line will continue along the old logging road right of way to tie into the existing storm outlet to the river. This arrangement will reduce considerably the runoff from your property and Montecucco property presently directed to the storm line in NE 34th Pl.

The widening of N Maple St. will result in an increased paved area runoff to the existing storm water collection system in N Maple St.

Sincerely,



John Middleton PE

ZTEC Engineers



Real-World Geotechnical Solutions
Investigation • Design • Construction Support

January 5, 2018
Project No. 01-7156

Canby Excavating
P.O Box 848
Canby, OR 97013
Email: Doug Sprague dougs@canbyex.com

**RE: SUITABILITY OF MOLALLA FOREST ROAD FOR EMERGENCY VEHICLE ACCESS
MAPLE STREET SUBDIVISION
CANBY, OREGON**

References: 1. Geotechnical Investigation, Country Club Annex #4, Carlson Testing Inc., February 16, 1995, CTI#94-2357.
2. Interim Soil Engineer's Summary, Country Club Estates Annex No. 4 (aka Maple Sreet Future Subdivision), GeoPacific Engineering, Inc., January 28, 2003, GeoPacific Project No. 01-7156.

This brief letter is to address the suitability of the Molalla Forest Road to be used for emergency vehicle access to the above referenced subdivision. The Molalla Forest Road has been used for decades for heavy hauling consisting of log trucks, some of which were reportedly in excess of 75,000 lb GVW. More recently, in the last decade, the road was overlain with 2 inches of AC for its use as a pathway. We understand that two recent subdivisions, Willamette Green and Manor on the Green, as well as the wastewater treatment plant currently already use the road for emergency access.

Based on our past observations of fully loaded trucks on the road, we conclude that it is more than acceptable for use as an emergency vehicle access to a maximum of 75,000 lb GVW.

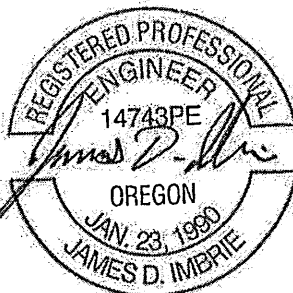
Within the limitations of scope, schedule and budget, GeoPacific attempted to execute these services in accordance with generally accepted professional principles and practices in the fields of geotechnical engineering and engineering geology at the time the report was prepared. No warranty, expressed or implied, is made.

We appreciate this opportunity to be of service.

Sincerely,

GEOPACIFIC ENGINEERING, INC.

James D. Imbrie, G.E.
Principal Geotechnical Engineer



EXPIRES: 06/30/2019

14835 SW 72nd Avenue
Tigard, Oregon 97224

Tel (503) 598-8445
Fax (503) 941-9281

Robinson, Michael C. (POR)

From: Kati Gmail <katigault@gmail.com>
Sent: Tuesday, January 02, 2018 3:42 PM
To: Robinson, Michael C. (POR)
Cc: dougs@canbyex.com; Corey Westermann
Subject: Fwd: The Seven Acres

Mike,

See below. Let me now if you think we need anything further from the fire marshal.

Kati

Begin forwarded message:

From: Todd Gary <tgary@canbyfire.org>
Date: January 2, 2018 at 3:27:20 PM PST
To: Kati Gmail <katigault@gmail.com>
Cc: "dougs@canbyex.com" <dougs@canbyex.com>
Subject: Re: The Seven Acres

Kati,

Canby fire district will follow the Oregon Fire code and require 20' width clear for access on Maple Street. 28' is the minimum full paved road (Maple) width, including parking.

Todd Gary

Division Chief Community Risk Reduction

Canby Fire District

503-266-5851 / 503-969-7459

www.Canbyfire.org



**LANCASTER
ENGINEERING**

321 SW 4th Ave., Suite 400
Portland, OR 97204
phone: 503.248.0313
fax: 503.248.9251
lancasterengineering.com

January 5, 2018

Bryan Brown
City of Canby
222 NE 2nd Avenue
Canby, OR 97013

Dear Bryan,

This letter is written in response to comments received in support of the appeal of the Planning Commission's decision to approve The Seven Acres subdivision (SUB 17-05). Specifically, the comments are contained in the November 27, 2017 letter from E. Tyler Howell of Buckley Law. Mr. Howell's comments are addressed in the following sections.

Date of Traffic Counts

Mr. Buckley takes issue with the date of the traffic data that was collected as part of the analyses conducted by both DKS Associates and Lancaster Engineering. The DKS analysis used counts done in March of 2015 and the Lancaster analysis used counts done in October 2017. The assertion is made in the Howell letter that volumes are highest during the summer months, but there is no empirical evidence to suggest that this is true. Vehicle traffic is far less dependent on weather than pedestrian or bicycle traffic and vehicle traffic on local city streets is not subject to wide seasonal fluctuation.

Note that two separate counts conducted two and a half years apart, one in the spring and one in the fall, differ by less than seven percent.¹ Also, both DKS and Lancaster use traffic data collected to two separate third-party data collection companies.

The traffic speed and volume data used by both DKS and Lancaster are accurate and reliable. Mr. Howell's assertion that they are artificially low is not supported by empirical evidence.

Pedestrian & Bicycle Volume Data

A primary objection in the Howell letter is that neither set of traffic counts included pedestrian or bicycle volumes. In this case, the measure of safety is primarily dependent on the speed and volume of vehicular traffic, not the volume of people walking or riding bicycles. We recognize that there are people walking and

¹ October 23, 2017 memo from Todd E. Mobley, PE, of Lancaster Engineering. 2015 counts in March showed 498 vehicles per day and counts in October of 2017 showed 534 vehicles per day.

1e

Bryan Brown
January 5, 2018
Page 2 of 2

biking on N Maple Street and the street sections that were proposed and approved by the Planning Commission include accommodations for those users.

For local residential streets, the biggest factors for both comfort and safety of people walking and biking is motor vehicle speed and volume. Note that the *Small Town and Rural Design Guide* criteria cited in the October 23, 2017 memo from Lancaster bases the appropriateness of the proposed design on: 1) motor vehicle speed, 2) motor vehicle volume, 3) the classification of the street, and 4) the land use that it serves. In this recently-published design guide, which is based on the Federal Highway Administration's publication and used by transportation professionals, the volume of people walking and biking is not an empirical consideration.

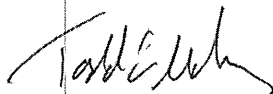
Again, the traffic speed and volume data considered in the analysis is complete, accurate, and reliable.

Summary & Conclusions

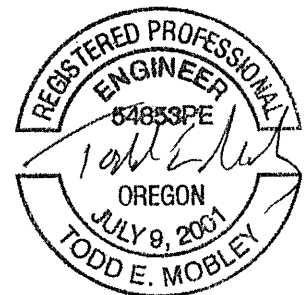
The transportation analyses in the record all agree that the proposed street section will safely accommodate all users of N Maple Street with the proposed subdivision in place. This is supported and agreed upon by professional engineers with both DKS Associates and Lancaster Engineering, as well as City of Canby staff.

The prior Planning Commission decision is supported by clear and objective standards that are satisfied and there is no empirical evidence in the record that disputes these findings.

Sincerely,



Todd E. Mobley, PE
Principal



RENEWS: 12/31/2018



SCHOTT & ASSOCIATES
Ecologists & Wetlands Specialists

21018 NE Hwy 99E • P.O. Box 589 • Aurora, OR 97002 • (503) 678-6007 • FAX: (503) 678-6011

December 27, 2017

Kati Gualt

Re: Response to Appeal of SUB 17-05

Dear Kati:

This letter is in response to Item 3 of E. Tyler Howell's, of Buckley Law P.C., appeal of SUB 17-05.

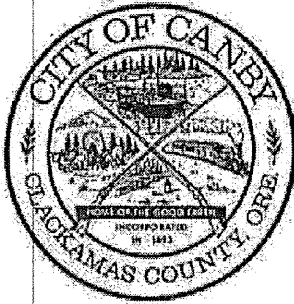
1. The Final Order fails to adequately address wetlands and site drainage Issues.

The first paragraph of this Item argues that the grading that has occurred on this site has caused the wetlands on the site to shrink. The argument is not valid. The primary reason the wetlands proved to be smaller than what was originally mapped is due to several reasons not associated with the filling. The primary reason why the wetlands are smaller is due to the update to the wetland delineation manual. The Western Regional Supplement was released in 2010, and it made several changes in what constituted hydric soils. The most significant change is how it treated soils with a 1 chroma. Soils with a 1 chroma under the old manual were considered hydric. Under the Western Regional Chroma 1 soils need additional indicators to be considered hydric. A quick review of the data we collected showed that the soils were primarily the reason why the wetland shrank. In addition, A significant portion of one of the wetland was dominated by large mature Oregon white oaks and Himalayan blackberry, which were both classified as upland species at the time of our recent delineation. This area should have never been included within the wetland mapping. Finally, even if the filling contributed to the shrinking of the wetland, which I don't believe to be the cause, the filling was in uplands, and not within the jurisdiction of either The Oregon Department of State Lands, or the US Army Corps of Engineers.

Hopefully, this settles the issue concerning the shrinking of the "mapped " wetlands.

Sincerely,

Martin R. Schott, Ph.D.



City of Canby

Planning and Building Department

Sent Via Email
dougs@canbyex.com
katigault@gmail.com
MRobinson@perkinscoie.com

DATE: November 14, 2017
TO: Douglas Sprague, Kati Gault, Michael Robinson
RE: Notice of Decision/Final Order for SUB 17-05 The Seven Acres Subdivision

The Canby Planning Commission hereby provides notice that a decision to approve SUB 17-05 The Seven Acres Subdivision has been rendered. The enclosed Findings, Conclusions and Final Order is your notice of the official action of the City of Canby Planning Commission.

According to Section 16.89.50 (I) of the Canby Municipal Code, this decision may be appealed to the City Council within ten (10) days of the date this notice was mailed. To do so, you must file an application for appeal with the Planning Director. If no appeal is taken within the specified period, and if no appeal is initiated by action of the City Council, the decision of the Planning Commission shall be final.

The application for appeal shall clearly state the nature of the decision being appealed and the reasons why the appellant is aggrieved. A \$1,920 fee must be enclosed with your appeal application.

If you have any further questions or concerns, please contact the Planning office at 503-266-7001.

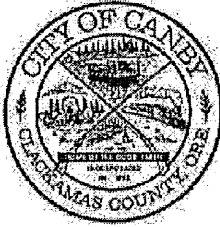
Sincerely,

Bryan C. Brown
Planning Director

Attachment: Signed Final Findings

CERTIFICATE OF MAILING

This Notice of Decision was postmarked and placed in the mail and/or emailed on November 14, 2017 and sent to all parties with standing. The appeal period will end on Monday, November 27, 2017
Bryan C. Brown, Planning Director



BEFORE THE PLANNING COMMISSION
OF THE CITY OF CANBY

A REQUEST FOR A SUBDIVISION
AT 3500 N MAPLE STREET

)
)

FINDINGS, CONCLUSION & FINAL ORDER
SUB 17-05
THE SEVEN ACRES SUBDIVISION

NATURE OF THE APPLICATION

The Applicant has sought approval for a Subdivision (SUB 17-05) dividing A 6.84 acre property into a 22 lot subdivision for single-family detached homes located at 3500 N Maple Street described as Tax Map/Lot 31E2102602, Clackamas County, Oregon. The property is zoned Low Density Residential (R-1) as represented on the official zoning map reference by the Land Development & Planning Ordinance, Chapter 16 of the Canby Municipal Code (CMC).

HEARINGS

The Planning Commission considered application SUB 17-05 at a duly noticed initial evidentiary public hearing held on October 23, 2017 during which the Planning Commission by a 7/0 vote approved SUB 17-05 Seven Acre Subdivision submitted by Canby Development LLC. These findings are entered to document the specifics of approval.

CRITERIA AND STANDARDS

In judging whether or not a Subdivision application shall be approved, the Planning Commission determines whether criteria from the *City of Canby Land Development and Planning Ordinance* are met, or can be met by observance of conditions. Applicable code criteria and standards were reviewed in the Staff Report dated and titled Revised for the October 23, 2017 Planning Commission Meeting and presented along with the applicant's submitted application materials at the October 23, 2017 meeting of the Canby Planning Commission.

FINDINGS AND REASONS

The Staff Report was presented, and written and oral testimony was received at the public hearing. Staff recommended approval of the Subdivision application and applied Conditions of Approval in order to ensure that the proposed development will meet all required *City of Canby Land Development and Planning Ordinance* approval criteria.

SUB 17-05 The Seven Acres (Sprague) Findings, Conclusion, & Final Order
Page 1 of 13

After accepting public testimony, the Planning Commission closed the public hearing and in deliberation and by vote made the following additional findings beyond those contained in the staff report to arrive at their decision and support their recommended Conditions of Approval and the exact wording thereof:

- The Commission acknowledged the following items that were submitted to the record at the meeting: A letter from neighborhood resident Mr. Michael D. McNichols with numerous attachments that was emailed to Commissions for review the day of the meeting; an email with written comments from neighborhood resident Mike Brown; a signed letter from neighborhood residents Arthur & Virginia Hall; a copy of the recorded plat for Country Club Estates Annex No. 3 that indicates that the temporary N Maple Street cul-de-sac was to be vacated in the event of future street extension; an email from applicant including statements from City public works lead Jerry Nelzen indicating that no sewer backups in the area served by the pump station have occurred since the installation of the new pump station and that it is designed to handle everything in the current Urban Growth Boundary, including the proposed subdivision; a memorandum dated 10.23.17 from Todd Mobley, PE commissioned by the applicant indicating new updated traffic volume counts at two locations on N Maple Street to demonstrate the streets level of traffic and ability to accommodate the traffic expected and how the proposed pedestrian pathway will provide a safe and appropriate improvement for this area; a power-point presentation handout from the applicant proposing a new preferred voluntary option to amending the proposed N Maple Street widening and pedestrian safety improvements indicated in Condition #9 of the staff report to include widening the street to 28' with a separated 5' wide asphalt pathway for pedestrians from approximately 23rd Avenue north to the north property boundary of Tax Lot 31E 28A 00900 and 34' in width with a designated 4' wide pedestrian pathway on the west edge along the frontage of Tax Lot 31E21 00300.

- The Commission acknowledged and accepted that staff's recommendation for approval included 3 additional conditions of approval that were inadvertently left off of the published staff report and were made a part of the record shortly thereafter and added as an addendum to the posting on the City website and forwarded to the Commission and applicant (they are included in this Final Order).
- The Commission supported requiring rear yard fencing along the farm property by the developer to help alleviate disturbance of the crop production.
- The Commission responded and voiced support for off-site N Maple Street improvements that would not result in additional expense to existing home owner's and that would not eliminate their existing parking along the east side of the street.
- The Commission favored the applicant's preferred N Maple Street improvement option presented at the meeting which was precipitated by assurance that that agreement for 10' of additional roadway easement adjacent to Tax Lot 300 would be forthcoming, and that the applicant's suggestion for providing a separated pedestrian pathway was the best option to encourage pedestrian use and provide the greatest degree of safety and maintain an appropriate look for the area.
- It was understood that with the off-site N Maple Street improvements volunteered and approved, that individual fire sprinkler systems within each home of the subdivision would not be required. Staff explained to the Planning Commission that the fire marshal did not indicate any opposition to the use of the logging road as an alternative backup emergency route as long as 20' free and clear primary emergency access on N Maple Street is provided.
- The Planning Commission accepted the applicants findings as an adequate basis for granting an exception to allow two lots to exceed the 10,000 sf lot averaging maximum size as supportive of demonstration of a "public benefit" in this instance as it helped reduced the total number of lots proposed which was reported to increase the compatibility with the existing lot size and reduced the amount of traffic that would otherwise be generated at buildout on N Maple Street.
- The Commission was satisfied with staff's response that lot frontages of less than the standard 60' in width are standard practice around all cul-de-sacs and eyebrows and that adequate access is maintained to each of the lots as proposed on the eyebrows.

SUB 17-05 The Seven Acres (Sprague) Findings, Conclusion, & Final Order
Page 3 of 13

Additionally, the Planning Commission hereby incorporates the applicant's narrative addressing the applicable approval criteria. Where there is a conflict between these findings and the applicable narrative, these findings shall control.

Additionally, the Planning Commission finds that argument and evidence not relevant to the approval criteria although not rejected by the Planning Commission was not required to be considered in the Planning Commission's decision.

Further, the Planning Commission relies on the evidence produced by the City's Traffic Consultant, DKS, and the applicant's Traffic Engineer, Lancaster Engineering, defined that would be conditioned improvements, North Maple Street will function as intended by the relevant approval criteria. Further, the Planning Commission finds that testimony regarding occasional use by farm equipment is not so substantial. The evidence produced by DKS and Lancaster Engineering with the required improvements, North Maple Street will function as required by relevant approval criteria.

Further, the Planning Commission notes that the Canby Fire Marshall did not submit a negative comment about the application. The Planning Commission finds based on substantial evidence in the whole record that there will be sufficient clear access for emergency vehicles on North Maple Street.

Additionally, the Planning Commission finds that the only exception requested in the application is for two lots to be larger than the maximum lot size. The lot width for cul-de-sac lots is not an exception but is allowed subject to approval criteria in the Canby Land Development Ordinance. Finally, the Planning Commission notes that the striping for the pedestrian lane on the proposed 34' wide cross section of North Maple Street is recommended by the City's Traffic Consultant DKS. The Planning Commission has found elsewhere that the proposed cross section of North Maple Street will comply with applicable Canby Land Development Ordinance requirements.

CONCLUSION

In summary, the Planning Commission adopted the findings contained in the Staff Report which referred to findings contained within the applicant's narrative along with the additional findings concluded at the public hearing and noted herein, concluding that the residential subdivision application meets, or will meet all applicable approval criteria when combined with the Conditions of Approval reflected in the written Order below.

ORDER

The Planning Commission approved SUB 17-05 pursuant to the conditions of approval presented in Section VII of the staff report (which includes the 3 conditions made part of the record in an addendum) and the following conditions: 1) change condition #9 of the staff report to require the applicant's preferred N Maple Street Improvement option consisting of a 28' wide street and a separated 5' asphalt path, the sidewalk (pathway) be built entirely at applicant's expense, no decrease in the existing on-street parking provided, and a fence be required along the farm (Montecucco) property on the west side of the subdivision and a fence be required along the logging road property (east side of the subdivision) and 2) a change to condition #1 to remove the requirement to comply with the City Engineer's recommendations to a) construct a sidewalk on the east side of N. Maple St and b) remove parking. Based on the above approved motion, the Planning Commission concludes that, with the following conditions, the application meets the requirements for Subdivision approval.

Therefore, **IT IS ORDERED BY THE PLANNING COMMISSION** of the City of Canby that **SUB 17-02 THE SEVEN ACRE SUBDIVISION** is approved, subject to the following conditions:

CONDITIONS OF APPROVAL

General Improvement & Design Conditions:

1. Prior to the start of any public improvement work, the applicant must schedule a pre-construction conference with the city and obtain construction plan sign-off from applicable agencies. City Engineer comments provided in his memorandum dated September 7, 2017, shall be reflected on those plans, except those comments in the September 7, 2017 memorandum related to "planter strips" and removal of parking and construction of a sidewalk on the east side of N. Maple Street shall not be required.
2. The Planning Commission shall make a finding for that a "public benefit" is afforded in allowing an additional two lots to exceed the 10,000 sf maximum lots size when utilizing lot averaging.
3. The Planning Commission shall make a finding that adequate access and building area is provided to approve the six proposed lots (two of which are flag lots by definition) all located on eyebrows (partial cul-de-sac bulb

*SUB 17-05 The Seven Acres (Sprague) Findings, Conclusion, & Final Order
Page 5 of 13*

- streets) that may be allowed to not meet the required minimum 60 feet of frontage on a public street.
4. On street parking shall be restricted on the inside edge of NE 35th Place which has a pavement design width of only 28' to comply with minimum fire code accessibility standards.
 5. The final construction design plans shall reflect the use of a 4.5' wide planter strip separating the sidewalk from the street curb along both sides of N Maple Court beginning within the subdivision and up to the beginning of the eyebrow (partial cul-se-sac bulb) where it may taper into a curb tight sidewalk. to comply with the City standard practice for new subdivisions since adopting the new 0 to 8' wide standard that was intended to require planter strips but allow flexibility where it was deemed to be suitable to match existing same street standards or protect resources or avoid difficult restrictions or circumstances. The planter strip is waived – allowing a curb tight sidewalk along both sides of NE 35th Place along with an exception to reduce the sidewalk width to 5' adjacent to the Tract D wetlands to assist in its protection. A dual 12' wide PUE & Sidewalk Easement shall be designated on the final plat to allow public use of any sidewalk placed outside of the public rights-of-way.
 6. The off-site street widening public improvements volunteered by the applicant and approved by the City for N. Maple Street shall be part of the improvements associated with Phase I of the Seven Acres Subdivision. This is intended to provide improved vehicular and safety improvements before any additional residential traffic from the subdivision is added to this street.
 7. Temporary suitable turnarounds may be required at the end of all interior streets that exceed 150' in length as directed by the Canby Fire Department.
 8. The applicant shall process an annexation application and a lot line adjustment if deemed necessary based on how the dedication occurs along Tax Lot 31E21 00300 for the 10' of right-of-way easement to be added to the west side of N Maple Street.

9. The applicant must enter in to an Improvement Agreement with the City prior to Final Plat recording. The following improvements and requirements shall be included in the agreement:

A. On N Maple Street from approximately NE 23rd Avenue (at the southern termination of the existing sidewalk on the west side) north to the north property boundary of Tax Lot 31E 28A 00900, the applicant voluntarily agrees to the following regarding the off-site N Maple Street improvements:

1. The applicant proposes to widen N Maple Street to 28' in width with a separated 5' wide asphalt path as shown on the power-point handout presented at the hearing and called out as Typical Section A-A.

B. On N Maple Street along the frontage of Tax Lot 31E21 00300 north to the proposed subdivision, the applicant voluntarily agrees to the following regarding the off-site N Maple Street improvements:

1. The applicant proposes to widen N Maple Street to 34' in width along the frontage of Tax Lot 31E21 00300, as shown on the power-point handout presented at the hearing and called out as Typical Section B-B and per Exhibit 13 – Maple Street ROW Option 2 – Cross Section A-A in the meeting packet material.

C. Prior to final plat recording and in conjunction with approval of the civil construction plans for the subdivision an agreement shall be executed between the City, the owner of Tax Lot 31E21 00300 (Montecucco Rentals, LLC), and the owner of the subject development to specify the reconfiguration of the existing drainage line that currently drains storm water from Tax Lot 31E21 00300 (Montecucco) through the subject development to the existing City storm system. The location and specifications of the proposed system shall be included in this agreement. In the event the parties cannot reach an agreement, the owner of the subject development will leave the Montecucco line in its current condition and location, and will not tie into the private Montecucco line or build lots or tracts over said line, and will implement a satisfactory drainage solution

*SUB 17-05 The Seven Acres (Sprague) Findings, Conclusion, & Final Order
Page 7 of 13*

for the proposed subdivision in accordance with the City of Canby Public Works Design Standards, June 2012.

Fees/Assurances:

10. All public improvements 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.
11. 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 shall be accompanied by a final bid estimate of the subdivider's contractor if there is a contractor engaged to perform the work, and the total cost estimate must be approved by the city engineer.
12. The applicant must guarantee or warranty all public improvement work with a 1 year subdivision maintenance bond or other acceptable means of security in accordance with CMC 16.64.070(P).
13. The applicant must pay the city Master Fee authorized engineering plan review fee equal to 0.4% of public improvement costs prior to the construction of public improvements (approval of construction plans) as each phase of development occurs.

Streets, Signage & Striping:

14. The unused portion of the existing cul-de-sac for N. Maple Street which will no longer be necessary shall be vacated and then physically removed.
15. The street improvement plans for N. Maple Street widening and the interior division streets shall conform to the TSP and Public Works standards as indicated by the city engineer.

*SUB 17-05 The Seven Acres (Sprague) Findings, Conclusion, & Final Order
Page 8 of 13*

16. The sidewalk (pedestrian pathway) along N Maple Street shall be built at applicant's expense and there shall be no decrease in existing on-street parking.
17. The applicant shall comply with the three recommended conditions of approval provided by Clackamas County Development Services in their memorandum to the City in review of SUB 17-05 dated October 5, 2017 which include:
- a. **Prior to final plat approval:** The applicant shall obtain a Development Permit from the Engineering Division for review and approval of Maple Street Improvements where Maple Street is under County jurisdiction. The Permit shall be obtained prior to commencement of site work and recording of the subdivision plat. To obtain the permit, the applicant shall submit construction plans prepared and stamped by an Engineer registered in the State of Oregon, or plans acceptable to the Engineering Division, provide a performance guarantee equal to 125% of the estimated cost of the construction, and pay a plan review and inspection fee. The fee will be calculated as a percentage of the construction costs if it exceeds the minimum permit fee. The minimum fee and the percentage will be determined by the current fee structure at the time of the Development Permit application.
 - b. All require Maple Street improvements, where the street is under County jurisdiction, shall comply with the Clackamas County *Roadway Standards* unless otherwise noted herein.
 - c. The applicant shall design and construct Maple Street widening improvements, along the section of Maple Street under County jurisdiction, in compliance with the structural section requirements of Roadway Standards Drawing C100 for a connector.
18. Drainage along the west side of the N Maple Street widening will be addressed within the construction plans in a manner that minimizes impact on the adjacent farm land while following standards deemed to be acceptable to the City and County engineering staff.
19. The construction plans shall be shared with the adjacent farm property owners for their review and they shall be provided notice by the developer of the scheduled pre-construction approval meeting with the City.

SUB 17-05 The Seven Acres (Sprague) Findings, Conclusion, & Final Order
Page 9 of 13

20. A roadway striping plan shall be submitted by the applicant and shall be approved by city engineer and by the Public Works street department prior to the construction of public improvements.
21. A roadway signage plan shall be submitted by the applicant and shall be approved by the city engineer and by the Public Works street department prior to the construction of public improvements.
22. The applicant shall be responsible for installing all required street signage and striping at the time of construction of public improvements, unless other arrangements are agreed to by the City.

Sewer:

23. The applicant shall submit documentation of DEQ approval of the sewer plans to the City Engineer prior to the construction of this public improvement with each phase of development.

Stormwater:

24. Stormwater systems shall be designed in compliance with the Canby Public Works Design Standards as determined by the City Engineer, and in accordance with the agreement for the relocation of the Montecucco's drainage easement and line if an agreement is reached.
25. Drywells proposed within the subdivision shall be approved by DEQ.

Grading/Erosion Control:

26. The applicant shall submit grading and erosion control plans for approval by Canby Public Works in conjunction with construction plan approval prior to the installation of public improvements and start of grading with each phase of development.
27. The applicant shall grade all areas of the site, including the proposed lots, to minimize the amount of soil to be removed or brought in to each lot during home construction.

Final plat conditions:

General Final Plat Conditions:

28. 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

SUB 17-05 The Seven Acres (Sprague) Findings, Conclusion, & Final Order
Page 10 of 13

- 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 service agencies for comment prior to signing off of the final plat if deemed necessary.
29. 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.
30. The final plat shall conform to the necessary information requirements of CMC 16.68.030, 16.68.040(B), and 16.68.050. The county surveyor shall verify that these standards are met prior to the recordation of the subdivision plat.
31. All "as-builts" of City public improvements installed shall be filed with Canby Public Works within sixty days of the completion of improvements.
32. Clackamas County Surveying reviews pending subdivision plat documents for Oregon Statutes and county requirements. A subdivision final plat for Phase 1 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.
33. The applicant shall record the final plat at Clackamas County within 6 months of the date of the signature of the Planning Director.
34. 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.
35. The City shall assign addresses for each newly created subdivision lot and distribute that to the developer, and other agencies that have an interest.

Dedications

36. The applicant shall dedicate by separate instrument any acquired additional ROW secured for the widening of N. Maple Street with or prior to the Phase 1 Final Plat.

Easements

37. A 12 foot utility, and if any portion of a public sidewalk is located on a newly created private lot it shall also include a dual 12' pedestrian easement, along all of the lot street frontages shall be noted on the final plat. This easement may be combined with other easements and shall be measured from the property

SUB 17-05 The Seven Acres (Sprague) Findings, Conclusion, & Final Order
Page 11 of 13

boundary.

38. Sidewalk easements are required along the frontage of the newly created private lots for any portion of the public sidewalk that will lie on private property.

Street Trees

39. A Street Tree Plan shall be submitted with the final plat, and street tree fees paid to the City for their installation prior to release of the final plat for recording. The plat will allow the city to establish street trees per the Tree Regulation standards in Chapter 12.32 of the Canby Municipal Code. The total per tree fee amount is calculated at one tree per 30 linear feet of total street frontage on both sides of all internal streets and the adjacent side of external streets or as determined by an approved Street Tree Plan on a per tree basis. A temporary 12' wide street tree easement in conjunction with the dual 12-foot utility and pedestrian easement (pedestrian easement only where required, as described above) along all of the lot street frontages shall be noted on the final plat to provide the City to the right to plant and maintain the establishment of the trees before they become the responsibility of the property owner for 2 years from occupancy of each home.

Monumentation/Survey Accuracy Conditions

40. The county surveyor and/or city engineer shall verify that the lot, street, and perimeter monumentation shall meet the requirements set forth in Oregon Revised Statutes and conform with the additional survey and monumentation standards of 16.64.070(M)(1-3) prior to recordation of the final plat.

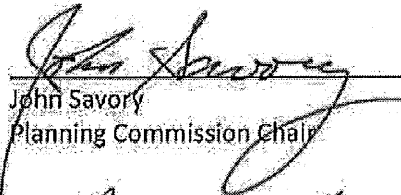
Residential Building Permits Conditions:

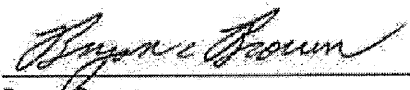
41. Construction of all required public improvements and recordation of the final subdivision plat must be completed prior to the construction of any homes.
42. The homebuilder shall apply for a City of Canby Site Plan Permit and County Building Permit for each home and satisfy the residential design standards of CMC 16.21.
43. The homebuilder shall apply for a City of Canby Erosion Control Permit.
44. All residential construction shall be in accordance with applicable Public Works Design Standards.

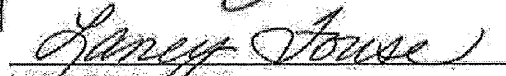
45. Individual lot on-site stormwater management shall be designed in compliance with the Canby Public Works Design Standards.
46. Clackamas County Building Codes Division will provide structural, electrical, plumbing, and mechanical plan review and inspection services for home construction per contract with the City. The applicable county building permits are required prior to construction of each home.
47. Per the Canby Public Works Design Standards, minimum residential driveway widths at the inside edge of the sidewalk shall be 12 feet and the maximum residential driveways widths shall be 24 feet with an allowed exception for 28 feet for a home with 3 or more garages and a required separation of 10 feet between driveways on local streets when possible.
48. Sidewalks and planter strips shall be constructed by the homebuilder as shown on the approved tentative plat.
49. All usual system development fees shall be collected with each home within this development except as otherwise indicated within the Park Land Dedication and Improvement Agreement associated with this subdivision.

123366-0001/137564616.2

I CERTIFY THAT THIS ORDER APPROVING SUB 17-05 THE SEVEN ACRES SUBDIVISION which was presented to and APPROVED by the Planning Commission of the City of Canby.
DATED this 23rd day of October, 2017


John Savory
Planning Commission Chair


Bryan Brown
Planning Director


Laney Fouse, Attest
Recording Secretary

ORAL DECISION: October 23, 2017

Name	Aye	No	Abstain	Absent
John Savory	X			
John Serlet	X			
Larry Boatright	X			
Derrick Mottern	X			
Tyler Hall	X			
Shawn Varwig	X			
Andrey Chernishov	X			

WRITTEN DECISION: NOVEMBER 13, 2017

Name	Aye	No	Abstain	Absent
John Savory	✓			
John Serlet	✓			
Larry Boatright				✓
Derrick Mottern	✓			
Tyler Hall				✓
Shawn Varwig	✓			
Andrey Chernishov	✓			

September 7, 2017

MEMORANDUM

TO: Mr. Bryan Brown
City of Canby

FROM: Hassan Ibrahim, P.E.
Curran-McLeod, Inc.

RE: **CITY OF CANBY**
SEVEN ACRES SUBDIVISION (SUB 17-05)

We have reviewed the submitted plans on the above mentioned project and have the following comments:

1. N Maple Street, the proposed width of 34-foot except where there are right-of-way restrictions (25-foot wide along the frontage of tax lots 900 and 1000, tax map3S1E28A) meets Local Street standards in conformance with Chapter 2 of the City of Canby Public Works Design Standards, dated June 2012. However, we recommend the sidewalk be constructed on the east side as opposed to the west side by keeping the existing curb intact (as the back of the sidewalk), parking on the east side only and no parking in the areas where the street narrows to 25 feet in width.
2. The proposed interior streets width, sidewalks and right-of-way dedications for NE 35th Place and NE Maple Ct meet City local street standards. However, we recommend the sidewalks be separated from the curbs with 4.5' planter strips in conformance with Chapter 2 of the City of Canby Public Works Design Standards, dated June 2012. Street lights and utilities shall also be extended to serve this development.
3. All ADA ramps and sidewalks along all the intersections and open spaces shall be constructed as part of this development in conformance with the current ADA Guidelines.

4. All the centerline radii shall be a minimum of 165 feet as required by section 2.205 of the City of Canby Public Works Design Standards, dated June 2012.
5. The developer's design engineer will be required to submit as part of the construction plans a signing and striping plan. All street names and traffic signs shall be installed by the developer at his expense and as part of this development. The City may supply the required traffic and street name signs based on a mutually agreed cost.
6. As part of the final design and due to the project phasing, the developer's design engineer shall provide a minimum of 200-foot future centerline street profile design to assure future grades can be met.
7. An Erosion Control and a Grading permit will be required from the City of Canby prior to any on-site disturbance.
8. A storm drainage analysis shall be submitted to the City for review and approval during the final design phase. The analysis shall meet Chapter 4 of the City of Canby Public Works Design Standards dated June 2012.
9. The proposed 10-foot sanitary sewer easement between lots 22 and 23 of Country Club Estates #3 and lots 4 and 12 of this development doesn't meet the minimum required width of 15-foot as per section 3.500 of the City of Canby Public Works Design Standards, dated June 2012.

Should you have any questions or need additional information, please let me know.



City of Canby Public Works

PO Box 930
1470 NE Territorial Road
Canby, OR 97013

Phone: 503.266.4021
Fax: 503.266.7961
www.canbyoregon.gov

September 11, 2017

Doug Sprague
641 NE 22nd Avenue
Canby, Oregon 97018

Re: 3500 N Maple Street

Dear Doug:

The proposed subdivision at 3500 N. Maple Street can be served by Sanitary Sewer and Stormwater system. The details of these systems shall be determined by the City and the applicant at the time of engineering plan preparation.

If you have any questions, feel free to contact me.

Thanks,

Jerry Nelzen
Lead
Public Works Department

Laney Fouse

From: Kati Gault <katigault@gmail.com>
Sent: Monday, January 08, 2018 3:50 PM
To: Bryan Brown; Laney Fouse
Cc: Michael C. Robinson; Doug Sprague; Corey Westermann
Subject: App 17-02 Appeal Letter and Wetland Delineation
Attachments: WD2015-0041final.pdf; Maple-ROW-Option-4.pdf; Clackams County Maple Widening Approval.pdf

Bryan and Laney,

Can you please include this email and attachments in the Council Packet for clarifications on APP17-02/SUB 17-05?

- 1) The site wetland delineation has been concurred with by the Oregon Department of State Lands, per the attached letter.
- 2) Clackamas County has approved the 28' Maple Street widening with a 5' separated walkway in the area of Maple that is their jurisdiction (near Willamette Valley Country Club), per attached email from Robert Hixon.
- 3) Mike Robinson sent a letter to you today on our behalf. Section 4 of that letter suggests that the proposed walkway on N. Maple Street will be fully separated from traffic. However please note only a portion of the walkway will be separated from traffic, as approved by Planning Commission. For clarity, attached is a plan that demonstrates the proposed N. Maple Street Improvements, as approved by Planning Commission.

Thank you,
Kati Gault



Oregon

Kate Brown, Governor

Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

www.oregon.gov/dsl

May 18, 2015

State Land Board

Doug Sprague
PO Box 848
Canby, OR 97002

Kate Brown
Governor

Re: WD #2015-0041 Wetland Delineation Report for Property at
3500 N Maple Street, Clackamas County;
T 3S R 1E S 21 Tax Lot 2602

Jeanne P. Atkins
Secretary of State

Ted Wheeler
State Treasurer

Dear Mr. Sprague:

The Department of State Lands has reviewed the wetland delineation report prepared by Schott and Associates for the site referenced above. Based upon the information presented in the report, a site visit on April 10, 2015, and additional information submitted upon request, we concur with the wetland boundaries as mapped in Figure 5 of the report. Within the study area, two wetlands (totaling approximately 0.13 acres) were identified. The wetlands are subject to the permit requirements of the state Removal-Fill Law. Under current regulations, a state permit is required for cumulative fill or annual excavation of 50 cubic yards or more in wetlands.

This concurrence is for purposes of the state Removal-Fill Law only. Federal or local permit requirements may apply as well. The Army Corps of Engineers will review the report and make a determination of jurisdiction for purposes of the Clean Water Act at the time that a permit application is submitted. We recommend that you attach a copy of this concurrence letter to both copies of any subsequent joint permit application to speed application review.

Please be advised that state law establishes a preference for avoidance of wetland impacts. Because measures to avoid and minimize wetland impacts may include reconfiguring parcel layout and size or development design, we recommend that you work with Department staff on appropriate site design before completing the city or county land use approval process.

This concurrence is based on information provided to the agency. The jurisdictional determination is valid for five years from the date of this letter unless new information necessitates a revision. Circumstances under which the Department may change a determination are found in OAR 141-090-0045 (available on our web site or upon request). In addition, laws enacted by the legislature and/or rules adopted by the Department may result in a change in jurisdiction; individuals and applicants are subject

to the regulations that are in effect at the time of the removal-fill activity or complete permit application. The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months of the date of this letter.


Thank you for having the site evaluated. Please phone me at 503-986-5232 if you have any questions.

Sincerely,



Peter Ryan, PWS
Jurisdiction Coordinator

Approved by



Kathy Verble, CPSS
Aquatic Resource Specialist

Enclosures

ec: Jodi Reed, Schott and Associates
City of Canby Planning Department
Dominic Yballe, Corps of Engineers
Anita Huffman, DSL

WETLAND DELINEATION / DETERMINATION REPORT COVER FORM

This form must be included with any wetland delineation report submitted to the Department of State Lands for review and approval. A wetland delineation report submittal is not "complete" unless the fully completed and signed report cover form and the required fee are submitted. Attach this form to the front of an unbound report and submit to: Oregon Department of State Lands, 775 Summer Street NE, Suite 100, Salem, OR 97301-1279. Make the check payable to the Oregon Department of State Lands. To pay the fee by credit card, call 503-986-5200.

✓ #1416

RECEIVED

FEB 02 2015

RECEIVED \$ 406.00
DEPARTMENT OF STATE LANDS☒ Applicant ☐ Owner Name, Firm and Address:

Doug Sprague
PO Box 848
Canby, OR 97013

Business phone # 503-266-2792

Mobile phone # (optional)

E-mail: dougs@canbyex.com☒ Authorized Legal Agent, Name and Address:

Schott and Associates, Attn: Jodi Reed
PO Box 589
Aurora, Oregon 97002

Business phone # 503.678.6007

Mobile phone #

E-mail: Jodi@schottandassociates.com

I either own the property described below or I have legal authority to allow access to the property. I authorize the Department to access the property for the purpose of confirming the information in the report, after prior notification to the primary contact.

Typed/Printed Name: Doug Sprague

Signature: _____

Date: 1/30/15

Special instructions regarding site access: _____

Project and Site Information (using decimal degree format for lat/long..enter centroid of site or start & end points of linear project)Project Name: N. Maple St.Latitude: 45°17'35.04"NLongitude: 122°41'08.43"W

Proposed Use: _____

Tax Map # 31E21Project Street Address (or other descriptive location):
3500 N Maple St. ✓Township 3SRange 1ESection 21

QQ

Tax Lot(s) 2602 ✓City: CanbyCounty: Clackamas

Waterway: _____

River Mile: _____

NWI Quad(s): _____

Wetland Delineation Information

Wetland Consultant Name, Firm and Address:

Schott and Associates, Attn: Jodi Reed
PO Box 589
Aurora, Oregon 97002

Phone # 503.678.6007

Mobile phone #

E-mail: Jodi@schottandassociates.com

The information and conclusions on this form and in the attached report are true and correct to the best of my knowledge.

Consultant Signature: _____

Date: 1/30/2015Primary Contact for report review and site access is ☐ Consultant ☐ Applicant/Owner ☐ Authorized AgentWetland/Waters Present? ☒ Yes ☐ NoStudy Area size: 7.35acTotal Wetland Acreage: 5,466 sq. ft.**Check Box Below if Applicable:****Fees: \$406.00**☐ R-F permit application submitted☒ Fee payment submitted \$ 406☐ Mitigation bank site☐ Fee (\$100) for resubmittal of rejected report☐ Wetland restoration/enhancement project (not mitigation)☐ No fee for request for reissuance of an expired report☐ Industrial Land Certification Program Site☐ Reissuance of a recently expired delineation

Previous DSL # _____

Expiration date _____

Other Information:

Y N

Has previous delineation/application been made on parcel? ☒ ☐If known, previous DSL # ENF # 4027Does LWI, if any, show wetland or waters on parcel? ☐ ☒**For Office Use Only**DSL Reviewer: PRFee Paid Date: 2 / 2 / 2015DSL WD # 2015-0041Date Delineation Received: 2 / 2 / 2015

DSL Project # _____

DSL Site # _____

Scanned: ☒Final Scan: ☐

DSL WN # _____

DSL App. # _____

WD#2015-0041

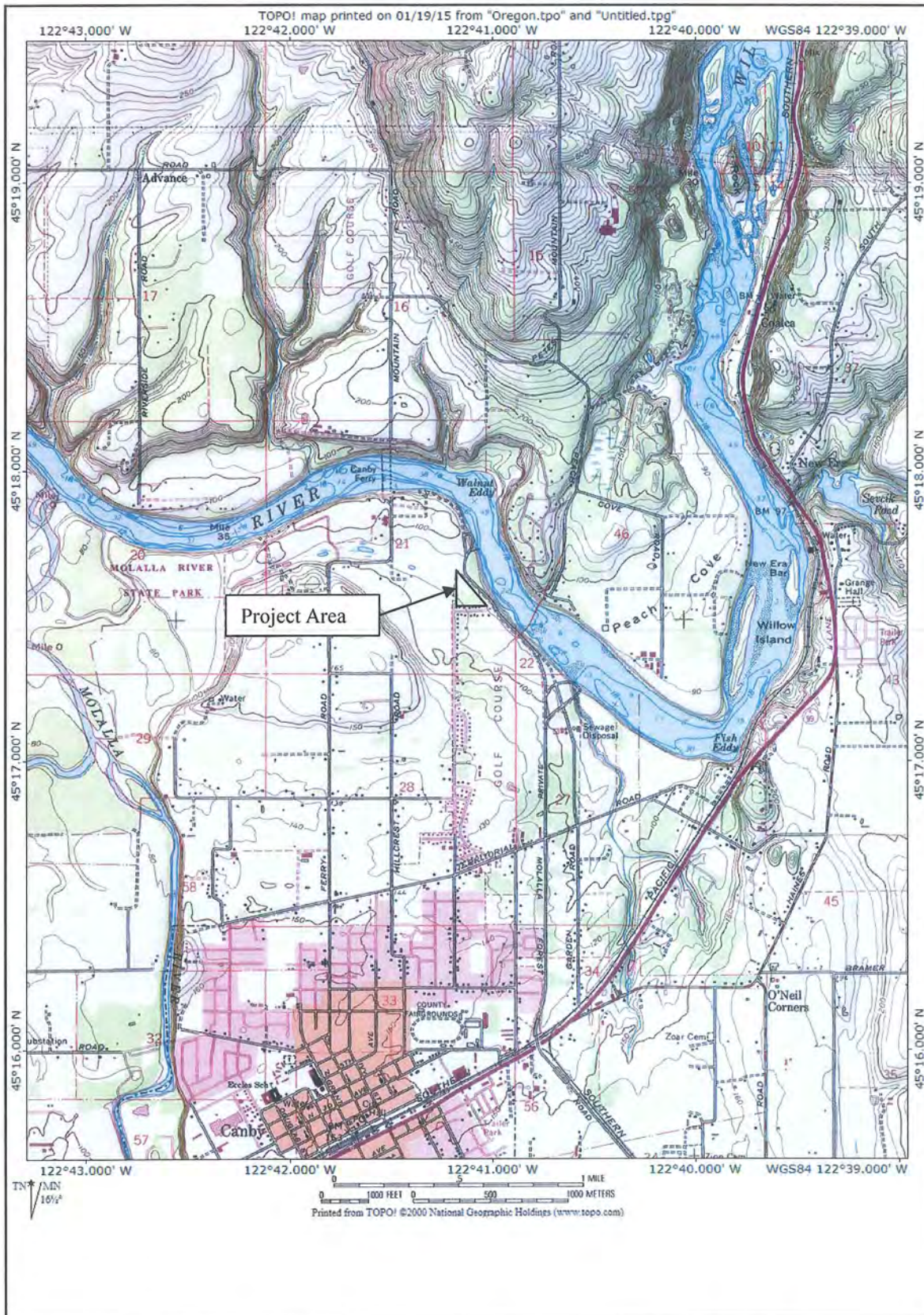


FIGURE 1. SITE VICINITY MAP
N. Maple Street
S&A# 2339

Schott & Associates
P.O. Box 589
Aurora, OR. 97002
503.678.6007

3 IE 21
WR#2015-0041

500





Kati Gault <katigault@gmail.com>

Fwd: SUB 17-05, 7 Acres Subdivision

1 message

Kati Gmail <katigault@gmail.com>
To: Bryan Brown <BrownB@canbyoregon.gov>

Tue, Oct 24, 2017 at 11:18 AM

FYI

Kati

Begin forwarded message:

From: "Hixson, Robert" <roberth@co.clackamas.or.us>
Date: October 24, 2017 at 7:34:32 AM PDT
To: Kati Gault <katigault@gmail.com>
Subject: RE: SUB 17-05, 7 Acres Subdivision

Hi Kati,

This additional alternative is also acceptable as an interim improvement. Clackamas County has no objection to this proposed improvement alternative.

Sincerely,

Robert

Robert Hixson

Clackamas County, DTD Engineering

150 Beaver Creek Road

Oregon City, OR 97045

[503-742-4708](tel:503-742-4708) (phone)[503-742-4659](tel:503-742-4659) (fax)roberth@clackamas.us

Office hours: 7:30 AM - 4:00 PM Monday – Friday

The Clackamas County Department of Transportation and Development is dedicated to providing excellent customer service. Please help us to serve you better by giving us your [feedback](#). We appreciate your comments and will use them to evaluate and improve the quality of our public service.

From: Kati Gault [<mailto:katigault@gmail.com>]
Sent: Monday, October 23, 2017 2:01 PM
To: Hixson, Robert <roberth@co.clackamas.or.us>
Subject: Re: SUB 17-05, 7 Acres Subdivision

Hi Robert,

After we spoke to Bryan Brown this morning it looks like a widening the street to 28' (rather than leaving street at 25') with a separated ped path is a better option for the City. Any objections (plan attached)?

Thanks again,

Kati

On Mon, Oct 23, 2017 at 7:42 AM, Kati Gmail <katigault@gmail.com> wrote:

Thank you very much for the quick response Robert!

Kati

On Oct 23, 2017, at 7:24 AM, Hixson, Robert <roberth@co.clackamas.or.us> wrote:

Hi Kati,

This proposed alternative provides a separation between vehicular traffic and the pedestrian facility. This separation will increase the safety of pedestrians by providing a buffer area between the edge of the travel lane and the pedestrian facility.

Clackamas County does not object to this proposed improvement alternative.

Sincerely,

Robert

Robert Hixson

Clackamas County, DTD Engineering

150 Beavercreek Road

Oregon City, OR 97045

503-742-4708 (phone)

503-742-4659 (fax)

roberth@clackamas.us

Office hours: 7:30 AM - 4:00 PM Monday – Friday

The Clackamas County Department of Transportation and Development is dedicated to providing excellent customer service. Please help us to serve you better by giving us your [feedback](#). We appreciate your comments and will use them to evaluate and improve the quality of our public service.

From: Kati Gault [<mailto:katigault@gmail.com>]
Sent: Monday, October 23, 2017 5:12 AM
To: Hixson, Robert <roberth@co.clackamas.or.us>
Subject: SUB 17-05, 7 Acres Subdivision

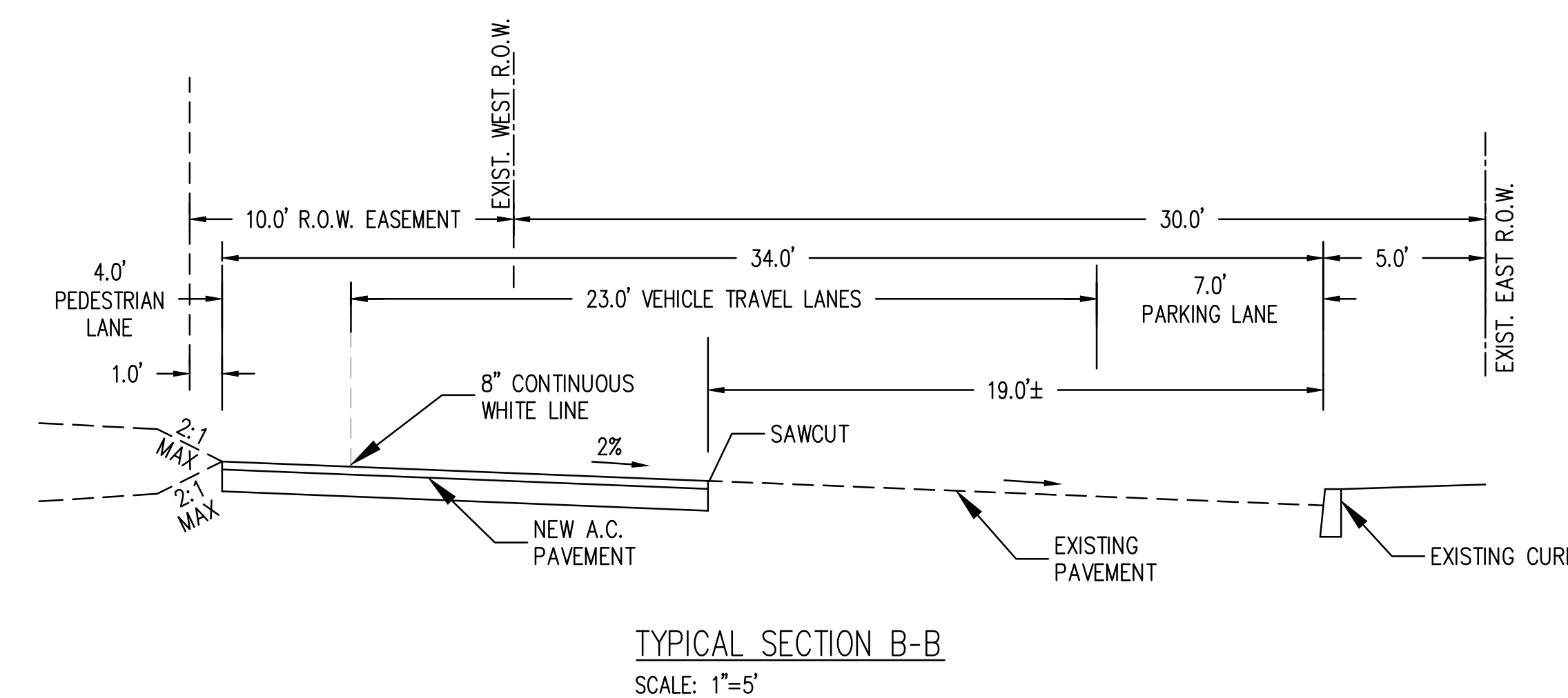
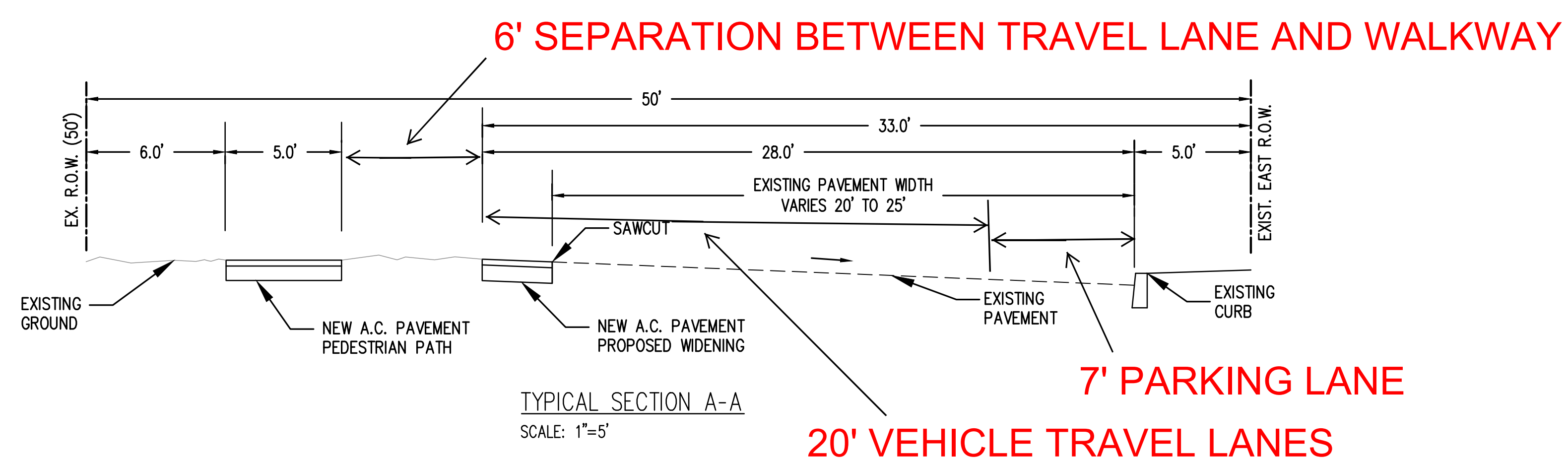
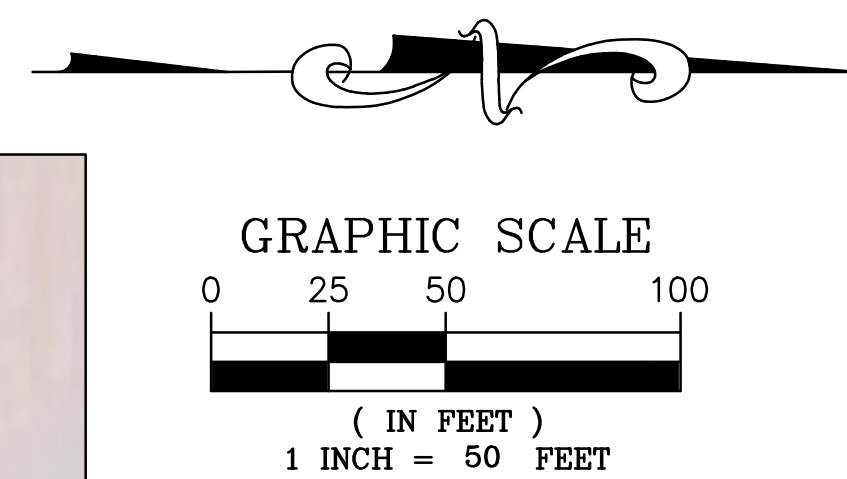
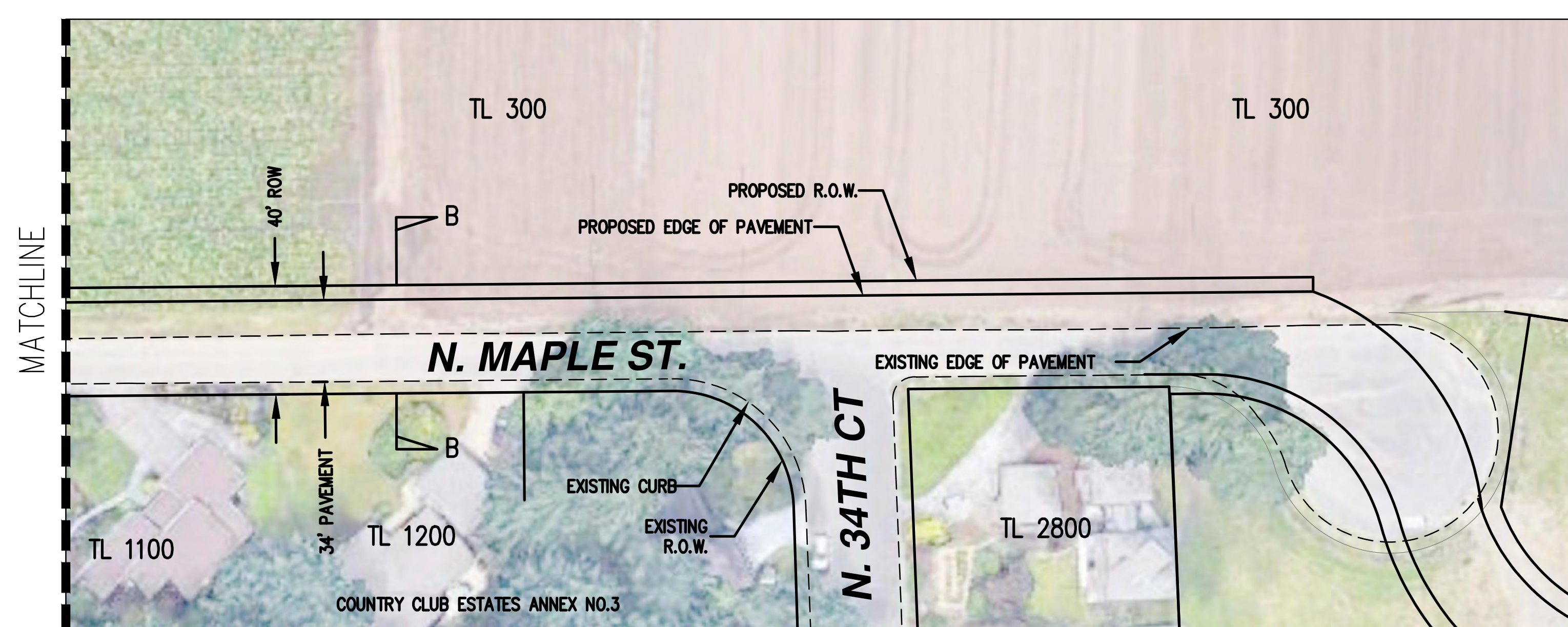
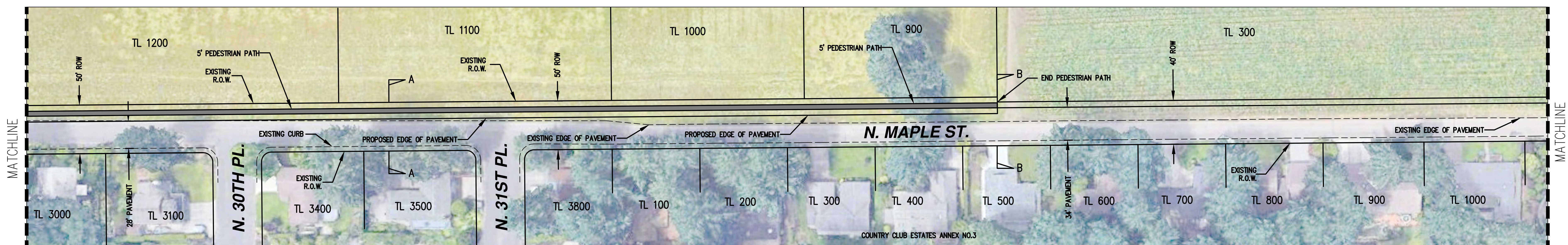
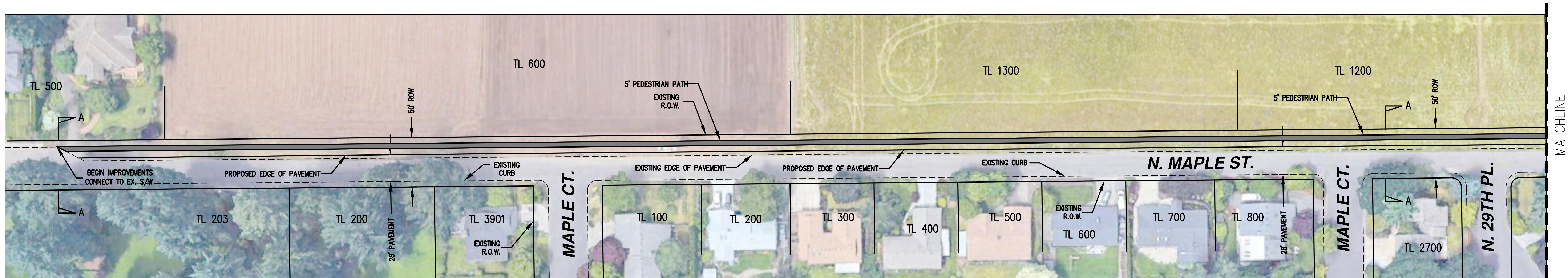
Robert,

We have our hearing this evening for Canby SUB 17-05. We have an additional option that I was wondering if you could take a quick look at and let us know if it is acceptable to implement along the county frontage, assuming we meet the conditions of your memo dated October 5th, 2017? The attached plan shows our proposal and leaves the existing 25' roadway intact with no road widening but proposes an interim separated 5' pedestrian path. If you are able to get back to us on this option today it would be a great help.

Thank you in advance for your time,

Kati Gault

[503-318-8191](tel:503-318-8191)



SYM	REVISION	BY	APPROVED	DATE	DRAWN BY	CNW	DATE	SUBTITLE	JOB NO.:
					CHECKED		09/12/17	N. MAPLE ST OPTION 4	DWG. NO.:
					ENGR.			7 ACRE SITE	SCALE:
					CHECKED			N. MAPLE ST. CANBY, OR	SHEET:

Shareholders:

Michael J. Bragg, LL.M.*

Joseph W. Carlisle[±]

Randy L. Duncan*†

Marjorie Elken*

William E. Gaar, SPHR*

Robert Le Chevallier*

Richard A. Mario‡

Tiffany M. Minus

Jillian A. Pollock*

Julia C. Rice, LL.M.

Stan N. Rotenberg*

Joshua P. Stump*

Jaye Wickham Taylor*

Richard A. Uffelman, LL.M.

John T. Witherspoon

Of Counsel:

William T. Buckley
-Active Pro Bono Counsel

Associates:

Jeffrey J. Ellsworth

E. Tyler Howell*

Layla K. McLean

Taylor L. M. Murdoch

Sam V. Rayburn

Sally D. Robinson*

Karin Schaffer

Katelyn D. Skinner

* Also admitted in Washington

† Also admitted in California

‡ Also admitted in Arizona

± Also admitted in Alabama

November 27, 2017

City of Canby
Planning Department
222 NE 2nd Avenue
Canby, OR 97013

Re: Appeal of SUB 17-05 (Canby, Oregon)

Please accept this correspondence in support of an Appeal of Planning Commission Decision regarding SUB 17-05. The Planning Commission considered the application for SUB 17-05 at a public hearing on October 23, 2017, and voted to approve the application. On November 14, 2017, the Planning Commission issued its Findings, Conclusion & Final Order memorializing its approval of the subdivision and outlining its reasoning and conditions for approval.

The owner of the property that is the subject of SUB 17-05 has submitted multiple previous applications to subdivide the land, beginning as early as 1989. Many of the issues which resulted in denial of the applications that existed then, continue to exist today, including concerns with traffic and safety, wetlands, and use of the adjacent logging trail.

The decision of the Planning Commission approving SUB 17-05 should be reversed for the following reasons: (1) the subdivision, as approved, presents a significant safety concern to pedestrians and bicyclist that was not adequately studied; (2) the Planning Commission failed obtain affirmative acceptance of the plan from the Fire Marshal; and (3) the application failed to address wetland mitigation, and stormwater runoff.

At the very least, approval of the subdivision should be delayed to allow necessary studies to be conducted. Absent these studies, and additional conditions, SUB 17-05 should be denied.

1. SUB 17-05 Presents Safety Concerns for Pedestrians and Bicyclist that were not studied.

The initial traffic study for SUB 17-05 was conducted by DKS Associates ("DKS"), which issued an initial memorandum dated April 8, 2015. The initial memorandum collected traffic data on N. Maple on Wednesday, March 11, 2015, to determine whether traffic volumes and 85th percentile speeds were low enough for the street to qualify for the "low volume" local street standard. The data collected on this single weekday in March, over two years ago, led DKS to determine that:

[T]he proposed project would add approximately 304 daily trips along N. Maple Street, putting it into the standard local street classification. Therefore, it is recommended that the local standard street cross-section be applied and worked towards as development occurs.

DKS Memorandum, April 8, 2015. The study also concluded that “the majority of drivers are traveling at five mph greater than the posted speed limit (30 mph).” *Id.*

DKS issued a supplemental memorandum dated November 17, 2016, as a result of “a number of discussions between DKS Associates, City Staff, and representatives from the proposed project developer regarding potential solutions that would allow for pedestrian and bicycle travel on N. Maple Street, but would not require the prohibition of parking on the east side of N. Maple Street, adjacent to the residential development.” DKS Memorandum, November 17, 2016. This supplemental memorandum did not provide any additional data or traffic studies, however, the recommendations from its previous memorandum changed:

Now, despite using the same data from its 2015 Memorandum, DKS recommended:

[a]n interim solution is proposed, which includes a 25 foot paved width, including a four foot pedestrian/bicycle path on the west side, separated from the travel lane with an eight inch stripe. This cross-section is consistent with the Low-Volume Local Street, without on-street parking on the west side and pedestrian bicycle traffic accommodated in the four-foot shoulder area in place of the sidewalk.

Id. DKS’ conclusion that the ADTs on N. Maple exceed the classification for a low-volume local street by 300 counts, and subsequent recommendation to allow a cross-section consistent with a low-volume local street cross-section is nonsensical. It is not supported by the data, but more importantly, it is not safe for pedestrians, and bicyclists.

DKS attempted to support a recommendation that contradicts the road solution required by its own data, by downplaying the safety concerns it expressed in its initial memorandum. DKS’ November 17, 2016 memorandum states:

Safety and Parking Issues

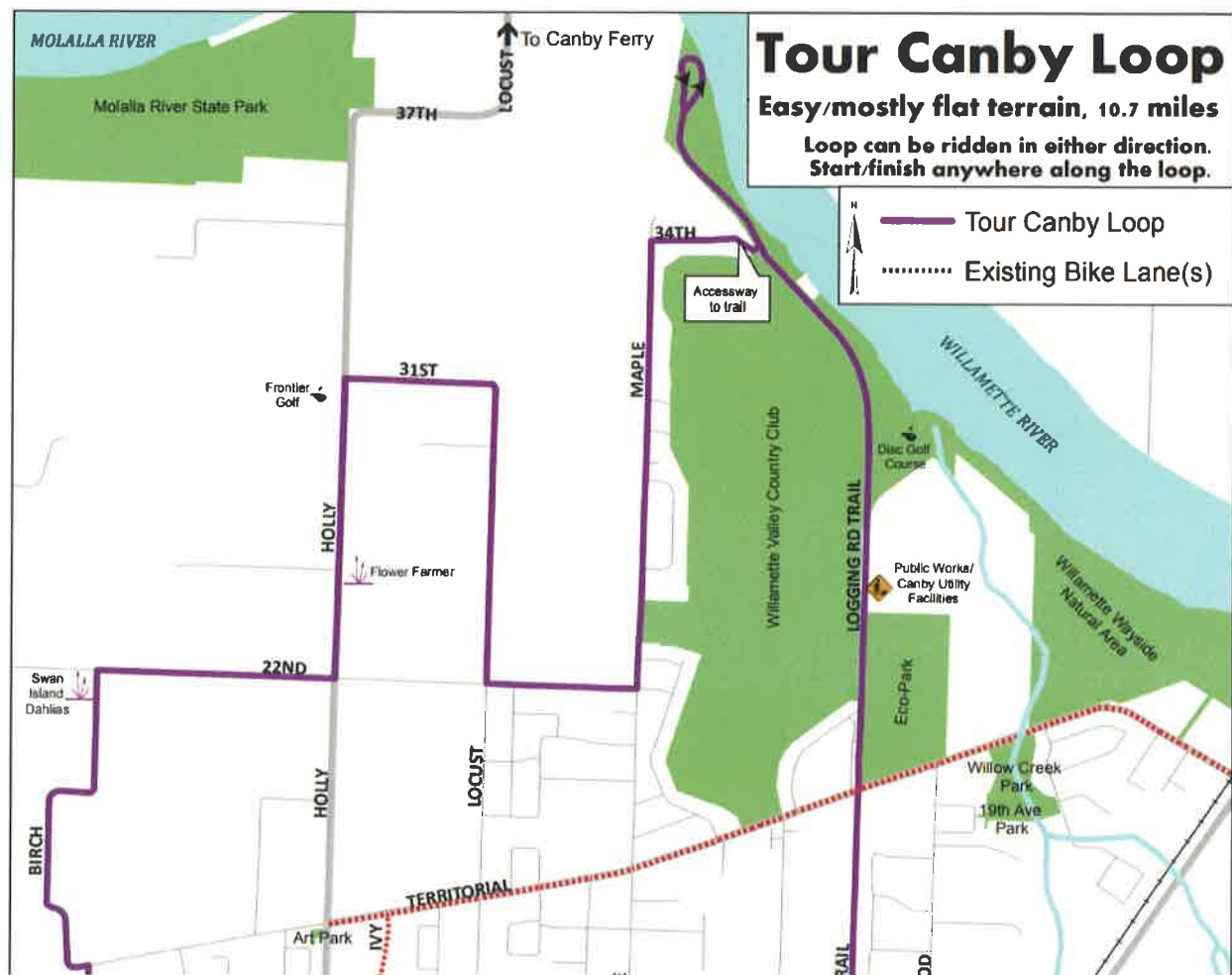
The proposed cross-section of N Maple Street provides an accommodation for pedestrians and bicycles on one side of the roadway. ***It is anticipated that pedestrian volumes will be relatively low since there are few destinations within a reasonable walking distance, other than residences. Pedestrians walking for exercise or pleasure are also likely to walk along the trail near the river, east of the site. Bicycle volume is also expected to be relatively low.*** With relatively low expected pedestrian and bicycle volumes, the western “path” can also be used as a shoulder area, facilitating the passage of vehicles traveling in opposite directions on N Maple Street, when pedestrians and bicycles are not present. Therefore, the widening should be constructed to full depth to accommodate local street vehicle loading.

The cross-section retains the on-street parking available to current resident on the east side of the street. Parking demands should not increase since no additional development is currently planned on the west side of N Maple Street.

DKS Memorandum, November 17, 2016 (emphasis added). **DKS provides no empirical evidence to support its unilateral conclusion that pedestrian volumes and bicycle volumes are expected to be “relatively low.”** Nor does the term “relatively low” provide any basis for an objective evaluation. Decisions regarding public safety should not be made based on what amounts to a vague guess. Furthermore, this statement contradicts the visual observations of the residents who live in the neighborhood. A recurring theme in the correspondence in opposition to this development is concern for the safety of pedestrians and bicyclists:

“The road isn’t solely used by vehicular traffic. In point of fact it’s one of the most popular walking, running and bicycling routes in the city. It’s actually part of the ‘Tour Canby Route’ as established by the city and on a typical spring or summer day it will host dozens of children, families and visitors. I counted 29 people in one hour this week alone. It’s also an integral part of the route for several runs and races every year here in Canby.” - Vincent Andersen and Mary Andersen, email to Bryan Brown, et al., June 1, 2017 (emphasis original).

(Continued on Next Page)



- Bernie and Ariana VanHouten expressed concern for “the safety of those who walk or bike on N. Maple st.” - email to Bryan Brown, October 11, 2017.
- “I walk each night from 23rd down to the end of Maple...Why are those of us who live on the street expected to tolerate a decrease in safety that is based on expansion into an area that cannot properly provide for traffic flow, fire safety or the additional infrastructure costs this construction will bring.” - Scott Taylor, Correspondence to Canby Planning Commission, October 10, 2017.
- “The road is not wide enough for the traffic that goes up and down there now, adding more houses and not widening the road to the 34 feet will cause a safety problem. The pedestrians use this road for a walking path with no sidewalk to walk on so they walk in the road.” - Scott Smith, Correspondence to Canby Planning Commission, October 10, 2017.
- “The primary concern I have is regarding the issue of “safety” due to increased road traffic on a road that is currently below standard even to handle the existing traffic flow. This

concern is based on my first hand visual validation...” Russell W. Langridge, Correspondence to City of Canby Planning Department.

- “The city of Canby has created a truly beautiful, friendly, walking and biking park along the Willamette River on the old logging trail. The paved trail has become a busy spot for families as well as community events. Maple Street has become an extension of the trail “loop”, forming a natural access to the rest of Canby and the Canby bike hub. Families on Maple welcome the many walkers, bikers, and groups making that loop. By building on lots adjacent to the logging trail and breaking, “the loop”, creating unsafe road conditions for bikers, walkers, and generally all traffic seems to be counterproductive to our city goals.” Janey E. Belozar, Correspondence to Canby Planning Commission, September 25, 2017.
- “We currently have many people who walk, jog and bike down our road and safety would be a concern.” Karen Young, email to Bryan Brown, May 24, 2017.
- “The street has always been heavily used by bikers, skate boarders, walkers and runners. Everyone...it is already a very active street functioning as part of the fitness loop involving the logging road, 34th and Maple Streets.” Dale and Karen Culver, email to Tim Dale, May 29, 2017.
- “Large numbers of walkers, with or without dogs, joggers and cyclists frequent the street throughout the day and into the evening. I would even go as far as to say that it is difficult to find a time when there is nobody there.” Colin Clayton, Correspondence to Brian Brown, May 30, 2017.
- “Maple Street is well traveled by residential auto traffic, walkers, joggers, cyclists and a number of agricultural workers.” Jane Moe, Correspondence to Brian Brown, June 5, 2017.
- “Based on our experience living in the neighborhood, a great deal of non-resident walkers and bicyclists use North Maple Street to join up with the logging trail, from sunup to sundown, all year round, but as noted, particularly late spring through fall.” Laura and Jerry Baldonado, email to Bryan Brown, et al., May 23, 2017.
- “When the city developed the logging road as a walking/biking park, it promoted thousands of people with and without dogs walking on North Maple Street in the summer. In addition to the walking public, numerous marathons and bike rallies use North Maple as a route for their events. The existing situation is presently dangerous to pedestrians...” Arthur S. Hall DVM and Virginia Hall, Correspondence to Canby Planning Commission, February 26, 2017.

The Final Order for SUB 17-05 calls for a section of N. Maple to be 28’ wide, which includes a 5’ wide asphalt pathway for pedestrians. A shorter section of N. Maple, closer to the proposed development, and at the north end of N. Maple is required to be 34’ in width with a designated 4’

wide pedestrian pathway. The section of N. Maple that will be 28' total, does not meet the criteria for a standard local street. The section of N. Maple that will be 34' in width meets the "paved area" requirement, but calls for a pedestrian walkway to intrude into that paved, area, where the standard local street design does not.

This street design was proposed by Lancaster Engineering in its memorandum dated October 23, 2017. The Lancaster memorandum was submitted the same day as the hearing on SUB 17-05, and therefore there was no opportunity for interested parties to review and evaluate its findings. Nevertheless, the findings in the Lancaster memorandum contain some of the same errors and omissions found in the DKS memorandums. Specifically, Lancaster obtained the traffic counts it relied on for its conclusions on October 17, 2017, which does not account for the increased traffic volumes during the summer months. Additionally, the Lancaster memorandum does not include any pedestrian or bicycle counts.

Recommendation

There is substantial documentation in the record of high volumes of pedestrian and bicycle traffic on N. Maple. In fact the City of Canby advertises N. Maple as part of its Tour Canby Loop. The City cannot promote bicycle traffic on one hand, and make decisions based on the assumption that there is "relatively low" bicycle traffic on the other.

If exogenous constraints prevent improving N. Maple to meet the standard local street criteria, which would provide a safe right of way for vehicles, pedestrians, and bicyclists, ***we recommend at the very least***, that the applicant be required to conduct a traffic analysis that: 1) includes pedestrian and bicycle counts; 2) is conducted during the seasonal high traffic times of late spring through fall; and 3) draws conclusions based on empirical data.

2. The Fire Marshal's review and affirmative acceptance of the emergency access plan is required.

The Final Order uses passive voice and tacit implications to support a finding that SUB 17-05 has adequate emergency access. It states:

It was understood that with the off-site N. Maple Street improvements volunteered and approved, that **individual fire sprinkler systems** within each home of the subdivision would **not be required**. Staff explained to the Planning Commission that the fire marshal did not indicate any opposition to the use of the logging road as an alternative backup emergency route as long as 20' free and clear primary emergency access on N. Maple Street is provided.

(emphasis added). This statement is of little use. To reach the conclusion from this finding that the Fire Marshal has reviewed the proposed development, understands what is to be built, and has affirmatively approved the plan requires multiple assumptions that are not supported by the application. Additionally, this finding contradicts statements made to the Canby Herald:

Todd Gary, Canby Fire District chief of community risk reduction, said the developer plans to widen N. Maple Street and to provide sprinklers inside each of the homes – the application calls for a single-family home on each lot.

“Widening the road meets the fire code, as long as we can meet the exceptions with the installation of the sprinklers in each unit.” Gary said.

The Canby Herald, “Planning Commission approves seven-acre, 22-lot subdivision at end of N. Maple Street”, Daniel Pearson, November 1, 2017. It appears from this statement that the Fire Marshal originally understood that each home in the subdivision would have sprinklers installed. Accordingly, he would have based his review of the subdivision on that assumption.

The conditioned statement asserting a lack of objection to using the logging road as an emergency backup route is of no help to the applicant. The Final Order does not provide for 20’ free and clear primary emergency access on N. Maple Street. The section of the street that is to be expanded to 28’ feet does not provide this access because 5’ is dedicated to pedestrians and bicycles, and 7’ feet on the opposite side of the street is dedicated to parking, leaving 16’ free and clear for primary access.

Recommendation

Before SUB 17-05 is approved, the Fire Marshal should be required to affirmative state acceptance of the subdivision with full knowledge of the material conditions being proposed.

3. The Final Order fails to adequately address wetlands and site drainage issues.

The land at issue in SUB 17-05 has been proposed for development in the past, and has been denied. In SUB 94-02, which was originally denied, and ultimately denied on appeal, the wetlands on the property appear to have been a significant factor in denying the application. The 1994 application redesigned the subdivision to allocate over an acre of land to wetlands. The current plan allocates significantly less area to wetlands. This is likely a result of grading activities at the site.

Since 1994, fill has been imported to the site which has raised the elevation, and appears to have reduced the amount of area of wetlands. However, the elevation and grade of the adjacent neighborhood to the south has remained unchanged. As a result, property owners in this adjacent neighborhood have been required to attempt to mitigate the water flowing from the subject property onto their property.

SUB 17-05 will substantially increase the amount of impervious surface on the property, and therefore an adequate stormwater management plan needs to be implemented. While there is an area of land allocated for stormwater management, this area is up gradient from the adjacent subdivision to the south. Any groundwater or surface water runoff occurring south of or down gradient from the stormwater management tract, will continue to adversely affect the property owners in the adjacent subdivision. The water intrusion onto the adjacent property constitutes a nuisance, and a trespass, and must be mitigated.

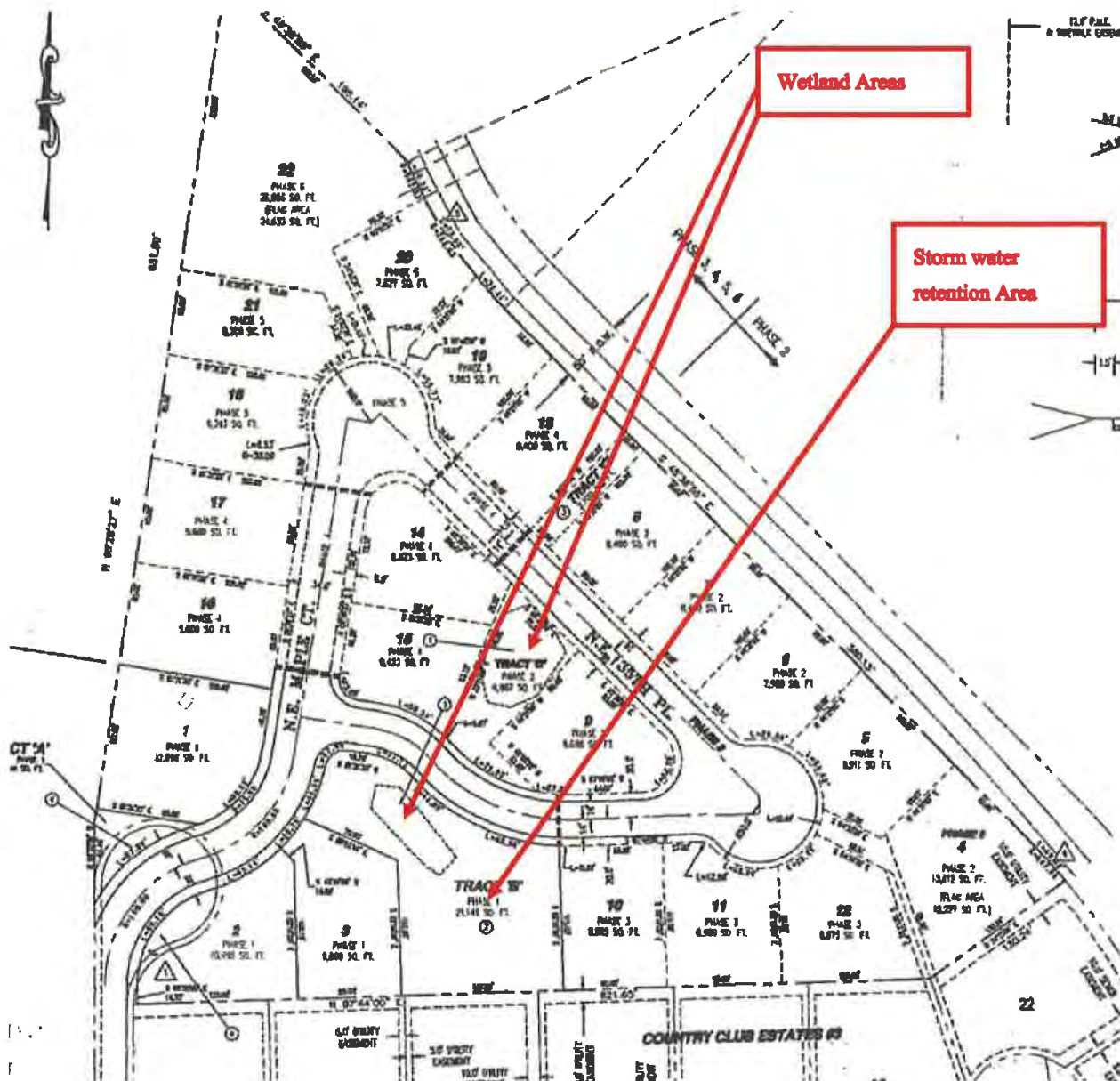
Recommendation

The applicant should be required to develop a plan to prevent groundwater and surface water runoff from SUB 17-05 entering the subdivision that is adjacent to the south.

Below are the proposed plats from SUB 94-02 and SUB 17-05 respectively.



SUB 17-05:



4. Conclusion.

The decision of the Planning Commission approving SUB 17-05 should be reversed. There are safety concerns that have not been adequately studied, or addressed, as well as issues with wetlands and water management. Subdivision of the land at issue has been denied for years, based in part

City of Canby
Planning Department
November 27, 2017
Page 10

to these same concerns that continue to exist today. The applicant should be required to demonstrate why the issues that prevented approval of the previous applications are no longer a concern.

Sincerely,



E. Tyler Howell

ETH/skg

105181.500/1048218



City of Canby

Planning and Building Department

Sent Via Email
dougs@canbyex.com
katigault@gmail.com
MRobinson@perkinscoie.com

DATE: November 14, 2017

TO: Douglas Sprague, Kati Gault, Michael Robinson

RE: Notice of Decision/Final Order for SUB 17-05 The Seven Acres Subdivision

The Canby Planning Commission hereby provides notice that a decision to approve **SUB 17-05 The Seven Acres Subdivision** has been rendered. The enclosed Findings, Conclusions and Final Order is your notice of the official action of the City of Canby Planning Commission.

According to Section 16.89.50 (I) of the Canby Municipal Code, this decision may be appealed to the City Council within ten (10) days of the date this notice was mailed. To do so, you must file an application for appeal with the Planning Director. If no appeal is taken within the specified period, and if no appeal is initiated by action of the City Council, the decision of the Planning Commission shall be final.

The application for appeal shall clearly state the nature of the decision being appealed and the reasons why the appellant is aggrieved. A \$1,920 fee must be enclosed with your appeal application.

If you have any further questions or concerns, please contact the Planning office at 503-266-7001.

Sincerely,

A handwritten signature in cursive script, reading "Bryan C. Brown".

Bryan C. Brown
Planning Director

Attachment: Signed Final Findings

CERTIFICATE OF MAILING

This Notice of Decision was postmarked and placed in the mail and/or emailed on November 14, 2017 and sent to all parties with standing. The appeal period will end on Monday, November 27, 2017
Bryan C. Brown, Planning Director



BEFORE THE PLANNING COMMISSION
OF THE CITY OF CANBY

A REQUEST FOR A SUBDIVISION
AT 3500 N MAPLE STREET

)
)

FINDINGS, CONCLUSION & FINAL ORDER
SUB 17-05
THE SEVEN ACRES SUBDIVISION

NATURE OF THE APPLICATION

The Applicant has sought approval for a Subdivision (SUB 17-05) dividing A 6.84 acre property into a 22 lot subdivision for single-family detached homes located at 3500 N Maple Street described as Tax Map/Lot 31E2102602, Clackamas County, Oregon. The property is zoned Low Density Residential (R-1) as represented on the official zoning map reference by the Land Development & Planning Ordinance, Chapter 16 of the Canby Municipal Code (CMC).

HEARINGS

The Planning Commission considered application SUB 17-05 at a duly noticed initial evidentiary public hearing held on October 23, 2017 during which the Planning Commission by a 7/0 vote approved **SUB 17-05 Seven Acre Subdivision submitted by Canby Development LLC**. These findings are entered to document the specifics of approval.

CRITERIA AND STANDARDS

In judging whether or not a Subdivision application shall be approved, the Planning Commission determines whether criteria from the *City of Canby Land Development and Planning Ordinance* are met, or can be met by observance of conditions. Applicable code criteria and standards were reviewed in the Staff Report dated and titled Revised for the October 23, 2017 Planning Commission Meeting and presented along with the applicant's submitted application materials at the October 23, 2017 meeting of the Canby Planning Commission.

FINDINGS AND REASONS

The Staff Report was presented, and written and oral testimony was received at the public hearing. Staff recommended approval of the Subdivision application and applied Conditions of Approval in order to ensure that the proposed development will meet all required *City of Canby Land Development and Planning Ordinance* approval criteria.

After accepting public testimony, the Planning Commission closed the public hearing and in deliberation and by vote made the following additional findings beyond those contained in the staff report to arrive at their decision and support their recommended Conditions of Approval and the exact wording thereof:

- The Commission acknowledged the following items that were submitted to the record at the meeting: A letter from neighborhood resident Mr. Michael D. McNichols with numerous attachments that was emailed to Commissions for review the day of the meeting; an email with written comments from neighborhood resident Mike Brown; a signed letter from neighborhood residents Arthur & Virginia Hall; a copy of the recorded plat for Country Club Estates Annex No. 3 that indicates that the temporary N Maple Street cul-se-sac was to be vacated in the event of future street extension; an email from applicant including statements from City public works lead Jerry Nelzen indicating that no sewer backups in the area served by the pump station have occurred since the installation of the new pump station and that it is designed to handle everything in the current Urban Growth Boundary, including the proposed subdivision; a memorandum dated 10.23.17 from Todd Mobley, PE commissioned by the applicant indicating new updated traffic volume counts at two locations on N Maple Street to demonstrate the streets level of traffic and ability to accommodate the traffic expected and how the proposed pedestrian pathway will provide a safe an appropriate improvement for this area; a power-point presentation handout from the applicant proposing a new preferred voluntary option to amending the proposed N Maple Street widening and pedestrian safety improvements indicated in Condition #9 of the staff report to include widening the street to 28' with a separated 5' wide asphalt pathway for pedestrians from approximately 23rd Avenue north to the north property boundary of Tax Lot 31E 28A 00900 and 34' in width with a designated 4' wide pedestrian pathway on the west edge along the frontage of Tax Lot 31E21 00300.

- The Commission acknowledged and accepted that staff's recommendation for approval included 3 additional conditions of approval that were inadvertently left off of the published staff report and were made a part of the record shortly thereafter and added as an addendum to the posting on the City website and forwarded to the Commission and applicant (they are included in this Final Order).
- The Commission supported requiring rear yard fencing along the farm property by the developer to help alleviate disturbance of the crop production.
- The Commission responded and voiced support for off-site N Maple Street improvements that would not result in additional expense to existing home owner's and that would not eliminate their existing parking along the east side of the street.
- The Commission favored the applicant's preferred N Maple Street improvement option presented at the meeting which was precipitated by assurance that that agreement for 10' of additional roadway easement adjacent to Tax Lot 300 would be forthcoming, and that the applicant's suggestion for providing a separated pedestrian pathway was the best option to encourage pedestrian use and provide the greatest degree of safety and maintain an appropriate look for the area.
- It was understood that with the off-site N Maple Street improvements volunteered and approved, that individual fire sprinkler systems within each home of the subdivision would not be required. Staff explained to the Planning Commission that the fire marshal did not indicate any opposition to the use of the logging road as an alternative backup emergency route as long as 20' free and clear primary emergency access on N Maple Street is provided.
- The Planning Commission accepted the applicants findings as an adequate basis for granting an exception to allow two lots to exceed the 10,000 sf lot averaging maximum size as supportive of demonstration of a "public benefit" in this instance as it helped reduced the total number of lots proposed which was reported to increase the compatibility with the existing lot size and reduced the amount of traffic that would otherwise be generated at buildout on N Maple Street.
- The Commission was satisfied with staff's response that lot frontages of less than the standard 60' in width are standard practice around all cul-de-sacs and eyebrows and that adequate access is maintained to each of the lots as proposed on the eyebrows.

Additionally, the Planning Commission hereby incorporates the applicant's narrative addressing the applicable approval criteria. Where there is a conflict between these findings and the applicable narrative, these findings shall control.

Additionally, the Planning Commission finds that argument and evidence not relevant to the approval criteria although not rejected by the Planning Commission was not required to be considered in the Planning Commission's decision.

Further, the Planning Commission relies on the evidence produced by the City's Traffic Consultant, DKS, and the applicant's Traffic Engineer, Lancaster Engineering, defined that would be conditioned improvements, North Maple Street will function as intended by the relevant approval criteria. Further, the Planning Commission finds that testimony regarding occasional use by farm equipment is not so substantial. The evidence produced by DKS and Lancaster Engineering with the required improvements, North Maple Street will function as required by relevant approval criteria.

Further, the Planning Commission notes that the Canby Fire Marshall did not submit a negative comment about the application. The Planning Commission finds based on substantial evidence in the whole record that there will be sufficient clear access for emergency vehicles on North Maple Street.

Additionally, the Planning Commission finds that the only exception requested in the application is for two lots to be larger than the maximum lot size. The lot width for cul-de-sac lots is not an exception but is allowed subject to approval criteria in the Canby Land Development Ordinance. Finally, the Planning Commission notes that the striping for the pedestrian lane on the proposed 34' wide cross section of North Maple Street is recommended by the City's Traffic Consultant DKS. The Planning Commission has found elsewhere that the proposed cross section of North Maple Street will comply with applicable Canby Land Development Ordinance requirements.

CONCLUSION

In summary, the Planning Commission adopted the findings contained in the Staff Report which referred to findings contained within the applicant's narrative along with the additional findings concluded at the public hearing and noted herein.; concluding that the residential subdivision application meets, or will meet all applicable approval criteria when combined with the Conditions of Approval reflected in the written Order below.

ORDER

The Planning Commission approved SUB 17-05 pursuant to the conditions of approval presented in Section VII of the staff report (which includes the 3 conditions made part of the record in an addendum) and the following conditions: 1) change condition #9 of the staff report to require the applicant's preferred N Maple Street improvement option consisting of a 28' wide street and a separated 5' asphalt path, the sidewalk (pathway) be built entirely at applicant's expense, no decrease in the existing on-street parking provided, and a fence be required along the farm (Montecucco) property on the west side of the subdivision and a fence be required along the logging road property (east side of the subdivision) and 2) a change to condition #1 to remove the requirement to comply with the City Engineer's recommendations to a) construct a sidewalk on the east side of N. Maple St and b) remove parking. Based on the above approved motion, the Planning Commission concludes that, with the following conditions, the application meets the requirements for Subdivision approval. Therefore, **IT IS ORDERED BY THE PLANNING COMMISSION** of the City of Canby that **SUB 17-02** THE SEVEN ACRE SUBDIVISION is approved, subject to the following conditions:

CONDITIONS OF APPROVAL

General Improvement & Design Conditions:

1. Prior to the start of any public improvement work, the applicant must schedule a pre-construction conference with the city and obtain construction plan sign-off from applicable agencies. City Engineer comments provided in his memorandum dated September 7, 2017, shall be reflected on those plans, except those comments in the September 7, 2017 memorandum related to "planter strips" and removal of parking and construction of a sidewalk on the east side of N. Maple Street shall not be required.
2. The Planning Commission shall make a finding for that a "public benefit" is afforded in allowing an additional two lots to exceed the 10,000 sf maximum lots size when utilizing lot averaging.
3. The Planning Commission shall make a finding that adequate access and building area is provided to approve the six proposed lots (two of which are flag lots by definition) all located on eyebrows (partial cul-de-sac bulb

streets) that may be allowed to not meet the required minimum 60 feet of frontage on a public street.

4. On street parking shall be restricted on the inside edge of NE 35th Place which has a pavement design width of only 28' to comply with minimum fire code accessibility standards.
5. The final construction design plans shall reflect the use of a 4.5' wide planter strip separating the sidewalk from the street curb along both sides of N Maple Court beginning within the subdivision and up to the beginning of the eyebrow (partial cul-se-sac bulb) where it may taper into a curb tight sidewalk. to comply with the City standard practice for new subdivisions since adopting the new 0 to 8' wide standard that was intended to require planter strips but allow flexibility where it was deemed to be suitable to match existing same street standards or protect resources or avoid difficult restrictions or circumstances. The planter strip is waived – allowing a curb tight sidewalk along both sides of NE 35th Place along with an exception to reduce the sidewalk width to 5' adjacent to the Tract D wetlands to assist in its protection. A dual 12' wide PUE & Sidewalk Easement shall be designated on the final plat to allow public use of any sidewalk placed outside of the public rights-of-way.
6. The off-site street widening public improvements volunteered by the applicant and approved by the City for N. Maple Street shall be part of the improvements associated with Phase I of the Seven Acres Subdivision. This is intended to provide improved vehicular and safety improvements before any additional residential traffic from the subdivision is added to this street.
7. Temporary suitable turnarounds may be required at the end of all interior streets that exceed 150' in length as directed by the Canby Fire Department.
8. The applicant shall process an annexation application and a lot line adjustment if deemed necessary based on how the dedication occurs along Tax Lot 31E21 00300 for the 10' of right-of-way easement to be added to the west side of N Maple Street.

9. The applicant must enter in to an Improvement Agreement with the City prior to Final Plat recording. The following improvements and requirements shall be included in the agreement:

A. On N Maple Street from approximately NE 23rd Avenue (at the southern termination of the existing sidewalk on the west side) north to the north property boundary of Tax Lot 31E 28A 00900, the applicant voluntarily agrees to the following regarding the off-site N Maple Street improvements:

1. The applicant proposes to widen N Maple Street to 28' in width with a separated 5' wide asphalt path as shown on the power-point handout presented at the hearing and called out as Typical Section A-A.

B. On N Maple Street along the frontage of Tax Lot 31E21 00300 north to the proposed subdivision, the applicant voluntarily agrees to the following regarding the off-site N Maple Street improvements:

1. The applicant proposes to widen N Maple Street to 34' in width along the frontage of Tax Lot 31E21 00300, as shown on the power-point handout presented at the hearing and called out as Typical Section B-B and per Exhibit 13 – Maple Street ROW Option 2 – Cross Section A-A in the meeting packet material.

C. Prior to final plat recording and in conjunction with approval of the civil construction plans for the subdivision an agreement shall be executed between the City, the owner of Tax Lot 31E21 00300 (Montecucco Rentals, LLC), and the owner of the subject development to specify the reconfiguration of the existing drainage line that currently drains storm water from Tax Lot 31E21 00300 (Montecucco) through the subject development to the existing City storm system. The location and specifications of the proposed system shall be included in this agreement. In the event the parties cannot reach an agreement, the owner of the subject development will leave the Montecucco line in its current condition and location, and will not tie into the private Montecucco line or build lots or tracts over said line, and will implement a satisfactory drainage solution

for the proposed subdivision in accordance with the City of Canby Public Works Design Standards, June 2012.

Fees/Assurances:

10. All public improvements 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.
11. 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 shall be accompanied by a final bid estimate of the subdivider's contractor if there is a contractor engaged to perform the work, and the total cost estimate must be approved by the city engineer.
12. The applicant must guarantee or warranty all public improvement work with a 1 year subdivision maintenance bond or other acceptable means of security in accordance with CMC 16.64.070(P).
13. The applicant must pay the city Master Fee authorized engineering plan review fee equal to 0.4% of public improvement costs prior to the construction of public improvements (approval of construction plans) as each phase of development occurs.

Streets, Signage & Striping:

14. The unused portion of the existing cul-de-sac for N. Maple Street which will no longer be necessary shall be vacated and then physically removed.
15. The street improvement plans for N. Maple Street widening and the interior division streets shall conform to the TSP and Public Works standards as indicated by the city engineer.

16. The sidewalk (pedestrian pathway) along N Maple Street shall be built at applicant's expense and there shall be no decrease in existing on-street parking.
17. The applicant shall comply with the three recommended conditions of approval provided by Clackamas County Development Services in their memorandum to the City in review of SUB 17-05 dated October 5, 2017 which include:
 - a. **Prior to final plat approval:** The applicant shall obtain a Development Permit from the Engineering Division for review and approval of Maple Street improvements where Maple Street is under County jurisdiction. The Permit shall be obtained prior to commencement of site work and recording of the subdivision plat. To obtain the permit, the applicant shall submit construction plans prepared and stamped by an Engineer registered in the State of Oregon, or plans acceptable to the Engineering Division, provide a performance guarantee equal to 125% of the estimated cost of the construction, and pay a plan review and inspection fee. The fee will be calculated as a percentage of the construction costs if it exceeds the minimum permit fee. The minimum fee and the percentage will be determined by the current fee structure at the time of the Development Permit application.
 - b. All require Maple Street improvements, where the street is under County jurisdiction, shall comply with the Clackamas County *Roadway Standards* unless otherwise noted herein.
 - c. The applicant shall design and construct Maple Street widening improvements, along the section of Maple Street under County jurisdiction, in compliance with the structural section requirements of Roadway Standards Drawing C100 for a connector.
18. Drainage along the west side of the N Maple Street widening will be addressed within the construction plans in a manner that minimizes impact on the adjacent farm land while following standards deemed to be acceptable to the City and County engineering staff.
19. The construction plans shall be shared with the adjacent farm property owners for their review and they shall be provided notice by the developer of the scheduled pre-construction approval meeting with the City.

20. A roadway striping plan shall be submitted by the applicant and shall be approved by city engineer and by the Public Works street department prior to the construction of public improvements.
21. A roadway signage plan shall be submitted by the applicant and shall be approved by the city engineer and by the Public Works street department prior to the construction of public improvements.
22. The applicant shall be responsible for installing all required street signage and striping at the time of construction of public improvements, unless other arrangements are agreed to by the City.

Sewer:

23. The applicant shall submit documentation of DEQ approval of the sewer plans to the City Engineer prior to the construction of this public improvement with each phase of development.

Stormwater:

24. Stormwater systems shall be designed in compliance with the Canby Public Works Design Standards as determined by the City Engineer, and in accordance with the agreement for the relocation of the Montecucco's drainage easement and line if an agreement is reached.
25. Drywells proposed within the subdivision shall be approved by DEQ.

Grading/Erosion Control:

26. The applicant shall submit grading and erosion control plans for approval by Canby Public Works in conjunction with construction plan approval prior to the installation of public improvements and start of grading with each phase of development.
27. The applicant shall grade all areas of the site, including the proposed lots, to minimize the amount of soil to be removed or brought in to each lot during home construction.

Final plat conditions:

General Final Plat Conditions:

28. 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 service agencies for comment prior to signing off of the final plat if deemed necessary.

29. 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.
30. The final plat shall conform to the necessary information requirements of CMC 16.68.030, 16.68.040(B), and 16.68.050. The county surveyor shall verify that these standards are met prior to the recordation of the subdivision plat.
31. All "as-builts" of City public improvements installed shall be filed with Canby Public Works within sixty days of the completion of improvements.
32. Clackamas County Surveying reviews **pending subdivision plat documents for Oregon Statutes and county requirements. A subdivision final plat for Phase 1 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.
33. The applicant shall record the final plat at Clackamas County within 6 months of the date of the signature of the Planning Director.
34. 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.
35. The City shall assign addresses for each newly created subdivision lot and distribute that to the developer, and other agencies that have an interest.

Dedications

36. The applicant shall dedicate by separate instrument any acquired additional ROW secured for the widening of N. Maple Street with or prior to the Phase 1 Final Plat.

Easements

37. A 12 foot utility, and if any portion of a public sidewalk is located on a newly created private lot it shall also include a dual 12' pedestrian easement, along all of the lot street frontages shall be noted on the final plat. This easement may be combined with other easements and shall be measured from the property

boundary.

38. Sidewalk easements are required along the frontage of the newly created private lots for any portion of the public sidewalk that will lie on private property.

Street Trees

39. A Street Tree Plan shall be submitted with the final plat, and street tree fees paid to the City for their installation prior to release of the final plat for recording. The plat will allow the city to establish street trees per the Tree Regulation standards in Chapter 12.32 of the Canby Municipal Code. The total per tree fee amount is calculated at one tree per 30 linear feet of total street frontage on both sides of all internal streets and the adjacent side of external streets or as determined by an approved Street Tree Plan on a per tree basis. A temporary 12' wide street tree easement in conjunction with the dual 12-foot utility and pedestrian easement (pedestrian easement only where required, as described above) along all of the lot street frontages shall be noted on the final plat to provide the City to the right to plant and maintain the establishment of the trees before they become the responsibility of the property owner for 2 years from occupancy of each home.

Monumentation/Survey Accuracy Conditions

40. The county surveyor and/or city engineer shall verify that the lot, street, and perimeter monumentation shall meet the requirements set forth in Oregon Revised Statutes and conform with the additional survey and monumentation standards of 16.64.070(M)(1-3) prior to recordation of the final plat.

Residential Building Permits Conditions:


41. Construction of all required public improvements and recordation of the final subdivision plat must be completed prior to the construction of any homes.
42. The homebuilder shall apply for a City of Canby Site Plan Permit and County Building Permit for each home and satisfy the residential design standards of CMC 16.21.
43. The homebuilder shall apply for a City of Canby Erosion Control Permit.
44. All residential construction shall be in accordance with applicable Public Works Design Standards.

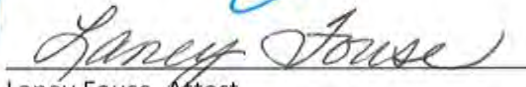
45. Individual lot on-site stormwater management shall be designed in compliance with the Canby Public Works Design Standards.
46. Clackamas County Building Codes Division will provide structural, electrical, plumbing, and mechanical plan review and inspection services for home construction per contract with the City. The applicable county building permits are required prior to construction of each home.
47. Per the Canby Public Works Design Standards, minimum residential driveway widths at the inside edge of the sidewalk shall be 12 feet and the maximum residential driveways widths shall be 24 feet with an allowed exception for 28 feet for a home with 3 or more garages and a required separation of 10 feet between driveways on local streets when possible.
48. Sidewalks and planter strips shall be constructed by the homebuilder as shown on the approved tentative plat.
49. All usual system development fees shall be collected with each home within this development except as otherwise indicated within the Park Land Dedication and Improvement Agreement associated with this subdivision.

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I CERTIFY THAT THIS ORDER APPROVING SUB 17-05 THE SEVEN ACRES SUBDIVISION which was presented to and APPROVED by the Planning Commission of the City of Canby.
DATED this 23rd day of October, 2017


John Savory
Planning Commission Chair


Bryan Brown
Planning Director


Laney Fouse, Attest
Recording Secretary

ORAL DECISION: October 23, 2017

Name	Aye	No	Abstain	Absent
John Savory	X			
John Serlet	X			
Larry Boatright	X			
Derrick Mottern	X			
Tyler Hall	X			
Shawn Varwig	X			
Andrey Chernishov	X			

WRITTEN DECISION: NOVEMBER 13, 2017

Name	Aye	No	Abstain	Absent
John Savory	✓			
John Serlet	✓			
Larry Boatright				✓
Derrick Mottern	✓			
Tyler Hall				✓
Shawn Varwig	✓			
Andrey Chernishov	✓			

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – Monday, October 23, 2017
City Council Chambers – 222 NE 2nd Avenue

PRESENT: Commissioners John Savory, John Serlet, Larry Boatright, Derrick Mottern, Shawn Varwig, Tyler Hall, and Andrey Chernishov

ABSENT: None

STAFF: Bryan Brown, Planning Director, and Laney Fouse, Recording Secretary

OTHERS: Kati Gault, Doug Sprague, Mike Robinson, Todd Mobley, Susan Meyers, Kathryn Henderson, Elan Langridge, Russ Langridge, Scott Smith, Tony Polito, Deone Lewelling, Paul & Sheryl Schmidt, Andrew Sambuceto, Paul Toole, Michael McNichols, Vincent Andersen, ME. Andersen, Garrett Stephenson, Chelsea & Joel Sprague, James Larson, Linda Geddes, Al Geddes, John Gault, Ellis & Luanne Meuser, Ben Baucum, Dan & Linda Mowry, Kevin & Kelly Knutson, Tim & Sally Nichols, Bob & Janey Belozor, Colin Clayton, Art Hall, Virginia (Tookie) Hall, Jane Moe, Jon Berg, Lucinda A. Ballas, Ariana Van Houten, Phillip Seale, Sarah Seale, Linda Peacock, Diane Schnickels, Nancy Thompson, Marc Thompson, Ben W. Van Houten, Dale E. Culver, Karen R. Culver, Rachel Seale, Will Snyder, Erin Storlie, John T. Davis, John Lesser, Larry & Paivi Vargas, Scott Taylor, Joyce Ayres, Steve Gustafson, Lois Gustafson, Regina Taylor, David Brost, Craig Gingerich, Tim Weaver, Lynne Brown, Dana & Tim Tyler, and Revaleen Smith

1. CALL TO ORDER

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

2. CITIZEN INPUT – None

3. MINUTES

- a. Approval of October 9, 2017 Planning Commission Minutes

Motion: A motion was made by Commissioner Mottern and seconded by Commissioner Hall to approve the October 9, 2017 Planning Commission minutes. The motion passed 7/0.

4. NEW BUSINESS – None

5. PUBLIC HEARING:

- a. Consider a request for a Subdivision at 3500 N Maple St consisting of 22 single family home lots in the R-1 Low Density Residential Zone (**SUB 17-05 The Seven Acres, Sprague**).

Chair Savory opened the public hearing and read the public hearing format. He asked if any Commissioner had any conflict of interest or ex parte contact to declare.

Commissioner Varwig goes to church with the Sprague family. He did not think that would affect his decision and he planned to participate.

Commissioner Mottern visited the site.

Chair Savory walked the neighborhood.

Bryan Brown, Planning Director, entered his staff report into the record. This was a subdivision application for 22 single family homes on N Maple Street. He entered the following items into the record: written testimony from attorney Michael McNichols who explained several reasons why the plan was not suitable and why he was in opposition; a letter from Arthur and Virginia Hall who were not in favor of the parking restrictions on N Maple, wanted to preserve the existing cul-de-sac at the end of N Maple, and questioned the drainage method proposed; the email from Mike Brown who was opposed mainly due to traffic issues; and the email from the applicant, Kati Gault, which summarized some information from Public Works regarding the capacity of the sanitary sewer pump station. A new pump station was built to a capacity that could handle growth within the UGB and there should not be an issue with this subdivision. He reminded the Commission that there were three conditions of approval that staff accidentally left out of the staff report that should be included.

Mr. Brown summarized the application which was for a 22 lot subdivision and the applicant was using lot averaging in order to arrive at the proposed design. The only question with the lot averaging was that there were two lots that were larger than the maximum 10,000 square foot lot size allowed. Two of the lots were flag lots that had narrow access in the front. The applicant had several lots that did not meet the 60 foot minimum lot width along the public street. They had on a regular basis approved subdivisions that did not meet the 60 foot standard. The Code gave the Commission discretion to waive the standard if they found there was adequate access to the lots. Staff was in support of the findings submitted by the applicant for the larger lots. The access on the public street for the lots did not impose any difficulties. Regarding the existing cul-de-sac, he did not think it should be preserved because the street would be extended in a circular manner which was far better than a cul-de-sac. This would happen at full build out, and there was a condition that the applicant had to meet any fire emergency access turnaround requirements. There was evidence in the file and the pre-application meeting with all of the utility companies that had slightly changed the detention facility in Tract B and proposed where the stormwater drainage line was located through the site. Their sanitary sewer plans proposed going up to the Logging Road Trail and over to the sanitary sewer lift station. The application complied with all of the necessary infrastructure standards to serve the proposed subdivision. There had been a few concerns about drainage because of past history, but changes had been made to the Willamette River that corrected the possibility of flooding. This area was out of the flood plain. The proposed drainage plan was a robust plan. An agreement was entered into with the City, neighboring farm, and the applicant that proposed a solution to a flood event by having a large drainage line that would go through this subdivision and out to the river. There would be more analysis submitted at the construction stage to back up all of this proposed information. Other than that issue, the subdivision application seemed to be clear. There was a question about fencing along the Logging Road Trail and the farm property and the applicant had expressed interest in putting a fence in. The bulk of the public comment had been in regard to offsite improvements. The current street was built to a sub city standard in 1973 and no sidewalks were required at that time in the city code. The improvements on N Maple had been widely debated and several traffic studies had been done. The drainage agreement gave them an additional 10 feet of right-of-way adjacent to the farmland which aided in widening the street to 34 feet. An additional traffic analysis was done based on pedestrian traffic and how the applicant proposed to deal with pedestrian safety. The applicant had gone beyond a normal proportional share of offsite improvements. Staff recommended approval of the application. The subdivision met all the standards with the exception of two lots over 10,000 square feet in size. The applicant was providing more than a proportional share of improvements. The minimum standard for any road leading up to a subdivision should be a minimum of 24 feet in width. There were a lot of substandard streets in town and many streets were

county streets in the city. The Commission had approved several subdivisions in the past that did not meet the standards for width and this application met them.

Commissioner Serlet asked if there was going to be access from the properties to the river. Mr. Brown said there was an emergency access that was a bicycle and pedestrian connection from the Logging Road through the subdivision.

Applicant:

Doug Sprague, applicant, introduced his attorney, Mike Robinson.

Mike Robinson, land use attorney in Portland, stated their job was to give the Commission enough evidence to show they met the approval criteria. They agreed with the staff report and recommended conditions of approval. A number of issues had been raised by the public. The first was traffic. There were three traffic reports which concluded that the improvements the applicant proposed made the street function as intended and there would be adequate pedestrian access. The second issue was emergency access, and there was an emergency access to the Logging Road. The third was Maple Street and Ms. Gault was going to discuss it in more detail. The applicant was proposing to improve Maple Street according to code. The fourth issue was drainage, and they would be meeting the City's drainage and stormwater standards. They also entered into an agreement with the City and adjacent farm regarding stormwater. Even though there was opposition, the Commission had to base their decision on the approval criteria which he thought had been satisfied.

Todd Mobley, traffic engineer with Lancaster Engineering in Portland, said another set of traffic counts had been done in addition to the years of background traffic information. The numbers showed similar volumes to the studies that had been done in the past. At the north end of the property it showed 500 vehicles per day, and at the south end it showed 223 vehicles per day. In the peak one hour period there were only 8 vehicles southbound and 15 vehicles northbound. This was low volume. Narrower streets like Maple could accommodate one vehicle going in each direction easily without feeling crowded for pedestrians or other users on the street. With the traffic volumes, only two cars would meet less than two times in the peak hour. With regard to pedestrian safety, this was a road with low to moderate speeds and volumes.

Chair Savory questioned the fact that 22 new homes would generate these low numbers, especially with people going to and from work. Mr. Mobley gave an example of 71 homes north of the golf course which generated 500 vehicles per day which was an average of 7 trips per dwelling unit. That was the basis for how they looked at the traffic impact from the subdivision.

Mr. Sprague had lived in this neighborhood for 27 years and he was concerned about the traffic as well. He sat at the property during the peak hour on Monday and saw two cars pass each other one time and two times between 7 and 8 a.m. He thought the traffic study held true to what he observed. Because of the concern, it could seem like a bigger issue than it was in terms of people passing. This property had been owned by his family since 1977. They cared about the neighborhood and had put a lot of effort into addressing all of the concerns.

Kati Gault, Canby resident, said originally the City's traffic engineer recommended they pay a proportional share of a sidewalk to be located within the existing right-of-way behind the existing curb on the east side of Maple Street and recommended the removal of parking on Maple Street from the Country Club to this site. The proportional share was calculated to be \$91,000. It was clear the City did not have the remaining funds for the sidewalk and it was not a priority to remove parking on this section of road. Neighbors did not want a sidewalk installed in the existing right-of-way on the east side of Maple that they currently used as their front yards and would have to contribute to the cost by forming a Local Improvement District. Removing parking from Maple Street was also a burden for them. The applicant submitted an amended proposal on October 10 that showed a full 34 foot wide street, which after further review they thought was not the best option for the neighborhood. She offered a slightly revised solution that would enhance pedestrian safety and preserve the rural feel of the

neighborhood. They were proposing to widen the street to 28 feet south of tax lot 300 to the existing sidewalk termination on the west side of Maple to allow the parking to remain on Maple. They also proposed to add a five foot walking path on the west side of the street that was separated from the travel lanes by a stripe. This was Section AA of the proposal. She asked that Condition of Approval #9 be changed to allow either option, widening Maple Street up to 34 feet or improve the road to the Section AA as proposed. She thought both met the intent of the code. For the frontage of tax lot 300, they signed a Memorandum of Understanding with Montecucco Farms to acquire right-of-way to widen the street to 34 feet. This widening would allow parking to remain and would provide a four foot pedestrian lane on the west side of the street. The estimated value of the improvements they were proposing was \$236,000. These improvements allowed existing deficiencies to be corrected and went above and beyond the proportional share recommended by the City's traffic engineer. Regarding the concern about the cul-de-sac, the plat had a note stating this was a temporary cul-de-sac to be vacated commencing at the northwest corner of the lot in the event of future street extensions. It was contemplated that the cul-de-sac would be vacated in the 1970s. She confirmed that the neighbors would not have to contribute to any of the costs and all existing parking would remain.

Mr. Sprague said widening the street to 34 feet would increase speeding, and he would like to have the option of widening the street to 28 feet instead.

Garrett Stephenson, attorney in Portland, was representing Montecucco Farms. They owned the property referred to as tax lot 300. They recommended approval of the application. Montecucco Farms was prepared to dedicate additional right-of-way for a 34 foot paved improvement along the west side of Maple Street. One of the requests they had was no parking on the west side so there would not be difficulty accessing the farmland. They thought an at-grade pedestrian and bike path would work well here. In exchange, the City and applicant agreed to provide an upsized storm drainage main that would continue to allow the farm to drain to the Willamette River. This would handle the stormwater for the development and would provide the infrastructure for future development. It would also be useful in a flood event. This project had a lot of unique and thoughtful solutions. One last note, there was some discussion regarding fencing which was important to the farm to protect crops. He encouraged the Commission to support that requirement.

Chair Savory asked about farm vehicle traffic. Mr. Stephenson said his client had not voiced concern about that issue.

Ed Montecucco, Canby resident, stated most of the equipment came in from Locust and 37th Avenue, and they were mostly pickups. There were some tractors going in and out when it was convenient for them. There were buses that took the crew to and from the farm. He did not think it would be a high impact on Maple.

Will Snyder, Canby resident, home builder, and real estate appraiser, thought that north Canby was in need of buildable lots. The recent property value increases had to do with population growth due to the jobs and amenities offered in the Portland area. For three straight years Oregon had more new residents than any other state. This influx has gobbled up the real estate which had led to a well-documented land shortage. This land shortage limited construction which limited supply and caused record setting market appreciation. He gave examples of the limited supply in Canby and how properties sold quickly and at a high price. Lots were increasingly hard to find. People were coming to Canby because it was the only market that provided them the quality of lifestyle they wanted with the lots big enough for the home they needed. There was a need for lots large enough for single level homes in a small, quiet, upscale development and this subdivision was a perfect fit for that.

Joel Sprague, Canby resident, read letters from proponents who could not attend the meeting. The first was from the Swor family who thought this was an ideal area to expand Canby's appeal and beauty. The second letter was from 80-year resident Beverly Knutson who had been one of the purchasers of this property in the 1970s with the plan to develop it in the future. She had sold the property to her son and daughter-in-law in order to develop it. She was not in favor of the burden for the street improvement as it went beyond the impact this development

brought to the neighborhood. However, they had complied with the standards and addressed the concerns. This development helped address the shortage of available lots and pedestrian safety. The end goal was to develop a neighborhood the community could be proud of.

Mr. Sprague said he lived next to the tree farms and knew that someday the farms would be developed. It was necessary change and the applicant was contributing a lot to the street improvements. He agreed that widening streets created more traffic and speeding.

Opponents:

Joyce Ayres, Canby resident, said she sometimes walked and drove on Maple. There was a lack of sidewalks in this area and those that existed were in disrepair. When she read that there was to be no parking on the east side of Maple and a sidewalk was to go in that the neighbors had to pay for she was outraged. She was heartened to hear the developer proposed to change those plans and she hoped that would happen. She was also concerned about the development of Maple Street and how the widening would increase speeding.

Al Geddes, Canby resident, was concerned about the fill needed for the development. What he saw of the fill was substandard. His backyard had flooded in the past and the drainage would be affected by this development.

Linda Geddes, Canby resident, discussed how the drainage and fill affected her home. The fill was approximately four feet higher than her backyard. At one time she had three feet of water in her crawlspace and they had to have a sump pump put in that still activated in rainy weather today. She thought the drainage was still substandard and she hoped the advancements in drainage for the development was in writing and not just a promise. She thought new development had to do no harm to its neighbors and she would like for that to be true.

Doug Poppen, Canby resident, said there were six major issues people had with this application. They included road width, pedestrian safety, traffic, water runoff, fill, cul-de-sac codes, emergency access, and parking. He then discussed the exceptions that were being made. The first was in regard to lot size. He did not think there was public benefit to allowing two more lots on the property. The second was the lot widths and frontage standards. There were six lots that did not conform to the standards which resulted in limited access and parking. The third was access for fire and emergency vehicles. The standard was 20 feet, but both the Logging Road and Maple Street were below that standard. The homes should also have sprinklers, but there was no provision in the code that required sprinklers. The fourth was putting in a four foot walking path, but there was no provision in the code for a walking path. There were provisions for sidewalks which were required for subdivisions and the streets adjacent to the subdivisions. N Maple Street was adjacent to the development and he thought sidewalks should be required. When you took into consideration the opposition from the neighbors and all of the exceptions he thought it seemed excessive and did not meet code. He recommended that it be clearly articulated in a condition that parking would not be eliminated on Maple.

Phillip Seale, Canby resident, addressed the access for emergency vehicles. Per code there had to be an alternative emergency access and the applicant had said the 10-foot wide walking path would be used. He had not seen approval that this was a legitimate emergency alternative from the Fire Marshall. He thought the application should be denied because it did not meet the code. This was a single access subdivision and N Maple and S Elm were the only two streets that did not have a limit on how many units could be built on a single access street. With this development, there would be about 100 homes that were on a single access street.

Sarah Seale, Canby resident, said it was difficult to make comments on applications that submitted different versions throughout the process. In both previous report publications the posting on the website was after the date advertised for public viewing. The public did not get the information in enough time to research and come up with responses like tonight and did not know the changes made to the application. She appreciated the applicant for his efforts to voluntarily improve the street. She still objected to the development due to the speeding problem on N Maple. It was a long, straight road and there were no outlets on Maple until NE 23rd. The width variances on the

street went all the way to Territorial. With the increased traffic from these 22 homes and the proposed 56 unit apartment complex on Territorial and how Territorial was currently being used as a bypass for downtown, there would be a lot of traffic. A traffic light would be needed in the future. She was concerned about the integrity of the road, especially as the construction equipment and trucks would use it possibly over several years if this was phased in. She thought the improvements to the road should be done before the development of the property.

Vincent Anderson, Canby resident, asked if the widening of the road and maintaining parking on the street were documented. It was difficult when new things were introduced the night of the meeting and the neighborhood had not been aware of them.

Paul Toole, Canby resident, said he and his wife purchased a home on Maple Street in 2004. They purchased it because they enjoyed the rural atmosphere and dead end street. This development threatened his current lifestyle and culture. The dead end street became a greater hazard than it already was now. This was not a benefit to the public. Maple was a narrow street and it was a dead end. The land on the west side of the street was zoned rural farmland and had Class A soils. He questioned whether a portion of this Class A farmland could be sold for right-of-way. Thousands of cubic yards of fill had been dumped on the property and he questioned the quality of the fill. He respected the right of the owner to develop the property, but he did not accept that this was a benefit to the public. Approving this development would be through exception and would change this area forever.

Mary Anderson, Canby resident, lived on Maple Street and saw at least 74 cars per day on the street, many of them speeding. She also saw bicycles and pedestrians on the street. When there was an event at the golf course, there were more cars on the street and there were more people on the road during the summer. There was only one way in and one way out on the road. There were people who were blind and deaf on her street, and landscape trucks were parked on the street. People also parked on the street to use the Logging Road. She thought the traffic was horrendous and this development would only exacerbate the problem. The river was also dangerous, and the cliff should be fenced off. She did not think widening the street and putting in a pathway would be enough.

Elan Langridge, Canby resident, stated 20 years ago she came to the Commission regarding development in the same area. She was concerned about safety and the added traffic at that time since the road was narrow and visibility could be tricky. Since that time the Centex development went in and opened 20th Avenue. This street as well as 21st and 22nd accessed Maple as the arterial road used for their trips. Several more homes had been built on Maple and there was a church school and preschool on Maple and a preschool on Country Club and Greenview Drive. There was a school bus stop on Maple and 20th. There was a lot of foot traffic at the Logging Road. The Country Club was putting in a fitness center which would also increase traffic and there was a lot of traffic from the Country Club on the road already. The Institute of Transportation Engineers in Washington, D.C. stated that 300 cars on a neighborhood road was excellent, good was 300-600, acceptable was 600-1,200, and poor was 1,200 plus. She thought there was at least 2,000 plus cars that used Maple. She did not think the traffic study numbers were accurate.

John Gunter, Canby resident, discussed the emergency access. He did not think the cul-de-sac was exempt from the maximum number of homes allowed on a single access road. The cul-de-sac was the end of the road. The allowable distance according to Code was 400 feet and currently it was in excess of 3,300 feet to the nearest point of alternate access. The residents on Maple were not happy with the current emergency access and putting 22 more houses on it would only exacerbate the problem. There were drainage and grading issues. Several thousand yards of material had been dumped on the site since 1990. He did not know if a fill permit had been issued for the property to ensure the fill was done properly. The property sloped from the northwest corner to the southeast corner which would make any runoff go into the neighboring properties. Several of his neighbors had to have sump pumps. He did not think a soils test had been done to show construction could go on the property. If the subdivision was approved, the neighbors would like to see a condition that no construction would be allowed until the street improvements were completed. He was also frustrated that the information was not submitted in a timely manner.

Scott Smith, Canby resident, bought property and built his house on Maple Court in the 1970s. The applicant's property was in a flood plain at that time and was not developed because of the water that collected there. He would like to know if the applicant had a fill permit. He agreed with the comments regarding all of the exceptions needed for this application. The farm equipment used Maple Court to turn around and got the street all muddy. They had trouble with drainage on his street and there was a catch basin near the entrance of the golf course that ran mud every time it rained down to the sewer line. He thought that sewer line should be covered. He asked the Commission to deny the application due to all of the exceptions required.

Russ Langridge, Canby resident, was a soils scientist expert witness. He was contacted by adjacent home owners who had experienced an increase in wetness problems since the fill had been put on the property. The question was if the wetness could be caused by the adjacent parcel modification. He did not do a flow test, but he found out the following. The original mapping on the official soil survey map appeared accurate. The soil mapping was consistent to the natural landscape boundaries in existence prior to the fill activities. The original soil map showed a typical high flood plain topography with the soils identified as would be expected. The soils on the convex bar position were prime farmland soils and the soils on the concave channel position were soils which were subject to pooling and flooding. These soils were also classified as hydric, or wet soils. The soils looked reasonable for the area, and he thought the filling that occurred had changed the flow. He thought that should be taken care of when the property was developed.

Anthony Polito, Canby resident, agreed with what had been said by his neighbors. The applicant had a right to develop the property, but it needed to be done in a way that benefitted the current neighborhood. He thought putting in 22 homes would decrease the property value for everyone on the street. The traffic was terrible. He bought his house in 1994 due to the quality of life in the area. He did not think a substandard road should be approved. This development would add many new cars on the road and it would not be safe. The proposal to widen the road would only be a band aid. He had submitted pictures of the road. He suggested getting the zoning changed on the property. They did not need 22 homes there. He thought seven homes would be sufficient. That would minimize traffic and increase the value and not decrease the quality of life.

Scott Taylor, Canby resident, said his main concern was the width of the street. He walked Maple Street every night and was happy to hear the street might be widened. The road was not up to standard and it needed to be a safe street with sidewalks. He did not think they had to keep approving substandard roads. He was also frustrated that additional information was submitted that night and he had not had a chance to review it. That did not allow citizens to participate in the process.

Larry Vargas, Canby resident, was concerned about responsible growth. Traffic would not only increase on Maple, but also the other streets that funneled off of Maple. Additional housing was being built on Territorial which would also have an impact. This was an organic farm and it needed to be preserved. He was concerned about cross contamination and having too many homes that would affect the produce growing on the farm. He agreed the number of homes should be reduced to better control the traffic and to preserve the rural character in the neighborhood. They needed responsible, sustainable growth.

Michael McNichols, Canby resident, also expressed aggravation that new information had been submitted that night that he had not been able to review. He thought there should be application deadlines that should be enforced. He thought the process was prejudiced against the residents on N Maple. He had been opposed to the citizens paying for the sidewalk, but that had been changed and now the applicant proposed putting in a pedestrian path. He would like to know what the final plans were before the application was approved. He discussed how a lot of the standards were discretionary. It was difficult to quantify safety. He was unclear how wide the pedestrian pathway would be. Nowhere else in Canby was there a pedestrian pathway that was separated from vehicle traffic by a painted stripe. The pedestrians would have to share it with bicycles as well. He thought it was a huge liability and exposed pedestrians to a lot of risks. He discussed how N Maple was part of a walking loop that included the

Logging Road Trail. There were several fun runs that happened on the loop as well. The emergency vehicle access on the Logging Road went against common sense.

Rebuttal:

Doug Sprague confirmed he had fill permits for the fill work that had been done on the property. He had been working on improving the property for 27 years. He had installed drains on the property and he thought the drainage system would handle the development. This was a good proposal and would improve the conditions on Maple.

Mike Robinson said the decision tonight was whether the application met the approval criteria. He recognized people did not want this property to be developed, but if the application met the criteria, the Commission must approve it. He thought the application did meet the criteria. The City's traffic engineer had said the increased vehicle trips from the subdivision would not significantly impact traffic operations on the surrounding transportation network and would not trigger the need for evaluation of off-site impacts surrounding the intersections based on operational standards. The City's traffic engineer recommended a four foot asphalt shoulder separated by a stripe on the west side. There was only one exception being requested, that was to allow two larger lots. The applicant was not asking for more density and was putting in fewer lots than the R-1 zone allowed. The minimum width for cul-de-sac lots was not an exception, but was the discretion of the Commission to assure adequate access. For lots in a cul-de-sac it was not possible to have 60 feet in width and there was a condition of approval that required that the lots would have adequate driveways. This was properly zoned property and it was appropriate to be developed.

Todd Mobley stated there was hard data on traffic volumes and speeds in the record. The study had been done at different times of the year and the studies were two years apart and had been done by two different firms. The reports said the same thing. The traffic volumes were in the acceptable range for the facility that was being proposed. The average travel speeds on the northern segment were around 20 mph. The national design standards supported the pedestrian pathway that both engineering firms made a recommendation to put in.

Chair Savory closed the public hearing at 9:43 p.m.

Commissioner Boatright asked about the County's letter regarding Maple Street. Mr. Brown said it was in regard to the section owned by the County and the County's approval for widening that portion as the applicant proposed. He thought the proposal to widen the street to 28 feet and put in a bicycle/pedestrian pathway was a better option than the 34 foot street.

Commissioner Chernishov asked about the width required for emergency access. Mr. Brown replied that the Fire Department indicated 12 foot paved surfaces were desirable as a minimum, and he thought that was the width of the Logging Road. Fire trucks could get down a narrower road than that if needed. He was told verbally that the Fire Department was satisfied with using the Logging Road as a means of emergency access. Other applications had been approved that were using the Logging Road as emergency access.

Commissioner Serlet asked about infringement from the river during the flood of 1996. Mr. Brown said no flood waters were on the property in 1996. There was flooding in 1964.

Commissioner Boatright asked about adding a condition for a fence. Mr. Brown said that was not a current requirement but could be added.

There was discussion regarding the proposed 28-foot wide street and pedestrian pathway versus putting in a 34 foot wide street. Both options were allowed in the code.

Commissioner Chernishov asked if there was a policy for accepting last minute information from applicants. Mr. Brown said there was no policy with a specific deadline. New information was allowed to come in during the public hearing from both the applicants and public testimony. In this case, the applicant was submitting another option that they thought was better for the neighborhood.

Commissioner Mottern asked if there was a requirement for when the road improvements would be done. Mr. Brown said the conditions stated the road improvements should be done in Phase 1.

Chair Savory thought the application met all of the criteria and he would vote in favor of the application. He suggested including in the conditions that any sidewalks would be built at the applicant's expense, there would be no decrease in the parking on Maple Street, and a fence would be required along the Montecucco property.

Commissioner Varwig thanked all of those who gave public testimony. Their job was to follow the code and he thought the application met the approval criteria.

Commissioner Boatright thought this was a good subdivision layout especially with the big lots.

Motion: A motion was made by Commissioner Boatright and seconded by Commissioner Varwig to approve SUB 17-05 pursuant to the conditions of approval presented in this report and the following conditions:

- Change Condition #9 to require the applicant to install a 28 foot wide street and a 5 foot pedestrian path
- Sidewalks would be built at the owner's expense
- There would be no decrease in parking
- A fence was required particularly along the Montecucco property on the west side of N Maple St.

The motion passed 7/0.

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

- a. ZC 17-02/CUP 17-05/SUB 17-04 S Ivy Park Subdivision, Allen Manuel

Mr. Brown said the Planning Commission recommended denial of this application. The applicant planned to appeal that decision, and was waiting for approval of the findings to submit the appeal.

Motion: A motion was made by Commissioner Varwig and seconded by Commissioner Hall to approve the Final Findings for ZC 17-02/CUP 17-05/SUB 17-04 S Ivy Park Subdivision, Allen Manuel. The motion passed 7/0.

7. ITEMS OF INTEREST/REPORT FROM STAFF

- a. Next Planning Commission Meeting – Monday, November 13, 2017
- N Redwood Landing Subdivision

8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION – None

9. ADJOURNMENT

The meeting was adjourned at 10:17 pm.



City of Canby

STAFF REPORT

FILE #: SUB 17-05 – SEVEN ACRES SUBDIVISION

Prepared for the September 25, 2017 Planning Commission Meeting

LOCATION: 3500 N Maple St, at the northern terminus of N Maple Street

ZONING: R-1 Low Density Residential

TAX LOT: 31E2102602



LOT SIZE: 6.84 acres

OWNERS: Canby Development LLC

APPLICANT: Doug and Lori Sprague, and Kati Gault

APPLICATION TYPE: Subdivision (Type III)

CITY FILE NUMBER: SUB 17-05 – Seven Acres Subdivision

I. PROJECT OVERVIEW & EXISTING CONDITIONS

The applicant proposes to divide a 6.84 acre parcel into a 22-lot subdivision for single-family residential development. The property is currently vacant land located within the R-1, Low Density Residential Zone, and is designated Low Density Residential in the Canby Comprehensive Plan. The zone allows a single family dwelling on each lot. The applicant intends to develop the subdivision in 6 phases over an undetermined period of time. According to the applicant, the proposed subdivision will create lots ranging in size 7,627 sq. ft. to 26,056 sq. ft. (including the flag) with the average lot size around 10,000 sq. ft. in size. The applicant will plat 4 “tracts” within the subdivision, totaling about 32, 400 sq. ft., set aside for a monument sign, wetlands, storm water management, and a public walkway. Access to the new subdivision will be from N. Maple Street that terminates at the south boundary of the property.

II. ATTACHMENTS

- A.** Application narrative
- B.** Vicinity Map
- C.** Assessor Map
- D.** Exhibit 1 – Site Location
- E.** Exhibit 2 – Preliminary Plat
- F.** Exhibit 3 – DKS Traffic Impact Study
- G.** Exhibit 4 – Lancaster Engineering Technical Memo
- H.** Exhibit 5 – DKS Supplemental Traffic Memo and Email
- I.** Exhibit 6 – Pre-Application Meeting Minutes
- J.** Exhibit 7 – Neighborhood Meeting Notes
- K.** Exhibit 8 – Land Use Application
- L.** Exhibit 9 - Deed of Lot Creation, 1975
- M.** Agency Comments
- N.** Citizen Comments

III. APPLICABLE CRITERIA & FINDINGS

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
- 16.16 R-1 Low Density Residential Zone
- 16.43 Outdoor Lighting Standards
- 16.46 Access Limitations on Project Density
- 16.62 Subdivisions-Applications
- 16.64 Subdivisions-Design Standards
- 16.86 Street Alignments
- 16.88 General Standards & Procedures
- 16.89 Application and Review Procedures
- 16.120 Parks, Open Space, and Recreation Land General Provisions

Findings:

Section 16.08 General Provisions:

Based on available information, it appears that the subject property is a remnant parcel resulting from the subdivision and development of the Country Club Estates Subdivision. Subsequently, the parcel can be considered a legal parcel for land use purposes.

The Canby Urban Growth Boundary borders the property on the west and northeast sides and extends south approximately 150 feet west of N. Maple Street before going west along 22nd Avenue. The strip of land, approximately 150 feet wide, that extends along the west side of N. Maple Street is not within the Canby City limits but remains in Clackamas County. In this area, N. Maple Street was created as a 30 foot right-of-way with Canby approval of the Country Club Estates Annex NO. 3 Subdivision. The applicant is actively seeking the dedication of 10' of additional right-of-way adjacent to Tax Lot 31E21 00300 to add to N Maple Street. It would be best for the applicant to execute a lot line adjustment and annexation application into the City should agreement be reached with the owner of this tax lot and the dedication occurs allowing expansion of N Maple Street so no question about appropriate use of the property arises.

A Traffic Impact Study (TIS) for development resulting from the proposed subdivision was first performed by DKS and dated April 8, 2015. An additional Technical Memorandum prepared for the record at the applicant's request from Lancaster Engineering dated September 18, 2016 addresses possible N Maple Street sidewalk proportional share participation related to a permanent sidewalk along the east side of the street. Another supplemental follow-up memorandum from DKS dated November 17, 2016 was requested to clarify the suitability of providing a temporary provisions for a pedestrian pathway along the west side of Maple Street when it was determined by further analysis after their first traffic study report that a regulation width sidewalk would not satisfactorily fit within the eastern most available non-paved portion of the existing 30-foot of street right-of-way without moving the existing street curb westward to accommodate areas needing a retaining wall in addition to a minimum 5-foot wide sidewalk. The original traffic report recommended constructing a sidewalk in the east 5-foot of the existing right-of-way while the supplemental follow-up DKS Memorandum recommended that it would be suitable to construct a four foot asphalt shoulder on the west side of N. Maple Street from the existing sidewalk terminus (between NE 23rd Avenue and Country Club Place) to the northern terminus of N. Maple Street in consideration of working within the constraint presented by the half-street of right-of-way. It was recommended that the shoulder be striped for use by bicycles and pedestrians with "No Parking" signs on the west side of N. Maple Street. The street should be constructed to City standards for a local streets when properties on the west side of N. Maple are annexed and development occurs. At the time of development,

the no parking signs could be removed from the west side of the street as a permanent sidewalk would be provided at that time raised and separated from the roadway.

DKS Findings:

- *The proposed project of up to 26 single-family units (**now proposed at only 22 lots**) would add approximately 28 vehicle trips along N Maple Street during the a.m. peak hour, 31 vehicle trips during the p.m. peak hour, and 304 daily vehicle trips.*
- *The segment of N Maple Street between NE Territorial Road and NE 21st Avenue does not meet the standard local street for paved width (20-foot drive aisle with 7-foot parking on both sides). Although parking is not prohibited, there is adequate shoulder for vehicles to park along the side of the street. Therefore, a 20-foot drive aisle is currently provided. To prevent parking within the paved street and maintain a 20-foot drive aisle, centerline striping could be provided. Additionally, the two parallel routes of N Locust Street to NE 22nd Avenue and N Country Club Drive to NE 22nd Avenue provide alternate access to the project site. No roadway widening is recommended along N Maple Street in this segment.*
- *The segment of N Maple Street between Willamette Valley Golf Club and the project site does not meet the minimum standard local street paved width (20-foot drive aisle with 7-foot parking on both sides). Measured traffic volumes indicate that with the proposed project, daily traffic volumes along this segment would exceed 500 vehicles; therefore, the low-volume local street designation would not be applicable. In order to meet the minimum 20-foot drive aisle as required by the local standard street classification and emergency vehicles, it is recommended that parking be prohibited along the east side of N Maple Street north of Willamette Valley Golf Club. Currently, this segment provides access to approximately 19 homes, all of which have driveways and garages that can accommodate at least two vehicles.*
- *To provide a safe pedestrian space and eliminate the need for pedestrians to walk in the roadway, it is recommended that a sidewalk be provided along the east side of N Maple Street, north of the Willamette Valley Golf Club within the existing right-of-way. The resulting cross-section of N Maple Street in this segment would consist of a 20-foot drive aisle and a 6-foot sidewalk on the east side of the street. Sidewalk and on-street parking improvements should be made on the west side of N Maple Street between the Willamette Valley Country Club and the project site as conditions of approval under future development, consistent with the City's standard cross-section for local standard streets. Because this deficiency is an existing condition, it is recommended that the applicant provide a proportionate share of the costs towards providing the sidewalk on the east side of N Maple Street. Additionally, a Local Improvement District could be established in which the neighborhood, along with the applicant, participate in a cost share program.*
- *It is recommended that the project site plan provide a public pedestrian connection to the Logging Road Trail that connects with the recommended sidewalk along the east side of N Maple Street north of the Willamette Valley Golf Club.*

The applicant intends to subdivide the property in six phases. Public utilities are currently located at N. Maple Street to the south of the proposed subdivision and can be extended as development occurs, and storm drainage is intended with newly installed drywells. A minimum lot size of 7000 square feet and a maximum of 10,000 square feet is allowed under provisions in Section 16.16.030(A) of the R-1 zone. The subdivision is zoned R-1, and only single-family homes are proposed, and lot sizes range from 7,627 square feet to 26,056 square feet with all proposed lots exceeding the 7,000 square feet minimum and several lots over the 10,000 square foot maximum. However, under Section 16.16.030(B) the Planning Commission can approve lots above the maximum size if the overall average is less than 6500 square feet.

Section 16.16.030(B)

B. Lot area exceptions:

1. The Planning Commission may approve an exception to the minimum and maximum lot area standards in subsection 16.16.030.A as part of a subdivision or partition application when all of the following standards are met:

a. The average area of all lots created through the subject land division, excluding required public park land dedications, surface water management facilities and similar public use areas, shall be no less than seven thousand square feet and no greater than ten thousand square feet. Non-required significant natural resource areas shall be included in the average lot size calculation to enable a transfer of density onto buildable portions of the site. Required areas include identified parks, wetland areas, riparian corridors, and other areas in which building is not permitted under local, state, or federal laws or regulations;

b. No lot shall be created that contains less than six thousand square feet;

c. The lot area standards for two-family dwellings, as provided in Sections 16.16.010 and 16.16.020, shall be met; and

d. As a condition of granting the exception, the city will require the owner to record a deed restriction with the final plat that prevents the re-division of over-sized lots (e.g., ten thousand square feet and larger), when such re-division would violate the average lot area provision in subsection 16.16.030.B.1.a. All lots approved for use by more than one dwelling shall be so designated on the final plat.

2. A public benefit must be demonstrated in order to allow more than ten percent of the lots to be outside of the minimum and maximum lot areas in subsection 16.16.030.A.

3. The Planning Commission may modify the maximum lot area requirements in 16.16.030.A if these cannot be met due to existing lot dimensions, road patterns, or other site characteristics.

The applicant stated that the subdivision met these provisions, but did not demonstrate how that conclusion was reached in the application material as to average lot size or public benefit. Staff recommends that the applicant prove at the hearing how the required lot size criteria listed above are met and that the Planning Commission make a finding that the slight variation above the maximum average size is suitable. Staff review indicates there are 3 lots proposed larger than the 10,000 sf maximum which is slightly more than the 10% variation typically allowed without demonstrating a public benefit. The overall average appears to be extremely close to the maximum 10,000 sf if allowing the largest end lot to exclude its access arm from the area calculations.

Sidewalks are required along the frontage of the newly created private lots. Sidewalk construction and location are addressed in the Technical Memorandum from Lancaster Engineering dated September 18, 2016. The memo's summary and conclusion recommended 28 percent cost contribution from the applicant from the north end of the Willamette Golf Club property to the Logging Road Trail connection. Additionally, it recommended sidewalk construction on the west side of N. Maple Street. However, the memo provided options on both the east side and west side of N. Maple Street for sidewalk construction.

Proposed N. Maple Street Offsite Improvements:

Ordinance Standards:

The standards contained in CMC 16.46.010 Access Limitations on Project Density are informative in what City standard should apply when determining the minimum acceptable street width **for accessing a new proposed subdivision**. It is stated in Section 16.46.010 (B)(1) that two lane access roads shall be a minimum width of 20 feet with no parking permitted. That is possible today, as generally the 20 feet of pavement exists the full distance on N Maple Street north of NE 23rd Avenue to the dead end at the property of the proposed subdivision. However, on-street parking on the east side of the street would clearly be required to be eliminated to comply with this 20' minimal access standard.

The National Fire Code has been reported by the Canby Fire Marshall to require a 20' minimum free and clear paved pathway to provide for emergency access. He has offered in previous circumstances, including this one, to utilize discretion with regard to the standard if all new proposed homes are required to have fire sprinkler systems. **He has offered to accept 18' minimum free and clear emergency access on this road with the additional fire prevention systems within the new homes. This could exception could provide for the**

option to maintain the existing parking along the east side of N Maple Street if the applicant is unable to widen the street beyond 25' in width. However, this option does nothing to address the existing lack of pedestrian safety provisions and could contribute adding more pedestrians with no proposed improvements unless a permanent sidewalk is constructed along the east side of the street. An appropriate mechanism is necessary to make this happen though, as to date the applicant has not agreed to more than his calculated 28% proportionate contribution to this existing deficiency. Staff would note that for the past 40 years there has only been 13' of pavement free and clear since on-street parking has been allowed and not restricted on the existing 20' wide paved surface. The Fire Marshalls decision makes a 25' wide street pavement the minimum acceptable street width for emergency access if on-street parking along the east side (7' minimum) were to continue to be allowed (25-7=18').

However, Section 16.46.010 (B)(1) indicates a minimum two lane access road width of 28' is necessary when parking is allowed on just one side. **So in affect, the minimum street access width to serve a subdivision by this standard becomes 28' on N Maple Street if parking is to remain on the east side of the street.**

CMC 16.46.010 normally would require 2 means of access for over 30 housing units but Section (F) recognized that N Maple Street and S Elm Street were developed with only one access road so are exempt from the residential unit restrictions for single access roads. However, there must be a legally binding alternative emergency vehicle access available. The proposed subdivision has an alternative emergency access route through the Logging Road Trail. This section goes on to require that the road width standards remain in effect for these two roads. Staff has interpreted this statement to apply to the ultimate design width intended for these two roadways. The minimal roadway width requirements indicated above would apply for providing necessary access to this subdivision.

Section 16.46.010 (G) states "Public roads accessing any development shall be a minimum of two travel lanes (twenty-four) feet of pave width to the nearest improved collector or arterial street. This requirement is couched in two conditions that have been reported to be discretionary in nature by the applicant's attorney and not suitable by State Statute for use with a Limited Land Use Decision which is applicable to this application. Regardless, **it is clear that the City cannot require the applicant to widen and build sidewalks the full distance of N Maple Street leading to this development where that deficiency has existed since the original development in the area 40+ years ago.** A developer cannot be expected to pay more than the demonstrated rough proportional impact that there development is expected to contribute to an existing deficiency. Staff did not spend time preparing our own proportional cost analysis because the developer has voluntarily proposed off-site improvements that we believe are far in excess of their subdivisions actual additional impact

on an existing deficiency related to the street width and lack of a sidewalk on N Maple Street leading to this subdivision.

It is relevant to know that when existing lots were platted along N Maple Street, the City Land Development Ordinance did not have a requirement for sidewalks. No one is to blame for the fact there are no existing sidewalks and people bought homes and moved to this location fully knowing they did not exist. Reading some passed land use action reports reveals that not long after when the Willamette Country Club proposed some significant golf related facilities sidewalks were considered important then and the section of sidewalk you see in front of the Club House on N Maple Street was installed and the Country Club executed a non-remonstrance agreement to not protest the formation and participation in a possible future sidewalk Local Improvement District on adjacent platted lot frontages and the rest of the golf course frontage along N Maple Street. The City Development Ordinance has always indicated a requirement for improving one-half of the adjacent street to City standard with the expectation that the other half would be provided by future development on the opposite side. The Planning Commission has authority to decide if half-street should be allowed or not at the time they are proposed.

Applicant's Voluntary Improvements to N Maple Street

The actual voluntary street improvements proposed by the applicant have changed since the application was submitted. There was some uncertainty about the extent of the width of existing ROW in front of two tax lots on the west side of N Maple Street. It has now been confirmed to the City's satisfaction, that a full 50 foot of existing ROW is in place on N Maple Street from approximately NE 23rd Avenue north to the north property boundary of Tax Lot 3 31E 28A 00900. At this point northward adjacent to Tax Lot 31E21 00300, there is only 30' of ROW to the end of the street.

The applicant's proposal is to widen the existing street pavement from approximately the intersection with NE 23rd Avenue where the existing concrete sidewalk ends on the west side of N Maple Street north to where the 50' of existing ROW ends to the current City local street standard of 34 feet in width. From this point north to the end of the street where only 30' of ROW exists today, the applicant will widen the road approximately 5' to a total pavement width of approximately 25'. The applicant is actively engaged in negotiations to secure an additional 10 feet of property from the owner of Tax Lot 31E21 00300, to dedicate as ROW which if achieved will enable him to complete his desire to widen this 25' proposed pavement segment 14' rather than 5' to bring it and the entire street from NE 23rd Avenue to a standard 34 feet in width.

Pedestrian Safety & Provisions: Staff has not been able to locate any specific ordinance provision requiring that sidewalks be in place leading up to a proposed subdivision.

Sidewalks are clearly required and provided in the design of all proposed subdivisions and for

streets adjacent to that subdivision when they do not exist. The proposed subdivision meets the clear requirements. **The applicant is proposing to designate a 4 to 6 foot wide temporary pedestrian pathway along the entire west side of the widened street from NE 23rd Avenue to the subdivision.** However, to fit this in, on-street parking currently allowed on the east side of the street would need to be eliminated where the existing ROW is only 30 feet in width if negotiations to obtain 10' of additional ROW is not successful. This will result in a narrowing of the pedestrian pathway from potentially 6' wide to 4' wide where the ROW available is only 30'. When and if the adjacent farmland on the west side of the street ever develops additional street ROW will be obtained and a permanent raised sidewalk installed separated from the street with a planter strip and the temporary sidewalk pathway in the street paving will be turned into on-street parking.

The most desirable option for pedestrian safety would be to erect a permanent raised concrete sidewalk 5 feet wide on the east side of the street the full distance to connect with the sidewalk in front of the Willamette Country Club with the inside edge proposed beginning at the existing street curb built west within the space currently used for on-street parking. Where 50' of ROW exists, on-street parking would be allowed adjacent to the sidewalk and the 34' of pavement width would provide for two standard lanes for vehicular travel. Under this sidewalk option, on-street parking would have to be eliminated where only 30' of ROW exists unless negotiations by the applicant to secure an additional 10' of ROW is successful.

The applicant has indicated to date that they support the idea of installing a permanent sidewalk on the east side of N Maple Street but believe it should be done at some point in the future through existing property owner participation through a local sidewalk improvement district as recommended in the DKS Traffic Study. The applicant has indicated to staff when asked that "voluntarily constructing a deficient full length permanent sidewalk **and** widening the entire deficient street width is not appropriate" to ask of him. Staff would agree, and the use of a Local Improvement District is a common tool to address existing infrastructure deficiencies but does require some support from participating owners within the district for one to be formed and the ability of the City to front the initial costs up front until paid back by assessments to owners within the benefiting district.

As stated by the applicant, at least six of the proposed lots do not meet the required 60 feet of lot width and frontage. Under Section 16.16.030(C), the Planning Commission may approve lots having less frontage subject to special conditions if necessary to assure adequate access. The applicant should demonstrate at the hearing what special conditions are present to justify less frontage and that adequate access is provided.

The applicant shall construct DEQ approved drywells where required within the subdivision.

As a condition of approval, 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.

In lieu of park dedication, the City prefers Park SDC payments rather than park space.

The applicant's shall pay 0.4% of the contract cost of all public improvements at the time of construction plan approval before site improvements begin.

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 and the supplemental findings previously indicated in this report.

IV. PUBLIC TESTIMONY/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 that were received to date are available in the file and provided in the Planning Commission packet.

V. CONCLUSION AND CONDITIONS OF APPROVAL

Staff concludes that the application conforms to the applicable standards and criteria subject to the following conditions of approval:

General Public Improvement Conditions:

1. Prior to the start of any public improvement work, the applicant must schedule a pre-construction conference with the city and obtain construction plan sign-off from applicable agencies.
2. The Planning Commission must make a finding to approve the proposed lots above the maximum lot size.
3. The Planning Commission must make a finding for the record to approve the proposed lots that do not meet the required 60 feet of lot frontage.
4. The development shall comply with all applicable City of Canby Public Works Design Standards.
5. The final construction design plans shall conform to the comments provided by the City Engineer in his memorandum dated September 7, 2017, including that the internal sidewalks be separated from the curb with a 4.5' planter strip except where necessary to avoid disturbing protected wetlands and with an exception to the placement of a sidewalk or pedestrian pathway as otherwise indicated in these conditions and determined to be acceptable by the Planning Commission.
6. Public improvements such as sidewalk and street improvements on N. Maple Street are required during development.
7. Turnarounds may be required at the end of all interior streets as directed by the Canby Fire Department.

8. The applicant must process a lot line adjustment and annexation application of property into the City of Canby should agreement be reached with the owner of Tax Lot 31E21 00300 for the purpose of adding 10' of right-of-way to N Maple Street.
9. The applicant must enter in to an Improvement Agreement with the City prior to Final Plat recording. The following improvements and requirements shall be included in the agreement:
 - A. The applicant voluntarily agrees to the following regarding N Maple Street improvements along the frontage of Tax Lot 31E21 00300. The applicant may satisfy this condition by selecting one of the following two choices (a or b) at their election:
 - a. Applicant may build the full street of 34' width if the required easements or right of way are secured. The street shall include a 7' parking lane, 22' for travel lanes and a 4' pedestrian lane located on the west side of N. Maple Street or a 7' parking lane, 20' for travel lanes and a 6' shared bicycle and pedestrian lane.
 - b. Since the narrow width of N. Maple Street is a pre-existing condition the applicant may request that the City Administrator or City Council approve removal of parking in this location. If removal of parking is approved, the applicant may widen the street to 25', including a 20' travel lane and 4' striped asphalt pedestrian way on the west side of N. Maple per the supplemental memorandum recommendation of DKS and Associates.
 - B. The applicant volunteers the following condition: For the proposed N Maple Street improvements along the frontage of Tax Lot 31E28A 00900 to the southern existing sidewalk termination that is located on the west side of N. Maple St. (shown on the exhibits provided with this application and located along the frontage of Tax Lot 31E28A 00401), the applicant shall construct the full street, 34' wide, along its frontage. The street shall include a 7' parking lane, 22' for travel lanes and a 4' pedestrian lane located on the west side of N. Maple Street or a 7' parking lane, 20' for travel lanes and a 6' shared bicycle and pedestrian lane on the west side of N Maple St.
 - C. Prior to final plat recording and in conjunction with approval of the civil construction plans for the subdivision an agreement shall be executed between the City, the owner of Tax Lot 31E21 00300 (Montecucco Rentals, LLC), and the owner of the subject development to specify the reconfiguration of the existing drainage line that currently drains storm water from Tax Lot 31E21 00300 (Montecucco) through the subject development to the existing City storm system. The location and specifications of the proposed system shall be included in this agreement. In the event the parties cannot reach an agreement, the owner of the subject development will leave the Montecucco line in its current condition and location, and will not tie into the private Montecucco line or build lots or tracts over said line, and will implement a

satisfactory drainage solution for the proposed subdivision in accordance with the City of Canby Public Works Design Standards, June 2012.

Fees/Assurances:

10. All public improvements 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.
11. 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 shall be accompanied by a final bid estimate of the subdivider's contractor if there is a contractor engaged to perform the work, and the total cost estimate must be approved by the city engineer.
12. The applicant must guarantee or warranty all public improvement work with a 1 year subdivision maintenance bond or other acceptable means of security in accordance with CMC 16.64.070(P).
13. The applicant must pay the city Master Fee authorized engineering plan review fee equal to 0.4% of public improvement costs prior to the construction of public improvements (approval of construction plans) as each phase of development occurs.

Streets, Signage & Striping:

14. The unused portion of the existing cul-de-sac for N. Maple Street which will no longer be necessary shall be vacated and then physically removed.
15. The street improvement plans for N. Maple Street widening and the interior division streets shall conform to the TSP and Public Works standards as indicated by the city engineer.
16. A roadway striping plan shall be submitted by the applicant and shall be approved by city engineer and by the Public Works street department prior to the construction of public improvements.
17. A roadway signage plan shall be submitted by the applicant and shall be approved by the city engineer and by the Public Works street department prior to the construction of public improvements.
18. The applicant shall be responsible for installing all required street signage and striping at the time of construction of public improvements, unless other arrangements are

agreed to by the City.

Sewer:

19. The applicant shall submit documentation of DEQ approval of the sewer plans to the City Engineer prior to the construction of this public improvement with each phase of development.

Stormwater:

20. Stormwater systems shall be designed in compliance with the Canby Public Works Design Standards as determined by the City Engineer.
21. Drywells proposed within the subdivision shall be approved by DEQ.

Grading/Erosion Control:

22. The applicant shall submit grading and erosion control plans for approval by Canby Public Works in conjunction with construction plan approval prior to the installation of public improvements and start of grading with each phase of development.
23. The applicant shall grade all areas of the site, including the proposed lots, to minimize the amount of soil to be removed or brought in to each lot during home construction.

Final plat conditions:

General Final Plat Conditions:

24. 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 service agencies for comment prior to signing off of the final plat if deemed necessary.
25. 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.
26. The final plat shall conform to the necessary information requirements of CMC 16.68.030, 16.68.040(B), and 16.68.050. The county surveyor shall verify that these standards are met prior to the recordation of the subdivision plat.
27. All "as-builts" of City public improvements installed shall be filed with Canby Public Works within sixty days of the completion of improvements.
28. Clackamas County Surveying reviews pending subdivision plat documents for Oregon Statutes and county requirements. A subdivision final plat for Phase 1 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.
29. The applicant shall record the final plat at Clackamas County within 6 months of the date of the signature of the Planning Director.
30. 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.
31. The City shall assign addresses for each newly created subdivision lot and distribute that to the developer, and other agencies that have an interest.

Dedications

32. The applicant shall dedicate by separate instrument any acquired additional ROW

secured for the widening of N. Maple Street with or prior to the Phase 1 Final Plat.

Easements

33. A dual 12 foot utility and pedestrian easement along all of the lot street frontages shall be noted on the final plat. This easement may be combined with other easements and shall be measured from the property boundary.
34. Sidewalk easements are required along the frontage of the newly created private lots for any portion of the 6' public sidewalk that will lie on private property.

Street Trees

35. A Street Tree Plan shall be submitted with the final plat, and street tree fees paid to the City for their installation prior to release of the final plat for recording. The plat will allow the city to establish street trees per the Tree Regulation standards in Chapter 12.32 of the Canby Municipal Code. The total per tree fee amount is calculated at one tree per 30 linear feet of total street frontage on both sides of all internal streets and the adjacent side of external streets or as determined by an approved Street Tree Plan on a per tree basis. A temporary 12' wide street tree easement in conjunction with the dual 12-foot utility and pedestrian easement along all of the lot street frontages shall be noted on the final plat to provide the City to plant and maintain the establishment of the trees before they become the responsibility of the property owner.

Monumentation/Survey Accuracy Conditions

31. The county surveyor and/or city engineer shall verify that the lot, street, and perimeter monumentation shall meet the requirements set forth in Oregon Revised Statutes and conform with the additional survey and monumentation standards of 16.64.070(M)(1-3) prior to recordation of the final plat.

Residential Building Permits 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 each home and satisfy the residential design standards of CMC 16.21.
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. Individual lot on-site stormwater management 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. Per the Canby Public Works Design Standards, minimum residential driveway widths at the inside edge of the sidewalk shall be 12 feet and the maximum residential driveways widths shall be 24 feet with an allowed exception for 28 feet for a home with 3 or more garages and a required separation of 10 feet between driveways on local streets when possible.

41. Sidewalks and planter strips shall be constructed by the homebuilder as shown on the approved tentative plat.
42. All usual system development fees shall be collected with each home within this development except as otherwise indicated within the Park Land Dedication and Improvement Agreement associated with this subdivision.

VI. Decision

Based on the application submitted and the facts, findings, and conclusions of this report, staff recommends that the Planning Commission **approve** Subdivision SUB 17-05 pursuant to the Conditions of Approval presented in Section V.

File # SUB 17-05 – Seven Acres Subdivision

Additional Conditions of Approval to be recommended by Staff to the Planning Commission at the October 23, 2017 Public Hearing

1. The applicant shall comply with the three recommended conditions of approval provided by Clackamas County Development Services in their memorandum to the City in review of SUB 17-05 dated October 5, 2017 which include:
 - a. **Prior to final plat approval:** The applicant shall obtain a Development Permit from the Engineering Division for review and approval of Maple Street improvements where Maple Street is under County jurisdiction. The Permit shall be obtained prior to commencement of site work and recording of the subdivision plat. To obtain the permit, the applicant shall submit construction plans prepared and stamped by an Engineer registered in the State of Oregon, or plans acceptable to the Engineering Division, provide a performance guarantee equal to 125% of the estimated cost of the construction, and pay a plan review and inspection fee. The fee will be calculated as a percentage of the construction costs if it exceeds the minimum permit fee. The minimum fee and the percentage will be determined by the current fee structure at the time of the Development Permit application.
 - b. All require Maple Street improvements, where the street is under County jurisdiction, shall comply with the Clackamas County *Roadway Standards* unless otherwise noted herein.
 - c. The applicant shall design and construct Maple Street widening improvements, along the section of Maple Street under County jurisdiction, in compliance with the structural section requirements of Roadway Standards Drawing C100 for a connector.
2. Drainage along the west side of the N Maple Street widening will be addressed within the construction plans in a manner that minimizes impact on the adjacent farm land while following standards deemed to be acceptable to the City and County engineering staff.
3. The construction plans shall be shared with the adjacent farm property owners for their review and they shall be provided notice by the developer of the scheduled pre-construction approval meeting with the City.

APPLICATION

BY

CANBY DEVELOPMENT LLC

**FOR PRELIMINARY APPROVAL OF A 22 LOT SUBDIVISION
ON 6.84 ACRES IN THE R-1, “LOW DENSITY RESIDENTIAL” ZONE,
AT THE TERMINUS OF NORTH AND MAPLE STREET**

SUBMITTED

JULY 28, 2017

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I. Introduction.

A. Ownership and Applicant.

The Sprague Family owns the property known as “The Seven Acres,” (the “Site”) (**Exhibit 1**) located at the northern terminus of North Maple Street in the City of Canby (the “City”). The Sprague family’s development company, Canby Development LLC, will be responsible for development of the site. The Site contains 6.84 acres. The Site has been vacant for many years and because of its physical location, many people have considered it to be available for public use. While not public property, the Sprague family has been flexible in allowing use of the Site.

The Sprague family has owned the Site for about 40 years. Over this time, the family has done several things to the Site, including placing fill throughout the Site to level its grade. While there is no legal public access to the Site, people have driven and walked onto the property in order to use the site for recreational purposes, including access to the adjacent logging road trail.

B. Proposal.

This application requests approval for a 22-lot subdivision in the R-1, “Low Density Residential,” zone (**Exhibit 2**). Each lot will accommodate one (1) single-family dwelling. The R-1 zoning district allows single-family dwellings on each lot. The proposed subdivision will create lots ranging in size from 7,627 square feet to 26,056 square feet. The average lot size will be about 10,000 square feet. The subdivision will be platted in six (6) phases that can be constructed individually, and in various combinations. The subdivision includes large lots and private open space. The subdivision will include four (4) tracts for purposes such as a monument sign, wetlands and stormwater management, and a public walkway. The four tracts total about 32,400 square feet.

The property is accessed from North Maple Street. Pedestrian access is from North Maple Street and the logging road trail on the north side of the Site.

The development will be similar to other nearby, single-family subdivisions in terms of lot size and land use. The Sprague family will record conditions, covenants and restrictions (“CC&Rs”) to assure uniform development pattern on each lot.

C. Site and Adjacent Zoning and Land Use.

The property west and north of the Site is outside of the City’s Urban Growth Boundary (the “UGB”). The property to the south of the Site and to the east of North Maple Street is developed with single-family dwellings and is zoned R-1. The property immediately to the west of North Maple Street is within the City’s UGB but outside of the City boundary, and will be developed in the R-1 zone if and when it is annexed to the City.

Surrounding land uses include single-family residences to the south, a public trail to the north and east, and farm use to the west.

D. Applicant Team.

The civil engineers and surveyors are ZTec Engineers. The land use planner and development consultant is Robert Price. The traffic engineer is Lancaster Engineering. The land use attorney is Michael C. Robinson of Perkins Coie, LLP.

II. Site Services and Utilities.

The Site is served by the following public and private services utilities and facilities:

- Water – 8-inch line in North Maple Street; 6-inch line in NE 34th Place.
- Sanitary sewer – 12-inch line in North Maple Street; 12-inch line in NE 34th Place.
- Public storm sewer – 15-inch line in NE 34th Place from North Maple Street to the manhole opposite the lot line between Lots 25 and 26 of Country Club Estates No. 3. A 12-inch storm sewer runs in an easement from the manhole, and an 18-inch storm sewer line runs from the manhole to the Willamette River.
- Fire – fire service is provided by the Canby Fire District.
- Police – police service is provided by the City of Canby Police Department.
- Electricity – provided by Canby Utility.
- Natural gas – provided by NW Natural Gas Company.
- Telecommunications – provided by Canby Telecom.
- Public schools – provided by the Canby School District.

Available public and private services, utilities and facilities are sufficient to serve the proposed 22-lot subdivision. **(Exhibit 3)**

III. Characterization of the Application.

The application is a “Limited Land Use Decision” as defined in ORS 197.015(12) because it is a tentative subdivision within ORS 197.195(1) provides that the City may not apply comprehensive plan policies to a limited land use decision unless those plan policies are expressly referenced in the City’s land use regulations, its zoning ordinance.

The application is also subject to the “Needed Housing” statutes in ORS 197.303(1) and 197.307(4). ORS 197.303(1) provides as follows:

“As used in ORS 197.307, “needed housing” means housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels, including at least the following housing types:

(a) Attached and detached single-family housing and multiple family housing for both owner and renter occupancy;. . .”

ORS 197.307(4) provides that a needed housing application is subject to the application of only clear and objective standards, conditions and procedures regulating the development of needed housing on buildable land.

The Site is on buildable land because it is zoned for residential use. The Canby Comprehensive Plan (the “Plan”), Housing Element, at page 148, provides that the City has “made a commitment to expanding housing opportunities.” Further, Plan Housing Element and Finding No. 1 states, “Canby’s urban growth policies must provide efficient area to allow for new housing construction as needed” (Plan at page 148). Additionally, Plan Housing Element and Finding No. 1 states, “It is natural to expect these vacant or under-utilized areas of the City to gradually be developed or redeveloped to higher densities.” (Plan at page 149).

These Plan statements recognize the City’s commitment to providing additional single-family dwellings.

IV. Approval Criteria.

This section addressed relevant approval criteria found in the Canby Land Development and Planning Ordinance (the “LDO”).

A. LDO 16.16, “R-1 Low Density Residential Zone”.

1. LDO 16.16.010, “Uses Permitted Outright”.

FINDING: The R-1 zone allows a single-family dwelling on each single-family lot. A single-family home is a permitted use outright. This standard is satisfied.

2. LDO 16.16.030, “R-1 Development Standards”.

LDO 16.16.030 provides that lots in the R-1 zone may be no less than 7,000 square feet and no more than 10,000 square feet. However, the 10,000 square foot lot size maximum may be exceeded pursuant to LDO 16.16.030.B.

FINDING: The City can find that the proposed subdivision contains lots no smaller than 7,000 square feet and, for those lots greater than 10,000 square feet, LDO 16.16.030.B applies.

3. LDO 16.16.030.B

LDO 16.16.030.B.1 provides that the Canby Planning Commission (the “Planning Commission”) may approve an exception to maximum lot size in LDO 16.16.030.A subject to four (4) standards as follows:

- LDO 16.16.030.B.1.a. The average lot size of all lots created shall be no less than 7,000 square feet and no greater than 10,000 square feet.

FINDING: The average lot size of the proposed 22 lots is no greater than 10,000 square feet.

- LDO 16.16.030.B.1.b. No lot contains less than 6,000 square feet.
- LDO 16.16.030.B.1.c. The applicant does not propose to construct two (2)-family dwellings.
- LDO 16.16.030.B.1.d. The applicant will record a restrictive CC&R that prevents the redivision of any lot greater than 10,000 square feet when such redivision would violate the average lot size required maximum of 10,000 square feet.
- LDO 16.16.030.B.2. The application proposes four (4) lots greater than 10,000 square feet. This section requires that a “public benefit” be demonstrated in order to allow more than two lots (10% of the subdivision) be greater than 10,000 square feet. The phrase “public benefit” is highly subjective. The needed housing statutes prohibit the City from applying the subjective public benefit standard to the application. Alternatively, because the proposed subdivision is in an area where larger lots are typical, the larger lots constitute a public benefit. The public benefit of the larger lots is that fewer lots are created by allowing four (4) lots greater than 10,000 square feet. An additional public benefit is that larger lots will require larger homes that have a greater value, which is a benefit to the surrounding neighborhood.

4. LDO 16.16.030.C.

This section requires a minimum lot width and frontage of 60 feet, except that the Planning Commission may approve the lots having less frontage subject to special conditions to ensure adequate access.

FINDING: The applicant proposes six (6) lots with less than 60 feet frontage, Lots 3, 4, 12, 20, 21 and 22. Each of the six lots has adequate street access sufficient to accommodate a typical driveway width. Lots 4 and 22 are flag lots that necessarily require a narrower width.

Due to the irregular shape of the property the standard lot frontage was difficult to obtain, the Planning Commission can allow these six lots to have less than 60 feet in frontage width because each has adequate access.

5. LDO 16.16.030.D.

FINDING: Each lot can satisfy the minimum yard requirements. This section provides that the maximum amount of impervious surface allowed in the R-1 zone shall be 60 percent (60%) of the area. LDO 16.16.030.F.1 defines impervious surface.

B. LDO 16.46, “Access Limitations”.

1. LDO 16.46.010.A applies to single-family residential access. LDO 16.46.010.A.1 requires that roads be a minimum of 28-feet in width with parking restricted on one side only, or a minimum of 36 feet in width with no on-street parking restriction. North Maple Street, north

of NE Territorial Road, is between 20 feet and 40 feet in width. However, LDO 16.46.010.F provides:

“N. Maple Street, north of NE 23rd Avenue, and S. Elm Street, south of SW 13th Avenue, shall be exempt from the residential unit restrictions for single access roads, provided that legally binding alternative emergency vehicle access is available. Road width requirements for these roads shall remain in effect.”

FINDING: The City can find that LDO 16.46.010.F supersedes LDO 16.46.010 because it expressly exempts North Maple Street from the residential unit restrictions that are the subject of LDO 16.46.010.

For the portion of LDO 16.46.010.F that provides that road width requirements for these roads shall remain in effect with the City’s road width standards for these roads, the City can find that North Maple Street is an existing road and the applicant has no ability to widen the road where it is currently substandard width.

Although the City could make the above finding, the applicant agrees to voluntarily widen N. Maple Street to mitigate the existing deficiencies. The City and applicant’s Traffic Engineer agreed that widening the road to 25’ between NE 23rd Avenue and the Site would be an acceptable interim improvement to allow the proposed development to proceed. In an effort address neighborhood concerns, the applicant proposes to go above and beyond the recommendation of both Traffic Engineers and voluntarily widen the road to 34’ in nearly all of the existing areas of substandard width on N. Maple Street between NE 23rd Avenue and the Site (**Exhibit 4**). The applicant has worked with neighboring property owners to secure additional right-of-way where needed, except there is one property owner who owns Tax Lots 31E28A 00900 and 01000 that we have not reached an agreement with at the time of this application. This frontage without a ROW agreement in place is approximately 396 feet and represents the length of N. Maple Street that would meet the 25’ width recommendation of the Traffic Engineers, upon improvement by the applicant, but would not be paved to the ultimate street width of 34’. In this area of 25’ street width the applicant requests that the Planning Commission support the applicant’s request to remove existing parking in this area of N. Maple Street to allow both pedestrian access and emergency vehicle access. A separate request will be made by the applicant to City Council to remove parking in this area. Additionally, the property will provide legally binding emergency access via the logging road trail which has been approved by the Fire Department and City staff.

2. LDO 16.46.010.G requires that public roads accessing development shall be a minimum of two (2) travel lanes with twenty-four (24) feet of paved width to the nearest improved Collector or Arterial street, provided that any required improvement to provide additional pavement width to access development meets both of the following conditions:

“1. An essential central nexus is proven, whereby the required improvement is directly related to the proposed development; and

- 2. Rough proportionality is proven, whereby the cost of the required improvement is roughly proportional to the impact the development will have on the infrastructure. Specific findings are required for each of the conditions listed above. If either of the two conditions are not met, the infrastructure is considered to be inadequate, and conditioning approval of the development on the widening of the access to the development is considered to be inappropriate.”**

FINDING: The City can find that the nearest improved Collector or Arterial street to North Maple Street is NE Territorial Road. North Maple Street does not contain 24 feet of paved width between the site and NE Territorial Road. However, the City may not apply LDO 16.46.010.G to this application because the terms “essential nexus” and “rough proportionality” are subjective. Pursuant to ORS 197.307(4), the City may not apply a subjective standard to this application. Although the City cannot apply this criteria due to its subjective nature, this standard can be met if the standard were to be applied to a less direct route from NE Territorial Road via N. Country Club Drive to NE 23rd Avenue to N. Maple Street. If this alternative route were followed the standard could be met upon completion of the applicant’s proposed N. Maple Street widening (discussed in the previous finding).

- 1. LDO 16.46.020, Ingress and Egress.**

FINDING: All ingress and egress to the lots will be taken along the portion of each lot fronting on the public street.

- 2. LDO 16.46.030, Access Connection.**

FINDING: The ingress and egress for the Site will be in conformance with the requirements of this subchapter. While both streets Northeast 35th Place and Northeast Maple Court will be “Neighborhood/Local” streets, the spacing for “Maximum spacing of roadways” as listed in Table 16.46.30 will be satisfied. The “Minimum spacing of roadway to driveway” does not apply to single family residential driveways.

C. LDO Division IV, “Land Division Regulations.”

- 1. LDO 16.56.030.A, “Comprehensive Plan.”**

FINDING: The Plan does not apply to this limited land use decision unless a specific Plan goal or policy is incorporated into the City’s land use regulations. ORS 197.195(1). Therefore, the City can find that this standard does not apply.

- 2. LDO 16.56.030.C, “Health, Safety and Sanitation.”**

FINDING: The City can find that is feasible for the application to conform to all applicable state, county and city regulations regarding health, safety and sanitation if the applicant does not propose to install on-site sewage disposal systems. Alternatively, the phrase “all applicable state, county and city regulations regarding health, safety and sanitation” is subjective and may not be applied under ORS 197.307(4).

3. LDO 16.56.030.D, “Building.”

FINDING: This application does not include a proposal for construction of structures or buildings, only for the approval of a subdivision.

4. LDO 16.56.030.E, “Streets and Roads.”

FINDING: The City may not apply this standard pursuant to ORS 197.307(4) because the phrase “all applicable city ordinances or policies” is subjective.

5. LDO 16.62.020.A.

FINDING: This section requires that the application conform with “other applicable requirements of the Land Development and Planning Ordinance.” The phrase “other applicable” is subjective and the City may not apply this standard pursuant to ORS 197.307(4).

6. LDO 16.62.020.B.

FINDING: The City can find that the subdivision design and arrangement of lots is functional and adequately provides building sites, utility easements and access facilities without unduly hindering the use or development of adjacent properties. The proposed tentative subdivision map provides adequate building areas conforming to the R-1 zoning district requirements. Alternatively, this standard is subjective because the words “functional” and “adequately” and the phrase “within unduly hindering” are subjective and may not be applied to this application pursuant to ORS 197.307(4).

7. LDO 16.62.020.C.1-5.

FINDING: Stormwater on the subject site will be managed through the creation of two (2) wetland and stormwater tracts, Tracts B & D. Stormwater internal to the project will be directed to one of these tracts for detention and treatment before discharge. The tracts will be served by an internal system of pipes and drainage gutters, and will manage stormwater while protecting and preserving wetland areas.

The project provides open spaces, a street pattern that serves the site with minimal hard surfaces, all necessary and required public facilities and services, and other desirable public improvements.

The application minimizes impervious surfaces through a plan to minimize, to the greatest extent possible the amount of paved surfaces within the site. While streets and sidewalks are required, there will be few other areas of impervious surfaces outside of development on each lot. When these lots are built-out with single family dwellings, the amount of impervious surfaces will increase but the larger lot sizes will mitigate for the on-site impervious surfaces.

The creation of two (2) tracts for wetland and stormwater management, and two other tracts for public walkway and monument sign will contribute to open space within the Site, and the preservation of natural vegetation and wetland areas. Because the four (4) tracts are part of the subdivision, they will be permanent.

Lots within the project have been clustered to the extent that this can be accomplished given the site size, shape, and locational considerations.

Based on the five (5) criteria in this subsection, the application satisfies the criteria and meets the overall standard of Low Impact Development. Because this project meets all of the standards in this subsection, it will be an asset to the city and will promote large lot residential development which is the goal in the R-1 zone.

FINDING: The City's traffic consultant, DKS Associates, prepared a traffic report (**Exhibit 5**). The applicant also engaged Lancaster Engineering to complete a review of the DKS traffic report and found that a sidewalk on the east side of N. Maple Street would create an undue burden on the proposed development (**Exhibit 6**). The applicant also learned the location of the sidewalk on the east side of N. Maple Street was unfavorable to many of the existing homeowners on N. Maple Street. As a result, the applicant, their consultants, the City and DKS were able to come to an agreement to modify the traffic report to move the location of the pedestrian way to the west side of N. Maple Street as discussed in the Supplemental Memo and email by DKS Associates (**Exhibit 7**). The required TIS has been completed.

8. LDO 16.62.020.D.

FINDING: The City can find that all required public facilities and services are available, or will become available through development to meet the needs of the 22-lot subdivision. Alternatively, the City may not apply this standard pursuant to ORS 197.307(4) because the word "adequately" is subjective.

9. LDO 16.62.020.E.

FINDING: The streets within the subdivision will have sidewalks on both sides of Northeast Maple Court and Northeast 35th Place, which provides safe and efficient walking and bicycling routes within the subdivision. Tract C is a public walkway that will connect the project site with the Logging Road Trail. This will provide ready access for residents and visitors alike to the project site. Bicycles may also use these sidewalks and the Public Walkway Tract for access and circulation. These facilities, when combined with a 4' shoulder striped for pedestrian access on the west side of N. Maple Street from NE 23rd Avenue to the Site, will ensure safe public access and circulation that will be usable and functional.

By meeting this standard and providing routes for pedestrian and bicycle circulation, the project will satisfy this standard. Alternatively, the City may not apply this standard pursuant to ORS 197.307(4) because the phrases "safe and efficient" and "to the greatest extent possible" is subjective.

10. LDO 16.62.020.F.

FINDING: The City's Traffic Engineer has provided a traffic impact study ("TIS") (**Exhibit 5**).

11. LDO 16.64.010.A.

FINDING: All proposed public streets within the project site have been designed to city standards. The proposed street pattern is practical, and fulfills the requirement for City standard streets in a residential subdivision. The street pattern is a continuation of North Maple Street, and blends with the street pattern of existing residential neighborhoods directly adjacent to the south. The proposed street pattern fulfills the four (4) criteria under LDO 16.64.010.A.

12. LDO 16.64.010.B. – O.

B. Permeable Surfaces - All streets and right-of-way improvements will incorporate impervious surfaces through the use of asphalt and/or concrete for streets and sidewalks. Permeable pavement is not a viable option for this development.

C. Reserve Strips - There are no reserve strips planned because no streets are dead-end streets or streets to be extended in the future.

D. Alignment -The extension of North Maple Street from its current cul-de-sac end to include the streets within the Site uses the existing alignment of North Maple Street and continues this street to a completed layout pattern. No other streets are impacted in terms of extension and alignment by the proposed development. A portion of the existing N. Maple Street Right of Way at the existing cul-de-sac bulb will need to be vacated. The applicant will make separate request to City Council for this Right of Way vacation.

E. Future Extension of Streets – None of the streets in the vicinity of the Site will be extended. The city's TSP does not identify future street extensions for either North Maple Street, or any other local neighborhood street in the area.

F. Intersection Angles - All intersection angles for streets within the project site are proposed considering the shape of the site. The triangular shape of the parcel dictates a layout and street pattern that reflects the physical characteristics of the site, with intersection angles at the level where the intersections are negotiable and usable. Use of "bulbs" at two (2) points in the street system will facilitate traffic movement, as well as provide additional lot frontage and individual access. While the angles of the intersections may not be a true 90 degrees, they are sufficient for low-speed and low-volume residential traffic.

G. Existing Streets - The only existing street that is impacted by the proposed subdivision is North Maple Street, which will be the primary route of service and access to the site. No other existing streets will be impacted.

H. Half Streets - There are no half-streets proposed as part of the subdivision.

I. Cul-de-sacs - The project contains two bulbs as part of the street pattern. No streets are true dead-end cul-de-sacs.

J. Marginal Access Streets - Because this standard applies only to City Arterial streets, and there are no City Arterial streets within the project or in the adjacent neighborhood area, this standard does not apply.

K. Alleys - There are no alleys within the project site, nor are there any alleys in the immediate neighborhood vicinity. Therefore, this standard does not apply.

L. Street Names - The street names proposed for this project, Northeast Maple Court and Northeast 35th Place, have not been previously utilized with the City and will be acceptable names.

M. Planting Easements - The new streets within the subdivision do not include planting strips between the curb and sidewalk. Each street provides a 6-foot sidewalk, with a 12-foot public utility easement (P.U.E.) “behind” the sidewalk and within the individual lot. This P.U.E. may be used for planting of street trees. Therefore, this standard can be satisfied using the P.U.E. for street trees.

N. Grades and Curbs - All streets, curbs, sidewalks and other public improvements have been designed to standard city requirements. Because the site is basically flat and level, there are no grades on the streets that exceed about one percent (1%) or so. See the detail sections for the streets on the Preliminary Subdivision Plat. Therefore, this standard will be satisfied.

O. Streets Adjacent to Highway 99-E or Railroad Right-of-way -This standard does not apply because the site is not adjacent to Highway 99-E or any railroad right-of-way.

13. LDO 16.64.015, Access.

FINDING: The only possible vehicular access to the Site is via North Maple Street. No state highway or railroad right-of-way is involved with this project. There is no second access possible to the Site. Because the Site is flat and level, grading will be minimized, and sight distances, driveway locations and access will be protected. Sidewalks are proposed to be on both sides of the streets within the subdivision. In addition, there will be pedestrian connections to North Maple street south of the site, and to the Logging Trail. The local street network planned for the site will allow residents, visitors, service and emergency vehicles to fully access individual homes. These features will fulfill the access management standards from the TSP. Therefore, this standard is satisfied.

14. LDO 16.64.020, Blocks.

FINDING: Based on the site and shape of the subject site, the lotting pattern and the block pattern are not the typical grid system. Therefore, “true” blocks do not exist for this project. However, the center portion of the project (i.e., Lots 9, 14, 15 and Tract D) may be considered a block. No dimension of this block exceeds the city’s 400 foot standard for length. Nevertheless, the layout for this project achieves the same goals as may be expected from the traditional “lot-and-block” pattern. Recognizing the shape of the site, it is emphasized that a traditional “lot and block” would not result in optimal use of the land.

15. LDO 16.64.030, Easements.

FINDING: Several required and necessary easements are included in the Proposed Subdivision for purposes of utility placement and pedestrian access and circulation. There are no watercourses in the project area but there are two (2) wetland areas that will be preserved and

protected in Tracts B and D. The tract for the pedestrian pathway connecting the Site to the Logging Road Trail (Tract C) will be 20 feet in width and just over 100 feet in length. This will be a very useful feature and has been included to provide the public with an access connection between N. Maple Street and the Logging Road Trail. Through these easement features, this standard will be satisfied.

Under D. of this subsection the Ordinance requires the following: “Developments that abut the Molalla Forest Road multi-use path shall provide a pedestrian/bicycle access to the path.” This is the purpose of Tract C, thus fulfilling this criterion.

16. LDO 16.64.040, Lots.

A. Size and Shape.

FINDING: The size and shape of the 22 lots within the project are based on the size and shape of the Site. The triangular shape of the Site requires lots that respond to the size and shape of the Site. A standard lot-and-block pattern based on a grid street pattern does not work for this Site.

B. Minimum Lot Sizes.

FINDING: The proposed lots for this project meet the minimum lot size of 7,000 square feet as required by the R-1 zone. Further, the average lot size of approximately 10,000 square feet is also within the allowable limits of lot size for the R-1 zone. With sanitary sewer available to the site, the need for larger lots in order to accommodate septic systems is not necessary.

The proposed lot layout may be considered an “Alternative Lot Layout” based on the size and shape of the site, and the fact that only one point of access to the site is available. The plan makes use of lot size averaging and alternative lot dimensions due to the irregular shape of the subject site. The use of the standards for Alternative lot layout (subsection B.4.a-d) have been utilized to the extent possible.

The pattern of lots in this project is not the “linear, straight-line or highway strip patterns” referenced in 16.64.040.B.4.a. This lot pattern reflects the characteristics of the Site, and is used to the best advantage of the subdivision.

Open spaces and natural spaces will remain interconnected to the extent possible and the on-site sidewalk and trail will connects to off-site open space trail. On-site open space and natural areas will be permanently maintained by the Home Owners Association.

C. Lot Frontage.

FINDING: This subdivision contains several flag lots and lots with substandard frontage. The frontage requirement in the R-1 zone is 60 feet. Lots 3, 4, 12, 20, and 21 lack 60 feet of frontage on a public street. Lots 4 and 22 are flag lots with not less than 20 feet of frontage on the public street. The lots identified above with less than required frontage have been designed this way to maximize use of the site and reduce the amount of street development within the project site. This subsection provides that “. . . the Planning Commission may allow the creation of flag lots, cul-de-sac lots and other such unique designs upon findings that access and building areas are

adequate.” The City can find that the lots with less than sixty (60) feet of frontage have adequate access because each will be served with a driveway and because each lot can accommodate a dwelling that meets the R-1 standards.

D. Double Frontage.

FINDING: The subdivision includes three (3) lots that are double frontage lots; Lots 9, 14, and 15 are double frontage lots by virtue of the overall lotting pattern created in response to the size and shape of the site. Since the streets in this project are local neighborhood streets, driveway access/frontage could be designated for either frontage for the lots. Since either street frontage would work, there is no disadvantage to driveway access/frontage to be on either street.

E. Side Lot Lines.

FINDING: Most side lot lines run perpendicular to the street upon which the lot fronts. Some lot lines may be influenced by the curve of the street or the bulbs. However, the majority of side lot lines meet this standard, and those that may not result from the overall design based on the size and shape of the parcel.

F. Resubdivision.

FINDING: Only Lot 22 is large enough for a practical redivision of the lot. Three other lots (Lots 1, 2 and 4) are slightly over the 10,000 square foot allowable maximum lot size. However, the average lot size for the entire project is within the allowable range of limits of 7,000 to 10,000 square feet. The applicant will record a CC&R prohibiting further redivision of Lots 1, 2, 4 and 22.

G. Building Lines.

FINDING: No specific building lines have been established for the proposed lots. However, should it be determined that building lines need to be illustrated on the Preliminary Subdivision Plat, they will be placed there.

H. Potentially Hazardous Lots or Parcels.

FINDING: There are no lots or parcels within this project that are hazardous due to flooding or soil conditions. The site is not within the 100-year floodplain of the Willamette River, nor are soils considered to be unstable based on a letter provided by the applicant’s geotechnical engineer (**Exhibit 8**).

I. Flag Lots or Panhandle-shaped Lots.

FINDING: The project contains two (2) flag lots (Lots 4 and 22). Both lots are located at one of the bulbs, resulting in the inability for these two lots to have suitable frontage. Therefore, the flag lot alternative had been utilized. Both of these flag lots utilize triangular corners of the site which would otherwise be difficult to plan, resulting in the potential loss of use of these corners of the site. However, these two (2) flag lots meet the standards for flag lots in this subsection.

Subsection I.1 does not apply because the flag lots are not contiguous and do not make use of the same point of access on the public street.

The flag strip portions of the two (2) lots are both a minimum of 20 feet in width, as required in subsection I.2. The width of these flag strip portions may be reduced to 12 feet, as allowed but at the present time, they are planned to be 20 feet in width. Since both flag strips are less than 100 feet in length, a reduction of width to 12 feet is possible.

As required by subsection I.3, building setbacks will be at least five (5) feet from the flag strip. These setback lines will be established at the time of issuance of a building permit for either or both lots.

In subsection I.4, both flag lots are of sufficient size to allow flexibility in the placement of buildings. The lots are of suitable size that internal circulation can be planned and implemented.

Subsection I.5 does not apply because no access or frontage exists on any state highway.

Subsections I.6 and I.7 are discretionary criteria that involve making a decision at the time a building permit is requested for either or both lots. The applicant understands these criteria and will abide by them.

J. Designation of lots as ‘Infill Home’ sites.

FINDING: This Site is not an “infill” site.

16.64.050, Parks and Recreation.

FINDING: See subsection 16.120 below.

16.64.060, Grading of building sites.

FINDING: The applicant does not intend to grade any portion of the site without grading permits. When grading begins, the applicant will insure that there will be no hazards to the public, or danger to public facilities, resulting from the grading. Because the site is not within a floodplain, nor are the soils defined as dangerous or hazardous, future grading will be done with city approval.

17. LDO 16.64.070, Improvements.

A. Improvement Procedures.

FINDING: The applicant is aware of the procedures for public and private improvements, and will follow them as required. Items 1 through 5 under this subsection contain requirements the applicant must go through in order to construct any improvements, and the applicant will follow these procedures as required in 1 through 5.

B. The following improvements shall be installed at the expense of the subdivider.

FINDING: All extensions of sanitary sewer, water, and any other public facility or service will be necessary to serve the subject site as proposed.

C. Streets.

FINDING: The new streets within the project area will be designed and constructed to required city standards, as required by this subsection.

D. Surface Drainage and Storm Sewer System.

FINDING: The subdivision will contain two (2) tracts for wetland preservation and stormwater management. These tracts are sized to accommodate all surface water and storm drainage generated by the proposed improvements to the site. A stormwater management report has been prepared by the project engineer and is part of the application package (**Exhibit 9**). This report, required by item 4. of this subsection, addresses all of the requirements, criteria, standards and issues of stormwater management. Finally, because the two tracts (B and D) are part of the project area, they will be governed by the Home Owner's Association (HOA) and will be maintained by the HOA and the owners of the various lots in the neighborhood, in accordance with item 5. of this subsection.

E. Sanitary Sewers.

FINDING: Sanitary sewers are available to the site in a size adequate to serve the project. The applicant will extend the sanitary sewer system into the project to serve all 22 lots, in accordance with the requirements of the city. Because sanitary sewers are critical service that is required for all new subdivisions, the applicant will comply fully with this requirement.

F. Water System.

FINDING: The city's water system is available to the site with line sizes and flow volumes to serve the proposed project. The applicant, as part of the public improvements process, will extend the water lines into and throughout the project area to serve all 22 homes that will be built on the individual lots. Where necessary and required, fire hydrants will be located throughout the project area.

G. Sidewalks.

FINDING: Sidewalks are proposed on both sides of each street within the subdivision. These sidewalks are illustrated on the "Typical Sections" for streets that are on the Preliminary Subdivision Plat. These sidewalks will meet required city standards.

The city, the applicant, and the two (2) traffic consultants have agreed on a plan for improvements to North Maple Street that will provide for an area for pedestrian circulation on the west side of North Maple Street.

H. Bicycle Routes.

FINDING: There are no identified bicycle routes within the project area, or on North Maple Street, and none are planned as part of this project.

I. Street Name Signs.

FINDING: Street name signs, as required by the city, will be placed where appropriate by the applicant as part of the site improvement process.

J. Street Lighting System.

FINDING: Street lights will be located and installed by the applicant in response to the requirements of the city.

K. Other Improvements.

FINDING: Any other improvements that may be required under this subsection will be carried out by the applicant.

L. Improvements in Areas of Flood or Slope Hazard.

FINDING: This requirement does not apply because the site is not in a flood hazard area, nor is it in any area of slope hazard, based on information from the surveyor and the geotechnical engineer.

M. Survey Accuracy and Requirements.

FINDING: All survey work related to this project will be completed by ZTec Engineers, whose surveyors are registered in the State of Oregon, and who produce survey work of all types that meet the requirements of the State of Oregon, Clackamas County, and the City.

N. Guarantee.

FINDING: The applicant will either install all required improvements, or will complete an Agreement for Improvements with the City. If required, a bond to insure completion of the improvements will be obtained and provided to the City, and will fulfill the requirements of subsection O.1.a., b., or c. As required in subsection P., all improvements will be guaranteed for the period of time specified.

O. Large Scale or Solar Efficient Development.

FINDING: This neighborhood scale project contains some large lots that will permit the placement and orientation of homes built on individual lots to take advantage of solar orientation. The applicant has not made site specific plans for solar orientation because the flexibility of lot and home placement on the subject site is limited based on the size and shape of the parcel.

P. Fences/ Walls.

FINDING: While this requirement prevents the placement of fences and/or walls for the purpose of separating the neighborhood area from the rest of the city, the applicant may elect to place a fence along the hypotenuse property line to separate the individual lots (4, 5, 6, 7, 8, 13, 19, and 20) to separate the Logging Road Trail from the rear yards of the homes on those lots. This serves to provide privacy and some degree of security for the home owners, as well as definition of the Logging Road Trail route. The applicant requests that the Canby Planning Commission approve such fence/wall for these purposes, in the event the applicant elects to install such fences.

18. LDO 16.64.080, Low Impact Development Incentives.

FINDING: While the applicant would like to use some of the Low Impact Development Incentives. There are no bonuses that the applicant is seeking that relate to Low Impact Development Incentives. With allowable building height in the R-1 zone being 35 feet, it is anticipated that homes will be constructed to this height at most, and no higher. Should any individual builder/homeowner wish to exceed this height, they must do so on their own.

At the present time there are few trees on the site, except at the perimeters. As such, there will be the need to remove few trees throughout the site. Any mitigation for trees removed will be part of the landscape plan for the site in terms of planting “replacement” trees.

In terms of a density bonus (16.64.080.D.), none is requested because this will be a large lot residential neighborhood in the R-1 zone and there is little to no space for “bonus lots”.

19. LDO 16.66, Subdivisions - Planning Commission Action.

FINDING: City review and approval of the proposed subdivision will be done by the City Planning Commission.

Chapter 16.86 Regulations.

20. LDO 16.86.020, General Provisions.

FINDING: Based on the type of streets to be constructed for this project, all streets will be Local Neighborhood Routes. These have been designed in accordance with City TSP Chapter 7. Appropriate rights-of-way will be dedicated for the streets.

As required by subsection B., all right-of-way widths and cross section standards will be satisfied. *See* the illustrated “Typical Sections” on the Preliminary Subdivision Plat.

Alignments for the streets will be determined in final by the Public Works Director, in accordance with subsection C.

The overall plan for the subject site does not include any lots that intrude or encroach upon any public right-of-way as prohibited by subsection D. Further, there are no existing structures on the site that could impact right-of-way alignment (provision E.)- Therefore, this provision does not apply.

Bicycle lanes are not required, nor are they planned as separate facilities, simply because the project site is zoned R-1 to allow for larger lot residential lots. The new streets will be wide enough to allow both bicycles, vehicles and pedestrian to co-exist on the new local neighborhood routes, (provision F.).

Pedestrian facilities are planned and designed as part of the new local neighborhood streets (N.E. Maple Court and N.E. 35th Place), thus fulfilling provision G.

21. LDO 16.86.040, Recommended Roadway Standards.

FINDING: The application applies the applicable standards for roadway design as contained in the TSP and the Canby Public Works Design Standards.

22. LDO 16.86.060, Street Connectivity.

FINDING: Because all streets are through streets, and there are no cul-de-sacs or dead-end streets in this project, this subsection is fulfilled.

23. LDO 16.89.020, Description and Summary of Processes.

FINDING: This application requires a Type III process requiring a public hearing before the City Planning Commission. Any appeal of the decision rendered by the City Planning Commission is to the Canby City Council. Table 16.89.020 identifies this process as a “Subdivision,” requiring a Type III process, a public hearing notification distance of 500 feet, and a neighborhood meeting prior to the application’s submittal.

24. LDO 16.89.050, Type III Decision.

FINDING: In accordance with the provisions of this subsection, the following requirements are met.

A. Pre-Application Conference. As required, a Pre-Application Conference was held on Thursday, August 27, 2015 (**Exhibit 10**).

B. Neighborhood meetings. The required neighborhood meeting was held on December 15, 2016 (**Exhibit 11**). Additionally, due to inclement weather on the date of the first meeting, the applicant held a voluntary second neighborhood meeting on January 25, 2017 to discuss the concerns raised at the first neighborhood meeting.

25. LDO 16.89.070, Neighborhood Meetings.

FINDING: The required neighborhood meeting was held on December 15, 2016 (**Exhibit 11**). Additionally, due to inclement weather on the date of the first meeting, the applicant held a voluntary second neighborhood meeting on January 25, 2017 to discuss the concerns raised at the first neighborhood meeting.

26. LDO 16.120, Parks, Open Space and Recreation Land.

FINDING: The proposed subdivision does not contain any land specifically dedicated to the public for park and open space use. Based on the size of the site and the number of lots in the project, the amount of required land for dedicated park and open space is not available.

27. LDO 16.120.020, Minimum standard for park, open space and recreation land.

FINDING: City staff has requested that the applicant pay a Park System Development Charge (“SDC”) fee in lieu of park land dedication for this subdivision. The builder of each lot’s dwelling will be responsible to pay this Park SDC fee on each lot prior to issuance of a building permit.

28. LDO 16.120.040, Cash in lieu of dedication of land.

FINDING: City staff has requested that the applicant pay a Park System Development Charge (Park SDC) fee in lieu of park land dedication for this site. The builder of each lot will be responsible to pay this Park SDC fee on each lot prior to issuance of a building permit. As a result, this criterion will be satisfied.

V. CONCLUSION.

The Planning Commission can find that this preliminary subdivision application meets the relevant approval criteria. The Canby Comprehensive Plan policies that are not incorporated into the City’s land use regulations may not be applied to this application. ORS 197.195(1). Where otherwise relevant approval criteria contain subjective standards, those standards do not apply. ORS 197.307(4).

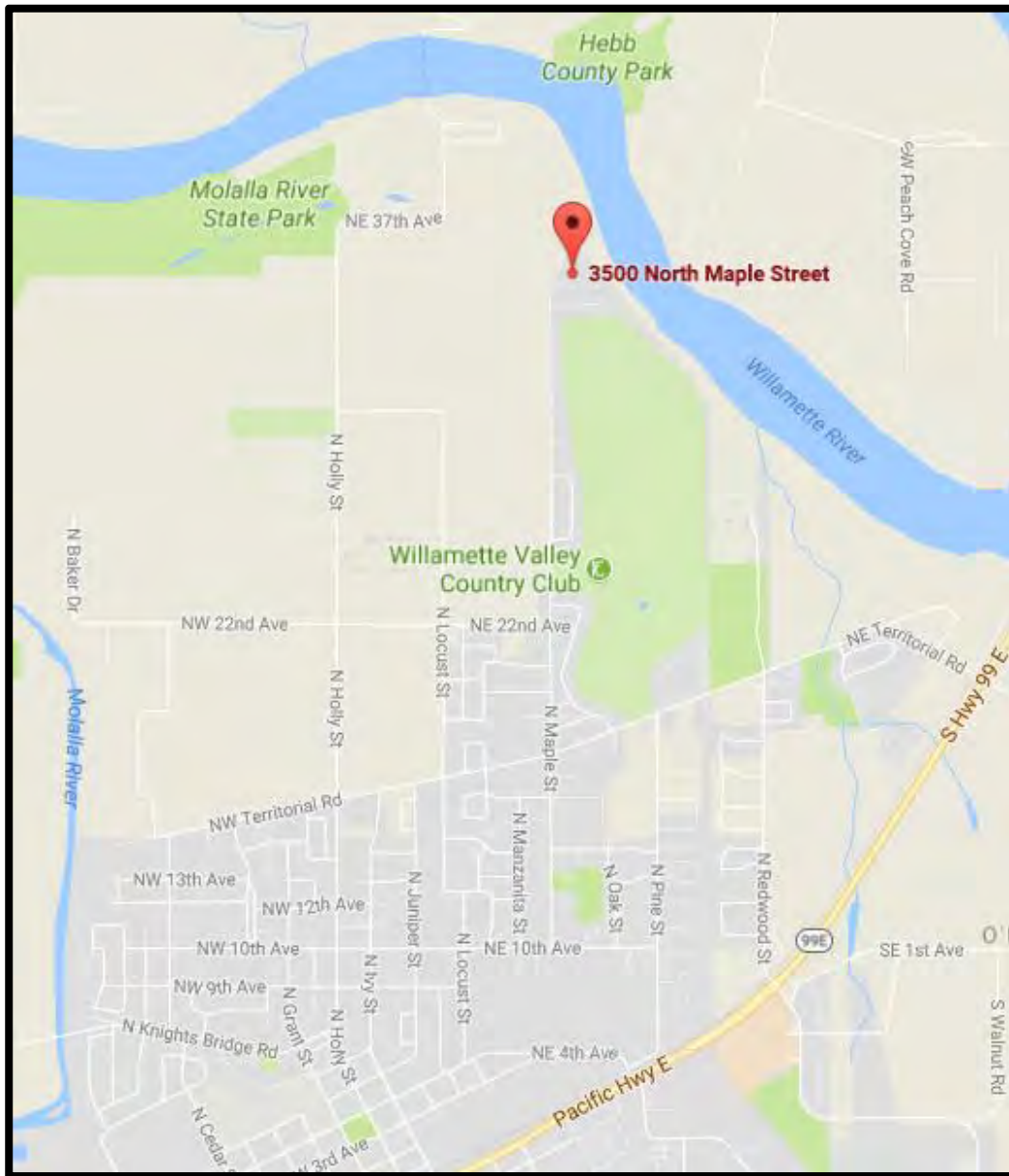
The Applicant requests that the planning commission approve this 22-lot preliminary subdivision and impose clear and objective conditions of approval where needed.

VI. EXHIBITS

Exhibit 1	Site Location
Exhibit 2	Preliminary Plat
Exhibit 3	Letter of Availability of Services and Facilities
Exhibit 4	N. Maple Street Widening Plan
Exhibit 5	DKS Traffic Impact Study
Exhibit 6	Lancaster Engineering Proportional Share Memo
Exhibit 7	DKS Supplemental Memo and E-mail
Exhibit 8	Geotechnical Letter
Exhibit 9	Stormwater Management Plan
Exhibit 10	Pre-Application Meeting Notes
Exhibit 11	Neighborhood Meeting Notes
Exhibit 12	Land Use Application
Exhibit 13	Deed
Exhibit 14	Mailing Labels

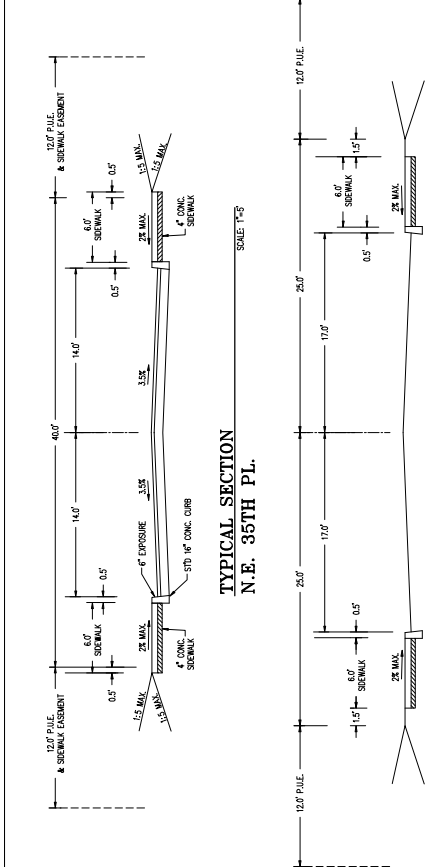
Exhibit 1 Site Location

The Seven Acres Subdivision



LEGEND:

- SA — EXISTING STORM
- SI — EXISTING STORM
- W — EXISTING WATER
- G — EXISTING GAS
- P — EXISTING POWER
- F — EXISTING FENCE
- XXX — EXISTING SPOT ELEVATION
- — EXISTING CONCRETE SIDEWALK
- — EXISTING FIRE HYDRANT
- — EXISTING CATCH BASIN
- — EXISTING STORM MANHOLE
- — EXISTING SANITARY MANHOLE
- — EXISTING LIGHT POLE
- — EXISTING POWER POLE
- — EXISTING WATER VALVE
- — EXISTING WATER METER
- — EXISTING GAS METER
- — EXISTING GAS VALVE
- — EXISTING TREE
- — TEST PIT LOCATED PER PROVIDED COORDINATES



PHASING SEQUENCE:

- ① NEW AND EXISTING BOUNDARY LOCATED MON. 2014. AREA TO BE PROTECTED.
- ② AREA FOR STORM RUNOFF TREATMENT, REDUNDANT.
- ③ TRACT 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 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2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2

TECHNICAL MEMORANDUM



TO: Bryan Brown, City of Canby
FROM: Todd E. Mobley, PE
DATE: September 18, 2016
SUBJECT: N Maple Street Subdivision
Sidewalk Proportional Share Calculation

321 SW 4th Ave., Suite 400
Portland, OR 97204
phone: 503.248.0313
fax: 503.248.9251
lancasterengineering.com

Introduction

This memorandum is written to propose a methodology to assess a proportional share contribution for construction of sidewalk along N Maple Street for the proposed 26-lot residential subdivision at the north terminus of the street. Currently, there is no sidewalk in place on either side of the street north of the Willamette Valley Golf Club property. Conditions on N Maple Street and the impacts from the proposed subdivision were analyzed in detail in the April 8, 2015 memorandum from DKS Associates (prepared on behalf of the City of Canby) and also in the August 26, 2015 memorandum from Lancaster Engineering.

It is expected that much of the pedestrian activity along N Maple Street is to and from the Logging Road Trail located north of the proposed subdivision. This observation is also made in the DKS analysis. There is also likely some pedestrian traffic generated by the existing residential neighborhood north of the golf club. As such, the road segment considered in this proportional share analysis is from the end of the existing sidewalk at the golf club to the connection to the Logging Road Trail north of the site. It is important to note that the proposed subdivision will create a public connection to the trail and also accommodate pedestrians through the site with sidewalks on all internal streets.

Sidewalk Location

N Maple Street is the boundary for the Canby City Limits, and as such, there is urban residential development on the east side of the street and rural farmland uses on the west side. Because of this, the west side of the street offers a much better walking environment compared to the east side, where a total of six public streets and 18 private driveways would need to cross the sidewalk. On the west side, there would be none, with the exception of possibly one or two agricultural field accesses. Sidewalk on the west side of Maple Street would be a much safer alternative, avoiding conflicts with street intersections, but also people backing out of private driveways across the sidewalk, where visibility for people driving is often limited.



Bryan Brown
September 18, 2016
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Further, sidewalk construction on the west side of the street would be significantly easier, without existing landscaping, driveways, and homes to accommodate. The methodology proposed below is not based upon the sidewalk on one side of the street versus the other, although the total cost of construction, and therefore the proportional share payment, would be lower with sidewalk on the west side of the street.

Methodology

There is a total of 71 existing homes north of the golf club's property frontage on N Maple Street, in the existing roadway segment that does not have sidewalks. The proposed subdivision consists of an additional 26 lots, or 28 percent of the grand total of 97 lots generating pedestrian demand. This methodology is based on the premise that the proposed subdivision would contribute 28 percent of the cost of sidewalk installation for the segment from the golf club property to the trail connection. Because the subdivision will construct sidewalk through the site and connect to the trail, 100 percent of the cost of the sidewalk along a route through the site will be subtracted from the proportional cost of the whole segment.

Attached to this memo is supporting documentation prepared by Canby Excavating, which includes a cost estimate for east and west side alignments. Those cost estimates are used in the table below, which shows an outline comparing construction costs for the two alternatives, including the proportional share amounts:

Sidewalk Construction Cost Summary		
	<i>East Side</i>	<i>West Side</i>
Golf Club to Site Boundary	\$385,120	\$263,996
Path Through Site to Trail	\$22,855	\$22,855
Total Construction Cost	\$407,975	\$286,851
28% of Total Cost	\$114,233	\$80,318
100% of Route Through Site	\$22,855	\$22,855
Total Contribution	\$91,378	\$57,463

It should be noted that this proportional share calculation represents an upper-bounds estimation. It does not consider out-of-area pedestrian demands for the connection to the Logging Road Trail, which is likely considerable. As a practical matter, it is very unlikely that pedestrian traffic from the proposed subdivision on Maple Street south of the site will be as high as 28 percent of the total demand. In addition, the lack of sidewalk is an existing condition,



Bryan Brown
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and while the site will add vehicular and pedestrian traffic, Maple Street will still be a very low volume roadway on the north end of the segment near the site, since vehicle volumes decrease as you travel north. The subdivision alone does not warrant sidewalk construction along the entire segment. Still, this methodology and contribution is proposed by the applicant in order to mitigate impacts from the development and assist the City improve existing transportation infrastructure.

Summary & Conclusion

As detailed in this memorandum, it is proposed that the applicant for the subject development contribute 28 percent of the cost of sidewalk construction from the north end of the Willamette Golf Club property to the Logging Trail Road connection. The cost of sidewalk construction along a direct route through the site is subtracted, since this will be constructed through site development.

It is recommended that sidewalk be constructed on the west side of Maple Street, which would not only be considerably less expensive than construction on the east side, but would minimize impact to the existing homeowners on the east side of Maple Street and most importantly it would offer a much more comfortable and safe walking environment, removing conflicts at streets and intersections.

Cost Budget for Public Sidewalk

Option 1: Sidewalk on the East Side of Maple Street

Overview

There are approximately 3,175 linear feet of frontage (including existing driveways) that has been identified for improvements. This frontage is along the east side of Maple Street. It starts at the north end of the Willamette Valley Country Club and runs north to the Seven Acres Property.

Challenges Posed

There are several challenges that are posed by aligning the sidewalk on the east edge of Maple Street. The following items are the most apparent at this time:

Existing Driveways

The majority of existing driveways appear to be out of compliance with current ADA standards. In order to bring them up to current standards, it may be necessary to remove significant portions of each driveway in order to get an acceptable transition.

Existing Trees

There are several trees that are directly in the path of the proposed sidewalk that would have to be removed. There are also about 6 trees that are in close proximity to the proposed sidewalk. Some of these trees appear to be 60 feet tall and have root systems that extend into the proposed sidewalk.

Existing Landscaping and Berms

Many of the homes along the proposed alignment have landscaping with irrigation that are located in the proposed alignment. These items would have to be relocated. There are also about ten locations that will need retaining walls in order to maintain ADA compliance on the sidewalk.

Assumptions Made in Budget

Driveways

In order to account for the ADA compliance, the budget includes replacing driveways. This budget covers 20 driveways that measure 24 feet in width and extend 12 feet from back of curb. It is assumed that 12 feet depth on the driveways will be enough to make the slopes compliant.



Figure 1: East Alignment
Shown as Red Line

Curb

The reconstruction of the driveways, deteriorated curb, and curb with insufficient exposure will necessitate removal and replacement of much of the curb . This budget assumed removing and replacing all of the curb.

Trees

This budget assumes removing the small trees that are within the alignment as well as about six of the nearby larger trees.

Option 2: Sidewalk on the West Side of Maple Street

Overview

There are approximately 3,175 linear feet of undeveloped right-of-way on the west side of Maple Street. In order to minimize the impact to the existing homes, this option places approximately 1,700 linear feet of the proposed sidewalk along the west side of Maple Street. This alignment would begin on the west side at the Country Club and run north for 1,700 feet before crossing to the east side at 3120 NE Maple Street.

Challenges Posed

This alignment removes many of the challenges that were posed along the east side of the street. There are still some trees that will need to be removed, some retaining walls built, and some driveways reconstructed but the total amount is significantly reduced.

Assumptions Made in Budget

The same assumptions are made in this budget as were in the eastern alignment. The excavations along the west side will be sloped back instead of held back with retaining walls.



Figure 2: West Alignment
Shown as Red Line

09/14/2016
SD1612
*** Steve Deller

9:32
Seven Acres - Public Sidewalk

BID TOTALS

<u>Biditem</u>	<u>Description</u>	<u>Quantity</u>	<u>Units</u>	<u>Unit Price</u>	<u>Bid Total</u>
Eastern Alignment					
10	Mobilization	1.000	LS	2,305.01	2,305.01
20	Clearing & Demo	1.000	LS	37,842.91	37,842.91
30	Excavation & Hauloff	828.000	CY	16.46	13,628.88
40	Segmented Retaining Walls	2,615.000	SF	27.74	72,540.10
45	Standard Curb	3,175.000	LF	24.91	79,089.25
50	5' Wide Sidewalk	13,175.000	SF	6.54	86,164.50
60	Driveways	5,470.000	SF	9.65	52,785.50
70	ADA Ramps	12.000	EA	1,796.84	21,562.08
100	Restoration	1.000	LS	19,201.30	19,201.30

Eastern Alignment Total	\$385,119.53
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Western Alignment					
310	Mobilization	1.000	LS	2,305.01	2,305.01
320	Clearing & Demo	1.000	LS	14,859.76	14,859.76
330	Excavation & Hauloff	440.000	CY	16.46	7,242.40
340	Segmented Retaining Walls	720.000	SF	29.66	21,355.20
345	Standard Curb	3,175.000	LF	24.91	79,089.25
350	5' Wide Sidewalk	14,291.000	SF	6.53	93,320.23
360	Driveways	3,168.000	SF	9.54	30,222.72
370	ADA Ramps	2.000	EA	1,796.85	3,593.70
400	Restoration	1.000	LS	12,008.19	12,008.19

Western Alignment Total	\$263,996.46
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Sidewalk Connecting Maple Street to Logging Trail					
610	5' Wide Sidewalk	3,500.000	SF	6.53	22,855.00

Subtotal SW Connecting Maple to Logging Trail	\$22,855.00
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Bid Total	=====>	\$671,970.99
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**Notes:



MEMORANDUM

TO: Doug Sprague

RE: PRA 15-07 Pre-Application Conference for 3500 N. Maple Street Subdivision

FROM: Bryan Brown, Planning Director

DATE: August 27, 2015

APPLICANT: Doug Sprague/Kati Gault

PROPERTY OWNER: Douglas and Lori Sprague

TAX LOT: 31E21 02602, 6.84 acres

LOCATION: The northern terminus of N. Maple Street

ZONING: R1 Low Density Residential

PROPOSAL: Residential Subdivision containing 23 lots

EXISTING CONDITIONS: Vacant land

TO COMPLETE THIS PROPOSAL PLEASE NOTE THE FOLLOWING:

- Submit a Type III Subdivision Application:
 - The Type III application requires a public hearing and approval by the Planning Commission. The Type III review process is described in further detail in CMC 16.89.050.


ZONING STANDARDS APPLICABLE TO THIS APPLICATION

Applications are reviewed on the basis of criteria in *Title 16: Land Development and Planning Ordinance* of the *Canby Municipal Code*. *Title 16: Land Development and Planning Ordinance* is available on the City's website or may be emailed upon request. The application must include a narrative that addresses compliance with applicable approval criteria (listed below). Staff has determined that the following Chapters will apply to the proposed development. This is a preliminary list; during a more extensive review of the application, staff may encounter additional standards applicable to the proposal:

- **Chapter 16.08: General Provisions**
 - Contains standards for Fences, sidewalks, etc.
 - Contains standards regarding Traffic Impact Study requirements (16.08.150).

A new traffic study was submitted for this project as well as a peer review of that study. The applicant will be expected to pay for DKS review and comment on the peer review study. All will be part of the record for Planning Commission review.

- **Chapter 16.10.050: Parking Standards Designated (single-family dwellings)**
 - Minimum of 2 parking spaces required for each lot
- **Chapter 16.10.070(A)(4)(a):**
 - Paved driveway a minimum of 20' feet from ROW, 19' outside a garage door without encroachment onto a public sidewalk is recommended

- **Chapter 16.16: R1 Low Density Residential Zone**
 - Single-family detached homes are an outright permitted use
 - Minimum and Maximum Lot Size Between 7,000 and 10,000 sf, an exception can be approved when the average of all the lots created is no less than 7,000 sf or larger than 10,000 sf
 - Maximum impervious surface allowed on lots is 60% when developed
 - 30' Vision Clearance at street intersections with nothing taller than 30 inches allowed
- **Chapter 16.21: Residential Design Standards**
 - Should be aware of residential design standards when planning subdivision 
 - Identify Infill Home lots with Submittal – (those lots adjacent to an existing home completed 5 plus years ago within 25' of the lot boundary on two different sides – which will be subject to these additional standards: Minimum 35% lot coverage, Option 1 garage standards, front yard setback within 5' of closest adjacent home on same side of street, maximum height of 28', home subject to Step-Up Height Standard adjacent to interior and rear setback line if adjacent home is more than one-story (It does not appear that any "infill" homes are applicable)
- **Chapter 16.42.025(C)(4)(e): General Sign Standards**
 - 2 Temporary construction sign(s) for subdivision no taller than 8 feet not exceeding 64 sf in size is allowed
- **Chapter 16.46: Access Limitations**
 - The eventual loop street alignment would be the preferred arrangement. Phasing generally looks doable if Fire District accepts temporary means of turnaround or backing within street stubs, and utility dead ends or possible looping is needed.
 - The new TSP street cross section standard of 34' paved surface providing on-street parking on both sides of the standard local street with 5' planter strips including curb and 6 foot wide sidewalks. This will place about 4' of the sidewalk within a pedestrian easement with a proposed 50' ROW that would be shared in a 12' wide PUE.
 - A minimum of 1 point of access is needed to serve 30 lots, as shown for conformance with zoning standards. Need to check with Fire District with regard to sprinkler system requirements.
- **Chapter 16.56: Land Division Regulation**
 - .030 Indicates Conformance with Comprehensive Plan, Land Development and Planning Ordinance, applicable health, safety, and sanitation regulations, building codes and regulations, standards applicable to streets.
- **Chapter 16.62: Subdivisions**
 - Make sure standards and criteria A through F are met
- **Chapter 16.64: Subdivision Design Standards**
 - Streets, Access, Blocks, Easements, Lots, Public Open Space, grading of building sites, improvements, low impact development incentives

- **Chapter 16.68: Subdivisions Final Procedures and Recordation**
 - This chapter pertains primarily to the final platting requirements after the tentative/preliminary plat is approved. It will be costly from a final platting to do the phased approach.
- **Chapter 16.86: Street Alignment Regulations**
 - The General Provisions indicate streets are to be in conformance with the TSP and the Public Works Design Standards. Bike and pedestrian facilities shall be consistent with the applicable plan element within the TSP. Overall, a well-connected grid pattern of local streets is should be provided.
- **Chapter 16.88: General Standards**
 - 16.88.010 Applicability through 16.88.060 Council Acceptance of Dedicated Land
 - 16.88.080-120 Pertains to Enforcement
- **Chapter 16.89: Application and Review Procedures**
 - Procedural steps to process Type III Subdivision application
- **Chapter 16.120.020, 030 & 040: Parks, Open Space and Recreation Land**
 - Minimum Standards, Dedication Procedures, Cash in Lieu of Dedication of Land
 - 16.120.020(A) (2) indicates the City shall require land dedication or payment of the system development charge. The City may credit private on-site park and opens space provided against the dedication requirement. A level 1 environmental assessment or audit sufficient to meet DEQ requirements of any land proposed for dedication is required by the applicant prior to approval and acceptance. This subdivision would require the dedication of ____ acres or ____ sf. to the City by general warranty deed if the City were to require or request park land dedication. When no parkland dedication is made, then the full amount of the Parks SDC will be assessed with each dwelling unit at the time a building permit is issued. A 50% credit is given for the dedication of private park and recreational area with a 2 acre minimum requirement.
 - City staff has weighed the suitability of park land dedication at this location and would request cash in lieu (payment of the system development charge) with this development. (Let me absolutely confirm this with Park Planner)

ESTIMATED FEES

The following are an *estimate* of planning fees associated with the proposed project; additional fees may be charged and prices are subject to change at any time prior to submittal of the project application. The City's Master Fee Schedule is available on the City's website; please review for a list of applicable fees:

- **Traffic Impact Study (TIS):**
 - Completed. May need to pay for review of peer review memorandum
- **Subdivision Planning Fees:**
 - **Type III Subdivision Application:**
 - Base Fee of \$1700 for 1st 4 lots; \$110 per lot for 5 + lots
 - A 23 lot subdivision fee would be: \$8,890

○ Public Improvement Plan Review Fee:

- A fee equal to 0.4% of the total estimated cost of constructing all necessary public improvements as detailed in the "public improvement construction plans" for the project is assessed and collected no later than when the construction plans are submitted for review and approval by the City and other agencies. (Payment can be delayed in payment at time of submittal of construction plans for review and approval when contract costs have been determined).

Questions: Will provide orally at pre-construction meeting

THE SEVEN ACRES SUBDIVISION
NEIGHBORHOOD MEETING DECEMBER 15, 2016
NOTES & RESPONSES TO CONCERNS RAISED

Neighborhood Concern #1. The road is still a sub-standard road. At times cars have to stop to let someone pass when there are other cars parked on the street.

***Applicant Response:** According to the City of Canby Public Works Design Standards, June 2012, Section 2.207.b. A development on an unimproved substandard street shall be responsible for constructing a continuous 20' wide half street to a connection with the nearest publicly owned right-of-way. The applicant intends to widen N. Maple Street to 25' from the existing sidewalk terminus (located on the west side of N. Maple Street between N.E. 23rd Ave and Country Club Place) to the subject site. With the construction of this improvement this standard will be met and exceeded.*

Neighborhood Concern # 2. Safety is a serious concern; there was an accident within the last 60 days on Maple Street, and a near accident with a pedestrian this past week. There are 2 blind people & 1 deaf person that live on Maple Street.

***Applicant Response:** We are concerned about safety on N. Maple Street. We learned from the Fire Marshal, Todd Gary, that there was no injury in the accident mentioned above. However, to enhance the safety we have agreed to widen N. Maple Street as discussed above. This really is a preexisting condition that is not solely attributable to our development. Our proportional share of this improvement is only a fraction of the cost but we have agreed to go above and beyond what is required and bear the full burden of the cost of these widening improvements in an endeavor to make our neighborhood safer.*

Neighborhood Concern # 3. Does the Montecucco family have to give up land for the road & why not?

***Applicant Response:** Preliminary surveys indicate that the Montecucco family will not have to give up any property as the existing right-of-way appears to be wide enough for the proposed improvements. However, should anything change we will coordinate directly with the Montecucco family.*

Neighborhood Concern # 4. Request to make the 7 acres a park. The point was raised that there could be more traffic & riffraff if the area was turned into a park. There already are unsavory activities occurring because of the cul-de-sac.

***Applicant Response:** We have explored selling the property to the Parks Department in the past but it is not a financially viable option.*

Neighborhood Concern #5. Confusion about the sidewalks on the East side of the street and questions of who would pay those costs versus the pedestrian designated area on the West side. Why is the western pedestrian area designated as temporary on the traffic report?

***Applicant Response:** There was a traffic study completed by DKS & Associates in April 2015 for the property. That traffic study recommended a sidewalk on the east side of N. Maple Street. Following that study the applicant had many meetings with the City and an agreement was reached to eliminate the sidewalk on the east side of N. Maple St. and instead widen Maple St. to the west to create a temporary walking path on the west side of Maple. This is documented in DKS & Associates' (the City's Traffic Engineer) supplemental memorandum dated November 17, 2016 and further clarified by an email from DKS on January 22, 2017.*

The cost of the pedestrian walkway proposed on the west side of N. Maple Street will be borne solely by the applicant, although it is a preexisting condition that the applicant will only add a small percentage of pedestrian trips to.

The temporary designation is due to the fact that the property on the west side of N. Maple Street is undeveloped and if/when development occurs on those properties they will be responsible to dedicate additional right-of-way to the City and build the permanent full street improvement with curbs and sidewalks. A concern was also mentioned that perhaps the City was planning to take additional right-of-way from the properties on the east side of Maple – per our discussions with the City they have no intention to do that.

Neighborhood Concern #6. What happened to the ordinance stating no more development allowed in areas with dead end streets? Developments are to have no more than 71 homes on a dead end street & this neighborhood has 91. In case of emergency evacuation & the daily use of 22 homes (rather than a possible 7-16 homes if we had larger and fewer lots proposed) would create more traffic issues because of the single access. Was stated there should be another way in & out of the neighborhood for traffic flow & in case of emergency.

Applicant Response: City of Canby Code of Ordinances section 16.46.010.A allows single access for subdivisions with less than 30 units. The proposed subdivision has 22 lots therefore a single access for the proposed subdivision is allowed. Additionally, 16.46.010.F states that N. Maple Street (north of NE 23rd Avenue) shall be exempt from the residential unit restrictions for single access roads, provided that legally binding alternative emergency vehicle access is available. The development will provide a legally binding alternative emergency vehicle access through the proposed development via the Logging Road Trail to meet this requirement.

Neighborhood Concern #7. How wide are the streets going to be in the subdivision?

Applicant Response: The streets will be 28' wide with parking on one side in some locations and 34' wide with parking on two sides in other locations in the subdivision.

Neighborhood Concern # 8. Concerns over the undetermined timeline for the development phases. They didn't like all the years of putting up with trucks, dirt, rocks, etc., traveling the neighborhood when bringing in fill.

Applicant Response: Due to the uncertainty of the economy, we chose to phase the subdivision to allow flexibility to either develop the site all at once or more slowly in phases.

Neighborhood Concern # 9. Can the CC&R's stipulate single level homes only?

Applicant Response: Yes, they could but we plan to allow flexibility for one or two story homes to be built however most of the lots are large enough to accommodate one-story homes.

Neighborhood Concern # 10. How close to the greenways can homes be built?

Applicant Response: Depending on the orientation of the lot either a side yard or rear yard setback will be applied to each lot against the greenways. The setbacks that will be required range from 7' to 20' from the property line adjacent to the greenways.

Neighborhood Concern # 11. Will there be any kind of park within the subdivision?

Applicant Response: No, there will be open spaces for pedestrian access, landscaping, wetlands and storm facilities but there is no park planned for the subdivision.

Neighborhood Concern # 12. What will be done along the logging path for beautification?

***Applicant Response:** There isn't a plan in place or a city requirement for beautification but we are considering landscaping and fencing along the logging path.*

Neighborhood Concern # 13. The main concern & general consensus of the meeting was that most of the neighbors would support the subdivision if there were fewer larger lots; somewhere around 14,000-18,000 sq ft. which would lend to the upscale Country Club neighborhood. These are the sizes of the lots recently built by the Country Club; so why can the 7 acres subdivision not have the same size lots? The thoughts regarding this is that it would be a more appropriate subdivision for this area of town, bringing improvement to the area; still being somewhat scenic with beautiful spacious homes & yards rather than 22 smaller lots & homes, which would have a negative effect on the neighborhood, lending to the feel of downgrading, overcrowding & the concern for the additional cars for that many homes would dramatically decrease the safety for pedestrians & cars. Most were adamantly against a 22 lot subdivision. Statements made that their quality of life would decrease as they drive down scenic Maple Street & the homes on 34th street which back up to the property who would lose their beautiful pastoral view. There was general consensus that they may be willing as a group to appeal to the City of Canby to request these larger lots. If the city changed the ordinance regarding lot size before, they can change it again.

Also it was stated that there should be a possibility of a waiver in regards to the 10,000sf average lot size limit.

An idea that was brought up was to market the lots as 3 parcel packages; with the buyers doing due diligence to get lot line adjustments, creating 1 lot out of three, after development. If the lot size can be increased; a realtor attending has buyers for every one of them.

***Applicant Response:** It is possible to add a zone to the City that allows larger lots, however we understand it is a lengthy process. At this point we understand the Mayor and City Council have other goals that they are focusing their resources on and that they have chosen not to focus their resources on pursuing a zoning amendment for estate lots at this time. In the event we were to request that City Council pursue this amendment they may be willing to pursue it at our expense, however it is a lengthy undertaking we don't have the resources to move forward with at this time.*

The only other potential option we are aware of is a Planned Unit Development (PUD). A PUD requires clustering of homes and large open spaces. The open space required by a PUD would pose a greater burden on the homeowners in the community likely resulting in unmarketable lots due to higher HOA costs. Additionally, the approval process for a PUD is more discretionary than a Subdivision. We have chosen to continue with a Subdivision application, rather than a PUD, as there is uncertainty that the PUD criteria could be satisfied.

Per discussions with Bryan Brown, there is no waiver process in Canby and the site is not eligible for a Major Variance to allow an exception to lot size as it does not appear our site could meet the approval criteria. We don't believe the lot consolidations are an option in the code.

Neighborhood Concern # 14. Is there any obligation to the new property owners to put a privacy blind between them & the homes on 34th Place.

***Applicant Response:** We are not aware of any requirement for a privacy blind but will consider landscaping and fencing in this area.*

Neighborhood Concern # 15. Could the drainage facility be moved to a different location?

***Applicant Response:** Our engineer is reviewing the possibility of moving the drainage facility, however it may not be feasible due to grades on the site.*

Neighborhood Concern # 16. Concern over where the storm water would go, would there be run-off into the existing homes on 34th or onto the farm land.

***Applicant Response:** The storm water impacts by the site will be analyzed by our civil engineer and a storm water management plan will be developed by the engineer to meet the City of Canby requirements. Additionally, we will assess the need to mitigate for run-off onto adjacent lots and consider installation of private storm lines or french drains, as needed, in the yards of the homes adjacent to the 34th Place lots at the time of engineering plans.*

Neighborhood Concern # 17. Concern of standing water on the 7 acres & in existing homes crawl spaces during flooding. A neighbor stated there were pictures showing the 7 acres as a lake during the 1996 flood. Statements were made that the 7 acres is still a flood zone & that the property is in the lowest area where the Montecucco family can't even get vegetables to grow because of the high water table.

***Applicant Response:** According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) the site is not in a 100 year flood plain and as a result has no flood plain related development restrictions. See previous response regarding drainage concerns.*

Neighborhood Concern # 18. Has the city planner been out to see the topography of the property, the density & upscale feel of the neighborhood?

***Applicant Response:** We are not sure if he has, but we told the neighbors they were free to contact Bryan Brown at the City to make that request.*

Neighborhood Concern # 19. Several neighbors requested copies of the traffic reports for the project.

***Applicant Response:** We have provided copies to all who made request for copies. They are also public record and available upon request at the City.*

Neighborhood Concern # 20. There was concern that not all neighbors received notice of the neighborhood meeting. A few names were provided by those in attendance who were missed.

***Applicant Response:** Our title company provided notices for all property owners and residents within a 500' radius of the subject site per the City's notice requirements. We have reviewed the list and added the names of those who requested to be added at our last meeting and also some additional neighbors in the area.*

Attendees:

Doug Sprague, Lori Sprague, Kati Gault, Susan Meyers, Ed Montecucco, Richard Montecucco, Jason Montecucco, John Gunter, Tony Polito, Jon Berg, Andrew Sambuceto, Bernard & Ariana Vanhouten, Allan & Linda Geddes, Ben Baucum, Brenna Jensen-Baucum, Rachel Thoroughman, Vincent Andersen

THE SEVEN ACRES SUBDIVISION NEIGHBORHOOD MEETING DECEMBER 15, 2016

NOTES & RESPONSES TO QUESTIONS RAISED

Questions and Concerns Raised by the Montecucco Family

After the conclusion of the neighborhood meeting on December 15, 2016, a discussion took place between the Sprague family and the Montecucco family to talk about specific concerns and issues that the Montecucco family had about the project and the potential impact on their farm land and farming operation. The Sprague and Montecucco families have met on multiple occasions and are working on an agreement to resolve the concerns at hand.

Montecucco Concern # 1. What specifically is the application, type and timing?

Applicant Response: *The Sprague family is proposing a subdivision of The Seven Acres site into 22 home sites according to the R-1 zoning applied to the site by the City of Canby. At the present time, no variances or changes to the city's development standards have been identified as being necessary. This application will be a Type III application, requiring a public hearing before the Canby Planning Commission. The decision of the Canby Planning Commission is final, unless appealed to the City Council. It is anticipated that the application will be submitted in January or February 2017.*

Montecucco Concern #2. With regard to Maple Street, what is the location of the property lines and easements in relation to the existing road and possible widening?

Applicant Response: *The current limits of the right of way for Maple Street will remain the same. No existing or new easements along the right of way are proposed, or needed. Maple Lane itself will be improved by some very minor widening of the road surface, all within the existing right of way.*

Montecucco Concern #3. How close will the road be constructed to the property line?

Applicant Response: *Any widening and/or improvements to Maple Street will take place within the existing road right of way. No new right of way will be necessary or required. New road construction can take place anywhere within the existing road right of way, up to the established property/right of way line.*

Montecucco Concern #4. Gravel sluffing off Maple Street onto the Montecucco's property is a big problem. How will this be addressed?

Applicant Response: *The Sprague and Montecucco Families are working on a plan to address this concern.*

Montecucco Concern #5. Erosion control is a concern, all along the road and, in particular, where the road has been built up higher than the adjacent farmland.

Applicant Response: *The Sprague and Montecucco Families are working on a plan to address this concern.*

Montecucco Concern #6. Utility stub outs.

Applicant Response: *There will be no need for additional utility stub outs on the Montecucco's side of Maple Street. No new utility lines will be placed in Maple Street. All utility stub outs will be located on the project site. If the Montecucco family is willing to pay for utility stubs to their site the Sprague family is willing to consider installing them. Locations would need to be specified by the Montecucco family and permitted by the family by applicable government agencies.*

Montecucco Concern #7. Potential damage to crops during construction.

Applicant Response: *Because there will be no major construction on Maple Street as a result of the proposed project, potential damage to crops on Montecucco's farm land will be virtually non-existent. When construction is done, the project, contractor, materials, etc. cannot creep onto Montecucco's farm land. The same applies to the subject site – all construction must be within the limits of the property. As such, there should be no direct damage to any crops during the course of construction.*

Montecucco Concern #8. What permits were issued for bringing in land and rock? There is concern about impact on drainage on Montecucco's Rentals land.

Applicant Response: *The fill done on the Seven Acres has been done under a permit issued by the City of Canby.*

Montecucco Concern #9. Drainage tiles – existing tiles are big enough, more are likely needed with the change in topography.

Applicant Response: *Because the existing tiles are large enough to manage water, they should be sufficient to manage any future waters however this is being analyzed by the project Civil Engineer.*

Montecucco Concern #10. Fencing of back yards at farmland. No access gate allowed.

Applicant Response: *The Sprague and Montecucco families are working on an agreement to address this concern.*

Montecucco Concern #11. What about berm erosion control?

Applicant Response: *Any berms on the subject site will be engineered and constructed to not be adversely impacted by water. Erosion control will be installed to City standards.*

**The Sprague Family
P.O. Box 848
Canby, OR 97013**

To: Neighbors of “The Seven Acres” at 3500 N. Maple Street

**From: Doug and Lori Sprague, Owners
Kati Gault, Project Manager**

Date: January 10, 2017

Subject: Follow-up Neighborhood Meeting

As many of you know, the Doug Sprague family is proposing a new neighborhood commonly known as “The Seven Acres”, located at the northern terminus of N. Maple Street north of Territorial Road. We held a neighborhood meeting on December 15, 2016 but due to the snow on the date of that meeting we decided to hold a follow-up meeting on January 25, 2017 to allow those who may not have been able to attend previously another opportunity to learn about the proposed development.

The proposed development plan calls for 22 lots and four (4) tracts to be developed in six (6) phases or less over an undetermined period of time. All lots will be for single family detached dwellings. The legal description of the site is Tax Lot 2602 in Township 3 South, Range 1 East, Section 21 (3S1E21-2602). Zoning of the site is R-1, Low Density Residential. Approximate size of the site is 6.84 acres (297,950 square feet).

A conceptual neighborhood plan has been attached for your review, providing you with the opportunity to view our site and to understand our plan. Lot sizes will range from 7,627 square feet (Lot 20) to 24,633 net square feet (Lot 22), with an average of approximately 10,000 square feet, which is the largest lot average allowed by the City. There will be four (4) unbuildable tracts within the development area, totaling approximately 32,400 square feet. These tracts will be used for wetland preservation and stormwater management, as a public walkway to connect the site to the Logging Road Trail and an entry feature area.

An informational neighborhood meeting will be held to provide you the opportunity to review the project with the Sprague family, ask questions and make suggestions as to the design/layout of the site. This neighborhood meeting will be held as follows:

Date: January 25, 2017 at 6 PM

Place: Canby United Methodist Church, 1520 N. Holly Street

Please feel free to attend this one hour informational meeting. Should you wish for information prior to the meeting, please call:

Kati Gault at 503-318-8191 or Doug Sprague 503-209-4165



City of Canby
Planning Department
111 NW 2nd 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: Canby Development LLC Phone: 503-266-2792
Address: P.O. Box 848 Email: katigault@gmail.com
City/State: Canby/OR Zip: 97013

☐ Representative Name: Kati Gault Phone: 503-318-8191
Address: same as above Email: katigault@gmail.com
City/State: _____ Zip: _____

☐ Property Owner Name: Lori A. Sprague and Douglas R. Sprague, Phone: 503-318-1696
Co-Trustees of the Lori A. Sprague Trust June 4, 2014
Signature: [Signature] Email: lorisprague@gmail.com
Address: 641 NE 22nd Ave
City/State: Canby/OR Zip: 97013

☐ Property Owner Name: Canby Development LLC Phone: 503-266-2792
(contract purchaser)
Signature: [Signature] Email: katigault@gmail.com
Address: P.O. Box 848
City/State: Canby/OR Zip: 97013

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:

<u>3500 N. Maple St. Canby</u>	<u>6.84 acres</u>	<u>31E21 02602</u>
Street Address or Location of Subject Property	Total Size of Property	Assessor Tax Lot Numbers
<u>Vacant Land</u>	<u>R-1</u>	<u>LDR - Low Density Residential</u>
Existing Use, Structures, Other Improvements on Site	Zoning	Comp Plan Designation

22-lot Single Family Residential Subdivision
Describe the Proposed Development or Use of Subject Property

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

SUBDIVISION APPLICATION – TYPE III

Instructions to Applicants

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
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*.

SUBDIVISION APPLICATION – TYPE III

Applicant City
Check Check

- ☒ ☐ 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:

- ☒ ☐ 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 (1) copy in written format of the minutes of the pre-application meeting
- ☒ ☐ 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.

Applicant City
Check Check

- ☒ ☐ If the development is located in a Hazard ("H") Overlay Zone, submit one (1) copy of an affidavit signed by a licensed professional engineer that the proposed development will not result in significant impacts to fish, wildlife and open space resources of the community. If major site grading is proposed, or removal of any trees having trunks greater than six inches in diameter is proposed, then submit one (1) copy of a grading plan and/or tree-cutting plan.

SUBDIVISION APPLICATION – TYPE III

- ☒ ☐ Ten (10) paper copies of the proposed plans, printed to scale no smaller than 1"=50'. The plans shall include the following information:
- ☐ Vicinity Map. Vicinity map at a scale of 1"=400' showing the relationship of the project site to the existing street or road pattern.
 - ☐ Site Plan-the following general information shall be included on the site plan:
 - ☐ Date, north arrow, and scale of drawing;
 - ☐ Name and address of the developer, engineer, architect, or other individual(s) who prepared the site plan;
 - ☐ Property lines (legal lot of record boundaries);
 - ☐ Location, width, and names of all existing or planned streets, other public ways, and easements within or adjacent to the property, and other important features;
 - ☐ Location of all jurisdictional wetlands or watercourses on or abutting the property;
 - ☐ Finished grading contour lines of site and abutting public ways;
 - ☐ Location of all existing structures, and whether or not they are to be retained with the proposed development;
 - ☐ Layout of all proposed structures, such as buildings, fences, signs, solid waste collection containers, mailboxes, exterior storage areas, and exterior mechanical and utility equipment;
 - ☐ Location of all proposed hardscape, including driveways, parking lots, compact cars and handicapped spaces, loading areas, bicycle paths, bicycle parking, sidewalks, and pedestrian ways;
 - ☐ Callouts to identify dimensions and distances between structures and other significant features, including property lines, yards and setbacks, building area, building height, lot area, impervious surface area, lot densities and parking areas;
 - ☐ Location of vision clearance areas at all proposed driveways and streets.
 - ☐ Landscape Plan
The following general information shall be included on the landscape plan:
 - ☐ Layout and dimensions of all proposed areas of landscaping;
 - ☐ Proposed irrigation system;
 - ☐ Types, sizes, and location of all plants to be used in the landscaping (can be a "palette" of possible plants to be used in specific areas for landscaping);

- ☐ Identification of any non-vegetative ground cover proposed, and dimensions of non-vegetative landscaped areas;
- ☐ Location and description of all existing trees on-site, and identification of each tree proposed for preservation and each tree proposed for removal;
- ☐ Location and description of all existing street trees in the street right-of-way abutting the property, and identification of each street tree proposed for preservation and each tree proposed for removal.
- ☐ Elevations Plan
 - The following general information shall be included on the elevations plan:
 - ☐ Profile elevations of all buildings and other proposed structures;
 - ☐ Profile of proposed screening for garbage containers and exterior storage areas;
 - ☐ Profile of proposed fencing.
- ☐ Sign Plan.
 - ☐ Location and profile drawings of all proposed exterior signage.
- ☐ Color and Materials Plan.
 - ☐ Colors and materials proposed for all buildings and other significant structures.
- ☐ Name of Proposed Subdivision Plat (subject to review and approval by Clackamas County).
- ☐ Township, range, and section in which the property lies.
- ☐ Title Block Including:
 - ☐ Name & address of engineer or surveyor who prepared plans
 - ☐ Date that the plans were prepared
 - ☐ Scale of the drawings (standard engineer's scale)
- ☐ Subdivision boundary, lot lines, lot dimensions, gross area in square feet of each lot (excluding the square footage of accessways for flag lots), proposed public and private easements, and subdivision phase boundaries;
- ☐ If any undevelopable tract is proposed to be created, the dimensions, gross area, and purpose of the tract shall be included.
- ☐ If any oversized lots are proposed, which in the opinion of the Planning Director are likely to be further divided in the future, provide an illustration of how the lot could be further divided in conformance with all CMC standards in a manner which provides for continuation of streets and provides adequate building envelopes.
- ☐ Existing contour lines having the following minimum intervals:
 - ☐ One-foot contour intervals for ground slopes up to five percent;
 - ☐ Two-foot contour intervals for ground slopes between five and ten percent;
 - ☐ Five-foot contour intervals for ground slopes exceeding ten percent.
 - ☐ Include base flood elevation and delineation of any areas on the property subject to inundation in the event of a 100-year flood.
- ☐ Location and proposed disposition of all existing: driveways, wells, septic tanks, drain fields, easements, drainage ways, 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.
- ☐ Location, names, right-of-way width, improvement dimensions, curve radius, and grades of all existing and proposed streets and public access ways within the proposed subdivision and abutting the subdivision.
- ☐ Identify the classification of all streets in accordance with the Canby Transportation System Plan. Show typical cross-sections of proposed street improvements, including identification of proposed street trees. Provide street center profiles showing the finished grade of all streets as approved by the City

Engineer, including extensions for a reasonable distance beyond the limits of the proposed subdivision.

- ☐ Location and type of existing and proposed transit facilities.
- ☐ Location of all proposed utilities, including sewer, water, storm water, electric, telephone, and natural gas; including utility sizes and grades.
- ☐ Indicate on the proposed plans how the proposed lots meet Canby's solar access standards (only applicable to lots created in an R-1, R-1.5, or R-2 zoning district).

SUBDIVISION – 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. Prior to submitting an application, all applicants must hold a neighborhood meeting with surrounding property owners and any recognized neighborhood association representative, pursuant to the procedures described in Canby Municipal Code Section 16.89.070. In certain situations, the Planning Director may waive the neighborhood meeting requirement.
3. 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.
4. Staff will check the application, making sure that it is complete and all fees are paid. Copies of the application materials are routed to various City/State/County departments, as applicable, for their comments. Along with the comments received from others, the application is reviewed for completeness. The City Planner will accept or return the application with a written list of omissions within thirty (30) calendar days of the submittal.
5. 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.
6. 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.
7. The staff report will be available to all interested parties seven (7) days prior to the hearing.
8. 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.
9. The Commission then issues findings of fact which support approval, modification, or denial of the application. A decision may be appealed to the City Council.
10. If an approval or a denial 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 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.

11. Prior to construction of any of the subdivision improvements required pursuant to CMC 16.64.070, a preconstruction meeting is held with the City and all applicable utility and service providers. If required, this meeting must be held before issuance of any permits.

SUBDIVISION – TYPE III: STANDARDS AND CRITERIA

Under Section 16.62.020 of the Canby Municipal Code, an application for tentative subdivision approval shall be evaluated based on the following standards and criteria:

- A. Conformance with the text and applicable maps of the Comprehensive Plan;
- B. Conformance with other applicable requirements of the Land Development and Planning Ordinance;
- C. 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; and
- 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.

127-930X

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, That

O-ME-CO., INC., an Oregon corporation
hereinafter called grantor,
for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto
PORTLAND ESCROWS, INC., an Oregon corporation

hereinafter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with the
tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County
of Clackamas, State of Oregon, described as follows, to-wit: A description of a parcel of land
located in the northeast one-quarter of Section 28, and the southeast one-quarter of
Section 21, T. 3 S., R. 1 E., of the W. M., City of Canby. Said parcel of land being
more particularly described as follows: Beginning at the point of intersection of
the north line of said Section 28, with the east line of "Frumeland" as recorded in
Clackamas County Record of Plats, said point being further described as North 89°41'15"
West a distance of 1321.74 feet from the northeast corner of said Section 28. Where
previous recorded bearings and distances are different from those bearings and distances
measured for the tract of land herein described, the recorded bearings and distances are
shown in parentheses; thence from said point of beginning North 00°30'00" West (North
00°27'20" West) along the east line of said "Frumeland" and said east line extended
Northerly a distance of 1554.85 feet; thence North 08°26'45" East (North 08°30'00" East)
a distance of 651.90 feet; thence South 45°41'30" East (South 45°39'00" East) a distance
of 198.20 feet to a point on the west line of the Molalla Forest Road; thence following
the west line of said Molalla Forest Road along a 362.03 foot radius curve to the left
through a central angle of 21°25'20" an arc distance of 135.36 feet (the long chord of
said curve bears South 34°58'50" East a distance of 134.55 feet); thence South 45°41'30"
East a distance of 580.20 feet to a point of curve; thence along a 547.96 foot radius
curve to the right through a central angle of 12°21'00" an arc distance of 118.11 feet
(the long chord of said curve bears South 39°31'00" East a distance of 117.89 feet);
thence South 33°20'30" East (South 33°18'00" East) a distance of 292.70 feet to the point
of intersection of said Molalla Forest Road and the ... (CONTINUED ON REVERSE SIDE.....

IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE
To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.
The true and actual consideration paid for this transfer, stated in terms of dollars, is \$211,700.00

However, the actual consideration consists of or includes other property or value given or promised which is
the whole part of the consideration (indicate which). (The sentence between the symbols @, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical
changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 1st day of May, 1975;
If a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by
order of its board of directors.

O-ME-CO., INC.

STATE OF OREGON,

County of

Personally appeared the above named

and acknowledged the foregoing instru-
ment to be voluntary act and deed,

Before me:

(OFFICIAL
SEAL)

Notary Public for Oregon

My commission expires

STATE OF OREGON, County of Clackamas

May 2, 1975

Personally appeared James H. Payton and

who, being duly sworn,
each for himself and not one for the other, did say that the former is the
president and that the latter is the

O-ME-CO., INC.

and that the seal affixed to the foregoing instrument is the corporate seal
of said corporation and that said instrument was signed and sealed in
half of said corporation by authority of its board of directors; and each of
them acknowledged said instrument to be its voluntary act and deed.

Before me:

Notary Public for Oregon

My commission expires

My Commission Expires March 11, 1976

O-ME-CO., INC.

Canby, Oregon

GRANTOR'S NAME AND ADDRESS

Portland Escrows, Inc.
520 SW Stark Street
Portland, Oregon 97204

GRANTEE'S NAME AND ADDRESS

Ward Cook, Inc.
520 SW Stark Street
Portland, Oregon 97204

HAND, ADDRESS, ZIP

Until a change is requested all tax statements shall be sent to the following address:

HAND, ADDRESS, ZIP

STATE OF OREGON,

County of

I certify that the within instru-
ment was received for record on the
day of 1975

at o'clock M., and recorded
in book on page of as
file/leaf number.

Witness my hand and seal of
County affixed.

By Recording Officer
Deputy

75 11176

north line of Willamette Valley Country Club; thence South 64°56'00" West (South 64°58'25" West) along the north line of said Willamette Valley Country Club a distance of 112.55 feet; thence North 85°59'45" West a distance of 280.05 feet; thence South 87°44'00" West a distance of 306.76 feet; thence South 54°02'30" West a distance of 168.61 feet; thence South 00°30'00" East a distance of 24.55 feet to a point on the west line of said Willamette Valley Country Club; thence South 04°03'20" West (South 04°04'15" West) along said west line a distance of 197.10 feet (197.21 feet); thence South 04°06'40" East (South 04°07'00" East) along said west line a distance of 164.17 feet (164.30 feet); thence South 32°06'10" East (South 32°05'30" East) along said west line a distance of 34.75 feet; thence South 00°30'00" East a distance of 652.91 feet to a point on the north line of said Section 28; thence South 89°41'15" East along the north line of said Section 28, a distance of 60.00 feet; thence South 01°53'15" West a distance of 520.96 feet; thence South 26°22'00" East a distance of 383.34 feet; thence South 00°01'30" East a distance of 761.94 feet; thence South 00°06'45" West a distance of 99.72 feet; thence North 09°35'30" West a distance of 404.91 feet to a point on the east line of said "Pruneland"; thence North 00°00'30" East along said east line a distance of 50.46 feet; thence North 00°14'45" East (North 00°16'20" East) along said east line a distance of 1673.61 feet (1672.98 feet) to the true point of beginning. EXCEPTING THEREFROM that portion lying within the boundaries of public roads.

Also excepting that portion lying within the boundaries of the plat of Country Club Estates Annex No. 2.

PARCEL "A" and Lots 4, 9, 16, 17, 19, 20, 22, ~~24~~ 33, COUNTRY CLUB ESTATES, ANNEX NO. 2, Clackamas County, Oregon

STATE OF OREGON
County of Clackamas

I, George D. Pappen, County Clerk, Ex-Officio
Recorder of Conveyances and Ex-Officio Clerk
of the Circuit Court of the State of Oregon, for
the County of Clackamas, do hereby certify that
the within instrument of writing was received for
and recorded in the records of said county at

1975 MAY 6 AM 11 30

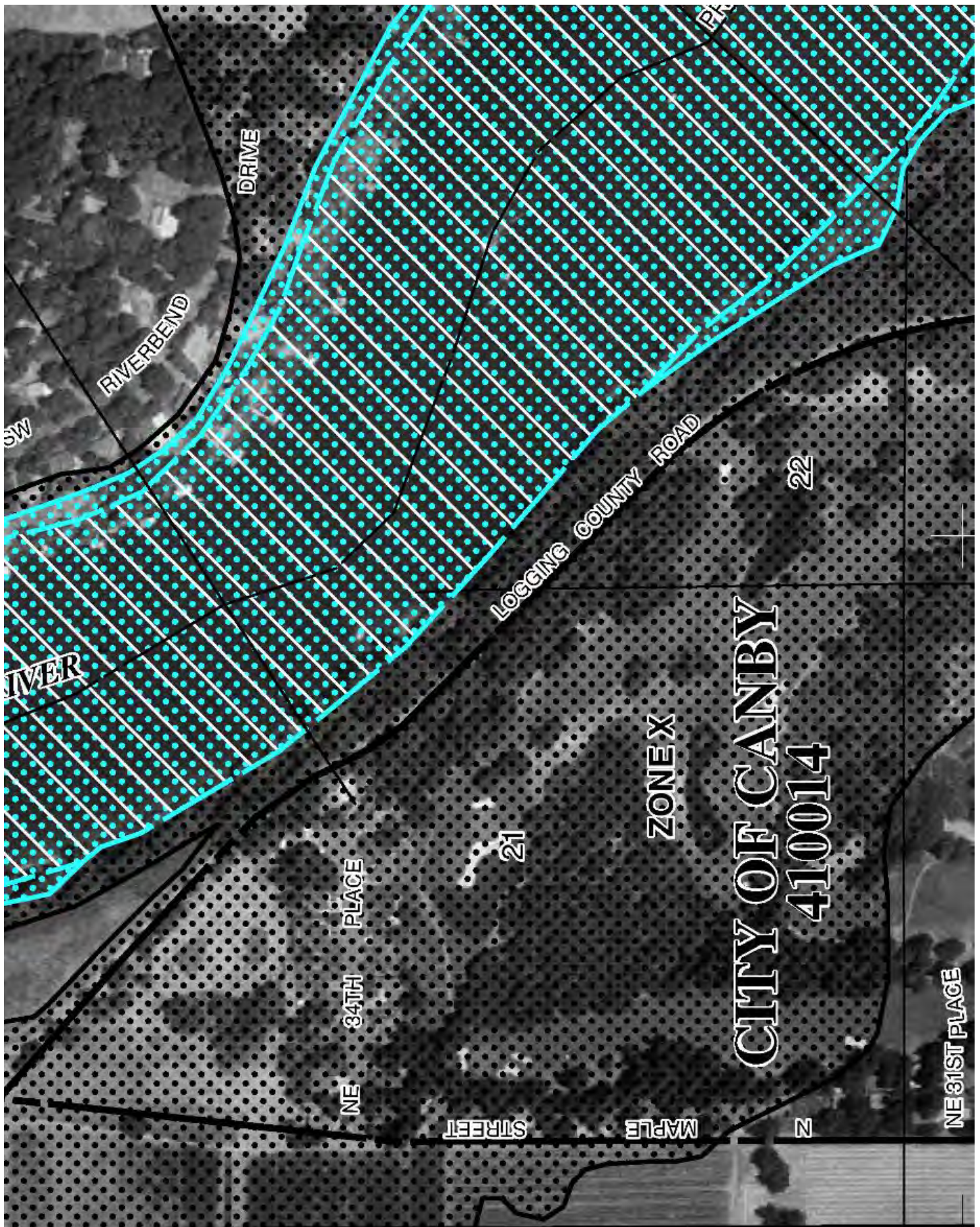
DEED



Witness my hand and seal this 6th day of May, 1975.
George D. Pappen
County Clerk, Ex-Officio
Recorder of Conveyances

Recording Certificate 75 11178

2



CITY OF CANBY - COMMENT FORM

If you are unable to attend the Public Hearing, you may submit written comments on this form or in a letter. Please send comments to the City of Canby Planning Department:

By mail: Planning Department, PO Box 930, Canby, OR 97013
In person: Planning Department at 222 NE 2nd Ave, 2nd floor
E-mail: PublicComments@canbyoregon.com

Written comments to be included in Council packet are due by January 3, 2017.

Written and oral comments can be submitted up to the time of the Public Hearing and may also be delivered in person during the Public Hearing on January 17, 2018

Application: Appeal of Planning Commission's Approval of The Seven Acres Subdivision application - SUB 17-05.

COMMENTS:

The development of this subdivision will undoubtedly increase the volume of traffic on the South end of Maple St, which already has difficulty accommodating. The road is quite narrow, mostly with no sidewalks and will decrease the safety of children getting on school buses as well as the ability for the bus driver to maneuver the routes. This county road is just too narrow for additional traffic and not much space to change in infrastructure.

CITIZEN NAME: Kathryn Henderson
ADDRESS: 725 NE Greenview
EMAIL: _____ DATE: 2/3/18

AGENCY COMMENTS:

Please check one box and fill in your Name/Agency/Date below:

- ☐ Adequate Public Services (of your agency) are available
☐ Adequate Public Services will become available through the development
☐ Conditions are needed, as indicated
☒ Adequate public services are not available and will not become available
☐ No Comments

NAME: Kathryn Henderson AGENCY: Citizen/Homeowner
DATE: 2/3/18

Please submit all comments by email to:

PublicComments@canbyoregon.gov

Thank You!

CITY OF CANBY –COMMENT FORM

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By mail: Planning Department, PO Box 930, Canby, OR 97013
In person: Planning Department at 222 NE 2nd Ave, 2nd floor
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Written comments to be included in Council packet are due by January 3, 2017.

Written and oral comments can be submitted up to the time of the Public Hearing and may also be delivered in person during the Public Hearing on January 17, 2018

Application: Appeal of Planning Commission's Approval of The Seven Acres Subdivision application - SUB 17-05.

COMMENTS:

As a runner that frequently uses Maple St. to get to the logging road, the idea of a new subdivision scared me. There isn't adequate infrastructure on Maple St. to handle the traffic or to ensure the safety of all the neighbors and athletes that use this road. I stand with Michael McNichols, Tony Polito, and all my friends and neighbors that are equally worried about this possible development. Please reconsider your approval of the Seven Acres subdivision. Thank you for your consideration.

CITIZEN NAME: Larisa Lukyanova
ADDRESS: 690 NE 20th AVE Canby, OR
EMAIL: Inkylarisa@gmail.com DATE: 1/3/17

AGENCY COMMENTS:

Please check one box and fill in your Name/Agency/Date below:

- ☐ Adequate Public Services (of your agency) are available
☐ Adequate Public Services will become available through the development
☐ Conditions are needed, as indicated
☐ Adequate public services are not available and will not become available
☐ No Comments

Please submit all comments by email to:

PublicComments@canbyoregon.gov

Thank You!

NAME: _____ AGENCY: _____
DATE: _____

CITY OF CANBY –COMMENT FORM

If you are unable to attend the Public Hearing, you may submit written comments on this form or in a letter. Please send comments to the City of Canby Planning Department:

By mail: Planning Department, PO Box 930, Canby, OR 97013
In person: Planning Department at 222 NE 2nd Ave, 2nd floor
E-mail: PublicComments@canbyoregon.com

Written comments to be included in Council packet are due by January 9, 2018.

Written and oral comments can be submitted up to the time of the Public Hearing and may also be delivered in person during the Public Hearing on January 17, 2018

Application: Appeal of Planning Commission's Approval of The Seven Acres Subdivision application - SUB 17-05.

COMMENTS:

We oppose the Planning Commission decision to allow the housing development 7 Acres to proceed as it is currently planned for the following reasons:

- 1. There has been no study or consideration of the heavy pedestrian traffic on this recreational walking loop (N. Maple St., Eco Park walking path, & Territorial Rd.)**
- 2. The 28' wide vehicle pavement does not meet current development street standards.**
- 3. The drainage on this questionably land-filled property now diverts ground water onto the property of homeowners on 34th Place.**
- 4. The designation of the Eco Park trail as an alternate route for fire/emergency vehicles is counter to the intention of the Trust for Public Land when converting this 15-acre stretch of waterfront property to a waterfront park. The width, path composition, and access points on this trail are in no way adequate to meet the code intention for an alternative access route.**
- 5. Housing development protocol dictates that the needed conditions for road improvement be completed prior to the construction phase beginning. Heavy equipment and increased traffic during construction will only increase the safety hazards on N. Maple St.**

CITIZEN NAME: Phillip L. & Sarah J. Seale

ADDRESS: 3240 N. Maple St., Canby, OR 97013

EMAIL: sseale@canby.com

DATE: January 5, 2018

AGENCY COMMENTS:

Please check one box and fill in your Name/Agency/Date below:

- ☐ Adequate Public Services (of your agency) are available
- ☐ Adequate Public Services will become available through the development
- ☐ Conditions are needed, as indicated
- ☐ Adequate public services are not available and will not become available
- ☐ No Comments

Please submit all comments by email to:

PublicComments@canbyoregon.gov

Thank You!

NAME: _____ **AGENCY:** _____
DATE: _____

Laney Fouse

From: Joan San-Claire <jsanclaire@gmail.com>
Sent: Wednesday, December 20, 2017 7:49 PM
To: PublicComments
Subject: Appeal of Planning Commission's Approval of The Seven Acres Subdivision

Hello

I wish to voice my concerns over the Planning Commission's Approval of The Seven Acres Subdivision along the Wilamette River in Canby. I feel that any further development along the river should be prevented. Many people seek peace, quiet, recreation, exercise, fishing, and simple solace from the Wilamette River and the parks that line it. There is far too much noise, traffic, and pollution in and along the Wilamette River as it is, contributed by some of those who live along the river and do not respect it for the precious resource it is. I have often witnessed the noise and pollution of jet skis and motor boats, who simply view the river as a place to race. I have participated in clean-up efforts because people like this and others see the river as a place to dump tires and trash. Yet another subdivision will only add to this decline. I hope you will reconsider taking this precious resource away from the people and the wildlife that call the river home. There are plenty of other places to build housing.

Regards,

Dr.

Joan San-Claire

Look back to learn. Look now to change. Look forward to evolving.

~ Joan San-Claire

Dec. 29, 2017

To: **Canby City Council and City of Canby Planning Department**

Ref: Appeal of Planning Commission's Approval of SUB 17-05 – 7 Acre Subdivision

My name is Russell W. Langridge and am the property owner at 1947 N. Maple Street. My property is located on the corner of NE. 20th avenue and N. Maple St. with our house facing Maple Street. My wife, Elan, and I are members of the Friends of N. Maple Street group.

I would like to go on record with the Canby City Council and the City of Canby Planning Commission to ask that you **disapprove** the proposal to develop 7 acres at the extreme north end of Maple Street into 22 buildable homesite lots. (SUB 17-05 – 7 Acre Subdivision) This disapproval would be in effect until such time as the infrastructure concerns discussed below are addressed. The primary concern I have is regarding the issue of “**safety**” due to increased road and foot traffic on a road that is currently below standard even to handle the existing traffic flow conditions.

This concern is based on my first hand visual validation, specifically from the vantage point on my open shop door where I spend a significant amount of time restoring vintage cars. The following are a few key points to consider with my request:

- 1) Canby's City Comprehensive Plan states that **before any new development is to be considered, the infrastructure needed to support said development must be in place**. It seems quite clear that not only is the northern part of N. Maple Street in need of infrastructure enhancement, but also the southern end of N. Maple Street. The impact is much larger than your current project proposal describes. Please see photos attached.
- 2) At minimum, a new traffic flow monitoring plan of action should be put into action and placed at the southern end of N. Maple street so as to more realistically determine current traffic density. This should be done with more statistical validity such as at peak load times, summer high traffic use, correct placement of monitoring site,...etc.
- 3) The Willamette Country Club in “Low density Residential ” presents unusual and sporadic high traffic patterns. With 50+ employees, daily large (speeding) delivery trucks, membership encompassing county and beyond, and serving as a popular special events venue, they contribute the largest percentage of traffic on our segment of Maple St.
- 4) The current new construction of a “state of the art” fitness center with swimming pool, recently approved by the City of Canby at the Willamette Country Club, will result in another significant traffic flow increase for N. Maple Street. Conservative estimates document a minimum of 200 additional vehicles per day using N. Maple Street.
- 5) There is currently a private church school and a preschool/kindergarten day care facility operating both adjacent and diagonally across N. Maple St from my residence (corner of Maple and Greenview Dr. This must be considered in the safety issue of an additional 22 homes and corresponding traffic loads. Narrow road, in its present condition, requires school buses to stop in center of road.

- 6) There has been a significant traffic flow increase since the newer homesite addition to the immediate west (parallel to Maple Street). These homes primarily use Maple to both exit and enter. Entry points are at NE. 20th, NE. 21st, and NE 22nd Avenues.
- 7) The corner of NE. 20th avenue and N. Maple streets is now a major school bus stop with high numbers of children from the adjacent new home subdivision. In addition, this corner is extremely dangerous due to an elevation rise on Maple Street causing a blind spot for both southbound Maple Street traffic and NE. 20th avenue traffic entering. Several accidents have occurred at this intersection. See attached photos.
- 8) The section of Maple Street from about N. 21st and continuing south to Territorial, is very narrow and in disrepair with no pedestrian passageways (either walking or bicycle). This street is a major walkway and jogging path for pedestrians and is annually used by events such as "Dahlia Run" and "Volkswalking". This road is also routinely used as a walkway for the Eco Park Loop.
- 9) The major traffic use scenario for traffic entering and exiting the area is from N. Maple Street and not the alternative N. Country Club Drive. This in all likelihood will not change no matter what the current justification report for the project states.
- 10) The attached study map documents the Maple St. condition. It is a preexisting survey map that should be currently in the archive files for this project. Whereas there has been a minor degree of improvement, specifically at the Maple St. and Territorial St. intersection, the remainder of Maple St. has not had significant change. I am especially concerned with the **failed** section from Greenview Dr. to NE. 22 Ave. where my residence is located. The proposed development does address widening Maple street at the northernmost section but does not improve other areas currently being considered part of the city infrastructure. As Canby residents, we will be adversely affected by this development because city infrastructure has **not** been addressed!

I would respectfully request that you reconsider the approval of the 7 acre project site in question. The potential impact of the proposed 22 homesites is of significant scope as it relates to the safety of traffic flow and pedestrians throughout the **full length** of N. Maple Street. As the status of this project currently stands and is allowed to proceed, the Canby City Comprehensive Plan will have **not** been followed as it relates to much needed infrastructure being in place before future projects are implemented!

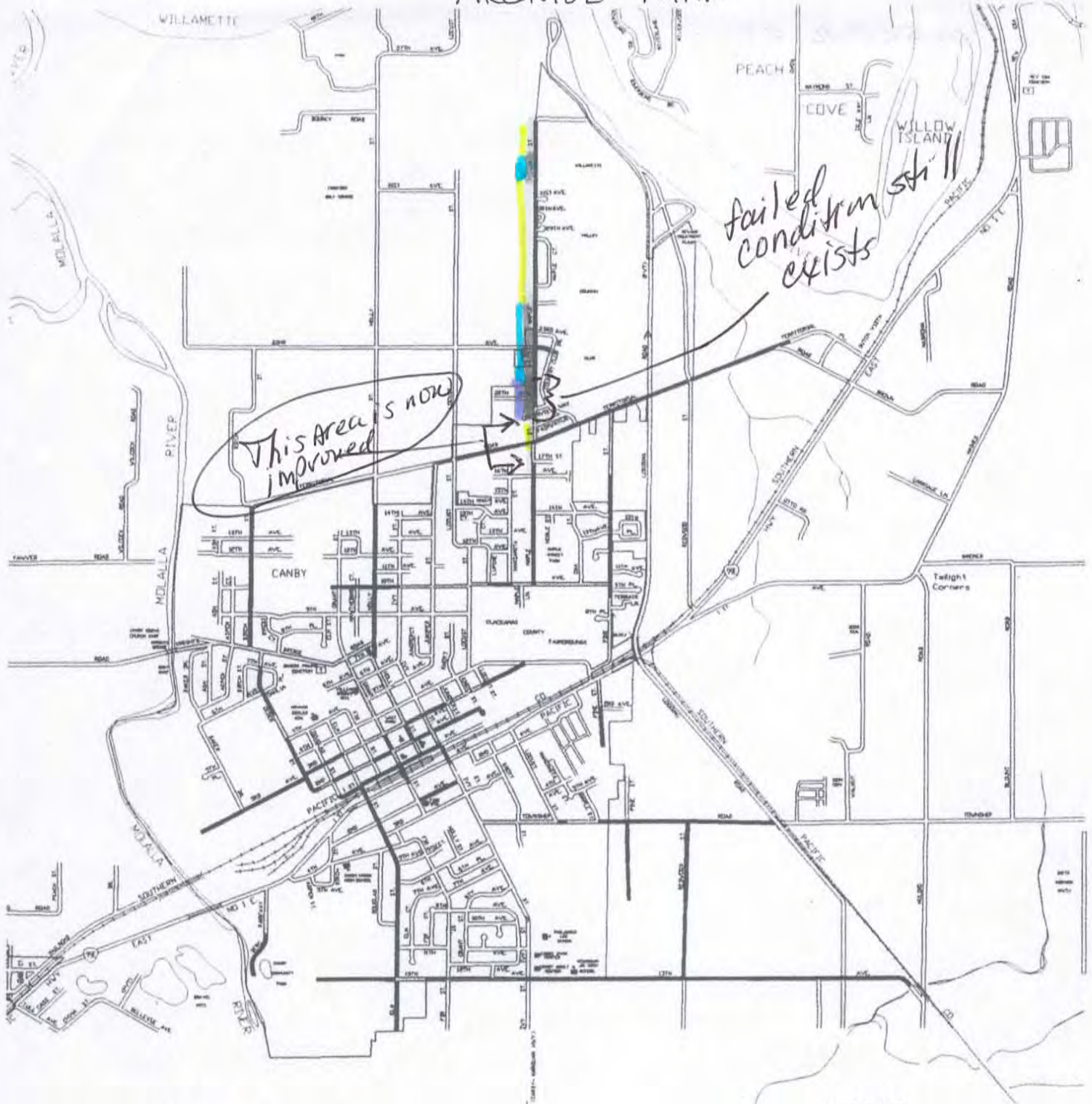

Russell W Langridge

1947 N. Maple Street

971-235-4095

N. MAPLE ST. CONDITION STUDY MAP

ARCHIVE MAP



N. Maple Street Traffic Safety Concerns

From 21st Street & Maple to Fairview & Maple

Photos taken at 20th & Maple Street

Clackamas County Portion of Maple Street

Examples of Infrastructure Needs

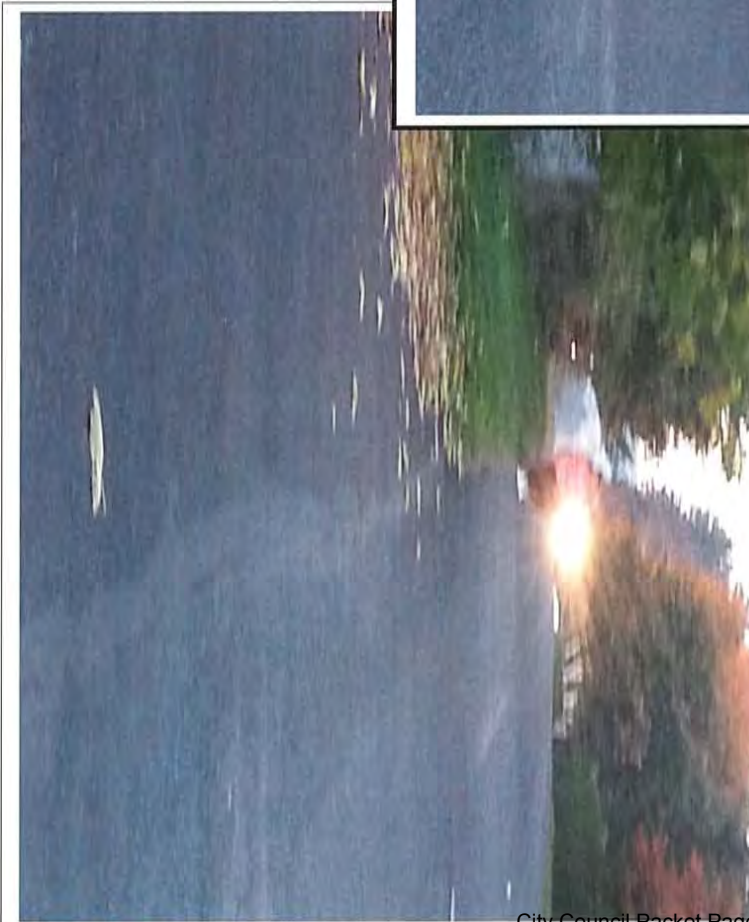


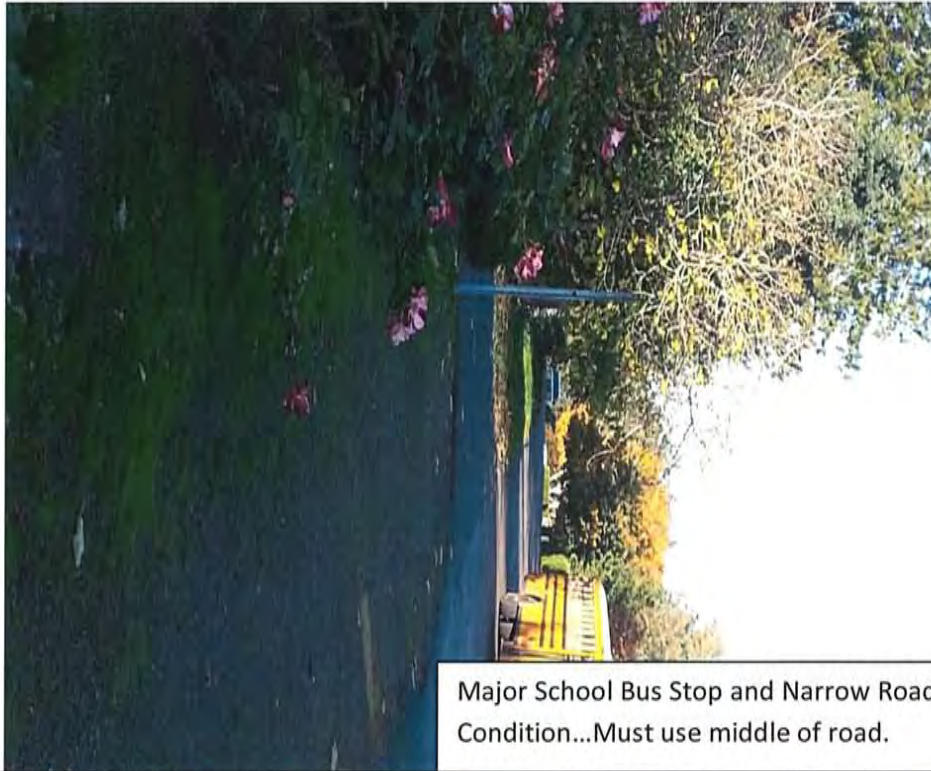


This road will have to support an estimated 500 more vehicles and additional Pedestrians after the Country Club Fitness Center/ Swimming Pool and 22 new home sites at the end of Maple Street. This, in addition to being part of the publicized Eco Park Loop.



3 Pedestrians walking single file





Major School Bus Stop and Narrow Road Condition...Must use middle of road.



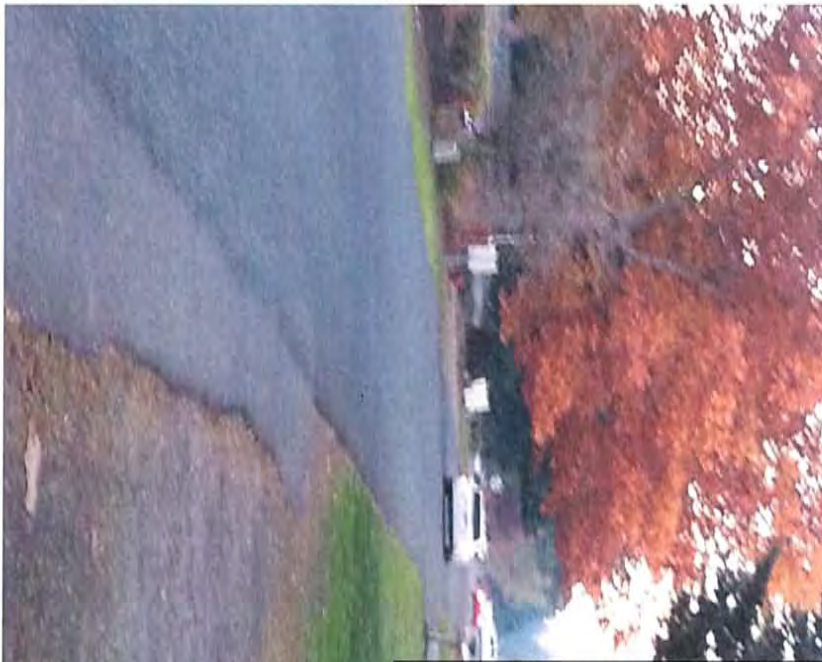
Blind Spot on Maple and 20th combined with narrow road and Pedestrian foot traffic equals dangerous conditions.



Marginal passing space on narrow North Maple at 20th and Maple vicinity.

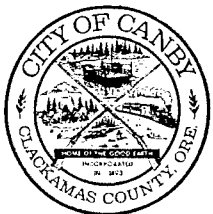


Example of normal Pedestrian and vehicle use on average day.



Heading towards Territorial Road, note travel in the middle of the road due to narrow conditions.

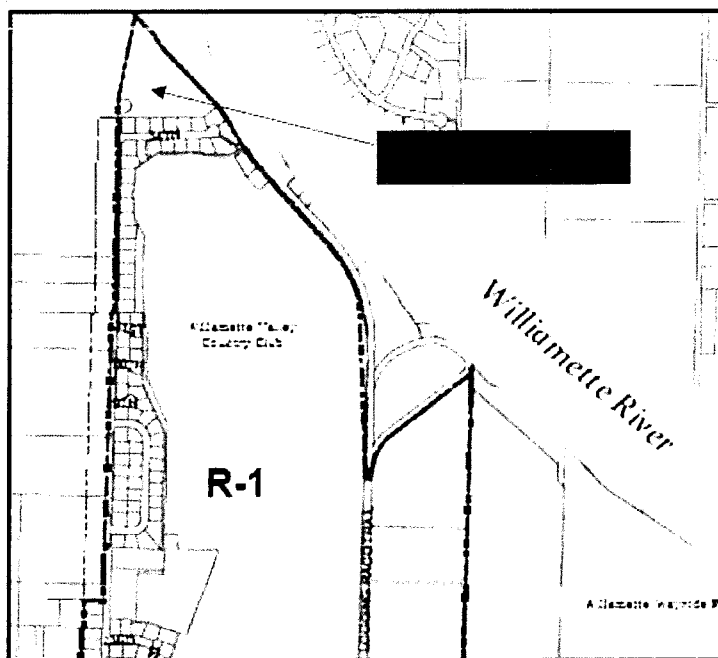




City of Canby

**PUBLIC HEARING NOTICE &
REQUEST FOR COMMENTS FORM**
CITY FILE NO.: APP 17-02
PROJECT NAME: APPEAL OF PLANNING
**COMMISSION DECISION FOR THE SEVEN ACRES
SUBDIVISION, CANBY DEVELOPMENT, LLC**
PUBLIC HEARING DATE: January 17, 2018

The City received an Appeal form (APP 17-02) from Michael McNichols, Tony Polito and the Friends of N Maple Street appealing the Planning Commission's approval of The Seven Acres Subdivision application (SUB 17-05). Appeals of a Planning Commission decision may be made to the City Council by those with legal standing by their previous participation in the review process. The applicable criteria for Appeals are stated in Chapter 16.89.050(I) and (J) of the *Canby Land Development and Planning Ordinance*. The Council's action on an appeal shall be governed by the same general regulations, standards and criteria as apply to the Planning Commission in consideration of the original application. An appeal hearing is conducted using the same procedure as used at the Planning Commission hearing. The purpose of this **Notice is to invite you to comment on an Appeal of the Planning Commission decision. The Canby City Council will hold a Public Hearing on January 17, 2018 at 7:30 PM in the City Council Chambers at 222 NE 2nd Ave.**



Comments Due: Written comments to be included in the Staff Report are due by January 3, 2017

Location: 3500 N Maple St

Tax Lots: 31E21 0602

Lot Size and Zoning: 6.84 acres, R-1 Low Density Residential

Owners: Canby Development, LLC

Appellants: Michael McNichols, Tony Polito and the Friends of NE Maple Street

Representative: Richard Mario & Tyler Howell, Buckley Law, P.C.

Type: Appeal Form

City File Number: APP 17-02

Contact: Bryan Brown at 503-266-0702 or email brownb@canbyoregon.gov

What is the Decision Process? The City Council will make a decision after the Public Hearing. The Public Hearing will be limited to issues already raised in previous hearings on this application. No new issues will be allowed unless the City Council chooses to do so.

Where can I send my comments? Written comments can be submitted up to the time of the Public Hearing and may also be delivered in person to the City Council during the Public Hearing (Please see *Comment Form*). Comments can be mailed to the Canby Planning Department, PO Box 930, Canby, OR 97013; dropped off at 222 NE 2nd Ave; or emailed to PublicComments@canbyoregon.gov

How can I review the documents and staff report? Weekdays from 8 AM to 5 PM at the Canby Planning Department. The staff report and the appeal statement for the City Council will be available for inspection starting January 9, 2017 and can be viewed on the City's website: <http://www.canbyoregon.gov> Copies are available at \$0.25 per page or can be emailed to you upon request.

Applicable Criteria: Canby Municipal Code Chapters:

- Chapter 16.89.050(I) and (J) Application and Review Procedures

Please Note: Failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the board based on that issue.

CITY OF CANBY –COMMENT FORM

If you are unable to attend the Public Hearing, you may submit written comments on this form or in a letter. Please send comments to the City of Canby Planning Department:

By mail: Planning Department, PO Box 930, Canby, OR 97013
In person: Planning Department at 222 NE 2nd Ave, 2nd floor
E-mail: PublicComments@canbyoregon.com

Written comments to be included in Council packet are due by January 3, 2017.

Written and oral comments can be submitted up to the time of the Public Hearing and may also be delivered in person during the Public Hearing on January 17, 2018

Application: Appeal of Planning Commission's Approval of The Seven Acres Subdivision application - SUB 17-05.

COMMENTS:

We hope the city council will consider the three points presented for your review and vote "No" on the Seven Acres subdivision. If the land could be donated, it would make a great city park for Canby.

CITIZEN NAME: Dan + Linda Mowery
ADDRESS: 730 NE Fairway Lane
EMAIL: turtle@canby.com DATE: 12/29/2017

AGENCY COMMENTS:

Please check one box and fill in your Name/Agency/Date below:

- ☐ Adequate Public Services (of your agency) are available
☐ Adequate Public Services will become available through the development
☐ Conditions are needed, as indicated
☐ Adequate public services are not available and will not become available
☐ No Comments

Please submit all comments by email to:

PublicComments@canbyoregon.gov

Thank You!

NAME: _____ AGENCY: _____
DATE: _____

September 7, 2017

MEMORANDUM

TO: Mr. Bryan Brown
City of Canby

FROM: Hassan Ibrahim, P.E.
Curran-McLeod, Inc.

RE: **CITY OF CANBY**
SEVEN ACRES SUBDIVISION (SUB 17-05)

We have reviewed the submitted plans on the above mentioned project and have the following comments:

1. N Maple Street, the proposed width of 34-foot except where there are right-of-way restrictions (25-foot wide along the frontage of tax lots 900 and 1000, tax map3S1E28A) meets Local Street standards in conformance with Chapter 2 of the City of Canby Public Works Design Standards, dated June 2012. However, we recommend the sidewalk be constructed on the east side as opposed to the west side by keeping the existing curb intact (as the back of the sidewalk), parking on the east side only and no parking in the areas where the street narrows to 25 feet in width.
2. The proposed interior streets width, sidewalks and right-of-way dedications for NE 35th Place and NE Maple Ct meet City local street standards. However, we recommend the sidewalks be separated from the curbs with 4.5' planter strips in conformance with Chapter 2 of the City of Canby Public Works Design Standards, dated June 2012. Street lights and utilities shall also be extended to serve this development.
3. All ADA ramps and sidewalks along all the intersections and open spaces shall be constructed as part of this development in conformance with the current ADA Guidelines.

4. All the centerline radii shall be a minimum of 165 feet as required by section 2.205 of the City of Canby Public Works Design Standards, dated June 2012.
5. The developer's design engineer will be required to submit as part of the construction plans a signing and striping plan. All street names and traffic signs shall be installed by the developer at his expense and as part of this development. The City may supply the required traffic and street name signs based on a mutually agreed cost.
6. As part of the final design and due to the project phasing, the developer's design engineer shall provide a minimum of 200-foot future centerline street profile design to assure future grades can be met.
7. An Erosion Control and a Grading permit will be required from the City of Canby prior to any on-site disturbance.
8. A storm drainage analysis shall be submitted to the City for review and approval during the final design phase. The analysis shall meet Chapter 4 of the City of Canby Public Works Design Standards dated June 2012.
9. The proposed 10-foot sanitary sewer easement between lots 22 and 23 of Country Club Estates #3 and lots 4 and 12 of this development doesn't meet the minimum required width of 15-foot as per section 3.500 of the City of Canby Public Works Design Standards, dated June 2012.

Should you have any questions or need additional information, please let me know.



City of Canby Public Works

PO Box 930
1470 NE Territorial Road
Canby, OR 97013

Phone: 503.266.4021
Fax: 503.266.7961
www.canbyoregon.gov

September 11, 2017

Doug Sprague
641 NE 22nd Avenue
Canby, Oregon 97018

Re: 3500 N Maple Street

Dear Doug:

The proposed subdivision at 3500 N. Maple Street can be served by Sanitary Sewer and Stormwater system. The details of these systems shall be determined by the City and the applicant at the time of engineering plan preparation.

If you have any questions, feel free to contact me.

Thanks,

Jerry Nelzen
Lead
Public Works Department

MICHAEL D. McNICHOLS

730 NE 30TH PLACE
CANBY, OREGON 97013-3695

December 23, 2016

Mr. Bryan Brown
Planning Department
City of Canby
222 NE 2nd Avenue
Canby, OR 97013

RECEIVED
JAN 03 2017
CITY OF CANBY

Re: "The Seven Acres" at 3500 N. Maple Street
December 15th neighbor hood meeting
Comments from meeting participants

Dear Mr. Brown:

I was one of approximately 30 persons who attended the meeting held on December 15th to talk about the proposed 22 single family development. During the session Doug Sprague indicated that he would inform the city of concerns that were voiced at that meeting. I took notes during the meeting and wanted to provide an additional source as to concerns stated at the meeting.

Due to the inclement weather, Mr. Sprague said that he would hold a second informational meeting to discuss the development sometime in January.

The primary concern of the attendees seemed to focus on the increased traffic volume and the proposed solutions to it. Only a few of the attendees had reviewed the traffic study that was conducted for the development.

One area of concern was the water run-off problems created by the development. Several attendees voiced concerns about the lack of drain solutions for the homes on 34th Avenue which border the development. It was observed that during the course of the fill period, the level of the property had increased between 3 and 4 feet with respect the neighboring properties. Mr. Sprague said "I believe we're in great shape . . ." and "twenty years of filling has been done with consideration of run-off." During latter discussions about the project, Mr. Sprague referenced a french drain that had been installed on the property at one time.

One of the attendees mentioned that Mr. Sprague told him after Mr. Sprague's daughter wedding that the plans were for seven single family homes to be built on the property. The speaker sought clarification as to why the plan changed from 7 homes to 22 homes. Mr. Sprague explained that the number was reached after a review of the minimal lot sizes required by Canby zoning law.

During the meeting Mr. Sprague said that the development had constraints because of requirements imposed by METRO. My notes were not clear as to which constraints were referenced.

I asked Mr. Sprague about the sidewalk situation for the proposed development. Page 7 of the Traffic Study dated April 8, 2015 states "Because of the increase in daily traffic volumes, measured 85th percentile speeds, and standard cross-section, it is recommended that sidewalks be provided

MICHAEL D. MCNICHOLS

Mr. Bryan Brown
Planning Department
City of Canby

December 23, 2016

Page 2

along the east side of N Maple Street between Willamette Valley Golf Club and the Logging Road Trail to provide a safe walking space for pedestrians.” When asked about this, and concerns about the cost for each homeowner to pay for the required sidewalk and modifications to existing landscaping, Mr. Sprague responded, “But the city would never have property owners pay for it.” When asked if he would be willing to pay for the improvements imposed by the city, Mr. Sprague said no.

There are 29 homes on the east side of Maple between the development and the Country Club. One of the homes has an existing sidewalk. The other 28 homes would be required incur substantial expenditures for the benefit of the development.

One of the attendees questioned the 50 foot *temporary* use in the study which implies that the permanent width could conceivable be taken from the east side of Maple Street in the future.

It was mentioned that there are currently 2 blind persons and 1 deaf person living on Maple street and there are concerns as to their safety if the development were allowed.

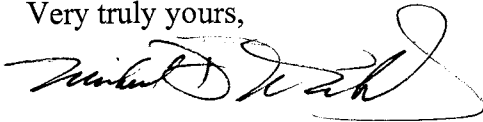
Several persons voiced an interest in having the city purchase the development site for a park.

The issue of emergency vehicle access to the development was discussed. Mr. Sprague indicated that logging road access by the emergency vehicles mitigated this issue.

During the meeting Mr. Sprague indicated that tract B was to be utilized for storm water storage. While not discussed at that meeting, I was under the impression that two areas of the development had previously received wetlands designation in prior hearings.

Please feel free to contact me if you have any questions concerning the above.

Very truly yours,



Michael D. McNichols

To: City of Canby Planning Commission and Planning Staff

- Bryan Brown, Planning Director
- ✓ Matilda Deas, Senior Planner
- Dave Epling, Associate Planner
- Laney Fouse, Office Specialist
- Derrick Motten, Planning Commission
- Shawn Varwig, Planning Commission
- John Savoy, Chair
- Tyler Hall, Planning Commission
- John Serlet, Planning Commission
- Larry Boatwright, Vice Chair
- Andrey Chernishov, Planning Commission

7 Acer Proposal – Letter of Opposition

Dear Planning Commission and Planning Staff,

My name Anthony Polito and my wife Miriam and I live at 775 NE 31st Place, Canby. I am writing this email to you in 'opposition' to the upcoming proposal to develop the 7AC at the end of N. Maple St by the Sprague's. The entire neighborhood in the Country Club Estates is 100% against this proposal. It is dangerous, will take away quality of life for the current residents, ruin the neighborhood and decrease property values. We don't want to be Wilsonville...please.

You will most likely be receiving many letters of opposition and I ask you all to vote 'NO' on the project as proposed.

Please do the right thing for our neighborhood and community by voting NO and REJECT this proposed development!

My Sincere Best -



Anthony & Miriam Polito

The Seven Acres Subdivision

Letter of Opposition – Deny the Application

We are resident / home owners of the Country Club Estates. We live off N Maple St. north of the Willamette Valley Country Club and the adjoining streets on the East side of N Maple.

N Maple St. is used by the residents to walk daily for exercise, to walk the family dogs and enjoy a 'no traffic' environment! This is a very quiet street. You will notice by the photos attached how narrow the road is. The proposed widening of N Maple on the West side by 4 feet currently proposed by the applicant amounts to nothing more than a 'bike path'. The proposal for this 'bike path/walking area' will be driven on all the time by cars passing up and down the street and the photos attached validate this concern and condition. This presents a clear danger to everyone..... it's not safe at all!

Moreover, adding 22 new homes will add more than 70 additional cars going up and down N Maple all day and evening long and that number of cars will 'increase' as children of the new residents get to driving age. The number of additional cars will exceed 80 cars by a large number. Moreover, the density increase in the neighborhood will 'decrease' property value and the quality of life for the current and future residents.

The potential for an accident or pedestrian being hit on N Maple increases tremendously. When this happens, and it will we know the City will then require the installation of a standard width road complete with curbs on the East side of N Maple. That will mean ALL the residents will be required to give up a significant part of their property, install retaining walls in some cases, lose a large part of their property landscaping and personally pay more than \$15,000 (est.) for the curbs etc. This is not acceptable.

IF the City / Planning Commission would 're-zone' the 7 Acres to allow for a maximum of 7 homes this would be the answer for all concerned. Those types of 'upscale homes' would increase the value of the neighborhood, only add a modest amount of additional traffic and greatly eliminate the safety risks that will occur if this project is approved!

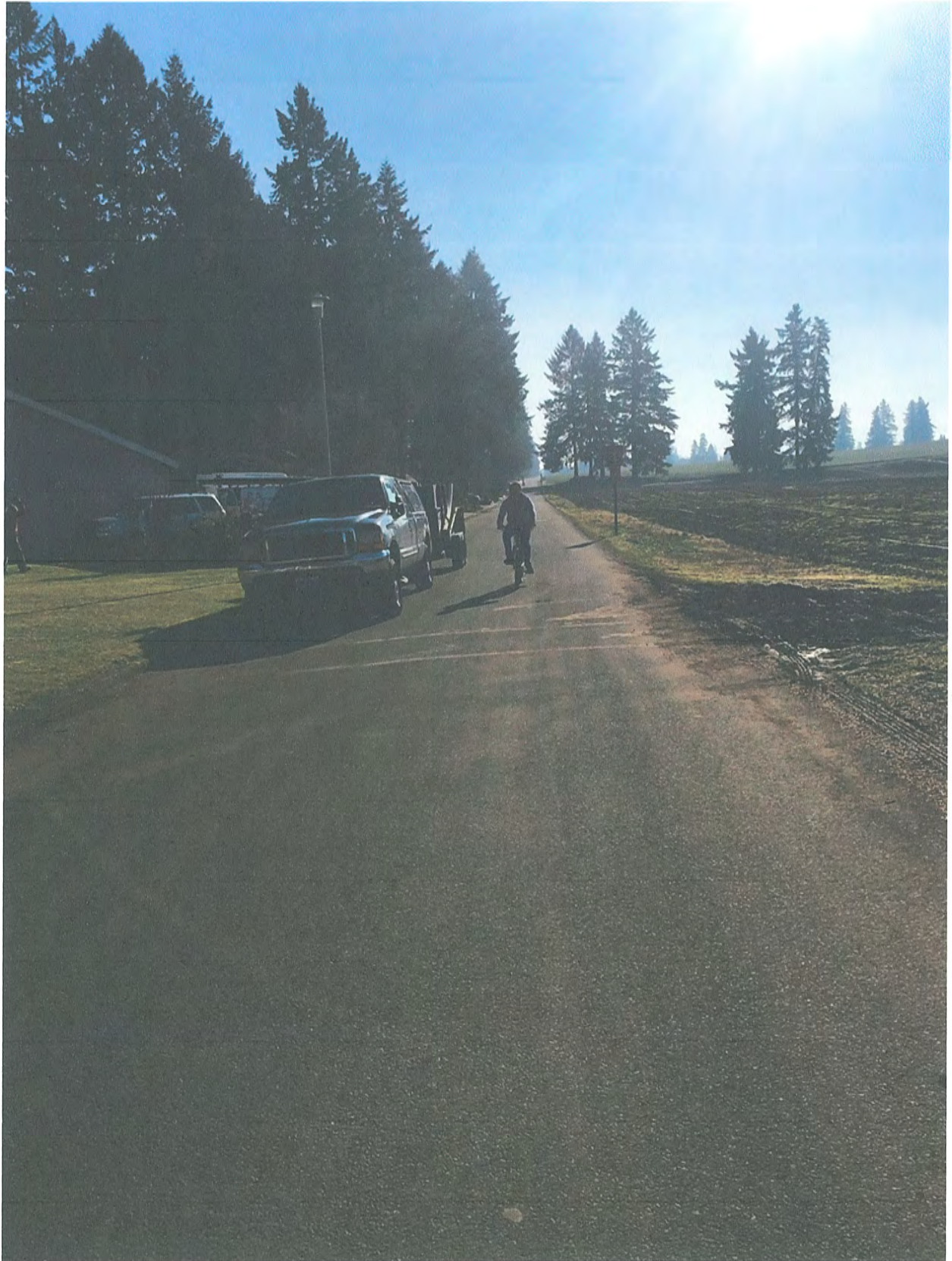
We therefore request that the City Council and Planning Commission **'DENY THE APPLICATION'** for the 7 Acre Project as it is currently proposed.













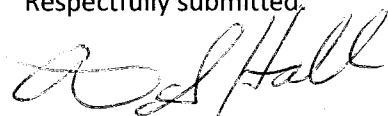
Received Feb. 6, 2017

Development of SEVEN ACRES at the end of North Maple Street.

As a resident of 33 years, at 845 NE 34th Place, please consider my observations and concerns about the Seven Acres development.

- 1) When the city developed the logging road as a walking/biking park, it promoted thousands of people with and without dogs walking on North Maple Street in the summer. In addition to the walking public, numerous marathons and bike rallies use North Maple as a route for their events. The existing situation is presently dangerous to pedestrians. With an additional 22 houses in the Seven Acres development, the danger to the public will be expediential.
- 2) 14 years ago, the city determined that the Seven Acres development ~~could not proceed~~ without the safety of North Maple Street being upgraded to a standard street. Since that decision, North Maple's pedestrian and bike traffic has markedly increased. It is now more dangerous than ever to develop Seven Acres without a standard width street on N. Maple. Since the city requires standard street specifications within the development, why would the city allow a ½ mile of a half street standard to enter the development?
- 3) Deletion of the cul-de-sac at the end of North Maple was presented as part of the Seven Acres Development. Giving this city property to the developer would create a parking and turn around nightmare for the community living on N. Maple and NE 34th Place. Pedestrians, fisherman, kids with Frisbees, and bikers all park in the N. Maple cul-de-sac and the NE 34th Place Street cul-de-sac. Too eliminate this parking and turn around portion of the street to please the developer would be a traffic issue unlike we have seen before. This area is used by all delivery trucks, school buses, fire trucks, police cars, farm vehicles, and local residents that serve the N. Maple residents.
- 4) The present width of N. Maple Street does not safely support the development of 22 more homes. That will be a total of 94 homes with only N. Maple access. This area should not be developed until North Maple is a continuous street of standard width from Territorial to the North Maple Cul-de-Sac.
- 5) Please review the documents submitted by the "land use" attorney, Jeff Klienman, during the last submission for this development of the Seven Acres project.
- 6) Presently one deaf and two blind individuals live on North Maple Street. For their safety and the community's safety, North Maple should be widened now before any development.

Respectfully submitted:

 Virginia Hall

Arthur S. Hall, DVM and Virginia Hall
845 NE 34th Place
Canby, OR 97013
Phone# 503-266-7492

March 1, 2017

Canby Planning Commission
222 NE 2nd Avenue
Canby, OR 97013

Subject: 7 Acres Housing Subdivision

Dear Commissioners:

We are homeowners at 3240 N. Maple St. in Canby. We attended an informational meeting on January 25, 2017 regarding the proposed 22-home subdivision called 7 Acres to be located at 3500 N. Maple St. The meeting was conducted by the property owner and developer, Doug Sprague.

Having reviewed the plans that Mr. Sprague presented, we have come to the conclusion that we are firmly opposed to the subdivision moving forward as currently configured. We do not feel that the proposal adequately addresses the traffic situation on N. Maple Street regarding the safety issues for vehicles, pedestrians, and cyclists. We would like to make the following points:

1. The access to 7 Acres is from Country Club Place to 3500 N. Maple St. This section of N. Maple St. is a .7 mile long half street with no sidewalks on either side of the road. About half of the .7 mile of the road has 24 foot wide pavement, and the remaining half is reduced to only 20 feet of pavement width. This half street configuration does not meet the City of Canby code of ordinances, 16.46.010, paragraph G, that clearly states *Public roads accessing any development shall be a minimum to two travel lanes (twenty-four (24) feet of paved width) to the nearest improved collector or arterial street,...* The 7 Acres clearly does not meet this requirement.
2. The current proposal does not provide for any standard sidewalks or curbs along N. Maple St. This section of N. Maple St. is a heavily traveled pedestrian walkway as it has become linked with the logging road path via NE 34th St. Many people in the area use the N. Maple St., the logging road path, and NE Territorial Rd. as a walking trail loop that is accommodated by the public parking area on NE Territorial Rd. Thus, it attracts many more pedestrians than just those who live in the surrounding neighborhood. Mr. Bryan Brown advised me that no pedestrian traffic study has been done for this loop. We do not see how the proposal can be approved without knowledge of the pedestrian usage of this area.
3. The 7 Acres proposal of a 4 foot pavement widening on the west side of N. Maple St. to serve as a "temporary pedestrian path" is wholly inadequate for pedestrian safety. In our discussion with Mr. Sprague at the above cited meeting, he indicated that the pedestrian path on the west side of the street would be marked by a solid white line, and if needed, could be accessed by a vehicle to pass another oncoming vehicle or other traffic interference. This seems to be counter-intuitive when the purpose of the pathway is to improve pedestrian safety. Moreover, it is unclear whether the proposal is applied to the entire .7 mile of road, or just the section that is only 20 feet in width. This pathway addition of the proposed 4 feet does not correct the problem of only 20 feet for vehicular traffic which will be exasperated with the increased number of vehicles using N. Maple St. with the addition of 22 homes.
4. Another concern voiced at the informational meeting on Jan. 25 was the issue of emergency vehicle access for the development. Since N. Maple St. is the only public street into the proposed housing development with no other street as an alternative access, it was felt that the narrowness of N. Maple St. and the lack of another access street would make it difficult to provide emergency services in a timely manner. At that point, Mr. Sprague discussed the use of the logging road path

as an alternative access into and out of the 7 Acres development. Currently, the logging road path is limited to pedestrians and cyclists and is barricaded at the edge of the country club property off of NE Territorial Road by three posts, of which the center post must be unlocked and taken out of the pavement before a vehicle can enter the pathway. Likewise there are two posts barricading the pathway at the end of the easement access on 34th St. to a house located on the logging road. These posts are needed to keep vehicles from driving on the logging road, and it seems that when there is an emergency, fire, medical, or police, having to take time to unlock and remove these posts would be detrimental to the urgency of the situation.

5. It was of interest to us that only residents within 500 feet of the proposed development would be apprised of the intent of the developer. This seems entirely unreasonable since residents on the entire .7 section of N. Maple St. are directly impacted by the consequences of the an increased number of vehicles (homeowners, services, emergency services, and increased daily traffic of others who will drive into that area), and indirectly impacted are all those residents living within the country club housing area that currently exists. Their opportunity to express their opinions has been unrecognized.

The photos included with this letter are intended to illustrate the narrowness and safety hazards associated with a half street. These conditions would be worsened by the increased number of vehicles using N. Maple St. on a daily basis with the addition of the housing development. We urge the Commission not to approve this subdivision without the necessary improvements to N. Maple St.

We request that this letter along with the enclosed photos be included in the official public record of the hearing on the 7 Acres subdivision application.

Sincerely,



Phillip L. Seale



Sarah J. Seale

Enclosures: 6 photos sheets

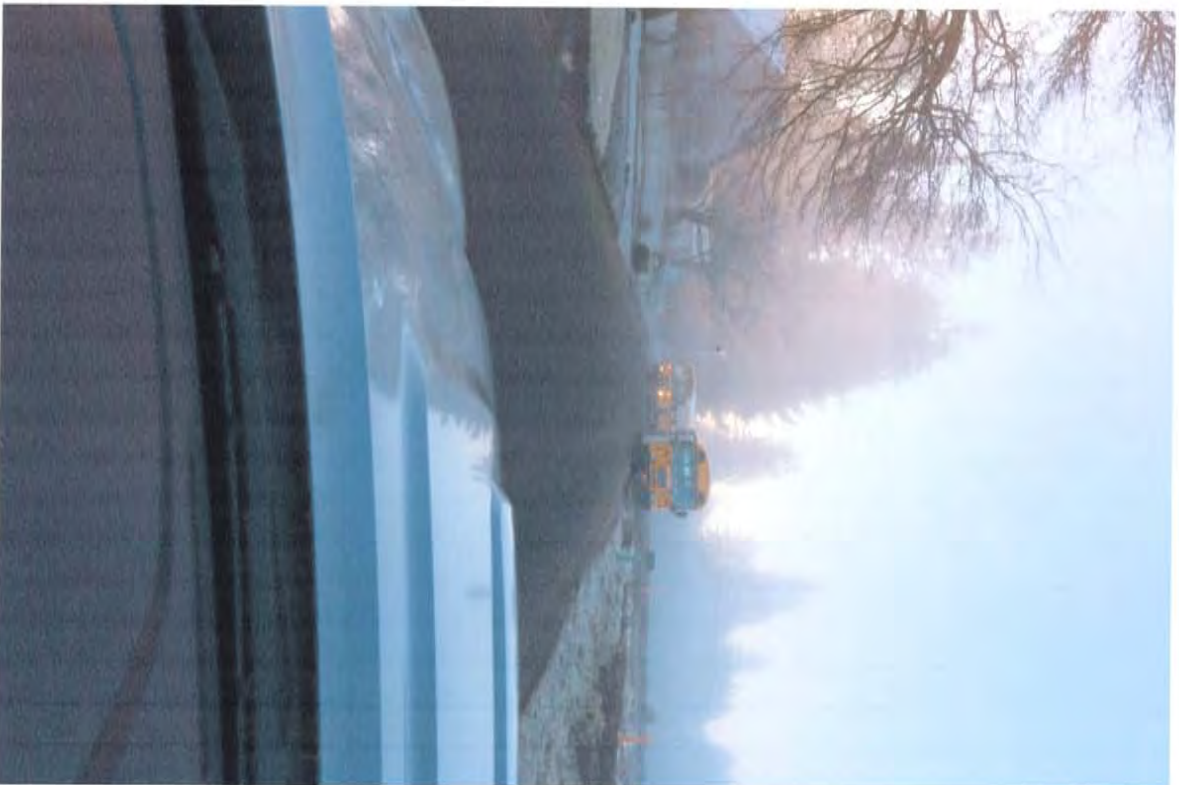


Landscape vehicles often cone their vehicles because of narrowness of road.





This photo was taken in the 24 foot wide area of N. Maple St.

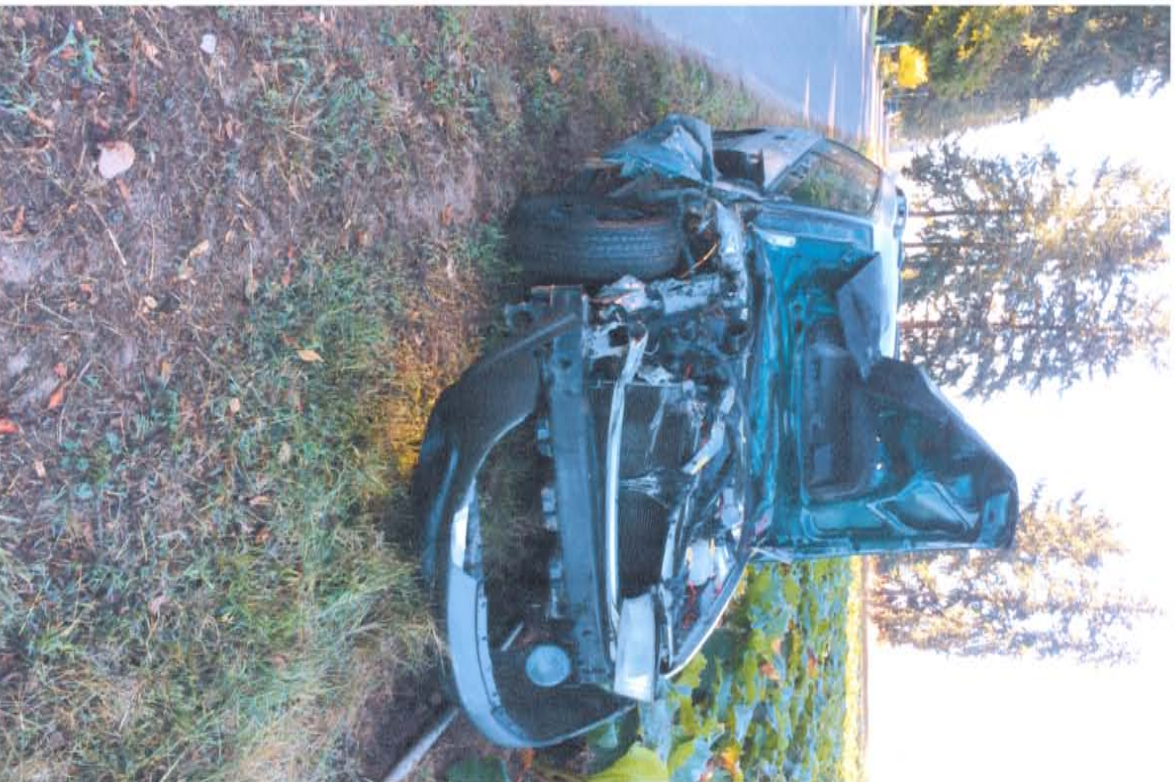


Creates a single lane access.



Road safety is already an issue on
Maple St.



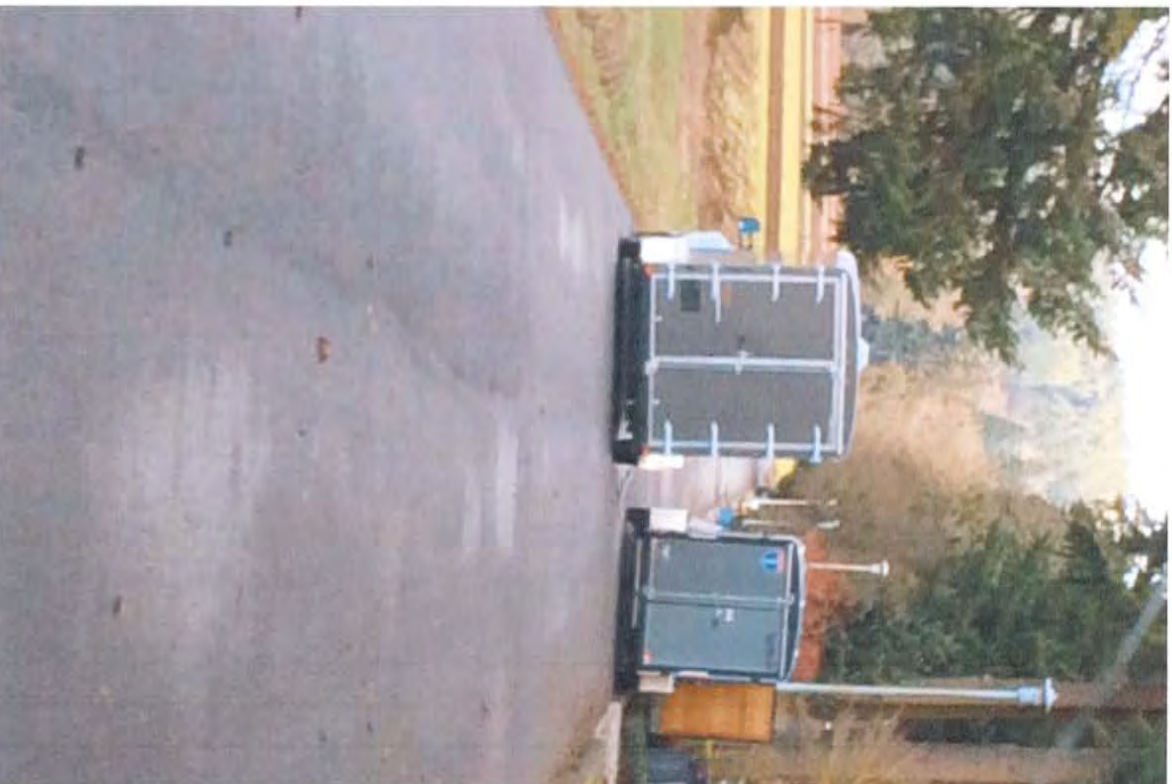


Luckily there were no pedestrians on the street at the time.



Our truck was totaled while legally parked on N. Maple St., (Sept. 26, 2016)





Service vehicles have a difficult time passing parked vehicles on the street.

Laney Fouse

From: Arthur Hall <tookie@web-ster.com>
Sent: Saturday, March 18, 2017 9:30 AM
To: Bryan Brown
Subject: Seven Acres issue
Attachments: IMG_2059.JPG; ATT00001.txt

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Hi Bryan, North Maple will be filled with yard service trucks, people walking, and residential cars this summer. This is what we drive through daily. Art Hall, 845 NE 34th Place. Canby.



Bryan Brown

From: Ted Creedon <tcreedon@easystreet.net>
Sent: Friday, April 14, 2017 2:58 PM
To: Bryan Brown
Cc: Doris Creedon; michael creedon
Subject: memo to file

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Byron,

We are not amenable to widening Maple St. 25 ft., it will all 51 acres will be developed and partial development now would interfere with it.

The best bet is to allow construction of a single family residence w.o subdivision or improve the logging road access for fire.

Pass this on if you want. Its public record.

Ted & Doris Creedon

Laney Fouse

From: Brenna Baucum <BrennaB@thehgroup.com>
Sent: Tuesday, May 23, 2017 10:53 AM
To: Bryan Brown
Subject: Concerns About Maple Development Proposal

Good morning Bryan,

My name is Brenna Baucum and I live at 720 NE 34th Place in Canby. I'm writing to express my concerns about the proposed development on the North end of Maple Street by Doug Sprague. I have one concern and that is safety.

I worry about the safety of my neighbors. Many are retirees and some, elderly. At least once a month I see an emergency vehicle on our street alone. Nestled around a country club, I'd venture to say that our block isn't the only one on or near Maple Street that houses primarily folks over 70 years old. People love living here, so it seems fair to assume those young retirees plan to age in place. The addition of 22 homes at the end of a dead end street that is not wide enough to accommodate two lanes will most certainly impact the ability of emergency vehicles to navigate to and from this area.

I worry about our safety of our roads. Traffic on Maple has increased in the 4 short years we've lived here. Because we live at corner of Maple and 34th, we see one or two dozen cars circle the cul-de-sac every day. Some park to walk their dogs or head to the river. Others use it as the starting block for a race with themselves, screeching tires and testing their vehicles to see how quickly they can get to 50+ mph. (You'll note just a few months ago, a vehicle was totaled on Maple because one of these drivers lost control.) I read in the traffic study that this development is expected to bring an additional 2 cars per household. If those cars make just one trip up and down Maple each day, that's an additional 88 cars passing through. This – again – on a dead end street that is not legally wide enough to be considered a two lane road. I worry that if the road is marginally widened – as I've heard is a potential – that it will only increase the confidence of the race-car drivers who come through.

Finally, I worry about the safety of my daughter. We just welcomed Mika into the world two months ago. I worry about our ability to safely walk / stroll with her around the neighborhood, and thinking ahead – about her ability to safely play, ride her bike and explore. We want to stay in this neighborhood and watch Mika grow up here; however, we don't want to do that if this becomes an unsafe place to live. With no sidewalks, parked vehicles on the East side and frequent agricultural spraying – Maple is already a challenging road to navigate as a pedestrian. Adding extra traffic will only exacerbate the issue.

I support Mr. Sprague's right to build on property he owns; however, the proposal that he distributed is too much for our street and neighborhood to support. As Planning Director, I hope you'll carefully review the safety concerns I've mentioned here and deny Mr. Sprague's development proposal.

Thank you for your time,

Brenna Baucum, CFP®

The H Group, Inc.
A Fee-Only Investment Advisory Firm
500 Liberty Street SE #310
Salem, OR 97301
503-371-3333

Laney Fouse

From: Darlene Toole <pardar@web-ster.com>
Sent: Thursday, March 23, 2017 9:49 PM
To: Bryan Brown
Subject: From Darlene and Paul Toole
Attachments: 20170223_112841.jpg; 20170223_113016 (1).jpg;
20170223_112902.jpg

Follow Up Flag: Flag for follow up
Flag Status: Completed

Hi! We live on Maple St. and Seven Acres is just down the road. We wanted to forward these photos of "the swamp" to you and the planning commission at to what Seven Acres looks like after two days of rain. Someone from the planning commission needs to see the parcel of land when there is unrelenting rain. P. Toole







Laney Fouse

From: Laura Baldonado <laurastamps@earthlink.net>
Sent: Tuesday, May 23, 2017 10:30 PM
To: Bryan Brown; Matilda Deas; epling@canbyoregon.gov; Brian Hodson; Tim Dale; Tyler Smith; Traci Hensley; Greg Parker; Sarah Spoon; heidit@canbyoregon.gov
Subject: Canby N Maple Street Subdivision

Follow Up Flag: Flag for follow up
Flag Status: Flagged

We live on North Maple Court, off North Maple Street. We have read the November 17, 2016 memorandum from DKS to Bryan Brown regarding the proposed N Maple Street subdivision. We have several concerns.

The traffic study referenced is from March 2015. Vehicle traffic, however, increases dramatically from late spring through fall due to the golf course. Pedestrian and bicycle traffic also increases during that time due to good weather. Basing a traffic study during a slower time (March) seems faulty.

In the memorandum, it is written that "pedestrian volume will be relatively low since there are few destinations with a reasonable walking distance, other than residences". Based on our experience living in the neighborhood, a great deal of non-resident walkers and bicyclists use North Maple Street to join up with the logging trail, from sunup to sundown, all year round, but as noted, particularly late spring through fall.

Adding a new development with an anticipated additional 300 cars per day on such a narrow street seems unsafe, particularly as cars have no other means of entering or exiting except on the very narrow North Maple Street. Even using the figures from the March parking study, there would be almost double the number of cars daily.

The addition of a four foot "walking/bicycle" area would seem adequate if the street was a normal width but on such a narrow street that does not seem to be wide enough for so many cars. In addition, the four foot area would be along the west side where there is a farm. There is constantly mud/dirt/weeds along the street edging the farm, making that area less safe for walkers and bicyclists.

We would appreciate you sharing our concerns with all interested parties including the planning commission. Thank you.

Laura and Jerry Baldonado
2810 N Maple Ct

To: City of Canby Planning Commission and Planning Staff

- ✓- Bryan Brown, Planning Director
- Matilda Deas, Senior Planner
- Dave Epling, Associate Planner
- Laney Fouse, Office Specialist
- Derrick Motten, Planning Commission
- Shawn Varwig, Planning Commission
- John Savoy, Chair
- Tyler Hall, Planning Commission
- John Serlet, Planning Commission
- Larry Boatwright, Vice Chair
- Andrey Chernishov, Planning Commission

7 Acer Proposal – Letter of Opposition

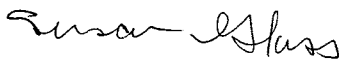
Dear Planning Commission and Planning Staff,

My name is Susan Glass and I live at 3040 N Maple St, Canby. I am writing this email to you in 'opposition' to the upcoming proposal to develop the 7AC at the end of N. Maple St by the Sprague's. The entire neighborhood in the Country Club Estates is 100% against this proposal. It is dangerous, will take away quality of life for the current residents, ruin the neighborhood and decrease property values. We don't want to be Wilsonville...please.

You will most likely be receiving many letters of opposition and I ask you all to vote 'NO' on the project as proposed.

Please do the right thing for our neighborhood and community by voting NO and REJECT this proposed development!

My Sincere Best -



Susan Glass

Laney Fouse

From: Karen Young <Karen.Young@aaaoregon.com>
Sent: Wednesday, May 24, 2017 9:32 AM
To: Bryan Brown
Subject: Opposition on the Seven Acre housing development

Dear Brian,

We are writing in our concerns for a proposed housing development at the end of N Maple St. We are homeowners at 2680 N Maple St. We are concerned with the traffic that will increase by our home which will require widening of the road and adding sidewalks. While we understand the necessity for safety, we are concerned with the possibility of losing part of our property and the financial responsibilities that would be required in widening the road and creating sidewalks.

We currently have many people who walk, jog and bike down our road and safety would be concern. This increased traffic would also be concerning at the intersection of N Maple St and N Territorial, this intersection can be difficult at times.

We have heard that our financial responsibilities to assist with the cost of the upgrades would be in the thousands. This is unacceptable, if the housing project is approved, the developer should be the one financially responsible for any street additions.

For personal reasons, we do not want the housing development to be approved either. We bought our home five years ago, we were not told that there would be the possibility of losing part of our property and being financially responsible for widening the road and creating sidewalks. We have a maintained manicured lawn but we have an older sprinkler system. If we lose part of our property line, we would end up having to replacing the whole system. This expense coupled with the added expense for the street widening would create a financial hardship to the point we may not be able to afford the home anymore.

We have heard that if the City/Planning Commission would "re-zone" the Seven Acres to allow for a maximum of seven homes, this would be an answer for all concerned. Those types of "upscale" homes would increase the value of the neighborhood and only add a modest amount of additional traffic while eliminating the safety risks that will occur if this current project is approved.

We, therefore, request that the City Council and the Planning Commission "Deny the Application for the Seven Acre Project" as it is currently proposed.

Sincerely,
Joseph and Karen Young

Karen K Young
Membership Sales & Service Specialist

— — —
6 Centerpointe Dr, Suite 260
Lake Oswego, OR 97035
503-219-6224
Toll Free 888-422-2503

Laney Fouse

From: Tim Dale
Sent: Monday, May 29, 2017 2:35 PM
To: Karen Culver
Subject: Re: North Maple Street

Follow Up Flag: Flag for follow up
Flag Status: Completed

Thank you very much for sharing with me, Dale and Karen. I will forward to our planning department, and it will be part of the public record submitted to decision making bodies, should a development application be received.

*Tim Dale
Council President
Urban Renewal Agency Chair
Budget Committee Chair
City of Canby
PO Box 930
Canby, OR 97013
[503.263.5524](tel:503.263.5524)
dalet@ci.canby.or.us*



On May 29, 2017, at 2:22 PM, Karen Culver <culver@web-ster.com> wrote:

Dear Tim,

My wife, Karen, and I have lived at 3140 N Maple St for over 36 years.

All this time our section of Maple street has been a single lane, a half street. There have been difficult situations daily due to the street's congestion. The street has always been heavily used by bikers, scate boarders, walkers and runners. Everyone. Add to that about 2 cars per home.

The proposed development of 22 houses without making Maple a full width street is an irresponsible decision. The increase of traffic on this dead-end street will be tremendous. It is already a very active street functioning as part of the fitness loop involving the logging road, 34th and Maple streets.

We want to thank you for serving our community, making it a wonderful place to live and work.

Sincerely,
Dale and Karen Culver

PS- Feel free to email us or call us at 503 263-6091.

Sent from my iPhone

PUBLIC RECORDS LEGAL DISCLOSURE

This email is a public record of the City of Canby, Oregon, and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law.
This email is subject to the State Retention Schedule.

To: Brian Brown
Canby City Council Members

925 NE 34th Place,
Canby, OR 97013

May 30th 2017

Subject: Proposed Development Known as “Seven Acres” at North End of Maple Street, Canby.

The purpose of this letter is to express my concerns with the proposed size of this development, (24 homes).

As you may be aware, the width of North Maple Street reduces significantly from just south of Willamette Valley Country Club all the way north to what would be the entrance way to this development, just past my street, (NE 34th Place).

I understand that this section is classed as a “Low Volume Local Street” (<500 vehicles Per Day). This may be true in terms of vehicle traffic but does not reflect the heavy volume of pedestrian traffic that exists. North Maple Street is part of a loop that connects via NE 34th Place with the Logging Lane. Large numbers of walkers, with or without dogs, joggers and cyclists frequent the street throughout the day and into the evening. I would even go as far as to say that it is difficult to find a time when there is nobody there.

It can be a challenge driving up and down the narrow section of North Maple, especially if people park on the street, and building 24 more houses will just exacerbate the situation.

I would like to define solutions as well as problems but its not clear to me what an acceptable solution is in this case. Widening the east side of North Maple seems most unfair to the residents. It would reduce their driveway space, several which would barely have enough space to get their cars off the road. It would also require significant utility reworking and destroy many established firs and blossom trees. Widening into the farmland to the west side of North Maple is obviously simpler but involves the cost of some sort of eminent domain procedure.

Perhaps a more balanced approach would be to reduce the number of homes from 24 to for example 6, thus reducing the traffic impact on the existing situation.

Please feel free to contact me or share my concerns as you see fit.

Colin Clayton

TO ALL....CANBY CITY COUNCIL MEMBERS and PLANNING DEPARTMENT MEMBERS.

First off, thank you for taking the time to read my letter.

As a resident of N.E. Canby for over 27 years...I am writing to ask that my opposition to the upcoming application for the Seven Acres project planned for the N.E. end of Maple, go into public record.

A similar project application was proposed somewhere about 15 years ago. The opposition was able to stop it because of the inadequacy of Maple Street. I am sure those records are available to you. Maple has not been improved...and the idea of adding 5 feet does very little to improve safety. The designation of Maple was changed from a "collector" to "local", for reasons that have not been explained. Maple has more traffic than in the past and certainly not less. We have 91 homes on a one way in and one way out....so please don't approve 22 more homes that will add to the pre-existing problems! The city of Canby has many citizens that use Maple for bike riding, running, dog walking, and simple family walks because it hooks up to the Molalla Logging path. More traffic will make these activities unsafe!

Again...thanks for listening.

Sincerely concerned,
Linda Geddes
740 N.E. 34 pl
Canby, Oregon 97013
503-263-6220

Laney Fouse

From: V Andersen <dedrekon@gmail.com>
Sent: Thursday, June 01, 2017 10:26 AM
To: Bryan Brown; Matilda Deas; Brian Hodson; Tim Dale; Traci Hensley; Greg Parker; Sarah Spoon; Tracie Heidt; motternd@canbyoregon.gov; varwigs@canbyoregon.gov; savoryj@canbyoregon.gov; hallt@canbyoregon.gov; serletj@canbyoregon.gov; boatrightl@canbyoregon.gov; chernishova@canbyoregon.gov; Tyler Smith
Subject: Re: Proposed Sprague 7 Acres Property Development
Attachments: a maple.jpg; a maple1.jpg; a maple2.jpg

Canby Planners, Planning Commission and Canby City Council Members,

As a nearly twenty year tax paying property owner, I'm writing to express our deep concerns about the proposed development at the north end of Maple here in Canby. The developer is planning on erecting twenty three new homes on the property, which by their own estimate would increase traffic by over three hundred vehicles a day (nearly three thousand additional vehicles a week).

The road in front of our house is 18' wide....two cars can barely pass each other safely now IF no-one is parked on the street. If a vehicle is parked, it is a one way street. I've seen garbage trucks unable to get past parked cars without running off the road. It is dangerously narrow and there have been accidents as a result already. Adding three or four feet to the width of the road wouldn't change that. That much traffic would require sufficient improvements to make it a standard size road

The road isn't solely used by vehicular traffic. In point of fact it's one of the most popular walking, running and bicycling routes in the city. It's actually part of the "Tour Canby Route" as established by the city and on a typical spring or summer day it will host dozens of children, families and visitors. I counted 29 people in one hour this week alone. It's also an integral part of the route for several runs and races every year here in Canby.

To turn this into a busy, dangerous, overcrowded street would have a devastating effect on the quality of life not just for the homeowners, but for the entire city and it would be just a matter of time before someone was badly injured or worse by such a reckless increase in traffic.

I would strongly urge you not to alter, modify or waive any rules, guidelines or regulations pertaining to the roadway in order to benefit one party at the expense of safety, congestion and quality of life for this neighborhood and the entire city.

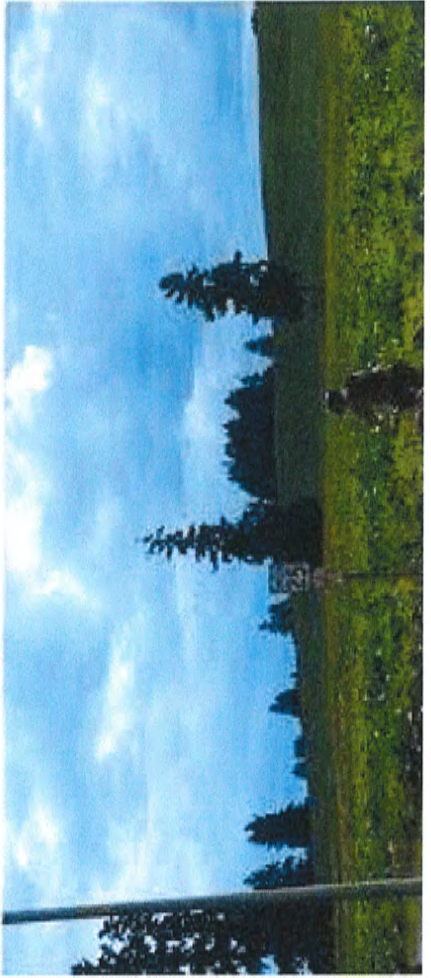
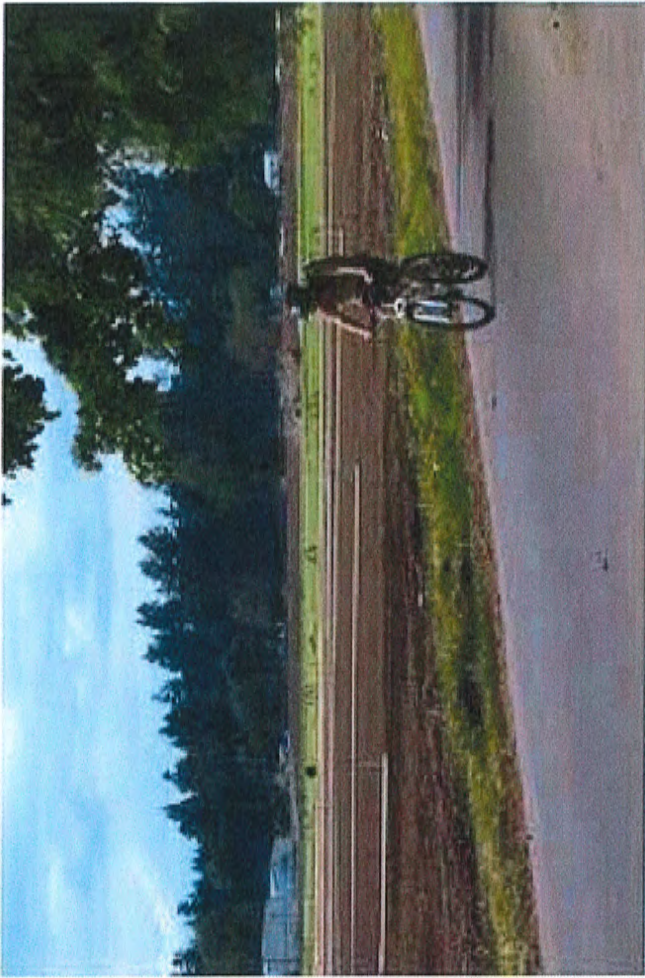
I'm attaching several pictures which clearly illustrate the foot/walker/bicycle/running traffic and the extreme narrowness of the roadway. Also attached is a copy of the Tour Canby Route. Please include this letter along with the pictures and Tour Route map in the official public record of any and all hearings on the subdivision application. Please forward this email and attachments to all relevant persons.

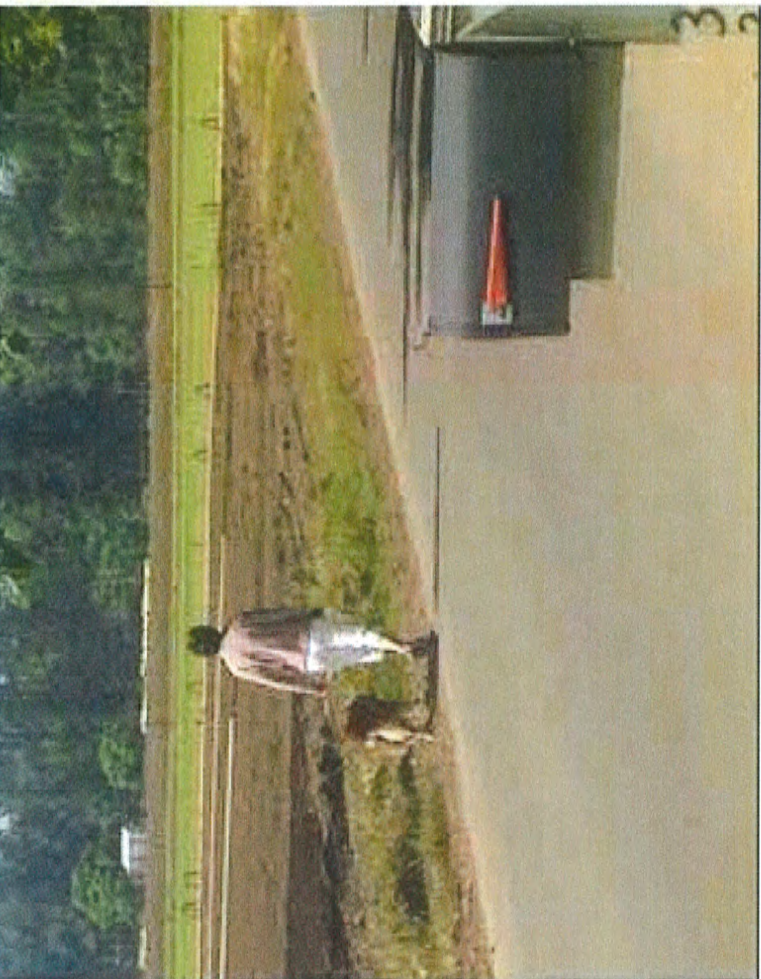
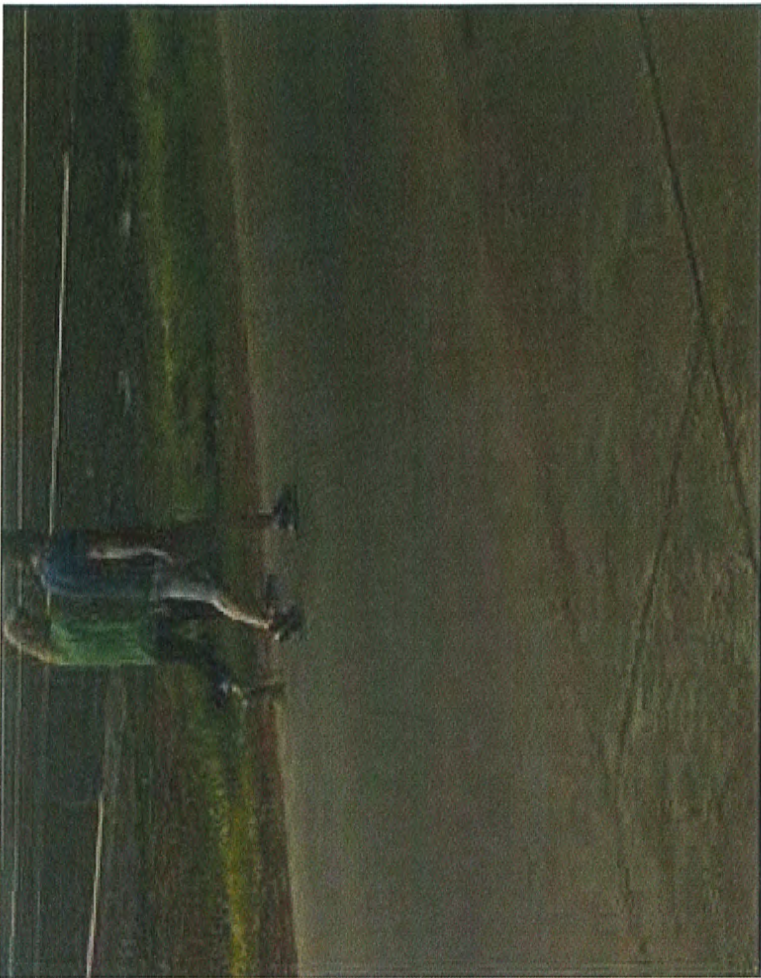
I would also urge all parties to come and take a look at the street and talk to the homeowners who are uniformly against, not development, but this attempt at over-development.

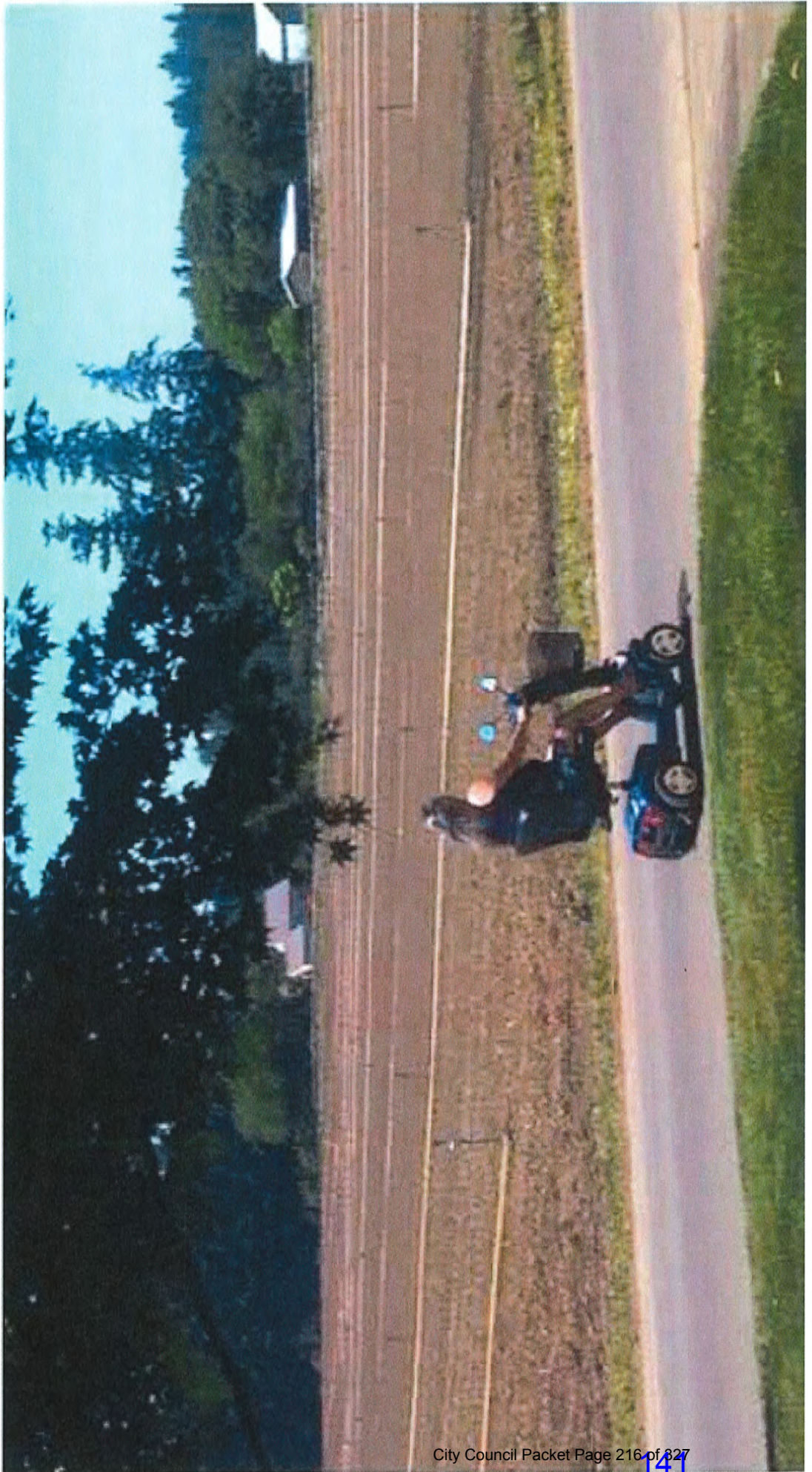
Sincerely,

Vincent Andersen and Mary Andersen
3370 N Maple
Canby, Oregon 97013

<http://www.canbyoregon.gov/maps/docs/TourCanbyBikeLoop12-14.pdf>







to: Canby Planning Commission

From : Scott Taylor

Re: Proposed Development Maple street

On may 22nd I joined at least 50 of my North Maple Street Neighbors to discuss the proposed development at the end of North Maple Street. There was a consistent theme that the size of the development would greatly increase the traffic on North Maple, especially from the Country Club on. The road is not a full width road with the property on one side of it being undeveloped. My wife and I walk each night on this road and since there are no sidewalks and the road is narrow, the traffic on the road can be hazardous. To build another 20+ lots at the end of road will do nothing but greatly increase the risk of walking or even driving on this often fast moving road. A proposal to widen the road by adding a Walking lane is insufficient and will not truly address the fact that this is not a full width road, has fast moving traffic and putting a huge load of traffic at the far end will only increase the risk.

I served on the Canby city council for 18 years and spent another 6 on the utility Board. I am familiar with some of the legal and technical process you must use when considering future development. But I am at a loss to understand how this poorly considered, safety risk can be considered when the city has built speed bumps on a full width road, with sidewalks for what I would assume were locally stated safety concerns. When the 2nd half of road is built as the property is annexed, there will be a full road, sidewalks and an appropriate discussion of further development.

I with my neighbors will participate in the planning process and hope that we can affect the end planning commission decision, but wanted to voice my concerns to you.

I would be happy to visit with any of you when and if it is determined such interaction would be appropriate.

Sincerely,

Scott Taylor

503-209-0141

June 5, 2017

Jane Moe

925 NE 34th Place

Canby, OR 97013

Brian Brown

Canby City Council Members

Regarding the Proposed Development Known as “Seven Acres” at North End of Maple Street, Canby.

Greetings,

I am concerned about the current plan to build 24 houses at this site for the volume of increased potential traffic may significantly alter the safety of this closed street.

Maple Street is well traveled by residential auto traffic, walkers, joggers, cyclists and a number of agricultural workers. Although Maple Street is considered a “Low Volume” street, it’s narrow width and lack of sidewalks often cause concerning congestion between the cars jockeying around street parked vehicles and the people using this street for transportation. Furthermore, with only Territorial Road as the entrance and exit for this area, I feel 24 more houses puts not only considerably more activity on Maple Street but also creates additional safety concerns by nature of the increased traffic of all kinds on a closed street.

I am not opposed to development of this property but I feel as though a smaller number of homes, possibly 12 houses, would be more prudent and a safer fit to this area.

Thank you for your attention and consideration and please feel free to contact me with any questions or thoughts you’d like to share.

Best Regards,

Jane Moe

971-703-9007

janemoe11@yahoo.com

Laney Fouse

From: LARRY KROMER <woodfbrsol@web-ster.com>
Sent: Thursday, June 08, 2017 9:32 AM
To: Bryan Brown
Subject: FW: THE DEVELOPMENT OF 7 ACRES LOCATED AT THE TERMINUS OF NORTH MAPLE STREET, CANBY OR

From: LARRY KROMER [mailto:woodfbrsol@web-ster.com]
Sent: Thursday, June 8, 2017 9:30 AM
To: BryanBrown@canbyoregon.gov
Cc: hodsonb@canbyoregon.gov; spoons@canbyoregon.gov; parkerg@canbyoregon.gov; hensleyt@canbyoregon.gov; smith@canbyoregon.gov; dalet@canbyoregon.gov
Subject: THE DEVELOPMENT OF 7 ACRES LOCATED AT THE TERMINUS OF NORTH MAPLE STREET, CANBY OR

MY NAME IS LARRY KROMER AND I RESIDE AT 3270 N. MAPLE STREET IN CANBY. THERE IS A PROPOSED DEVELOPMENT OF 7 ACRES AT THE END OF N. MAPLE STREET WHICH IS OF CONCERN TO ME. NORTH MAPLE STREET IS A "HALF" STREET WITH A PAVED SURFACE OF 18' TO 20' WIDE. THE STREET IS USED BY MANY PEDESTRIANS AND CYCLISTS WHO CONNECT TO THE LOGGING ROAD TRAIL VIA NORTH 34th AVE. WHEN DAILY SERVICE VEHICLES ARE ON THE STREET. (MAIL TRUCKS, GARBAGE TRUCKS, UPS, FEDEX ETC) IT REDUCES THE TRAFFIC FLOW TO ONE WAY AND IT REQUIRES PEDESTRIANS AND CYCLISTS TO THE EXTREME SHOULDER, OFTEN ONTO THE DIRT (OR MUD) SHOULDER. THE PROPOSED DEVELOPMENT CONTEMPLATES AN INCREASED TRAFFIC LOAD OF 300 DAILY TRIPS. UNLESS NORTH MAPLE IS DEVELOPED TO A FULL WIDTH STREET, THIS ADDITIONAL TRAFFIC FLOW IS DANGEROUS AND UNWISE. I HAVE NO ISSUE WITH THE RESIDENTIAL DEVELOPMENT UNDER CONSIDERATION FOR THE "7 ACRES". I FEEL STRONGLY THAT THE ACCESS VIA NORTH MAPLE STREET BE SAFE AND THAT THE STREET BE WIDENED TO CONFORM TO THE CITY STANDARD STREET WIDTH.

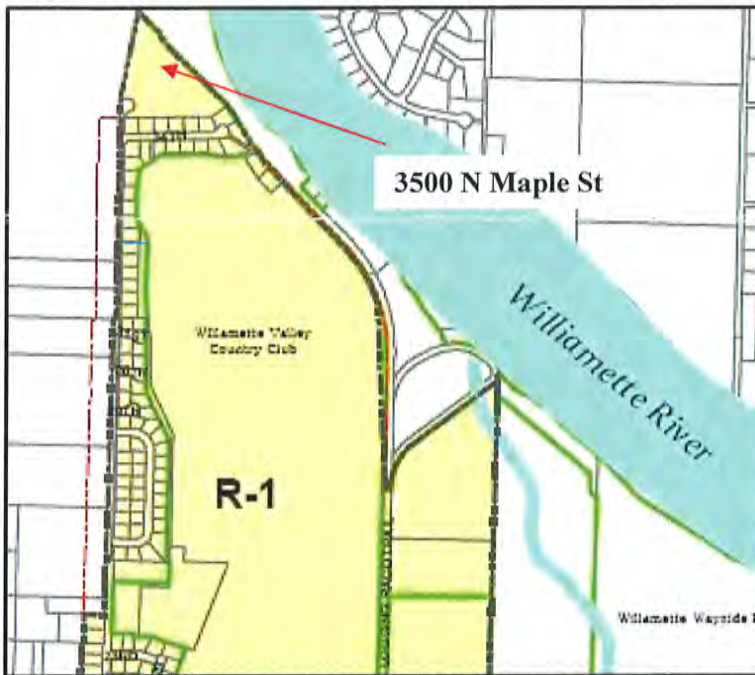
REGARDS,
LARRY KROMER
3270 N. MAPLE ST.
503-266-5380
larry@woodfibersolutions.com



City of Canby

NOTICE OF PUBLIC HEARING & REQUEST FOR COMMENTS

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Comments due— If you would like your comments to be incorporated into the City's Staff Report, please return the Comment Form by Wednesday, September 13, 2017

Location: 3500 N Maple St

Tax Lots: 31E21 0602

Lot Size and Zoning: 6.84 acres, R-1 Low Density Residential

Owners: Canby Development, LLC

Applicants: Doug & Lori Sprague and Kati Gault

Application Type: Subdivision (Type III)

City File Number: SUB 17-05

Contact: Bryan Brown at 503-266-0702 or email

brownb@canbyoregon.gov

What is the Decision Process? The Planning Commission will make a decision after the Public Hearing. The Planning Commission's decision may be appealed to the City Council.

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- 16.46 Access Standards
- 16.56 General Provisions
- 16.62 Subdivisions – Applications
- 16.64 Subdivisions – Design Standards
- 16.86 Street Alignments
- 16.88 General Standards & Procedures
- 16.89 Application & Review Procedures
- 16.120 Parks, Open Space & Recreation Land General Provisions

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E-mail: brownb@canbyoregon.gov

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Application: SUB 17-05 – 7 Acres Subdivision

COMMENTS:

We would like to make our concerns regarding this new sub division app. known. Our Property Borders on Maple ST. N Maple ST is not wide enough as it is for existing Traffic and parked Vehicles, and there is no other egress. We believe that the offset intersection at Territorial & Maple would need a traffic control device. The Church School, Golf Course and residents will create dangerous conditions at intersections up & down Maple ST. We already have long waits to turn fm Maple onto Territorial because of increasing traffic on Territorial. Also there are a few of us who remember the Dec Flood of 1964, which did flood the land where the sub division is to be built. And 1996 also came close to flooding this area. The water table is high. I'm surprised the Planning Commission would allow homes to be built there. We would like to know how it was changed fm 100 yr flood to 500 yr flood. Many will regret if this application is approved.

NAME: Dan & Linda Mowry
ADDRESS: 730 NE Fairway Lane Canby
EMAIL: turtle@canby.com DATE: Sept 6 2017

AGENCIES: Please check one box and fill in your Name/Agency/Date below:

- ☐ Adequate Public Services (of your agency) are available
- ☐ Adequate Public Services will become available through the development
- ☐ Conditions are needed, as indicated
- ☐ Adequate public services are not available and will not become available
- ☐ No Comments

NAME: _____
AGENCY: _____
DATE: _____

Thank you!

Subject: Re: Seven Acres Subdivision

Date: September 6, 2017 at 5:51:29 PM PDT

To: Bryan Brown <BrownB@canbyoregon.gov>

Thanks for your prompt response, Bryan. Several of the neighbors affected are concerned about being able to properly and thoroughly understand all the details of the subdivision application in view of the additional impact of the traffic flow and safety considerations based on the street width variances now proposed. Moreover, we just received this application on a Friday, September 1, before a holiday weekend when many are gone on vacation or away on other travels. Requiring comments to be submitted by September 15 is too short of notice for those who did receive the notice of the filed application. In addition, we must reiterate that this proposal impacts all the residents on Maple Street as well as those who live on the arterial streets. We would like to request a time extension of 30-60 days before the public hearing so adequate information can be provided for all those concerned.

This request would seem to be reasonable and fair since the housing project has been in the planning stages since last December (basically 9 months), and we just learned the full extent of the application and how it will impact the neighborhood less than a week ago.

Please let us know if there is a more formal procedure to follow if necessary to grant us an extension.

Phillip and Sarah Seale

On Sep 5, 2017, at 10:57 AM, Bryan Brown <BrownB@canbyoregon.gov> wrote:

Hello Phillip,

My understanding is the developer is proposing to designate a four foot wide area within the widened 34' feet of street width separated with an 8" wide stripe of paint for pedestrians to walk. I am still debating as to whether it would be better to just allow continued share use of the much needed widened street as has been the situation for 40 years. Local streets, especially fairly low volume dead end streets are often have people walk and bike in them without any formal designation. I think it may actually be safer not designating the area for pedestrian use since it is still in the street so people are not complacent about walking in the street.

Bryan

Bryan Brown | Planning Director
City of Canby | Development Services
222 NE 2nd Avenue | PO Box 930
Canby, OR 97013
ph: 503-266-0702 | fax: 503-266-1574
email: brownb@canbyoregon.gov ; website: www.canbyoregon.gov
Send applications to: PlanningApps@canbyoregon.gov

PUBLIC RECORDS LAW DISCLOSURE

This email is a public record of the City of Canby and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This email is subject to the State Retention Schedule.

-----Original Message-----

From: Phillip Seale [<mailto:sseale@canby.com>]
Sent: Sunday, September 03, 2017 5:22 PM
To: Bryan Brown <BrownB@canbyoregon.gov>
Subject: Seven Acres Subdivision

Bryan

one question:

Is there any provision for sidewalks on the west side of North Maple in this application ? It is unclear to me in the submittal. Perhaps there is just an increase in the pavement width to 34 feet for the northernmost segment.

thanks

Phillip Seale

PUBLIC RECORDS LEGAL DISCLOSURE

This email is a public record of the City of Canby, Oregon, and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This email is subject to the State Retention Schedule.

Bryan Brown

From: Bryan Brown
Sent: Thursday, September 07, 2017 9:18 AM
To: 'Phillip Seale'
Subject: RE: Seven Acres Subdivision

Phillip,

I understand the details pertaining to the street width have changed and it is a bit difficult to cull from the narrative submitted. The applicant has indicated that they are preparing and intend to have a visual (map) to help illustrate the resulting street and sidewalk situation they are proposing at the public hearing.

The notice and agenda has been set. It is totally up to the Planning Commission to entertain postponement or continue the public hearing to an additional meeting to allow for additional information to be submitted which can also prompt the applicant to request an opportunity to respond to any new information submitted if not shared ahead of time before a continued hearing for further discussion or to allow time for additional relevant information to be submitted.

Respectfully,
Bryan

Bryan Brown | Planning Director
City of Canby | Development Services
222 NE 2nd Avenue / PO Box 930
Canby, OR 97013
ph: 503-266-0702 | fax: 503-266-1574
email: brownb@canbyoregon.gov ; website: www.canbyoregon.gov
Send applications to: PlanningApps@canbyoregon.gov

PUBLIC RECORDS LAW DISCLOSURE

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From: Phillip Seale [mailto:sseale@canby.com]
Sent: Thursday, September 07, 2017 6:57 AM
To: Bryan Brown <BrownB@canbyoregon.gov>
Subject: Fwd: Seven Acres Subdivision

Not sure this email went out correctly, so I am repeating myself.
Phillip

Begin forwarded message:

From: Phillip Seale <sseale@canby.com>

-----Original Message-----

From: Phillip Seale [mailto:sseale@canby.com]
Sent: Saturday, September 09, 2017 7:54 AM
To: Bryan Brown <BrownB@canbyoregon.gov>
Subject: Seven Acres Subdivision Application

Bryan.... a few more questions on N Maple ST modifications.

1. Is the application proposing to widen the entire 24 ft section from the Country Club heading north (around 31st Pl) to 25 ft ?
2. Is the application proposing to widen the 20 ft wide section that is 396 ft in length (along tax lots 00900 and 01000) to 25 ft ?
3. Assuming the answer to both of the above is "yes" (as I read the very confusing narrative) is the application proposing to make "no parking" on both sides of N Maple St the entire length of this new 25 ft section, essentially from the country club to the northern end where the new 34 ft section begins (around 3200 N Maple) ?

Bryan, I realize you told me the applicant is going to present more information and clarification at the public hearing; however, in order for the affected residents to comment, as requested before the hearing or be prepared to testify at the public hearing it is important that we have a clearer understanding of the application.

Thanks in advance for your usual fast response

Phillip Seale
3240 N Maple ST

Bryan Brown

From: Bryan Brown
Sent: Monday, September 11, 2017 2:29 PM
To: 'Phillip Seale'
Subject: RE: Seven Acres Subdivision Application
Attachments: Proposed N Maple Street Cross Sections.pdf

Hello Phillip,

I am still trying to figure this out too, with benefit of a new drawing I just received from the applicant (Labeled Proposed Street Improvements). It is attached for your use as a part of the applicants submittal.

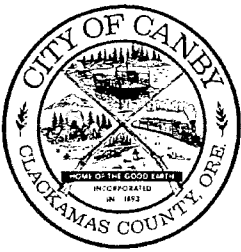
1. The applicant is proposing to widen the entire existing street paving width to 34' - standard City local street standard - from the proposed subdivision south to NE 23rd Ave/Country Club Lane intersection with N Maple Street where an existing street curb and sidewalk ends on the west side except for 396' adjacent to Tax Lots 900 and 1000 where currently the amount of existing ROW has not been absolutely confirmed and the adjacent land owner has not yet agreed to provide additional ROW easement beyond the 30' which they believe exists.
2. The applicant is indicating widening the existing 20' pavement to 25' adjacent to Tax Lots 900 and 1000 if no additional existing ROW is determined to exist or negotiations do not lead to the an additional 10' ROW Easement which if secured would allow them to pave the entire distance if the ROW was available.
3. The proposal is to maintain the existing allowed parking along the entire east side except where the pavement at this time can only be guaranteed to be widened to 25' in order to maintain a minimum 20' free and clear access for emergency vehicle access. Allowing the parking to continue would only leave 18' for emergency access which the Fire Marshal has indicated he can vary only if all the homes in the subdivision were required to be sprinklered. The newly widened street along the west side would retain a "no parking" designation so as to allow a "temporary use of approximately 5' of the pavement for a "pedestrian way". It has not been determined at this time whether this "pedestrian area" would be marked or not!

My Best to You,
Bryan

Bryan Brown | Planning Director
City of Canby | Development Services
222 NE 2nd Avenue | PO Box 930
Canby, OR 97013
ph: 503-266-0702 | fax: 503-266-1574
email: brownb@canbyoregon.gov ; website: www.canbyoregon.gov

Send applications to: PlanningApps@canbyoregon.gov _____ PUBLIC RECORDS LAW
DISCLOSURE

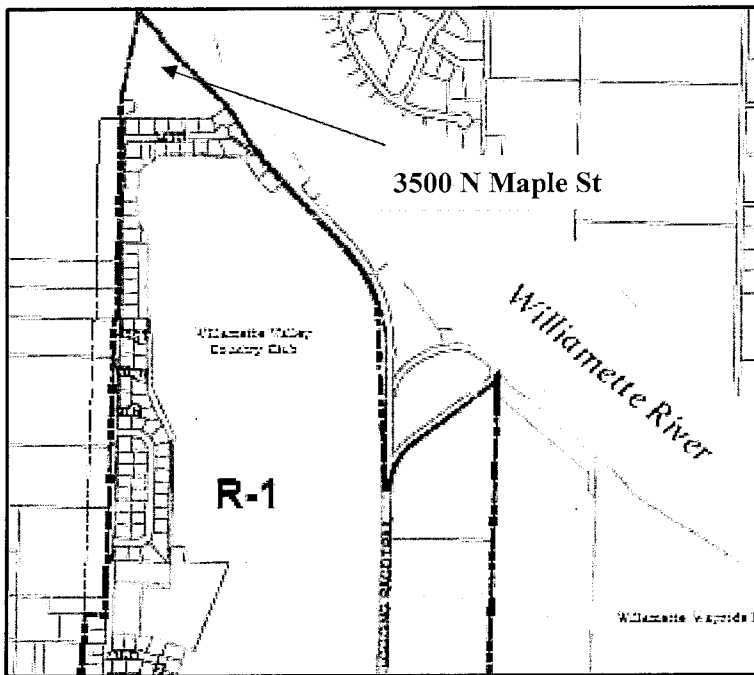
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City of Canby

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Comments due— If you would like your comments to be incorporated into the City's Staff Report, please return the Comment Form by Wednesday, September 13, 2017

Location: 3500 N Maple St

Tax Lots: 31E21 0602

Lot Size and Zoning: 6.84 acres, R-1 Low Density Residential

Owners: Canby Development, LLC

Applicants: Doug & Lori Sprague and Kati Gault

Application Type: Subdivision (Type III)

City File Number: SUB 17-05

Contact: Bryan Brown at 503-266-0702 or email brownb@canbyoregon.gov

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Application: SUB 17-05 – 7 Acres Subdivision

COMMENTS:

We are Dale + Karen Culver of 3140 N. Maple St, Canby. We have lived in this house thirty six years. The street in front of our house is too narrow to safely accommodate the traffic now - before the new development adds the impact of twenty-two new homes to the traffic. The street is a half street only twenty-three feet wide. We understand that our home is one of five houses in that 23 ft. section of street that will have our right to park in front of our house - on the street - taken away. I read that this a "subjective decision" & we ask that the people involved in making this "subjective decision" will allow us our right to park. Our gardeners park on the street as do our party and holiday guests and family. Please allow us to use this space as we always have.

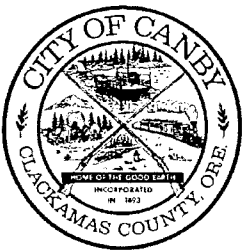
NAME: Dale and Karen Culver
ADDRESS: 3140 N. Maple Street
EMAIL: culver@web-ster.com **DATE:** 9-12-2017

AGENCIES: Please check one box and fill in your Name/Agency/Date below:

- ☐ Adequate Public Services (of your agency) are available
- ☐ Adequate Public Services will become available through the development
- ☐ Conditions are needed, as indicated
- ☐ Adequate public services are not available and will not become available
- ☐ No Comments

NAME: _____
AGENCY: _____
DATE: _____

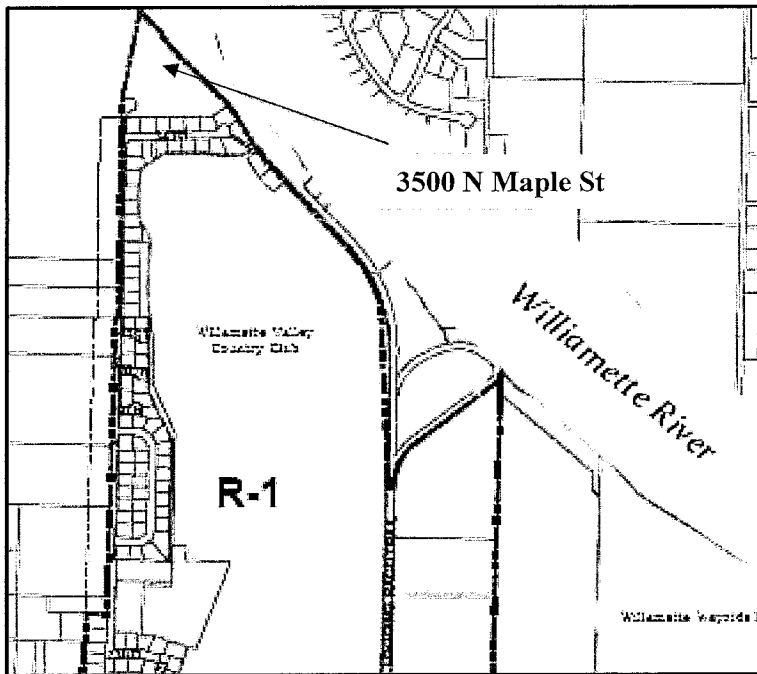
Thank you!



City of Canby

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Application: SUB 17-05 – 7 Acres Subdivision

COMMENTS:

1. Maple Street is too narrow to absorb additional traffic. AS it stands now we pull off if too large vehicles meet. No shoulders on the road.
2. No sidewalks - people walk on the road (narrow road). It works now, with light traffic but won't work with additional traffic.
3. No other public road to use to help distribute traffic increase.
4. Emergency evacuation ^{area} lacks a 2nd road to/alternative to evacuate. With the increase of people this becomes a disaster in the making.

NAME: Marc & Nancy Thompson
ADDRESS: 875 NE 34th Pl. Canby, OR - 97013
EMAIL: marc.thompson@adidas.com DATE: 9-11-2017

AGENCIES: Please check one box and fill in your Name/Agency/Date below:

- ☐ Adequate Public Services (of your agency) are available
- ☐ Adequate Public Services will become available through the development
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- ☐ Adequate public services are not available and will not become available
- ☐ No Comments

NAME: _____
AGENCY: _____
DATE: _____

Thank you!

From: asambuceto@canby.com [mailto:asambuceto@canby.com]
Sent: Wednesday, September 13, 2017 10:23 AM
To: Bryan Brown <BrownB@canbyoregon.gov>
Subject: Comment form SUB 17-05 7 Acres Subdivision
Importance: High

To the City of Canby Planning Department,

With regards to the 7 acres Subdivision on N Maple, I have a major concern with the cost and development of a possible sidewalk on the east side of N. Maple street:

- **As a home owner with property on N. Maple street, who would bear the burden of financing a sidewalk if it were to be installed on the east side of the street?**
- **If it is not deemed to be installed in the near future, would the home owners be responsible for it in the later future?**
- **Can you guarantee that the home owners are not responsible for the cost of the sidewalk installation?**

Thank you,
Andrew Sambuceto
2880 N Maple ct.
Canby, OR. 97013

PUBLIC RECORDS LEGAL DISCLOSURE

This email is a public record of the City of Canby, Oregon, and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This email is subject to the State Retention Schedule.

Laney Fouse

From: Andrew W Sambuceto <asambuceto@canby.com>
Sent: Wednesday, September 13, 2017 6:20 PM
To: Bryan Brown
Subject: Re: Comment form SUB 17-05 7 Acres Subdivision

Thank you Bryan for your response!

-Andrew Sambuceto

On Sep 13, 2017, at 4:54 PM, Bryan Brown <BrownB@canbyoregon.gov> wrote:

Andrew:

I will place your questions and concern about a sidewalk and who would pay for it as part of the record related to the proposed Seven Acre Subdivision.

I am not able to definitively answer your question.

If is a potential that a sidewalk could be built on the east side. The developer would certainly prefer to see participation by the existing home owners, and legally the City likely cannot require the developer to build the entire east side sidewalk since such off-site requirement would not be proportional to his development's contribution to the pedestrian traffic that already exists. However, the developer has to our knowledge, agreed to either construct a 5' wide sidewalk within the existing on-street parking area but with loss of the parking area where the existing ROW width will limit their ability to widen the street to 25' wide or will place a temporary sidewalk on widened pavement if they are able to obtain the necessary right-of-way to widen the entire street to 34' in width. In the latter case, if the neighborhood ever wishes to have a permanent sidewalk on the east side that is not built by the developer of this subdivision, it would be as a result of a request of 50% or more of the existing home owners requesting that a Local Improvement District be formed by the City Council where assessments would be made to each lot owner to pay over time for the City to install the sidewalk. Home owners are not being asked to pay for a sidewalk with this request!

Bryan

Bryan Brown | Planning Director

City of Canby | Development Services

222 NE 2nd Avenue | PO Box 930

Canby, OR 97013

ph: 503-266-0702 | fax: 503-266-1574

email: brownb@canbyoregon.gov ; website: www.canbyoregon.gov

Send applications to: PlanningApps@canbyoregon.gov

PUBLIC RECORDS LAW DISCLOSURE

This email is a public record of the City of Canby and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This email is subject to the State Retention Schedule.

CITY OF CANBY –COMMENT FORM

If you are unable to attend the Public Hearing, you may submit written comments on this form or in a letter addressing the Planning Commission. Please send comments to the City of Canby Planning Department.

By mail: Planning Department, PO Box 920, Canby, OR 97013
In person: Planning Department, 222 N. 2nd Ave., Canby, OR 97013
E-mail: info@canbyoregon.gov

Written comments to be included in the Planning Commission's meeting packet are due by noon on Wednesday, September 13, 2017. Written comments can also be submitted up to the time of the Public Hearing on Monday, September 25, 2017 and may be delivered in person to the Planning Commission during the Public Hearing at 7 pm to the City Council Chambers, 222 N. 2nd Avenue, 2nd floor.

Application: SUB 17-05 - 7 Acres Subdivision

COMMENTS:

We oppose this application and recommend that the Canby Planning Commission deny the application for the following reasons: 1.) The entire length of N. Maple from the country club to the applicant's subdivision entrance is substandard. 2.) LDO 16.46 requires a 28' minimum width with parking limited to one side of the street. There is absolutely no justification to eliminate this requirement for the sake of adding a subdivision. This is a heavily traveled road for not only cars but also pedestrians and bicyclists. Sacrificing public safety is poor planning. The City of Canby has the power to procure this property and construct code standard streets and sidewalks if the city feels this subdivision is so important. Increasing the road width to only 25' is still not to code. The suggestion to eliminate parking on both sides of the road for the 396 foot section is beyond impractical. Parking has been allowed on the east side of N. Maple St. for 40 years. Punishing current, long-time residents for the benefit of a developer's profit is unethical. We have development standards in Canby; why not stick to them instead of making contrived exceptions..

NAME: Phillip and Sarah Seale

ADDRESS: 3240 N. Maple St., Canby, OR 97013

EMAIL: sseale@canby.com

DATE: September 11, 2017

AGENCIES: Please check one box and fill in your Name/Agency/Date below:

Adequate Public Services (if your agency) are available

Adequate Public Services will become available through the development.
Conditions are needed, as indicated.

Adequate public services are not available and will not become available.

No Comments

NAME:

AGENCY:

DATE:

Thank you!

CITY OF CANBY –COMMENT FORM

If you are unable to attend the Public Hearing, you may submit written comments on this form or in a letter addressing the Planning Commission. Please send comments to the City of Canby Planning Department:

By mail: Planning Department, PO Box 930, Canby, OR 97013
In person: Planning Department at 222 NE 2nd Ave, Canby, OR 97013
E-mail: brownb@canbyoregon.gov

Written comments to be included in the Planning Commission's meeting packet are due by Noon on Wednesday, September 13, 2017. Written comments can also be submitted up to the time of the Public Hearing on Monday, September 25, 2017 and may be delivered in person to the Planning Commission during the Public Hearing at 7 pm in the City Council Chambers, 222 NE 2nd Avenue, 1st Floor.

Application: SUB 17-05 – 7 Acres Subdivision

COMMENTS:

I live on N. Maple Street and am submitting my comments in strong opposition to the 7 Acres subdivision proposal for the following reasons:

1. Maple Street is a long dead-end road with a significant amount of traffic, pedestrians, joggers, bicyclers, kids on skateboards, etc. Currently the cars, buses, delivery trucks all tend to drive down this narrow road at high rates of speed. Increasing the number of houses and thus traffic will significantly increase the danger that is posed to all who live and use Maple Street.
 2. Currently the street is 20 feet wide with a proposal to widen most of the street to 35 feet. However the portion in front of my house and several of my neighbors will only be widened to 25 feet. The uneven widening of the road will create a dual-ended "funnel" for the speeding cars to head toward increasing the risk of car accidents within this area, as well as increase the danger to pedestrians, joggers, kids and others to safely use and live on Maple Street.
 3. Myself and my two children use the road for riding bikes, skateboarding, running or walking to their grandparents' house. The absence of sidewalks and the creation of a "funnel" in one section of Maple Street coupled with the increase in traffic will indeed heighten the danger along the road.
 4. Finally, designating the 25 foot wide portion of the road as "no parking" is unfair and unreasonable. This proposal minimizes and disregards my rights as a resident and good citizen of the community.
-

NAME: Rachel L. Seale

ADDRESS: 3160 N. Maple Street

EMAIL: rlb5523@gmail.com

DATE: September 13, 2017

AGENCIES: Please check one box and fill in your Name/Agency/Date below:

- ☐ Adequate Public Services (of your agency) are available
☐ Adequate Public Services will become available through the development
☐ Conditions are needed, as indicated
☐ Adequate public services are not available and will not become available
☐ No Comments

NAME: _____

AGENCY: _____

DATE: _____

Thank you!

Cashy, D12

September 12, 2017

Planning Commission:

Make it a Park! Add it to the existing Logging Road Pathway which is used by so many people already. I am referencing the address at 3500 W. Maple Street also known as seven acres owned by Doug and Lori Sprague and Kati Gault. I believe the Planning Commission has insight and power to make this happen rather than 22 new homes making Maple Street a much too traveled Road.

Many of the Maple Street residents and side streets purchased their homes years ago looking for the beauty and serenity of the area which remains today. Much of this would be lost forever if this development is added to Maple Street. Maple Street is the only access to this proposed site, in and out, coming or going. One exception is the Emergency Proposed outlets to the Logging Road.

Maple Street will become too busy and unsafe - as 22 homes, with at least two cars per household probably more with young drivers, service vehicles, delivery

vans, construction equipment, my list could go on. This would impact the now existing beauty and tranquility of what is now.

Safety a priority for everyone. Pedestrians on Maple Street are very abundant in the form of casual walkers, at times with dogs. Runners and Joggers make an impact on Maple Street often from using it as a circle from the logging Road onto Maple St. Mothers walk their babies in strollers followed by their young children on bicycles. Maple Street at the / to the Cul-de-Sac is already dangerous - a school bus and one car can barely pass each other there. The street isn't wide enough and there are no sidewalks. Cars and people are at risk, everyday.

I realize the owners of Seven Acres, 3500 W Maple St. would like to sell their property for financial gain, their privilege of which I understand. But, not at the expense and lives of existing residences which cherish their tranquil and serene lives along with

the beauty the area, in which we / they live now.

The Planning Commission, as a whole, should drive to, down Maple Street to personally view what I have described in my letter. Seeing this the actual property, Seven Acres, cany will give the Planning Committee a real view and sense of this current proposal. Myself and many residents oppose the 22 house addition to Maple Street. The complexity of the area will forever be gone

A Park for all could include a childrens play area, with equipment for different ages of children. Covered picnic area which would be handicapped accessible. Tables picnic about 50 people could have lunch/dinner using provided Barbeques. Bocci Ball lanes and Horseshoes would at to the adult and senior interests. A small Putting Green only is an added plus to adults and Seniors, as would a Tennis Court.

Planning Commission please oppose this develop of Seven Acres - Mr. Prague should have the privilege of naming

this new Park, again open to the
Public and an extension of the
Logging Road, after his Father.

Safety and our quality of
life are the priorities we wish
remain on Maple Street

Make it a Park!

Sincerely

Susan Glass

Susan Glass

5040 N Maple St

Canby, OR

97013

503 407 2170

Bryan Brown

From: Andrew W Sambuceto <asambuceto@canby.com>
Sent: Wednesday, September 13, 2017 6:20 PM
To: Bryan Brown
Subject: Re: Comment form SUB 17-05 7 Acres Subdivision

Thank you Bryan for your response!

-Andrew Sambuceto

On Sep 13, 2017, at 4:54 PM, Bryan Brown <BrownB@canbyoregon.gov> wrote:

Andrew:

I will place your questions and concern about a sidewalk and who would pay for it as part of the record related to the proposed Seven Acre Subdivision.

I am not able to definitively answer your question.

If is a potential that a sidewalk could be built on the east side. The developer would certainly prefer to see participation by the existing home owners, and legally the City likely cannot require the developer to build the entire east side sidewalk since such off-site requirement would not be proportional to his development's contribution to the pedestrian traffic that already exists. However, the developer has to our knowledge, agreed to either construct a 5' wide sidewalk within the existing on-street parking area but with loss of the parking area where the existing ROW width will limit their ability to widen the street to 25' wide or will place a temporary sidewalk on widened pavement if they are able to obtain the necessary right-of-way to widen the entire street to 34' in width. In the latter case, if the neighborhood ever wishes to have a permanent sidewalk on the east side that is not built by the developer of this subdivision, it would be as a result of a request of 50% or more of the existing home owners requesting that a Local Improvement District be formed by the City Council where assessments would be made to each lot owner to pay over time for the City to install the sidewalk. Home owners are not being asked to pay for a sidewalk with this request!

Bryan

Bryan Brown | Planning Director

City of Canby | Development Services

222 NE 2nd Avenue | PO Box 930

Canby, OR 97013

ph: 503-266-0702 | fax: 503-266-1574

email: brownb@canbyoregon.gov ; website: www.canbyoregon.gov

Send applications to: PlanningApps@canbyoregon.gov

PUBLIC RECORDS LAW DISCLOSURE

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From: asambuceto@canby.com [mailto:asambuceto@canby.com]

Sent: Wednesday, September 13, 2017 10:23 AM

To: Bryan Brown <BrownB@canbyoregon.gov>

Subject: Comment form SUB 17-05 7 Acres Subdivision

Importance: High

To the City of Canby Planning Department,

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- **As a home owner with property on N. Maple street, who would bear the burden of financing a sidewalk if it were to be installed on the east side of the street?**
- **If it is not deemed to be installed in the near future, would the home owners be responsible for it in the later future?**
- **Can you guarantee that the home owners are not responsible for the cost of the sidewalk installation?**

Thank you,
Andrew Sambuceto
2880 N Maple ct.
Canby, OR. 97013

PUBLIC RECORDS LEGAL DISCLOSURE

This email is a public record of the City of Canby, Oregon, and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This email is subject to the State Retention Schedule.

Laney Fouse

From: bharlan@web-ster.com
Sent: Thursday, September 14, 2017 10:39 AM
To: Bryan Brown
Subject: planning department Application: 17-05-7 acres sibdivision

I am against this subdivision because Maple street is so narrow that only one car can pass at a time when cars are parked on the street. Adding that much more traffic would be dangerous, especially to pedestrians.

Beverly Harlan
850 NE 34th Place
Canby, Or

Sept. 1, 2017

To whom this may concern:

Thank you for allowing us to share our concerns about this new housing development. My husband and I live at 2760 N. Maple St. and have lived here approx. 12 years now. We love being in the city but feeling like we are in the country. We moved to this home because it was a QUIET area / neighborhood.

Our main objection is that the traffic is going to become double to what it is now. With having a one lane road we are constantly having to pull over to let others pass. Many park on the street and it really restricts the traffic flow and often the visibility of oncoming traffic. Everyone is pretty respectful of each other but the fact is with no real curb parking and one lane it can be very frustrating.

If 22 homes are built at the end of Maple St. that would increase the traffic by approx. 44 cars using this street and it being the only outlet will make our lives less pleasant. There are several residents that literally fly by our house getting from point A to point B, and the teens coming and going from school are the worst. There are days we feel like we live on Territorial. The traffic is pretty constant. If there was a need for an evacuation it would be a nightmare.

I know that property seems ideal to others who don't live on Maple St., but it will make liveability for current residents not pleasant at all.

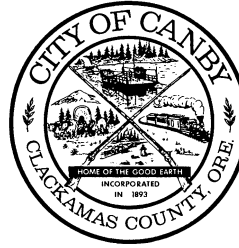
I know that most who live on Maple St. are opposed so I hope that our voices will be not just heard but considered.

PS...as I have been sitting in the living room I would say there have been at least 6-8 vehicles that have passed in the last 10 minutes. I know that doesn't sound like much but for a dead end, one lane country road I would say that is significant.

Sincerely

Cindy Powell

**BEFORE THE PLANNING COMMISSION
OF THE CITY OF CANBY**



**A REQUEST FOR A MINOR LAND)
PARTITION)
279 S SEQUOIA PARKWAY)**

**FINDINGS, CONCLUSION & FINAL ORDER
MLP 17-05
SEQUOIA GROVE INDUSTRIAL PARK**

NATURE OF THE APPLICATION

The Applicant has sought approval for Minor Land Partition Application #MLP 17-05 to partition two existing lots of 16,988.4 square foot and 15,682.6 square foot into three parcels of approximately 10,462, 10,480, and 11,830 square feet each. Parcel 1 and Parcel 3 will contain existing dwellings. The properties are described as Tax Map/Lot 31E28AA03903 and 31E28AA03904, Clackamas County, Oregon. The property is zoned Low Density Residential ("R-1") under the Canby Municipal Code ("CMC"). All utilities to serve the new lot will be accessed via N. Maple Court.

HEARINGS

The Planning Commission considered application MLP 17-04 after the duly noticed hearing on September 25, 2017 during which the Planning Commission by a 6/0 vote approved MLP 17-04. These Findings are entered to document the approval.

CRITERIA AND STANDARDS

In judging whether or not a Minor Land Partition application shall be approved, the Planning Commission determines whether criteria from the *City of Canby Land Development and Planning Ordinance* are met, or can be met by observance of conditions. Applicable code criteria and standards were reviewed in the Staff Report dated September 25, 2017 and presented at the September , 2017 meeting of the Canby Planning Commission.

FINDINGS AND REASONS

The Staff Report was presented, and written and oral testimony was received at the public hearing. Staff recommended approval by a ___/___ vote of the Minor Partition application and applied Conditions of Approval in order to ensure that the proposed development will meet all required *City of Canby Land Development and Planning Ordinance* approval criteria.

CONCLUSION

In summary, the Planning Commission adopted the findings contained in the Staff Report along with the additional findings concluded at the public hearing and noted herein, concluding that the Minor Land Partition application meets all applicable approval criteria, and recommending that File #MLP 17-05 be approved with the Conditions of Approval reflected in the written Order below.

ORDER

The Planning Commission concludes that, with the following conditions, the application meets the requirements for Minor Land Partition approval. Therefore, **IT IS ORDERED BY THE PLANNING COMMISSION** of the City of Canby that **MLP 17-05** is approved, subject to the following conditions:

CONDITIONS OF APPROVAL

I. CONDITIONS OF APPROVAL

Minor Partition Conditions Unique to This Request:

1. Street trees shall be installed as part of the approved landscape plan when Parcel 1 develops unless they are already in place.
2. Any possible utility easement needed across the frontage on S. Sequoia Parkway by utility service providers shall be made a part of the recorded partition plat.
3. Additional driveway access is not allowed onto S. Sequoia Parkway. Any future development shall use the existing shared access from the parcels.
4. A Traffic Study shall be updated prior to moving forward with development on Parcel 2.

Final Partition Plat Conditions:

5. A surveyed partition plat prepared by a licensed surveyor shall be recorded with Clackamas County after application and review of a Final Partition Plat by the City. The partition plat must be submitted to the city within one year of Planning Commission approval of the partition or the applicant must request, in writing, a one year extension from the Planning Commission. The applicant or county shall provide the city with a recorded copy of the plat in a timely manner.
6. The applicant shall bear full responsibility for compliance with applicable State or county regulations regarding the recordation of deed documents and subsequent transfer of ownership related to the newly established lot(s).
7. All provisions of applicable utility agencies shall be met prior to the recordation of the partition plat.
8. Construction of all required public improvements and the recordation of the partition plat must be completed prior to the issuance of building permits and comply with all applicable City of Canby Public Works Design Standards.

I CERTIFY THAT THIS ORDER approving City File # MLP 17-05 SEQUOIA GROVE INDUSTRIAL PARK was presented to and **APPROVED** by the Planning Commission of the City of Canby.

DATED this 25th day of September, 2017

John Savory
Planning Commission Chair

Bryan Brown
Planning Director

Laney Fouse, Attest
Recording Secretary

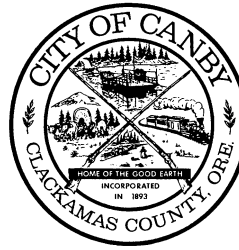
ORAL DECISION: September 25, 2017

Name	Aye	No	Abstain	Absent
John Savory				
John Serlet				
Larry Boatright				
Derrick Mottern				
Tyler Hall				
Shawn Varwig				
Andrey Chernishov				

WRITTEN DECISION: September 25, 2017

Name	Aye	No	Abstain	Absent
John Savory				
John Serlet				
Larry Boatright				
Derrick Mottern				
Tyler Hall				
Shawn Varwig				
Andrey Chernishov				

**BEFORE THE PLANNING COMMISSION
OF THE CITY OF CANBY**



**A REQUEST FOR A MINOR LAND)
PARTITION & LOT LINE ADJUSTMENT)
853 & 861 S REDWOOD ST)**

**FINDINGS, CONCLUSION & FINAL ORDER
MLP 17-06/LLA 17-02
PETER HOSTETLER**

NATURE OF THE APPLICATION

The Applicant has sought approval for Minor Land Partition Application #MLP 17-06/LLA 17-02 to adjust the lot line on an existing 11,429 square foot parcel and an existing 17,608 square foot parcel to create an 11,984 square foot parcel and a 17,053 square foot parcel and then partition the resulting 22,093 square foot lot into three lots of 5,024 square feet, 6,515 square feet, and 5,514 square feet each. Access for the three lots created by the partition will be onto SE 9th Avenue. The properties are described as Tax Map/Lot 41E03BB00503, 00504, Clackamas County, Oregon. The property is zoned Low Density Residential ("R-1") under the Canby Municipal Code ("CMC").

HEARINGS

The Planning Commission considered application MLP 17-04 after the duly noticed hearing on September 25, 2017 during which the Planning Commission by a ___/___ vote approved MLP 17-06/LLA 17-02. These Findings are entered to document the approval.

CRITERIA AND STANDARDS

In judging whether or not a Minor Land Partition application shall be approved, the Planning Commission determines whether criteria from the *City of Canby Land Development and Planning Ordinance* are met, or can be met by observance of conditions. Applicable code criteria and standards were reviewed in the Staff Report dated September 25, 2017 and presented at the September 25, 2017 meeting of the Canby Planning Commission.

FINDINGS AND REASONS

The Staff Report was presented, and written and oral testimony was received at the public hearing. Staff recommended approval by a ___/___ vote of the Minor Partition application and applied Conditions of Approval in order to ensure that the proposed development will meet all required *City of Canby Land Development and Planning Ordinance* approval criteria.

CONCLUSION

In summary, the Planning Commission adopted the findings contained in the Staff Report along with the additional findings concluded at the public hearing and noted herein, concluding that the Minor Land Partition application meets all applicable approval criteria, and recommending that File #MLP 17-16/LLA 17-02 be approved with the Conditions of Approval reflected in the written Order below.

ORDER

The Planning Commission concludes that, with the following conditions, the application meets the requirements for Minor Land Partition approval. Therefore, **IT IS ORDERED BY THE PLANNING COMMISSION** of the City of Canby that **MLP 17-16/LLA 17-02** is approved, subject to the following conditions:

CONDITIONS OF APPROVAL

I. CONDITIONS OF APPROVAL

Minor Partition Conditions Unique to This Request:

1. **Prior to the recordation of the final plat, the City Council must approve the Zone Change/Comprehensive Plan Amendment request, and an Ordinance must be enacted changing the Zone from R-1 to R-1.5 and Comprehensive Plan from Low Density Residential to Medium Density Residential.**
2. A temporary street tree easement to plant trees on private property along SE 9th Avenue is required and must be delineated and noted on the partition plat. The applicant shall provide a fee based on the placement of a tree at every 30' of street frontage, where possible, or submit a formal Street Tree Plan.
3. Any possible utility easement needed across the frontage on S. Redwood Street or SE 9th Avenue by utility service providers shall be made a part of the recorded partition plat.
4. Additional driveway access is not allowed onto S. Redwood Street. Any future development shall access onto SE 9th Avenue.
5. As a condition of approval, the applicant must address criteria in 16.21.050 during the building permit site plan review process if infill provisions apply to the new dwellings.
6. **The applicant shall meet the recommended conditions of approval in the City Engineers comments dated September 5, 2017 that are attached to the file.**
7. **The applicant shall meet the recommended conditions of approval from Clackamas County in the memo dated September 11, 2017 that is attached to the file.**

Final Partition Plat Conditions:

8. A surveyed partition plat prepared by a licensed surveyor shall be recorded with Clackamas County after application and review of a Final Partition Plat by the City. The partition plat must be submitted to the city within one year of Planning Commission approval of the partition or the applicant must request, in writing, a one year extension from the Planning Commission. The applicant or county shall provide the city with a recorded copy of the plat in a timely manner.
9. The applicant shall bear full responsibility for compliance with applicable State or county regulations regarding the recordation of deed documents and subsequent transfer of ownership related to the newly established lot(s).
10. All provisions of applicable utility agencies shall be met prior to the recordation of the partition plat.

11. Construction of all required public improvements on S. Redwood Street, as required by Clackamas County, must be completed prior to the recordation of the partition plat.
12. Construction of all required public improvements of SE 9th Avenue must be completed prior to the issuance of home occupancy permits and comply with all applicable City of Canby Public Works Design Standards.
13. The minimum lot width of 40 feet listed in 16.18.030(A) and the lot depth of no more than three times its width shall be verified at the time of filing the final plat.

I CERTIFY THAT THIS ORDER approving City File # MLP 17-06/LLA 17-02 S REDWOOD ST/HOSTETLER was presented to and **APPROVED** by the Planning Commission of the City of Canby.

DATED this 25th day of September, 2017

John Savory
Planning Commission Chair

Bryan Brown
Planning Director

Laney Fouse, Attest
Recording Secretary

ORAL DECISION: September 25, 2017

Name	Aye	No	Abstain	Absent
John Savory				
John Serlet				
Larry Boatright				
Derrick Mottern				
Tyler Hall				
Shawn Varwig				
Andrey Chernishov				

WRITTEN DECISION: September 25, 2017

Name	Aye	No	Abstain	Absent
John Savory				
John Serlet				
Larry Boatright				
Derrick Mottern				
Tyler Hall				
Shawn Varwig				
Andrey Chernishov				

ORDINANCE NO. 1469

**AN ORDINANCE AMENDING CANBY MUNICIPAL CODE
CHAPTER 16.110 BY CHANGING THE NAME OF THE HISTORIC REVIEW BOARD
TO THE HERITAGE AND LANDMARK COMMISSION AND ADDING A NON-
VOTING MEMBERSHIP POSITION OF A HIGH SCHOOL STUDENT RESIDING
WITHIN THE CANBY SCHOOL DISTRICT BOUNDARY**

WHEREAS, Chapter 16.110.025 of the Canby Municipal Code created an Historic Review Board to advise the Planning Commission and City Council regarding alterations to historic landmarks and recommendations for designation of historic landmarks or districts; and

WHEREAS, the Historic Review Board has proposed their name be changed to the Canby Heritage and Landmark Commission which invites a more focused view of the Commission and criteria for future projects; and

WHEREAS, the Historic Review Board has proposed expanding their membership size by adding one non-voting position for a high school student, residing within the Canby School District boundary, which would increase the total membership size from seven to eight members in order to better serve the community.

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. Chapter 16.110 of the Canby Municipal Code is amended to read as noted in Exhibit “A” attached hereto.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, January 3, 2018 and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and to come before the City Council for final reading and action at a regular meeting thereof on January 17, 2018 commencing at the hour of 7:30 PM in the Council Meeting Chambers located at 222 NE 2nd Avenue, 1st Floor, Canby, Oregon.

Kimberly Scheafer, MMC
City Recorder

2nd Reading

PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on January 17, 2018 by the following vote:

YEAS_____ NAYS_____

Brian Hodson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder

Exhibit "A"
GENERAL PROVISIONS

Sections:

- ~~16.110.005 Title.~~
- 16.110.010 Purpose.
- 16.110.020 Definitions.
- 16.110.025 **Heritage and Landmarks Commission.** ~~Historic Review Board~~
- 16.110.030 **Heritage and Landmarks Commission** ~~Historic Review Board~~ – powers and duties.
- 16.110.035 Inventory of historic resources.
- 16.110.040 Register of Historic Landmarks and Historic Districts.
- 16.110.045 Designation procedure for Historic Landmarks and Historic Districts.
- 16.110.050 Review notice and public hearing procedures.
- 16.110.055 Criteria for Historic Landmark and Historic District designation.
- 16.110.070 Building Code requirements and handicap access.
- 16.110.075 Moving or demolition of a landmark or contributing resource.
- 16.110.080 Alteration of a Historic Landmark or contributing resource, or new construction a within a Historic District.
- 16.110.085 Partitions and subdivisions.
- 16.110.090 Incentives.
- 16.110.095 Casualty destruction.
- 16.110.100 Fees.
- 16.110.105 Enforcement.
- 16.110.110 Penalties.
- 16.110.115 Official action.
- 16.110.120 Abatement of violation.
- 16.110.125 Injunctive relief.
- 16.110.130 Evidence of violation.
- 16.110.135 Cumulative remedies.
- 16.110.140 Interpretation, regulations, and procedures.
- 16.110.145 Appeals.
- 16.110.185 Carryover provisions.
- 16.110.190 Severability.

16.110.010 Purpose. ~~purpose of this division is to:~~

- A. **The purpose of this chapter is to** promote the historic, educational, cultural, architectural, economic and general welfare of the public, and to safeguard the city's historic and cultural heritage through the identification, preservation and protection of structures, site, objects and districts of cultural interest within the city.
- B. Foster community pride and a sense of cultural identity.

- C. Strengthen the city's economy by enhancing property values and enhancing the historic and cultural resources for tourists, visitors and residents and to serve as a support and stimulus for business and industry.
- D. To encourage public knowledge, understanding and appreciation of the city's history and culture.
- E. To facilitate and encourage restoration and maintenance of historic buildings, structures, or other physical objects and geographical areas.
- F. To preserve diverse architectural styles reflecting periods of the city's historical and architectural development, and to encourage complementary design and construction impacting historic development.
- G. To identify and resolve conflicts between the preservation of historic and cultural resources and alternative land uses.
- H. To integrate the management of historic and cultural resources into public and private land management and development processes.
- I. To provide an additional means to implement the mandates of Statewide Planning Goal 5 and the Comprehensive Plan policies relating to historic resources.
- J. To recognize the importance of historic transportation corridors (railroad venue and 99-E, Road of a Thousand Wonders, Territorial and Market roads) and waterways (Willamette and Molalla Rivers) to the origin and development of the Canby community. (Ord. 905, 1994)

16.110.015

(Ord. 905, 1994; Deleted by Ord. 1061, 2000)

16.110.020 Definitions.

For purposes of Division X, the following terms mean:

Alteration. Changes to the exterior of a Landmark or Contributing Resource; minor being that which does not change the existing appearance or material, or which duplicates or restores the affected exterior features and materials, as determined from historic photographs or other evidence of original features or materials; major being that which does change the existing material or appearance. (See section 16.110.080)

Board. ~~Canby's Historic Review Board. (See section 16.110.025, 16.110.030)~~

Building Code. State of Oregon Structural Specialty Code (Commercial Code); or state of Oregon One and Two Family Dwelling Code (Residential Code)

Heritage and Landmarks Commission ~~Historic Review Board.~~ An appointed committee of volunteers who are each experts in some aspect of historic preservation and who review all designations, alterations, demolitions and other activities involving historic resources. (See section 16.110.025)

Certificate of Appropriateness. An official permit which indicates approval of all proposed alterations, construction, and development affecting designated landmarks or districts. This is in addition to the normal building permit. (see section 16.10.080).

Commission. Canby's Planning Commission. (See Chapter 16.06)

Conflicting Use. Development or redevelopment planned for a property which may result in demolition, alteration or moving of a Landmark or Contributing Resource.

Contributing Resource. A building, site, structure, or object within a Historic District that contributes to its character. Such resources to be identified at the time of adoption of the Historic District or added at a later date through the same process.

Corridor. See Historic Corridor.

Council. Canby's City Council.

Demolish. Raze, destroy, dismantle, deface or, in any other manner, cause partial or total destruction of a Contributing Resource or Landmark. (See section 16.110.075)

Historic Corridor. A linear shaped grouping of properties, sites, trail, roadway, rail corridor, landscape corridor, or waterway, associated with events that have made a significant contribution to the broad patterns of our history.

Historic District. Includes contiguous or non-contiguous districts or corridors. A contiguous district is a geographically defined area composed of structures, sites and objects classified as Landmarks, Contributing Resources and non-contributing resources. A non-contiguous district is a non-geographically related collection of landmark quality structures, sites and objects which have a common builder, style, theme, or other relationship. May be referred to as a district within the ordinance. (See section 16.110.045)

Historic Landmark. Any building, site, object, or structure and the property surrounding it designated under this division as historically, architecturally, or environmentally significant. May be referred to as landmark within ordinance. (See section 16.110.040)

Historical Protection Overlay Zone. Specific zoning that is additional to base zone as per section 16.36. The Historical Protection Overlay Zone is applied to each property designated as a Historic Landmark or District, unless the City Council denies such zoning (See section 16.110.045).

Historic Resource. A general term for buildings, sites, structures and objects which are Historic Landmarks or Historic District, or have potential to be.

Historic Resource of Statewide Significance. A building, structure, object, site, or district that is listed on the National Register of Historic Places.

Historic Themes. Archeology and prehistory, exploration, western migration, settlement, agriculture, commerce and industry, transportation, government politics and military activities or culture.

Moving. Relocating a historic or cultural resource from its existing parcel or tax lot, to another site.

Non-compatible. An addition or new construction which is not architecturally or stylistically consistent with a historic resource or surrounding resources in a District.

Non-contiguous District. see Historic District.

Non-contributing Resource. A structure, site or object within a Historic District, which is neither a Contributing Resource, nor a Landmark.

Planning Director. Person holding the position of Planning Director for the City of Canby, or their designated representative. (Ord. 905, 1994; Ord. 1061, 2000)

16.110.025 ~~Heritage and Landmarks Commission~~ ~~Historic Review Board.~~

- A. For the purpose of this ordinance, the decisions regarding alterations to Historic Landmarks and recommendations for designation of Historic Landmarks or Districts, shall be accomplished by a City of Canby ~~Heritage and Landmarks Commission~~ ~~Historic Review Board.~~

- B. Appointment and Composition. The City Council shall appoint seven (7) individuals with a demonstrated positive interest, knowledge, or competence in historic preservation. **An additional non-voting member shall be a High School Student, residing within the Canby School District boundary.** To the extent possible, individuals chosen to serve on the **Heritage and Landmarks Commission** ~~Canby Historic Review Board~~ shall represent the disciplines listed in *The Secretary of the Interior's Proposed Historic Preservation Qualification Standards*. A majority of **Heritage and Landmarks Commission** ~~Historic Review Board~~ **voting** members shall reside or work inside Canby's Urban Growth Boundary. (Ord. 1369, 2013; Ord. 1435 2016)

Members are appointed by the City Council upon recommendation by the Committee Chairperson and assigned Council Liaison. The Mayor may vote only to break a tie, if necessary. Any **Heritage and Landmarks Commission** ~~Board~~ member failing to attend three (3) consecutive meetings without approval of the **Heritage and Landmarks Commission** ~~Board~~ Chairperson may be removed by the Council and a new member appointed to complete the unexpired term. **Heritage and Landmarks Commission** ~~Historic Review Board~~ members serve at the pleasure of the City Council and are subject to removal at any time by the Council with or without cause. (Ord. 1369, 2013)

- C. Terms of Service. The members of the **Heritage and Landmarks Commission** ~~Historic Review Board~~ shall be appointed for three (3) years, and may be reappointed or removed at the discretion of the City Council. **The High School Student's term shall end upon graduation.** ~~In the first appointment one (1) members shall be appointed for three (3) years, at least one (1) members shall be appointed for two (2) years, and at least one (1) member shall be appointed for one (1) year.~~ (Ord. 905, 1994; Ord. 1061, 2000, Ord. 1369 2013, Ord. 1369, 2013)
- D. Officers. **Each year at the first meeting the Heritage and Landmarks Commission shall select a Chairperson and Vice-Chairperson who shall serve for a term of one (1) year.**

16.110.030 **Heritage and Landmarks Commission ~~Historic Review Board~~ – Powers and Duties**

It is the responsibility of the **Heritage and Landmarks Commission** ~~Historic Review Board~~ to ensure that the purposes of this section are implemented, and to perform the following duties:

- A. Adopt rules to govern its deliberations and decisions, including a method to record its proceedings.
- B. Carry out the duties described for it in this ordinance and assist the Planning Director, Planning Commission and ~~Canby~~ City Council on historic preservation matters.
- C. Maintain and update an inventory of historic resources within the city, as provided under section 16.110.035.
- D. Review and render decisions on all historic landmark and historic district applications, as provided under section 16.110.045.

- E. Review and make recommendations on application of the Historical Protection Overlay Zone, as provided under section 16.110.045.
- F. Review and render decisions on proposals to alter the exterior of a Historic Landmark subject to the procedures and criteria set forth in section 16.110.080.
- G. Review and render decisions on all proposed new construction on property where a Historic Landmark is located, or within a Historic District, subject to the procedures and criteria set forth in section 16.110.080.
- H. Review all requests for demolition of a historic landmark or contributing resource, as provided under section 16.110.075.
- I. Review and make recommendations to the Planning Commission on all Conditional Use applications under section 16.38.
- J. Review and make recommendations on all partitions and subdivisions of designated properties, as provided under section 16.110.085.
- K. Disseminate information to educate the public as to local, state and federal laws protecting antiquities and historic places.
- L. Act as consultant for local preservation groups, educational workshops, signage and monumentation projects, and other similar projects.
- M. Advise interest groups, agencies, boards, commissions, and citizens on matters relating to historic preservation within the city.
- N. Provide design guidance for historic property owners. (Ord. 905, 1994; Ord. 1061, 2000)

16.110.035 Inventory of Historic Resources

- A. The **Planning Commission, upon initiation and review by the Heritage and Landmarks Commission**, shall develop or adopt a system for evaluating historic resources. The system shall rank surveyed historic resources as eligible, potentially eligible, or ineligible for designation as a Historic Landmark or Historic District.
- B. The **Planning Commission, upon initiation and review by the Heritage and Landmarks Commission**, shall periodically update the Inventory of Historic Resources and make it available to the public.
- C. Properties listed on the National Register of Historic Places, including all properties within National Register Historic District boundaries, are automatically designated as Historic Landmarks or Historic Districts. As Historic Resources of Statewide Significance, all such properties are subject to the regulations in Sections 16.110.070-085, pursuant to Oregon Administrative Rule 660-023-200. However, only properties designated as Historic Landmarks or Historic Districts by the City of Canby as provided for under this Division are eligible for the local public incentives and zoning designation herein. (Orig. section del., repl. by Ord. 1061, 2000; Ord. 1111, 2003)

16.110.040 Register of Historic Landmarks and Historic Districts.

- A. The **Heritage and Landmarks Commission** ~~Historic Review Board~~ shall maintain a register of Historic Landmarks and Historic Districts, consisting of all properties so designated by the City Council.
- B. The three structures already designated under the Historic Overlay provisions in 1984, by Ordinance No. 742, are hereby added to the Register of Historic Landmarks.
- C. Designated Historic Landmarks and Historic Districts shall have the Historical Protection Overlay Zone applied to them unless the City Council finds that such zoning is not appropriate to a specific piece of property. (Orig. section del., repl. by Ord. 1061, 2000)

16.110.045 Designation Procedure for Historic Landmarks and Historic Districts.

- A. The City's Historic Landmark designation procedure may be initiated by the City Council, Planning Commission, **Heritage and Landmarks Commission** ~~Historic Review Board~~, or owner(s) of the proposed landmark, hereby referred to as applicant.
- B. The City's Historic District designation procedure may be initiated by the **Heritage and Landmarks Commission** ~~Historic Review Board~~, the City Council, Planning Commission, any citizen, or by owners of at least fifty-one (51) percent of the privately owned property in the area to be designated.
- C. No property shall be designated without the written consent of the owner, or, in the case of multiple ownership, a majority of the owners. If the owner or owners refuse to consent to designation at any point during the designation process, the property shall be removed from any form of consideration for local designation.
- D. The Planning Director shall establish standards for a complete application and may require a pre-application conference. Upon acceptance of a complete application, the Planning Director shall schedule a public hearing pursuant to applicable state laws.
- E. After review, notice and public hearing, as specified in section 16.110.050, the **Heritage and Landmarks Commission** ~~Historic Review Board~~ shall make a decision on the City's Historic Landmark or Historic District designation. In addition the **Heritage and Landmarks Commission** ~~Board~~ shall make a recommendation to the Canby Planning Commission and City Council for assignment of the Historical Protection Overlay Zone.
- F. The **Heritage and Landmarks Commission** ~~Board~~ shall develop findings to support its decisions. These findings shall indicate those elements of a property or district that are included in the designation and subject to regulation under the provisions of this Division. A list of Contributing Resources shall be identified upon creation of a Historic District.
- G. Upon receipt of the record of the **Heritage and Landmarks Commission** ~~Historic Review Board~~ proceedings and the recommendation of the **Heritage and Landmarks Commission**

~~Board~~, the Planning Commission shall conduct a review of that record and shall make a recommendation to the City Council on the overlay zone designation. The City Council shall conduct a review of the records of both the **Heritage and Landmarks Commission** ~~Historic Review Board~~ and Planning Commission and shall vote to approve, deny, or approve subject to modifications the recommendation that has been forwarded to them. The Planning Commission and City Council may, but are not required to, hold new public hearings on the matter. (Ord. 905, 1994; Ord. 1061, 2000; Ord. 1111, 2003)

16.110.050 Review, Notice, Public Hearing Procedures.

- A. Review of any application pursuant to this chapter shall follow procedures set forth in Canby Ordinance Chapter 16.89.
- B. The **Heritage and Landmarks Commission** ~~Historic Review Board~~ shall follow the public hearing procedures found in ordinance section 16.88.130(C) and the notice requirements of ordinance section 16.88.130 (D) when reviewing the following applications:
 - 1. Designation of a Historic Landmark or Historic District;
 - 2. Modification of a Historic District boundary;
 - 3. Demolition or moving of a Historic Landmark or Contributing Resource;
 - 4. Alterations subject to the **Heritage and Landmarks Commission** ~~Historic Review Board~~ review.
 - 5. New construction subject to the **Heritage and Landmarks Commission** ~~Historic Review Board~~ review.
- C. The Planning Commission shall apply the criteria of this ordinance to major alterations to be reviewed within its jurisdiction for reasons other than Historic Preservation purposes, but which occurs on or to a Historic Landmark or a Contributing Resource within a Historic District. The **Heritage and Landmarks Commission** ~~Historic Review Board~~ will make recommendations regarding these matters to the Planning Commission and the commission shall recognize such recommendations in its action.
- D. The Planning Director shall apply the criteria of this ordinance when reviewing:
 - 1. Minor alterations subject to the Planning Director's jurisdiction (see section 16.110.020, definition of Alterations.)
 - 2. Lot line adjustments which occur on or to a Landmark or within a Historic District.
- E. All other historically related administrative actions for which the Planning Director has decision making authority shall be subject to the review procedures provided in section 16.89.
- F. The Planning Commission shall receive notice of all public hearings held by the **Heritage and Landmarks Commission** ~~Historic Review Board~~. (Ord. 905, 1994; renumb., mod. by Ord. 1061, 2000; Ord. 1080, 2001)

16.110.55 Criteria for Historic Landmark and Historic District Designation.

- A. In order to designate buildings, sites, objects, or structures as Historic Landmarks or Historic Districts, it shall be found that:

1. The resource is about 50 years or older, or the resource is less than 50 years old but of exceptional importance with regard to its historical, architectural or environmental significance; and
 2. There is historical, architectural, or environmental significance.
- B. The following factors shall be considered in determining whether the criteria found in subsection 1(b) of this section are satisfied:
1. Historical Significance.
 - a. Association with the life or activities of a person, group, organization, or institution that has made a significant contribution to the city, county, state or nation.
 - b. Association with an event that has made a significant contribution to the city, county, state or nation.
 - c. Association with broad patterns of cultural, political, social, economic, industrial, or agricultural history.
 - d. Potential for providing information of a prehistoric or historic nature in the city, county, state, or nation.
 - e. Listed on the National Register of Historic Places.
 2. Architectural Significance.
 - a. Example of a particular architectural style, building type and/or convention.
 - b. Example of quality of composition, detailing and/or craftsmanship.
 - c. An example of a particular material and/or method of construction.
 - d. It retains original design features, materials and/or character.
 - e. The only remaining, or one of few remaining resources of a particular style, building type, design, material, or method of construction.
 - f. The work of a master architect.
 3. Environmental Significance.
 - a. A visual landmark in the neighborhood or community.
 - b. Existing land use surrounding the resource contributes to the integrity of the pertinent historic period.
 - c. It consists of a grouping of interrelated elements including historic structures, plant materials and landscapes, view sheds and natural features.
 - d. It contributes to the continuity or historic character of the street, neighborhood and/or community. (Ord. 905, 1994; renumb., mod. by Ord. 1061, 2000)

16.110.070 Building Code Requirements, Handicapped Access.

- A. Permits Required. Any alteration or relocation of a Historic Landmark shall be subject to the applicable regulations under the Building Code.
- B. Waivers. Except for 1-2 family structures, as provided in section 104(f) of the Uniform Building Code, repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation or continued use of a Historic Landmark, or building within a

Historic District or Historic Corridor, may be made without conformance to all the requirements of the Uniform Building Code when authorized by the Building Official, provided:

1. Any unsafe conditions as described in the Uniform Building Code are corrected;
2. The restored building or structure will be no more hazardous, based on life safety, fire safety, and sanitation, than the existing building; and
3. The Building Official seeks the advice of the **Heritage and Landmarks Commission** ~~Historic Review Board~~ and/or the Oregon State Historic Preservation Officer.

C. Alterations of Landmarks and Contributing Resources. to provide handicap access, as approved by the Building Official with advice from the Planning Director and **Heritage and Landmarks Commission** ~~Historic Review Board~~, shall be allowed. To the extent practical, the design of the alteration shall be discreet and preserve the historic features upon which the designation is based.

D. Modifications to certain regulations. As pertains to designated properties, the Planning Commission may modify the Land Development and Planning Code regulations pertaining to signs, fence and wall provisions, general provisions regarding height, yards, area, lot width, frontage, depth, coverage, number of off-street parking spaces required, and regulations prescribing setbacks, if the modifications:

1. Are necessary to preserve the historic character, appearance or integrity of the proposed Historic Landmark, and
2. Are in accordance with the purposes of the zoning and sign regulations.

The **Heritage and Landmarks Commission** ~~Historic Review Board~~ shall make recommendations to the Planning Commission on such matters.

E. Appeals. In the case of appeals related to the application of the Uniform Building Code to a Historic Landmark, or building within a Historic District, the City Council or the appropriate Local or state appeals board shall seek the advice of the state Historic Preservation Officer. (Ord. 905, 1994; Ord. 1061, 2000)

16.110.75 Moving or Demolition of a Landmark or Contributing Resource.

A. Purpose. The intent of this subsection is to protect Historic Landmarks and Historic Districts from destructive acts and to provide the citizens of the city time to review the significance of a Historic Landmark or Contributing Resource within a Historic District, and to pursue options to preserve such building(s) if historic preservation is deemed in the best interest of the community.

B. Prior to submittal of a request for moving or demolition, a preservation plan is required.

1. The applicant shall prepare and submit a plan for preservation of the Landmark or Contributing Resource. A pre-application conference shall be scheduled to allow the applicant and staff to discuss the proposal, the preservation plan requirements, and the applicable criteria. The plan shall be reviewed by the **Heritage and Landmarks Commission** ~~Historic Review Board~~.

2. The Preservation Plan shall include a narrative describing how the applicant will accomplish all of the following:
 - a. The resource shall be advertised in the local, regional and historic preservation newspapers of general circulation in the area, once per week during the pre-application period.
 - b. A city-provided sign shall be placed on the property informing the public of intended action which will remove or demolish the structure. The sign shall remain on the property until a permit is issued.
 - c. Information will be prepared and made available, related to the history and sale of the property, to all who inquire.
 - d. The proposed plan for the new use of the Historic Landmark site shall be provided.
 - e. A record of the parties who have expressed an interest in the structure shall be provided and, to ensure that an adequate effort has been made to secure a relocation site, a list of locations and owners who have been contacted regarding purchase of a relocation site shall be provided.
3. Following receipt of the preservation plan, the Planning Director shall review and approve said plan and shall issue a media release to local newspapers of general circulation. The media release shall include, but not be limited to, a description of the significance of the Historic Landmark, the reasons for the proposed demolition or removal, and the possible options for preserving the Historic Landmark.

C. Moving or Demolition Permit. No building designated as a Historic Landmark or Contributing Resource within a Historic District shall be intentionally moved unless such action is approved by the ~~Heritage and Landmarks Commission~~ ~~Historic Review Board~~. No building designated as a Historic Landmark or Contributing Resource within a Historic District shall be intentionally demolished unless such action is approved by the City Council. Application for permit to move or demolish such a building shall be made to the Planning Director.

D. Public Hearing Review. The ~~Heritage and Landmarks Commission~~ ~~Historic Review Board~~ shall hold a public hearing under provisions and procedures in Subsection 16.110.050, to review the request to move, demolish or destroy a Historic Landmark or Contributing Resource within a Historic District. The ~~Heritage and Landmarks Commission~~ ~~Board~~ shall make a final decision on applications to move a Landmark or Contributing Resource and shall make a recommendation to the City Council on demolitions. The ~~Heritage and Landmarks Commission~~ ~~Board~~ shall make written findings supporting its decision to approve or suspend the request. The burden of proof lies with the applicant. For demolition applications, the City Council shall review the record and findings of the ~~Heritage and Landmarks Commission~~ ~~Historic Review Board~~ and make a final decision. The Council may, but is not required to, hold a public hearing on the matter.

E. Moving a Historic Landmark or Contributing Resource. In order to allow the moving of a Historic Landmark or Contributing Resource, the ~~Heritage and Landmarks Commission~~ ~~Historic Review Board~~ shall consider the following:

1. Relocation is the only alternative for preservation of the Historic Landmark or Contributing Resource;

2. The proposed relocation site will not greatly reduce the historical and/or architectural significance of the Historic Landmark or Contributing Resource; the site is a contextually appropriate setting; it is within the city and preferably within the neighborhood within which it is currently located;
3. The designated resource cannot reasonably be used in conjunction with the proposed use;
4. The continued location of the Landmark or Contributing Resource on the proposed development site precludes development on the site which would provide a greater community benefit;
5. The designated Landmark or Contributing Resource is structurally capable of relocation;
6. If the Landmark or Contributing Resource is relocated within the city, the owner of the relocation site agrees, as a condition of the purchase agreement, to apply within ninety (90) days of relocation, to the city for designation as a Historic Landmark, to be protected under the provisions of this ordinance;
7. The loss of the Landmark or Contributing Resource will not affect the integrity of a Historic District; and adequate effort has been made to seek a relocation site within the Historic District.

F. Demolition of a Historic Landmark or Contributing Resource. In order to allow the demolition of a Landmark or Contributing Resource, the **Heritage and Landmarks Commission** ~~Historic Review Board~~ and City Council shall consider the following:

1. All plans, drawings, and photographs submitted by the applicant; and,
2. Information presented at the public hearing concerning the proposed work proposal; and,
3. The Canby Comprehensive Plan; and
4. The purposes of this ordinance as set forth in section 16.110.010; and
5. The criteria used in the original designation of the Historic Landmark or Historic District in which the property under consideration is situated; and,
6. The historical and architectural style, the general design, arrangement, materials of the structure in question, or its appurtenant fixtures; the relationship of such features to the other buildings within the district or corridor; and the position of the building in relation to public rights-of-way and to other buildings and structures in the area; and,
7. The effects of the proposed work upon the protection, enhancement, perpetuation and use of the district or corridor which cause it to possess a special character or special historical or aesthetic interest or value; and,
8. Whether suspension of the permit will involve substantial hardship to the applicant, and whether approval of the request would act to the substantial detriment of the public welfare and would be contrary to the intent and purposes of this ordinance; and,
9. When applicable, the findings of the Building Official in determining the status of the subject building as a dangerous building under section 15.16 of the Municipal Code, and the feasibility of correcting the deficiencies to meet the requirements of the City Council rather than demolishing the building.

G. Approval of Moving or Demolition Request/Appeals. The **Heritage and Landmarks Commission** ~~Historic Review Board~~ or City Council may approve the moving or demolition request in consideration of the provisions under 3 and 4, above. The action of the **Heritage**

~~and Landmarks Commission Historic Review Board~~ shall be transmitted to the applicant in writing within ten (10) days of the decision on the request, and shall be final after a period of fifteen (15) days from the date of the letter and findings approving the request, unless a notice of appeal is filed by any aggrieved party, pursuant to section 16.89.

- H. Suspension of Moving or Demolition Permit Request. The ~~Heritage and Landmarks Commission Historic Review Board~~ may suspend the request for moving or demolition of a Historic Landmark or Contributing Resource if it determines that in the interest of preserving historic values for public benefit, the building should not be moved or demolished. Written findings supporting the suspension of the request shall be transmitted to the applicant within ten (10) days of the final public hearing on the request.
- I. Stay of Moving or Demolition. If the moving or demolition request is suspended by the ~~Heritage and Landmarks Commission Historic Review Board~~, the written finding supporting the action to suspend the request shall be transmitted to the Planning Director, along with a request that the enforcement of any applicable notice and order of the building official be stayed during the pendency of an appeal, or for a period of not more than sixty (60) days from the date of the letter and findings supporting the suspension. During this stay of demolition period, the following actions may be taken:
1. The Fire Marshal, Chief of Police, or the City Council designee, may require the owner or other party responsible for the subject building to take appropriate actions, other than demolition, to protect the public from hazardous conditions associated with the building.
 2. The applicant may be required by the ~~Heritage and Landmarks Commission Historic Review Board~~ to continue to carry out the Preservation Plan (Section 16.110.075 (2)) activities through the entire stay of moving or demolition.
 3. The ~~Heritage and Landmarks Commission Historic Review Board~~ may research programs or projects underway which could result in public or private acquisition of the subject building and site, and assess the potential for the success of these programs or projects.
 - a. If the ~~Heritage and Landmarks Commission Board~~ determines that there is reasonable grounds to believe that such program or project may be successful, it may extend the suspension period up to thirty (30) additional days per extension, not to exceed more than a total of 120 days from the date of the letter and finding suspending the request.
 - b. If the ~~Heritage and Landmarks Commission Board~~ determines that all such programs or projects are unlikely to be successful, and the applicant has not withdrawn his application for a demolition permit or taken appropriate alternative action to correct the hazards associated with the subject building as provided in a notice and order of the City Council, then at the end of the stay of demolition period, the building official may, with advice of the Planning Director, issue such permit, subject to all other applicable codes and ordinances.
- J. Appeal of Stay of Demolition. Action of the ~~Heritage and Landmarks Commission Historic Review Board~~ in suspending issuance of the permit for demolition may be appealed by the applicant, to the City Council, within fifteen (15) days of the date of the written findings

suspending the demolition permit, by filing a notice of appeal, as provided in section 16.88.140.

- K. Documentation Required. When moving or demolition is imminent, whether by direct approval or if efforts during the Preservation Plan and Stay of Demolition are unsuccessful, the following complete documentation of the structure(s) is required to be submitted to the Planning Director by the applicant, or access allowed to a designee of the **Heritage and Landmarks Commission** ~~Historic Review Board~~:
1. Floor plans, to scale, of the structure(s) and related structures.
 2. Site plan, to scale, showing surrounding roadways, landscaping, natural features, structure(s) and related structure(s).
 3. Photographs of all exterior elevations.
 4. Photographs of architectural detail not shown in elevation photographs.
 5. The Historic Preservation League of Oregon, Canby Heritage League, Old Home Forum, and any other local preservation group shall be given written notice of the opportunity to salvage and record the resource. A copy of such notice shall also be given to the Planning Director.
- L. Moving or Demolition Permit Issuance. A moving or demolition permit for a Landmark found to comply with all provisions set forth in Division 10 of this ordinance shall not be issued until all development permit applications for the new use or development have been approved by the city. (Ord. 905, 1994; Ord. 1061, 2000)

16.110.080 Alteration of a Historic Landmark or Contributing Resource, or New Construction Within a Historic District.

- A. Purpose. It is the intent of this subsection to provide for the appropriate level of review for proposed new construction, alterations and development affecting properties within Historic Districts, or those affecting Historic Landmarks, and to provide criteria for review.
- B. Application Requirements. In addition to any normally required building permits, a Certificate of Appropriateness is required. Prior to formal application, a pre-application conference between the applicant and Planning Director shall occur. All applications for alterations and development made pursuant to this section shall include:
1. The applicant's name and address.
 2. The owner's name(s) and address.
 3. A detailed explanation of proposed alterations.
 4. A written description of the location of the site and, if applicable, boundaries of the Historic District or Corridor.
 5. A map illustrating the location of the site and, if applicable, boundaries of the District.
 6. A list of exterior materials pertinent to the application request.
 7. Drawings:
 - a. Side elevation for each side of any affected structure,
 - b. Shall indicate dimensions and be to scale,
 - c. Photographs may be used in lieu of drawings for small projects.

8. Site plan showing relationship of structure(s) to roadways, parking areas, access drives, landscape features, plant materials, fences and other pertinent elements, drawn to scale.
- C. Maintenance. The normal responsibilities of the property owner to care, repair and replace with like materials can be done without formal review. Normal maintenance may include, but not be limited to:
1. Painting and related preparation of the structure.
 2. Repair and/or replacement of roofing materials with the same kind existing.
 3. Ground care and maintenance required for the permitted use on the property.
 4. Replacement of fences, shrubs or other yard fixtures or landscaping with like type or style.
 5. Existing materials may be replaced in-kind, of either building or grounds because of damage or decay of materials.
 6. Installation and maintenance of irrigation systems.
- D. Minor Alterations. The Planning Director shall determine the status of a proposed alteration. While the following improvements may not always require a regular building permit, minor alterations shall always be reviewed and approved by the Planning Director, who may consult with the **Heritage and Landmarks Commission** ~~Historic Review Board~~, or any member thereof, in applying the provisions of this section. A Certificate of Appropriateness is required for minor alterations. An alteration shall be considered minor when the result of the proposed action is to restore portions of the exterior to the original historic appearance while performing repairs, such as:
1. Addition of gutters and downspouts (suggest repair of built-in, wooden, or half-round gutters and round downspouts).
 2. Repairing or providing a compatible new foundation that does not result in raising or lowering the building elevation.
 3. Change in material to match original type of material on the structure or grounds.
 4. Change in type of roof material in character with the original roofing material.
 5. Replacement of storm windows or doors with wooden, dark anodized, clad or painted in compatible color.
- E. New Construction or Major Alterations Criteria. The **Heritage and Landmarks Commission** ~~Historic Review Board~~ shall review all proposed new construction and alterations which exceed a minor status. A request for a new construction or alteration permit under this provision shall be made on the appropriate application form provided by the Planning Department. Review and approval of an application shall consider the following Secretary of the Interior's Standards for Rehabilitation:
1. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and special relationships.
 2. The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features and spaces and special relationships that characterize a property shall be avoided.

3. Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other historic properties, shall not be undertaken.
4. Changes to properties that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive materials, features, finish and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and, where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
8. Archeological resources affected by a project shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials, features, and special relationships that characterize the property. The new work shall be differentiated from the old and shall be compatible with the historic materials, features, size, scale, and proportion and massing, to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property, including historic plant materials, and its environment would be unimpaired.
(Additional Criteria for Consideration)
11. The location and orientation of the new structure on the site is consistent with the typical location and orientation of similar structures on the site or within the District or Corridor, considering setbacks, distances between structures, location of entrances and similar siting considerations.
12. Changes to yard areas including planters, fences, ponds, walkways and landscape materials, should be compatible with the overall historic setting. (Ord. 905, 1994; Ord. 1061, 2000)

116.110.085 Partitions and Subdivisions.

The ~~Heritage and Landmarks Commission~~ ~~Historic Review Board~~ shall review and make recommendations, as soon as possible, to the Planning Commission, on all proposed partitions or subdivisions of sites designated as a Landmark or located within a Historic District. The Planning Director shall transmit applications to the ~~Heritage and Landmarks Commission~~ ~~Historic Review Board~~ as soon as possible. Review of proposed subdivisions or partitions shall be based on the following criteria:

- A. The partition or subdivision does not allow a significant feature of the original site, as identified in the designation action and inventory, to be located on a separate site from the Landmark.
- B. The partition or subdivision allows adequate setbacks from Landmark improvements to provide for buffering and mitigation of impacts associated with development of the new

parcels. Such special required setbacks shall be indicated on the plat or partition or in deed covenants.

- C. Yard and landscaped areas including large trees and shrubs associated with the Historic Landmark structure shall be retained with the structure whenever possible. (Ord. 905, 1994)

116.110.90 Incentives.

A. Economic.

1. The Planning Director or ~~Heritage and Landmarks Commission~~ ~~Historic Review Board~~ shall provide all applicants and interested parties with details regarding monies available from national, state, county, and local sources.
2. The city shall explore and consider the feasibility and advisability of the adoption of economic incentives for the benefit of owners of historic resources (i.e. revolving fund, to offset hardship, buy endangered properties, offer low interest loans or grants, tax relief).
3. The city shall explore and consider property tax rebates for designated properties.
4. The city shall explore and consider Community Development Block Grants for rehabilitation of designated properties.
5. The city shall encourage the establishment of a mechanism for providing opportunities for:
 - a. Cooperative purchase of materials for improvement;
 - b. Assistance in application for National Register application; and
 - c. Facilitating loan and insurance availability for designated properties.

B. Educational.

1. The Planning Director shall provide owners of historic resources with the names of local, state, and national preservation organizations and pertinent publications.
2. All owners of historic resources shall be invited to attend an annual preservation workshop sponsored either by the city, or in partnership with other jurisdictions in the county and shall be made aware of their eligibility for and advantage of membership in the Historic Preservation League of Oregon.
3. The ~~Heritage and Landmarks Commission~~ ~~Historic Review Board~~ members may provide design guidance (but not to be construed as free long-term design service).
4. The ~~Heritage and Landmarks Commission~~ ~~Historic Review Board~~ and the Planning Director shall work with Parks Development and local developers to feature historic themes at appropriate sites.

C. Recognition.

1. The city shall provide all owners of designated Landmark properties with an appropriate certificate.
2. Consistent with the requirements of the Sign Code section 16.42, property owners of Historic Landmarks and Contributing Resources shall be encouraged to display a standard identifying sign, as available through local preservation organizations. (Ord. 905, 1994; renumb. by Ord. 1061; 2000)

16.110.095 Casualty Destruction.

A historic resource damaged or destroyed by unintentional means, to the extent that the cost of rebuilding damaged portions would exceed fifty (50) percent of the replacement value of the entire historic resource, may be removed from the Landmark status list by requesting such action of the City Council, and providing such proof as is necessary to establish that the requirements of this section are met. (Ord. 905, 1994)

16.110.100 Fees.

No fees or deposits for applications, plan reviews, interpretations or any other action pursuant to this chapter, shall be established. (Ord. 905, 1994)

16.110.105 Enforcement.

It shall be the duty of the Planning Director to enforce the provisions of this chapter and to insure compliance with conditions of approval or postponement. (Ord. 905, 1994)

16.110.110 Penalties.

Any person who fails to comply with, or who violates any provision of this chapter, except the demolition provisions of section 16.110.075, or who violates or fails to carry out the terms and conditions of any approval granted pursuant to this chapter, shall be subject to a fine of not less than \$50.00 or more than \$500.00 per violation. The demolition of a Landmark in violation of section 16.110.075 is punishable by a fine of not less than \$500, nor more than \$25,000. (Ord. 905, 1994; Ord. 1061, 2000)

16.110.115 Official Action.

All officials, departments and employees of the city vested with authority to issue permits or grant approvals shall adhere to and require conformance with this chapter, and shall issue no permit or grant approval for any development, alteration, moving or demolition which violates or fails to comply with conditions or standards imposed to carry out this chapter. Any permit or approval issued or granted in conflict with the provisions of this chapter, whether intentional or otherwise, shall be void. (Ord. 905, 1994)

16.110.120 Abatement of Violations.

Any development which occurs contrary to the provisions of this chapter or contrary to any permit or approval issued or granted hereunder is hereby declared to be unlawful and a public nuisance, and may be abated by appropriate proceedings. (Ord. 905, 1994)

16.110.125 Injunctive Relief.

Upon request of the city administrator, the City Attorney may institute an appropriate action in any court to enjoin the demolition, alteration or moving of any historic resources, or noncontributing resource or construction on or to any Landmark or within any Historic District which is in violation of any provision of this chapter. (Ord. 905, 1994)

16.110.130 Evidence of Violation.

Proof of a violation of this chapter or permit or approval issued or granted hereunder shall be deemed prima facie evidence that such violation is that of the owner of the property upon which the unlawful activity, condition, building, structure or other development exists. Prosecution, or lack thereof, of the owner of the property, the occupant, or other person in possession or control of the property shall not be deemed to relieve any other responsible person. (Ord. 905, 1994)

16.110.135 Cumulative Remedies.

The rights, remedies and penalties provided in this chapter are cumulative, are not mutually exclusive, and are in addition to any other rights, remedies and penalties available to the city under any other provision of law. A person holding a city business license who violates the provisions of this chapter is also subject to a proceeding to consider revocation of the license pursuant to Code section 5.04, Business Licenses. (Ord. 905, 1994)

16.110.140 Interpretation, Regulations and Procedures.

The Planning Director shall have the initial authority and responsibility to interpret all terms, provisions and requirements of this section. A request for an interpretation of this section shall be made in writing and may be appealed pursuant to section 16.110.145. The Planning Director may develop rules, regulations and procedures to aid in the implementation and interpretation of the provisions of this section. (Ord. 905, 1994; Ord. 1061, 2000)

16.110.145 Appeals.

- A. Any person may appeal a decision of the Planning Director to the **Heritage and Landmarks Commission** ~~Historic Review Board~~. The appeal must be filed within fifteen (15) days of the written decision of the Planning Director.
- B. Any person may appeal a decision of the **Heritage and Landmarks Commission** ~~Historic Review Board~~ within fifteen (15) days of the written decision of the **Commission** ~~Historic Review Board~~. The appeal will be heard by the City Council, pursuant to procedures set forth in Code section 16.89. (Ord. 905, 1994; Ord. 1061, 2000)

16.110.150

(Ord. 1061, 2000; del. by Ord. 1111, 2003)

16.110.155

(Renumb. to 16.110.090 by Ord. 1061, 2000)

16.110.160, .165, .170, .175, .180

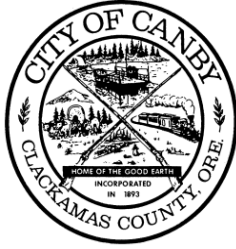
(Ord. 905, 1994; Del. by Ord. 1061, 2000)

16.110.185 Carryover Provisions.

Any alteration of the three structures already designated under the Historic Overlay provisions in 1984, by Ordinance No.742, shall be reviewed under provisions of this chapter. (Tax Lot 6900 of Tax Map 3-1E-33CD; Tax Lot 1100 of Tax Map 3-1B-33CC; and Tax Lot 2600 of Tax Map 3-1E-33CC.) (Ord. 905, 1994)

16.110.190 Severability.

Invalidity of a section or part of a section of this ordinance shall not affect the validity of the remaining sections or parts of sections. (Ord. 905, 1994)



**BEFORE THE CITY COUNCIL
OF THE
CITY OF CANBY**

ORD. 1469, AMENDING CANBY MUNICIPAL)	FINDINGS, CONCLUSION & FINAL ORDER
CODE CHAPTER 16.110 BY CHANGING THE)	TA 17-01
NAME OF THE HISTORIC REVIEW BOARD TO)	HISTORIC REVIEW BOARD
THE HERITAGE AND LANDMARK)	NAME & MEMBERSHIP CHANGE
COMMISSION AND ADDING A NON-VOTING)	
MEMBERSHIP POSITION OF A HIGH SCHOOL)	
STUDENT RESIDING WITHIN THE CANBY)	
SCHOOL DISTRICT BOUNDARY)	

NATURE OF APPLICATION

The City of Canby initiated amendments to the text of Title 16 of the Canby Municipal Code, the *Canby Land Development and Planning Ordinance*, in order to increase the membership size to include the addition of a Canby High School student, a proposal for a name change to the advisory body, and the addition of verbiage to formally address requirements for electing a chair and vice-chair through amendment of Section 16.110 of the Canby Municipal Code.

CRITERIA AND STANDARDS

In judging whether or not this legislative land use amendment of Title 16 of the *Canby Municipal Code* should be amended, the Planning Commission must consider the following criteria from Chapter 16.88 of the *Land Development and Planning Ordinance*:

1. The *Comprehensive Plan* of the city, and the plans and policies of the county, state, and local districts, in order to preserve functions and local aspects of land conservation and development;
2. A public need for the change;
3. Whether the proposed change will serve the public need better than any other change which might be expected to be made;
4. Whether the change will preserve and protect the health, safety and general welfare of the residents in the community;
5. Statewide planning goals.

FINDINGS AND REASONS

The Planning Commission held a public hearing December 11, 2017 and the City Council held a public hearing on January 3, 2018, during which the staff report was presented. The Planning Commission recommended approval of the proposed text amendments.

Therefore, the City Council adopted the findings contained in the TA 17-01 staff report dated January 3, 2018, and concluded that the text amendment meets all of the approval criteria reflected in the written Order below.

CONCLUSION

The Canby City Council concludes that the proposed amendment complies with the *Comprehensive Plan* of the city, and the plans and policies of the county, state, and local districts, and will preserve functions and local aspects of land conservation and development.

ORDER

THE CANBY CITY COUNCIL HEREBY APPROVES TA 17-01.

I CERTIFY THAT THIS ORDER APPROVING TA 17-01 was presented to and **APPROVED** by the Canby City Council of the City of Canby.

DATED THIS 17th day of January 2018.

Brian Hodson
Mayor

Bryan C. Brown
Planning Director

ORAL DECISION – January 3, 2018

AYES: Smith, Parker, Hensley, Dale, Heidt & Spoon.

NOES: None.

ABSTAIN: None.

ABSENT: None.

WRITTEN FINDINGS – January 17, 2018

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Kimberly Scheafer, MMC
City Recorder



City of Canby Bi-Monthly Report
Department: Administration
For Months of: September & October 2017

To: The Honorable Mayor Hodson & City Council
From: Kim Scheafer, MMC, City Recorder
Prepared by: Erin Burckhard, Office Specialist II
Through: Rick Robinson, City Administrator
Date: January 10, 2018

1. Business Licenses:

Forty-three new business licenses were issued during the months of November and December 2017. This compares to 57 new licenses issued during November and December 2016. Twenty-eight business licenses were inactivated during the months of November and December 2017. This compares to 45 inactivated during the same period in 2016. One hundred seventy-six business license renewals were sent out, compared to 157 in 2016. The total number businesses licensed with the City of Canby is 1,451 (1,464 this time in 2016) of which 674 have Canby addresses (684 this time last year).

2. Cemetery:

- Total property purchases recorded: November - 2 , December - 1
- Total interments recorded: November – 3 , December – 3

3. Public Records Requests:

- Five Public Records Requests were processed during November and December.

4. Training/Meetings:

- Kim Scheafer attended an OAMR Records Management Committee Meeting.

5. Special Animal Permits:

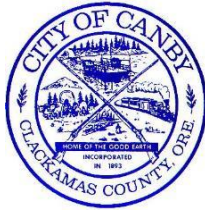
- No special animal permits were issued in November and December.

6. Sidewalk/Park Vending Permit:

- No Sidewalk/Park Vending Permits were issued in November and December.

7. Liquor Licenses Processed:

- One License Application was processed.



City of Canby Bi-Monthly Report
Department: Court
November / December 2017

To: The Honorable Mayor Hodson and City Council
From: Melody Thompson, Administrative Court Supervisor
Through: Rick Robinson, City Administrator
Date: January 8, 2018

Canby Municipal Court has jurisdiction over all city and state law offenses committed within city limits other than felonies. These include: violations, traffic crimes, misdemeanors and City code violations. *Note: Statistic category terms outlined on page 2*

Monthly Statistics	November	December
Misdemeanors		
Cases Filed	8	14
Cases Sentenced	12	11
Warrants Issued	8	21
Traffic & Other Violations		
Offenses Filed	186	119
Cases/Citations Filed	145	99
Cases/Citations Sentenced	54	67
Parking Citations Filed	3	6
Parking Citations Sentenced	8	7
Case Detail		
Diversion	33	13
Dismissal	96	84
Sentenced	63	85
Traffic and Criminal Trials		
Bench (Judge)	11	9
Jury	0	0
Citations Handled by Violations Bureau	77	49
Defendant Accounts referred to Collections	0	60
Fines & Surcharges Collected	33,475	47,343

Explanation of terms:

1. Difference between Offenses Filed vs. Cases Filed
 - Multiple offenses (charges) can be filed on any one defendant from a single traffic stop or arrest.
 - Offenses filed reflects this number. Cases filed (also called docket numbers) refers to a single defendant's matter before the court.
2. The Violations Bureau applies to traffic violations only.

Under the Judge's authority, court clerks can accept pleas, offer a deferred sentence program (if qualified) and set a payment plan. Fix it ticket activity will be included in this statistic. Where a crime is charged, a court appearance before the judge is mandatory.

If a defendant qualifies, the clerks can offer an option to participate in an informative driving education course for a fee to the court. If there are no convictions during the following two months, the case will be dismissed.

Current programs and to qualify:

- Good Drivers Program (no prior traffic convictions in the last five years and no further convictions for 60 days)
- Distracted Driver Program (no prior cell phone citation convictions in the last five years and no cell phone citations for 60 days after the program.
- 1st Offender – Traffic violation (if under the age of 18)
- 1st Offender - Minor in Possession of Alcohol citation



M E M O R A N D U M

TO: *Honorable Mayor Hodson and City Council*
FROM: *Renate Mengelberg, Economic Development Director*
THROUGH: *Rick Robinson, City Administrator*

RE: *CITY COUNCIL BI-MONTHLY REPORT for November and December 2017*

Economic Development Updates:

The following projects are funded through Urban Renewal.

Business Recruitment:

- **Under construction:** Premier Gear's 60,000 SF manufacturing building on Sequoia Parkway, and RL Reimers 20,000 SF building on Hazel Dell Way are under construction in the Pioneer Industrial Park now.
- **Cascade Manufacturing** just purchased 4 acres in the Canby Pioneer Industrial Park and will begin construction on three new buildings later this year. They plan to build two 15,000 SF buildings and one 25,000 SF building on the site. This company focuses on air filter production/assembly and air-conditioning equipment assembly.
- **Project Crimson:** Staff submitted a proposal in late December for a food processing company looking for 30-40 acres to build a 700,000 SF building that could create 500-600 jobs. They envision a \$70-80 million investment. Four sites meet their size criteria. The community has all the infrastructure capacity to support the project and the use is consistent with our zoning code. The company is also looking at sites in Happy Valley and Gresham.
- **Project Couch** – staff submitted a proposal in late November for a furniture manufacturer looking for a 2-3 acre site to construct a 50,000 sf manufacturing building that would employ 15-20 workers.
- **Project Blue Ice:** The company is still considering Canby but for a smaller manufacturing facility. Their warehousing and shipping needs will now be filled by a new facility the parent company purchased in the Clackamas Industrial Area in November.

Hotel Study: Johnson Economics will evaluate the demand for a new hotel in Canby. The kickoff meeting with community leaders was held December 12th. Staff provided extensive tourism information including major events and attractions, hotel site options and community statistics. The consultants are in the information gathering and evaluation stage. The study should be completed by the end of January.

Tourism Website: As part of implementing the Canby Vision, the city has engaged Full Bloom Concepts to develop a Canby Community website that features attractions and events and interesting things to do in the Canby area. The project launched November 29th. A draft site looks very attractive, visual and intuitive. The city received a \$5,000 grant to fund this work.



The Dahlia: This 58,000 square foot, four story mixed use development remains on schedule and on budget. The fourth floor is now framed and insulation is being installed on the exterior. Staff met with the new retail and residential broker teams to share highlights of Canby and continues to support their business recruitment efforts for retail space in the Dahlia, and former City Hall and Police Department Buildings.

Sale/Lease of the former Library Building: Staff and the developer, T5 Equities, have agreed to a purchase and sale agreement for the property that is before the city council for approval January 3rd. If approved, the developer will conduct due diligence and begin investing at least \$500,000 in renovations. T5 Equities will convert the space for small retail and restaurant spaces on the north and west sides of the building. The interior will become creative office spaces, with conference rooms, shared amenities and a separate entrance on 3rd Avenue. The developer used components of the 3 D designs for creative office and public market uses.

Vertical Housing Program Transition: The transition of this program from the Oregon Housing Division to the city of Canby is almost complete. Staff is almost finished customizing the program details and has updated all of the forms and processes. A webpage is being created for the program. There are no new proposals are on the immediate horizon. Staff will meet with Hanlon Development in January to discuss next steps in the process.



Bi-Monthly Finance Department Report

To: Mayor Brian Hodson & City Council Members
From: Julie Blums, Finance Director
Through: Rick Robinson, City Administrator
Covering: November & December 2017
Compiled by: Suzan Duffy

• In addition to providing services and responding to inquiries from both internal and external customers, and performing the tasks listed statistically on the last page, the Finance Department reports the following items of interest this period.

• The annual **Audit** and **Comprehensive Annual Financial Report** (CAFR) were completed with no adverse findings. The CAFR is available on the City's web page.

• The City received the **Distinguished Budget Presentation Award** from the Government Finance Officers Association (GFOA) for the 2017-2018 Budget document. This is the first time the City of Canby has submitted for and received this national award.

• Budget season has begun; meetings were held with department heads to review and update **budget projections** for the current year.

• Updates were made to all of the **utility billing forms** on the City website to incorporate new policies and procedures.

• Staff continue to communicate with the public about the new **Parks Maintenance fee**. Notices have been posted directly on the utility bills, a one page flyer insert was included with the November billing and information has been added to the City website.

• Updates in the payroll system were completed to accommodate a **change in the health insurance provider** for AFSCME and non-represented staff beginning in January.

• **Transit tax** pre-collection notices were sent out for the 3rd quarter in November. Forms were sent out for the 4th quarter and annual payroll in December.

• The annual **Survey of Local Government Finances** was submitted to the Census Bureau.

• The **capital asset records clean-up project** continues. Several cubic feet of paper records were purged under records retention statutes.

- Finance staff participated in the following meetings, trainings and events this period:

- GAAP Update webinar
- ACA webinar
- Accounts Payable year end webinar
- Payroll year end webinar
- IRS webinar
- Open enrollment meeting
- Thanksgiving potluck
- Holiday luncheon

Statistics for FY 2017-2018:

	<u>July-Aug</u>	<u>Sept - Oct</u>	<u>Nov - Dec</u>
Accounts Payable			
Invoices:	597	563	484
Invoice entries:	842	881	815
Encumbrances:	51	14	9
Manual checks:	14	8	10
Total checks:	397	345	369
Payroll			
Timesheets processed:	461	546	437
Total checks and vouchers:	535	631	511
New hires/separations:	3/7	1/ 4	5/1
Transit Tax Collection			
Forms sent:	40	710	976
Penalty & Int. notices sent:	18	1	3
Pre-collection notices sent:	0	122	109
Accounts sent to collections:	145	57	1
Accounts opened/closed:	29/31	22/52	32/29
Returns posted:	774	637	398
Utility Billing			
Bills sent:	9,581	9,599	9575
Counter payments:	225	238	231
Accounts opened and closed:	168	164	134
Lien payoffs:	1	5	4
Lien payoff inquiries:	55	61	34
Collection notices sent:	19	5	50
Accounts sent to collections	1	0	6
General Ledger			
Total Journal entries:	428	169	258
Cash Receipts Processed			
Finance:	1,215	977	817
Utility:	393	492	423

CANBY PUBLIC LIBRARY

BI-MONTHLY STAFF REPORT

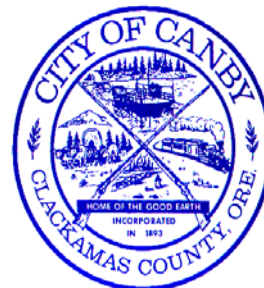
November - December 2017

TO: Honorable Mayor Hodson and City Council

FROM: Irene Green, Library Director

THROUGH: Rick Robinson, City Administrator

DATE: 1/5/18



Information Statistics

	July	Aug	Sept	Oct	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	Total
Reference	695	653	553	516	598	566	n/a	n/a	n/a	n/a	n/a	n/a	3,581
Operational	406	604	345	331	437	404	n/a	n/a	n/a	n/a	n/a	n/a	2,527
Computer Help	176	221	158	178	160	160	n/a	n/a	n/a	n/a	n/a	n/a	1,053
Reader's Advisory	27	26	23	8	18	15	n/a	n/a	n/a	n/a	n/a	n/a	117
Computer Guest Passes	78	86	68	93	69	82	n/a	n/a	n/a	n/a	n/a	n/a	476
Job/resume Help	5	14	1	4	2	3	n/a	n/a	n/a	n/a	n/a	n/a	29
E-Book Help	15	16	15	18	10	12	n/a	n/a	n/a	n/a	n/a	n/a	86
Help In Spanish	39	43	36	54	48	45	n/a	n/a	n/a	n/a	n/a	n/a	265
Email Questions	9	15	12	15	15	9	n/a	n/a	n/a	n/a	n/a	n/a	75

Reference: Informational questions, placing holds

Operational: Addressing directional/operational questions (what time do you close, where's the...)

Readers Advisory: Recommending books, movies, music

E-Book Help: Instruction on downloading E-books

Computer: Instruction/assistance

(Canby Service Population = 23,692)

*LINCC Deleted expired library accounts in September 2017

	July	Aug	Sept	Oct	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	Total/Avg
Total Registered Borrowers*	12,047	12,190	12,314	*10,572	10,682	10,762	n/a	n/a	n/a	n/a	n/a	n/a	10,762
New Library Cards	120	146	127	123	111	82	n/a	n/a	n/a	n/a	n/a	n/a	709
Number of Materials Owned	62,581	60,791	59,687	59,691	59,169	57,097	n/a	n/a	n/a	n/a	n/a	n/a	57,097
Circulation	25,134	24,575	22,687	23,937	23,339	22,458	n/a	n/a	n/a	n/a	n/a	n/a	142,130
People Counter	11,703	11,703	10,366	11,707	10,625	10,073	n/a	n/a	n/a	n/a	n/a	n/a	66,177
Materials Added	284	739	964	858	732	744	n/a	n/a	n/a	n/a	n/a	n/a	4,321
Holds Placed	5,720	5,676	5,681	5,905	5,669	5,260	n/a	n/a	n/a	n/a	n/a	n/a	33,911
Self-Check	40.8%	64.8%	63.4%	65.2%	64%	65.7%	n/a	n/a	n/a	n/a	n/a	n/a	59.64%
Public Internet Sessions	1,595	1,717	1,305	1,493	1,584	1,520	n/a	n/a	n/a	n/a	n/a	n/a	7,499

Facebook Likes	764	777	782	787	793	804	n/a	n/a	n/a	n/a	n/a	n/a	804
Volunteer Hours	250.75	238.75	209.25	227.25	204.25	204.25	n/a	n/a	n/a	n/a	n/a	n/a	1,335
Lilac and Iris Room use	74	71	57	51	76	79	n/a	n/a	n/a	n/a	n/a	n/a	253

Programming:

	ATTENDANCE			NUMBER OF PROGRAMS			
	Adults	Teen	Children	Adult	Teen	Children's	Family
July	384	85	487	14	4	13	12
August	495	55	512	17	2	11	30
September	365	15	238	22	1	15	12
October	1052	34	903	24	1	18	11
November	336	28	241	16	3	17	8
December	511	16	287	24	2	21	10

Library Operations:

- We have a new cultural pass: Oregon State Parks! This is a 2-day pass, and it covers the parking fee for one vehicle (for day use only, no camping).
- Unfortunately we had to issue an expulsion letter to a young man who stole the key to our copier coin box. Our video surveillance camera showed him taking the key which was later recovered by police. After consultation with the library board he has been expelled for 90 days.
- We've moved our magazine subscriptions from EBSCO to Rivistas. This vendor has better flexibility with our subscriptions. Katherine Bethea did a great job coordinating the change.
- Staff completed a big weed in the Fiction, Spanish, NF DVDs, CDs and Non-Fiction areas. Materials that were worn, torn, or have not circulated in over two years, were withdrawn and given to the Friends. They also shifted the areas to give more room for browsing.
- We are working on updating our webpage and other materials with our new logo.
- Attendees at the November Adult Services meeting were given training on helping people who overdose. They were given NARCAN to keep at each library. We turned ours over the Canby Police.

Programs:

- The library held its first annual open house in December. Over 300 people attended. Santa and several music groups made the evening extra special.
- From January 2nd to March 15th we will have our first Adult Winter Reading Program. Participants have BINGO cards and once they get a BINGO they will receive a beautiful mug. The program is sponsored by the Friends of the Canby Public Library. If someone completes all the BINGO blocks they can enter into a drawing for a Kindle Fire HD10!
- The Library Board approved the "Love Us and We'll Love You Back" promotion for the month of February. For every dollar someone pays on a fine (not on lost books) we will waive that amount.

- Our Read to the Dog (Digby) is going great. We've had 15 children participate!

Library District Advisory Committee (LDAC):

- The Board of County Commissioners will be opening up the Master Order. This is happening as a result of the settlement of the lawsuit between the county and Gladstone to allow Library District Funds to be used for capital purposes. The wording of the Master Order has opened up a large discussion. On January 3rd, a meeting was held at the County office building to get LDAC's input on the new wording. Don Krupp, Paul Savas, Jim Bernard, Chris Story, and Laura Zentner were present from the County. They took in a lot of input and Chris is going back to revise a third draft of the Master Order. He will be presenting the third draft on Tuesday, January 9th to the Board of County Commissioners for final approval. They are locked into a deadline of January because of the lawsuit.
- The new Master Order will also address the possibility of having overlapping districts through the use of different types of bonds: Revenue Bonds and GO Bonds. This approach has never been challenged in court.
- Paul Savas presented a model for using District funds for Capital expenditures and it may also be incorporated into the Master Order. The petitioner would have to prove, and present to LDAC and the BCC, that they meet certain criteria such as: a reserve of funds, threshold of services are met, a guarantee of repayment, etc.
- There is talk about a requirement to maintain a threshold level of service. It most likely will not be the new Oregon Public Library Standards but there will be standards established by LDAC and the County.
- They are also looking at ways to enforce city's adherence to the thresholds and other requirements in the IGA.
- They reiterated the point that District funds are meant to supplement a library's budget not support the entire budget. Each library will submit a detailed report, on a newly designed form developed by the LDAC subcommittee, on how their city is spending District money.
- Opening the Master Order is Part 1. New IGA discussions will follow and will take about 9-12 months. Presentations will be made to each city's city council. 2/3 vote is needed for approval.
- Finally there is talk about going out for another levy. Currently we are at 0.3974. There are some counties that are as much as 0.66.

Partnerships:

- The library is partnering with the Canby Historic Review Board, The Canby Kiwanis, and the Canby School District on an essay contest for the new Women's Heritage Trail. This will be the first municipal heritage trail in Oregon dedicated to the recognition of women. Essays can be submitted to staff here at the library. The dedication ceremony will take place in the Willamette Room. Quite a few dignitaries are expected to attend the ceremony, including former governor, Barbara Roberts.

Outreach

- Library staff are attending the ESL classes held at Baker Prairie once a month and providing information on literacy and library services to parents as well as providing stories, crafts and games for children.
- A new round of citizenship classes will begin on January 11th. 25 former students have become citizens over the past two and a half years. 15 people are still in the process. 12 people are on the waiting list for the new session.

Friends of the Library:

- The Friends of the Library made \$1,542.05 in October and \$1492.42 in December. The sales for these two months included Book Garden sales and tickets sold at the library for the Christmas Tour of homes.
- The Friends annual Christmas Tour of Homes brought in \$2,220.00!

CPL Foundation:

- The Canby Public Library Foundation is working with several teachers from the high school on expanding their coding and robotics program in the maker space here at the library.

Volunteers:

- Volunteer of the month of November was Christine Heck. This was in recognition of her reliability in working on the obituaries, a low-profile but important task.
- Volunteer of the Month for December was Barbara Kendall. This was in recognition of her longtime service as a volunteer, her significant weekly commitment on the picklist, and her willingness to take on extra tasks and help train new volunteers.

Library Artwork:

- The artwork currently displayed in the library is by Phil Sargent.

Nov-17		ATTENDANCE			TYPE OF PROGRAM			
	Date	Adults	Teen	Children	Adult	Teen	Children's	Family
CHILDREN								
Storytimes								
Songs and Sillies Storytime (ages 2-6)	11/6/2017	11	0	14	0	0	1	0
Songs and Sillies Storytime (ages 2-6)	11/13/2017	8	0	10	0	0	1	0
Songs and Sillies Storytime (ages 2-6)	11/20/2017	16	0	24	0	0	1	0
Songs and Sillies Storytime (ages 2-6)	11/27/2017	7	0	9	0	0	1	0
Book Babies Storytime (ages 0-2)	11/1/2017	4	0	4	0	0	1	0
Book Babies Storytime (ages 0-2)	11/8/2017	13	0	16	0	0	1	0
Book Babies Storytime (ages 0-2)	11/15/2017	7	0	7	0	0	1	0
book Babies Storytime (ages 0-2)	11/22/2017	6	0	9	0	0	1	0
Book Babies Storytime (ages 0-2)	11/29/2017	11	0	15	0	0	1	0
Friday Storytime	11/3/2017	4	0	10	0	0	1	0
Friday Storytime	closed							
Friday Storytime	11/17/2017	8	0	13	0	0	1	0
Friday Storytime	closed							
Russian Storytime	11/2/2017	0	0	0	0	0	1	0
Russian Storytime	11/9/2017	2	0	4	0	0	1	0
Russian Storytime	11/16/2017	2	0	3	0	0	1	0
Russian Storytime	11/30/2017	0	0	0	0	0	1	0
Read to the Dog	11/3/2017	0	0	1	0	0	1	0
Read to the Dog	11/17/2017	0	0	5	0		1	0
(Children's event) Lego Night	11/1/2017	3	0	8	0	0	0	1
TOTAL		102	0	152	0	0	17	1
TEENS								
anime	11/8/2017	0	9	0	0	1	0	0
nintendo	11/22/2017	0	12	0	0	1	0	0
TOTAL		0	21	0	0	2	0	0
FAMILY								
Spanish Storytime (for the whole family)	11/4/2017	2	0	6	0	0	0	1
Spanish Storytime (for the whole family)	11/11/2017	2	0	7	0	0	0	1
Spanish Storytime (for the whole family)	11/18/2017	0	0	0	0	0	0	1
Spanish Storytime (for the whole family)	11/25/2017	1	0	3	0	0	0	1
Family Evening (Creature Teachers)								
Day of the Dead Celebration	11/2/2017	25	0	37	0	0	0	1
Movie Nights								
English (Cars 3)	11/9/2017	0	0	5	0	0	0	1
Spanish (The Lego Batman Movie)	11/16/2017	0	0	0	0	0	0	1
Music in the Stacks								
Choro da Alegria	11/18/2017	36	0	0	0	0	0	1
TOTAL		66	0	58	0	0	0	8
ADULT								
General Programs								
Adult craft Czech glass beads	11/7/2017	15	0	0	1	0	0	0
Angel's Truck Stop Veterans Day event	11/14/2017	7	0	0	1	0	0	0
Holiday swag craft	11/28/2017	22	0	0	1	0	0	0
Intercambio	11/4/2017	9	2	0	1	0	0	0
Intercambio	11/11/2017	6	2	0	1	0	0	0
Intercambio	11/18/2017	2	0	0	1	0	0	0
Book Clubs								
History Book Group	no mtg.							
Book Group -	11/16/2017	8	0	0	1	0	0	0
Instruction Classes								
E-Reader Help	ongoing	0	3	0	1	0	0	0
Knitting and Crocheting	11/2/2017	9	0	0	1	0	0	0
Knitting and Crocheting	11/9/2017	6	0	0	1	0	0	0
Knitting and Crocheting	11/16/2017	7	0	0	1	0	0	0
Knitting and Crocheting	11/30/2017	10	0	0	1	0	0	0
Citizenship class	11/2/2017	15	0	0	1	0	0	0
Citizenship class	11/9/2017	19	0	0	1	0	0	0
Citizenship class	11/16/2017	16	0	0	1	0	0	0
Citizenship class	11/30/2017	14	0	0	1	0	0	0
TOTAL		165	7	0	16	0	0	0
LIBRARY TOURS								
Learning Tree Daycare								
Homeschool group	11/7/2017	3	0	10	0	0	0	1
TOTAL								
OUTREACH								
English classes - Baker Prairie	11/15/2017	0	0	21	0	0	1	0

Dec-17		ATTENDANCE			TYPE OF PROGRAM			
	Date	Adults	Teen	Children	Adult	Teen	Children's	Family
CHILDREN								
Storytimes								
Songs and Sillies Storytime (ages 2-6)	12/4/2017	3	0	6	0	0	1	0
Songs and Sillies Storytime (ages 2-6)	12/11/2017	7	0	9	0	0	1	0
Songs and Sillies Storytime (ages 2-6)	12/18/2017	12	0	17	0	0	1	0
Book Babies Storytime (ages 0-2)	12/6/2017	12	0	12	0	0	1	0
Book Babies Storytime (ages 0-2)	12/20/2017	10	0	15	0	0	1	0
book Babies Storytime (ages 0-2)	12/27/2017	5	0	4	0	0	1	0
Friday Storytime	12/1/2017	6	0	8	0	0	1	0
Friday Storytime	12/8/2017	5	0	5	0	0	1	0
Friday Storytime	12/15/2017	4	0	5	0	0	1	0
friday Storytime	12/22/2017	3	0	3	0	0	1	0
Friday Storytime	12/29/2017	3	0	5	0	0	1	0
Russian Storytime	12/7/2017	2	0	3	0	0	1	0
Russian Storytime	12/14/2017	3	0	4	0	0	1	0
Russian Storytime	12/21/2017	2	0	3	0	0	1	0
Russian Storytime	12/28/2017	2	0	1	0	0	1	0
Read to the Dog	12/1/2017	0	0	2	0	0	1	0
Read to the Dog	12/8/2017	0	0	3	0	0	1	0
Read to the Dog	12/15/2017	0	0	2	0	0	1	0
Read to the Dog	12/22/2017	0	0	1	0	0	1	0
Read to the Dog	12/29/2017	0	0	1	0	0	1	0
Legos at the Library	12/6/2017	10	0	25	0	0	1	0
TOTAL		89	0	134	0	0	21	0
TEENS								
make-it night	12/6/2017	0	8	0	0	1	0	0
nintendo	12/22/2017	0	5	0	0	1	0	0
TOTAL		0	13	0	0	2	0	0
FAMILY								
Spanish Storytime (for the whole family)	12/2/2017	3	0	5	0	0	0	1
Spanish Storytime (for the whole family)	12/9/2017	1	0	2	0	0	0	1
Spanish Storytime (for the whole family)	12/16/2017	1	0	2	0	0	0	1
Spanish Storytime (for the whole family)	12/23/2017	0	0	0	0	0	0	1
Spanish Storytime (for the whole family)	12/30/2017	0	0	0	0	0	0	1
Movie Nights								
English (Despicable Me 3)	12/14/2017	1	0	2	0	0	0	1
Spanish (Emoji: La Película)	12/21/2017	0	0	0	0	0	0	1
Music in the Stacks								
Folksongs of the Winter Holidays	12/9/2017	41	0	0	0	0	0	1
Homeschooler Group	12/5/2017	3	0	7	0	0	0	1
Homeschooler Group	12/19/2017	0	0	0	0	0	0	1
TOTAL		50	0	18	0	0	0	10
ADULT								
General Programs								
Self Defense for Women	12/7/2017	14	0	0	1	0	0	0
Nuestros Abuelos	12/5/2017	2	0	0	1	0	0	0
Nuestros Abuelos	12/12/2017	2	0	0	1	0	0	0
Nuestros Abuelos	12/19/2017	2	0	0	1	0	0	0
Nuestros Abuelos	12/26/2017	Cancel	0	0	1	0	0	0
Intercambio	12/2/2017	4	0	0	1	0	0	0
Intercambio	12/9/2017	2	0	0	1	0	0	0
Intercambio	12/16/2017	1	1	0	1	0	0	0
Intercambio	12/23/2017	2	0	0	1	0	0	0
Intercambio	12/30/2017	0	0	0	1	0	0	0
Book Clubs								
History Book Group	12/6/2017	6	0	0	1	0	0	0
Book Group	12/21/2017	12	0	0	1	0	0	0
Pints from the Past	12/4/2017	23	0	0	1	0	0	0
Prisoners at Home _Japanese Internment -	12/5/2017	33	0	0	1	0	0	0
Adult craft - cork trivets	12/12/2017	17	0	0	1	0	0	0
Christmas Open House	12/6/2017	200	0	0	1	0	0	0
Instruction Classes								
E-Reader Help	ongoing	0	0	0	1	0	0	0
Knitting and Crocheting	12/1/2017	6	0	0	1	0	0	0
Knitting and Crocheting	12/7/2017	7	0	0	1	0	0	0
Knitting and Crocheting	12/14/2017	7	0	0	1	0	0	0
Knitting and Crocheting	12/21/2017	6	0	0	1	0	0	0
Citizenship class	12/07/12017	11	0	0	1	0	0	0
Citizenship class	12/14/2017	10	0	0	1	0	0	0
Citizenship class	12/21/2017	7	0	0	1	0	0	0
TOTAL		372	3	0	24	0	0	0
LIBRARY TOURS								
Mulino Head Start (cancelled)	12/7/2017	0	0	0	0	0	0	0
TOTAL								
OUTREACH								
English classes - Baker Prairie		0	0	0				



M E M O R A N D U M

TO: *Honorable Mayor Hodson and City Council*
FROM: *Jamie Stickel, Main Street Manager*
THROUGH: *Rick Robinson, City Administrator*

RE: *CITY COUNCIL BI-MONTHLY REPORT*

Main Street Updates

The following projects are funded through Urban Renewal.

Promotion

- **Canby Independence Day Celebration** – The Canby Independence Day Celebration Volunteer Pizza Party was held on Wednesday, November 15th in the Willamette Room. Volunteers who participating in the planning and implementation of the Canby Independence Day Celebration on July 4th were invited to attend. Approximately 15 people attended – many of which have volunteered for other city committees, outreach engagements, and several years of the Independence Day Celebration.
- **Light Up the Night** – On Friday, December 1st, the City of Canby held the 16th annual Light Up The Night. The event is held on the first Friday in December, in conjunction with the city-sponsored First Friday. First Friday invites citizens and visitors to downtown Canby to shop, dine, and play at businesses which are open late. This year's Light Up The Night featured a new lighted train, ground effects, and a new lane for children to queue in anticipation of meeting Santa. This year's event was the highest attended Light Up The Night – with approximately 3,000 people attending.

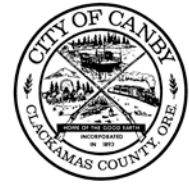
Organization

- **Clackamas County Heritage Council** – The City of Canby has become a member of the Clackamas County Heritage Council (CCHC) in an effort to more effectively connect with out people and organizations who are focused on heritage in Clackamas County. The meetings occur the fourth Monday of the month at Clackamas County's Development Services Building. By effectively engaging in with the other members of CCHC, the city of Canby has been able to be more involved in things such as the planning of the 175th anniversary of the Oregon Trail. The Main Street Manager and Heritage and Landmark Commission Chair attend these meetings on behalf of the rest of the Heritage and Landmark Commission and the City of Canby.
- **Women's Heritage Trail** – The City of Canby's Heritage and Landmark Commission is working on a Women's Heritage Trail as part of the 2017 Certified Local Government grant it was awarded from the State Historic Preservation Office. This program will identify Canby women who helped to shape the community and town. The Heritage and Landmark Commission has identified a March 22nd unveiling date. This event is open to the public, and will feature speakers, including Barbara Roberts, Oregon's first female Governor. The Heritage and Landmark Commission are working in conjunction with the Canby Kiwanis and Canby Public Library on the program. As part of its outreach, a Women's Heritage essay

contest has been launched with the Canby School District and winners will have the opportunity to read their essay at the launch events.

Economic Vitality

- **New Businesses Alert** – The Book Nook – and owner Megan Waterman – opened in Downtown Canby. Located in the Graham Building (181 N Grant Street #101), the Book Nook sells high quality used books at affordable prices. Hours of operation: Tuesday – Saturday, 10:00am – 4:00pm. The Book Nook held its grand opening December 12 – 16th and seeks to be a little corner of heaven for book lovers.



PLANNING & DEVELOPMENT SERVICES

NOVEMBER - DECEMBER BI-MONTHLY REPORT

TO: *Honorable Mayor Hodson and City Council*

FROM: *Bryan Brown, Planning Director*

DATE: *January 8, 2018*

THROUGH: *Rick Robinson, City Administrator*

The following report provides a summary of the Planning and Development Services activities for the months of November - December, 2017. Please feel free to call departmental staff if you have questions or desire additional information about any of the listed projects or activities. This report includes planning activities, a listing of land use applications and development site plan review coordination projects for building permits.

Planning Activities

- 1. Quiet Zone.** The City's Immediate Opportunity Fund grant application was submitted by Business Oregon to the Oregon Transportation Commission in Salem on November 17th and was approved. The funds shall enable the City and ODOT to move forward with the intersection improvements at N Elm and OR99E. Once the intersection improvements are completed the City will be able to construct the required quiet zone improvements that will qualify us for a quiet zone designation.
- 2. Buildable Land Needs Study.** Final report preparation is in progress.
- 3. South Ivy Street 2016-2018 STIP Enhance Project.** The County continues engineering and easement acquisition. The project is scheduled to begin construction in 2018.
- 4. Dog Park.** Sparks of Hope 501(C)3 has expressed interest in taking over the management of the future Canby Dog Park. We are expecting a letter from their Board confirming their intentions. Upon receipt of the official letter of intent, the City will work with the organization to develop an agreement for the management of the park. Sparks of Hope work with youth and the organization has an active K9 component, so it appears to be a good fit for the organization's mission. Pending Council review in February if Sparks of Hope moves forward.
- 5. Willow Creek Wetlands Restoration.** Dig in Community is actively working at the site and is working with local schools to assist in their efforts. The City will install signage at the site to inform the public about the project and provide staff contact information. This project shall be ongoing through 2019.
- 6. Logging Road Land Donation.** The Traverso family donation of properties to the City related to plans for the future extension of the Logging Road Trail south of SW 13th Avenue was completed in December. There were many steps necessary to complete the donation in terms of review of acceptance of various existing easements recorded on the properties.
- 7. Parks Maintenance Fee.** The newly approved \$5 a month park maintenance fee is expected to be implemented in January, 2018. It is to provide immediate funds for deferred maintenance with a possible City Council workshop in April, 2018 to determine priorities for allocating any funds available after deferred maintenance is adequately addressed.

Land Use Application Activity

8. Land Use Applications Submitted November 1 – December 31, 2017:

CITY FILE #	APPLICANT	PROJECT	ADDRESS
ANN 17-01 & ZC 17-04	Mayberry Group	Annexation & Zone Change	1901 S. Ivy St
APP 17-03	Daniel Webb, Linda Thomas, Andrew Jarmer, Ryan & Cerrie Oliver & Eric & Josephine Recht	Appeal of Planning Commission Decision to approve SUB 17-06 - Redwood Landing	1440, 1548, 1612, 1650 & 1758 N Redwood St
APP 17-02	Mike McNichols, Tony Polito & Friends of NE Maple	Appeal of Planning Commission Decision to approve SUB 17-05, Seven Acres Subdivision	3500 NE Maple St
APP 17-01	Allen Manuel	Appeal of Planning Commission Decision to deny ZC 17-02/SUB 17-04/CUP 17-05	533, 553 & 583 S Ivy Street
FP 17-13	Robert Kerr	Final Plat	715 SW Territorial
FP 17-12	David Harris	Final Plat	2570 & 2590 N Maple Ct
FP 17-11	Will Snyder	Final Plat	159 NE 10th Ave
TA 17-01	Historic Review Board membership	Carol Palmer/Jamie Stickel	N/A

9. PRE-APPLICATION CONFERENCE(S) HELD:

CITY FILE #	APPLICANT	PROJECT	ADDRESS
PRA 17-18	Willamette Capital Investment	Multi-family residential apt complex – 36 Units	1300 S Ivy St
PRA 17-17	Clark Warehouse	12,000 SF Warehouse & 23,500 in Phase 2	S Hazel Dell Way

8. PRE-CONSTRUCTION CONFERENCE(S) HELD: None

9. PLANNING COMMISSION MEETING ITEMS REVIEWED:

CITY FILE #	APPLICANT	PROJECT	ADDRESS
MLP 17-07	Will Snyder	Minor Land Partition	159 NE 10 th Ave
SUB 17-06	Icon Construction	Redwood Landing Subdivision (Continuation)	1440, 1548, 1612, 1650, 1758 N Redwood St
DR 17-07, CUP 17-06, PUD 17-01	Willamette Valley Country Club	Fitness Building, pool pavilion, golf cart storage building and 60 new parking spaces	900 Country Club Drive
TA 17-01	Historic Review Board	Name change and adding Canby High School student as non-voting member	N/A

**10. SITE PLANS SUBMITTED FOR ZONING CONFORMANCE AND AUTHORIZATION FOR
RELEASE OF COUNTY BUILDING PERMIT November 1 – December 31, 2017:**

CITY FILE #	APPLICANT	PROJECT	ADDRESS
SP 17-154	NW Contracting	Addition to side of Home	985 N Locust St
SP 17-153	Fowler Homes, LLC	Emerald Gardens TH, Lots 4, 5, 6	478, 480, 482 NE 3rd Ave
SP 17-152	Justin Stoddart	Attached Shed & Patio Cover to Home	1620 S Redwood St
SP 17-151	Dave Purdy	Addition to home & garage	367 SW 6th Ave
SP 17-150	Megan Gagner	Expansion of existing hot tub room	842 S Aspen Ct
SP 17-149	Right Turn Construction	Patio cover freestanding	474 SW 13th Ave
SP 17-148	Portland Construction Solutions	SFR - MFG	1653 S Elm St, Sp 8
SP 17-147	Portland Construction Solutions	SFR - MFG	1654 S Elm St, Sp 12
SP 17-146	Portland Construction Solutions	SFR - MFG	1655 S Elm St, Sp 11
SP 17-145	Chris & Kelly Clasen	Grading permit	1793 SE 1st Ave
SP 17-144	Ed Netter	SFR	1927 SE 11th Ave, Faist 6
SP 17-143	Ed Netter	SFR	1837 SE 10th Ave, Faist 6, Lot 7
SP 17-142	Nick Netter	SFR	1846 SE 10th Place, Faist 6, Lot 15
SP 17-141	Andrew Moore	Home addition 300 sq. ft.	760 NE 23rd Ave
SP 17-140	Victoria Heintz	Interior Remodel	141 N Grant St
SP 17-139	Daniel Forney Construction	Addition to rear of building	615 NW 12th Ave
SP 17-138	Francisco Reyes	Build covered porch	1070 S Fir Ct
SP 17-137	James Quinn Construction	Install concrete pad - Schimadzu	1900 NE 4th Ave
SP 17-136	LES, Inc. - Tom Scott	Interior Remodel The Canby Center	681 SW 2nd Ave
SP 17-136a	OCI Reimers	Commercial Building	138 SE Hazel Dell Way
SP 17-135	Verizon Wireless	Modify existing cell tower equipment	1239 SE 1st St
SP 17-134	Beatriz Gomez	Deck on 2 nd floor	309 NE 19th Ave
SP 17-133	Boegner & Associates	Retaining wall	1655 S Elm #14

10. SITE PLANS SUBMITTED FOR ZONING CONFORMANCE AND AUTHORIZATION FOR RELEASE OF COUNTY BUILDING PERMIT November 1 – December 31, 2017:

DATE	APPLICANT	PROJECT	ADDRESS
SP 17-132	Verizon Wireless	Modify existing cell tower mounted radio equipment.	505 NW Baker Dr
SP 17-131	Will Snyder, White River	SFR	1030 N Douglas, Northwood Lot 79
SP 17-130	David Newman	New Mfg. Home	1655 S Elm St Sp 9
SP 17-129	David Newman	New Mfg. Home	1655 S Elm St Sp 15
SP 17-128	David Newman	New Mfg. Home	1655 S Elm St Sp 13
SP 17-127	David Newman	New Mfg. Home	1655 S Elm St Sp 6

11. SIGN PERMITS SUBMITTED FOR REVIEW AND AUTHORIZATION FOR RELEASE OF COUNTY BUILDING PERMIT November 1 – December 31, 2017: NONE

12. Active Permit Finals by Clackamas County, November 1 – December 31, 2017

DATE	APPLICANT	PROJECT	ADDRESS
12/22/17	Ed Netter	SFR	1952 SE 11 th Ave
11/27/17	Pillar Estates	SFR	480 NW 11 th PI
11/3/17	Concept Custom Homes	SFR	1165 N Elm St



City of Canby Bi-Monthly Report
Department: Police
November 2017

To: The Honorable Mayor Hodson and City Council
From: Chief Bret Smith
Through: Rick Robinson, City Administrator
Date: January 8, 2018

Monthly Statistics	November
Total Police reports	153
Cleared by Arrest	38
Inactive/Suspended Cases	31
Open / Referred to District Attorney/City Attorney/Other agencies	43
Non-Criminal Reports	63
Traffic Accidents	7
Complaints	1
Citations	271
Crimes	4
Traffic Stops	573
Calls for Service (Dispatch to Officers by community)	
Abandoned Vehicle / Parking	37
Animal Complaints	11
Code Enforcement & Ordinance	36
False Alarms	35
All Calls for Service (includes categories not listed)	1,747

Note: Due to the conversion of report writing and records database to Mark 43, December statistics will be reported in the next report.

Community Event / Meeting Participation

- Canby Adult Center lunch service – monthly
- Regional Chief's Meeting – monthly
- CCOM (dispatch) Executive Board Meeting
- Lincoln City Police Dept. Tour of Facility
- Mid-Managers (law enforcement) meeting
- Chaplain's Meeting – Canby Fire
- Presentation to executive leadership DPSST
- Mark 43 Records System Planning
- Firearms Qualification – department wide
- Clackamas County Exercise Planner's meeting
- Canby Rotary
- Michael Manns Swearing in Ceremony - City Council meeting
- Police candidates interview

- Milwaukie Captain Dave Rash retirement
- Light up the night – Wait Park
- Shop with a Cop – Fred Meyer
- Kiwanis Food Drive – Clackamas Fairgrounds
- Metro Chief's Quarterly Dinner
- City of Canby Holiday Lunch
- Mark 43 Report-writing and Records Training
- Good Morning Canby – Gwynn's Coffee Shop
- Municipal Court Clerk Interview

Canby Swim Center Report

From: Eric Laitinen, Aquatic Program Manager

Date: January 04, 2018

Re: Bi-monthly Report

The Canby Swim Center stays very busy in the winter. The Canby High School team begins practices and the Canby Gators shift into full swing. In November the Canby Gators hosted the IMX Challenge meet and in December the Animal Meet and Masters Animal Meet. Each of the youth meets brought 200 swimmers to Canby and Masters meet for adults brought in 60 swimmers. Canby High school is scheduled for five home swim meets many of the Thursdays in the winter. The First two Canby hosted in December before winter break.

Winter is a time is when we can offer extra public swims from 1-3pm whenever school is scheduled to be out. So over winter break and we have public swims and there are usually two to four special public swims each month, but December has public swims during the break. In January we have a special public swim on the 15th for MLK Day. We provide swimming lessons year round and have morning and evening public lessons throughout the winter. In February we add more class times and it builds through the summer. In November and December we help out the Canby Kiwanis food or toy drive, with free swims for a donation. The water exercise instructors; Kayla Scheafer and Charlene Wipff also taught a special class on Thanksgiving and took donations of clothing for the Canby Center instead of admission. This class is very well attended and had over 20 people.

Attendance and revenue numbers have this November and December. Revenue is up \$2,500 over the past two months and for the year so far. The Attendance was also up as we had 500 more swimmers over the past two months, so we are also up 500 swims for the year to date. I am crossing my fingers that the weather continues to be mild so we can run our programs as scheduled this year, we don't really want a repeat of last year. So far, so good.

FROM : ERIC LAITINEN, AQUATIC PROGRAM MANAGER
SUBJECT: Attendance Numbers for November 2017
DATE: 2018 January Report

CANBY SWIM CENTER November	ADMIT 2016	ADMIT 2017	PASS 2016	PASS 2017	TOTAL 2016	TOTAL 2017	YTD TOTAL 16-17	YTD TOTAL 17-18
MORNING LAP	64	51	353	332	417	383	1790	1676
ADULT RECREATION SWIM	21	38	421	434	442	472	2161	2297
MORNING WATER EXERCISE	81	72	442	405	523	477	2381	2416
PARENT/ CHILD	40	66	0	0	40	66	856	1012
MORNING PUBLIC LESSONS	140	126	0	0	140	126	3976	3918
SCHOOL LESSONS	280	0	0	0	280	0	280	0
NOON LAP	103	89	277	250	380	339	1335	1342
TRIATHLON CLASS	0	0	0	0	0	0	0	0
AFTERNOON PUBLIC	216	273	7	16	223	289	2383	2472
PENGUIN CLUB	0	0	0	0	0	0	996	977
CANBY H.S. SWIM TEAM	0	0	469	471	469	471	469	471
CANBY GATORS	0	0	1342	1480	1342	1480	3293	3279
MASTER SWIMMING	0	0	36	31	36	31	98	85
EVENING LESSONS	786	741	0	0	786	741	5464	5411
EVENING LAP SWIM	45	21	30	31	75	52	429	456
EVENING PUBLIC SWIM	197	160	9	13	206	173	2325	2028
EVENING WATER EXERCISE	57	37	34	36	91	73	481	422
ADULT LESSONS	16	8	0	0	16	8	38	30
GROUPS AND RENTALS	400	401	0	0	400	401	1707	1784
OUTREACH SWIMMING	0	0	0	0	0	0	321	658
TOTAL ATTENDANCE	2,446	2,083	3,420	3,499	5,866	5,582	30783	30734

FROM : ERIC LAITINEN, AQUATIC PROGRAM MANAGER
SUBJECT: Attendance Numbers for December 2017
DATE: 2018 January Report

CANBY SWIM CENTER December	ADMIT 2016	ADMIT 2017	PASS 2016	PASS 2017	TOTAL 2016	TOTAL 2017	YTD TOTAL 16-17	YTD TOTAL 17-18
MORNING LAP	37	33	289	277	326	310	2116	1986
ADULT RECREATION SWIM	15	29	378	409	393	438	2554	2735
MORNING WATER EXERCISE	42	66	345	398	387	464	2768	2880
PARENT/ CHILD	0	0	0	0	0	0	856	1012
MORNING PUBLIC LESSONS	70	68	0	0	70	68	4046	3986
SCHOOL LESSONS	0	0	0	0	0	0	280	0
NOON LAP	93	105	267	216	360	321	1695	1663
TRIATHLON CLASS	0	0	0	0	0	0	0	0
AFTERNOON PUBLIC	262	276	32	23	294	299	2677	2771
PENGUIN CLUB	0	0	0	0	0	0	996	977
CANBY H.S. SWIM TEAM	0	0	621	783	621	783	1090	1254
CANBY GATORS	0	0	596	780	596	780	3889	4059
MASTER SWIMMING	0	0	65	96	65	96	163	181
EVENING LESSONS	261	344	0	0	261	344	5725	5755
EVENING LAP SWIM	29	22	19	16	48	38	477	494
EVENING PUBLIC SWIM	138	133	18	10	156	143	2481	2171
EVENING WATER EXERCISE	25	46	16	9	41	55	522	477
ADULT LESSONS	0	0	0	0	0	0	38	30
GROUPS AND RENTALS	224	261	0	0	224	261	1931	2045
OUTREACH SWIMMING	0	0	0	0	0	0	321	658
TOTAL ATTENDANCE	1,196	1,383	2,646	3,017	3,842	4,400	34625	35134



November and December, 2017
Monthly Reports

Fleet Department – Robert Stricker
Parks Department – Jeff Snyder
Public Works – Jerry Nelzen

Fleet Service BI-Monthly Report
By Robert Stricker, Lead Mechanic

Nov-17					
Department	Work Orders	Labor Cost	Material Cost	Fuel Cost	Total Cost
Administration	0	\$0.00	\$0.00	\$35.07	\$35.07
Adult Center	0	\$0.00	\$0.00	\$253.79	\$253.79
Facilities	0	\$0.00	\$0.00	\$71.60	\$71.60
Wastewater Collections	1	\$112.50	\$281.89	\$131.95	\$526.34
Wastewater Treatment	1	\$744.97	\$0.00	\$46.91	\$791.88
Parks	1	\$75.00	\$54.08	\$610.75	\$739.83
Police	23	\$3,761.00	\$2,096.06	\$4,801.42	\$10,658.48
Streets	4	\$825.00	\$2,134.93	\$1,420.11	\$4,380.04
Fleet Services	1	\$27.26	\$11.25	\$53.95	\$92.46
Canby Area Transit (CAT)	28	\$4,395.29	\$1,739.28	\$5,415.26	\$11,549.83
CUB		0	0	52.54	52.54
Total				Total	\$29,151.86

Dec-17					
Department	Work Orders	Labor Cost	Material Cost	Fuel Cost	Total Cost
Administration	2	\$115.75	\$0.00	\$0.00	\$115.75
Adult Center	0	\$0.00	\$0.00	\$333.44	\$333.44
Facilities	1	\$28.50	\$0.00	\$74.99	\$103.49
Wastewater Collections	1	\$28.50	\$0.00	\$268.13	\$296.63
Wastewater Treatment	3	\$595.50	\$0.00	\$52.50	\$648.00
Parks	5	\$255.00	\$0.00	\$583.58	\$838.58
Police	34	\$5,024.06	\$4,113.62	\$3,785.47	\$12,923.15
Streets	16	\$2,278.50	\$1,722.58	\$916.95	\$4,918.03
Fleet Services	2	\$225.75	\$0.00	\$87.79	\$313.54
Canby Area Transit (CAT)	15	\$2,483.59	\$2,954.38	\$4,659.83	\$10,097.80
CUB		0	0	\$114.41	114.41
Total				Total	\$30,702.82

*Total includes labor, materials and fuel for all departments

Parks Maintenance

By Jeff Snyder, Parks Maintenance Lead Worker
November – December 2017

Park Renovations

No notable park renovations were done in the months of November or December.

Park Maintenance

The mowing duties went late into the month of December this year. The irrigation systems, restroom buildings, faucets and fountains were all winterized before the freezing weather arrived. Playground maintenance and building maintenance issues were addressed as found.

The majority of staff's time was spent on leaf and debris removal over the last two months. We had the leaves cleaned up a couple of weeks ahead of schedule this year due to the dry weather pattern. Storm debris removal has not been as intense as in previous years which has allowed us to focus on shrub bed cleaning and trimming.

The Parks Department spent 17.5 hours addressing graffiti and vandalism over the last two months.

Regular maintenance was **not** performed at the 31 areas the Parks Department is responsible for, the Adult Center, Arneson Gardens Horticultural Park, Baker Prairie Cemetery, Community Park (River), CPIP sign, Disc Golf Park, Eco Park natural area, Faist V property, Holly & Territorial welcome sign property, Hulbert's welcome sign property, Klohe Fountain, South Locust Street Park, Logging Road Trail and Fish Eddy/Log Boom property, Maple Street Park, Nineteenth Loop Natural area, Northwood Estates Park, Police Department landscaping, Simnitt Property, Skate Park, Shop Ground, Swim Center, Timber Park, Legacy Park, Territorial Estates Future CLC Park, Transit Bus Stop, Triangle Park, Vietnam Era Veterans Memorial, Wait Park & Willow Creek Wetlands, Knights Bridge right of way and WWTP property.

Meetings attended

I met with finance to do a six month review of the park budget and update the asset list.

We all attended the open enrollment insurance meeting.

I met with Jason (Canby Excavating) to do a preliminary walk-through of Timber Park.

We all had industrial hearing testing done.

I met with Mr. Robinson to discuss future maintenance tasks that the department will perform.

We attended the Holiday party.

For your Information

The Christmas tree recycling area was set up in the North parking lot of Maple St. Park.

Please see attached park maintenance actual hours for the months of November and December. Hours are based on number of employee's (each day) x 7.5hrs.

Parks Department	December 2017 Actual Hours																															Total	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31		
Adult Center												12.0																				12.0	
Arneson Gardens	0.5				6.0		12.5	1.0			0.5							0.5			15.5	1.0					0.5		0.5			38.5	
Baker Prairie Cem.																													1.0			1.0	
Community Park	3.0			3.0	16.5	22.5	2.0	4.0			3.0			2.0				3.0	1.0		3.0	3.0					2.0		2.0			70.0	
CPIP Sign Property																											0.5					0.5	
Disc Golf Course											0.5																					0.5	
Eco Park	0.5							0.5										0.5									0.5		0.5			2.5	
Faist V (5)																																0.0	
Holly-Territorial Sign																																0.0	
Hulberts-sign property																																0.0	
Klohe Fountain								2.0														0.5						3.0				5.5	
Legacy Park	3.0			3.0				3.0			3.0	7.5		3.0				3.0				3.0					2.0		2.0			32.5	
S. Locust Park				2.0							3.0	3.0		2.0				3.0				3.0					2.0		1.0			19.0	
Logging Rd. Path	3.0										2.0							1.0	10.0									10.0				26.0	
Fish Eddy-Log Boom	0.5							0.5																			0.5					1.5	
Maple St. Park	4.0			4.5				6.0			4.0	9.5		7.5	3.5			3.0	11.5	3.0		3.0				2.0		2.0				63.5	
19th Loop																																0.0	
Northwood Park	1.0							1.0			0.5				5.0			1.0				1.0					0.5		0.5			10.5	
Police Department																				12.0												12.0	
Simnitt Property																																0.0	
Skate Park	1.5							0.5			0.5				0.5			0.5				0.5					0.5		0.5			5.0	
Shop complex															1.5			1.0		1.0												3.5	
Swim Center												8.5	9.0																			17.5	
Timber Ridge							0.5																									0.5	
Territorial-CLC Prop.																																0.0	
Transit Bus stop	1.5			1.0				1.0			1.0				0.5			1.0		5.0		1.0					1.0	1.0	0.5			14.5	
Triangle Park																																0.0	
Wait Park	2.0			6.0				3.0			3.0			6.0	3.5			3.0			3.0	3.0					2.0		3.0			37.5	
Veterans Memorial																						1.0										1.0	
Knights Brdg.																																0.0	
WWTP property																																0.0	
Administration	2.0			3.0							1.5	3.0	2.0		1.0			1.0		1.5	1.0	2.5					1.0	1.0	1.5			22.0	
																																Monthly Total	397.0

Department: PUBLIC WORKS

For Months of: November and December 2017

Prepared by: Jerry Nelzen

1. Streets:

The crew received and located 76 locates for November.

Streets	Total Hours
Street Sweeping	131.5
Street Sweeper Maintenance	5
Street Maintenance	379
Driveway Approach & Sidewalk Inspections	2
Street Sign Manufacturing	15
Street Sign Maintenance	7
Street Sign Installation	2
NW 1 st Avenue Landscape	1
NW 2 nd Avenue Landscape	19
Cinema Parking Lot	2
Mini Trackhoe	1

2. Sewer and Storm System:

Sewer	Total Hours
Sewer Cleaning	3
Sewer Main/Lateral Repairs	8
Sewer TV'ing	3
Sewer Laterals	2
Lift Station Maintenance	1
Locating Utilities	25
Sewer Inspections	3
Vactor Truck	4
Storm	
Catch Basin Maintenance	17
Storm Line Maintenance/Repair	28
Storm Line Inspections	1.5
Erosion	21.5

3. Street Trees/Lights:

Street Trees/Lights	Total Hours
Tree Trimming/Removal	
Street Light Repair	26

4. Facility Maintenance

Facilities	Total Hours
	104

5. Cemetery

Cemetery	Total Hours
	63.5

6. Miscellaneous:

Miscellaneous	Total Hours
Meetings	62
Plan Preview for Subdivisions	2
Equipment Cleaning	8
DEQ – House Hold Removal Program	20
Civic Center Tree Planter	26
Light the Night	40

December

1. Streets:

The crew received and located 72 locates for December.

Streets	Total Hours
Street Sweeping	63
Street Maintenance	246
Street Sign Manufacturing	21
Street Sign Installation	9
NW 1 st Avenue Landscape	15
NW 2 nd Avenue Landscape	28
Vactor Truck	3
Mini Trackhoe	11

2. Sewer and Storm System:

Sewer	Total Hours
Sewer Main/Lateral Repairs	5
Sewer Laterals	7
Sewer Cleaning	9
Lift Station Maintenance	26
Locating Utilities	45.5
Drying Beds	2
Storm	
Catch Basin Maintenance	25
Drywell Maintenance	39
Storm Line Maintenance/Repair	254.5
Erosion	15
Vactor Truck	17

3. Street Trees/Lights:

Street Trees/Lights	Total Hours
Street Light Repair	26

4. Facility Maintenance

Facilities	Total Hours
	94

5. Cemetery

Cemetery	Total Hours
	67

6. Miscellaneous:

Miscellaneous	Total Hours
Meetings	6
Plan Preview for Subdivisions	2
Equipment Cleaning	9
Warehouse Maintenance	22
Training/Schools	13
Other	15
Wait Park – Light the Night	8

Tech Services Department
Bi-Monthly Report for November/December 2017

From: Amanda Zeiber
Prepared By: Bryce Frazell
Date: January 8, 2017

Google Analytics Summary Report: November and December 2017

Business Days	<u>November</u>	<u>December</u>
	20	20

<u>Audience Overview</u>	<u>November</u>	<u>December</u>
Sessions (site visits)	7,618	7,292
Users/unique visitors	4,231	4,103
Page Views	5,666	13,939
Pages per Session	2.06	1.91
Average Session Duration	1 min 27 sec	1 min 16 sec
Bounce Rate (% of single-page visits)	61.11%	64.77%
New Sessions/Users	43.62%	45.09%

Site visits were down for Nov/Dec as compared to Sept/Oct. Most likely due to holidays

<u>New Vs. Returning Visitors</u>	<u>November</u>	<u>December</u>
New	43.62%	45.10%
Returning	56.38%	54.90%

<u>Browser & Operating System</u>	<u>Nov - Top 5 Browsers</u>	<u>Dec - Top 5 Browsers:</u>
	Google Chrome 47.60%	Google Chrome 47.97%
	Safari 26.53%	Safari 27.21%
	Internet Explorer 11.30%	Internet Explorer 11.83%
	Mozilla Firefox 6.31%	Mozilla Firefox 5.24%
	Microsoft Edge 3.52%	Microsoft Edge 2.95%

Top 4 Browsers still in same ranking order since February 2015.

<u>Overview (Technology)</u>	<u>November</u>	<u>December</u>
Desktop	55.96%	52.58%
Mobile	38.33%	41.39%
Tablet	5.71%	6.03%

Desktop computer continues to be preferred viewing device

<u>Mobile Devices (top 3)</u>	<u>November</u>	<u>December</u>
	iPhone 44.95%	iPhone 45.58%
	iPad 8.41%	iPad 7.58%
	Samsung Galaxy S7 2.30%	Not Set 2.69%

iPhone and iPad continue to dominate as the top mobile devices

<u>Landing Pages (top 5)</u>	<u>November</u>	<u>December</u>
	Home Page (Index)	Home Page (Index)
	Swim Center Home Page	Swim Center Home Page
	Transit Home Page	Transit Routes
	Transit Routes	Transit Home Page
	Development Serv Home Pg	Job Openings

Top 5 visited pages stays pretty consistent with rankings changing occasionally

KEY

Sessions (total number of sessions to your site)

Users (total number of unique users to your site – unduplicated visits)

Pageviews (total number of pages viewed on your site – repeated views of a single page are counted)

Pages per Session (average number of pages viewed per session - repeated views of a single page are counted)

Average Session Duration (average session length of all users)

Bounce Rate (percent of single-page sessions – visits in which a person left your site from the entrance page)

New Sessions/Users (percent of total users who came your site for the first time)

November 2017

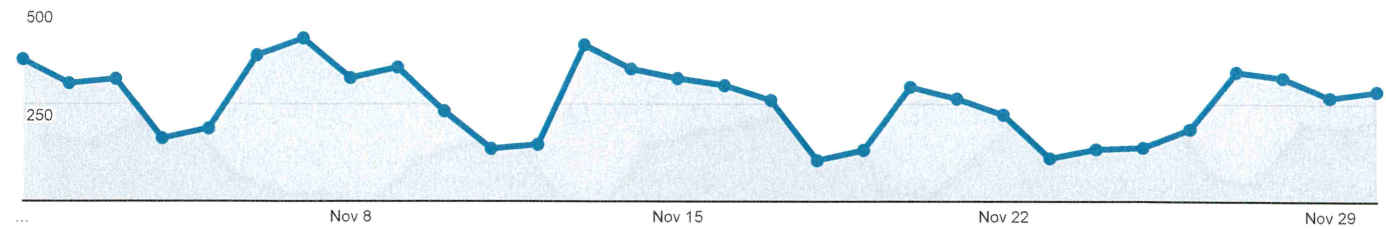
Audience Overview

All Users
100.00% Sessions

Nov 1, 2017 - Nov 30, 2017

Overview

Sessions



Sessions

7,618

Users

4,231

Pageviews

15,666

Pages / Session

2.06

Avg. Session Duration

00:01:27

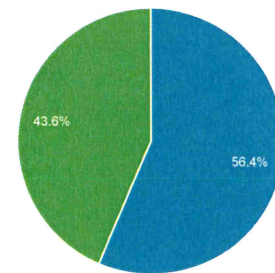
Bounce Rate

61.11%

% New Sessions

43.62%

Returning Visitor New Visitor



Language	Sessions	% Sessions
1. en-us	7,493	98.36%
2. es-419	18	0.24%
3. en-gb	16	0.21%
4. es-xl	16	0.21%
5. ko	14	0.18%
6. zh-cn	7	0.09%
7. (not set)	5	0.07%
8. es-us	5	0.07%
9. c	4	0.05%
10. en	4	0.05%

New vs Returning

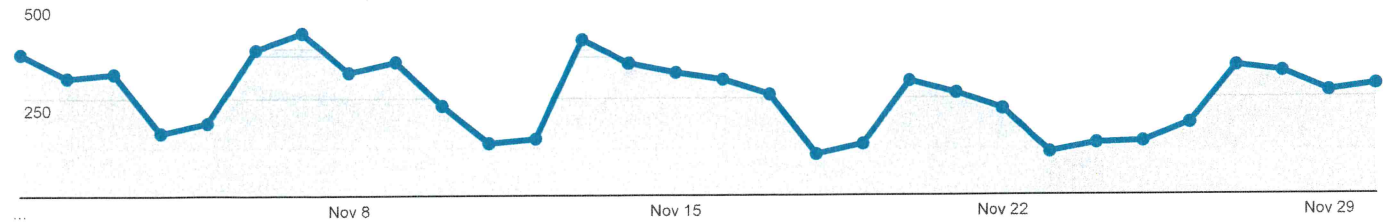
Nov 1, 2017 - Nov 30, 2017

All Users
100.00% Sessions

Explorer

Summary

Sessions



User Type

Sessions

Sessions

Contribution to total: Sessions

7,618

% of Total: 100.00% (7,618)

7,618

% of Total: 100.00% (7,618)

1. Returning Visitor

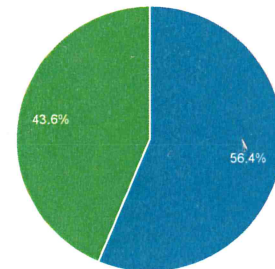
4,295

56.38%

2. New Visitor

3,323

43.62%



Rows 1 - 2 of 2

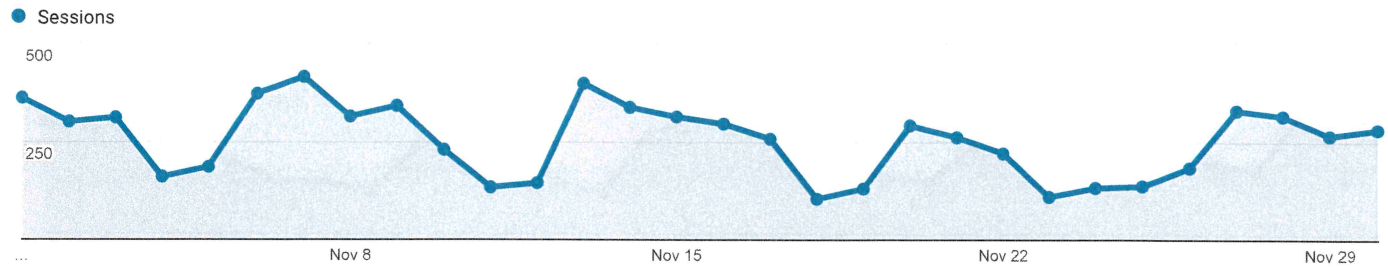
Browser & OS

All Users
100.00% Sessions

Nov 1, 2017 - Nov 30, 2017

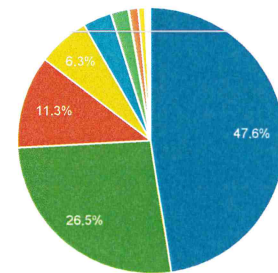
Explorer

Summary



Browser	Sessions	
	% of Total: 100.00% (7,618)	% of Total: 100.00% (7,618)
1. Chrome	3,626	47.60%
2. Safari	2,021	26.53%
3. Internet Explorer	861	11.30%
4. Firefox	481	6.31%
5. Edge	268	3.52%
6. Samsung Internet	160	2.10%
7. Android Webview	86	1.13%
8. Safari (in-app)	62	0.81%
9. Amazon Silk	22	0.29%
10. Mozilla Compatible Agent	14	0.18%

Contribution to total: Sessions



Rows 1 - 10 of 17

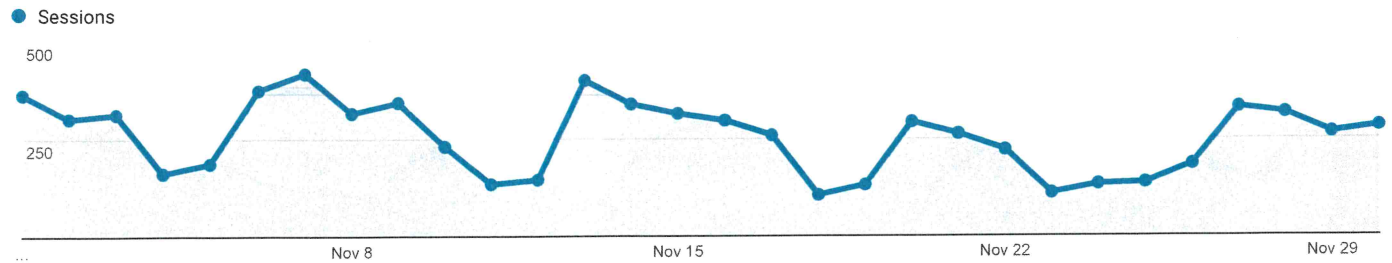
Overview

Nov 1, 2017 - Nov 30, 2017

All Users
100.00% Sessions

Explorer

Summary



Device Category

Sessions

Sessions

Contribution to total: Sessions

7,618

% of Total: 100.00% (7,618)

7,618

% of Total: 100.00% (7,618)

1. desktop

4,263

55.96%

2. mobile

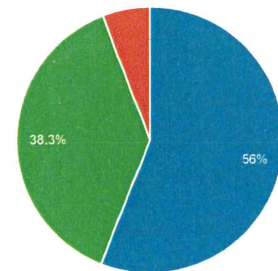
2,920

38.33%

3. tablet

435

5.71%



Rows 1 - 3 of 3

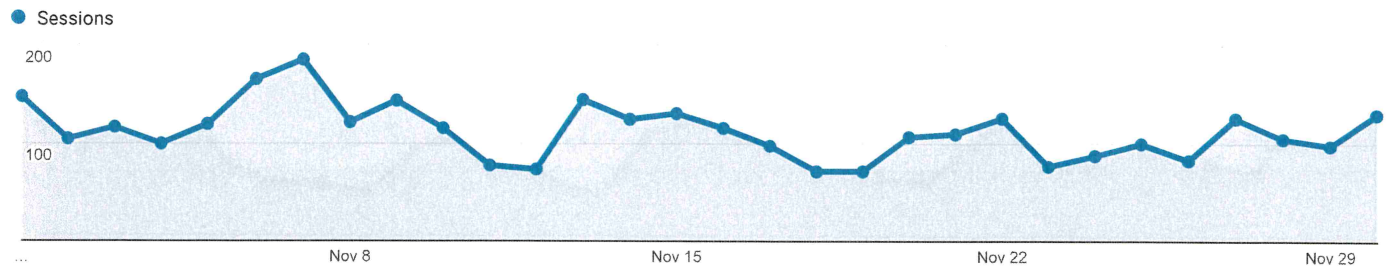
Devices

All Users
44.04% Sessions

Nov 1, 2017 - Nov 30, 2017

Explorer

Summary



Mobile Device Info

Sessions

Sessions

Contribution to total: Sessions

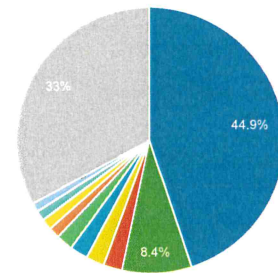
3,355

% of Total: 44.04% (7,618)

3,355

% of Total: 44.04% (7,618)

1.	Apple iPhone	1,508	44.95%
2.	Apple iPad	282	8.41%
3.	Samsung SM-G930V Galaxy S7	77	2.30%
4.	(not set)	73	2.18%
5.	Samsung SM-G950F Galaxy S8	72	2.15%
6.	Samsung SM-G955U Galaxy S8+	69	2.06%
7.	Microsoft Windows RT Tablet	46	1.37%
8.	Samsung SM-G900V Galaxy S5	45	1.34%
9.	LG LGLS775 Stylo 2	40	1.19%
10.	Samsung SM-G920V Galaxy S6	37	1.10%



Rows 1 - 10 of 276

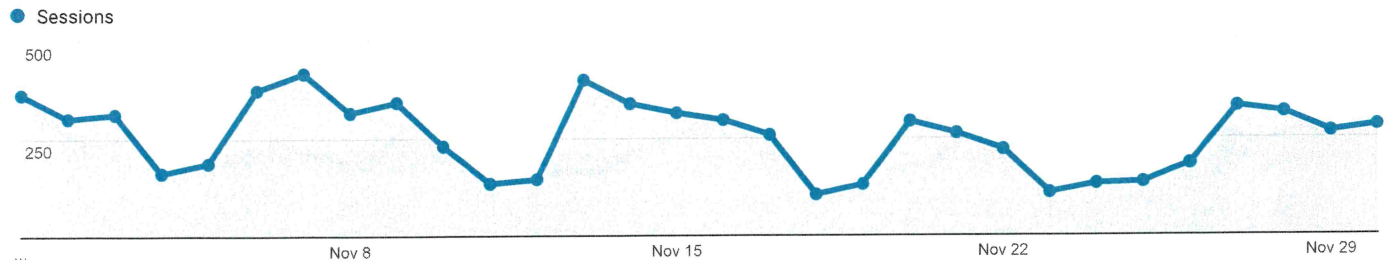
Landing Pages

Nov 1, 2017 - Nov 30, 2017

All Users
100.00% Entrances

Explorer

Summary



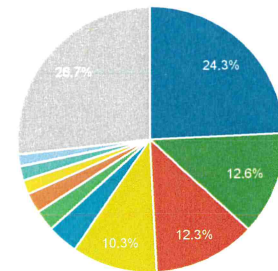
☐ Landing Page

Sessions

Sessions

Contribution to total: Sessions

		7,618 % of Total: 100.00% (7,618)	7,618 % of Total: 100.00% (7,618)
1.	/	1,854	24.34%
2.	/Jobs/jobopenings.htm	960	12.60%
3.	/Departments/swim/swimcenter.htm	938	12.31%
4.	/transportation/CAThome page.htm	787	10.33%
5.	/transportation/routes.htm	286	3.75%
6.	/Departments/development_services/development_service.htm	194	2.55%
7.	/CityGovernment/planningcommission/planningcommission.htm	187	2.45%
8.	/Departments/swim/schedule.htm	132	1.73%
9.	/Departments/court/court.htm	131	1.72%
10.	/cityservices/utilities.htm	113	1.48%



Rows 1 - 10 of 121

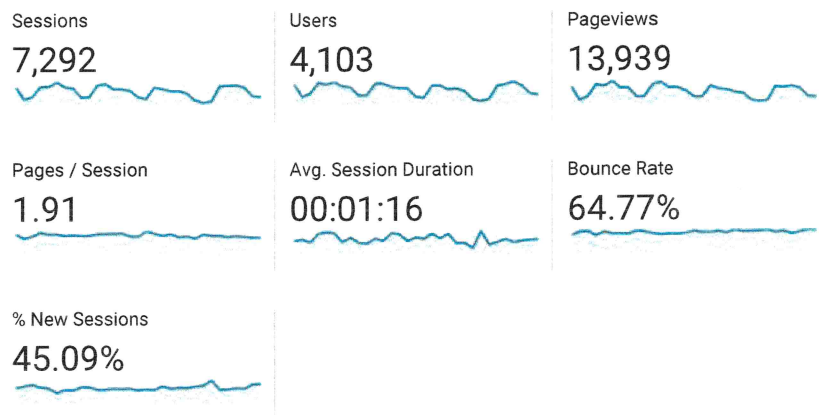
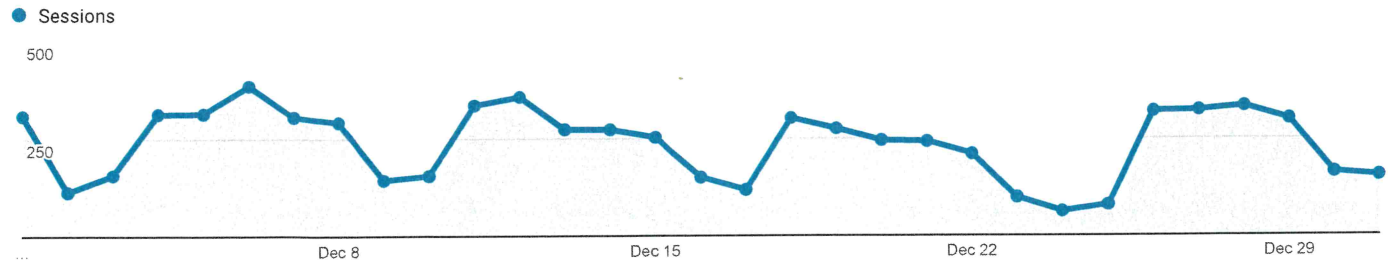
December 2017

Audience Overview

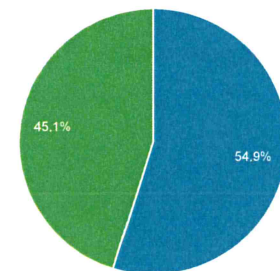
Dec 1, 2017 - Dec 31, 2017

All Users
100.00% Sessions

Overview



Returning Visitor New Visitor



Language	Sessions	% Sessions
1. en-us	7,124	97.70%
2. en-gb	27	0.37%
3. es-xl	23	0.32%
4. es-419	20	0.27%
5. en	14	0.19%
6. ko	9	0.12%
7. (not set)	6	0.08%
8. c	6	0.08%
9. ja	6	0.08%
10. zh-cn	6	0.08%

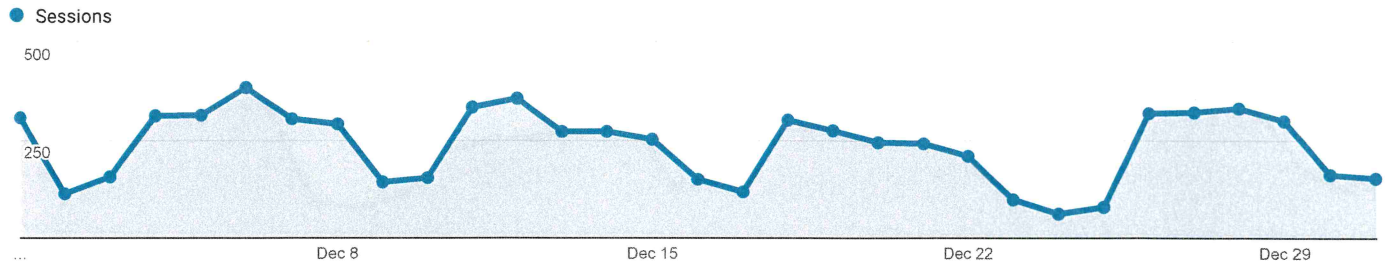
New vs Returning

Dec 1, 2017 - Dec 31, 2017

All Users
100.00% Sessions

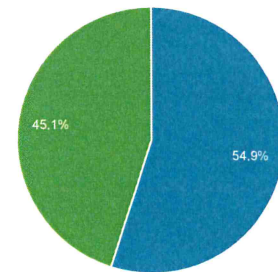
Explorer

Summary



User Type	Sessions	Sessions
1. ■ Returning Visitor	4,003	54.90%
2. ■ New Visitor	3,289	45.10%

Contribution to total: Sessions



Rows 1 - 2 of 2

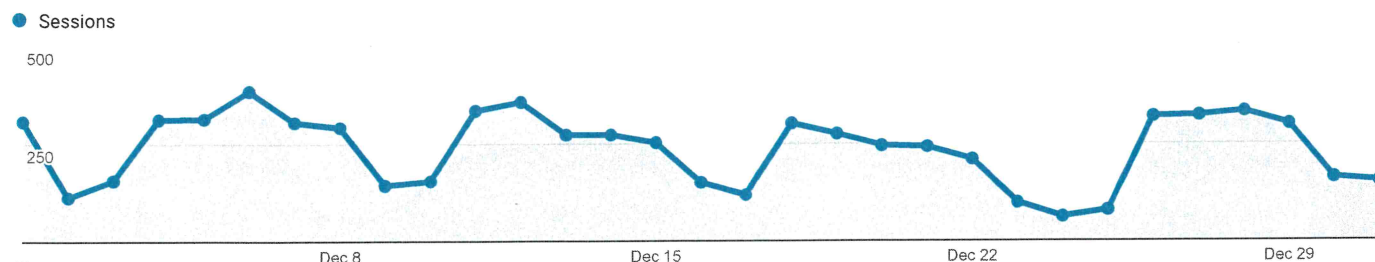
Browser & OS

Dec 1, 2017 - Dec 31, 2017

All Users
100.00% Sessions

Explorer

Summary



Browser

Sessions

Sessions

Contribution to total: Sessions

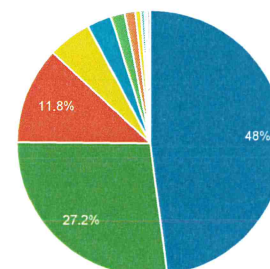
7,292

% of Total: 100.00% (7,292)

7,292

% of Total: 100.00% (7,292)

1.	Chrome	3,498	47.97%
2.	Safari	1,984	27.21%
3.	Internet Explorer	863	11.83%
4.	Firefox	382	5.24%
5.	Edge	215	2.95%
6.	Samsung Internet	126	1.73%
7.	Android Webview	88	1.21%
8.	Safari (in-app)	53	0.73%
9.	Amazon Silk	30	0.41%
10.	Android Browser	22	0.30%



Rows 1 - 10 of 17

Overview

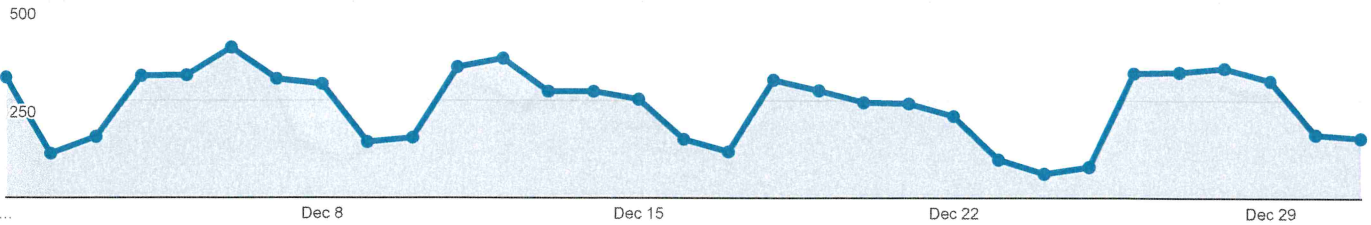
All Users
100.00% Sessions

Dec 1, 2017 - Dec 31, 2017

Explorer

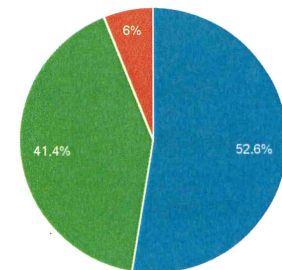
Summary

Sessions



Device Category	Sessions	Sessions
	7,292 % of Total: 100.00% (7,292)	7,292 % of Total: 100.00% (7,292)
1. desktop	3,834	52.58%
2. mobile	3,018	41.39%
3. tablet	440	6.03%

Contribution to total: Sessions



Rows 1 - 3 of 3

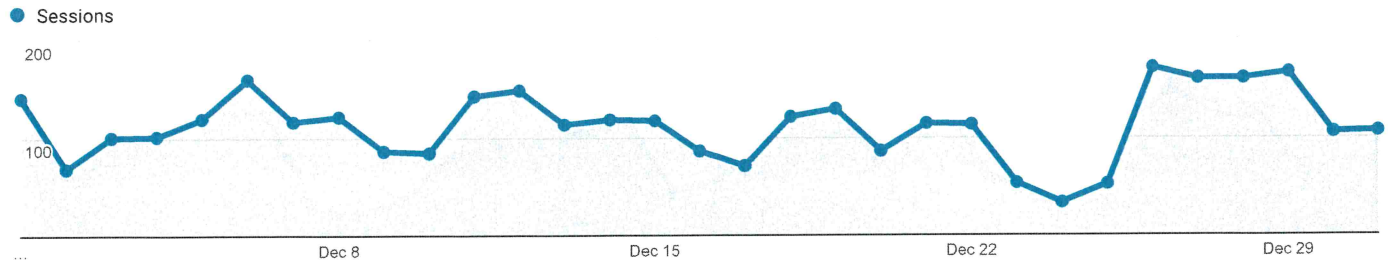
Devices

Dec 1, 2017 - Dec 31, 2017

All Users
47.42% Sessions

Explorer

Summary



Mobile Device Info

Sessions

Sessions

Contribution to total: Sessions

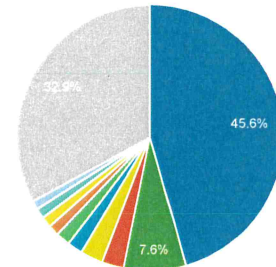
3,458

% of Total: 47.42% (7,292)

3,458

% of Total: 47.42% (7,292)

1.	Apple iPhone	1,576	45.58%
2.	Apple iPad	262	7.58%
3.	(not set)	93	2.69%
4.	Samsung SM-G930V Galaxy S7	93	2.69%
5.	Microsoft Windows RT Tablet	64	1.85%
6.	Samsung SM-G950F Galaxy S8	60	1.74%
7.	LG MP260 G6	46	1.33%
8.	LG MS210 Aristo	45	1.30%
9.	Samsung SM-G920V Galaxy S6	43	1.24%
10.	Samsung SM-G955U Galaxy S8+	38	1.10%



Rows 1 - 10 of 281

Landing Pages

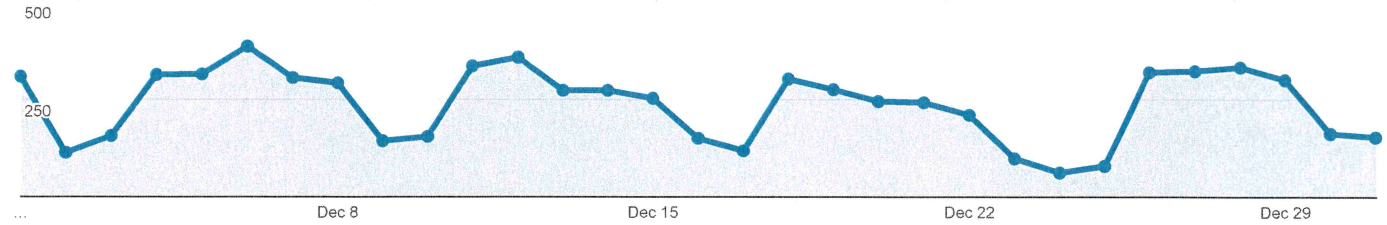
Dec 1, 2017 - Dec 31, 2017

All Users
100.00% Entrances

Explorer

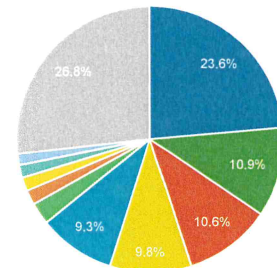
Summary

Sessions



Landing Page	Sessions	Sessions
	7,292 % of Total: 100.00% (7,292)	7,292 % of Total: 100.00% (7,292)
1. /	1,718	23.56%
2. /Departments/swim/swimc enter.htm	796	10.92%
3. /transportation/routes.htm	772	10.59%
4. /transportation/CAThome page.htm	716	9.82%
5. /Jobs/jobopenings.htm	677	9.28%
6. /Departments/develop_se rvices/development_ser v.htm	196	2.69%
7. /cityservices/utilities.htm	131	1.80%
8. /CityGovernment/plannin g_commission/planningco mmission.htm	121	1.66%
9. /transportation/transittax.h tm	110	1.51%
10. /CityGovernment/council minutes_agenda.htm	102	1.40%

Contribution to total: Sessions



Rows 1 - 10 of 116

City of Canby Bi-Monthly Report

Department: Transit



For: the months of November and December, 2017

Date: January 5, 2018

Prepared by: Julie Wehling

Through: Rick Robinson, City Administrator

1) Grant Funding and Contracts:

- a) Monthly Elderly and Disabled transportation reports were submitted to TriMet.
- b) The ODOT Quarterly Report was submitted.
- c) The twice annual DBE Report was submitted
- d) The annual NTD Report was submitted.

2) Ridership:

Year to date for FY 2017-18 total ridership was down by 7.14 percent as compared to the previous fiscal year. During this report period CAT provided:

- a) 6,249 rides in November (2.78% fewer than November of 2016).
 - 1,524 demand responsive rides (Shopping Shuttle & Dial-A-Ride). This is 19.15% more than were provided during November of 2016.
 - 3,520 rides to Oregon City (6.65% fewer rides than November of 2016).
 - 1,205 rides to Woodburn (12.55% fewer rides than November of 2016)
- b) 4,979 rides in December (22.54% fewer rides than December of 2016).
 - 1,298 demand responsive rides (Shopping Shuttle & Dial-A-Ride). This is 1.48 % more rides than were provided during December of 2016.
 - 2,691 rides to Oregon City (12.56% fewer rides than December of 2016).
 - 990 rides to Woodburn (8.16% fewer rides than December of 2016).

Ridership continues to slip. We did not operate on Christmas Day. Over the past two years Christmas Day fell on the weekend so this probably impacted the drop in ridership in December.

Updates:

- a) The Rider of the Month for November was Lori Morales and the winner for December was Hailey Hatch. Both riders received a free bus pass and other goodies.
- b) In November and December we provided 375 same day rides on a space available basis.
- c) The Transit Master Plan adopted by the City Council on November 15, 2017.

- d) On December 11th we were notified by letter that the ODOT Rail & Public Transit Division will conduct a compliance review of the City and Canby Area Transit (CAT). The review is scheduled for February 28 and March 1 of 2018.
- e) On December 18th CAT held its annual Holiday Lights Tour and Open House. More than 30 people were in attendance at the open house and 17 people took the Holiday Light Tour.

4) Collisions and Incidents

- a) On November 16th there was a bus collision in the tunnel on 99E. Moderate damage to the bus and no injuries.
- b) On December 15th a training bus hit a fence in the bus yard. There was minor damage to the bus and the fence. There were no injuries.
- c) On December 26th an out of service bus hit a light post in the bus yard. There was no damage to the bus and minor damage to the light post. There were no injuries.

5) Events Attended: City staff, contractors and/or volunteers represented CAT or participated in activities and trainings in the following venues:

- On November 2nd Julie Wehling attended C4 meetings in Oregon City.
- On November 6th Julie Wehling attended the Region 1 ACT meeting.
- On November 11th Michelle Poyourow from Jarrett Walker + Associates and staff from Cherriots attended the Bridging Cultures Thanksgiving Event. They distributed information about CAT, the new Transit Master Plan, and the 99E Corridor Planning Effort.
- On November 11 MV held a safety meeting for dispatchers and operators.
- On November 14th Julie Wehling attended the Oregon Transit Association Board meeting; an outreach meeting for the 99E Corridor Plan at Salem Keiser Transit; and the second meeting of the Rule Advisory Committee (RAC) for the new House Bill 2017 employee tax funds (all in Salem).
- On November 16th the Transit Advisory Committee held their regular meeting.
- On November 17th Julie Wehling attended a Grant Management training presented by ODOT's Rail and Public Transit Division.
- On November 29th Julie Wehling attended a Remix retraining. Remix is a software system paid for by ODOT's Rail and Public Transit Division. The software allows users create and modify transit routes in a GIS environment.
- On December 7th Julie Wehling participated in a transit provider panel at C4 meeting and also attend the remainder of the meeting.
- On December 12th Julie Wehling attended the third meeting of the Rule Advisory Committee (RAC) for the new House Bill 2017 employee tax funds, in Salem.

- On December 15th Julie attended a presentation regarding “Ride to Care”. Ride to Care is drafting a Request for Qualification (RFQ) to identify transit providers across the region.



City of Canby Bi-Monthly Report

Department: Wastewater Treatment Plant

For Months of:

November & December 2017

To: The Honorable Mayor Hodson & City Council
From: Dave Conner, Lead Operator
Through: Rick Robinson, City Administrator
Date: December 2, 2017

Facility Operations & Maintenance

The water quality for the months of November and December remain good with no violations. Plant Operators continue daily process control and operations of the plant to maintain NPDES permit compliance. The new CIP (Sludge Storage Tank) construction project will close this month with punch list items being finished. Warranty on project work and equipment will begin upon project close out.

The list below highlights a few of the tasks completed since the last bi-monthly report.

- Pulled process water pump #2 out of effluent chamber for repair.
- Installed new decant pump and spa flex line on tank #1 and fixed float on tank #2
- Finish organizing new personal protective equipment wash station storage area.
- Installed recirculation pump number 1 and 4 after rebuilds complete.
- Plant winterization complete.
- Lime pump panel replacement completed by contractor and plant personnel.
- New exhaust fan ordered and installed on lime silo.
- Annual generator maintenance/service completed.
- Pulled, tested and reinstalled shaker motor on lime silo.
- Completed jar testing with polymer rep for solids separation.
- Polyblend rep stopped in to trouble shoot and assist repair of polymer make up system.
- Sludge/biosolids sent in for semiannual testing.
- Worked with Integrator to finish upgrades and testing on SCADA system.
- Routine daily maintenance, repairs, and cleaning of plant.

Biosolids Program:

- Belt ran 9 days in **November**.
- 6 loads to Heard Farms, 173 wet tons.
- Belt ran 14 days in **December**.
- 4 loads to Heard Farms, 119 wet tons.

Pretreatment Inspection/Reporting, FOG Program

November

- Pump Outs: 25
- Inspections: 6 fog, 4 pretreatment

December

- Pump Outs: 25
- Inspections: 12 fog, 2 pretreatment

Pretreatment Activities

- Reviewed November/December Business License renewals.
- Conducted inspection of Johnson Controls Battery Group, Inc., to ensure permit renewal is on track.
- Performed investigative sampling of wastewater at American Steel, possible issuance of a BMP Agreement for the Landa wastewater system.
- Updated master Industrial User Inventory Database for the City of Canby.
- Conducted compliance sampling at Johnson Controls battery Group, Inc. and Kendal Floral.
- Conducted pretreatment inspections at Package Containers, Inc., Johnson Controls Battery Group and Marcinkiewiez Company (2).
- Conducted 2 pretreatment inspections at American Steel.
- Conducted 2 investigative sampling events at Marcinkiewiez Company to evaluate the possibility of discharging product cleaning water.
- Conducted FOG inspections at Gwynn's Coffee House, Dutch Bros. Coffee, Joy Kitchen (2), Roxy's Island Grill (2), La Conasuper Market, Ladybug Chocolates, Los Dos Amigos, Rice Time, Willamette Valley Country Club, Carl's Jr., Panda Express, Backstop Bar & Grill, Ebner's Custom Meats, Canby Adult Center and Teriyaki Oriental Grill.
- Completion of post inspection reports for inspected companies.
- Updated spreadsheet for FOG inspections and pump outs to monitor and ensure compliance.
- Provided FOG informational and BMP materials to FES's when conducting inspections.

Daily Lab Activity

- Routine daily/weekly lab procedures, process control and permit testing.
- Started performing weekly OUR/SOUR testing.
- Ordered DMR-QA 38 study packet for 2018 testing requirements.
- Completed biosolids analysis testing.
- Perform weekly AB calibration for YSI O2 probes.
- Replaced defective Ammonia probe.
- Monthly equipment maintenance.
- Continual review of Lab SOP's.

Meetings and Training Attended

These meetings, conference's or training were completed by either one or more of the wastewater treatment plant personnel Dave Conner, Bob Wengert, Dave Frahm, Jon Patrick or Daryll Hughes.

- Daily staff and operations meeting.
- Triangle Pump vertical turbine pump training.
- City Safety Committee Meeting.
- Annual hearing test.