



AGENDA

CANBY CITY COUNCIL MEETING

February 21, 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
- C. Canby Friends of the Library Presentation

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 February 7, 2018 City Council Regular Meeting
- B. Annual Liquor License Renewals Pg. 1
- C. Appointment to the Bike and Pedestrian Committee Pg. 5
- D. Appointments to the Transit Advisory Committee Pg. 6
- E. Reappointment to the Transit Advisory Committee Pg. 8

7. PUBLIC HEARING

- A. APP 17-03 of Planning Commission Decision for Application SUB 17-06 Redwood Landing Subdivision by ICON Construction & Development, LLC (Located at 1440, 1548 1612, 1650 & 1758 N Redwood Street) Pg. 9

8. RESOLUTIONS & ORDINANCES

- A. Res. 1281, Adopting a Revised City of Canby Drug & Alcohol Policy for Use with DOT Regulated Employees, Identifying an Effective Date, and Repealing Res. 1212 Pg.152
- B. Res. 1282, Adopting an IGA with the State of Oregon Secretary of State for Electronic Records Management Services Pg. 168
- C. Ord. 1470, Proclaiming Annexation into the City of Canby of 22.54 Acres Including 20.26 Acres of Real Property and 2.28 Acres of Adjacent Right-of-Way; Amending the Zoning; and Setting the Boundaries of the Property to be Included Within the City of Canby (**2nd Reading**) Pg.181

9. NEW BUSINESS

- A. Findings, Conclusion & Final Order ANN 17-02/ZC 17-03 (22.54 Acres Between S. Ivy Street and S Elm Street) Pg. 189
- B. Clackamas County Housing Needs Assessment Pg. 192

10. CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS

11. CITIZEN INPUT

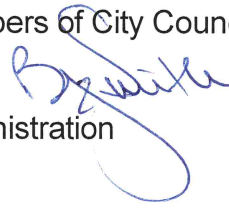
12. ACTION REVIEW

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.

Memo

To: Mayor Brian Hodson & Members of City Council
From: Bret J. Smith, Chief of Police 
CC: Kim Scheafer, General Administration
Date: January 24, 2018
Re: Annual Liquor License Renewals

I have reviewed the OLCC list of businesses located within the City of Canby that are eligible for liquor license renewal. Please see the attached list of businesses that have been identified by OLCC.

I recommend the Canby City Council approve these requests for renewal to the Oregon Liquor Control Commission (OLCC).

District 2 Renewals

CANBY

Page 1

License No./ Premises No.		Tradename/Licensee/License Type	Premises Address & Phone	Premises Mailing Address
Lic.	253851	76 FOOD MART OF CANBY	453 SE 1ST ST	
Prem.	46053	VIRK PETROLEUM LLC O - OFF-PREMISES SALES	CANBY, OR 97013 503-266-4731	
Lic.	250569	7-ELEVEN STORE #2363-17845C	109 SE 1ST	PO BOX 219088
Prem.	2577	JOLENE BAIRD O - OFF-PREMISES SALES	CANBY, OR 97013 503-266-5111	DALLAS, TX 75221
Lic.	253220	AMERICAN LEGION POST #122 CANBY	424 NW 1ST	PO BOX 121
Prem.	2135	AMERICAN LEGION #122 CANBY F-CLU - FULL ON-PREMISES SALES	CANBY, OR 97013 503-266-9235	CANBY, OR 97013
Lic.	250609	BACKSTOP BAR & GRILL	211 N GRANT	
Prem.	38418	BACKSTOP INC F-COM - FULL ON-PREMISES SALES	CANBY, OR 97013 503-263-6606	
Lic.	254651	BLACKJACK DELI & MORE	1110 SW 1ST AVE	
Prem.	38918	BLACKJACK DELI & MORE LLC L - LIMITED ON-PREMISES SALES	CANBY, OR 97013 503-651-9000	
Lic.	259422	CANBY FOOD MARKET	293 SW 1ST AVE	4495 RIVER RD N
Prem.	57320	DS CANBY LLC O - OFF-PREMISES SALES	CANBY, OR 97013 971-273-3635	KEIZER, OR 97303
Lic.	264219	CANBY LIQUOR STORE	1433 SE 1ST AVE #104	
Prem.	57845	ANDY DOERN INC O - OFF-PREMISES SALES	CANBY, OR 97013 503-266-3562	
Lic.	259705	CASCADE PIZZA CO	1001 SW 1ST AVE #1017	1413 ROSEMARIE DR
Prem.	57362	CASCADE PIZZA CO LLC L - LIMITED ON-PREMISES SALES	CANBY, OR 97013 503-781-1280	WEST LINN, OR 97068
Lic.	252856	CUTSFORTH THRIFTWAY	225 NE 2ND	
Prem.	2572	GEF INC L - LIMITED ON-PREMISES SALES	CANBY, OR 97013 503-266-2016	
Lic.	252876	CUTSFORTH THRIFTWAY	225 NE 2ND	
Prem.	2572	GEF INC O - OFF-PREMISES SALES	CANBY, OR 97013 503-266-2016	
Lic.	254006	DENNY'S RESTAURANT	1369 SE 1ST AVE	
Prem.	36262	CANBY-DENN INC F-COM - FULL ON-PREMISES SALES	CANBY, OR 97013 503-421-6957	
Lic.	253763	EBNER CUSTOM MEATS	272 N GRANT ST	
Prem.	49077	EBNER PROPERTIES LLC L - LIMITED ON-PREMISES SALES	CANBY, OR 97013 503-266-5678	
Lic.	253764	EBNER CUSTOM MEATS	272 N GRANT ST	
Prem.	49077	EBNER PROPERTIES LLC O - OFF-PREMISES SALES	CANBY, OR 97013 503-266-5678	
Lic.	250857	FOB TAP ROOM	1109 SW 1ST AVE #D	
Prem.	54111	FOB TAP ROOM LLC L - LIMITED ON-PREMISES SALES	CANBY, OR 97013 503-927-2207	
Lic.	252697	FRED MEYER #651	1401 SE 1ST	PO BOX 305103
Prem.	28571	FRED MEYER STORES INC O - OFF-PREMISES SALES	CANBY, OR 97013 503-797-7134	NASHVILLE, TN 37230

District 2 Renewals

CANBY
Page 2

License No./ Premises No.		Tradename/Licensee/License Type	Premises Address & Phone	Premises Mailing Address
Lic. 253411		FULTANO'S PIZZA	715 SE 1ST	
Prem. 13198		ROMINE PIZZA CO L - LIMITED ON-PREMISES SALES	CANBY, OR 97013 503-266-1444	
Lic. 251447		GOLD DRAGON	204 SW 2ND	
Prem. 27957		LAM P. PHAN F-COM - FULL ON-PREMISES SALES	CANBY, OR 97013 503-263-1877	
Lic. 266855		GWYNN'S COFFEEHOUSE	190 NW 2ND AVE	5861 S NEWMAN RD
Prem. 57990		GWYNN'S COFFEEHOUSE LLC L - LIMITED ON-PREMISES SALES	CANBY, OR 97013 503-910-1744	WOODBURN, OR 97071
Lic. 250962		HWY 99 SOUTH CANBY QUIK MART	1120 SW 1ST	
Prem. 35523		HWY 99 SOUTH CANBY QUIK MART LLC O - OFF-PREMISES SALES	CANBY, OR 97013 503-266-9515	
Lic. 251653		JOY KITCHEN	314 NW 1ST AVE	
Prem. 47726		SHENG YING INC L - LIMITED ON-PREMISES SALES	CANBY, OR 97013 503-266-8898	
Lic. 252754		LA CONASUPER	733 SE 1ST AVE	
Prem. 47149		LA CONASUPER INC O - OFF-PREMISES SALES	CANBY, OR 97013 503-830-2977	
Lic. 252499		LA MIXTECA MARKET	205 SW 1ST	PO BOX 251
Prem. 42541		RUFINO ZURITA O - OFF-PREMISES SALES	CANBY, OR 97013 503-266-6757	CANBY, OR 97013
Lic. 252711		LONE ELDER PIZZA	207 SW 1ST #106	
Prem. 18856		JULIE M. CHAPMAN MOORE L - LIMITED ON-PREMISES SALES	CANBY, OR 97013 503-266-1888	
Lic. 253510		LOS DORADOS MEXICAN RESTAURANT	1011 SW 1ST AVE	
Prem. 25062		LOS DORADOS INC F-COM - FULL ON-PREMISES SALES	CANBY, OR 97013 503-263-3940	
Lic. 254930		LOS DOS AMIGOS FIESTA	102 N IVY ST	
Prem. 57062		ANAYA RESTAURANTS INC F-COM - FULL ON-PREMISES SALES	CANBY, OR 97013 503-266-1441	
Lic. 252582		MIKE'S PLACE	404 NW 1ST AVE	7595 SW THORNTON DR
Prem. 3604		CHRS INC O - OFF-PREMISES SALES	CANBY, OR 97013 503-407-1240	WILSONVILLE, OR 97070
Lic. 252797		MIKE'S PLACE	404 NW 1ST AVE	7595 SW THORNTON DR
Prem. 3604		CHRS INC F-COM - FULL ON-PREMISES SALES	CANBY, OR 97013 503-407-1240	WILSONVILLE, OR 97070
Lic. 251529		NUEVO VALLARTA RESTAURANT	1385 SE 1ST AVE #104	
Prem. 36350		PUERTO VALLARTA RESTAURANTS INC F-COM - FULL ON-PREMISES SALES	CANBY, OR 97013 503-266-1782	
Lic. 255031		PIZZA SCHMIZZA PUB AND GRILL	851 SW 1ST AVE #104	PO BOX 1166
Prem. 57102		MCRORBIE PIZZA INC F-COM - FULL ON-PREMISES SALES	CANBY, OR 97013 503-263-2300	CANBY, OR 97013

District 2 Renewals

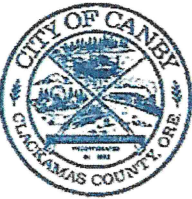
CANBY

Page 3

<u>License No./ Premises No.</u>	<u>Tradename/Licensee/License Type</u>	<u>Premises Address & Phone</u>	<u>Premises Mailing Address</u>
Lic. 254880 Prem. 57046	PUDDIN RIVER CHOCOLATES & WINE PUDDIN RIVER CHOCOLATES & CONF O - OFF-PREMISES SALES	1440 S IVY ST CANBY, OR 97013	
Lic. 254882 Prem. 57047	PUDDIN RIVER CHOCOLATES & WINE PUDDIN RIVER CHOCOLATES & CONF L - LIMITED ON-PREMISES SALES	1440 S IVY ST CANBY, OR 97013	
Lic. 252487 Prem. 51042	RICE TIME RESTAURANT HAENGBOK INC L - LIMITED ON-PREMISES SALES	356 NW 1ST AVE CANBY, OR 97013 503-266-2623	
Lic. 251892 Prem. 45183	RITE AID #5325 THRIFTY PAYLESS INC O - OFF-PREMISES SALES	891 SE 1ST AVE CANBY, OR 97013 503-266-6381	PO BOX 3165 HARRISBURG, PA 17105
Lic. 251051 Prem. 43700	ROUNDERS CANBY JTD ENTERPRISES LLC L - LIMITED ON-PREMISES SALES	224 NW 1ST AVE CANBY, OR 97013 503-705-0588	
Lic. 251717 Prem. 36549	SAFeway STORE #2604 SAFeway INC O - OFF-PREMISES SALES	1055 SW 1ST AVE CANBY, OR 97013 503-266-5535	PO BOX 29096 PHOENIX, AZ 85038
Lic. 251879 Prem. 48994	THAI CORNER CUISINE THAI CORNER CUISINE LLC L - LIMITED ON-PREMISES SALES	1109 SW 1ST AVE SUITE A CANBY, OR 97013 503-263-2442	
Lic. 253218 Prem. 37095	THAI DISH THAI DISH INC L - LIMITED ON-PREMISES SALES	108 N IVY ST CANBY, OR 97013 503-263-9898	
Lic. 251673 Prem. 21375	THE WILD HARE SALOON & CAFE SIDEWINDER INC F-COM - FULL ON-PREMISES SALES	1190 SW FIRST CANBY, OR 97013 503-651-4273	1109 SW FIRST AVE SUITE F CANBY, OR 97013
Lic. 252109 Prem. 15427	TNT MARKET WHK INC O - OFF-PREMISES SALES	164 SE 1ST AVE CANBY, OR 97013 503-266-2020	
Lic. 252055 Prem. 46515	WALGREENS #10893 WALGREEN CO O - OFF-PREMISES SALES	1080 SW 1ST AVE CANBY, OR 97013 503-263-1600	PO BOX 901 DEERFIELD, IL 60015
Lic. 252253 Prem. 56092	WALLY'S CHINESE KITCHEN PHOEBE JIANG L - LIMITED ON-PREMISES SALES	679 SE 1ST ST CANBY, OR 97013 503-266-2221	215 NE 94TH AVE PORTLAND, OR 97220
Lic. 253619 Prem. 2136	WILLAMETTE VALLEY COUNTRY CLUB WILLAMETTE VALLEY COUNTRY CLUB O - OFF-PREMISES SALES	900 COUNTRY CLUB PL CANBY, OR 97013 503-266-4066	PO BOX 988 CANBY, OR 97013
Lic. 253620 Prem. 2136	WILLAMETTE VALLEY COUNTRY CLUB WILLAMETTE VALLEY COUNTRY CLUB F-CLU - FULL ON-PREMISES SALES	900 COUNTRY CLUB PL CANBY, OR 97013 503-266-4066	PO BOX 988 CANBY, OR 97013

Count for CANBY

44



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

Date: Jan. 31, 2018 Position Applying For: Bike/Ped. Committee
 Name: Ken Dennis Occupation: Retired
 Home Address: _____
 Employer: _____ Position: _____
 Daytime Phone: _____ Evening Phone: _____
 E-Mail Address: _____

What are your community interests (committees, organizations, special activities)? I'm new to the City of Canby and am trying to get familiar with the community & its interests.

What are your major interests or concerns in the City's programs? Canby seems to be very progressive and I'd like to help further the efforts to improve safety & livability.

Reason for your interest in this position: I'd like to get to know the community better and help promote bicycling and walking with the help of the committee members.

Experience and educational background: Bicycle commuter @ 35 years & advocate at state and national levels. L&B certified cycling instructor. Some college plus electronic Tech.

List any other City or County positions on which you serve or have served: Former member of the Newport, Lincoln Co. and Gresham Bicycle / Pedestrian committees

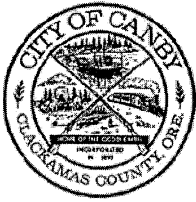
Referred by (if applicable): _____

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: 1-31-2018 Date Appointed: _____ Term Expires: 6-30-2019
 Date Resigned: _____ Destruction Date: _____



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

Date: 27NOV2017 Position Applying For: Transit Advisory Committee
Name: Todd D. Aune Occupation: Retired
Home Address: _____
Employer: _____ Position: _____
Daytime Phone: _____ Evening Phone: _____
E-Mail Address: _____

What are your community interests (committees, organizations, special activities)? _____
Canby government, VA, Canby Adult Center, Computers, Ham Radio.

What are your major interests or concerns in the City's programs? _____
Bus Routes, Transportation in general.

Reason for your interest in this position: _____
Senior who sees future need for better access to transportation.

Experience and educational background: _____
HS, 1.5yrs community college, electronics technician, network admin.

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

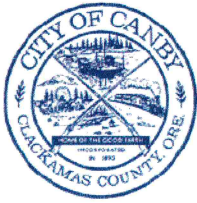
Referred by (if applicable): _____

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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: 11.27.2017 Date Appointed: _____ Term Expires: 3-31-2021
Date Resigned: _____ Destruction Date: _____



Term Starting: 4.1.2018
Term to Expire: 3.31.2021

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

Date: 02-05-18 Position Applying For: Cat Board
Name: Arlene B. Dana Occupation: Retired
Home Address: _____ Canby OR 97013
Employer: _____ Position: _____
Daytime Phone: _____ Evening Phone: same
E-Mail Address: _____

What are your community interests (committees, organizations, special activities)?
Hope Village Meadows Chairman
Daughter is handicap, on the board for many years

What are your major interests or concerns in the City's programs?
Have not been involved with Canby programs however
I have attended several Cat Board meetings

Reason for your interest in this position: I am a cat rider

Experience and educational background: Charbonneau Board
High School

List any other City or County positions on which you serve or have served:
Charbonneau County Club Board - Boys & Girls
Aid Society - Good Shepherd Home of the West

Referred by (if applicable): _____

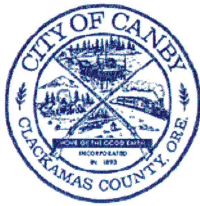
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5/2017

Date Received: 2-8-2018 Date Appointed: _____ Term Expires: 3-31-2021
Date Resigned: _____ Destruction Date: _____



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

Date: 02/13/2018 Position Applying For: Transit Advisory Committee
Name: Matt Olsen Occupation: insurance
Home Address: _____
Employer: self Position: insurance agent
Daytime Phone: _____ Evening Phone: _____
E-Mail Address: _____

What are your community interests (committees, organizations, special activities)? _____
I have been on the Park & Rec advisory board for 10 years and also in Kiwanis for 10+ years.

What are your major interests or concerns in the City's programs? I would like to see the community grow
in a smart and sustainable way. Having access to transportation is important as our community continues to grows
to make sure that all of our citizens have the opportunity to access all that the city offers

Reason for your interest in this position: Being a business owner in town I want to make sure that
the business community has a say in how our transportation resources are used. Being a business that is exempt from this tax
I feel this is a good way for me to give back to the community that has helped my business grow

Experience and educational background: Bachelors in Environmental engineering from OSU.
Owning a small business for 11 years that I started from scratch.

List any other City or County positions on which you serve or have served: Park & Rec advisory board

Referred by (if applicable): _____

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: 2-13-2018 Date Appointed: _____ Term Expires: _____
Date Resigned: _____ Destruction Date: _____



M E M O R A N D U M

DATE: *Prepared: February 12, 2018 for February 21, 2018 Council Hearing*

TO: *Mayor and City Council*

FROM: *Bryan Brown, Canby Planning Director*

RE: *Appeal (File No. APP 17-03) of Planning Commission Decision for application (SUB 17-06) –Redwood Landing Subdivision by ICON Construction & Development, LLC located at 1440, 1548, 1612, 1650 & 1758 N Redwood Street.*

Background: At their December 11, 2017 meeting the Planning Commission, after holding a public hearing, voted 6 - 0 to approve the above referenced subdivision application and approved written findings of their decision at the same evening meeting. 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.

An Appeal Form and narrative statement outline (File No. APP 17-03) was submitted by Daniel Webb on behalf of property owners north of the proposed subdivision including Linda Thomas at 1864, Andrew Jarmer at 1860, Ryan and Kerrie Oliver at 1850 and Eric and Josephine Recht at 194 N Redwood Street on the appeal deadline of December 22, 2017.

Staff requested an extension of the 120-day decision rule from the then existing January 18 deadline to which the applicant provided by email an extension to February 23, 2018 for which Council action and a written decision must otherwise be adopted. Staff will request an additional extension to March 9, 2018 from the applicant to provide needed flexibility for preparation and Council action on the final written findings typically held at the next regularly scheduled Council meeting from which the oral decision is made.

Appeal & Council Action: The appellant provided a more succinct “appeal statement narrative” on February 9, 2018 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 then others who may be considered to support the subdivision, those against, those who are neutral, then the applicant wrapping up with the opportunity for final rebuttal.

Staff has reviewed the Appellant’s statement that explains the specific issues as to why they are appealing or aggrieved. Staff’s assessment of the first major issue is that the intended extension of N. Sycamore Street is in accordance with the adopted North Redwood Concept Plan and is identified within Chapter 16.13 (C)(4) of the Canby Municipal Code as being a required component for implementation of

the Plan as envisioned. The location of this “neighborhood route” street has some flexibility in its exact location but is otherwise indicated to be an important component for full intended implementation of the Plan. The second major issue is concern with the transfer of density allowed by the Concept Plan. The applicant did indeed utilize every square foot of developable Park dedication land area to maximize density or the number of lots proposed within the subdivision plat. The total number of proposed lots is no greater than if proposed across the developable Park area, but the density was allowed to be maximized by reducing the minimum lot size to as low as 5,000 square feet. The resulting lot sizes possible through the transfer of density from the park dedication area is prominent because it was not spread out over lots to the north and those which are surrounded by the subdivision. It was not possible to foresee all the combinations of which property owners would agree at the same time to offer up their properties for development. The Plan tried to minimize the possible density transfer impact by placing a minimum lot size available of 5,000 sf with use of the density transfer allowance. The property owners who are part of this subdivision are contributing by far the largest portion of the eventual total City Park exacerbating the smaller lot size impact this proposed subdivision has in comparison with 7,000 sf minimum lot size otherwise allowed by the underlying and surrounding R-1 zone without the permitted density transfer. The provisions of the Plan and ordinance have however been demonstrated to be followed as provided and envisioned. Finally, the appellant voiced concerns about a perceived lack in the use of low impact development (LID) storm water management solutions. This determination is most often left to the applicant’s civil engineer to make a determination based on the site parameters and soil conditions whether such alternative solutions are feasible and reasonable. The detention facility planned is considered to be a form of LID storm water management when also outfitted to assist in water quality treatment. The use of more individual street side swales or rain garden provisions are potentially possible but each storm water technique and solution utilized has its own cost factors, efficiency factors, long term maintenance concerns and suitability parameters. A final drainage analysis and plan is usually finalized at the construction stage of a subdivision design.

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 applied 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 comments received to date in the application review process including the Appellant’s Statement of Appeal and additional written citizen comments 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 December 11, 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 17-06 Redwood Landing Subdivision located at 1440, 1548, 1612, 1650 & 1758 N Redwood Street.

Attachments:

- Attorney Michael Robinson's Letter on Behalf of ICON Construction & Development, LLC
- Appellant's (File No. APP 17-03) Statement of Reasons for Appeal - Narrative
- Planning Commission Written Decision and Findings for SUB 17-03
- Planning Commission Minutes of December 11, 2017
- Planning Commission Staff Report for SUB 17-03 Dated 12.11.17 including Chapter 16.13 North Redwood Plan District Approval Criteria
- Applicant Subdivision submittal: narrative and drawings & Post PC Hearing Density Transfer Calculations & Map Reflecting the final design approved
- All written comments received since notice of Appeal
- All written comments received before and at the Planning Commission Hearing

February 13, 2018

Michael C. Robinson

Admitted in Oregon

T: 503-796-3756

C: 503-407-2578

mrobinson@schwabe.com

VIA E-MAIL

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

RE: City of Canby File No. APP 17-03; letter on behalf of Icon Construction and 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 Icon Construction and 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") approval of the Redwood Landing Subdivision and approve the preliminary subdivision application. As explained in this letter, substantial evidence in the whole record demonstrates that the Applicant has satisfied relevant approval criteria for a preliminary subdivision. The application is classified as a "Limited Land Use" decision as that term is defined in ORS 197.015(12) and is subject to ORS 197.175(1). Further, the application concerns "Needed Housing" pursuant to ORS 197.303(1) and 197.307(4).

The Applicant respectfully requests that following the close of the record and the public hearing on February 21, 2018, that the City Council reject the appeal, affirm the Planning Commission's decision and approve the application.

1. Response to Appeal Issue of Canby Zoning Ordinance ("CZO") 16.62.020.B.

CZO 16.62.020.B provides: "The overall design and arrangement of lots shall be functional and shall adequately provide building sites, utilities and access facilities deemed necessary to the development of the subject property without unduly hindering the use or development of adjacent properties."

The Appellants argue that the application's proposal for the future extension of North Sycamore Street "unduly hinders" the use or development of adjacent properties.

First, the Applicant appreciates the testimony of the Appellants regarding this standard. However, the Planning Commission had before it substantial evidence to demonstrate that the Applicant had met its legal burden of proof to satisfy the standard. The City expects applications

to follow the Redwood Development Concept Plan (the "NRDCP"). The application explains, and the Planning Commission found, that the street extension proposed in the application satisfies not only the NRDCP, but also CZO 16.62.020.B.

Further, the City Council should read the phrase "unduly hindering the use or development for adjacent properties" as meaning two things. First, that the extension of a public street in the future does so in a way that is unreasonable. Second, the phrase requires the City Council to determine that the use or development of adjacent properties in the present zoning district is still allowed notwithstanding the street extension.

The argument and evidence submitted by the Appellants does not demonstrate that the Planning Commission erred in finding that CZO 16.62.020.B is satisfied. First, the Appellants do not conclude that the adjacent properties cannot be developed; they argue that the road will have an impact on either the existing use or the future development of the properties. This does not demonstrate that CZO 16.62.020.B is not met or is unreasonable. Second, financial impacts do not rise to a finding of "unduly hindering". Every property owner must assume some public street dedication or impact. To do otherwise would defeat the City's goal of providing an appropriate system of public streets. Finally, to the extent the argument and evidence submitted by Appellants goes to the location of the street as opposed to the impact on adjacent properties, it is not relevant to the approval standard.

For these reasons, the City Council can find that CZO 16.62.020.B is satisfied.

2. Response to Appeal Issue of CZO 16.64.080.B.

The Appellants cite to CZO 16.64.040.D. The correct citation is CZO 16.64.040.080.D. This standard provides as follows: "A density bonus will be allowed for subdivision proposals that provide additional park land beyond what is required in Chapter 16.120. Proposals that utilize the density bonus shall comply with the following: ***2.d. for provision of park land over 140% of the minimum requirement, a 20% density bonus will be allowed. *** 3. No subdivision will be allowed to exceed 120% of the density standard for the underlying zone."

The Appellants do not challenge the Applicant's substantial evidence that this standard is satisfied. The December 14, 2017 letter from Mr. Givens representing the Applicant demonstrates how this standard is satisfied (Exhibit 1). The City Council can rely on the letter and the Application narrative at pages 8 and 9 to find that the standard is satisfied.

For this reason, the City Council can find that the Planning Commission did not err in finding that CZO 16.64.080.B is satisfied.

3. Response to Appeal Issue of CZO 16.64.070.C.2 and D.2.

These two standards concern low impact development ("LID") alternatives for storm water treatment. The staff report at page 4 addresses this issue. Further, conditions of approval 21 and 22 at page 5 of the Planning Commission Final Order requires storm water systems to be

Mayor Brian Hodson
February 13, 2018
Page 3

designed in compliance with the Canby Public Works design standards as determined by the City Engineer and to obtain Oregon Department of Environmental Quality ("DEQ") approval for dry wells if dry wells are proposed.

The City Council can find that the Planning Commission correctly found that CZO 16.64.070.C.2 and 16.64.070.D.2 are satisfied.

4. Appeal of Canby Comprehensive Plan Policies Land Use 9-R and 10-R.

These two policies respectively require the City to "attempt" to "minimize" adverse impacts in new developments on fish and wildlife habitats and on wetlands. The application narrative at pages 13 and 14 explains how this is accomplished. The staff report at pages 4 and 12 describes that the riparian and wetland areas will be dedicated as park land.

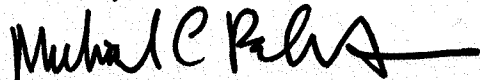
The City Council can find that, assuming a comprehensive plan policy is relevant to a Limited Land Use decision, substantial evidence in the whole record demonstrates that the Applicant has attempted to "minimize" adverse impacts of new developments on fish and wildlife habitats and wetlands. Notably, the City Council must find that these two comprehensive plan policies are not mandatory policies in the sense that all impacts must be eliminated; the plain language of the comprehensive plan policies simply requires that an attempt be made to minimize adverse impacts.

The City Council can find these two comprehensive plan policies, if applicable, are satisfied.

5. Conclusion.

For the reasons contain in this letter, and argument and evidence in the Planning Commission record, the City Council should reject the appeal, affirm the Planning Commission's decision and approve the application.

Sincerely,



Michael C. Robinson

MCR:erh
Enclosure

cc: Mr. Bryan Brown (via email) (with/encl.)
Ms. Laney Fouse (via email) (with/encl.)
Mr. Mark Handris (via email) (with/encl.)
Mr. Rick Givens (via email) (with/encl.)

PDX\132609\237630\MCR\22392925.1

December 14, 2017

Mr. Bryan Brown
Planning Director
City of Canby
PO Box 930
Canby, OR 97013

Rick Givens
Planning Consultant
18680 Sunblaze Dr.
Oregon City, Oregon 97045

RE: Redwood Landing Density Transfer

Dear Bryan:

Here are the updated density calculations for Redwood Landing. The numbers changed a bit from the original design due to the increased park area after moving 3 lots and the greater street area after providing the additional street stub as a part of reconfiguring to match the neighbor's design concept.

Total Site Area:	1,098,026 sq. ft.
Current Development Site Area:	732,841 sq. ft.
Park Site:	297,291 sq. ft.
Tract A – Future Development:	19,427 sq. ft.
Tract B – Future Development:	48,467 sq. ft.

Density for the Current Development Site is calculated as follows:

Current Development Site Area:	732,841 sq. ft.
Less Streets =	228,083 sq. ft.
Less Pedestrian Walkway =	3,002 sq. ft.
Net Site Area =	501,756 sq. ft.
Net Site Area Divided by 7,000 sq.ft./Unit =	71.7 Units

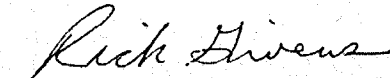
Density available for transfer from the park site is calculated as follows:

Park Site =	297,291 sq. ft.
Less Wetlands =	77,913 sq. ft.
Less Slopes > 25% =	64,253 sq. ft.
Buildable Area =	155,125 sq. ft.
Less Typical 20% for Streets =	31,025 sq. ft.
Net Buildable Site Area =	124,100 sq. ft.
Net Buildable Site Area/7,000 sq. ft./Unit =	17.7 Units

Total Density Allowed in Current Dev. Site = **89 Units**

To help clarify the numbers contained in these calculations, I am attaching an updated site plan highlighting the various areas. Please let me know if you have any questions.

Sincerely yours,



Rick Givens

Cc: Mark Handris, Icon Construction & Development, LLC



**BEFORE THE CITY COUNCIL
OF THE CITY OF CANBY, OREGON**

**RE: APP 17-03 SUB 17-01
SUB 17-06 REDWOOD LANDING SUBDIVISION**

- 1) The property owner's listed in this appeal application feel the Commission did not correctly interpret the requirements of this title, the Comprehensive Plan, or other requirements of law;
- 2) That the Commission did not observe the precepts of good planning
- 3). The Commission did not adequately consider all of the information which was pertinent to the case.

Appellants Statement, Narrative

The Appellants are aggrieved because the Planning Commission approved the application for SUB 17-06 Redwood Landing Subdivision, more specifically under the following outlines there contains details not addressed in the staff report or by the Planning commission. The appellants feel the following ordinances and the details and Spirit of the NRDCP were not followed in detail or considered in such a way as to preserve the quality of life and property values in the City of Canby and more specifically within the NRDCP.

The follow will address three main components of the Redwood Landing Subdivision.

- 1) The future extension of N. Sycamore Street.
- 2) The Transfer of Density / Density Bonus
- 3) Storm Water Management

Future extension of N. Sycamore Street.

16.62.020 Standards and criteria; as it applies to the future extension of N. Sycamore Street.

B. The overall design and arrangement of lots shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties;

Future Street Alignment (Extension of N. Sycamore St. to N. Redwood St.)

Prior to the Planning Commission Hearing, I submitted written comments pertaining to the outline of the applicants development plan. These comments were included in the Staff report for the Commission's review. However the Staff did not have any comments pertaining to this extension in the report. I also testified during the Planning Commissions Public Hearing of these same concerns.

During the meetings of the committees for the formulation of the NRDCP, I along with several other members of the Committees asked the City Staff if the street outline as depicted by the advisory group was "cast in stone? We received the same answer each time. "This is a Concept Plan, not a development plan, so it is to be used as a guide and can be adjusted to what best fits the individual property owner and or developer".

The configuration of the future extension of N. Sycamore Street, as outlined in the development plan and the NRDCP, if not eliminated, will cause extremely harmful financial damage to the properties within its path.

The affect on Linda Thomas's property will be the elimination of any future development on the portion of her property West of Willow Creek. The route would not leave room between the steep slopes east of the street and the street improvement. To the West, the street area remaining is not deep enough to develop any lot's to City Standards. As the street makes its turn to the West, it just misses her house. Her property to the North after the turn is not a large enough area to accommodate a 7,000 sq.ft lot.

The affect on the Jarmer property would be a new street just North of and very close to his home with the only potential for development being the possibility of

one lot directly behind his home. To the West his home there may be a potential for 1 or 2 lots.

The affect on the Oliver property would be a new street passing though what little area they have between their home and their South property line and in addition they would have to either destroy or move the home on the front of their property and their home would now be on a corner lot.

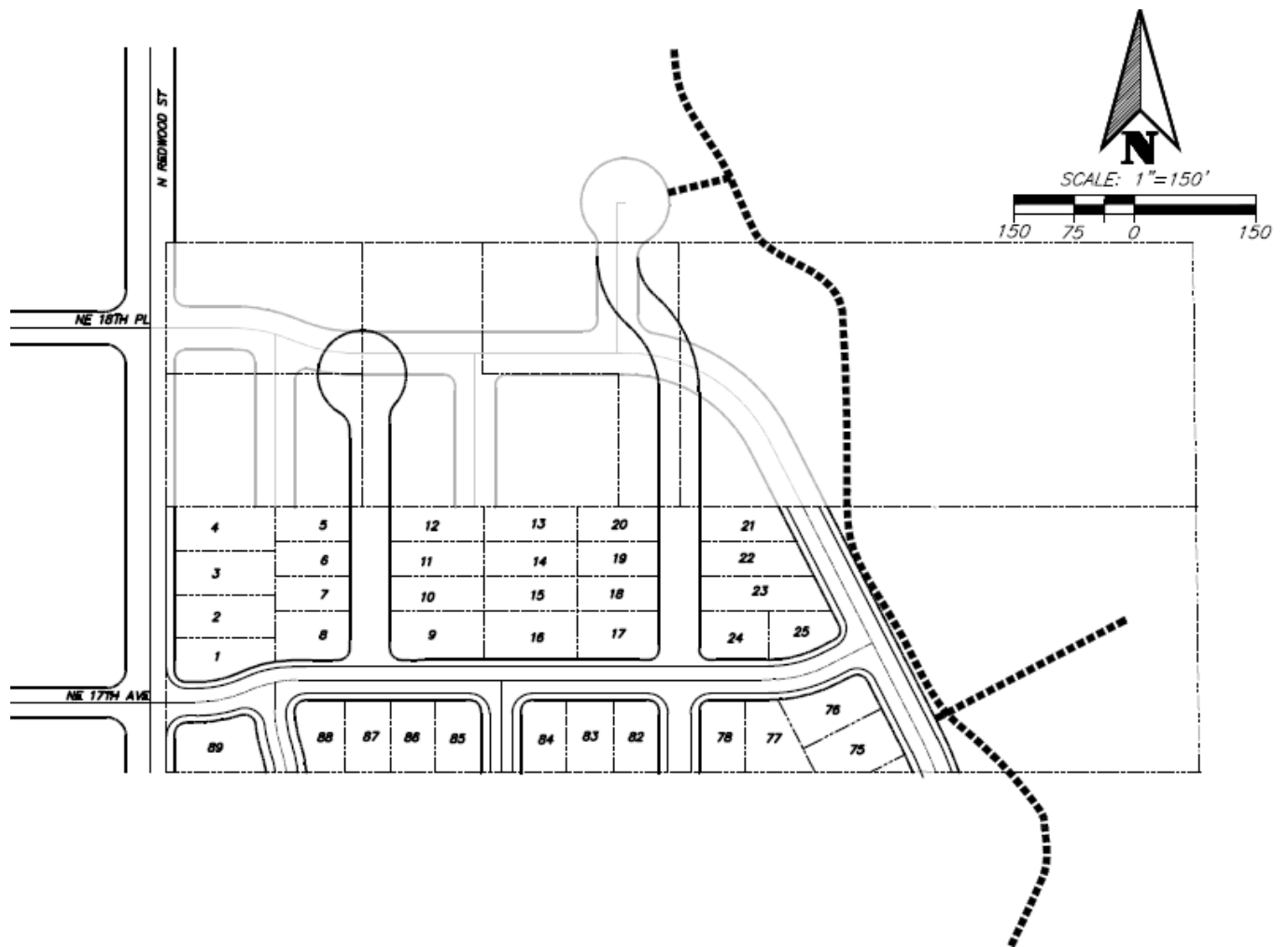
The Appellants have employed the services of D& L Engineering in Vancouver Washington. They have formulated an alternate to this street alignment which would enable the future development of all three of these properties. It also provides for a future street to the North to the Berggren property along with a connection to the park trail at the North end of the NRDCP.

The engineer also provided an estimate of the costs to complete the future extension of N. Sycamore St. to Redwood. The engineers estimate is \$772,045.00. This estimate does not include a half street improvement on N. Redwood on the Oliver property frontage which would be triggered at the time of completing the connection.

Conclusion:

The future extension of Sycamore St. as outlined on the Redwood Landing development plan would cost the three property owners a minimum of \$772,045.00 plus the half street improvement on Redwood St. The three property owner have the potential total of developing possibly 3 or 4 lots. The current market for finished lots in Canby is approximately \$125,000 per lot for a total of approximately \$500,000. Without taking into consideration the cost of engineering and the half street improvement this amounts to a negative end value of \$272,045.00. These figures do not allow for any value in the property owners land or improvements.

This is clearly a case of” unduly hindering the use or development of adjacent properties”.



ESTIMATE - CIVIL IMPROVEMENTS					
CLIENT: Daniel Webb			Engineer: DL DESIGN GROUP		date: 1-31-18
ITEM		UNIT	ESTIMATED QUANTITY	UNIT PRICE	TOTAL COST
SCHEDULE "A" - MOBILIZATION & TRAFFIC CONTROL					
A-1	Mobilization	LS	1	\$5,000.00	\$5,000.00
A-2	Erosion control	LS	1.00	\$2,000.00	\$2,000.00
SCHEDULE "A" - MOBILIZATION & EROSION CONTROL SUBTOTAL					\$7,000.00
SCHEDULE "B" - GRADING AND EXCAVATION					
B-1	6" Stripping	LS	1	\$10,000.00	\$10,000.00
B-2	Spread spoils on lots	LS	1	\$20,000.00	\$20,000.00
SCHEDULE "B" - GRADING AND EXCAVATION SUBTOTAL					\$30,000.00
SCHEDULE "C" - STREET CONSTRUCTION (PUBLIC)					
C-1	Furnish material and construct 4" Class C asphalt pavement (2 lifts)	SY	4000	\$30.00	\$120,000.00
C-2	Furnish material and construct 2"-thick 3/4"-0" leveling course aggregate	SY	4000	\$15.00	\$60,000.00
C-3	Furnish material and construct 10"-thick, 1 1/2"- 0" aggregate base course	SY	4000	\$20.00	\$80,000.00
C-4	Furnish material and construct 6" Concrete Curb and Gutter	LF	2000	\$32.00	\$64,000.00
C-5	Furnish material and construct 6' Sidewalk	SY	667	\$35.00	\$23,345.00
C-6	Furnish material and construct 20' wide driveway approach	EA	3	\$2,000.00	\$6,000.00
SCHEDULE "C" - PUBLIC STREET CONSTRUCTION SUBTOTAL					\$353,345.00
SCHEDULE "D" -STORM SEWER CONSTRUCTION					
D-1	Furnish material and install public storm catch basin	EA	10	\$2,000.00	\$20,000.00
D-3	Furnish material and install storm 12" D 3034 PVC pipe (5'-7' deep)	LF	1000	\$50.00	\$50,000.00
D-3	Furnish material and install storm 4" Storm Laterals	LS	1	\$20,000.00	\$20,000.00
D-4	Furnish materials and install Standard 48" Manhole	EA	5	\$3,000.00	\$15,000.00
D-5	Connect to existing storm system or outfall	EA	1	\$3,000.00	\$3,000.00
D-6	Furnish material and install storm treatment facility	LS	1	\$30,000.00	\$30,000.00
SCHEDULE "D" - STORM SEWER CONSTRUCTION SUBTOTAL					\$138,000.00
SCHEDULE "E" - SAN SEWER CONSTRUCTION					
E-1	Furnish material and construct sanitary				

D-6	Furnish material and install storm treatment facility	LS	1	\$30,000.00	\$30,000.00
SCHEDULE "D" - STORM SEWER CONSTRUCTION SUBTOTAL					\$138,000.00
SCHEDULE "E" - SAN SEWER CONSTRUCTION					
E-1	Furnish material and construct sanitary 48" sanitary sewer man hole (std)	EA.	5	\$3,000.00	\$15,000.00
E-2	Furnish material and install				

CLIENT: Daniel Webb		Engineer: DL DESIGN GROUP		date: 1-31-18	
ITEM		UNIT	ESTIMATED QUANTITY	UNIT PRICE	TOTAL COST
	4" pvc lateral connections	LS	1	\$30,000.00	\$30,000.00
E-3	Furnish material and install 12" D 3034 PVC Pipe	LF	1000	\$50.00	\$50,000.00
E-4	Connect to existing sewer with manhole	LS	1	\$3,000.00	\$3,000.00
SCHEDULE "E" - SAN SEWER CONSTRUCTION SUBTOTAL					\$98,000.00
SCHEDULE "F" - WATER MAIN CONSTRUCTION - * Does not include private waterlines from meters to units					
F-1	Furnish material and install standard Fire Hydrant Assembly (including tap and tee)	EA.	2	\$4,000.00	\$8,000.00
F-2	Furnish material and install 8" DI waterline	LF	1000	\$55.00	\$55,000.00
F-3	furnish material and install water services	LS	1	\$30,000.00	\$30,000.00
F-4	Furnish material and install blow off valve assembly	EA.	1	\$10,000.00	\$10,000.00
F-5	Furnish material and install to e	EA.	2	\$600.00	\$1,200.00
SCHEDULE "F" - WATER MAIN CONSTRUCTION SUBTOTAL					\$104,200.00
SCHEDULE "G" - STREET TREES					
G-1	Furnish material and install Street Trees	EA.	30	\$250.00	\$7,500.00
SCHEDULE "G" - STREET TREES SUBTOTAL					\$7,500.00
SCHEDULE "H" - STREET SIGNAGE CONSTRUCTION					
H-1	Furnish material and install street signs and Stripping	LS	1	\$6,000.00	\$6,000.00
SCHEDULE "H" - STREET SIGNAGE CONSTRUCTION SUBTOTAL					\$6,000.00
SCHEDULE "J" - STREET LIGHTING					
J-1	Furnish material and install street light and appurtenances	EA	8	\$3,500.00	\$28,000.00
SCHEDULE "J" - STREET LIGHTING SUBTOTAL					\$28,000.00
SCHEDULE "A" - Mobilization & Traffic Control Subtotal					\$7,000.00
SCHEDULE "B" - Grading and Excavation Subtotal					\$30,000.00
SCHEDULE "C" - Street Construction (Public) Subtotal					\$353,345.00
SCHEDULE "D" - Storm Sewer Construction Subtotal					\$138,000.00
SCHEDULE "E" - Sanitary Sewer Construction Subtotal					\$98,000.00
SCHEDULE "F" - Water Main Construction Subtotal					\$104,200.00
SCHEDULE "G" - Street Trees Subtotal					\$7,500.00
SCHEDULE "H" - Street Signage Construction Subtotal					\$6,000.00
SCHEDULE "J" - Street Lighting Subtotal					\$28,000.00
TOTAL CONSTRUCTION COST					\$772,045.00

DOES NOT INCLUDE PRIVATE UTILITIES, CONDUIT, OR VAULTS

TRANSFER OF DENSITY / DENSITY BONUS

16.64.040 Lots.

B. Minimum Lot Sizes:

D. Density bonus. A density bonus will be allowed for subdivision proposals that provide additional park land beyond what is required in Chapter 16.120.

Proposals that utilize the density bonus shall comply with the following:

d. For provision of park land over 140% of the minimum requirement, a 20% density bonus will be allowed.

3. No subdivision will be allowed to exceed 120% of the density standard for the underlying zone.

The development plan calls for 71.7 lots. An additional 120% would be 86.4

A portion of the development, white in color (identified as developable land) on the density calculations map is isolated, surrounded by wetlands and steep slopes. As a result these areas are not “developable” and should be excluded from the density bonus calculation.

Also the “developable” land on the east side of Willow Creek adjacent to Tract’s “A” and “B” should not be included in the density bonus calculations as it is isolated and not accessible until some future point in time when these tract’s are developed. The developer could then utilize these areas in a future density transfer.

NRDCP

As a member of the Stake Holders committee, representing Linda Thomas, during the numerous meetings with Staff and the representatives of the City who performed the study of the area, the Density bonus’s potential affect on the density in the R-1 zone of the NRDCP or the resulting repercussions which are now being realized was never explained or even brought to the table for discussion. As evidence of this were the planning Director’s comments during discussions in the Planning Commission hearing for this development. We are not sure if you can “un-ring the bell” at this point in time but as a member of the Stake Holder’s Committee, I know that I would have been strongly opposed to this and would have hoped the City Council would have not put into place 16.64.040,D. Josephine Recht, one of the Appellants who was also on the Committee concurs with this statement. Our belief and understanding was the zoning density as outlined in the NRDCP would remain as outlined with no deviations allowed by the Planning Commission or the City Council. The appellants feel this Provision does not follow the Spirit of the NRDCP as it was perceived by the Citizen advisory committees for the NRDCP.

Storm Water Management

Chapter 16.64

2) SUBDIVISIONS – DESIGN STANDARDS

16.64.070 Improvements.

16.64.070 C. Streets.

2. All public and private streets shall be constructed to city standards for permanent street and alley construction. . LID alternatives, such as permeable surfacing and integrated stormwater management facilities, are required where site and soil conditions make it a feasible alternative.

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

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

16.64.070

D. Surface Drainage and Storm Sewer System.

2. Stormwater Management through Low Impact Development (LID).

Low impact development is a storm water management approach aimed at emulating predevelopment hydrologic conditions using a combination of site design and storm water integrated management practices. This approach focuses on minimizing impervious surfaces, promoting rainfall evaporation and uptake by plants, and maximizing storm water infiltration. Specific LID strategies and integrated management practices include:

- a. Protection and restoration of native vegetation and soils,**
- b. Minimizing impervious surface area through use of pervious materials (e.g. pavers and pervious concrete).**
- c. Vegetated roofs,**
- d. Rainfall reuse,**

e. Storm water dispersion and Bioretention (recharge)

16.64.070

3. All new subdivisions in Canby are required to treat storm water on site. Storm water management using LID practices is required where feasible, pursuant to requirements of this chapter and other applicable sections of this code. LID facilities shall be constructed in accordance with Canby Public Works Design Standards.

The NRDCP ALSO ADDRESSED THIS ON PAGE 25

Infrastructure: Storm water

The City of Canby Public Works Design Standards (Sections 4.109, 4.309, and 4.310) provide criteria for the design of water quality treatment facilities for storm water runoff. Acceptable methods of treatment include vegetated swales, extended dry ponds, constructed wetlands, Low Impact Development Approaches (LIDA), or proprietary treatment devices.

As an example . bioretention facilities (SWALES) and rain gardens as shown on this slide.

CONCLUSION

The appellant's are of the opinion, that neither the staff nor the Planning Commission addressed the management of Storm water as outlined under 16.64.070 and the NRDCP.

The development plan does not follow the Development code and utilize modern new technologies and techniques of LID strategies and integrated management practices for the management of the Storm water.

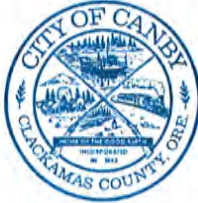
**COMPREHENSIVE PLAN
LAND USE ELEMENT**

They also feel the development does not fulfill the requirement under POLICY NO. 9-R of the Comprehensive Plan:

CANBY SHALL ATTEMPT TO MINIMIZE THE ADVERSE IMPACTS OF NEW DEVELOPMENTS ON FISH AND WILDLIFE HABITATS

and POLICYNO. 10-R:

CANBY SHALL ATTEMPT TO MINIMIZE THE ADVERSE IMPACTS OF NEW DEVELOPMENTS ON WETLANDS.



City of Canby

DEVELOPMENT SERVICES

December 12, 2017

Sent Via Email

mark@iconconstruction.net

rickgivens@gmail.com

TO: Icon Construction & Development
Rick Givens, Planning Consultant

RE: Notice of Decision/Final Order for SUB 17-06 Redwood Landing Subdivision

The Canby Planning Commission hereby provides notice that a decision to approve **SUB 17-06 Redwood Landing 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 that reads "Bryan C. Brown".

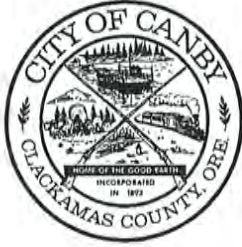
Bryan C. Brown
Planning Director

Attachment: Signed Final Findings

CERTIFICATE OF MAILING

This Notice of Decision was postmarked and placed in the mail and/or emailed on December 12, 2017 and sent to all parties with standing. The appeal period will end on December 22, 2017

Bryan C. Brown, Planning Director



BEFORE THE PLANNING COMMISSION
OF THE CITY OF CANBY

A REQUEST FOR A SUBDIVISION)
1440, 1548, 1612, 1650, 1758)
N. REDWOOD STREET)

FINDINGS, CONCLUSION & FINAL ORDER
SUB 17-06
ETHAN AND STEPHANIE MANUEL, HUGH,
JOHN, JAMES, KATHLEEN, AND KRISTEEN
BOYLE, KAREN SERATT, PAMELA KING,
REBECCA GRAY, STEVEN STEWARD

NATURE OF THE APPLICATION

The Applicant has sought approval for a Subdivision (SUB 17-06) to divide a 25.21 acre parcel into an 89 lot subdivision on property located at 1440, 1548, 1612, 1650, 1758 N. Redwood Street and described as Tax Map/Lot 31E34B00700, 00701 and 31E27C00301, 00500, 01200, Clackamas County, Oregon. The property is zoned Low Density Residential (R-1) under the Canby Municipal Code (CMC).

HEARINGS

The Planning Commission considered application SUB 17-06 after the duly noticed public hearing held on December 11, 2017 during which the Planning Commission by a vote of 5/1 approved **SUB 17-06 North Redwood Landing Subdivision submitted by Icon Construction and Development**. 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 November 13, 2017 and presented at the December 11, 2017 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 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:

- Staff pointed out to the applicant that their initial proposal to make the internal street pavement widths 28' although allowed would result in no parking on one side of those streets.

With the smaller 5 to 6,000 sf lot sizes with most having less than 60 foot of lot frontage, it was recommended they widen the pavement to the standard local street width to assure adequate on-street parking was available without causing undue congestion on the streets. The applicant agreed to the wider 34' standard local street width. It was noted the lot size would not change but the 6' required sidewalk would be pushed 3' into the front yards and served by a pedestrian easement on the recorded plat.

- The use of the alternative lot arrangement provided for in CMC 16.64.040 (3) was acknowledged justifying deviation from standard side yard setback from 7' to 5' on all lots having less than 60' of lot frontage, 15' to 10' setback on corner lot non street access frontage, and use of lot width frontages as low as 40' to match the lot sizes based on grouping building lots into a smaller portion of the total development, reserving the remainder for dedicated park open space while not exceeding the underlying maximum density allowed by the R-1 zone.
- Staff indicated the City is willing to provide long-term maintenance of a water quality handling public street runoff, while City ordinance requires on-site disposal of private property storm water runoff.

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 residential Subdivision Application met all applicable approval criteria, and recommending that File SUB 17-06 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 Subdivision approval. Therefore, **IT IS ORDERED BY THE PLANNING COMMISSION** of the City of Canby that **SUB 17-06** is approved, subject to the following 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 development shall comply with all applicable City of Canby Public Works Design Standards.
3. The final construction design plans shall conform to the comments provided by the City Engineer in his memorandum dated October 20, 2017.
4. The builder or applicant shall comply with the NW Natural Gas comments dated October 27, 2017.
5. The applicant shall comply with the applicable recommendations listed in the DKS Traffic Impact Study dated August 2017 and in this staff report.
6. The applicant shall locate the drainage water quality facility to the City Engineer's satisfaction which has been recommended to be located on a separate tract not a part of the Park or in close proximity of a street rather than down a steep slope facilitating access for future maintenance and allowing runoff through a buffer prior to entering the wetland and Willow Creek. The location of a water quality/detention facility within the Park shall be cited in a manner that would allow future construction of a paved pedestrian path as envisioned in the adopted North Redwood Concept Plan.
7. Public improvements such as sidewalk and street improvements on N. Redwood Street are required during development.
8. Turnarounds shall be required at the end of all interior streets if directed by Canby Fire Department which often determines this is needed if the temporary dead-end street exceeds 150 foot in length.

Fees/Assurances:

9. 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.
10. If the applicant chooses to provide a subdivision performance bond for some or all of the required public improvements, the applicant shall obtain a certificate from the city engineer that states:
 - a. The applicant has complied with the requirements for bonding or otherwise assured completion of required public improvements.
 - b. The total cost or estimate of the total cost for the development of the subdivision. This is to be accompanied by a final bid estimate of the subdivider's contractor, if there is a contractor engaged to perform the work, and the certificate of the total cost estimate must be approved by the city engineer.
11. The applicant must guarantee or warranty all public improvement work with a 1 year subdivision maintenance bond in accordance with 16.64.070(P).
12. 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).

Streets, Signage & Striping:

15. **The applicant shall meet the Clackamas County recommended conditions of approval listed in the memorandum dated November 13, 2017 unless City of Canby standards are more stringent. The County Conditions are as follows:**

A. All required street, street frontage and related improvements shall comply with the standards and requirements of the Clackamas County Zoning and Development Ordinance and the Clackamas County Roadway Standards unless otherwise noted herein.

B. The applicant shall dedicate approximately 10 feet of right-of-way along the entire site frontage on N Redwood Street and verify by a professional survey that a 30-foot wide, one-half right-of-way width exists.

C. The applicant shall grant an 8-foot wide public easement for sign, slope and public utilities along the entire frontage of N. Redwood Street.

D. The applicant shall design and construct improvements along the entire site frontage of N Redwood Street to collector roadway standards, per Clackamas County Roadway Standards, Standard Drawing C130. These improvements shall consist of:

a. A one half-street improvement with a minimum paved width of 18 feet from the centerline of the right-of-way. The structural section shall be designed and constructed per Standard Drawing C100 for a collector roadway.

b. Inbound and outbound tapers shall be provided per Section 250.6.4 of the Clackamas County Roadway Standards.

- c. Standard curb, or curb and gutter if curb line slope is less than one percent, with the curb face located 18 feet from the centerline of the right-of-way.
- d. A 5-foot wide sidewalk behind a 5-foot wide landscape strip, including street trees shall be constructed along the entire site frontage. Where the sidewalk does not connect to sidewalk on adjacent property, the end of the sidewalk requires a concrete ADA compliant curb ramp, providing a transition from the new sidewalk to the edge of pavement.
- e. Dual curb ramps shall be provide at the proposed intersections of NE 15th Avenue and NE 17th Avenue, constructed per Standard Drawing S910. The designer shall complete the county ADA Assessment Checklist and provide a copy with the improvement plans. The county has adopted the following curb ramp design and construction standards:

Feature	Design Standard	Construction Standard
Ramp Slope	7.5%	8.33%
Ramp Cross Slope	1.5%	2.0%
Landing (turning space) Cross Slope	1.5%	2.0%

- f. Storm drainage facilities in conformance with City of Canby Standards and *Clackamas County Roadway Standards* Chapter 4. Any surface water runoff from the site to the N Redwood Street right-of-way shall be detained outside of the right-of-way in conformance with *Clackamas Roadway Standards*.

E. Adequate intersection sight distance, per Section 240 of the Clackamas County Roadway Standards shall be provided at the intersections with N Redwood Street. Intersection sight distance shall be based on a design speed of 30 MPH, requiring a minimum of 335 feet of sight distance north and south.

F. A note shall be placed on the plat indicating no direct access to North Redwood Street by any Lot having such frontage, with access to those lots to the interior of the subdivision on a local street classification. (Access restriction indicated to be for Lots 1, 5, 6, 44, 45, 48, and 89).

G. Utility Placement Permit shall be required for any utility work required within the right-of-way of N Redwood Street.

H. The applicant shall submit an Engineer's cost estimate to be approved by Clackamas County Engineering for the asphalt concrete, aggregates, and any other required public improvement in the Leland Road right-of-way.

I. Prior to commencement of site work and recording of the plat the applicant shall obtain a Development Permit from this office for design and construction of required improvements to Leland Road. To obtain the Permit, the applicant shall submit plans prepared and stamped by an Engineer registered in the State of Oregon, provide a Performance Guarantee, and pay an Inspection Fee. The Performance Guarantee is 125% of the approved Engineer's cost estimate for the required improvements.

- 16. The street improvement plans for N. Redwood Street frontage and the interior streets shall conform to the TSP and Public Works standards as indicated by the city engineer.
- 17. 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.

18. 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.
19. 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:

20. 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.

Storm water:

21. Storm water systems shall be designed in compliance with the Canby Public Works Design Standards as determined by the City Engineer.
22. The applicant shall obtain DEQ approved drywells if proposed within the subdivision.

Grading/Erosion Control:

23. 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.
24. 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 for home construction.

Final plat conditions:

General Final Plat Conditions:

25. The applicant shall apply for final plat approval at the city and pay any applicable city fees to gain approval of the final subdivision plat. Prior to the recordation of the final plat at Clackamas County, it must be approved by the city and all other applicable agencies. The city will distribute the final plat to applicable agencies for comment prior to signing off on the final plat if deemed necessary.
26. 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.
27. The final plat shall conform to the necessary information requirements of CMC 16.68.030, 16.68.040(B), and 16.68.050. The city engineer or county surveyor shall verify that these standards are met prior to the recordation of the subdivision plat.
28. All "as-built" of City public improvements installed shall be filed with Canby Public Works within sixty days of the completion of improvements.
29. Clackamas County Surveying reviews pending subdivision plat documents for Oregon Statutes and county requirements. A subdivision final plat prepared in substantial conformance with the approved tentative plat must be submitted to the City for approval within one year of approval of the tentative plat or formally request an extension of up to 6-months with a finding of good cause.

30. The applicant shall record the final plat at Clackamas County within 6 months of the date of the signature of the Planning Director.
31. 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.
32. The City shall assign addresses for each newly created subdivision lot and distribute that to the developer, and other agencies that have an interest.
33. The applicant must specify at the public hearing which lots are proposed for dwelling setback reduction and identify which lots are proposed for minimum lot frontage of 50 feet in order for the Planning Commission to make a detailed decision.

Dedications

34. As stated by the City Engineer, the applicant shall dedicate by separate instrument 10 feet of R.O.W. width for the full length of the subject property along N. Redwood Street on the Final Plat.
35. The applicant shall dedicate 6.45 acres for a public park.

Easements

36. A dual 12 foot utility, pedestrian, and temporary street tree 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.
37. 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

38. A Street Tree Plan shall be submitted with the final plat, and street tree fees paid prior to release of the final plat. The plan will allow the city to establish street trees per the Tree Regulation standards in Chapter 12.32 of the Canby Municipal Code. 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.

Monumentation/Survey Accuracy Conditions

39. 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:


40. Construction of all required public improvements and recordation of the final subdivision plat must be completed prior to the construction of any homes.
41. 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.
42. The homebuilder shall apply for a City of Canby Erosion Control Permit.

43. All residential construction shall be in accordance with applicable Public Works Design Standards.
44. On-site storm water management shall be designed in compliance with the Canby Public Works Design Standards.
45. 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.
46. 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.
47. Sidewalks and planter strips shall be constructed by the developer and shown on the approved tentative plat.
48. 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.

I CERTIFY THAT THIS ORDER approving **SUB 17-06 Redwood Landing Subdivision** which was presented to and **APPROVED** by the Planning Commission of the City of Canby.
DATED this 11th day of December, 2017


John Savory
Planning Commission Chair


Bryan Brown
Planning Director


Laney Fouse, Attest
Recording Secretary

ORAL DECISION: December 11, 2017

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

WRITTEN DECISION: December 11, 2017

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

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – Monday, December 11, 2017
City Council Chambers – 222 NE 2nd Avenue

PRESENT: Commissioners John Savory, John Serlet, Larry Boatright, Derrick Mottern, Tyler Hall, and Andrey Cherishnov
ABSENT: Commissioner Shawn Varwig
STAFF: Bryan Brown, Planning Director, and Laney Fouse, Recording Secretary
OTHERS: Rick Givens, Michael Tate, Deone Lewelling, Jerry & Linda Corcoran, Carol Palmer, Jo & Eric Recht, Damon & Cynthia Liles, Jim Boyle, Daniel Webb, Bob Cambra, Lynn McFadden, Steve Rouse, Sharon Weaver, Steve & Marilyn Lippincott, David Brost, and Jean Tate

1. CALL TO ORDER

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

2. CITIZEN INPUT ON NON-AGENDA ITEMS – None

3. MINUTES

- a. Approval of the November 11, 2017 Planning Commission Minutes

Motion: A motion was made by Commissioner Serlet and seconded by Commissioner Mottern to approve the November 11, 2017 Planning Commission minutes. The motion passed 6/0.

4. NEW BUSINESS – None

5. PUBLIC HEARING

- a. Consider a request for Redwood Landing Subdivision (SUB 17-06) at 1440, 1548, 1612 & 1758 N Redwood St. This Public Hearing was continued from November 13, 2017.

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

Commissioner Serlet visited the site.

Staff Report: Bryan Brown, Planning Director, said this was a request for an 89 lot subdivision on N Redwood Street. The lots were between 5,000 and 6,000 square feet. He discussed the site plan. Three tax lots were excluded from the preliminary plat, there was a Willow Creek riparian corridor, and there were future development tracks that were not proposed for development at this time because currently there was no access. He showed a picture of the preliminary plat which showed the natural area, slopes, and dedicated park land. Through the N Redwood Concept Plan document the park land was secured from the various property owners in an equitable manner. It also allowed the transfer of density of the developable part of the land by increasing the number of lots that would not have otherwise been allowed in the R-1 zone. The minimum lot size in the plan was 5,000 square feet. The three lots in the

middle that were not part of the development had a shadow plat to show how they might be developed in the future. This satisfied those property owners by slightly changing the position of the internal streets. Those lots were larger and would have to meet the maximum 7,000 square foot lot size and would most likely request a variance when they were developed. Public testimony had been received on this project and there was also a neighborhood meeting. One of the main issues was the condition of N Redwood Street and the misconception of what the City and Planning Commission could do to correct it as portions of the street were outside of the City's jurisdiction. Part of the proposal was to build one half of the street adjacent to this project to City standards. The City could not legally force the developer to improve the whole street as it would be more than their proportional share. It would be the City's responsibility to make the rest of the improvements. The City had a Capital Improvement Plan which included street improvements, but there were limited funds that had to be prioritized and it might be some time before these improvements were made. There was also concern regarding the volume of traffic being added to a substandard street and there was concern about the intersection of N Redwood and Territorial as it was already congested and unsafe. A full traffic study was done for the development and that intersection had been included in the study. The results indicated that the volume of traffic when this whole area was developed was still acceptable and installing a signal light was not warranted. A four way stop could be done, but it was not recommended because the volume of traffic was much greater on Territorial than it was on Redwood. The Traffic Safety Commission was looking further into this issue. He then described the revised future street plan. The internal east/west streets and the street along the park were considered major streets and would be full standard width local streets. The internal north/south streets were proposed to only be 28 foot wide pavement. In the code, 7 foot parallel parking was allowed on both sides of 28 foot wide streets, but that would not allow enough room for two cars to pass. The Fire Department recommended not allowing parking on both sides. The applicant had recently agreed to change the width of those streets to a standard local street width that would allow parking on both sides. This would make the sidewalks fall out of the right-of-way and onto the private property through a pedestrian easement, which was not unusual in the City. There would be future streets to the north and south that were included in the Concept Plan and the stubbed streets would allow for a similar road pattern that was adopted in the Plan. The only way to reach the northernmost property was through a cul-de-sac even though the Plan strongly discouraged the use of cul-de-sacs. There was testimony from the owner of that property who felt like his property was being limited by this proposal, however this was the best the applicant could do to provide access to the property. It was important that the street along the park would be able to continue along the properties that were yet to be developed for circulation purposes, however the property owners thought that it limited their future development possibilities. Staff was following the Concept Plan for this area. It was difficult to do a reasonable subdivision that would allow every property owner to maximize their future development ability. He thought the proposal did the best it could to balance these issues. The shadow plat showed a potential reasonable manner for developing the adjacent properties that still created the circulatory road system the Plan asked for. The Plan asked to have as much of a grid layout as possible, have as few cul-de-sacs as possible, place streets along property lines as much as possible, and recognize future redevelopment of all the properties. The property owners to the north would like to keep their houses and several homes in the proposed plat area had been preserved. This proposal did not lock in the street pattern outside of the subdivision, but they were setting where the

streets were likely going to go. Staff recommended approval of the application with conditions. He then reviewed the conditions. There would be a water quality facility for storm drainage at the end of NE 17th where it ran into the park that would flow to the wetlands and creek on the park property. There was a condition that this facility be pulled up toward the street to allow for future maintenance. All of the other drainage would be handled on site on the individual lots. Another option would be to have the facility located on a separate tract. The City was willing to provide the long term maintenance for this facility. Condition #7 addressed the on street parking for the 28 foot width streets, and the applicant was now proposing a wider street and this condition would not apply. There would need to be turnarounds on all of the stubbed streets if the Fire Department required them. These would be temporary until the streets were continued through. The applicant was dedicating an additional 10 feet of right-of-way on N Redwood for the future half street improvement. There would not be room for any on street parking even with this dedication.

Applicant: Rick Givens, representing the applicant, said they had asked for a continuance to work on some issues with the property owners. The owners of the three interior properties hired an engineer to come up with a layout that they thought best served their future development. The applicant had revised his plan to match that layout which would give them the best access. The applicant also revised the plan to provide a different layout for N Spruce Street so it would not conflict with a neighboring property's house. The future street plan was not a development proposal for other properties, but showed conceptually that the street stubs the applicant was proposing would allow for a reasonable plan that fit the Concept Plan as much as possible. They were transferring density as the Concept Plan envisioned. A large area would be dedicated for a park. The plans included lots as small as 5,000 square feet and they were trying to balance the higher density with the future 7,000 square foot lots on the neighboring properties. They were balancing it by reducing street widths and side yard setbacks. Each lot would have at least two parking spaces, and many would have three. The homes would be 2,000 to 3,000 square feet and would be quality homes. They had revised the proposal to make all of the streets 34 feet wide which would result in sidewalks going into an easement. The applicant was fine with that. The additional width was important to allow on street parking. He suggested Condition #7 be revised to reflect the 34 foot wide streets, 4.5 foot planter strips, and 6 foot sidewalks and that the sidewalks could extend 3 feet into the adjoining lots through a pedestrian easement. Condition #9 talked about the turn arounds for the interior streets and he thought they could work with the Fire Department for alternatives other than building turn arounds, such as putting sprinklers in the homes. If required, they would put in the turn arounds. The previous Condition #10 had been replaced with a new Condition #10 regarding the stormwater detention facility. He thought the facility could be located in an area that would work well for the City. Condition #32 said the applicant must specify which lots were proposed for dwelling setback reductions and which lots were proposed for minimum lot frontage widths of 50 feet. The standard lot frontage width was 60 feet and he listed the lots that met that threshold. All of the rest they were asking for a reduction. They were also asking that a five foot setback rather than a seven foot setback be allowed on any lot less than the 60 foot width. This allowed them to put in homes consistent with the area. Condition #34 talked about the dedication of 6.45 acres for a public park. The number of acres was a little more, but it might be changed if they made a separate tract for the stormwater facility. He asked that the condition not be worded so tightly to allow some flexibility. He thought it could say that at least 6 acres would be dedicated. The

application would also be subject to the reimbursement provisions in the N Redwood Concept Plan to allow for credits for Park SDCs. They had tried to be good neighbors and to be consistent with the Plan and the neighborhood's wishes.

Proponent: Cynthia Liles, Canby resident, asked if the new street width would affect the size of the lots. Mr. Brown said it would not change the lot size, but a portion of the sidewalk would be on the property and would be slightly closer to the front of the homes. It would affect the size of the usable yard.

Ms. Liles was in favor of the development, but had concerns regarding the density transfers that allowed this development to be 89 lots. She was on the committee that helped create the Concept Plan and they had envisioned a total of 115 lots for the R-1 area. She did not think the vision for the R-1 low density area was to be a medium density neighborhood. This would continue throughout the whole development unless it was changed. Mr. Brown said in order to assure that the park land was dedicated, a transfer of density was allowed. At the time they did not look at what the maximum number of lots would be, but had designed one scenario of what a total layout might be and how many lots that might be. That was only one scenario, and it could be less or more than that. This proposal had the greatest amount of park area on it and would end up with this greater density. There was a drawing in the Concept Plan that explained how the density transfers would be calculated. The Plan had only provided a range, not an exact amount of lots that the transfers would create.

Ms. Liles said in those Concept Plan discussions it had been presented as some density transfer and only a few lots. She thought this was too many lots in this area. Mr. Brown said they had known this was a possibility, and that was why they had put in a minimum of 5,000 square foot lots in the Plan.

Ms. Liles said it was a concern of the neighborhood that they had gone from a low density residential to a medium density residential situation. She was in favor of her neighbor developing but was concerned about the lot sizes and the number of homes.

Opponents: Daniel Webb, Canby resident, was representing three of the property owners in this area. The properties were just north of this site. He did not think they had attempted to minimize the adverse impacts of new development on fish and wildlife habitat. The applicant was proposing to discharge all of the stormwater into Willow Creek, which was a fish bearing stream and flowed directly into the Willamette River. The creek and wetlands were home to a number of animal species. In recent years the creek had become shallower from an influx of sand and silt which came from a nearby subdivision. He was concerned the creek would not be able to disperse the contaminated water from the subdivision fast enough to prevent the stream and wetlands from becoming a wasteland. He did not think the stormwater facility would be able to treat the contaminated water effectively before it got to the stream and wetlands. He thought modern techniques should be used, such as bio swales, streetscape raingardens, and drywells. The remaining stormwater could be piped north on Redwood to the stormwater basin fish eddy site owned by the City. The Concept Plan had a street layout with 4.5 foot planter strips and bio swales. He had served on the Concept Plan committee and thought that was how the stormwater would be handled. He also had no idea that there would be this many lots and most would have smaller setbacks as well. He thought there should be a fence on the north boundary to protect the public and keep them off of private property. Regarding the

future extension of Sycamore, it appeared this future street location was already set in stone. Staff thought it had to be extended to 18th, but he did not think it would ever be built because the cost for that extension outweighed any potential profits from development. It also prevented several lots from being fully developed as the street would take up a lot of the buildable land. Those properties had access to Redwood Street now. If the Planning Commission approved this application, it would require this street to be built which would create a monetary damage to those property owners as it removed their development potential. He suggested a different alignment so this was not an issue.

Jerry Corcoran, Canby resident, owned one of the parcels in the middle of the development. He was the only land owner that would lose his house as a proposed street would run through his living room. He was concerned that the density was changing from low to medium density.

Bob Cambra, Canby resident, was not opposed to the development, but requested the project be amended to add a second traffic impact study after half of the houses were built in the development to verify no mitigating requirements would be needed on the intersection of Redwood and Territorial or Redwood and 99E. He thought the study that was done met all of the standards, but it was based on two days of two hours of gathering data. He frequently used Territorial and he knew how busy the street was. He thought there needed to be realistic recognition of a possible problem and that the impacts be reevaluated. Mr. Brown said the traffic study that was done indicated that with full development of the whole 64 acres that Redwood would be able to handle the expected increases and would still not warrant a traffic signal.

Mr. Cambra wanted it on the record that he believed this would be a problem. Commissioner Serlet thought this was a Traffic Safety Commission issue and he encouraged Mr. Cambra to take his concerns to that committee.

Mr. Brown clarified that when other surrounding properties decided to develop, they would have to do traffic studies for their developments as well. He had the ability to waive that requirement, but it sounded like he should not waive it due to the concerns of the additional impacts over time. He agreed there would be additional traffic, but the street was designed to handle the traffic. There was an adopted level of service in the standards that allowed the streets to be more congested until they reached a point where mitigation was required.

Mr. Cambra hoped that with each new development, traffic studies would be required.

Carol Palmer, Canby resident, was shocked that the traffic study indicated no changes were needed. Redwood was the on and off ramp for all of the City and Canby Utility maintenance vehicles. It was also cut through traffic for trucks going from 99E to Territorial. There were also farmers with tractors on Redwood. She asked that there be future traffic studies done.

Jo & Eric Recht, Canby residents, lived adjacent to the area proposed for development. Ms. Recht knew that the development was coming and she was not opposed to it. She and her husband had participated in the development of the Concept Plan and supported the outcome. This area had been designated for R-1

density and 7,000 square foot lots. There was language allowing certain exceptions to the lot size and they had hired an engineer to create a layout that would meet the 7,000 square foot lot layouts. They did not anticipate that the 5,000 square foot lots were the rule and not the exception. The Concept Plan envisioned 115 lots in the R-1 area. This proposal was for 89 lots, and the six acres in the middle that was yet to be developed would be 24 lots. That would take up the R-1 lots, and there was more R-1 land to be developed. The Concept Plan had broad community support and this proposal did not meet the spirit of the Plan. They were concerned about devaluing property and having a neighborhood that was not built to the standard that had been agreed upon. They opposed the plan due to the substandard lot sizes. Not only was the applicant asking for full density transfer, but also a waiver of Park SDCs. They would like to know the financial compensation the applicant was getting for their property including the SDC waiver and value of the added lots through the density transfer. They questioned the impact of the run off from these larger homes on small lots. Mr. Recht also questioned the Park SDC waiver and whether the applicant would receive money from the N Redwood account or if they would owe money to the N Redwood account. Mr. Brown said there was a condition of approval that the applicant would follow the formula as outlined. It would not allow them to get density transfer for additional lots and SDC credits for those additional lots. The credit was for the land being dedicated to the park. He had not done the calculation to know whether or not the City would owe them money for the park dedication.

Ms. Recht said this application was not what was represented in the Concept Plan discussions and did not follow the spirit of the Plan. Mr. Recht said they were changing a low density area to a medium density area.

Neutral: Sharon Weaver, Canby resident, was in favor of the development, but did not like the proposed application due to the increased density. She was also concerned about the impact of people's access to the park and adjacent wetlands. Keeping people out of the wetlands and from the border of the property had not been addressed. She thought visibility at the intersection of Redwood and Territorial was an issue, especially since there were pedestrians accessing the Logging Road Trail in that area. She was unclear whether the traffic study took that into account.

Rebuttal: Mr. Givens said there was a disconnect between what people thought the Plan would do and the technicalities of what the Plan actually did. He had followed what was in the Plan and the code. There had to be enough density to make the development work financially. The Plan allowed density transfer from the park dedication. The average lot size was between 5,000 and 6,000 square feet. The overall density was below what a typical R-1 development would achieve. The lots and setbacks would allow them to build homes that would be compatible with the neighborhood. Regarding the traffic study, the applicant paid for the City's traffic consultant to do the study. The applicant had no input into the recommendations the traffic report generated. The study found that there was adequate capacity for all of the projects in the Concept Plan. He did not see a reason to do another traffic study halfway through the project. Regarding the stormwater treatment, there would be individual stormwater raingardens on the lots. The natural drainage for the site was towards the creek and they were not redirecting the water. The facility would have a detention basin for the water with plantings that would treat the water before it was released into the creek. The water would be metered out and released at the rate that natural run off would occur. There would be 4.5 foot planter strips as well. Regarding

fencing along the north property line, that would have to go through the wetlands and he did not think that could be done. The wetlands would be dedicated to the City along with the park area and the trails system proposed came directly from the Concept Plan. The extension of Sycamore would require the removal or relocation of an existing house. That was not unusual with development. If they wanted to do something different when they developed, that was their prerogative. The neighbors' design had shown the road going through Mr. Corcoran's property and they had said he was fine with it. That development could be worked out in the future. Most of the testimony was in regard to the density, and the applicant was following what the Plan called for.

Chair Savory did not think the density transfer was adequately communicated to the neighbors.

Mr. Givens agreed, however the applicant was following what the code said and should be allowed to develop the property consistent with the adopted Concept Plan. He confirmed the City would not be paying them money for the Park SDCs. The amount in SDCs the applicant had to pay would be reduced due to the park land dedication. The density was consistent with low density development. It was not unique to have the density clustered as it was allowed elsewhere in the City. The code allowed what was being proposed and the applicant was committed to building a good neighborhood.

Chair Savory closed the public hearing.

Deliberations: Commissioner Mottern felt for the folks who had participated and given input into the Concept Plan and who thought this application was different from what had come out of that process. The Commission could not change the code, however, and this application met the code.

Mr. Brown discussed the Concept Plan process that had taken place, and how they could not anticipate who would develop first and if there would be collaboration with the neighbors. The ideal scenario was for everyone to annex and develop at the same time and the plan could be implemented exactly as it was envisioned. That had not happened, and there were unexpected aspects that had not been accounted for during the planning process.

Commissioner Serlet also had concerns about Willow Creek. The City was still having issues with funding for park maintenance, and this would be a large park. If this density was allowed in R-1, he wondered what the R-1.5 and R-2 would look like. This application met all of the requirements, and though he did not want to approve it, he thought he would have to.

Commissioner Cherishnov was also concerned about the lack of park maintenance. It did state in the Concept Plan that if an alternative lot layout was used, the average minimum lot size could be reduced to 5,000 square feet.

Commissioner Boatright looked at the original Concept Plan map that all the neighbors had agreed to and compared it with the applicant's map. It did look like on the applicant's map that the lots around the existing neighbors were bigger and the

smaller lots were to the south portion bordering the higher density areas. The application met the code and he was in support.

Chair Savory thought the density transfer issue should have been made clearer when the Concept Plan was done. This application met the code and if it met the code, the Commission had to approve it.

Motion: A motion was made by Commissioner Boatright and seconded by Commissioner Hall to approve Redwood Landing Subdivision (SUB 17-06) with the recommended conditions of approval except to eliminate Condition #7. Motion passed 6/0.

Ms. Recht thought this language had been written this way by staff working in conjunction with Allen Manuel who was related to one of the property owners. It was written intentionally knowing what the property owner wanted to do with this property. Chair Savory suggested Ms. Recht file an ethics complaint if she felt that strongly about it.

- b. Consider a request for a Site and Design Review/Conditional Use Permit/Planned Unit Development (DR 17-07/CUP 17-06/PUD 17-01) to construct a fitness building, pool pavilion, golf cart storage building, and parking lot improvements to add 60 new parking spaces at Willamette Valley Country Club, 900 Country Club Place.

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

Chair Savory had visited the golf course and played golf there.

Commissioner Cherishnov had jogged by the site many times.

Staff Report: Mr. Brown said this was a request from the Willamette Valley Country Club to construct a new fitness center with an outdoor swimming pool and a new golf cart storage building. In order to do so, they had applied for a Site and Design Review, Conditional Use related to the accessory uses to a golf course, and a Planned Unit Development overlay in order to put in the swimming pool. Staff thought a PUD application was not really appropriate as it was typically used for planning the development of a large area and he recommended the Commission discard the PUD application. The use issue they were utilizing for a swimming pool could be addressed through the Conditional Use Permit. The Commission could consider if the proposal was for typical golf course accessory uses and if they found the uses were outside of the bounds, the Commission could deny the application. This was an underlying R-1 zone and was designated in the Comprehensive Plan to be used for private recreation. Unfortunately there was no corresponding zoning district in the Development Code to go with the private recreation designation and the property was zoned R-1. This affected the buildable lands inventory as the entire golf course was included in the R-1 zone and the Urban Growth Boundary could not be expanded due to this available R-1 land. He explained the vicinity map on N Maple Street and site location and zoning. Staff found that the application met all of the Site and Design Review requirements. He then discussed the site plan. The pre-application site plan had been sent out with the notices, but that site plan had been changed. The location of the pool and fitness building had been flipped to where the extended parking lot for the pool had been located. The pool and fitness center were now on the eastern edge so there was only one residential home to

the south that abutted the new building. They set the building 15 feet off and it was up to the Commission if that was an adequate buffer distance from the adjacent properties. The building would serve as a sound barrier to the swimming pool. There was written testimony stating a concern about the air conditioning units on the building being in proximity to a house or two. They were also adding 38 parking spaces around the swimming pool and another 22 spaces on the opposite end of the parking which gave a total of 60 new parking spaces. The new facilities would increase traffic as members would be coming more often and the whole family could utilize the new facilities, however they would not be increasing their membership. Increased traffic was also a concern to the neighbors, especially on N Maple. The Country Club had asked for an outdoor swimming pool before and had been denied. Some of the reasons for denial were the compatibility with the adjacent residential uses and concern regarding additional traffic. This proposal was different from the previous one and staff thought it was a good layout. The applicant had talked about rebuilding the sidewalks on Maple and he thought that should be clarified with the applicant. One public comment had been received that was not included in the packet. It was from David and Sherry Brost and their main concern was confusion regarding the site plan switch. The concern was about the size of the building and how close it was to their home, but he thought that concern was based on the pre-application site plan and not the proposed site plan. Staff recommended approval of the Site and Design Review and did not make a recommendation on the Conditional Use primarily because the applicant did not provide a narrative explaining how they met the review criteria. He had encouraged the applicant to explain to the Commission how the facility was different from the facility that was previously proposed. He left it up to the Commission to decide whether the proposed uses were considered normal accessory uses for a golf club.

Applicant: David Hyman, DECA Architecture, was the architect for the project. The applicant was proposing a 4,700 square foot fitness center. This would help the Country Club remain competitive in the amenities they offered. Most fitness centers had pools as well. Regarding the air conditioning units, these units would be to the north of the building and would be shielded from the neighbors. In addition to the buffering from the parking lot, the grade of the lot would be recessed about three feet which would further block headlights. They were not proposing to rebuild the sidewalk, but would provide handicap access ramps to the sidewalk on both sides. He discussed the criteria for the Conditional Use. The proposal was consistent with the policies in the Comprehensive Plan and the requirements of other applicable policies. The golf course was private recreational in the Comprehensive Plan and was a Conditional Use in the R-1 zone. It had been that way for years, and he thought they were in compliance. The characteristics of the site were suitable for the proposed use. This was a large site with generous open space. The building placement was at the topographical low point of the site and would block the pool as much as possible from the adjacent neighbors. The lights had been shielded, there was a landscape buffer across the southern end of the site, and there was a natural landscape buffer on the west side. The pool would be fenced as well. He showed the differences between the current plan and the one that was proposed in 2002 which was in a similar location but the pool faced the neighborhood. The current plan had the building blocking the pool so all of the noise would go to the east and north. The applicant had an acoustical engineer analyze the effect of the pool and with the buffering of the building, landscaping, and distance from the property line the highest level of decibels would be 48 to 55 decibels, which was less than an air conditioner. All required public facilities and services existed to meet the needs of the development. The utilities were adequate and there would be a negligible traffic impact. They were not trying to increase membership, but to add amenities for current members. The proposed use would not alter the character of the surrounding area. This project had been designed to minimize the impact to the neighborhood.

Proponent: David Brost, Canby resident, was pleased to see that the site map was flipped. The parking lot would be somewhat close to his home, but there would be screening on the parking lot lights and there would be landscaping that would help with buffering. The Country Club was a good neighbor and he was in support of the project.

Opponent: Bob Cambra, Canby resident, utilized Maple Street for exercise. This application did not take into consideration the impact on traffic on Maple between Territorial and the golf course. More homes were being built in this area and more people would be using the new amenities at the golf course. This would increase traffic and become a safety issue. He provided pictures showing pedestrians walking in this area and how dangerous it was. The condition of the streets was already poor and there would be more traffic with the new homes and golf course upgrade. This was an issue that needed to be addressed.

Neutral: None

Rebuttal: None

Chair Savory closed the public hearing.

Deliberations: Commissioner Serlet shared the concern regarding traffic. Many projects had been recently approved that would compound the problems on Territorial. At the same time he thought they needed to do everything they could to preserve the golf course and enhance their ability to compete. Things would be even worse if the golf course sold the property and it was developed. He was in favor of this action. He suggested Mr. Cambra work with some of the City's committees on these issues.

Commissioner Mottern was in favor of the application. He thought it was a good addition and an appropriate use.

Commissioner Hall said there were going to be improvements to Maple with the new development that should alleviate some of these issues.

Motion: A motion was made by Commissioner Mottern and seconded by Commissioner Hall to approve Site and Design Review and Conditional Use Permit (DR 17-07/CUP 17-06) with the deletion of the Planned Unit Development (PUD 17-01) and modification of Condition #3 to require the applicant to construct ADA compliant sidewalks. Motion passed 6/0.

- c. Consider a request for a Text Amendment (TA 17-01) to change the name of the Historic Review Board and increase board membership by adding one non-voting position for a Canby High School student

Chair Savory opened the public hearing and read the hearing statement.

Staff Report: Jamie Stickel, Main Street Manager, was the staff liaison to the Historic Review Board. This was a request for a text amendment to add a non-voting position for a Canby High School student, to change the title of the HRB, and to add verbiage regarding the Chair and Vice Chair. They would like to engage youth on a more consistent basis, foster civic participation, and help fulfill community service requirements for the students. The name Historic Review Board did not reflect what this body had been doing and they would like to be known as the Heritage

and Landmarks Commission. This committee's bylaws were not consistent with other City committees and the changes to the verbiage would make them consistent.

There was no public testimony.

Chair Savory closed the public hearing.

Commissioner Serlet disclosed he was a member of the Historic Review Board and would abstain from the vote.

Motion: A motion was made by Commissioner Hall and seconded by Commissioner Cherishnov to approve the Text Amendment (TA 17-01) to change the name of the Historic Review Board and increase board membership by adding one non-voting position for a Canby High School student. The motion passed 5/0/1 with Commissioner Serlet abstaining.

6. FINAL DECISIONS

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

a. Redwood Landing Subdivision (SUB 17-06)

Motion: A motion was made by Commissioner Serlet and seconded by Commissioner Mottern to approve the final decisions for SUB 17-06 with the amendments made previously. The motion passed 6/0.

b. Willamette Valley Country Club (DR 17-07/CUP 17-06/PUD 17-01)

Motion: A motion was made by Commissioner Mottern and seconded by Commissioner Hall to approve the final decisions for DR 17-07 and CUP 17-06 with the deletion of PUD 17-01 and with the amendment to Condition #3. The motion passed 6/0.

c. Historic Review Board (TA 17-01)

Motion: A motion was made by Commissioner Hall and seconded by Commissioner Cherishnov to approve the final decisions for TA 17-01. The motion passed 6/0.

7. ITEMS OF INTEREST/REPORT FROM STAFF

The next Planning Commission meeting would be held on January 8.

8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION

None

9. ADJOURNMENT

Motion: A motion was made by Commissioner Mottern and seconded by Commissioner Serlet to adjourn the meeting. The motion passed 6/0. Meeting adjourned at 10:06 pm.



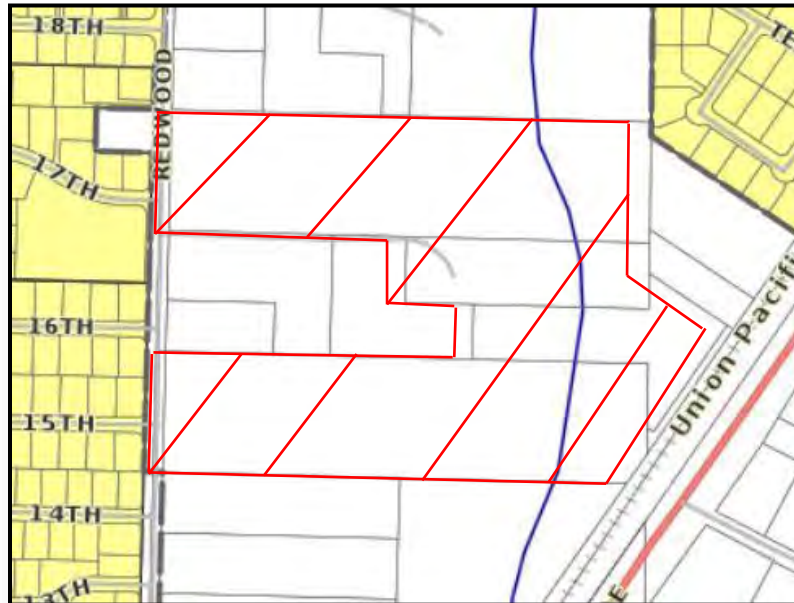
City of Canby

REDWOOD LANDING SUBDIVISION STAFF REPORT

FILE #: SUB 17-06

Prepared for the November 13, 2017 Planning Commission Meeting

LOCATION: 1440, 1548, 1612, 1650, 1758 N. Redwood Street
ZONING: R-1 Low Density Residential
TAX LOTS: 31E34B00700, 00701 and 31E27C00301, 00500, 01200 (Highlighted Below)



LOT SIZE: 25.21 total acres

OWNERS: Ethan and Stephanie Manuel, Hugh, John, James, Kathleen, and Kristeen Boyle, Karen Seratt, Pamela King, Rebecca Gray, Steven Steward

APPLICANT: Icon Construction and Development, LLC – Rick Givens, Planning Consultant

APPLICATION TYPE: Subdivision (Type III)

CITY FILE NUMBER: SUB 17-06 – N Redwood Landing Subdivision

I. PROJECT OVERVIEW & EXISTING CONDITIONS

The applicants propose to subdivide properties consisting of 25.21 total acres into an 89 lot subdivision for low-density residential development. The existing five parcels are currently in

residential/woodlot use. The subject properties are situated on the east side of N. Redwood Street approximately 1000 feet south of NE Territorial Road and approximately 1700 feet north of Highway 99E and also extend to the east across Willow Creek. A portion of the subject properties (6.45 acres) located along Willow Creek will be dedicated to the City for a natural park area. The applicant has delineated portions of the subdivision east of the Willow Creek riparian area as "Tract A" and Tract B" that are planned for future development with the extension of N. Teakwood Street. The properties were annexed by Ordinance No. 1444 on June 15, 2016 as a 31.83 acre annexation that also included a Zone Change/Comprehensive Plan Amendment Application which changed the zone from Clackamas County Rural Residential Farm Forest 5-Acres Zone to City of Canby R-1 Low Density Residential Zone and also assigned the properties a low density residential designation in the Canby Comprehensive Plan. The parcels were included in the North Redwood Development Concept Plan (NRDCP) that was approved by the City Council in 2015. Although the subdivision comprises 25.21 acres of the 65.31 acre NRDCP, it closely follows the development patterns delineated in the development concept plan map. The subject parcels surround three existing lots that are part of the NRDCP but are not included as part of this subdivision application. The properties are bordered by small parcels in use as residential woodlots to the north, south and east and developed residential lots to the northeast and west. A portion of the subdivision along Willow Creek is delineated in a designated FEMA floodplain. However, the 6.45 acre riparian/wetland area along Willow Creek within the subdivision is set aside as a park dedication (Tract C) to the City of Canby, and the dedication includes the floodplain area where development will not occur. The dedication area also includes some potentially developable land that allows for density transfer.

II. ATTACHMENTS

- A.** Application form
- B.** Application narrative
- C.** Pre-application meeting minutes
- D.** Neighborhood meeting notice, notes, and attendance sheet
- E.** Warranty Deeds
- F.** Vicinity Map
- G.** Assessor Map
- H.** Record of Survey
- I.** Preliminary Plat Map and Associated Drawings
- J.** Agency Comments
- K.** Citizen Comments
- L.** North Redwood Development Concept Plan

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
- 16.13 North Redwood Plan District
- 16.18 R-1 Low Density Residential Zone

- 16.37 Riparian Overlay Zone
- 16.39 Wetland Overlay 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
- 16.130 Riparian Preservation
- 16.140 Wetlands
- North Redwood Development Concept Plan
- City of Canby Comprehensive Plan

Findings:

As previously mentioned, the subject properties were included with a 31.46 acre annexation that involved nine separate parcels. Lots identified as tax lots 300, 1300, 1301, and 1302 which are within the annexed area are not part of this subdivision. A Development Concept Plan for the properties was also approved by the City Council in 2015. A Traffic Impact Study (TIS) for development resulting from the subdivision was performed by DKS in August 2017 and reached the following conclusions.

Based upon the analysis presented in this report, it was determined that the proposed project would not generate significant off-site traffic impacts. Therefore, no off-site mitigation is recommended for the proposed project as a result of traffic impacts. Below is a summary of the project impact as well as recommendations aimed at meeting the City's roadway standards and improving safety and connectivity, including:

- *The site plan for the proposed subdivision is generally consistent with the North Redwood Development Concept Plan, providing consistent access and circulation to N Redwood Street.*
- *Both proposed access roads and existing driveway to the proposed subdivision meet the City's access spacing standards.*
- *Upon preliminary evaluation, there are no sight distance concerns along the proposed access roads off N Redwood Street. Prior to occupancy, sight distance at any existing access points will need to be verified, documented, and stamped by a registered professional Civil or Traffic Engineer licensed in the State of Oregon.*
- *It is recommended that the developer construct an enhanced crossing including crosswalk striping, pedestrian crossing signage, and adequate lighting at the crosswalk at the N Redwood Street/ NE 15th Avenue intersection to facilitate the pedestrian connection from the ICON development to the Logging County Road Trail.*

- *The east side of N Redwood Street will need to be constructed to collector street standards, including sidewalks and adequate roadway lighting, along the project frontage.*
- *Based on current 24-hour traffic data and warrant analysis, it was determined that an all-way stop is not warranted at the NE Territorial Road/N Redwood Street intersection under existing conditions or project build out conditions.*

Public utilities are currently located at N. Redwood Street along the west side of the proposed subdivision and can be extended as development occurs Storm drainage for streets is shown collected and directed to a water quality facility located in the park area near the wetland, and some storm water is directed to an existing line in N. Redwood Street, and sewer connections can be made at the street frontage.

The City Engineer had the following suggestions concerning storm drainage to the water quality facility.

I would suggest the water quality/detention facility be in a separate tract and not part of the City park. It is a public facility that the City should maintain since it involves public road stormwater runoff. I prefer if they can pull it up toward the street and let the runoff flow through the buffer prior to entering the wetland. This way we can eliminate the need for access. The City needs to be able to reach the facility for maintenance, and the proposed site away from the roadway would be difficult to access.

Sidewalks are planned along both sides of the street frontages and will fall within the proposed R.O.W., when utilizing a 4.5 foot planter strip. The NRDCP envisioned utilizing 8 foot planter strips that would serve as vegetated swales for storm water runoff. This would force the sidewalk closer to the homes and require a sidewalk easement in conjunction with the standard 12 foot PUE along the front of all lots.

Chapter 16.13 lists criteria for the North Redwood Plan District that implements the NRDCP. Where practical, the proposed subdivision is delineated to follow the development concept plan design that was included as part of the approval. Streets will align with the shadow plat design of the plan for connectivity where non-participating properties in between the proposed lots and outside the subdivision will be developed at a later date. The applicant provided a response to the criteria listed in Section 16.13.010(C), and staff concurs with the applicant's statements in the submitted narrative.

The subject properties are zoned R-1 and only single-family homes are proposed within the subdivision. According to the applicant's information, and lot sizes range from 5,000 square feet to 20,111 square feet with most lots proposed between 5,000 and 6,000 square feet. A minimum lot size of 7,000 square feet and a maximum of 10,000 square feet is allowed in the R-1 zone, under provisions in Section 16.16.030(A). However, under Section 16.16.030(B) the Planning Commission can approve an exception to the minimum and maximum lot size as part

of a subdivision if standards in 16.16.030(B)(a) are met. In part, Section 16.16.030(B)(a) states the following:

For land in the North Redwood DCP area, the Planning Commission may allow public park land dedications to be included in the lot size averaging calculation in order to achieve community development goals and allow protection of natural resources; in this case, the resulting average lot size shall not be less than 5,000 square feet. (Am. Ord.1422, 2015)

Because a portion of the subdivision will be dedicated to parkland, the applicant was able to use the above provision to include the developable portion of the parkland dedication within the lot size averaging for the subdivision. None of the proposed lots are below 5000 square feet in size and the applicant calculated an average lot size of 5,784 square feet. As described under Section 16.16.030(B)(b) and 16.13.(D)(4), the applicant must use the alternate lot lay out criteria listed in 16.64.040 that states:

16.64.040(B)(3) Alternative lot layout. Applicants may deviate from standard lot setbacks and dimensions to accommodate dedicated interconnected open space or other natural areas. Clustered housing, lot-size averaging, and a mixture of approaches where building lots can be grouped into a smaller portion of the total development, reserving the remainder for open space or other natural areas. Alternative development layouts shall not exceed the underlying maximum density allowed by the zone.

On lots that range from 5000 to 6000 square feet, the applicant requested a reduction in the side yard setbacks from the required 7 foot to 5 feet and 10 foot on a corner lot street side yard that requires a 15 foot setback. Additionally, the applicant intends to reduce the minimum lot frontage width from the required 60 foot minimum to 50 foot for some lots. As a condition of approval, the applicant must specify at the public hearing which lots are proposed for setback reduction and which lots are proposed for minimum lot frontage of 50 feet in order for the Planning Commission to make a detailed decision.

The applicant responded to the criteria listed in Section 16.64.040(B)(4) for an alternate lot layout option. Staff reviewed the criteria and concurs that the option is appropriate for this subdivision, and all criteria can be met.

The applicant will dedicate 6.45 acres of riparian and wetland area as a park that is contained within the proposed subdivision. In this particular case, park SDC fees will be determined based on a land value formula that was created during the North Redwood Development Concept Plan process.

The formula for required SDC fees is based on appraised values. The value of the natural park area plus the appraised value of the developable park area and then minus the value of residential transfer from the developable area that will then equal the value of

North Redwood parks land dedication. The property owner will then minus the SDC's owed which will equal the net North Redwood parks contribution. If the property owner's land contribution is greater than SDC's owed, then the North Redwood account reimburses the land owner. If the property owner's land contribution is less than the SDC's owed, then the North Redwood property owner contributes some land and some park SDC's.

As previously mentioned, the eastern portion of the subdivision contains the, riparian habitat and wetlands of Willow Creek. Provisions to address these area are included in the overlay Chapters 16.37 and Chapter 16.39 and Chapter 16.130 and 16.140. Staff reviewed these chapters as well as the applicant's narrative, and concluded that all applicable provisions were successfully addressed in relation to the proposal.

The applicant proposes a 28 foot width for low volume interior north/south streets that will limit parking to only one side of the streets in order to maintain 20 feet of clear emergency access for fire district response.

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.

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.

Ten feet of additional R.O.W will be dedicated adjacent to the N. Redwood Street frontage. This will bring the total R.O.W. to 60 feet which is enough for two lanes of traffic and bike lanes on both sides of the street but no on-street parking. On-street parking is considered optional on a collector street by the adopted cross section standard.

Three of the proposed lots (24, 25, and 26) are located within the area designated as parkland in the NRDCP map. Staff recommends that these three lots be eliminated from the subdivision and be left within the dedicated park area to conform to the NEDCP.

It should be mentioned that the NRDCP has placed a water quality facility on the proposed location of Lot 28 of the applicant's subdivision. The location and any possible alternative to the location must be discussed at the public hearing.

Staff has reviewed the applicant's narrative and submitted material and finds that this subdivision application conforms to applicable review criteria and design standards, and is consistent with appropriate Comprehensive Plan policies.

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.

NW Natural Gas commented as follows:

NW Natural has a 2-inch yellow poly gas main which runs along the private driveway with natural gas services to houses at 1594 and 1608 N. Redwood Street, 1612 and 1650 N. Redwood Street (proposed lots 69 and 75, respectively). NW Natural must maintain gas service to these existing customers at all times. The preliminary grading plan shows a 2-foot excavation to new finish grade near the south end of Sweetgum Street, which will likely impact the 2-inch gas main serving 1608, 1612 and 1650 N. Redwood Street. The subdivision construction process will need to be phased to ensure existing gas service is provided at all times until the impacted gas main is relocated and/or the impacted services are reconnected to a new gas main brought thru the subdivision. The existing gas main lives within a 5-foot utility easement, which may need to be quit-claimed by NW Natural if a portion of the easement falls within the new subdivision area to be platted. If the Developer plans to develop the proposed subdivision with natural gas then the Developer or the Developer's engineer should submit Developer contact information with final construction plans in Adobe .pdf format to NW Natural at www.ncproj.com. If the Developer wants to relocate the gas main in advance of subdivision construction please contact NW Natural FS3 Darrell Hammond at 541-981-0164 to initiate the main relocation process. NW Natural will need to charge for costs to relocate the gas main, unless the Developer is installing natural gas within the new subdivision.

Public Comments:

Alternative development designs were received from three property owners who own lots within land that is surrounded on three sides by the proposed subdivision and from three property owners to the north of the subdivision. To summarize, the owners surrounded by the proposal realigned streets that eliminated one lot from the proposed subdivision, and the alternative design from owners to the north proposed to dead end N. Sycamore Street at NE 17th Avenue. Complete comments and applicable drawings are contained in the file.

V. Decision

Based on the application submitted and the facts, findings, and conclusions of this report, staff recommends that the Planning Commission **approve** Subdivision SUB 17-06 pursuant 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 development shall comply with all applicable City of Canby Public Works Design Standards.
3. **The final construction design plans shall conform to the comments provided by the City Engineer in his memorandum dated October 20, 2017.**
4. **The builder or applicant shall comply with the NW Natural Gas comments dated October 27, 2017.**
5. **The applicant shall comply with the applicable recommendations listed in the DKS Traffic Impact Study dated August 2017 and in this staff report.**
6. **The applicant shall locate the drainage water quality facility to the City Engineer's satisfaction.**

7. On-street parking is restricted to one side of any street that is 28 feet in width.
8. Public improvements such as sidewalk and street improvements on N. Redwood Street are required during development.
9. Turnarounds shall be required at the end of all interior streets if directed by the Canby Fire Department determines that a street exceeds the typical 150 foot distance standard.
10. Lots 24, 25, and 26, located on the east side of N. Sycamore Street, shall be eliminated and the area dedicated as park land to conform with the NRDCP as envisioned and allow a future walkway through the park in this area.

Fees/Assurances:

11. 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.
12. If the applicant chooses to provide a subdivision performance bond for some or all of the required public improvements, the applicant shall obtain a certificate from the city engineer that states:
 - a. The applicant has complied with the requirements for bonding or otherwise assured completion of required public improvements.
 - b. The total cost or estimate of the total cost for the development of the subdivision. This is to be accompanied by a final bid estimate of the subdivider's contractor, if there is a contractor engaged to perform the work, and the certificate of the total cost estimate must be approved by the city engineer.
13. The applicant must guarantee or warranty all public improvement work with a 1 year subdivision maintenance bond in accordance with 16.64.070(P).
14. 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).

Streets, Signage & Striping:

15. **The applicant shall meet the Clackamas County recommended conditions of approval listed in the memorandum dated November 13, 2017 unless City of Canby standards are more stringent. The County Conditions are as follows:**

A. All required street, street frontage and related improvements shall comply with the standards and requirements of the Clackamas County Zoning and Development Ordinance and the Clackamas County Roadway Standards unless otherwise noted herein.

B. The applicant shall dedicate approximately 10 feet of right-of-way along the entire site frontage on N Redwood Street and verify by a professional survey that a 30-foot wide, one-half right-of-way width exists.

C. The applicant shall grant an 8-foot wide public easement for sign, slope and public utilities along the entire frontage of N. Redwood Street.

D. The applicant shall design and construct improvements along the entire site frontage of N Redwood Street to collector roadway standards, per Clackamas County Roadway Standards, Standard Drawing C130. These improvements shall consist of:

- a. A one half-street improvement with a minimum paved width of 18 feet from the centerline of the right-of-way. The structural section shall be designed and constructed per Standard Drawing C100 for a collector roadway.
- b. Inbound and outbound tapers shall be provided per Section 250.6.4 of the Clackamas County Roadway Standards.
- c. Standard curb, or curb and gutter if curb line slope is less than one percent, with the curb face located 18 feet from the centerline of the right-of-way.
- d. A 5-foot wide sidewalk behind a 5-foot wide landscape strip, including street trees shall be constructed along the entire site frontage. Where the sidewalk does not connect to sidewalk on adjacent property, the end of the sidewalk requires a concrete ADA compliant curb ramp, providing a transition from the new sidewalk to the edge of pavement.
- e. Dual curb ramps shall be provided at the proposed intersections of NE 15th Avenue and NE 17th Avenue, constructed per Standard Drawing S910. The designer shall complete the county ADA Assessment Checklist and provide a copy with the improvement plans. The county has adopted the following curb ramp design and construction standards:

Feature	Design Standard	Construction Standard
Ramp Slope	7.5%	8.33%
Ramp Cross Slope	1.5%	2.0%
Landing (turning space) Cross Slope	1.5%	2.0%

- f. Storm drainage facilities in conformance with City of Canby Standards and *Clackamas County Roadway Standards* Chapter 4. Any surface water runoff from the site to the N Redwood Street right-of-way shall be detained outside of the right-of-way in conformance with *Clackamas Roadway Standards*.

E. Adequate intersection sight distance, per Section 240 of the Clackamas County Roadway Standards shall be provided at the intersections with N Redwood Street. Intersection sight distance shall be based on a design speed of 30 MPH, requiring a minimum of 335 feet of sight distance north and south.

F. A note shall be placed on the plat indicating no access to North Redwood Street along the frontage of Lots 1, 5, 6, 44, 45, 48, and 89.

G. Utility Placement Permit shall be required for any utility work required within the right-of-way of N Redwood Street.

H. The applicant shall submit an Engineer's cost estimate to be approved by Clackamas County Engineering for the asphalt concrete, aggregates, and any other required public improvement in the Leland Road right-of-way.

I. Prior to commencement of site work and recording of the plat the applicant shall obtain a Development Permit from this office for design and construction of required improvements to Leland Road. To obtain the Permit, the applicant shall submit plans prepared and stamped by an Engineer registered in the State of Oregon, provide a Performance Guarantee, and pay an Inspection Fee. The Performance Guarantee is 125% of the approved Engineer's cost estimate for the required improvements.

16. The street improvement plans for N. Redwood Street frontage and the interior streets shall conform to the TSP and Public Works standards as indicated by the city engineer.
17. 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.
18. 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.
19. 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:

20. 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:

21. Stormwater systems shall be designed in compliance with the Canby Public Works Design Standards as determined by the City Engineer.
22. The applicant shall obtain DEQ approved drywells if proposed within the subdivision.

Grading/Erosion Control:

23. 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.
24. 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 for home construction.

Final plat conditions:

General Final Plat Conditions:

25. The applicant shall apply for final plat approval at the city and pay any applicable city fees to gain approval of the final subdivision plat. Prior to the recordation of the final plat at Clackamas County, it must be approved by the city and all other applicable agencies. The city will distribute the final plat to applicable agencies for comment prior to signing off on the final plat if deemed necessary.

26. 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.
27. The final plat shall conform to the necessary information requirements of CMC 16.68.030, 16.68.040(B), and 16.68.050. The city engineer or county surveyor shall verify that these standards are met prior to the recordation of the subdivision plat.
28. All "as-built" of City public improvements installed shall be filed with Canby Public Works within sixty days of the completion of improvements.
29. Clackamas County Surveying reviews pending subdivision plat documents for Oregon Statutes and county requirements. A subdivision final plat prepared in substantial conformance with the approved tentative plat must be submitted to the City for approval within one year of approval of the tentative plat or formally request an extension of up to 6-months with a finding of good cause.
30. The applicant shall record the final plat at Clackamas County within 6 months of the date of the signature of the Planning Director.
31. 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.
32. The City shall assign addresses for each newly created subdivision lot and distribute that to the developer, and other agencies that have an interest.
33. The applicant must specify at the public hearing which lots are proposed for dwelling setback reduction and identify which lots are proposed for minimum lot frontage of 50 feet in order for the Planning Commission to make a detailed decision.

Dedications

34. As stated by the City Engineer, the applicant shall dedicate by separate instrument 10 feet of R.O.W. width for the full length of the subject property along N. Redwood Street on the Final Plat.
35. The applicant shall dedicate 6.45 acres for a public park.

Easements

36. A dual 12 foot utility, pedestrian, and temporary street tree 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.
37. 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

38. A Street Tree Plan shall be submitted with the final plat, and street tree fees paid prior to release of the final plat. The plan will allow the city to establish street trees per the Tree Regulation standards in Chapter 12.32 of the Canby Municipal Code. 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.

Monumentation/Survey Accuracy Conditions

39. 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:

40. Construction of all required public improvements and recordation of the final subdivision plat must be completed prior to the construction of any homes.
41. 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.
42. The homebuilder shall apply for a City of Canby Erosion Control Permit.
43. All residential construction shall be in accordance with applicable Public Works Design Standards.
44. On-site stormwater management shall be designed in compliance with the Canby Public Works Design Standards.
45. 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.
46. 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 driveway widths shall be 24 feet with an allowed exception for 28 feet for a home with 3 or more garages.
47. Sidewalks and planter strips shall be constructed by the developer and shown on the approved tentative plat.
48. 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.

Chapter 16.13

PLAN DISTRICTS

Sections:

16.13.010 North Redwood Plan District

16.13.020 Placeholder for future plan districts

16.13.010 North Redwood Plan District.

A. Purpose

The North Redwood Plan District implements the North Redwood Development Concept Plan (NRDCP) and is intended to ensure that development within the North Redwood area is consistent with the land use pattern and transportation network established by the NRDCP. The North Redwood Plan District is also intended to provide some flexibility for new development in order to protect natural resources and emphasize the Willow Creek corridor as a community amenity.

B. Applicability

The standards and regulations in this chapter apply to all land within the North Redwood Plan District as shown on the City of Canby's North Redwood Plan District Map.

The provisions in this chapter apply in addition to standards and regulations established in the base zone and other applicable sections of the Canby Zoning Code. Where standards in this chapter conflict with standards in other sections of the Canby Zoning Code, this section will supersede.

C. Approval criteria

The following criteria must be satisfied prior to approval of any new subdivision or Planned Unit Development within the North Redwood Plan District as they apply to the area proposed for development.

1. Generally, new road alignments should be consistent with those identified on Figure 9 of the DCP. Changes to the identified road alignments may be approved to allow for topographic or other conditions.
2. There shall be a minimum of five connections to existing roads on the east side of North Redwood Street, built to the City's Local Street standard. To the extent possible, additional connections should not create offset intersections and should meet spacing standards in the Transportation System Plan.
3. A cul-de-sac shall only be allowed when environmental or topographical constraints, or compliance with other standards in this code preclude street extension and through circulation. The map in Figure 9 of the DCP identifies three locations where cul-de-sacs could be allowed.
4. One loop road shall be built through the North Redwood community, connecting NE 18th Place to NE 12th Avenue. The loop road shall be built to the City's

Neighborhood Route standards. Where possible, the loop road should travel adjacent to Willow Creek and provide access to Willow Creek trailheads and open space.

5. Where possible, other local streets in North Redwood should intersect with the loop road identified in (3) above.
6. At least one additional local street shall traverse the study area from north to south, connecting the area zoned for low density residential with the area zoned for high density residential.
7. Future local streets should be located to split parcel lines where feasible.
8. The land east of Willow Creek shall be accessed from an extension of North Teakwood Street and terminate in a cul-de-sac, hammerhead, or other appropriate turnaround.
9. Block size shall be consistent with the following:
 - i. Block widths should be approximately 280 feet whenever possible. Alternate block widths may be approved to allow for topographical variations
 - ii. Overall block length shall not exceed 600 feet
 - iii. A bicycle/pedestrian connection shall be provided at least every 330 feet, consistent with provisions in the Canby Transportation System Plan (TSP)
10. The park and open space corridor along Willow Creek, as identified in Figure 7 of the DCP, shall be provided through required land dedication for parks.
11. Applicants must demonstrate that future adjacent projects will be able to connect to proposed roads and other infrastructure in a way that will be consistent with the North Redwood DCP.

D. Lot area exceptions and lot size averaging.

The following exceptions to the City's lot size standards and lot size averaging provisions will be allowed for developments in the North Redwood Plan District.

1. The Planning Commission may allow public park land dedications to be included in the lot size averaging calculation in order to achieve community development goals and allow protection of natural resources.
2. The resulting average lot size shall not be less than 5,000 square feet in the R1 zone.
3. The resulting average lot size shall not be less than 4,000 square feet in the R1.5 zone.
4. Individual lot sizes may be less than prescribed in Sections 16.16.030 and 16.18.030 alternative lot layout option provided in Section 16.64.040 is used. (Ord. 1422, 2015)



City of Canby
Planning Department
222 NE 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: Icon Construction & Development, LLC Phone: (503) 657-0406
Address: 1980 Willamette Falls Drive, Suite 200 Email: mark@iconconstruction.net
City/State: West Linn, OR Zip: 97068

☐ Representative Name: Rick Givens, Planning Consultant Phone: 503-479-0097
Address: 18680 Sunblaze Dr. Email: rickgivens@gmail.com
City/State: Oregon City, OR Zip: 97045

☐ Property Owner Name: See Attachment B Phone: _____
Signature: _____
Address: _____ Email: _____
City/State: _____ Zip: _____

☐ Property Owner Name: _____ Phone: _____
Signature: _____
Address: _____ Email: _____
City/State: _____ Zip: _____

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

- 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>1440, 1548, 1612, 1650, & 1758 N. Redwood St.</u>	<u>25.21 Acres</u>	<u>31E34B 700 & 701</u>
Street Address or Location of Subject Property	Total Size of Property	Assessor Tax Lot Numbers
<u>Four single-family homes and various shops & outbuildings.</u>	<u>R-1</u>	<u>Low Density Residential</u>
Existing Use, Structures, Other Improvements on Site	Zoning	Comp Plan Designation

89 lot subdivision. All lots to be used for construction of single-family homes.
Describe the Proposed Development or Use of Subject Property

STAFF USE ONLY				
<u>SUB 17-06</u>	<u>9-19-17</u>	<u>If</u>		
FILE #	DATE RECEIVED	RECEIVED BY	RECEIPT #	DATE APP COMPLETE

Redwood Landing


Subdivision Application Attachment B

Property Owner Signatures


We hereby authorize Icon Construction and Development, LLC to apply for a subdivision on our property located at 1758 N. Redwood, Canby Oregon.

Legal Description: 31E27C 1200
Owners: John Boyle, Jim Boyle, Hugh Boyle, Kathleen Boyle,
Kristeen Boyle, & Karen Seratt
Mailing Address: John Boyle
20568 South End Rd.
Oregon City, OR 97045
Phone: 971-409-0957



Signature



Date



Signature



Date


Signature



Date

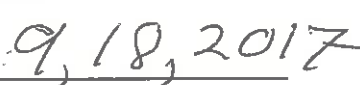

Signature


Date


Signature


Date


Signature


Date



City of Canby
Planning Department
222 NE 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: Icon Construction & Development, LLC Phone: (503) 657-0406
Address: 1980 Willamette Falls Drive, Suite 200 Email: mark@iconconstruction.net
City/State: West Linn, OR Zip: 97068

☐ Representative Name: Rick Givens, Planning Consultant Phone: 503-479-0097
Address: 18680 Sunblaze Dr. Email: rickgivens@gmail.com
City/State: Oregon City, OR Zip: 97045

☐ Property Owner Name: See Attachment A Phone: _____
Signature: _____
Address: _____ Email: _____
City/State: _____ Zip: _____

☐ Property Owner Name: _____ Phone: _____
Signature: _____
Address: _____ Email: _____
City/State: _____ Zip: _____

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

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- 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>1440, 1548, 1612, 1650, & 1758 N. Redwood St.</u>	<u>25.21 Acres</u>	<u>31E34B 700 & 701</u>
Street Address or Location of Subject Property	Total Size of Property	Assessor Tax Lot Numbers
<u>Four single-family homes and various shops & outbuildings.</u>	<u>R-1</u>	<u>Low Density Residential</u>
Existing Use, Structures, Other Improvements on Site	Zoning	Comp Plan Designation

89 lot subdivision. All lots to be used for construction of single-family homes.

Describe the Proposed Development or Use of Subject Property



STAFF USE ONLY				
SUB 17-04	9-19-17	If		
FILE #	DATE RECEIVED	RECEIVED BY	RECEIPT #	DATE APP COMPLETE

Redwood Landing
Subdivision Application Attachment A

Property Owner Signatures

We hereby authorize Icon Construction and Development, LLC to apply for a subdivision on our property located at 1440 N. Redwood, Canby Oregon.

Legal Description: 31E34B 701
Owners: Steven Stewart, Pamela King, & Rebecca Stewart Gray
Mailing Address: 2722 Constantine St.
New Carey, Texas 77357
Phone: 832-233-6292

Signature	Date
	9-19-17
Signature	Date
	9-18-17
Signature	Date

Redwood Landing

Subdivision Application Attachment A

Property Owner Signatures

We hereby authorize Icon Construction and Development, LLC to apply for a subdivision on our property located at 1440 N. Redwood, Canby Oregon.

Legal Description: 31E34B 701
Owners: Steven Stewart, Pamela King, & Rebecca Stewart Gray
Mailing Address: 2722 Constantine St.
New Carey, Texas 77357
Phone: 832-233-6292

Signature

Rebecca S. Gray

Date

9-18-17

Signature

St Stewart

Date

9-18-17

Signature

Date



City of Canby
Planning Department
222 NE 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: Icon Construction & Development, LLC Phone: (503) 657-0406
Address: 1980 Willamette Falls Drive, Suite 200 Email: mark@iconconstruction.net
City/State: West Linn, OR Zip: 97068

☐ Representative Name: Rick Givens, Planning Consultant Phone: 503-479-0097
Address: 18680 Sunblaze Dr. Email: rickgivens@gmail.com
City/State: Oregon City, OR Zip: 97045

☐ Property Owner Name: Proudest Monkey Development, LLC.
Ethan & Stephanie Manuel Phone: 503-266-1412
Signature: Ethan Manuel Stephanie Manuel
Address: 1612 N. Redwood St. Email: ethan_manuel@mentor.com
City/State: Canby, OR Zip: 97013

☐ Property Owner Name: _____ Phone: _____
Signature: _____
Address: _____ Email: _____
City/State: _____ Zip: _____

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

- ❶ 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.
- ❷ 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.
- ❸ 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:

1440, 1548, 1612, 1650, & 1758 N. Redwood St. 25.21 Acres 31E34B 700 & 701
Street Address or Location of Subject Property Total Size of Property Assessor Tax Lot Numbers

Four single-family homes and various shops & outbuildings. R-1 Low Density Residential
Existing Use, Structures, Other Improvements on Site Zoning Comp Plan Designation

89 lot subdivision. All lots to be used for construction of single-family homes.

Describe the Proposed Development or Use of Subject Property

STAFF USE ONLY				
<u>SUB 17-06</u>	<u>9-19-17</u>	<u>If</u>		
FILE #	DATE RECEIVED	RECEIVED BY	RECEIPT #	DATE APP COMPLETE



Redwood Landing Subdivision Application

N. Redwood Street, Canby, OR

Icon Construction & Development, LLC.



Introduction:

Icon Construction & Development, LLC a West Linn-based developer and builder, is proposing develop a 89 lot subdivision on the east side of N. Redwood Street in Canby. The proposed project is called Redwood Landing. The project site contains a total of 25.21 acres and is located within the area of the North Redwood Development Concept Plan. This plan, adopted in October of 2017, established a conceptual design and policies to govern the development of the area on the east side of Redwood Street between approximately 12th Avenue on the south and 19th Loop on the north.

The subject property is zoned R-1. It is comprised of the following properties:

Map 31E27C Tax Lots 301, 500 and 1200

Map 31E34B Tax Lots 700 and 701

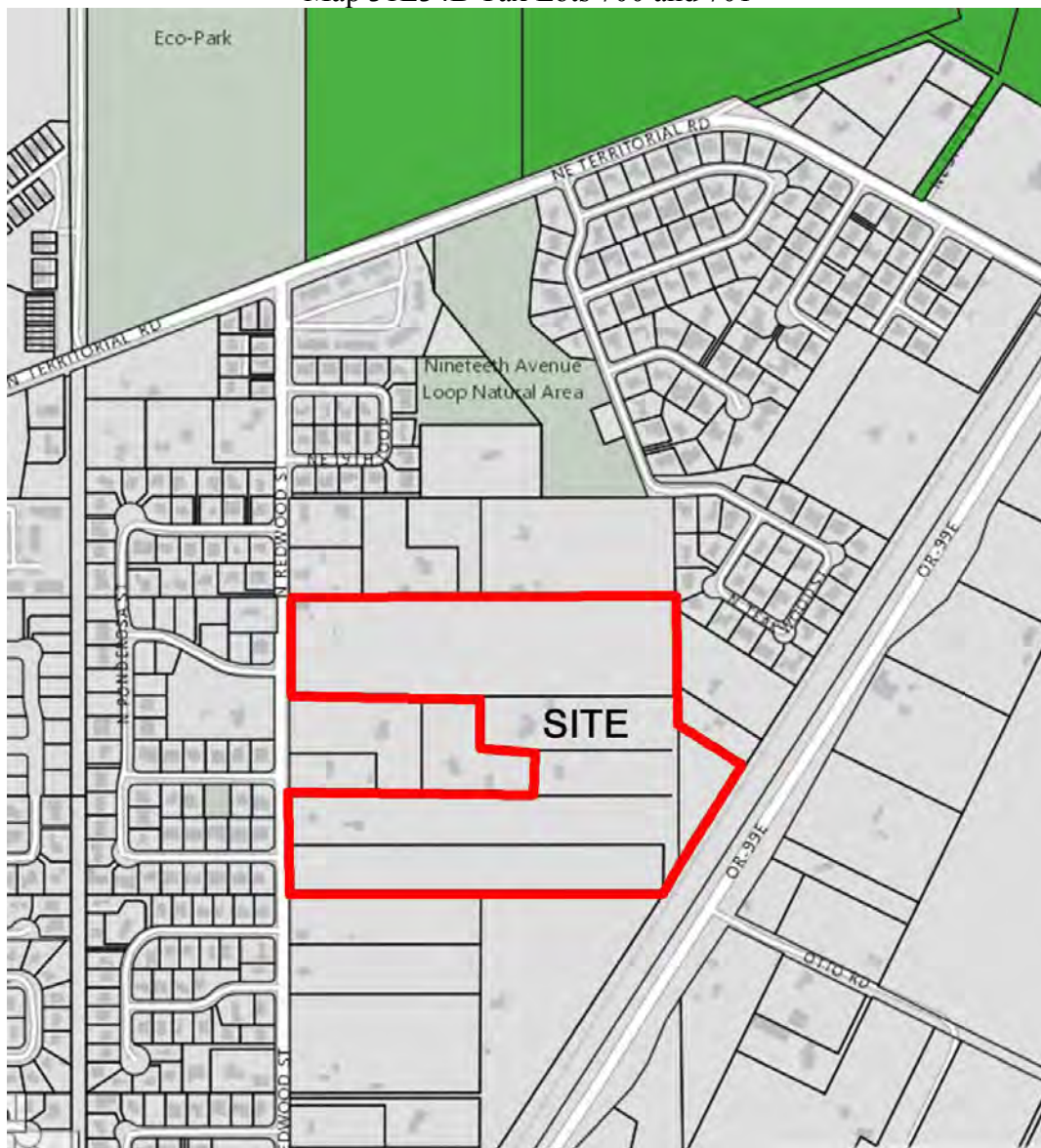


Figure 1: Vicinity Map and Existing Zoning

Existing Conditions:

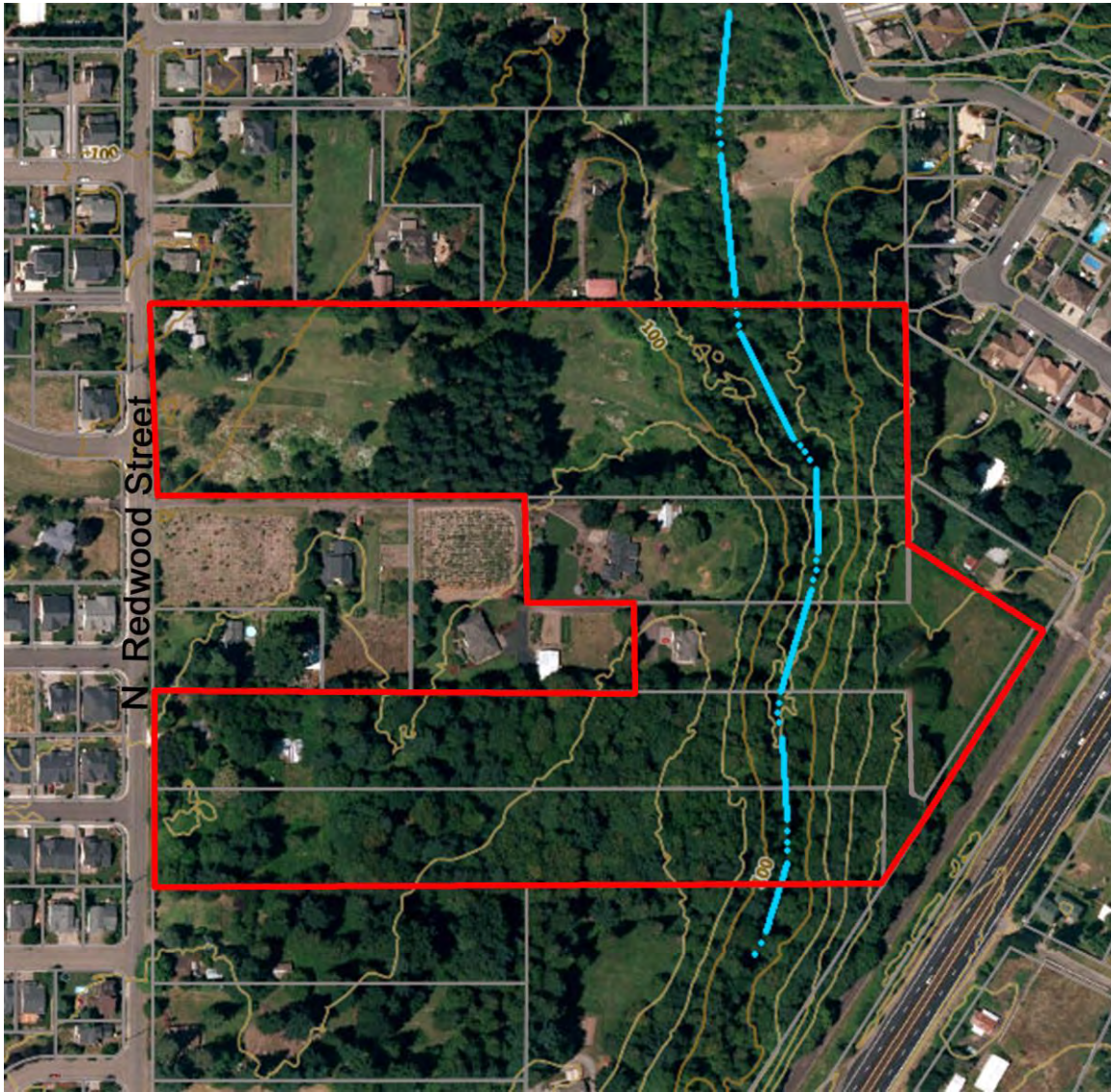
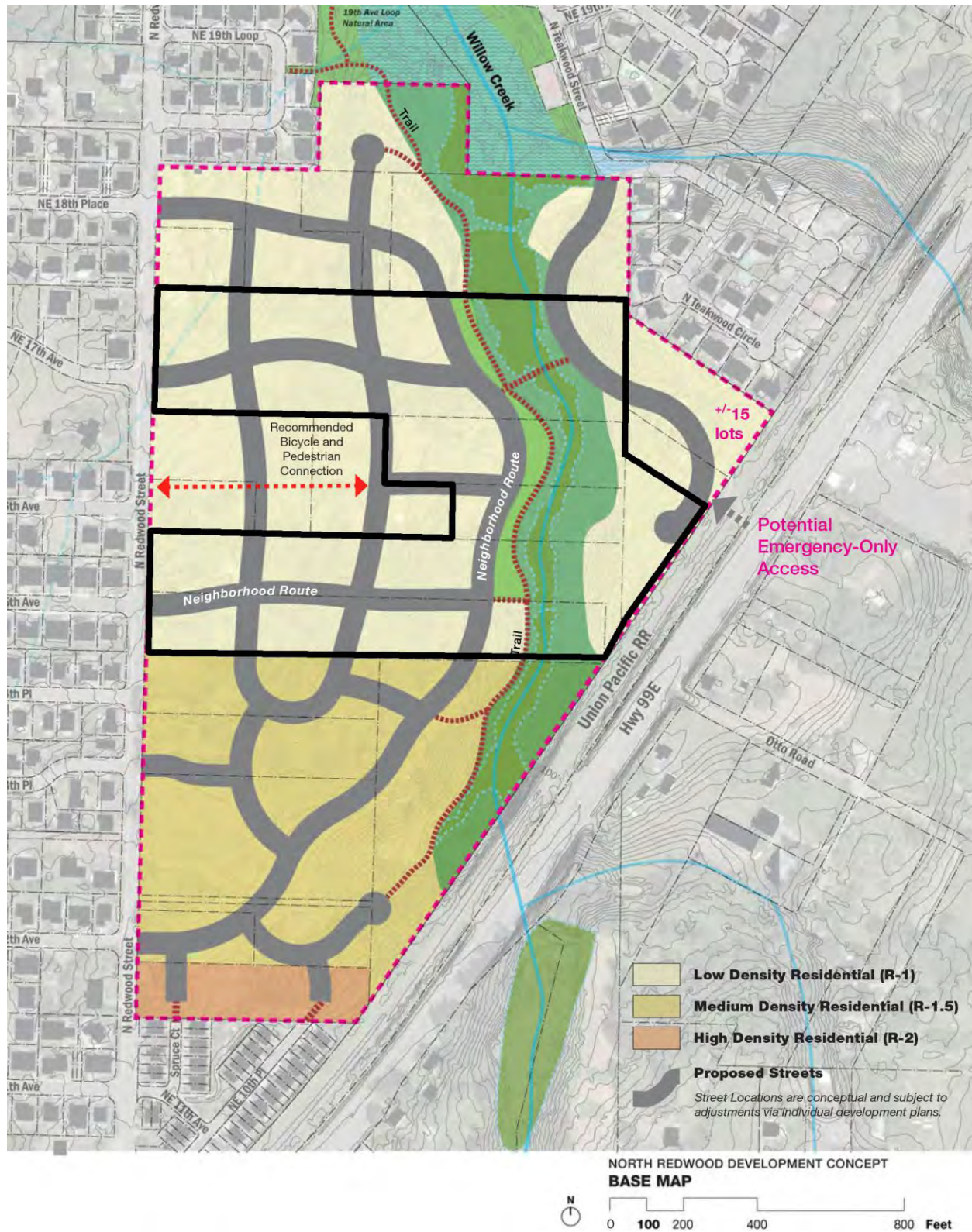


Figure 2: Aerial Photograph

As shown on the aerial photograph (Figure 2), the subject property consists of several properties. Four are presently developed with single-family homes, two of which will remain following site development. Site terrain is relatively flat on the western and central portions of the site, but drops down into the Willow Creek drainage basin along the eastern portion of the property. Tax Lots 700 and 701 on the southern portion of the site, are heavily wooded, and there is a stand of trees in the central portion of Tax Lot 1299. The drainageway area of the site contains areas of wetlands as well as sections of slopes in excess of twenty-five percent grade.



Project Description:



Redwood Landing

Figure 4: Preliminary Site Plan

Redwood Landing proposes 89 lots for single-family residential homes. The homes built by the applicant, Icon Construction and Development, LLC, are typically in the size range of 2,000 to 3,000 sq. ft. in area. It is anticipated that development of the site would begin next spring, with home construction beginning next summer.

Three other tracts would be created. Tracts A and B are located on the east side of Willow Creek in an area that is dependent for development upon the future extension of Teakwood Street to the south. Those two tracts will be reserved for future development until such time as this road is completed to the subject property by future off-site development. Tract C is a 6.45 acre area that is bisected by Willow Creek. Consistent with the North Redwood Development Concept Plan, it is proposed that this area be dedicated to the City of Canby as a natural area park.

Compliance with Approval Criteria:

Chapter 16.13 – Plan Districts

16.13.010 North Redwood Plan District.

A. Purpose

The North Redwood Plan District implements the North Redwood Development Concept Plan (NRDCP) and is intended to ensure that development within the North Redwood area is consistent with the land use pattern and transportation network established by the NRDCP. The North Redwood Plan District is also intended to provide some flexibility for new development in order to protect natural resources and emphasize the Willow Creek corridor as a community amenity.

Applicant Response: The proposed layout for the subject properties has been designed to fit as closely as practicable with the North Redwood Development Concept Plan (NRDCP). The plan is consistent with the purpose statement in that it protects the natural resources associated with the Willow Creek stream corridor. The applicant will agree to dedicate the open space corridor to the City for park purposes per the provisions of the NRDCP.

B. Applicability

The standards and regulations in this chapter apply to all land within the North Redwood Plan District as shown on the City of Canby's North Redwood Plan District Map. The provisions in this chapter apply in addition to standards and regulations established in the base zone and other applicable sections of the Canby Zoning Code. Where standards in this chapter conflict with standards in other sections of the Canby Zoning Code, this section will supersede.

Applicant Response: The subject property is located within the area of the NRDCP and the provisions of Chapter 16.13 are applicable.

C. Approval criteria

The following criteria must be satisfied prior to approval of any new subdivision or Planned Unit Development within the North Redwood Plan District as they apply to the area proposed for development.

- 1. Generally, new road alignments should be consistent with those identified on Figure 9 of the DCP. Changes to the identified road alignments may be approved to allow for topographic or other conditions.*

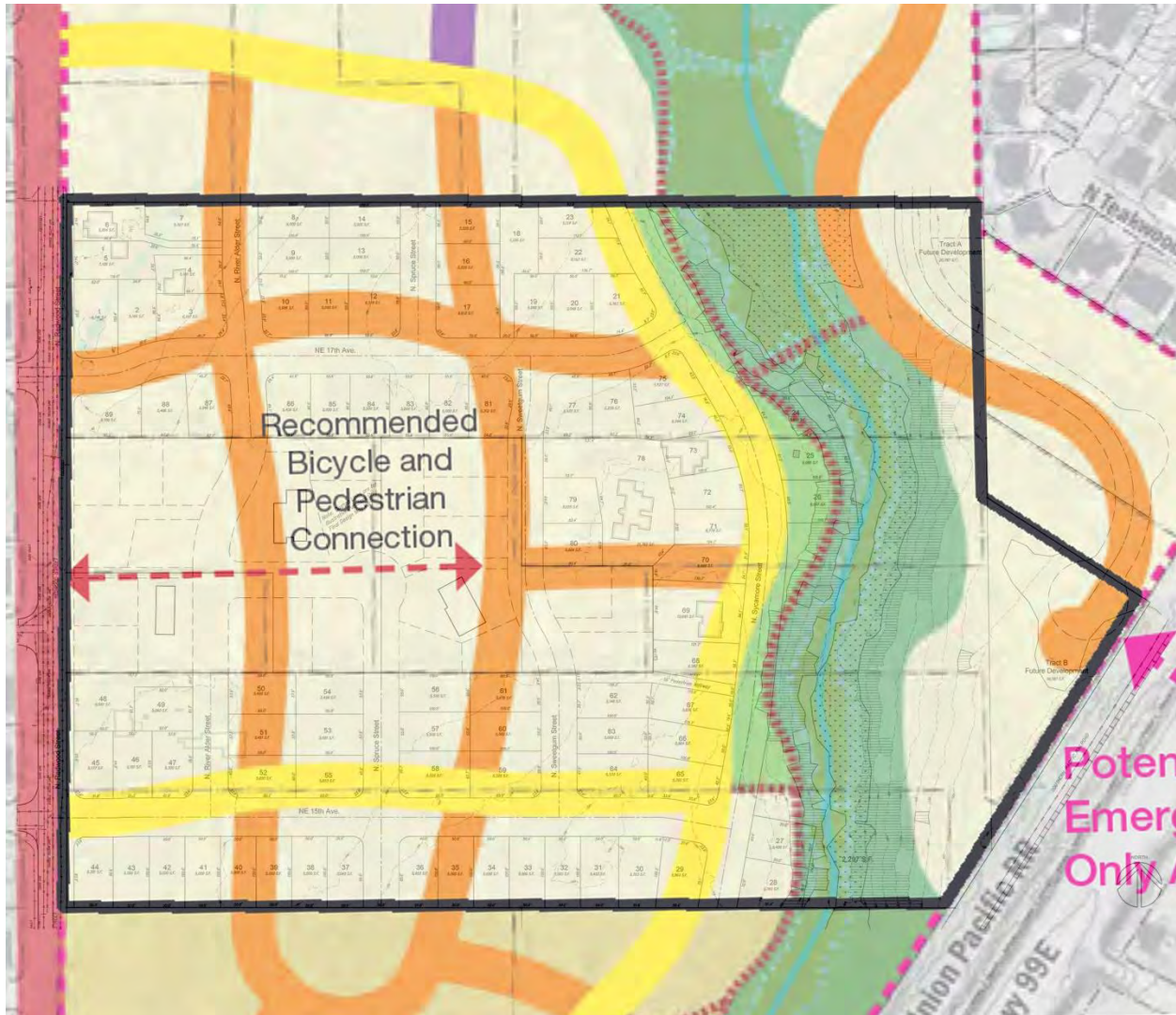


Figure 5: Overlay of Figure 9 from the NRDCP

Applicant Response: is shown above with the subject property outlined in black. Figure 9 calls for NE 15th Avenue to be extended in an east-west direction as a Neighborhood Route through Tax Lots 700 and 701 in the southern portion of the subject property. The proposed site plan complies with this element of the plan. A north-south Neighborhood Route is also specified in the plan to run along the Willow Creek open space. The proposed plan complies with this requirement. A Local Street extension of NE 17th Avenue is also provided consistent with this plan, as are two Local Street stubs to the north property line.

The proposed site plan does vary somewhat from the plan shown in Figure 9 in response to existing conditions on the subject property and in the immediate vicinity of the site.

2. *There shall be a minimum of five connections to existing roads on the east side of North Redwood Street, built to the City's Local Street standard. To the extent*

possible, additional connections should not create offset intersections and should meet spacing standards in the Transportation System Plan.

Applicant Response: The proposed site plan provides for intersections at NE 15th and NE 17th Avenues, consistent with the plan shown for the subject properties on Figure 9 of the DCP.

3. *A cul-de-sac shall only be allowed when environmental or topographical constraints, or compliance with other standards in this code preclude street extension and through circulation. The map in Figure 9 of the DCP identifies three locations where cul-de-sacs could be allowed.*

Applicant Response: No cul-de sacs are proposed.

4. *One loop road shall be built through the North Redwood community, connecting NE 18th Place to NE 12th Avenue. The loop road shall be built to the City's Neighborhood Route standards. Where possible, the loop road should travel adjacent to Willow Creek and provide access to Willow Creek trailheads and open space.*

Applicant Response: The proposed site plan provides for the center portion of the planned loop road. This street, which is named N. Sycamore Street on the site plan, provides for street stubs to the north and south at the approximate locations shown on Figure 9. These street stubs can be extended with future development to the north and south to complete the loop road.

5. *Where possible, other local streets in North Redwood should intersect with the loop road identified in (3) above.*

Applicant Response: The proposed site plan provides for NE 15th and NE 17th Avenues to intersect with N. Sycamore Street, consistent with this standard. Figure 9 identifies a potential additional local street intersection with the loop road between these two streets. Site topography, however, makes it difficult to provide an intersection at that location as the terrain drops significantly below Lot 70. Additionally, that connection does not provide for any needed frontage for the development of adjoining properties and would impact the privacy of existing homes on Lots 69 and 78. A pedestrian walkway is proposed as an alternative to this street connection.

6. *At least one additional local street shall traverse the study area from north to south, connecting the area zoned for low density residential with the area zoned for high density residential.*

Applicant Response: N. River Alder Street and N. Sweetgum Street provide for future connections on a north-south axis.

7. *Future local streets should be located to split parcel lines where feasible.*

Applicant Response: N. Sweetgum Street is extended to the south from NE 17th Avenue along a property line. It is offset onto the subject property by 10 feet so that the applicant can build a wide enough roadway to service Lots 78-80 until such time as property to the west is subdivided to complete the road. N. Spruce Street has been centered on a property line as it extends to the north from NE 15th

Avenue. The alignment of N. River Alder Street cannot reasonably be centered on a property line as it needs to avoid existing homes that are located in the center island outside of the proposed subdivision.

8. *The land east of Willow Creek shall be accessed from an extension of North Teakwood Street and terminate in a cul-de-sac, hammerhead, or other appropriate turnaround.*

Applicant Response: The proposed site plan provides for the future extension of N. Teakwood Street through Tract A. This tract will be reserved for future development at such time as N. Teakwood is extended to the subject property.

9. *Block size shall be consistent with the following:*
 - i. *Block widths should be approximately 280 feet whenever possible. Alternate block widths may be approved to allow for topographical variations*
 - ii. *Overall block length shall not exceed 600 feet*
 - iii. *A bicycle/pedestrian connection shall be provided at least every 330 feet, consistent with provisions in the Canby Transportation System Plan (TSP)*

Applicant Response: Block widths proposed are in the range of 250 to 280 feet. The somewhat tighter spacing is needed due to the smaller lot size required to accommodate density transfer from the park dedication property. The proposed pedestrian walkway is located less than 330 feet from the intersections of NE 17th and NE 15th Avenues with N. Sycamore Street.

10. *The park and open space corridor along Willow Creek, as identified in Figure 7 of the DCP, shall be provided through required land dedication for parks.*

Applicant Response: Park dedication is proposed for the open space area shown as Tract C on the site plan.

11. *Applicants must demonstrate that future adjacent projects will be able to connect to proposed roads and other infrastructure in a way that will be consistent with the North Redwood DCP.*

Applicant Response: The site plan provides for street stubs to the north and south that will allow for development consistent with the North Redwood DCP.

D. Lot area exceptions and lot size averaging.

The following exceptions to the City's lot size standards and lot size averaging provisions will be allowed for developments in the North Redwood Plan District.

1. *The Planning Commission may allow public park land dedications to be included in the lot size averaging calculation in order to achieve community development goals and allow protection of natural resources.*

Applicant Response: The proposed site plan proposes the use of the proposed park land dedication in determining the density allowed in Redwood Landing. The gross site area of the subject property is 25.21 acres or 1,098,137 sq. ft. For purposes of determining density, the site is divided as follows:

Current Development Site Area: 740,126 sq. ft.

Park Site: 281,037 sq. ft.

Tract A – Future Development: 20,787 sq. ft.

Tract B – Future Development: 56,187 sq. ft.

Density for the Current Development Site is calculated as follows:

Gross Site Area: 740,126 sq. ft.

Less Streets = 219,920 sq. ft.

Less Pedestrian Walkway = 4,217 sq. ft.

Net Site Area = 515,989 sq. ft.

Net Site Area Divided by 7,000 sq.ft./Unit = 73.7 Units

Density available for transfer from the park site is calculated as follows:

Park Site = 281,037 sq. ft.

Less Wetlands = 77,862 sq. ft.

Less Slopes > 25% = 60,759 sq. ft.

Buildable Site Area = 142,416 sq. ft.

Assume 20% streets = 28,483 sq. ft.

Net Buildable Site Area = 113,933 sq. ft.

Net Buildable Site Area Divided by 7,000 sq. ft. = 16.3 Units

Total Density Allowed = 91 Units.

The density available for future development of Tracts A and B will be determined when they are developed. The unused two units of density from the park site will be available for transfer to those areas when development occurs.

2. *The resulting average lot size shall not be less than 5,000 square feet in the R1 zone.*

Applicant Response: The proposed subdivision contains 89 lots that range from 5,000 to 20,111 sq. ft. The total area of the proposed lots is 514,763 sq. ft. The average lot size is 5,784 sq. ft.

3. *The resulting average lot size shall not be less than 4,000 square feet in the R1.5 zone.*

Applicant Response: Not applicable. The property is not in the R1.5 zone.

4. *Individual lot sizes may be less than prescribed in Sections 16.16.030 and 16.18.030 alternative lot layout option provided in Section 16.64.040 is used. (Ord. 1422, 2015)*

Applicant Response: Section 16.16.030 establishes a minimum lot size of 7,000 sq. ft. in the R1 zone. Section 16.18.030 is not applicable as the property is not zoned R1.5. The applicant proposes to make use of the alternative layout option of Section 16.64.040 to allow for a minimum lot size of 5,000 sq. ft. for this project.

Chapter 16.16 – R-1 Low Density Residential Zone

16.16.010 Uses permitted outright. Uses permitted outright in the R-1 zone shall be as follows:

A. Single-family dwelling; one single-family dwelling per lot;

Applicant Response: All lots are proposed to be used for single-family dwellings.

16.16.030 Development standards.

The following subsections indicate the required development standards of the R-1 zone:

A. Minimum and maximum lot area: seven thousand (7,000) square feet minimum, and ten thousand (10,000) square feet maximum, per single-family dwelling. The maximum lot area standard does not apply to single family dwellings existing at the time of subdivision or partition plan approval; and the Planning Commission may approve smaller or larger lots in conformance with subsection B, below. Preexisting, legally created lots of record shall be considered to be legally buildable and separately saleable, provided they contain at least five thousand (5,000) square feet; and further provided, that any structures on such lots meet the required setbacks from the lot lines which will result when these lots of record are separated. Lot width requirements may be reduced to a minimum of fifty feet, and side yard setbacks reduced to a minimum of five feet for such lots.

Applicant Response: As allowed in Section 16.13.010D4 a smaller minimum lot area of 5,000 sq. ft. is proposed. The alternative layout option of Section 16.64.040 will be used to allow this reduced lot size. The only lots proposed that are over 10,000 sq. ft. in area are Lots 69 and 78, which contain existing homes and therefore are exempt from the maximum lot size standard.

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:*
- 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.*

Applicant Response: Not applicable. Rather than making use of the exceptions allowed in this subsection, the proposed subdivision will make use of the alternative layout option of Section 16.64.040 to allow the proposed reduced lot sizes.

- C. *Minimum width and frontage: sixty feet, except that the Planning Commission may approve lots having less frontage subject to special conditions to assure adequate access.*

Applicant Response: The alternative layout option of Section 16.64.040B3 allows modified lot dimensions and setbacks. Please refer the discussion under that section, below.

D. *Minimum yard requirements:*

1. *Street yard: twenty feet on side with driveway; fifteen feet for all other street sides; except that street yards may be reduced to ten feet for covered porches only;*
2. *Rear yard: all corner lots, ten feet single story or fifteen feet two-story; all other lots, fifteen feet single story or twenty feet two-story. One story building components must meet the single story setback requirements; two story building components must meet the two-story setback requirements;*
3. *Interior yard: Seven feet, except as otherwise provided for zero-lot line housing.*
4. *Interior and rear yards may be reduced to three feet, or the width of any existing utility easement, whichever is greater, for detached accessory structures erected sixty feet or more from any street other than an alley. The height limitations noted in subsection E.2 below apply to such structures. Detached accessory dwellings are not eligible for the three foot reduction. Utility easements may only be reduced with the approval of all utility providers.*
5. *Infill standards may also apply. See CMC 16.21.050.*

Applicant Response: The alternative layout option of Section 16.64.040B3 allows modified lot dimensions and setbacks. Please refer the discussion under that section, below.

E. *Maximum building height:*

1. *Principal building: thirty-five feet.*
2. *Detached accessory structure:*

Applicant Response: Homes to be built on the lots within this project will comply with maximum building height standards. This will be reviewed at the time of building permit submittal.

- F. *The maximum amount of impervious surface allowed the R-1 zone shall be 60 percent of the lot area.*

Applicant Response: Homes to be built on the lots within this project will comply with maximum impervious surface standards. This will be reviewed at the time of building permit submittal.

G. *Other regulations:*

1. *Vision clearance distance shall be ten feet from a street to an alley or a street to a driveway, and thirty feet from a street to any other street.*

Applicant Response: Vision clearance standards will be met in the placement of future driveways. This will be demonstrated at the time of building permit application.

Chapter 16.37 – Riparian Overlay Zone (RO)

16.37.010 Purpose

The Riparian Overlay Zone is intended to be used in conjunction with any of the city's underlying base zones (example: R-1/RO, C-2/RO, etc.) to assure that the future development of the site will provide ample protection for riparian areas, thereby protecting and restoring the hydrologic, ecological and land conservation functions these areas provide. The Riparian Overlay (RO) Zone implements the policies of the Canby Comprehensive Plan and is intended to resolve conflicts between developments and conservation of riparian corridors identified in the City of Canby Local Wetlands and Riparian Inventory. (Ord. 905 sections 4, 1994)

16.37.020 Canby Wetlands and Riparian Map

The Canby Wetlands and Riparian Inventory Map is adopted by reference and declared to be part of this chapter. Copies of this map shall be kept on file with the official zoning map of the city. (Ord. 905 sections 4, 1994)

16.37.030 Uses permitted outright and conditional uses.

Uses permitted outright and conditional uses in the Riparian Overlay Zone are the uses permitted outright and conditionally in the underlying base zone, provided the provisions of Chapter 16.130, Riparian Preservation, are met. (Ord. 905 sections 4, 1994)

16.37.040 Development standards.

Development regulations for the Riparian Overlay Zone are as provided in Chapters 16.130.01 through 16.130.130 of this title. (Ord. 905 sections 4, 1994)

16.37.050 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 sections 4, 1994)

Applicant Response: The subject property contains wetlands and a riparian area associated with Willow Creek, which passes through the eastern part of the site. The creek is shown on the site plan. Wetlands in the vicinity of Willow Creek were inventoried as a part of the North Redwood Development Concept Plan. The City of Canby provided the applicant with a CAD file showing the location of these wetlands. That file has been imported into the drawing file for the subdivision and is shown on the Preliminary Plan for the project. Willow Creek and all wetlands on the subject site are contained within the area that is proposed to be dedicated to the City of Canby for park purposes. No development is proposed to take place within any of the riparian or wetlands area.

Chapter 16.39 – Wetland Overlay Zone (WO)

16.39.010 Purpose

The City of Canby recognizes significant wetlands as community assets that provide educational, recreational and aesthetic values, that contribute to the City's long-term goals of sustainable community development. The Wetlands Overlay Zone (WO) is intended to be used in conjunction with any of the city's underlying base zones (example: R-1/WO, C-2/WO, etc.) to assure that the future development of the site will provide ample protection for locally significant wetlands. The Wetlands Overlay (RO) zone implements the policies of the Canby Comprehensive Plan and is intended to resolve conflicts between development and conservation of riparian corridors identified in the City of Canby Local Wetlands and Riparian Inventory. (Ord. 905 sections 4, 1994)

16.39.020 Wetlands and Riparian Map

The Canby Wetlands and Riparian Inventory Map is adopted by reference and declared to be part of this chapter. Copies of this map shall be kept on file with the official zoning map of the city.

16.39.030 Uses permitted outright and conditional uses.

Uses permitted outright and conditional uses in the Riparian Overlay Zone are the uses permitted outright and conditionally in the underlying base zone, provided the provisions of

Chapter 16.140, Wetlands Preservation, are met. (Ord. 905 sections 4, 1994)

16.39.040 Development standards

Development regulations for the Wetlands Overlay Zone are as provided in Chapters 16.140.01 through 16.140.110 of this title. (Ord. 905 sections 4, 1994)

16.39.050 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 sections 4, 1994)

Applicant Response: Wetlands in the vicinity of Willow Creek were inventoried as a part of the North Redwood Development Concept Plan. Willow Creek and all wetlands on the subject site are contained within the area that is proposed to be dedicated to the City of Canby for park purposes. No development is proposed to take place within any of the riparian or wetlands area.

Division IV: Land Division Regulation

Chapter 16.56: General Provisions:

16.56.030 Conformance.

- A. Comprehensive Plan. A subdivision or partition shall conform to the Comprehensive Plan. A determination of such conformity shall be based upon consideration of all applicable portions of the Comprehensive Plan and shall not be based solely upon a review of the land use map.*

Applicant Response: Please refer to the Compliance With Comprehensive Plan section of this narrative below.

- B. Land Development and Planning Ordinance. A land division shall be subject to all applicable requirements of other sections of this title. Where an applicant seeks the approval of any division which requires a change in zoning, the applicant may be required to complete the rezoning process prior to submittal of an application for property division.*

Applicant Response: The compliance of this application with relevant portions of the City's development regulations is discussed in this narrative. No zone change is required or proposed.

- C. Health, Safety, and Sanitation. A subdivision or partition shall conform to all applicable state, county and city regulations regarding health, safety and sanitation. The county will not issue any permits for on-site sewage disposal systems for any lot or parcel created in violation of these regulations, nor for the remainder of the parent parcel from which lots or parcels have been illegally created, unless and until such violation has been rectified and all legal requirements met.*

Applicant Response: All lots will be connected to City of Canby sanitary sewer service. No on-site sewage disposal is proposed. The development will conform to all applicable state, county and city regulations regarding health, safety and sanitation.

- D. Building. Structures and buildings in any property division shall conform with applicable codes and regulations regarding building. The City Building Official shall not allow the issuance of a building permit on any lot or parcel created, subdivided or partitioned in violation of these requirements. No building permit shall be issued for the remainder of the parent parcel, from which any lots or parcels have been created in violation of this title, unless and until such violation has been rectified and all legal requirements met.*

Applicant Response: All homes to be built will conform to city and state building codes. Plans will be reviewed by the City at the time of building permit application for compliance with these regulations.

- E. Streets and Roads. A property division shall conform to all applicable city ordinances or policies pertaining to streets, roads, or access. (Ord. 740 section 10.4.10(C), 1984)*

Applicant Response: All roads will be designed to conform to city standards. Construction plans will be reviewed by the City prior to plat approval and will need to demonstrate such conformance before construction permits are issued.

Chapter 16.62: Subdivisions - Applications

16.62.010 Filing procedures.

- A. Application procedures shall be as described in Chapter 16.89. (Ord. 899 section 3, 1993; Ord. 740 section 10.4.40(A), 1984; Ord. 981 section 10, 1997; Ord. 1019 section 16, 1999; Ord. 1080, 2001; Ord. 1237, 2007)*

Applicant Response: As required by Chapter 16.89, this subdivision application will be heard by the Canby Planning Commission through a Type III process. A pre-application conference and a neighborhood meeting were held prior to submittal of the application. Notice will be provided to owners of all properties within 500 feet of the site.

16.62.020 Standards and criteria.

Applications for a subdivision shall be evaluated based upon the following standards and criteria:

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

Applicant Response: Conformance with all relevant provisions of the City's land development ordinances is demonstrated in this narrative.

- B. The overall design and arrangement of lots shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties;*

Applicant Response: The proposed site plan provides for a reasonable arrangement of streets and lots that is consistent with the N. Redwood Development Concept Plan. The street system is looped and interconnected, allowing for access to all lots in a convenient manner. Street stubs are provided to adjacent properties in a configuration that will allow for reasonable development of offsite properties for uses consistent with the NRDCP.

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

- 1. Manage stormwater through a land development strategy that emphasizes conservation and use of onsite natural features integrated with engineered stormwater controls to more closely mimic predevelopment hydrologic conditions.*

2. *Encourage creative and coordinated site planning, the conservation of natural conditions and features, the use of appropriate new technologies and techniques, and the efficient layout of open space, streets, utility networks and other public improvements.*
3. *Minimize impervious surfaces.*
4. *Encourage the creation or preservation of native vegetation and permanent open space.*
5. *Clustering of residential dwellings where appropriate to achieve (1-4) above. The arrangement of clustered dwellings shall be designed to avoid linear development patterns.*

Applicant Response: The proposed storm drainage system provides for the collection of runoff from street areas. The paved area of streets has been minimized by making use of narrower street sections allowed in the NRDCP for low-volume neighborhood streets. The site plan has clustered development and left 6.45 acres of the property as undeveloped parkland, thereby reducing the amount of streets needed to serve the lots. The open space will retain existing wetlands, which serve to filter and protect waters entering Willow Creek. Storm water pretreatment is also provided to reduce sediment and pollution loads.

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.

Applicant Response: The preliminary utility plan submitted with this application demonstrates that sanitary sewer, storm drainage, and public water can be effectively provided to all lots within the subdivision. Sewer will come from the existing line in N. Redwood Street. Storm drainage predominantly flows to the open space at the east end of site and will outfall to Willow Creek after treatment. Water service is available from the existing main in N. Redwood Street. Police protection is available from the City of Canby. Fire protection is provided by Canby Fire District 62.

E. The layout of subdivision streets, sidewalks, and pedestrian ways supports the objectives of the Safe Routes to Schools Program by providing safe and efficient walking and bicycling routes within the subdivision and between the subdivision and all schools within a one-mile radius. During review of a subdivision application, city staff will coordinate with the appropriate school district representative to ensure safe routes to schools are incorporated into the subdivision design to the greatest extent possible. (Ord. 890 section 53, 1993; Ord. 740 section 10.4.40(B), 1984; Ord. 1338, 2010)

Applicant Response:

F. A Traffic Impact Study (TIS) may be required in accordance with Section 16.08.150. (Ord. 1340, 2011)

Applicant Response: Consistent with the provisions of this subsection, a Traffic Impact Study was prepared by DKS, the City's traffic consultant. Please refer to that study for further information.

Chapter 16.64: Subdivisions – Design Standards

16.64.010 Streets.

A. Generally. The location, width and grade of streets shall be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation pattern with intersection angles, grades, tangents, and curves appropriate for the traffic to be carried. Where location is not shown in a development plan, the arrangement of streets shall either:

- 1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or*
- 2. Conform to a plan for the neighborhood approved or adopted by the commission to meet a particular situation where topographical or other conditions make continuance of conformance to existing street patterns impractical;*
- 3. Minimum right-of-way and roadway width shall follow the requirements of the Canby Public Works Design Standards;*
- 4. Consider opportunities to incrementally extend and connect local streets to provide for safe and convenient bike and pedestrian circulation.*

Applicant Response: The general layout for the street system in this area of the City was developed through the City's planning efforts in developing the North Redwood Development Concept Plan. The proposed street system for the project has implemented that plan as closely as feasible given on- and off-site development constraints. The street standards uses are consistent with the design standards contained in the NRDCP.

B. Permeable Surfaces. Permeable surfacing alternatives and on-site stormwater management facilities, are encouraged for street improvements. Permeable surfacing and LID stormwater management facilities shall be constructed in accordance with the Canby Public Works Design Standards and the manufacturer's recommendations. Permeable surfacing includes, but is not limited to: paving blocks, turf block, pervious concrete, porous asphalt, and other similar approved materials. Alternative surfacing methods may be approved for public and private roads, road shoulders, pedestrian ways, driveways, and easement service roads unless site constraints make use of such materials detrimental to water quality. Use of permeable surfacing methods shall meet the imposed load requirements for fire apparatus, and shall be subject to review and approval by the Canby Public Works Department.

Applicant Response: The applicant's engineer will rely upon adopted City standards in preparing the construction plans for this subdivision.

C. *Reserve Strips.* Reserve strips or street plugs controlling the access to streets will not be approved unless such strips are necessary for the protection of the public welfare or of substantial property rights, or both, and in no case unless the control and disposal of the land composing such strips is placed within the jurisdiction of the city, under conditions approved by the commission.

Applicant Response: The applicant will follow the City's recommendations regarding reserve strips at the ends of streets that are stubbed to the boundaries of the project.

D. *Alignment.* All streets other than minor streets or cul-de-sacs, shall, as far as possible, be in alignment with the existing streets by continuations of the center lines thereof. Jogs creating "T" intersections shall have centerline offsets of not less than one hundred fifty feet, unless it is found that community benefits of such an alignment outweigh its disadvantages.

Applicant Response: The proposed layout creates intersections that are consistent with these requirements.

E. *Future Extension of Streets.* Where a subdivision adjoins unplatted acreage, streets which in the opinion of the commission should be continued in the event of the subdivision of the acreage, will be required to be provided through to the boundary lines of the tract. Reserve strips, street plugs and temporary turnaround areas may be required to preserve the objectives of street extensions. Reserve strips and street plugs shall be deeded to the city prior to final plat approval. The Planning Commission may require that the costs of title insurance and recordation fees, if any, for such areas be borne by the subdivider. If, in the opinion of the city engineer, a traffic pedestrian, or safety hazard temporarily exists by the construction of a dead-end street, he may direct that a barricade of adequate design be installed at the developer's expense as one of the required improvement items for the subdivision.

Applicant Response: Street stubs are provided to adjacent properties in order to allow for future development consistent with the NRDCP. Reserve strips will be deeded to the City as required.

F. *Intersection Angles.* Streets shall intersect one another at an angle as near to a right angle as possible, and no intersections of streets at angles of less than thirty degrees will be approved unless necessitated by topographic conditions. When intersections of other than ninety degrees are unavoidable, the right-of-way lines along the acute angle shall have a minimum corner radius of twelve feet. All right-of-way lines at intersections with arterial streets shall have a corner radius of not less than twelve feet.

Applicant Response: Intersection angles are at right angles as required.

G. *Existing Streets.* Whenever existing streets, adjacent to or within a tract, are of inadequate width, dedication of additional right-of-way shall be provided at the time of subdivision.

Applicant Response: Additional right-of-way is proposed to be dedicated to N. Redwood Street along the property's frontage on that street.

H. Half Streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision, when in conformity with the other requirements of these regulations, and when the commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips, street plugs, special signs and barricades may be required to preserve the objectives of half streets.

Applicant Response: No half streets are proposed.

I. Cul-de-sacs. A cul-de-sac shall only be allowed when environmental or topographical constraints, existing development patterns, or compliance with other standards in this code preclude street extension and through circulation. When cul-de-sacs are provided, all of the following shall be met:

Applicant Response: No cul-de-sac streets are proposed

J. Marginal Access Streets. Where a subdivision abuts or contains an existing or proposed arterial street, the commission may require marginal access streets, through lots with suitable depth, screen planting contained in a nonaccess reservation along the rear property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

Applicant Response: Not applicable. The subdivision does not abut or contain an existing or proposed arterial street.

K. Alleys.

- 1. Alleys shall be provided to commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are made as approved by the commission.*
- 2. Alleys shall be provided within residential subdivisions when streets are designed to meet the narrow "green" street standards in the Canby Public Works Design Standards. Visitor parking areas may be required by the city to mitigate the lack of on-street parking.*
- 3. When alleys are provided as part of a new residential subdivision, streets shall be designed in accordance with the narrow "green" street standards in the Canby Public Works Design Standards. Visitor parking areas may be required by the city to mitigate the lack of on-street parking.*
- 4. Alley intersection corners shall have a minimum radius of ten feet.*

Applicant Response: No alleys are proposed.

L. Street Names. No street name shall be used which will duplicate or be confused with the name of existing streets except for extensions of existing streets. Street names and numbers

shall conform to the established pattern in the city and the surrounding area and shall be subject to the approval of the commission.

Applicant Response: The proposed street names are consistent with this requirement. Numbered avenues are continued at NE 15th and NE 17th Avenues. Remaining streets make use of tree names consistent with the City's naming system.

M. Planting Easements. The Planning Commission may require additional easements for planting street trees or shrubs.

Applicant Response: The applicant will accept reasonable conditions to this effect if requested by the City.

N. Grades and Curbs. Grades shall not exceed seven percent on arterials, ten percent on collector streets, or fifteen percent on any other street. In flat areas allowance shall be made for finished street grades having a minimum slope of .5 percent. Centerline radii of curves shall not be less than three hundred feet on major arterials, two hundred feet on secondary arterials, or one hundred feet on other streets, unless specifically approved by the City, and shall be to an even ten feet.

Applicant Response: As shown on preliminary street profiles submitted with this application, all streets comply with these requirements.

O. Streets Adjacent to Highway 99-E or Railroad Right-of-Way. Wherever the proposed subdivision contains or is adjacent to a railroad right-of-way or Highway 99-E, provisions may be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad or Highway 99-E. The distances shall be determined with due consideration of cross streets at a minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way. (Ord. 740 section 10.4.40(C)(1), 1984; Ord. 1043 section 3, 2000; Ord 1237, 2007; Ord. 1338, 2010)

Applicant Response: Not applicable. No development is proposed adjacent to 99E or the railroad right-of-way.

16.64.015 Access

A. Any application that involves access to the State Highway System shall be reviewed by the Oregon Department of Transportation for conformance with state access management standards (See appendix G of the Transportation System Plan).

Applicant Response: Not applicable. No access to a State Highway is proposed.

B. All proposed roads shall follow the natural topography and preserve natural features of the site as much as possible. Alignments shall be planned to minimize grading.

Applicant Response: The proposed street system is located on land that is generally flat. N. Sycamore Street follows the natural grade break of the terrain abutting the Willow Creek drainageway.

C. Access shall be properly placed in relation to sight distance, driveway spacing, and other related considerations, including opportunities for joint and cross access.

Applicant Response: There is adequate sight distance at all proposed intersections. Driveway locations will be reviewed at the time of building permit application.

D. The road system shall provide adequate access to buildings for residents, visitors, deliveries, emergency vehicles, and garbage collection.

Applicant Response: The proposed road system is looped and provides adequate access to all lots within the subdivision.

E. Streets shall have sidewalks on both sides. Pedestrian linkages should also be provided to the peripheral street system.

Applicant Response: As shown on the preliminary utility plan, sidewalks are proposed on both sides of all streets in the subdivision.

F. Access shall be consistent with the access management standards adopted in the Transportation System Plan. (Ord. 1043 section 3, 2000)

Applicant Response: Proposed accesses will comply with these standards.

16.64.020 Blocks.

A. Generally. The lengths, widths and shapes of blocks shall be designed with due regard to providing adequate building sites suitable to the special needs of the type of use contemplated, needs for access, circulation, control and safety of street traffic and limitations and opportunities of topography.

Applicant Response: The proposed block lengths have been determined by the need to provide reasonable building sites and the need to provide for access to adjacent undeveloped properties. The proposed plan conforms to the NRDCP in its design.

B. Sizes. Block length shall be limited to 300 feet in the C-1 zone, 400 feet in residential zones, 600 feet in all other zones, except for 1,000 feet on arterials. Exceptions to this prescribed block standard shall be permitted where topography, barriers such as railroads or arterial roads, or environmental constraints prevent street extension. The block depth shall be sufficient to provide two lot depths appropriate to the sizes required by Division III. (Ord. 740 section 10.4.40(C)(2), 1984; Ord. 1043 section 3, 2000; Ord. 1076, 2001; Ord. 1338, 2010)

Applicant Response: Blocks are less than 600 feet in length. A mid-block pedestrian walkway has been provided between Lots 69 and 70 to break that block to comply with this standard.

16.64.030 Easements.

- A. *Utility Lines. Easements for electric lines or other public utilities are required, subject to the recommendations of the utility providing agency. Utility easements twelve feet in width shall be required along all street lot lines unless specifically waived. The commission may also require utility easements along side or rear lot lines when required for utility provision. The construction of buildings or other improvements on such easements shall not be permitted unless specifically allowed by the affected utility providing agency.*

Applicant Response: Easements will be provided along all streets and where needed for utility lines. We request that easements on corner side lot lines be 10 feet to match proposed setbacks.

- B. *Watercourses. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width as will be adequate for the purpose of assuring adequate flood control. Streets parallel to watercourses may be required.*

Applicant Response: The site is traversed by Willow Creek, but the watercourse is located within Tract C and will be dedicated to the City of Canby. For this reason an easement is not needed.

- C. *Pedestrian Ways. In any block over six hundred feet in length, a pedestrian way or combination pedestrian way and utility easement shall be provided through the middle of the block. If unusual conditions require blocks longer than one thousand two hundred feet, two pedestrian ways may be required. When essential for public convenience, such ways may be required to connect to cul-de-sacs, or between streets and other public or semipublic lands or through green way systems. Sidewalks to city standards may be required in easements where insufficient right-of-way exists for the full street surface and the sidewalk. All pedestrian ways shall address the following standards to provide for the safety of users:*

- 1. Length should be kept to a minimum and normally not in excess of two hundred feet;*
- 2. Width should be maximized and shall not be below ten feet. For pathways over one hundred feet long, pathway width shall increase above the minimum by one foot for every twenty feet of length;*
- 3. A minimum of three foot-candles illumination shall be provided. Lighting shall minimize glare on adjacent uses consistent with the outdoor lighting provisions in section 16.43 of this code;*
- 4. Landscaping, grade differences, and other obstructions should not hinder visibility into the pedestrian way from adjacent streets and properties. Fencing along public pedestrian ways shall conform with the standards in Section 16.08.110;*
- 5. Surrounding land uses should be designed to provide surveillance opportunities from those uses into the pedestrian way, such as with the placement of windows;*
- 6. Exits shall be designed to maximize safety of users and traffic on adjacent streets; and*

7. *Use of permeable surfacing materials for pedestrian ways and sidewalks is encouraged whenever site and soil conditions make permeable surfacing feasible. Permeable surfacing includes, but is not limited to: paving blocks, turf block, pervious concrete, and porous asphalt. All permeable surfacing shall be designed, constructed, and maintained in accordance with the Canby Public Works Design Standards and the manufacturer's recommendations. Maintenance of permeable surfacing materials located on private property are the responsibility of the property owner.*

Applicant Response: A pedestrian way is proposed between Lots 69 and 70 to provide for a connection between N. Sycamore St. and N. Sweetgum St. Because of the need to provide an alignment for N. Sweetgum St. that works for the adjacent property owner, the block width widens to approximately 290 feet at that point. The tract for the walkway has been widened to 20 feet to conform to the requirements of C2, above. Lighting will be provided in accordance with the requirements of this subsection. Landscaping will be maintained to avoid blocking views along the pathway from the abutting streets. Adjacent homes will have windows that allow for viewing the pathway. The final design of the pathway will be included in the construction plans prior to final plat and will include measures for safety at the street intersections. Permeable paving will be considered and discussed with City staff while developing the engineering plans.

- D. *Developments that abut the Molalla Forest Road multi-use path shall provide a pedestrian/bicycle access to the path. The city may determine the development to be exempt from this standard if there is an existing or planned access to the path within 300 feet of the development.*

Applicant Response: Not applicable. The site does not abut the Molalla Forest Road.

- E. *Solar Easements. Subdividers shall be encouraged to establish solar easements and utilize appropriate solar design in their development proposals. Solar easements shall be shown on the final plat and in the deed restrictions of the subdivision. The Planning Commission may require the recordation of special easements or other documents intended to protect solar access. (Ord. 740 section 10.4.40(C)(3), 1984; Ord. 1043 section 3, 2000; Ord 1237, 2007; Ord. 1338, 2010; Ord. 1340, 2011)*

Applicant Response: The applicant does not envision including solar easements. Wooded areas are likely to impede access to passive solar energy.

16.64.040 Lots.

- A. *Size and Shape. The lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated. To provide for proper site design and prevent the creation of irregularly shaped parcels, the depth of any lot or parcel shall not exceed three times its width (or four times its width in rural areas) unless there is a topographical or environmental constraint or an existing man-made feature such as a railroad line.*

Applicant Response: The proposed lots are regularly configured to provide for reasonable building envelopes for single-family homes.

B. Minimum Lot Sizes:

- 1. Lot sizes shall conform with requirements of Division III unless the applicant chooses to use an alternative lot layout per subsection (3) below to accommodate interconnected and continuous open space and or other natural resources. In this case, the average minimum lot size may be reduced by 5,000 square feet after subtracting access tracts. Overall development densities shall comply with the underlying maximum density allowed by the zone.*

Applicant Response: The proposed development will make use of alternative lot layout per subsection (3). The average lot size proposed is 5,784 sq. ft.

- 2. In areas that cannot be connected to sewer trunk lines, minimum lot sizes shall be greater than the minimum herein specified if necessary because of adverse soil structure for sewage disposal by septic systems. Such lot sizes shall conform to the requirements of Clackamas County for sewage disposal unless provisions are made for sanitary sewers.*

Applicant Response: Not applicable. The lots will be connected to City sewer.

- 3. Alternative lot layout. Applicants may deviate from standard lot setbacks and dimensions to accommodate dedicated interconnected open space or other natural areas. Clustered housing, lot-size averaging, and a mixture of approaches where building lots can be grouped into a smaller portion of the total development, reserving the remainder for open space or other natural areas. Alternative development layouts shall not exceed the underlying maximum density allowed by the zone.*

Applicant Response: The applicant proposes lots that are typically 5,000 to 6,000 sq. ft. in area. This reduced lot size is a result of density transfer associated with the dedication of 6.45 acres of land for park purposes. Because these lots are smaller in size than the typical R1 7,000 sq. ft. lot, reduced setbacks and dimensions are proposed. A 5' side yard setback, with 10' on corner lots is proposed rather than the typical 7' and 15' required by the R1 zone. Front and rear setbacks are proposed to remain the same as the R1 standards. Average lot width is proposed to be a minimum of 50 feet, with the same for frontages except for lots such as Lot 76, which is on the outside radius of a tight curve and results in a pie-shaped lot.

- 4. When using the alternative lot layout option, the following must be met:*
 - a. The arrangement of the alternative lot layout shall be designed to avoid development forms commonly known as linear, straight-line or highway strip patterns.*
 - b. To the maximum extent possible, open space and natural areas, where used, shall be continuous, interconnected, and concentrated in large usable areas.*
 - c. Where possible, open space shall be connected to adjacent off-site open space areas.*
 - d. Open space and natural areas shall be maintained permanently by the property owner or the property owner's association.*

Applicant Response: The proposed layout includes curvilinear street section. The park dedication is in a single tract that is large and usable for a trail system. This park area connects to adjacent properties to the north and south so that a continuous park area can be created along Willow Creek, consistent with the NRCDP. The open space is intended to be dedicated and maintained by the City of Canby, consistent with the provisions of the NRCDP.

C. Lot Frontage. All lots shall meet the requirements specified in Division III for frontage on a public street, except 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. Lots that front on more than one major street shall be required to locate motor vehicle accesses on the street with the lower functional classification.

Applicant Response: A total of four flag lots are proposed. Three of these, Lots 5, 6, and 48, have frontage on N. Redwood Street in addition to the flag strip. The flag strip access is provided so that they do not have to have driveways onto N. Redwood Street, which is a designated collector street. Access will be provided to these lots from the local street that is accessed via the flag strip. The only traditional flag lot proposed is Lot 14. Because of the need to provide connecting roads to the north in a manner consistent with the NRDCP, the block in which this lot is located is left with an area for this lot that can only be accessed via a flag lot.

D. Double Frontage. Double frontage or through lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

Applicant Response: The only double frontage lots proposed are the three flag lots that abut N. Redwood Street. The double frontage is limited to the width of the flag strip and is needed in order to provide access via a local street rather than onto a collector street.

E. Lot Side Lines. The side lines of lots shall run at right angles to the street upon which the lots face, or on curved streets they shall be radial to the curve, unless there is some recognizable advantage to a different design.

Applicant Response: To the maximum extent practicable, the lots in this subdivision are designed with side lines at right angles to the streets onto which they front. A minor variation from this is proposed for Lots 72 through 75. These lots front onto a curved section of N. Sycamore Street and maintaining parallel side lot lines is beneficial to being able to site homes on these lots. The degree of variation from perpendicular is small.

F. Resubdivision. In subdividing tracts into large lots which at some future time are likely to be resubdivided, the location of lot lines and other details of the layout shall be such that resubdivision may readily take place without violating the requirements of these regulations and without interfering with the orderly development of streets. Restriction of building locations in relationship to future street rights-of-way shall be made a matter of record if the commission considers it necessary.

Applicant Response: No lots are proposed that are capable of being re-subdivided. Lot 78 is large, but contains a very large home and the owner has no intention of re-subdivision.

G. Building Lines. If special building setback lines are to be established in the subdivision plat, they shall be shown on the subdivision plat or included in the deed restrictions. This includes lots where common wall construction is to be permitted between two single-family dwellings.

Applicant Response: No special building setback lines are proposed.

H. Potentially Hazardous Lots or Parcels. The commission shall utilize its prerogative to modify or deny a tentative plat or partition map where it is found that a proposed lot or parcel is potentially hazardous due to flooding or soil instability.

Applicant Response: No potentially hazardous lots are proposed.

I. Flag Lots or Panhandle-shaped Lots. The commission may allow the creation of flag lots provided that the following standards are met:

- 1. Not more than one flag lot shall be created to the rear of any conventional lot and having frontage on the same street unless it is found that access will be adequate and that multiple flag lots are the only reasonable method to allow for development of the site. Every flag lot shall have access to a public street.*
- 2. The access strip is to be a minimum of twenty feet in width and shall be paved for its full width from its connection with the public street to the main body of the lot. Except, however, that the width requirement may be reduced to twelve feet, for accessing a single flag lot, where the total length of the access strip does not exceed one hundred feet. Access strips not less than ten feet in width may be permitted where two such drives abut and are provided with reciprocal easements for use. For drives accessing more than two flag lots, the access strip shall be a minimum of twenty feet with reciprocal access and maintenance agreements for all lots.*
- 3. For residential flag lots, a minimum building setback of five feet from the access strip shall be maintained where such buildings exist prior to the creation of the flag lot.*
- 4. Design and locations of buildings on flag lots shall be such that normal traffic will have sufficient area to turn around, rather than necessitating backing motions down the access strip. The commission may establish special setback requirements at the time of approving the creation of flag lots.*
- 5. Flag lots shall not be permitted when the result would be to increase the number of properties requiring direct and individual access connections to the State Highway System or other arterials.*
- 6. The area of a panhandle shaped or flag lot shall be considered to be the rear or buildable portion of the lot and shall not include the driveway or access strip.*
- 7. For the purposes of defining setbacks, flag lots shall have three side yards and one rear yard. The rear yard may be placed on any side of the main dwelling.*

Applicant Response: Access strips are proposed to be 20 feet in width. A shared access to Lots 5 and 6 is proposed, with each lot having a 10 foot strip. The total width of that strip will be in an easement and will be paved to the full 20' width. An area in the driveway will be provided to allow for vehicular turnaround. Proposed homes on the flag lots will comply with the modified setbacks of this subsection .

J. Designation of Lots as 'Infill Home' Sites. The Planning Commission may require that homes built on one or more lots adjacent to existing development be subject to any or all of the requirements of 16.21.050 - Infill Homes. Furthermore, for subdivisions where the parent parcel(s) is less than two acres in size, the Planning Commission may require that all homes built on lots in the subdivision be subject to any or all of the requirements of 16.21.050. These requirements are to be shown on the subdivision plat or included in the deed restrictions. (Ord. 740 section 10.3.05(F) and 10.4.40(C)(4), 1984; Ord. 890 section 54, 1993; Ord. 1043 section 3, 2000; Ord. 1107, 2002; Ord. 1111 section 6, 2003; Ord. 1338, 2010)

Applicant Response: Not applicable. The lots are not infill home sites.

16.64.050 Parks and recreation.

Subdivisions shall meet the requirements for park, open space and recreation as specified in Division VI.

Applicant Response: The proposed development conforms to the park dedication requirements of the NRCDP, which supersedes these requirements.

COMPLIANCE WITH COMPREHENSIVE PLAN

The City of Canby Comprehensive Plan Map designates the subject property Low Density Residential. This plan designation is implemented by the R1 zoning district that is applied to the property. The proposed site plan has been designed at a density consistent with this designation and the proposed land use, single-family residential, is a use permitted in this designation.

CITIZEN INVOLVEMENT ELEMENT

The proposed project will be reviewed in a manner that is consistent with the Citizen Involvement Element of the Comprehensive Plan. A neighborhood meeting was held in accordance with City standards prior to the submittal of the subdivision application. This meeting allowed the applicant to present the proposed development and to answer questions and take citizen comments that were used in formulating the final application. The City of Canby will provide public notice prior to the public hearing before the Planning Commission. Citizens will be allowed to present testimony regarding the proposal prior to the Planning Commission making a decision on the application.

URBAN GROWTH ELEMENT

Applicant Response: The subject property is within the Urban Growth Boundary and has been annexed to the City of Canby. Development of the property, therefore, is consistent with the Urban Growth Element.

LAND USE ELEMENT

POLICY NO. 1: CANBY SHALL GUIDE THE COURSE OF GROWTH AND DEVELOPMENT SO AS TO SEPARATE CONFLICTING OR INCOMPATIBLE USES WHILE GROUPING COMPATIBLE USES.

Applicant Response: The City has designated the subject property for Low Density Residential Development. Further, the City has undertaken a detailed analysis of the area in which the subject property is located through the development of the North Redwood Development Concept Plan. The proposed development is consistent with the land use designation and with the policies that the City has adopted to guide development in this area of the city.

POLICY NO. 2: CANBY SHALL ENCOURAGE A GENERAL INCREASE IN THE INTENSITY AND DENSITY OF PERMITTED DEVELOPMENT AS A MEANS OF MINIMIZING URBAN SPRAWL.

Applicant Response: The North Redwood Development Concept Plan has included provisions that allow for transfer of density from park dedication areas as a part of its efforts to make efficient use of lands within the UGB as a means of minimizing sprawl. The proposed plan for this subdivision is consistent with these provisions of the City code.

POLICY NO. 3: CANBY SHALL DISCOURAGE ANY DEVELOPMENT WHICH WILL RESULT IN OVERBURDENING ANY OF THE COMMUNITY'S PUBLIC FACILITIES OR SERVICES.

Applicant Response: The subject property is served with all required public facilities and services need for the proposed development. Sanitary sewer is available in N. Redwood Street, as is public water service. Storm water will be detained and treated in accordance with City standards prior to release to the Willow Creek drainageway. Police and fire protection are provided by the City of Canby.

POLICY NO. 4: CANBY SHALL LIMIT DEVELOPMENT IN AREAS IDENTIFIED AS HAVING AN UNACCEPTABLE LEVEL OF RISK BECAUSE OF NATURAL HAZARDS.

Applicant Response: Wetlands and steep slopes exist on the subject property. These areas are located within the proposed park dedication area and will not be developed.

POLICY NO. 5: CANBY SHALL UTILIZE THE LAND USE MAP AS THE BASIS OF ZONING AND OTHER PLANNING OR PUBLIC FACILITY DECISIONS.

Applicant Response: The City has implemented the Low Density Residential designation of the subject property on the Comprehensive Plan Map through the adoption of R1 zoning.

POLICY NO. 6: CANBY SHALL RECOGNIZE THE UNIQUE CHARACTER OF CERTAIN AREAS AND WILL UTILIZE THE FOLLOWING SPECIAL REQUIREMENTS, IN CONJUNCTION WITH THE REQUIREMENTS OF THE LAND

DEVELOPMENT AND PLANNING ORDINANCE, IN GUIDING THE USE AND DEVELOPMENT OF THESE UNIQUE AREAS.

Applicant Response: The subject property is not identified on the Areas of Special Concern Map in this section of the Comprehensive Plan.

ENVIRONMENTAL CONCERNS ELEMENT

POLICY NO. 1-R-A: CANBY SHALL DIRECT URBAN GROWTH SUCH THAT VIABLE AGRICULTURAL USES WITHIN THE URBAN GROWTH BOUNDARY CAN CONTINUE AS LONG AS IT IS ECONOMICALLY FEASIBLE FOR THEM TO DO SO.

Applicant Response: The subject property is not in farm use and does not appear to have been used for such purpose in the recent past. Much of the site is wooded.

POLICY NO. 1-R-B: CANBY SHALL ENCOURAGE THE URBANIZATION OF THE LEAST PRODUCTIVE AGRICULTURAL AREA WITHIN THE URBAN GROWTH BOUNDARY AS A FIRST PRIORITY.

Applicant Response: As noted above, the subject property is not productive farm land. Urbanization does not conflict with this policy.

POLICY NO. 2-R: CANBY SHALL MAINTAIN AND PROTECT SURFACE WATER AND GROUNDWATER RESOURCES.

Applicant Response: Willow Creek passes through the subject property. This area of the site will be preserved as open space.

POLICY NO. 3-R: CANBY SHALL REQUIRE THAT ALL EXISTING AND FUTURE DEVELOPMENT ACTIVITIES MEET THE PRESCRIBED STANDARDS FOR AIR, WATER, AND LAND POLLUTION.

Applicant Response: The proposed development will comply with all applicable standards relating to air, water and land pollution.

POLICY NO. 4-R: CANBY SHALL SEEK TO MITIGATE, WHEREVER POSSIBLE, NOISE POLLUTION GENERATED FROM NEW PROPOSALS OR EXISTING ACTIVITIES.

Applicant Response: Not applicable. There are no significant noise pollution impacts associated with residential development.

POLICY NO. 5-R: CANBY SHALL SUPPORT LOCAL SAND AND GRAVEL OPERATIONS AND WILL COOPERATE WITH COUNTY AND STATE AGENCIES IN THE REVIEW OF AGGREGATE REMOVAL APPLICATIONS.

Applicant Response: Not applicable. The site plan does not include proposals for sand or gravel operations.

POLICY NO. 6-R: CANBY SHALL PRESERVE AND, WHERE POSSIBLE, ENCOURAGE RESTORATION OF HISTORIC SITES AND BUILDINGS.

Applicant Response: Not applicable. No identified historic resources are present on this site.

POLICY NO. 7-R: CANBY SHALL SEEK TO IMPROVE THE OVERALL SCENIC AND AESTHETIC QUALITIES OF THE CITY.

Applicant Response: The proposed development will preserve the Willow Creek drainageway as open space through dedication to the City of Canby for park purposes. This will aid in providing a scenic and aesthetic resource area to the city.

POLICY NO. 8-R: CANBY SHALL SEEK TO PRESERVE AND MAINTAIN OPEN SPACE WHERE APPROPRIATE AND WHERE COMPATIBLE WITH OTHER LAND USES.

Applicant Response: The proposed site plan provides for over six acres of land to be dedicated for park purposes.

POLICY NO. 9-R: CANBY SHALL ATTEMPT TO MINIMIZE THE ADVERSE IMPACTS OF NEW DEVELOPMENTS ON FISH AND WILDLIFE HABITATS.

Applicant Response: The proposed storm sewer system will provide for treatment of storm water prior to release to the existing storm sewer in Redwood Street and to the Willow Creek drainageway. This will minimize the potential for pollutants to enter water resource areas.

POLICY NO. 10-R: CANBY SHALL ATTEMPT TO MINIMIZE THE ADVERSE IMPACTS OF NEW DEVELOPMENTS ON WETLANDS.

Applicant Response: All wetland areas on the site will be included in the land proposed to be dedicated to the City of Canby for park purposes. No development in these areas is proposed.

POLICY NO. 1-H: CANBY SHALL RESTRICT URBANIZATION IN AREAS OF IDENTIFIED STEEP SLOPES.

Applicant Response: As shown on the site plan, there are areas of slopes in excess of 25 percent grade on both sides of Willow Creek. The vast majority of these areas will be located within the area to be dedicated for park purposes. Minor areas of steep slopes occur in areas planned for the Sycamore St. right-of-way and a few of the adjacent lots. Site grading will ensure that these areas are safe for the proposed uses.

POLICY NO. 2-H: CANBY SHALL CONTINUE TO PARTICIPATE IN AND SHALL ACTIVELY SUPPORT THE FEDERAL FLOOD INSURANCE PROGRAM.

Applicant Response: No wetlands are identified on the subject property.

TRANSPORTATION ELEMENT

POLICY NO. 1: CANBY SHALL PROVIDE THE NECESSARY IMPROVEMENT TO CITY STREETS, AND WILL ENCOURAGE THE COUNTY TO MAKE THE SAME COMMITMENT TO LOCAL COUNTY ROADS, IN AN EFFORT TO KEEP PACE WITH GROWTH.

Applicant Response: A major concern expressed at the neighborhood meeting regarding the proposed Redwood Landing project related to the perceived need to upgrade N. Redwood Street from Territorial to Hwy. 99E. This street is presently designated as a collector street and is a County road. The applicant contacted Rick Nys, Development Engineering Supervisor for

Clackamas County to discuss this project. Mr. Nys stated that the standard practice for a subdivision on a County road such as this would be to require that the road along the project's frontage be brought up to full standards as a condition of approval of the development. He said that there are no plans for, or funds available for, the full improvement of Redwood Street for its entire length from Territorial to Hwy. 99E. He said that if the City requests that the jurisdiction of the road be transferred to the City of Canby there would be a negotiation between the City and Clackamas County per the terms of the Urban Growth Management Agreement as to what level of improvements needed to be done in order for the City to accept the street. As of this time, there has been no request by the City of Canby for the transfer of ownership of N. Redwood Street.

POLICY NO. 2: CANBY SHALL WORK COOPERATIVELY WITH DEVELOPERS TO ASSURE THAT NEW STREETS ARE CONSTRUCTED IN A TIMELY FASHION TO MEET THE CITY'S GROWTH NEEDS.

Applicant Response: All streets proposed in this subdivision will be improved or bonded prior to recording of the final plat for the subdivision.

POLICY NO. 3: CANBY SHALL ATTEMPT TO IMPROVE ITS PROBLEM INTERSECTIONS, IN KEEPING WITH ITS POLICIES FOR UPGRADING OR NEW CONSTRUCTION OF ROADS.

Applicant Response: A traffic study for the proposed development was conducted by the City's traffic engineering consultants, DKS Associates. The study analyzed the intersections of N. Redwood Street with Territorial and with Hwy. 99E. The study found that those intersections will continue to operate within accepted design parameters and that no improvements to the intersections are required.

POLICY NO. 4: CANBY SHALL WORK TO PROVIDE AN ADEQUATE SIDEWALK AND PEDESTRIAN PATHWAY SYSTEM TO SERVE ALL RESIDENTS.

Applicant Response: Sidewalks will be provided along all streets within the proposed development. A pedestrian/bicycle pathway will be provided mid-block along N. Sycamore St.

POLICY NO. 6: CANBY SHALL CONTINUE IN ITS EFFORTS TO ASSURE THAT ALL NEW DEVELOPMENTS PROVIDE ADEQUATE ACCESS FOR EMERGENCY RESPONSE VEHICLES AND FOR THE SAFETY AND CONVENIENCE OF THE GENERAL PUBLIC.

Applicant Response: The proposed street system will be developed to City standards. It provides for a looped circulation system which will facilitate emergency response vehicles.

POLICY NO. 7: CANBY SHALL PROVIDE APPROPRIATE FACILITIES FOR BICYCLES AND, IF FOUND TO BE NEEDED, FOR OTHER SLOW MOVING ENERGY EFFICIENT VEHICLES.

Applicant Response: The local street system will provide for bicycle traffic.

PUBLIC FACILITIES AND SERVICES ELEMENT

GOAL 1: TO ASSURE THE ADEQUATE PROVISION OF WATER SERVICES TO MEET THE NEEDS OF THE RESIDENTS AND PROPERTY OWNERS OF CANBY.

Applicant Response: According to information provided at the pre-application conference, adequate public water service is available in N. Redwood Street to service the proposed development. The project will tap into this water main and new water lines will be extended to all lots within the subdivision. Please refer to the preliminary utility plan.

GOAL 2: TO ASSURE THE ADEQUATE PROVISION OF WASTE WATER SERVICES TO MEET THE NEEDS OF THE RESIDENTS AND PROPERTY OWNERS OF CANBY.

Applicant Response: Sanitary sewer service is available in N. Redwood Street. Sewer lines will be extended into the proposed subdivision to provide sewer service to all lots. Please refer to the preliminary utility plan.

GOAL 3: TO ASSURE THE ADEQUATE PROVISION OF STORM DRAINAGE SERVICES TO MEET THE NEEDS OF THE RESIDENTS AND PROPERTY OWNERS OF CANBY.

Applicant Response: Storm water will be accommodated by collecting drainage from street areas, treating the water, and releasing it to either the existing storm sewer in N. Redwood Street or to Willow Creek, as shown on the preliminary utility plan. Storm water from roofs will be handled with on-site infiltration.

GOAL 4: TO ASSURE THE ADEQUATE PROVISION OF TRANSPORTATION SERVICES TO MEET THE NEEDS OF RESIDENTS AND PROPERTY OWNERS OF CANBY.

Applicant Response: As discussed above, the traffic study completed for this project demonstrates that the existing transportation system is adequate to handle traffic generated by the proposed subdivision.

GOAL 5: TO ASSURE THE ADEQUATE PROVISION OF PARKS AND RECREATION SERVICES TO MEET THE NEEDS OF THE RESIDENTS AND PROPERTY OWNERS OF CANBY.

Applicant Response: The proposed development will provide over six acres of park dedication along Willow Creek. This will provide a nature park for hiking opportunities to benefit Canby citizens.

GOAL 6: TO ASSURE THE PROVISION OF A FULL RANGE PUBLIC FACILITIES AND SERVICES TO MEET THE NEEDS OF THE RESIDENTS AND PROPERTY OWNERS OF CANBY.

Applicant Response: All necessary public facilities and services will be provided to the proposed subdivision.

ECONOMIC ELEMENT

Applicant Response: The proposed residential development will provide short term jobs during development of the site and construction of homes. As a residential project, however, it is not directly relevant to the City's economic goals.

HOUSING ELEMENT

POLICY NO. 1: CANBY SHALL ADOPT AND IMPLEMENT AN URBAN GROWTH BOUNDARY WHICH WILL ADEQUATELY PROVIDE SPACE FOR NEW HOUSING STARTS TO SUPPORT AN INCREASE IN POPULATION TO A TOTAL OF 20,000 PERSONS.

Applicant Response: The subject property is within the UGB and the city limits. Development for residential purposes is consistent with helping to meet the housing need for projected population growth.

POLICY NO. 2: CANBY SHALL ENCOURAGE A GRADUAL INCREASE IN HOUSING DENSITY AS A RESPONSE TO THE INCREASE IN HOUSING COSTS AND THE NEED FOR MORE RENTAL HOUSING.

Applicant Response: The City has adopted policies that allow for transfer of density from open space areas to ensure that adequate housing density is achieved in the N. Redwood area.

ENERGY CONSERVATION ELEMENT

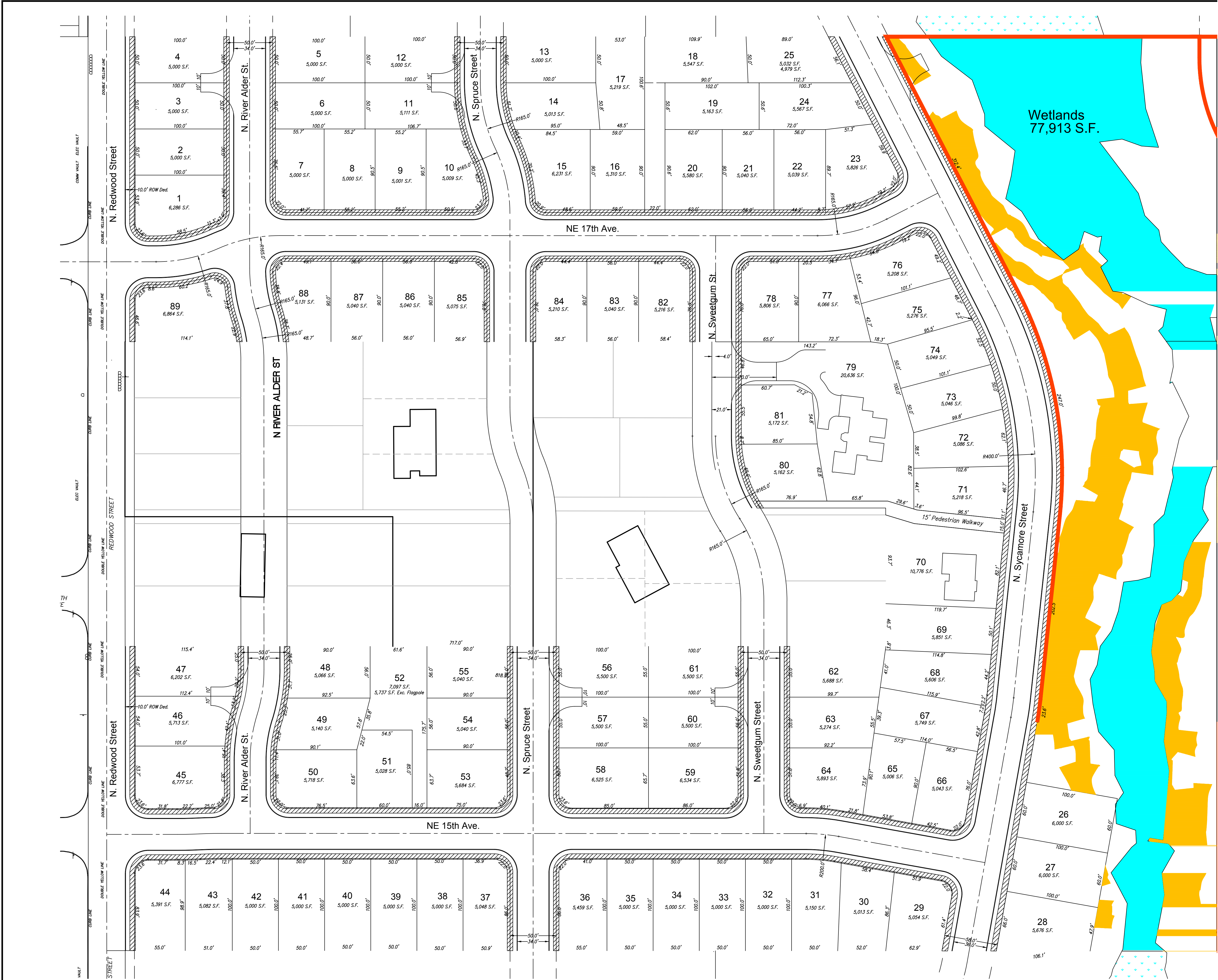
POLICY NO. 1: CANBY SHALL ENCOURAGE ENERGY CONSERVATION AND EFFICIENCY MEASURES IN CONSTRUCTION PRACTICES.

Applicant Response: The homes to be built on this site will comply with adopted building code energy conservation measures.

POLICY NO. 4: CANBY SHALL ATTEMPT TO REDUCE WASTEFUL PATTERNS OF ENERGY CONSUMPTION IN TRANSPORTATION SYSTEMS.

Applicant Response: This is achieved in residential development primarily by providing for connectivity so that there are few out-of-direction trips needed. The Redwood Landing project is designed with this in mind. Streets are interconnected and there are no cul-de-sacs.

Conclusion: The proposed application for the Redwood Landing subdivision meets the requirements of applicable development code and comprehensive plan policies. This report demonstrates that the proposal conforms to these applicable approval criteria and requests approval of this application.



DESIGNED: REG			
DRAWN: REG			
SCALE: 1" = 50'			
DATE: December 14, 2017			
FILE: 17-ICN-100	DATE	NO.	REVISION

Richard E. Givens, Planning Consultant
18680 Sunblaze Dr.
Oregon City, OR 97045
PH: (503) 479-0097

APPLICANT: Icon Construction & Development LLC
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R

December 14, 2017

Mr. Bryan Brown
Planning Director
City of Canby
PO Box 930
Canby, OR 97013

Rick Givens
Planning Consultant
18680 Sunblaze Dr.
Oregon City, Oregon 97045

RE: Redwood Landing Density Transfer

Dear Bryan:

Here are the updated density calculations for Redwood Landing. The numbers changed a bit from the original design due to the increased park area after moving 3 lots and the greater street area after providing the additional street stub as a part of reconfiguring to match the neighbor's design concept.

Total Site Area:	1,098,026 sq. ft.
Current Development Site Area:	732,841 sq. ft.
Park Site:	297,291 sq. ft.
Tract A – Future Development:	19,427 sq. ft.
Tract B – Future Development:	48,467 sq. ft.

Density for the Current Development Site is calculated as follows:

Current Development Site Area:	732,841 sq. ft.
Less Streets =	228,083 sq. ft.
Less Pedestrian Walkway =	3,002 sq. ft.
Net Site Area =	501,756 sq. ft.
Net Site Area Divided by 7,000 sq.ft./Unit =	71.7 Units

Density available for transfer from the park site is calculated as follows:

Park Site =	297,291 sq. ft.
Less Wetlands =	77,913 sq. ft.
Less Slopes > 25% =	64,253 sq. ft.
Buildable Area =	155,125 sq. ft.
Less Typical 20% for Streets =	31,025 sq. ft.
Net Buildable Site Area =	124,100 sq. ft.
Net Buildable Site Area/7,000 sq. ft./Unit =	17.7 Units

Total Density Allowed in Current Dev. Site = **89 Units**

To help clarify the numbers contained in these calculations, I am attaching an updated site plan highlighting the various areas. Please let me know if you have any questions.

Sincerely yours,



Rick Givens

Cc: Mark Handris, Icon Construction & Development, LLC

Bryan Brown

From: Jim Mason <Jim@pacificsolutions.me>
Sent: Monday, February 12, 2018 11:48 AM
To: PublicComments
Cc: Bryan Brown
Subject: City File No. APP 17-03 Redwood Landing Subdivision

This subdivision development started out with good intentions and an opportunity for land owners to benefit in developing their property. After reviewing the proposed development I find some serious flaws in planning. The increased traffic flow on to Redwood provides no off street parking for non residents wishing to take advantage of the park walking paths like Echo Park off of Territorial. the lack of parking will push parking onto Redwood and into Postlewait Estates. This is unacceptable. Additionally the development has changed to portions to medium density with lot sizes approximately 5,000 sq feet when Postlewait are 7-8,000 sq ft.

Redwood street is already considered a funnel street for the surrounding area and the narrow street makes it more dangerous with the increased traffic for residents and park usage.

1. Please insist adequate parking for the City Park and walking path
2. insist that the developer maintain the low density of 7-8000 sq ft lots to be consistent with adjacent Postlewait Estates.
3. Widen Redwood street for safety of all residents.

James Mason
1434 NE 15th Ave

February 9th, 2018

City Council of Canby
Attn: Canby Planning Department
222 NE 2nd Ave, Canby OR 97013

Dear Councilors,

As owners of three parcels included in the Redwood Landing Subdivision application (SUB 17-06), we fully support the Planning Commission's decision to approve this application. The application by Icon Construction was comprehensive and met all code requirements for approval. The Planning Department staff report was detailed and conclusive. Finally, the Planning Commissions took public testimony, deliberated and decided to approve the application. Then, as you know, the decision was appealed.

The most discussed aspect both at the Planning Commission meeting and in the Appeal application surrounds the use of lots as small as 5,000 sq. ft. in the R1 zone. The requested lot sizes result from the density transfer calculation, originally proposed and approved as part of the Redwood Concept plan, and then added to the City of Canby code. There are several important points to remember regarding this provision:

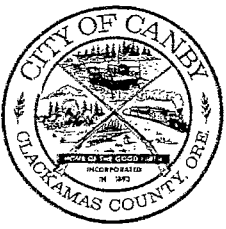
1. The density transfer concept was originally proposed by the City's consultants as a way to compensate land owners who were giving more land than required to support the City's desire to establish a park along Willow Creek. While this was specifically part of the Concept Plan, and now part of the municipal code, it is very similar to the Planned Unit Development (PUD) concept. When people are trying to preserve a certain area, a natural feature for example, a PUD can be used to shift density around to preserve the desired feature.
2. It's important to remember that the total number of lots does not change under this density transfer provision. The allowable number of lots is merely being concentrated in a smaller area, as allowed for in the code, to preserve the park land. Some individuals allege Icon Construction is creating more lots as a result of the density transfer, but that is simply not the case.
3. Finally, the density transfer provision was introduced by the City's consultant, debated in public sessions as part of the Concept Plan working sessions, reviewed at the Planning Commissions (including public testimony), reviewed at the City Council (including public testimony) and finally included in the municipal code. This is well thought out, thoroughly reviewed including multiple public input points, and results in the equitable treatment of all land owners.

We encourage you to deny the appeal (APP 17-03) and allow the Redwood Landing Subdivision to go forward. This development represents a very nice addition to our community and the City of Canby.

Sincerely,

Ethan & Stephanie Manuel

1612 N Redwood St, Canby OR 97013



City of Canby

**PUBLIC HEARING NOTICE &
REQUEST FOR COMMENTS FORM**
CITY FILE NO: APP 17-03
**PROJECT NAME: APPEAL OF PLANNING
COMMISSION DECISION FOR REDWOOD
LANDING SUBDIVISION, ICON CONSTRUCTION**
PUBLIC HEARING DATE: February 21, 2018

The City received an Appeal form (APP 17-03) from Daniel Webb, Linda Thomas, Andrew Jarmer, Ryan & Kerrie Oliver, and Eric & Josephine Recht appealing the Planning Commission's approval of the Redwood Landing Subdivision application (SUB 17-06). 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 February 21, 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 February 9, 2018

Location: East side of N Redwood St between NE 12th Ave & NE 19th Loop

Tax Lots: 31E27C00301, 00500, & 01200, 31E34B00700 & 00701 (See hatch area at left)

Lot Size and Zoning: 25.21 acres, R-1 Low Density Residential

Owners: John Boyle, Jim Boyle, Hugh Boyle, Kathleen Boyle, Kristeen Boyle, Karen Seratt, Steven Stewart, Pamela King, Rebecca Stewart Gray, Ethan Manuel, and Stephanie Manuel

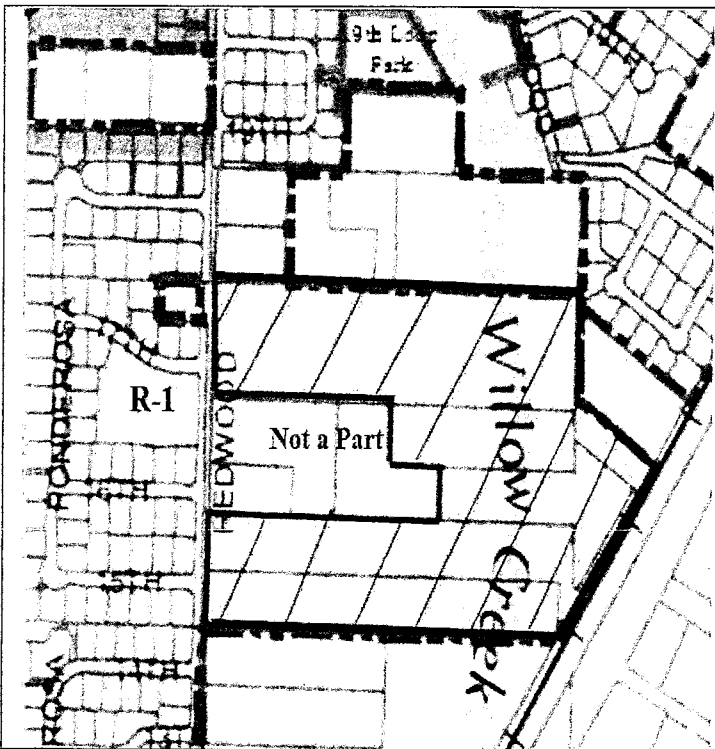
Applicant's Representative: Michael Robinson, Schwabe Williamson & Wyatt

Appellants: Daniel Webb, Linda Thomas, Andrew Jarmer, Ryan & Kerrie Oliver, and Eric & Josephine Recht

Type: Appeal Form

City File Number: APP 17-03

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. New evidence is limited to the issues raised at the Planning Commission hearing unless the Council determines such evidence is necessary to resolve the case.

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 February 13, 2018 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 February 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 February 21, 2018

Application: APP 17-03 Appeal of Planning Commission's Approval of the Redwood Landing Subdivision application-SUB 17-06.

COMMENTS:

See attached

CITIZEN NAME: Eric + Jo Reent
ADDRESS: 1594 N. Redwood Canby OR 97013
EMAIL: Josephine.B.Reent@ DATE: 2-8-2018

Josephine.Reent@gmail.com
Eric C. Reent
AGENCY COMMENTS:

Please submit all comments by email to:
PublicComments@canbyoregon.gov

Thank You!

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: _____

700 8 15 10
JH

To the Canby City Council,

We wish to express our support for the 'spirit' of the North Redwood Development Concept Plan. Maps clearly delineated a balanced mix of high, medium and low density areas. We wish to express our objection to the development plan sponsored by ICON that includes a runaway use of the density transfer provisions.

Our property is bounded on two sides by the area Icon is proposing to develop. We find that the ICON plan will significantly devalue our property by applying the density transfer allowance to more than half of the intended low density area. Medium density lots will dominate an area intended as low density. While it is obvious that ICON used a sharp pencil to maximize the number of lots and likely meets the letter of the law, we contend that this outcome does not meet the spirit of the concept plan.

We do not feel that the city planning department, and their consultant, adequately explained the potential effects of density transfer. It was shocking to learn at the planning commission hearing that even the staff did not anticipate this outcome. As non-real estate lay people, we certainly could not have been expected to anticipate what staff professionals did not anticipate. The plan as proposed by ICON results in nearly all of the east side of Redwood as a medium density area, unlike Postlewaite Estates just across the street.

In preparation for the February 21 meeting, we canvassed many of the current homeowners on North Redwood Street. We were not surprised to find that not one citizen anticipated this outcome. Something has gone seriously wrong with the way in which this planning process was implemented.

At this point we feel it would be appropriate to delete the density transfer provision from the concept plan and develop a more equitable process to address the required park/green space.

At this late stage in the proceedings, we find that the citizens of Canby have not been well served by the planning process. We look forward to this opportunity to further discuss our concerns at the upcoming meeting.

Josephine Reacht
Eric W. Reacht

Laney Fouse

From: Gary Jenks <gjsjr2@gmail.com>
Sent: Thursday, February 01, 2018 2:27 PM
To: PublicComments
Subject: App 17-03 Redwood Landing Subdivision; public comment/Gary and Sue Jenks

As residents who live near to and utilize N. Redwood Street, we strongly caution against approving any additional housing projects accessing this road at this time. The road is substandard in design and in poor condition and maintenance. Even in its current state, it is only marginally safe for drivers and pedestrians. Additional traffic load should not be placed on this road without additional study or assessment, and there is a clearer understanding and commitment to improvements that will make it safer for our use. The marginal street improvements and/or right-of-way grants that would be required of the applicants along their site's road frontage would do nothing to improve the overall condition of the road. The only consequence of approving this project would be to make N. Redwood Street more congested and even less safe for use. Please deny this project until such time as the road is able to withstand greater housing density and traffic.

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@canby.com

Written comments to be included in Council packet are due by Monday, November 27, 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 Wednesday, December 6, 2017

Application: Appeal of Planning Commission's Denial of Allen Manuel's S Ivy Park applications - Zone Change, Subdivision, Conditional Use Permit (ZC 17-02/SUB 17-04/ CUP 17-05).

COMMENTS:

Ordinance 16.10 Off- Street Parking + Loading
16.10.070 Parking lots + access

(B) Access

(a) Maximum driveway widths + requirements:

(b) No driveways shall be constructed within
five (5) feet of an adjacent property line,
except when two (2) adjacent property owners
elect to provide joint access to their respective
properties as provided by subsection 2.
= I did not agree to access =

CITIZEN NAME: Jody Roggensack

ADDRESS 140 SW 6th Canby

EMAIL: jodymail@canby.com DATE: 11/22/17

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

NAME: _____ AGENCY: _____

DATE: _____

Please submit comments by email to:
PublicComments@canbyoregon.gov

Thank You!

November 13, 2017

TO: CANBY PLANNING COMMISSION.

From: Daniel Webb
Real Estate Consultant
1109 SW 1st. Ave
Ste F # 742
Canby, Or. 97013

Subject: SUB 17-06 REDWOOD LANDING

Dear Mr. Chairman and fellow Commissioner's,

I represent the following property owners

Linda Thomas, 1864 N. Redwood St.
Andrew Jarmer 1860 N. Redwood St.
Carole Berggren 1868 N. Redwood St.

Because Staff had not submitted their report prior to our previous comments dated 11/1/2017 we respectfully submit the following supplement to previous comments.

PAGE 15 OF NRDCP

Sidewalks are planned along both sides of the street frontages and will fall within the proposed R.O.W., when utilizing a 4.5 foot planter strip.

The NRDCP envisioned utilizing 8 foot planter strips that would serve as vegetated swales for storm water runoff. This would force the sidewalk closer to the homes and **require a sidewalk easement in conjunction with the standard 12 foot PUE along the front of all lots. This is a common practice in other development**

Applicant's lot size averaging amounts to a 16% reduction in lot size. IN ADDITION, LOT SIZE AVERAGING MUST BE IN CONJUNCTION WITH THE DEDICATION OF "DEVELOPABLE LAND". NOT STEEP SLOPES, WETLANDS AND A STREAM. THE AMOUNT OF DEVELOPABLE LAND THEY HAVE IDENTIFIED I BELIEVE IS PRIMARILY STEEP SLOPES

THESE SMALLER LOTS + REDUCED SET-BACKS ARE NOT AT ALL WHAT THE NRDCP ADVISORY COMMITTEES ENVISIONED. STAFF SHOULD HAVE INFORMED THE COMMITTEES OF THESE DEVELOPMENT OPTIONS PRIOR THE COMMITTEES MAKING THEIR RECOMMENDATIONS TO THE PLANNING COMMISSION AND CITY COUNCIL

WHICH WOULD HAVE PROBABLY INITIATED A RECCOMENDATION OF ELIMINATING THIS OPTION FOR ANY DEVELOPMENT WITHIN THE NRDCP.

On lots that range from 5000 to 6000 square feet, the applicant requested a reduction in the side yard setbacks from the required 7 foot to 5 feet and 10 foot on a corner lot street side yard that requires a 15 foot setback. Additionally, the applicant intends to reduce the minimum lot frontage width from the required 60 foot minimum to 50 foot for some lots. As a condition of approval, **the applicant must specify at the public hearing which lots are proposed for setback reduction and which lots are proposed for minimum lot frontage of 50 feet in order for the Planning Commission to make a detailed decision.**

The applicant will dedicate 6.45 acres of riparian and wetland area as a park that is contained within the proposed subdivision. In this particular case, park SDC fees will be determined based on a land value formula that was created during the North Redwood Development Concept Plan process. The formula for required SDC fees is based on appraised values. The value of the natural park area plus the appraised value of the developable park area and then minus the value of residential transfer from the developable area that will then equal the value of North Redwood parks land dedication. The property owner will then minus the SDC's owed which will equal the net North Redwood parks contribution. If the property owner's land contribution is greater than SDC's owed, then the North Redwood account reimburses the land owner. If the property owner's land contribution is less than the SDC's owed, then the North Redwood property owner contributes some land and some park SDC's.

SDC Credits PLUS Lot averaging to 5700 sq. ft. lots? DOUBLE DIPPING ON THIS ONE THE PLANNING COMMISSION SHOULD REMOVE THE OPTION OF LOT AVERAGING EVEN THOUGH IT WAS INCLUDED IN THE NRDCP

PAGE 15 OF NRDCP

NARROW STREETS The applicant proposes a 28 foot width for low volume interior north/south streets that will limit parking to only one side of the streets in order to maintain 20 feet of clear emergency access for fire district response. **NOT AT ALL WHAT THE NRDCP ADVISORY COMMITTEES INVSIONED. STAFF SHOULD HAVE INFORMED THE COMMITTEES OF THESE DEVELOPMENT OPTION PRIOR THE COMMITTEES MAKING THEIR RECCOMENDATIONS TO THE PLANNING COMMISSION AND CITY COUNCIL**

REDWOOD STREET CROSS SECTION (NO ON STREET PARKING) IF SO THEN IT NEEDS TO BE ELIMINATED THE ENTIRE LENGTH OF REDWOOD ON BOTH SIDES OF THE STREET. Ten feet of additional R.O.W will be dedicated adjacent to the N. Redwood Street frontage. This will bring the total R.O.W. to 60 feet which is enough for two lanes of traffic and bike lanes on both sides of the street but no on-street parking. **On-street parking is considered optional on a collector street** by the adopted cross section standard. **THE TIA INDICATES NO TRAFFICC ONTROL FEATURES SO WE WILL NOW HAVE THE ONLY NORTH SOUTH UNRESTRICTED CONNECTION BETWEEN HWY 99 AND TERRITORIAL. CANBY'S NORTH SOUTH FREEWAY)**

16.64.040 Lots

3. Alternative lot layout. Applicants may deviate from standard lot setbacks and dimensions to **accommodate dedicated interconnected open space or other natural areas.** **THERE ARE NO "OPEN SPACE OR NATURAL AREAS WITHIN THE PROJECT SO IT DOES NOT QUALIFY.**
SO NO LOT SIZE AVERAGING

16.64.070 Improvements.

PAGE 25 AND 26 OF NRDCP

D. Surface Drainage and Storm Sewer System.

2. Stormwater Management through Low Impact Development (LID). Low impact development is a stormwater management approach aimed at emulating predevelopment hydrologic conditions using a combination of site design and storm water integrated management practices. This approach focuses on minimizing impervious surfaces, promoting rainfall evaporation and uptake by plants, and maximizing stormwater infiltration. Specific LID strategies and integrated management practices include:

- a. Protection and restoration of native vegetation and soils,**
- b. Minimizing impervious surface area through use of pervious materials (e.g. pavers and pervious concrete).**
- c. Vegetated roofs, d. Rainfall reuse,**

There are no such facilities incorporated in the applicants design. Therefore 16.64.070 or the outline on page 25 & 26 of the NRDCP have not been utilized by the applicant.

Respectfully,

Daniel Webb
503-510-9998
1109 SW 1st. Ave
Ste F # 742
Canby, Or. 97013

Subject: SUB 17-06 REDWOOD LANDING

Statement from Daniel Webb as a member of the Stakeholders Committee for the NRDCP

Dear Mr. Chairman and fellow Commissioner's,

After spending many hours as a member of the committee, should the Planning Commission approve the applicants proposal without wholesale changes in the submitted plan I will be extremely disappointed as I'm sure many other members of the various committee's who worked on putting this plan together will be.

IT WOULD REPRESENT A WASTE OF OUR TIME AND INTEREST IN HELPING TO
CREATE A BETTER COMMUNITY!

Respectfully,

Daniel Webb

MEMORANDUM

TO: David Epling, City of Canby
FROM: Kenneth Kent, Land Use Review Coordinator
DATE: November 13, 2017
RE: SUB 17-06
31E34B 00700, 00500 and 01200

This office has the following comments pertaining to this proposal:

FACTS AND FINDINGS

1. The proposed land use application for an 89-lot subdivision is located within the City of Canby and subject to city land use regulations. The site fronts in two locations on the east side of N Redwood Street, which is under the jurisdiction of Clackamas County. The applicant is subject to City of Canby standards and requirements for the on-site development and will require approval of a Development Permit from Clackamas County for access and frontage improvements on N Redwood Street.
2. N Redwood Street is classified as a collector roadway by Clackamas County. Clackamas County has adopted roadway standards that pertain to the structural section, construction characteristics, minimum required right-of-way widths and access standards for collector roads. The right-of-way width of N Redwood Street appears to 40-50 feet along the project site frontage, according to the Clackamas County Assessor's Map. The minimum right-of-way width for a collector roadway is 60 feet. Subdivision applications are required to dedicate up to one half of the standard right-of-way width at the time of development. The applicant will be required to dedicate approximately 10 of additional right-of-way along the entire site frontage so there is a minimum 30-foot one half right-of-way width.
3. The minimum improvements on the N Redwood Street frontage consistent with the Clackamas County Roadway Standards include, but are not necessarily limited to, up to a one half-street improvement, with a pavement width of 18 feet from the centerline of the right-of-way, standard 6-inch wide curb and a 6-foot wide unobstructed, curb-tight sidewalk. However, in this case the one half road width for N Redwood Street has been established at 20 feet, as approved with the Pine Meadows Subdivision immediately to the north.
4. Adequate intersection sight distance is required for all new access onto a county roadway, per Section 240 of the Clackamas County Roadway Standards. Based on the posted speed

of 25 mph plus 5 mph, the minimum sight distance of 335 feet is required and appears feasible at the proposed intersections.

5. Under *Clackamas County Roadway Standards*, Section 220.5, driveway access is limits on collector roadways is access is available from a lower classification roadway. Proposed Lots 1, 5, 6, 44, 45, 48, and 89 have frontage on N Redwood Street but appear to have access proposed from local streets within the development. An access restriction will be noted on the subdivision plat along the frontage of N Redwood Street.
6. *Clackamas County's Roadway Standards* indicate that collector roadways shall have an 8-foot wide public easement for sign, slope, and public utilities on each side of the roadway.
7. The City of Canby is the surface water management authority for the area including the subject site. The proposed subdivision will be required to comply with the rules and regulations of the City and Chapter 4 of the *Clackamas County Roadway Standards*. Storm drainage standards require that positive drainage is provided to an existing storm drainage system capable of accommodating the estimated contribution.

CONCLUSION

Although the County does not have land use jurisdiction over the proposed subdivision, the County does have jurisdiction over access and improvements along the N Redwood Street frontages. However, the following recommended conditions reflect the County's minimum recommended standards for the City's consideration. Where the City's standards differ and are more stringent, the County will defer to the City's standards.

If the City of Canby approves the request, the following conditions of approval are recommended. If the applicant is advised to or chooses to modify the proposal in terms of access location and/or design following the preparation of these comments, this office requests an opportunity to review and comment on such changes prior to a decision being made.

1. All required street, street frontage and related improvements shall comply with the standards and requirements of the *Clackamas County Zoning and Development Ordinance* and the *Clackamas County Roadway Standards* unless otherwise noted herein.
2. The applicant shall dedicate approximately 10 feet of right-of-way along the entire site frontage on N Redwood Street and verify by a professional survey that a 30-foot wide, one-half right-of-way width exists.
3. The applicant shall grant an 8-foot wide public easement for sign, slope and public utilities along the entire frontage of N Redwood Street.
4. The applicant shall design and construct improvements along the entire site frontage of N Redwood Street to collector roadway standards, per *Clackamas County Roadway Standards*, Standard Drawing C130. These improvements shall consist of:
 - a. A one half-street improvement with a minimum paved width of 18 feet from the centerline of the right-of-way. The structural section shall be designed and constructed per Standard Drawing C100 for a collector roadway.

- b. Inbound and outbound tapers shall be provided per Section 250.6.4 of the Clackamas County Roadway Standards.
- c. Standard curb, or curb and gutter if curblane slope is less than one percent, with the curb face located 18 feet from the centerline of the right-of-way.
- d. A 5-foot wide sidewalk behind a 5-foot wide landscape strip, including street trees shall be constructed along the entire site frontage. Where the sidewalk does not connect to sidewalk on adjacent property, the end of the sidewalk requires a concrete ADA compliant curb ramp, providing a transition from the new sidewalk to the edge of pavement.
- e. Dual curb ramps shall be provide at the proposed intersections of NE 15th Avenue and NE 17th Avenue, constructed per Standard Drawing S910. The designer shall complete the county ADA Assessment Checklist and provide a copy with the improvement plans. The county has adopted the following curb ramp design and construction standards:

Feature	Design Standard	Construction Standard
Ramp Slope	7.5%	8.33%
Ramp Cross Slope	1.5%	2.0%
Landing (turning space) Cross Slope	1.5%	2.0%

- f. Storm drainage facilities in conformance with City of Canby Standards and *Clackamas County Roadway Standards* Chapter 4. Any surface water runoff from the site to the N Redwood Street right-of-way shall be detained outside of the right-of-way in conformance with *Clackamas Roadway Standards*.
5. Adequate intersection sight distance, per Section 240 of the Clackamas County Roadway Standards shall be provided at the intersections with N Redwood Street. Intersection sight distance shall be based on a design speed of 30 MPH, requiring a minimum of 335 feet of sight distance north and south.
 6. A note shall be placed on the plat indicating no access to North Redwood Street along the frontage of Lots 1, 5, 6, 44, 45, 48, and 89.
 7. Utility Placement Permit shall be required for any utility work required within the right-of-way of N Redwood Street.
 8. The applicant shall submit an Engineer's cost estimate to be approved by Clackamas County Engineering for the asphalt concrete, aggregates, and any other required public improvement in the Leland Road right-of-way.
 9. Prior to commencement of site work and recording of the plat the applicant shall obtain a Development Permit from this office for design and construction of required improvements to Leland Road. To obtain the Permit, the applicant shall submit plans prepared and stamped by an Engineer registered in the State of Oregon, provide a Performance Guarantee, and pay an Inspection Fee. The Performance Guarantee is 125% of the approved Engineer's cost estimate for the required improvements.

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: eplyingd@canbyoregon.gov

Written comments to be included in the Planning Commission's meeting packet are due by Noon on Wednesday, November 1, 2017. Written comments can also be submitted up to the time of the Public Hearing on Monday, November 13, 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 17-06 – Redwood Landing Subdivision

COMMENTS:

[Future access to current properties.] My lot is not adjacent to the proposed development but could be impacted by limiting future access. The proposed Master Plan does allow for additional units on 1868, but could be jeopardized if access limited. Please consider the long term development of adjacent property.

TRAFFIC ON REDWOOD.
Considering the current 35 mile speed limit on Redwood is consistently violated and rarely enforced, what safety measures will be made for pedestrians and child safety?
Also, the intersection of Redwood & Territorial is already overburdened. What additional traffic "control" will be implemented? Additionally parking on Redwood for at least 50-100 spaces should be considered. It poses a cone of territorial at higher speed to a blind area of parked cars & pedestrian traffic.

NAME:

ADDRESS:

EMAIL:

Carole Jean Berggren

1868 N Redwood St Canby

cjberg@canby.com DATE: Nov 1 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!

David Epling

From: pharmerjarmer@canby.com
Sent: Monday, November 06, 2017 9:38 PM
To: David Epling
Subject: Fwd: RE: SUB 17-06 Redwood Landing COMMENTS
Attachments: image001.jpg; REDWOOD LANDING COMMENTS Planning.Commission hearing..pdf; Redwood Aerial.pdf

You guys need to pay attention to these concerns presented by Mr Webb.

The developers proposal places an undo burden on me and my neighbors with the street layout. This could compromise our future property value and limit options for development going forward. Certainly the developer has the resources to make a better plan. I want you guys to behave in a very responsible manner on this issue. If your goal is just to make the developers dreams come true at our expense that is not O.K. and there will be a challenge. I have considerations of building the home I will retire in where the developer plans for an east-west connection to 18th place on Redwood. Last time I checked this 3 acres was still owned and maintained by me.

Regarding Willow Creek, this stream has sea-run cutthroat trout and rainbow and steel-head trout and should be valued. If ODFW is not in the loop here that is another problem that will be addressed. As a young man I harvested each of those species from the creek and outflow to the Willamette river. Those of us who grew up on this side of Canby and were young sportsmen going back more than thirty years know this is factual.

Please do the right thing for all of us and be both fair and comprehensive in the the way this process is adjudicated.

Regards

----- Forwarded Message -----

From: Daniel Webb <danielwebb@web-ster.com>
To: pharmerjarmer@canby.com
Sent: Sun, 05 Nov 2017 09:24:42 -0800 (PST)
Subject: RE: SUB 17-06 Redwood Landing COMMENTS

Hi Andrew,

Attached are both documents in pdf format.

Let me know if you have any questions or concerns.

-Dan

From: pharmerjarmer@canby.com [mailto:pharmerjarmer@canby.com]
Sent: Saturday, November 04, 2017 6:52 PM
To: Daniel Webb
Subject: Re: SUB 17-06 Redwood Landing COMMENTS

Hi Dan

My computer operating system does not support viewing the attachments you sent in their present format. Can you send as a pdf so I can open and view.

Thanks

----- Original Message -----

From: Daniel Webb <danielwebb@web-ster.com>
To: cjberg@canby.com
Cc: pharmerjarmer@canby.com
Sent: Wed, 01 Nov 2017 15:19:08 -0700 (PDT)
Subject: SUB 17-06 Redwood Landing COMMENTS

@font-face

{font-family:Calibri;
panose-1:2 15 5 2 2 2 4 3 2 4;}

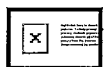
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div.WordSection1
{page:WordSection1;}
-->

Attached are copies of what I sent to the City planning about the subdivision

Thanks,

- Dan



Virus-free. www.avg.com

November 1, 2017

TO: CANBY PLANNING COMMISSION.

From: Daniel Webb
Real Estate Consultant
1109 SW 1st. Ave
Ste F # 742
Canby, Or. 97013

Subject: SUB 17-06 REDWOOD LANDING

Dear Mr. Chairman and fellow Commissioner's,

I represent the following property owners

Linda Thomas, 1864 N. Redwood St.
Andrew Jarmer 1860 N. Redwood St.
Carole Berggren 1868 N. Redwood St.

The properties owned by these people are adjacent to and North of the subject subdivision. We respectfully request the Planning Commission to strongly consider and address the following comments during the public hearing scheduled for November 13, 2017. We wish to address four main points relating to the application submitted by ICON Construction and Development.

- 1) Street alignment**
- 2) Storm water management**
- 3) Protection of Willow Creek, a Fish Bearing Stream**
- 4) Fence the boundary of the "Site".**

C. Approval criteria

The following criteria must be satisfied prior to approval of any new subdivision or Planned Unit Development within the North Redwood Plan District as they apply to the area proposed for development.

1. Generally, new road alignments should be consistent with those identified on Figure 9 of the DCP. Changes to the identified road alignments may be approved to allow for topographic or other conditions.

11. Applicants must demonstrate that future adjacent projects will be able to connect to proposed roads and other infrastructure in a way that will be consistent with the North Redwood DCP.

1)STREET ALIGNMENT

1) N. Sycamore Street

The alignment being proposed for the subdivision and its future extension to N. Redwood Street at the intersection of 18th Place will have a serious negative impact on the properties to the North of the project which are owned by several property owners. I will address each one individually. Please refer to the attached aerial map depicting these properties.

Thomas property.

The proposed future extension is positioned to continue North in what is a narrow corridor which is only 120 ft wide between the Westerly property boundary and where a steep slope starts and evolves into wetlands. The edge of the steep slope is depicted on the map by a white dotted line. In addition the

property owners' home and shop are in direct alignment with the location of the extension and curve radius in order to make the eventual turn to the West to accommodate the alignment with 18th Place. Although the Thomas property is 5 acres in size the portion of the property West of Willow Creek which has future development potential consists of approximately 1 acre and a future extension of Sycamore St. in this location would negate any future potential.

Jarmer Property.

The future extension of Sycamore St. as it would continue westerly from the Thomas property and in order to stay in alignment with 18th Place would be extremely close to if not requiring the moving of or destruction of the Jarmer residence so this configuration would not make sense.

N. Sycamore Street Summary

The 17th Street connection to Redwood Street needs to be the most Northerly connection to Redwood Street so that N. Sycamore would terminate at some point South of the North property line of the subdivision as it would serve no purpose as a "stub" for a future extension.

Although the North Redwood Development Concept Plan indicated a connection at this point the NRDCP being a "concept plan" is only a concept and a road map. The applicant has followed the concept plan but the plan was flawed in that it didn't take into consideration the configuration or the improvements on the 4 (four) properties to the North of the applicants subdivision. Any future potential for development will be eliminated with the applicant's configuration as submitted with a future extension of N Sycamore Street to N. Redwood Street at 18th Place

2) N. Spruce Street

Spruce Street follows the NRDCP concept to allow for future development of the 3 properties to the North of the subdivision but just needs to be moved approximately 100 feet to the East of its current location in order to be in alignment with the property line between the Jarmer and Thomas properties.

This realignment would enable a future extension of Spruce Street which would enable the Jarmer and Thomas properties to be feasible for future development and also provide a connection to the North to serve the Berggren property for future development. This future extension of Spruce Street is the only feasible access to serve the Berggren property.

N. Spruce Street Summary

With the relocation of Spruce approximately 100 feet to the East a future extension will follow the NRDCP and provide for future development of the properties to the North of the subdivision.

2) STORM WATER MANAGEMENT

ENVIRONMENTAL CONCERNS ELEMENT

POLICY NO. 9-R: CANBY SHALL ATTEMPT TO MINIMIZE THE ADVERSE IMPACTS OF NEW DEVELOPMENTS ON FISH AND WILDLIFE HABITATS.

PUBLIC FACILITIES AND SERVICES ELEMENT GOAL 3: TO ASSURE THE ADEQUATE PROVISION OF STORM DRAINAGE SERVICES TO MEET THE NEEDS OF THE RESIDENTS AND PROPERTY OWNERS OF CANBY.

STORM WATER MANAGEMENT

The applicant is proposing to discharge all of the storm water from the subdivision into Willow Creek. Willow Creek is a fish bearing stream which flows directly into the Willamette River. The creek and related wetlands is home to a number of animal species including but not limited to Beaver, Fox, Weasel, and Deer. In recent years the creek has become much shallower from the influx of sandy silt, which we

believe the source is the Garden Crossing development at the South end of Redwood Street, so the stream flow volume has decrease dramatically. As a result of the slowed water movement, the invasive plant species are taking over the stream. We are concerned that the stream will not be able to disperse the contaminated water from the subdivision fast enough to prevent the stream and adjacent wetlands from becoming a wasteland. The applicant has indicated they will utilize the existing wetlands to “filter and protect” the creek and also “pre-treat” the water to reduce sediment and pollution loads before it enters the creek. We don’t believe the pollution from petrochemicals, from a couple of miles of streets, 89 driveways, antifreeze, fertilizer, weed sprays, etc can be treated effectively to prevent contamination of the stream and wetlands.

We feel this plan does not serve or protect the public or the streams involved. This is 2017, not 1970. We feel the City and the public would be better served by the applicant utilizing modern techniques such as bio-swales in the streetscape, rain gardens, on individual lots via drywell’s,etc. The remaining storm water can be piped North on Redwood Street to the Storm water basin/Fish Eddy site owned by the City, which is what it’s there for. There is currently an existing storm water line in Redwood Street which follows this route and there needs to be storm water facilities in place to serve the additional developments to the South within the NRDCP



3) Protection of Willow Creek, a Fish Bearing Stream.

The City Planning department has on numerous occasions during the formulation of the NRDCP been asked to consult with Oregon Department of Fish and Wildlife and the Department of State lands for their comments on the future development of lands around Willow Creek and the related Wetlands and their inclusion into a City park with the public being allowed access to these sensitive areas. To date we have not seen any comments nor has this been addressed in the application. We will look forward to this being addressed by the Planning Commission during the public hearing.

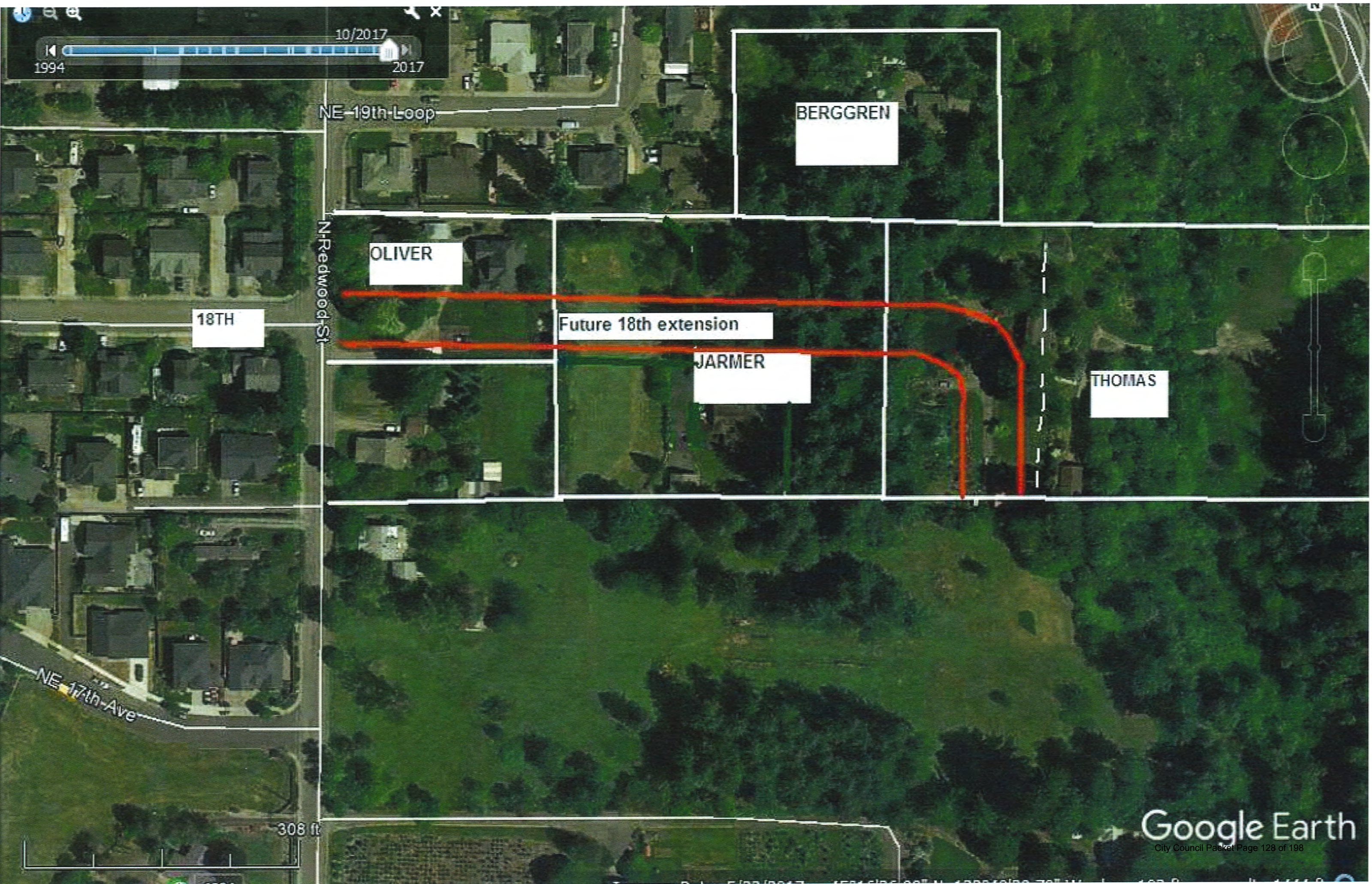
4) FENCE THE BOUNDARY

POLICY NO. 4: CANBY SHALL LIMIT DEVELOPMENT IN AREAS IDENTIFIED AS HAVING AN UNACCEPTABLE LEVEL OF RISK BECAUSE OF NATURAL HAZARDS.

The entire boundary as identified on page 2 (Figure 2) Aerial Photograph of the applicants Narrative needs to be fenced. That portion of the area included in the park dedication should be fenced with a six foot high, "no climb" type fence. Once this area is dedicated to the City for Park land it will be accessible to the entire population of the City. The fence is needed for 2 reasons, 1) To insure the public does not trespass onto private properties and 2) To protect the public from accessing hazardous (steep slopes, sink holes in wetlands and open water, i.e potential for drowning) areas outside the Park land on private property.

Respectfully,

Daniel Webb
503-510-9998
1109 SW 1st. Ave
Ste F # 742
Canby, Or. 97013



10/2017

1994

2017

NE 19th Loop

BERGGREN

OLIVER

18TH

N Redwood St

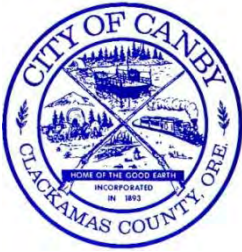
Future 18th extension

JARMER

THOMAS

NE 17th Ave

308 ft



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, November 1, 2017

Location: East side of N Redwood St between NE 12th Ave & NE 19th Loop

Tax Lots: 31E27C00301, 00500, & 01200, 31E34B00700 & 00701 (See hatch area at left)

Lot Size and Zoning: 25.21 acres, R-1 Low Density Residential

Owners: John Boyle, Jim Boyle, Hugh Boyle, Kathleen Boyle, Kristeen Boyle, Karen Seratt, Steven Stewart, Pamela King, Rebecca Stewart Gray, Ethan Manuel, and Stephanie Manuel

Applicants: Icon Construction & Development, LLC

Representative: Rick Givens, Planning Consultant

Application Type: Subdivision (Type III)

City File Number: SUB 17-06

Contact: David Epling at 503-266-0686 or email eplingd@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.

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 Planning Commission during the Public Hearing on Monday, November 13, 2017. (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 eplingd@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 to the Planning Commission will be available for inspection starting Friday, November 3, 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:

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- 16.10 Off-Street Parking and Loading
- 16.16 R 1 Low Density Residential Zone
- 16.43 Outdoor Lighting Standards
- 16.46 Access Standards
- 16.62 Subdivisions – Applications
- 16.64 Subdivisions – Design Standards
- 16.86 Street Alignments
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E-mail: eplingd@canbyoregon.gov

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Application: SUB 17-06 – Redwood Landing Subdivision

COMMENTS:

A few questions: -From the documents, I gather that N Redwood will eventually have bike lanes on both sides of the Street as the development of N Redwood area continues. This would mean no on-street parking on either side of N Redwood street. Is this correct? If it is, I favor it.

--What are plans for the general upgrade of N Redwood Street? I know that it or part of it is a county road. Street traffic will continue to increase.

A good plan that is implemented soon would seem to offer significant benefits.

--Will the entire section of N Redwood street from the NW corner of the development to the SW corner of the development be upgraded with sidewalks, bike lanes etc? Or will only those portions of the development that touch N Redwood street be upgraded?

--Seems to me N Redwood St will be a hodge-podge of sidewalks and no sidewalks, on the east side, for years to come if the whole thing isn't done. Yes, I know it costs a lot of money. It offers benefits as well.

NAME: Mike Hemelstrand

ADDRESS 1737 N Ponderosa St

EMAIL: mike.hemelstrand@gmail.com

DATE: Nov 1, 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!

Laney Fouse

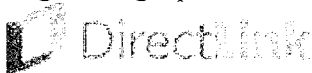
From: Dinh Vu <Dinh.Vu@directlink.coop>
Sent: Wednesday, November 01, 2017 4:10 PM
To: Laney Fouse
Subject: RE: Request for Comments - Redwood Landing Subdivision
Attachments: Redwood Landing SUB 17-06 Public Hearing Notice Fillable.pdf

Good afternoon Lanney,

We do not have any comment, but I would like to confirm that communications services will be available through the development.

Thank you for inviting us for commenting.

Dinh Vu
Engineering Dpt.



Desk: (503) 266-8201
dinh.vu@directlink.coop

From: Laney Fouse [mailto:FouseL@canbyoregon.gov]
Sent: Friday, October 13, 2017 9:00 AM
To: Dinh Vu <Dinh.Vu@directlink.coop>
Subject: Request for Comments - Redwood Landing Subdivision

Hello,
Please find attached a Request for Comments/Public Hearing Notice for the Redwood Landing Subdivision application along with the applicant's submittal. Please note, there will be an additional email which will include the Traffic Study.
Thank you, Laney

Laney Fouse
Development Services Department
City of Canby
222 NE 2nd Ave, 2nd Floor
Direct Line: 503-266-0685
Main Line: 503-266-7001
Fax 503-266-1574
fousel@canbyoregon.gov

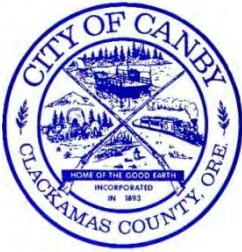
Send Applications to: PlanningApps@canbyoregon.gov
City Website: www.canbyoregon.gov

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.

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.
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City of Canby

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Lot Size and Zoning: 25.21 acres, R-1 Low Density Residential

Owners: John Boyle, Jim Boyle, Hugh Boyle, Kathleen Boyle, Kristeen Boyle, Karen Seratt, Steven Stewart, Pamela King, Rebecca Stewart Gray, Ethan Manuel, and Stephanie Manuel

Applicants: Icon Construction & Development, LLC

Representative: Rick Givens, Planning Consultant

Application Type: Subdivision (Type III)

City File Number: SUB 17-06

Contact: David Epling at 503-266-0686 or email eplingd@canbyoregon.gov

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Application: SUB 17-06 – Redwood Landing Subdivision

COMMENTS:

[illegible]

NAME: _____

ADDRESS

EMAIL: _____ DATE: _____

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!

Laney Fouse

From: Liles <dcliles@canby.com>
Sent: Tuesday, October 31, 2017 5:09 PM
To: David Epling
Cc: josephine.b.recht@gmail.com
Subject: Addition to Written Comments to SUB 17-06
Attachments: Recht-Liles Concept Plan C.pdf

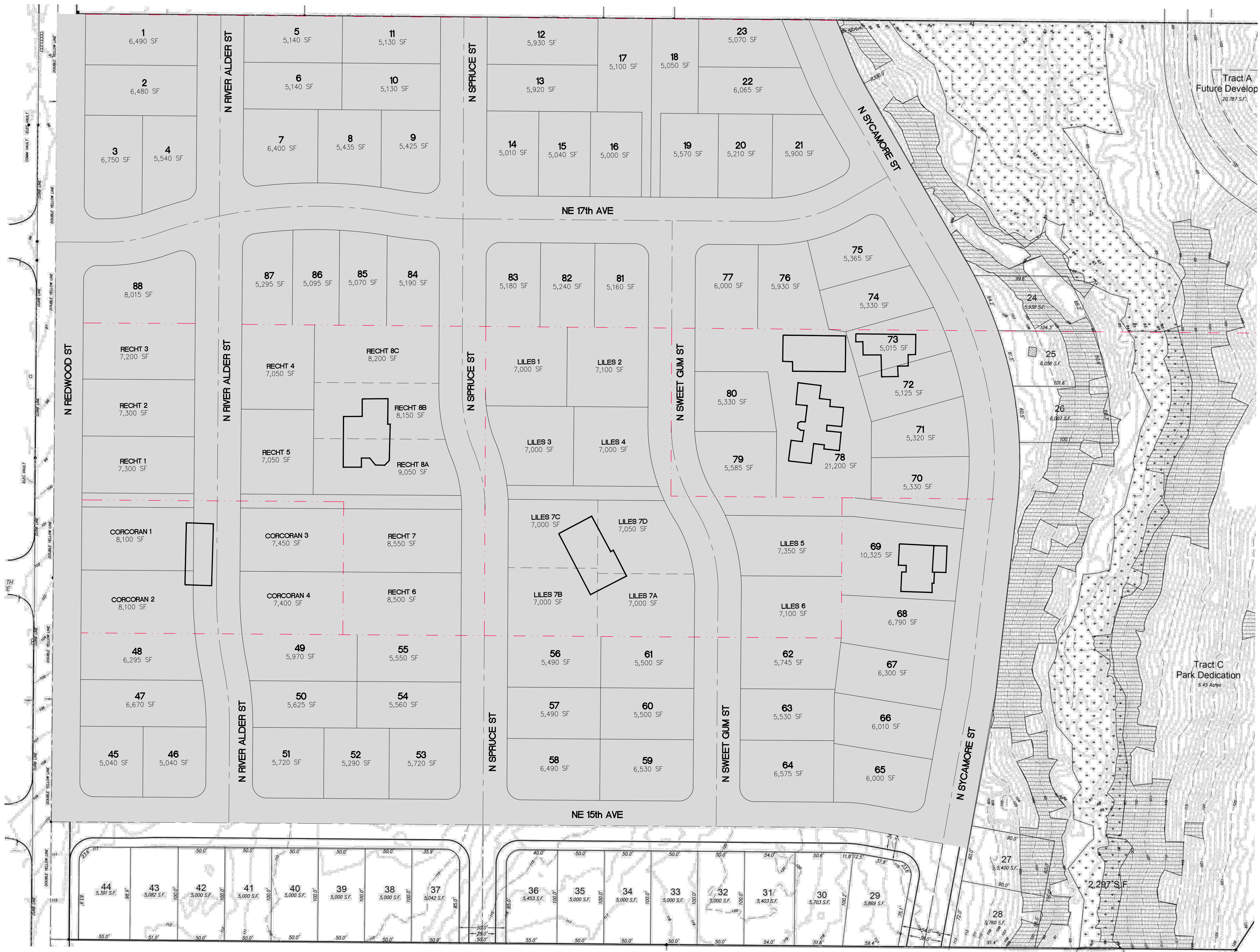
Along with our neighbors Eric and Jo Recht, we hired Sisul Engineering to develop a plan that we believe works better for all of the property owners within the area of ICON's proposed Redwood Landing Subdivision. We shared the plan with ICON yesterday.

Attached is a copy of our proposed plan for your review and consideration.

Please let us know if you have any questions or need additional information.

Thanks you,

Damon and Cynthia Liles
Eric and Jo Recht



David Epling

From: Londa Corcoran <londac@proactivesports.com>
Sent: Monday, October 30, 2017 2:33 PM
To: David Epling
Cc: Jerry Corcoran
Subject: Redwood Landing Subdivision - comments

To: David Epling
City of Canby Planning Dept.

From: Jerry and Londa Corcoran
1586 N. Redwood St., Canby

Re: SUB 17-06 – Redwood Landing Subdivision

Comments:

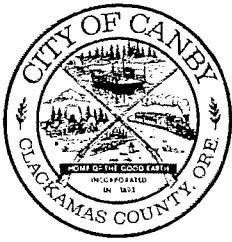
We are not opposed to the development of Redwood Landing, however we are very much opposed to the current plan submitted by Icon Construction and Development. For our acre parcel of land, the proposed lot patterns are not ideal and there is not adequate access to our property upon development. In addition, both of our lots on the Icon plan are under the 7000 sq ft requirement and the only access is from N. Redwood St.

Thank you for considering our concerns and comments.

Respectfully,

Jerry and Londa Corcoran
1586 N. Redwood St.
Canby
503-706-1313

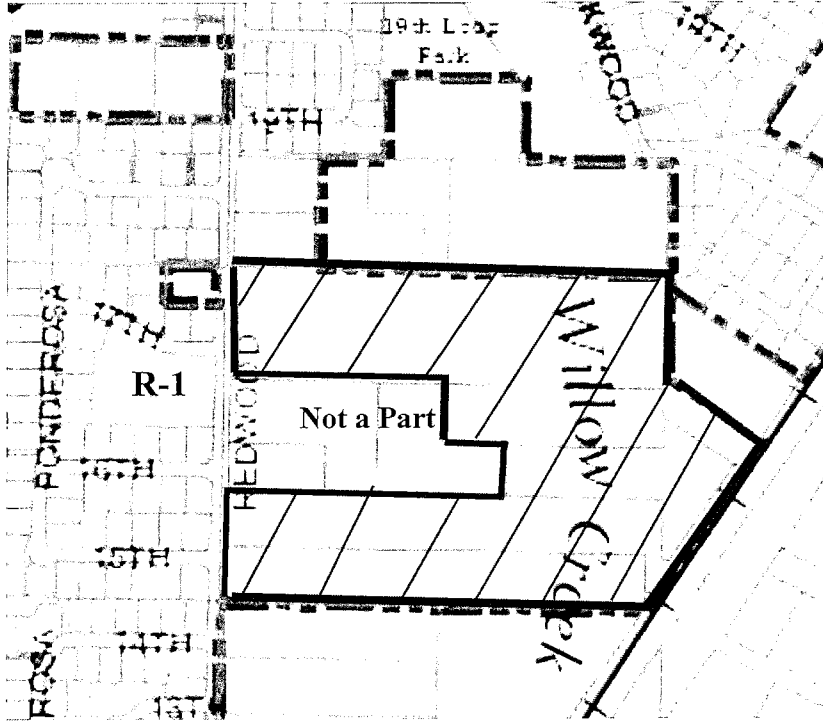




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Application: SUB 17-06 – Redwood Landing Subdivision

COMMENTS:

NW Natural has a 2-inch yellow poly gas main which runs along the private driveway with natural gas services to houses at 1594 and 1608 N. Redwood Street, 1612 and 1650 N. Redwood Street (proposed lots 69 and 75, respectively). NW Natural must maintain gas service to these existing customers at all times.

The preliminary grading plan shows a 2-foot excavation to new finish grade near the south end of Sweetgum Street, which will likely impact the 2-inch gas main serving 1608, 1612 and 1650 N. Redwood Street. The subdivision construction process will need to be phased to ensure existing gas service is provided at all times until the impacted gas main is relocated and/or the impacted services are reconnected to a new gas main brought thru the subdivision. The existing gas main lives within a 5-foot utility easement, which may need to be quit-claimed by NW Natural if a portion of the easement falls within the new subdivision area to be platted.

If the Developer plans to develop the proposed subdivision with natural gas then the Developer or the Developer's engineer should submit Developer contact information with final construction plans in Adobe .pdf format to NW Natural at www.ncproj.com.

If the Developer wants to relocate the gas main in advance of subdivision construction please contact NW Natural FS3 Darrell Hammond at 541-981-0164 to initiate the main relocation process. NW Natural will need to charge for costs to relocate the gas main, unless the Developer is installing natural gas within the new subdivision.

NAME: Dan Kizer, P.E., Engineering Supervisor Field Services

ADDRESS NW Natural

EMAIL: daniel.kizer@nwnatural.com

DATE: Oct. 27, 2017

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

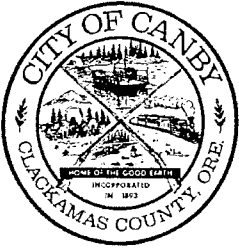
- ☐ Adequate Public Services (of your agency) are available
- ☐ Adequate Public Services will become available through the development
- ☐ Conditions are needed, as indicated
- ☐ Adequate public services are not available and will not become available
- ☐ No Comments

NAME: _____

AGENCY: _____

DATE: _____

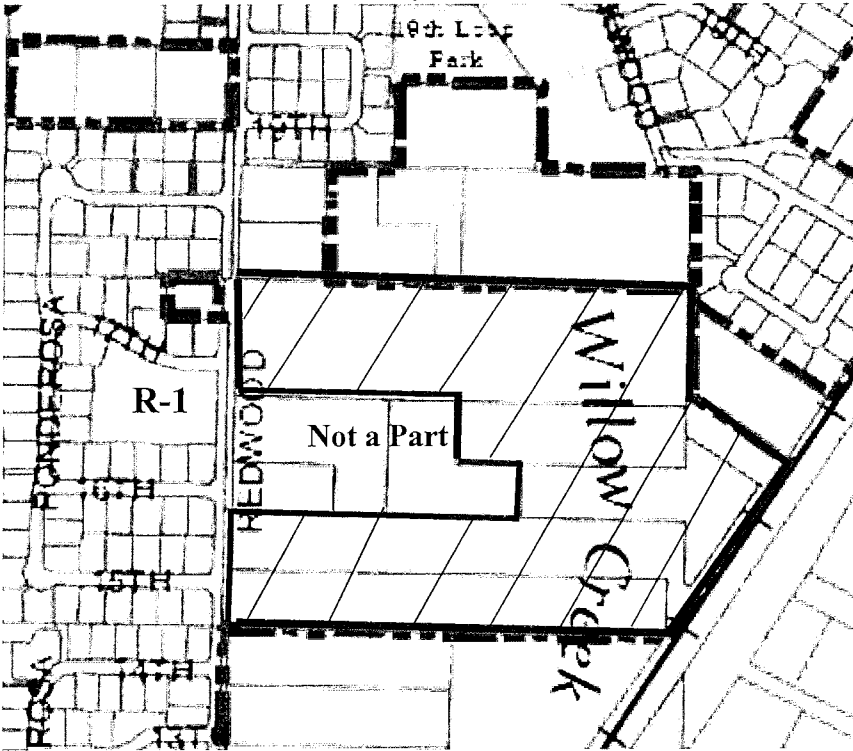
Thank you!



City of Canby

NOTICE OF PUBLIC HEARING & REQUEST FOR COMMENTS

The purpose of this Notice is to Request Your Comments and invite you to a Public Hearing at a Planning Commission meeting on Monday, November 13, 2017 at 7 pm, City Council Chambers, 222 NE 2nd Ave, 1st Floor to review a Subdivision application. The applicants are requesting approval of a 25.21 acre subdivision for 89 single family home lots located within the area of the N Redwood Development Concept Plan, east side of N Redwood St between NE 12th Ave and NE 19th Loop.



Comments due– If you would like your comments to be incorporated into the City's Staff Report, please return the Comment Form by Wednesday, November 1, 2017
Location: East side of N Redwood St between NE 12th Ave & NE 19th Loop

Tax Lots: 31E27C00301, 00500, & 01200, 31E34B00700 & 00701 (See hatch area at left)

Lot Size and Zoning: 25.21 acres, R-1 Low Density Residential

Owners: John Boyle, Jim Boyle, Hugh Boyle, Kathleen Boyle, Kristeen Boyle, Karen Seratt, Steven Stewart, Pamela King, Rebecca Stewart Gray, Ethan Manuel, and Stephanie Manuel

Applicants: Icon Construction & Development, LLC

Representative: Rick Givens, Planning Consultant

Application Type: Subdivision (Type III)

City File Number: SUB 17-06

Contact: David Epling at 503-266-0686 or email eplingd@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.

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 Planning Commission during the Public Hearing on Monday, November 13, 2017. (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 eplingd@canbyoregon.gov

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Applicable Criteria: Canby Municipal Code Chapters:

- 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 Standards
- 16.62 Subdivisions – Applications
- 16.64 Subdivisions – Design Standards
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Application: SUB 17-06 – Redwood Landing Subdivision To the planning commission,

COMMENTS:

We wish to express our support for the N. Redwood Development Concept Plan. The development plan that Iron Construction & Development LLC has submitted seems to deviate from the N. Redwood Development Concept Plan. Our property is bounded on 2 sides by area that Iron is proposing to develop. We find that the plan proposed by Iron significantly devalues our property by putting access points in places that result in numerous "flag" lots and dead-end configurations. We would prefer that the proposed N. River Alder Street run parallel with N. Redwood Street at a distance that would allow single residential lots without any "flag" lots. We would prefer that N. Spruce Street run parallel to N. River Alder both new streets running from 15th Ave straight north to 17th Avenue. This would eliminate the short cross street connecting N. River Alder & N. Spruce Street. We believe designing the area with east/west avenues intersecting with north/south streets provides better connectivity & more closely aligns with the N. Redwood Development Concept plan. The changes we are proposing result in shifting some streets as laid out in the Iron plan but ultimately would not significantly change the number of developable lots while creating a more productive plan for surrounding properties. We look forward to further discussing our concerns & counter proposal.

NAME: Eric & Josephine Recht
ADDRESS: 1594 N. Redwood Canby OR 97013
EMAIL: Josephine.B.Recht@gmail.com DATE: 10-27-2017

Josephine Recht
Eric W Recht

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!

To the Planning Commission,

We wish to express our support for the North Redwood Development Concept Plan. The development plan that Icon Construction and Development, LLC has submitted seems to deviate somewhat from the North Redwood Development Concept Plan. Our property is bounded on two sides by the area Icon is proposing to develop. We find that the plan proposed by ICON significantly devalues our property by putting access points in places that result in numerous flag lots and culdesac configurations. We would prefer that the proposed N. River Alder Street run parallel with N. Redwood St. at a distance that would allow single residential lots to be laid out without any "flag" lots. We would also prefer that N. Spruce St. run parallel to N. River Alder St. from NE 15th Ave. straight north to NE 17th Ave. This would eliminate the short cross street connecting N. River Alder St. and N. Spruce St. We believe designing the area with east/west Avenues intersecting with north/south Streets provides better connectivity and more closely aligns with the North Redwood Development Concept Plan. The changes that we are proposing result in shifting some streets as laid out in the ICON plan, but ultimately would not significantly change the number of developable lots while creating a more productive plan for the surrounding properties. We look forward to further discussing our concerns and counter proposal.

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Application: SUB 17-06 – Redwood Landing Subdivision

COMMENTS:

N. Redwood Street does not have adequate design or capacity to accommodate additional traffic at this time. The addition of 89 more residences to this street would provide significant trip generation every day. N. Redwood presently serves over 220 single-family residences as well as a large number of rental families. Approval of this subdivision would add a 30%+ increase in traffic on an already over-utilized and under-managed corridor. First priority should be on road improvements to bring the road to current and safe standards before considering additional projects which will only make it more unsafe and dysfunctional.

NAME:

Gary & Sue Tenke

ADDRESS

1419 NE 16th Ave, Canby, OR 97013

EMAIL:

gjs@kctacable.net

DATE:

October 26, 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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Thank you!



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Representative: Rick Givens, Planning Consultant

Application Type: Subdivision (Type III)

City File Number: SUB 17-06

Contact: David Epling at 503-266-0686 or email epdingd@canbyoregon.gov

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Application: SUB 17-06 – Redwood Landing Subdivision

COMMENTS:

We are not opposed to the development of Redwood Landing, but we are opposed to the current preliminary site plan proposed by ICON. As owners of property situated in the middle of the proposed plan, we feel there are other viable options for road configuration that would allow all the stakeholders, including ICON, to maximize development of their property. While the proposed plan allows ICON to develop uniform lots, it leaves us with curved roads, oddly configured lots and a flag lot, resulting in the reduction of developable space on our property.

NAME: Damon & Cynthia Liles
ADDRESS: 1608 N. Redwood Street, Canby, OR. 97013
EMAIL: dcliles@canby.com DATE: 10.24.2017

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

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- ☐ No Comments

NAME: _____
AGENCY: _____
DATE: _____

Thank you!

David Epling

From: Phillip Schilling <pj_schilling@yahoo.com>
Sent: Sunday, October 22, 2017 6:03 PM
To: David Epling
Subject: N Redwood St./ road maintainance and new development

Mr. David Epling,

Thank you for taking my call last week and listening to my concerns regarding N Redwood St. and the new development that is being planned for the area. My concerns regarding N Redwood St are;

Redwood is a very poorly maintained St.,it's very bumpy with many potholes.

When cars are parked on the West side of the street we have to pull over into the oncoming traffic to pass these parked vehicles esp.: SUV's and large Trucks.

Redwood is our only access road. With the new developments being planned for Redwood there will be an increase in traffic. We would like to see Redwood resurfaced and widened.

We hope there will be enough parking in the new developments so that they will not need to be parking on N Redwood St.
Thank you for your time and consideration.

Sincerely,
Dr Phillip and Linda Schilling
1376 NE 14th PL
Canby, OR 97013

503-266-6432
pj_schilling@yahoo.com



Virus-free. www.avast.com

CURRAN-McLEOD, INC.
CONSULTING ENGINEERS

6655 S.W. HAMPTON STREET, SUITE 210
PORTLAND, OREGON 97223

October 20, 2017

MEMORANDUM

TO: Mr. David Epling
City of Canby

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

RE: **CITY OF CANBY**
REDWOOD LANDING SUBDIVISION (SUB 17-06)

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

1. N Redwood Street is classified as a collector street as per the City Transportation System Plan (TSP), the existing right-of-way width of 50 feet (30-foot to the west and 20-foot to the east. A 10 -foot wide right of way dedication will be required along the entire site frontage with N Redwood Street including half street improvements with curbs, 4.5-foot planter strip, 6-foot wide concrete sidewalks, utilities as required and street lights. The half street improvements shall be built to City Standards with the curb placed at 18-foot from the centerline right-of-way to match the east side of the roadway in conformance with section 2.207 of the City of Canby Public Works Design Standards dated June 2012. An asphalt tapers at the rate of 10:1 shall be constructed to match existing asphalt surface at both ends of the street.
2. Sight distance verification by a registered professional engineer shall be submitted to the City for review and approval. The sight distance each at access point with N Redwood Street shall be a minimum of 240 feet in northbound direction and 280 feet in the southbound direction to ensure the existing vegetation growth doesn't obstruct the vehicular traffic.
3. A crosswalk striping, pedestrian crossing signage and adequate lighting at N Redwood Street and NE 15th Ave intersection shall be constructed to facilitate pedestrian movements to the Logging Road trail.
4. All interior streets within the subdivision shall be designed to City local street standards with 34-foot paved width, curbs, 4.5' planters, 6' sidewalks, street lights and utilities in

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Mr. David Epling
October 20, 2017
Page 2

conformance with Chapter 2 of the City of Canby Public Works Design Standards, dated June 2012. Turnarounds may be required at the end of each street as directed by Canby Fire Department.

5. All ADA ramps and sidewalks along tract C and the existing houses frontage shall be constructed as part of this development.
6. 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.
7. As part of the final design, the developer's design engineer shall provide a minimum of 200-foot future centerline street profile design to assure future grades can be met at all the adjoining properties.
8. An erosion control permit will be required from the City of Canby prior to any on-site disturbance.
9. A demolition permit will be required from the City prior to demoing any existing structures.
10. Any existing domestic or irrigation wells shall be abandoned in conformance with OAR 690-220-0030. A copy of WRD abandonment shall be submitted to the City.
11. Any existing on-site sewage disposal system shall be abandoned in conformance with Clackamas County WES regulations. A copy of the septic tank removal certificate shall be submitted to the City.
12. Sanitary sewer exists along N Redwood Street to serve this site. Sanitary sewer lines shall be extended to serve the adjoining properties.
13. The storm drainage runoff can be discharged into Willow Creek, however, a storm drainage report shall be prepared by a registered professional engineer including a downstream analysis to ensure the added flow will not cause any flooding on the downstream properties. The final storm report shall meet Chapter 4 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.

David Epling

From: Martin/Dawn Engel <dnmengel@canby.com>
Sent: Saturday, October 14, 2017 4:57 PM
To: David Epling
Subject: notice of public hearing and request for comments north Redwood development concept plan

My comment is that this area can not withstand that many houses filled with multiple inhabitants with the current conditions that exist on Redwood. It is already very unsafe to walk, bike and sometimes drive on certain areas of the street. I repeat, it is not safe; and if you add all those other cars and foot traffic etc., it will be a nightmare for everybody concerned. Please reconsider or promise to fix the problems all the way up and down Redwood. This should have done already for the current families living in this neighborhood. Thank you, Dawn Engel

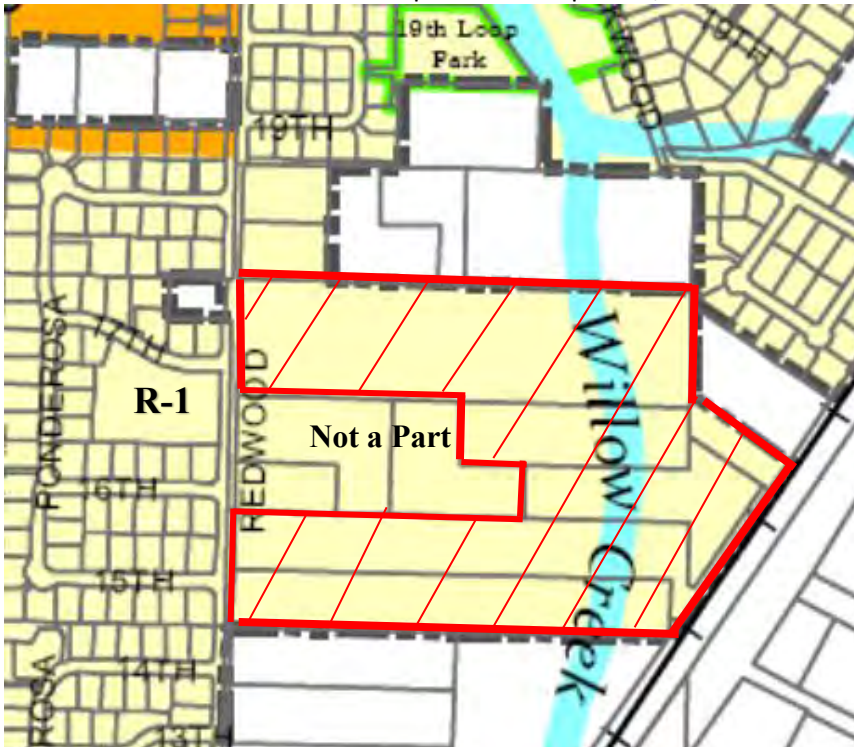
1747 N E. 16th Ave, Canby Oregon
dnmengel@canby.com



City of Canby

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Application: SUB 17-06 – Redwood Landing Subdivision

COMMENTS:

[illegible]

NAME: _____

ADDRESS

EMAIL: _____ DATE: _____

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

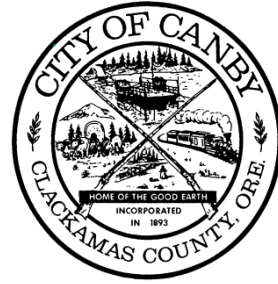
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NAME: _____

AGENCY: _____

DATE: _____

Thank you!



MEMORANDUM

To: Mayor Hodson and Canby City Council
From: Amanda Zeiber, Assistant City Administrator/HR Director
Date: February 21, 2018
Through: Rick Robinson, City Administrator
Re: Resolution No. 1281

Background Summary:

In June 2012 the Canby City Council adopted a DOT Drug & Alcohol Policy and established an effective date. The policy was last updated in April 2015. An adopted DOT Drug & Alcohol Policy must be in place for the City to be eligible to receive federal (FTA) grant funding. The DOT policy covers individuals performing safety-sensitive functions and is mandated under DOT (the U.S. Department of Transportation) and FTA regulations.

In January 2018, the Oregon Department of Transportation (ODOT) contracted with RLS & Associates, Inc. (RLS) to review the drug and alcohol testing programs that receive FTA funding to ensure compliance with applicable federal regulations. The policy was reviewed to ensure compliance with applicable federal regulations. Several revisions were recommended by RLS & Associates, Inc., including general housekeeping items, contact updates, and clarification and update of current regulations to keep the City in compliance. Suggested revisions were incorporated and the revised policy has been provided to AFSCME.

Recommendation:

Staff recommends that the Council adopt Resolution 1281, adopting the City of Canby Drug and Alcohol Policy for Use with DOT Regulated Employees and identifying an effective date.

Recommended Motion:

"I move to adopt Resolution 1281, A RESOLUTION ADOPTING A REVISED CITY OF CANBY DRUG & ALCOHOL POLICY FOR USE WITH DOT REGULATED EMPLOYEES AND IDENTIFYING AN EFFECTIVE DATE AND REPEALING RESOLUTION NO. 1212."

Attachments:

Resolution No. 1281

RESOLUTION NO. 1281

A RESOLUTION ADOPTING A REVISED CITY OF CANBY DRUG & ALCOHOL POLICY FOR USE WITH DOT REGULATED EMPLOYEES AND IDENTIFYING AN EFFECTIVE DATE AND REPEALING RESOLUTION NO. 1212.

WHEREAS, the City of Canby is committed to a safe and drug free workplace; and

WHEREAS, for individuals performing safety-sensitive functions, an employee substance abuse testing program is mandated under U.S. Department of Transportation (DOT), and Federal Transit Administration (FTA) regulations; and

WHEREAS, Section III-14a of the Oregon State Management Plan for Public Transportation programs requires that certain grant sub recipients develop and adopt an anti-drug use and alcohol abuse policy in accordance with 49 CFR Part 655; and

WHEREAS, the City of Canby has these Drug and Alcohol Testing policies for safety and for compliance with the FTA regulations 49 CFR Parts 40 and 655.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Canby, as follows:

1. To adopt the City of Canby Drug & Alcohol Policy for Use with DOT Regulated Employees and to identify an effective date, attached hereto as Exhibit "A".
2. This resolution repeals Resolution No. 1212, which was effective April 1, 2015.

This resolution will take effect on February 21, 2018.

ADOPTED this 21st day of February 2018, by the Canby City Council.

Brian Hodson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder

Exhibit "A"

CITY OF CANBY, OREGON DRUG AND ALCOHOL POLICY FOR USE WITH DOT REGULATED EMPLOYEES

Effective January 1, 2018

The City of Canby ("CITY") is committed to a safe and drug free workplace. For individuals performing safety-sensitive functions, an employee substance abuse testing program is mandated under U.S. Department of Transportation (DOT), Federal Transit Administration (FTA) regulations. City of Canby has these Drug and Alcohol Testing policies for safety and for compliance with the FTA regulations 49 CFR Parts 40 and 655.

Any provisions set forth in this policy that are included under the sole authority of City of Canby and are not provided under the authority of the above named Federal regulations are underlined. Tests conducted under the sole authority of City of Canby will be performed on non-USDOT forms and will be separate from USDOT testing in all respects.

This Policy includes communication of resources for employees who voluntarily seek assistance before an alcohol or drug dependency problem affects their work performance or is discovered through a drug and alcohol test.

This Drug and Alcohol Testing Policy is intended to comply with FTA regulations.

This policy applies to the job classifications which are safety sensitive, but may not be limited to: drivers, dispatchers and fleet maintenance workers. These job classifications are considered safety-sensitive positions and individuals filling these positions are subject to this policy as a condition of employment.

A safety-sensitive function is operation of public transit service including the operation of a revenue service vehicle (whether or not the vehicle is in revenue service), maintenance of a revenue service vehicle or equipment used in revenue service, security personnel who carry firearms, dispatchers or persons controlling the movement of revenue service vehicles and any transit employee who operates a vehicle that requires a Commercial Driver's License to operate. Maintenance functions include the repair, overhaul, and rebuild of engines, vehicles and/or equipment used in revenue service. Supervisors are only safety sensitive if they perform one of the above functions. Volunteers are considered safety sensitive and subject to testing if they are required to hold a CDL, or receive remuneration for service in excess of actual expense.

This policy provides guidelines for circumstances under which this Department of Transportation (DOT) mandated testing will be conducted.

Individuals covered by this policy have been provided a copy of these DOT provisions and by your signature, you are verifying that you have read and understand the policy. Employees should note that in addition to the required DOT regulations they are also subject to any other CITY drug and alcohol policy.

The following conditions and activities are expressly prohibited:

The manufacture, sale, use, or possession of alcohol, any controlled or illegal substance, or prohibited drug or any other substances that may impair job performance or pose a hazard, when use or possession occurs on CITY premises or property, or during work time, or while representing the CITY in any work-related fashion.

Reporting for work having consumed alcohol; or used illegal or prohibited drugs, on or off-duty; or controlled substances at a time, or in such quantities, or in a manner that may impair work performance is prohibited. The

covered employee may be subject to drug testing at any time during his/her work day. Random and Reasonable Suspicion alcohol testing will be conducted just before, during or just after performing safety-sensitive functions. No covered employee shall consume alcohol within four (4) hours prior to the performance of safety-sensitive job functions. Each covered employee is prohibited from reporting to work or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater regardless of when the alcohol was consumed. No covered employee shall consume alcohol for eight (8) hours following involvement in an accident or until he/she submits to the post-accident drug/alcohol test, whichever occurs first.

For purposes of this policy, having any detectable level of an illegal or controlled drug, or alcohol with an alcohol concentration of .02 or greater, in one's system while covered by this policy will be considered to be a violation. Employees with an alcohol concentration of less than .04 will not be subject to discipline [other than removal from the job as stated in this policy]. If an employee had more than one event in a thirty-six (36) month period where their BAC was between .02 and .039, the employee may be subject to discipline, up to and including termination.

The City of Canby shall not permit any covered employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that the employee is using alcohol.

Alcohol and Drug Problems

In some cases alcohol and drug abuse can be a result of chemical dependency that can be successfully treated with professional help. Individuals who are having problems with alcohol or drug use are encouraged to seek voluntary counseling and treatment. The individual is responsible for seeking help when needed, and prior to any discovery of a substance abuse problem on the job. The following Substance Abuse Professionals can provide help and referrals:

Katherine Hager
3276 Commercial Street SE
Salem, OR 97302
503.428.7211

Or

Peter Barbur
107 NE Broadway, Suite 220
Portland, OR 97232
503.295.7974

In addition, the City offers an Employee Assistance Program, which is a free and confidential counseling and referral service for you. Assistance is available 24 hours a day by calling toll free 888-993-7650 or visiting www.deeroakseap.com.

Any tests conducted as part of the return to work agreement will be conducted under company authority and will be performed using non-DOT testing forms. A self-referral or management referral to the employer's counseling professional that was not precipitated by a positive test result does not constitute a violation of the Federal regulations.

Education and Training

It is the CITY's policy that training and education programs will be made available to all covered employees and independent contractors. Covered employees will receive at least 60 minutes of training on the signs and

symptoms of drug use, including the effects and consequences of drug use on personal health, safety, and the work environment. The training will also include manifestations and behavioral cues that may indicate prohibited drug use.

All supervisory personnel or company officials who are in a position to determine employee fitness for duty will receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

Definitions

"Alcohol" means the intoxicating agent in beverage alcohol.

"Alcohol concentration (or content), BAC" means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test under 49 CFR Part 40.

"Alcohol use" means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

"Contractor" means a person or organization that provides a safety-sensitive service for a recipient, subrecipient, employer, or operator consistent with a specific understanding or arrangement. The understanding can be a written contract or an informal arrangement that reflects an ongoing relationship between the parties.

"Covered Employee" means any person, including an applicant or transferee, who performs or will perform a safety-sensitive function for an entity subject to 49 CFR Part 655.

"Drug" has the meaning of any controlled substances, prescription, or over-the-counter medication.

"EBT (or evidential breath testing device)" means an EBT approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices" (CPL), and identified on the CPL as conforming with the model specifications available from the National Highway Traffic Safety Administration, Office of Alcohol and State Programs.

"Employer" means a recipient or other entity that provides public transportation service or which performs a safety-sensitive function for such recipient or other entity. This term includes subrecipients, operators, and contractors.

"FTA" means the Federal Transit Administration, an agency of the US Department of Transportation.

"Licensed Medical practitioner" means a person who is licensed, certified, and/or registered, in accordance with applicable Federal, State, local, or foreign laws and regulations, to prescribe controlled substances and other drugs.

"Medical Review Officer (MRO)" means a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.

"Performing (a safety-sensitive function)" means a covered employee is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

"Prohibited drug" Identified as marijuana, cocaine, opioids, amphetamines, or phencyclidine at levels above the minimum thresholds specified in 49 CFR Part 40, as amended

"Recipient" means an entity receiving Federal financial assistance under 49 US Code 5307, 5309, 5311 or under section 103(e)(4) of title 23 of the United States Code.

"Refuse to submit (to an alcohol or drug test)" means that a covered employee:

- Fails to appear for any test (excluding pre-employment) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer.
- Fails to remain at the testing site until the testing process is complete; provided that an applicant who leaves the testing site before the testing process commences for a pre-employment test is not deemed to have refused the test. The testing process commences once the applicant has been provided the specimen collection cup.
- Fails to provide a urine or breath specimen for any drug or alcohol test required by 49 CFR Part 40 or DOT agency regulations, if the employee leaves after the testing process has commenced.
- In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the provision of a specimen.
- Fails or declines to take a second test the employer or collector has directed.
- Fails to provide a sufficient amount of urine when directed, unless it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure to provide.
- Fails to provide a sufficient breath specimen, and the physician has determined, through a required medical evaluation, that there was no adequate medical explanation for the failure.
- Fails to undergo a medical examination, as directed by the MRO as part of the verification process, or as directed by the Designated Employer Representative (DER) concerning the evaluation part of the "shy bladder" or "shy lung" procedures in 49 CFR Part 40, subpart I.
- Fails to sign the certification at Step 2 of the alcohol testing form (ATF).
- Fails to cooperate (e.g., refuse to empty pockets when so directed by the collector, fail to wash hands after being directed to do so by the collector) or otherwise interferes with any part of the testing process.
- Is reported by the MRO as having a verified adulterated or substituted test result.
- For an observed collection, fails to follow the observer's instructions to raise his/her clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if he/she has any type of prosthetic or other device that could be used to interfere with the collection process.
- Possesses or wears a prosthetic or other device that could be used to interfere with the collection process.
- Admits to the collector or MRO that he/she has adulterated or substituted the specimen.
- Fail to remain readily available following an accident.

"Performing" (a safety sensitive function) means a covered employee is considered to be performing a safety sensitive function and includes any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.

"Safety-sensitive function" means:

- Operating a revenue service vehicle, including when not in revenue service;
- Operating a non-revenue service vehicle, when required to be operated by a holder of a Commercial Drivers License;
- Controlling movement or dispatch of a revenue service vehicle;
- Maintaining a revenue service vehicle or equipment used in revenue service, unless the recipient receives Section 5307 funding and is in an area of less than 200,000 population; or, Section 5311 funding and contracts out such services.
- Carrying a firearm for security purposes.

"Substance Abuse Professional" means licensed physician (Medical Doctor or Doctor of Osteopathy); or a licensed or certified psychologist, social worker, or employee assistance professional; state-licensed or certified marriage and family therapist; or addiction drug and alcohol counselor (certified by the National Association of Alcohol and Drug Abuse Counselors Certification Commission (NAADAC), the International Certification Reciprocity Consortium/Alcohol & Other Drug Abuse (ICRC), or by the National Board for Certified Counselors, Inc. and Affiliates/Master Addictions Counselor (NBCC)). All must have knowledge of and clinical experience in the diagnosis and treatment of alcohol and drug -related disorders.

"Vehicle" means a bus, electric bus, van, automobile, rail car, trolley car, trolley bus, work truck, vessel. A "public transit vehicle" is a vehicle used for public transportation or ancillary services.

Prohibited Substances

Prohibited substances addressed by this policy include the following:

1. Illegally Used Controlled Substance or Drugs Under the Drug-Free Workplace Act of 1988 any drug or any substance identified in Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 CFR 1300.11 through 1300.15 is prohibited at all times in the workplace unless a legal prescription has been written for the substance. This includes, but is not limited to: marijuana, amphetamines, opioids, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. Also, the medical use of marijuana, or the use of hemp related products, which cause drug or drug metabolites to be present in the body above the minimum thresholds is a violation of this policy

Federal Transit Administration drug testing regulations (49 CFR Part 655) require that all employees covered under FTA authority be tested for marijuana, cocaine, amphetamines, opioids, and phencyclidine as described in Section H of this policy. Illegal use of these five drugs is prohibited at all times and thus, covered employees may be tested for these drugs anytime that they are on duty.

2. Legal Drugs: The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to a [TRANSIT SYSTEM NAME] supervisor and the employee is required to provide a written release from his/her doctor or pharmacist indicating that the employee can perform his/her safety-sensitive functions.

3. Alcohol: The use of beverages containing alcohol (including any mouthwash, medication, food, candy) or any other substances such that alcohol is present in the body while performing safety-sensitive job functions is prohibited.

Prohibited Conduct

The following is considered prohibited conduct under this policy:

1. No covered employees shall report for duty or remain on duty any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in 49 CFR Part 40, as amended
2. No covered employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater.
2. No covered employee shall use alcohol while performing safety-sensitive functions.
3. No covered employee shall perform safety-sensitive functions within four hours after using alcohol. *On call employees* are prohibited from consuming alcohol during the specified hours that he/she is on-call. The following procedure shall be followed:
 - (a) The opportunity for the covered employee to acknowledge the use of alcohol at the time he/she is called to report to duty and the inability to perform his/her safety-sensitive function.
 - (b) The requirement that the covered employee take an alcohol test, if the individual has acknowledged the use of alcohol, but claims ability to perform his/her safety-sensitive function.
4. No covered employee shall refuse to submit to a drug and/or alcohol test required by 49 CFR Part 655 or 49 CFR Part 40. A refusal to test constitutes a positive test result.
5. No covered employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the individual uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner, who has advised the individual that the substance will not adversely affect his/her ability to safely and effectively perform his/her assigned duties.
6. Prescription Medications: The appropriate use of legally prescribed medications is not prohibited. However, the employee has the responsibility to discuss the potential effects of any prescription medication in relation to his/her safety-sensitive job duties with the prescribing medical practitioner including its potential to impair mental functioning, motor skills, or judgment. The employee must refrain from performing any safety-sensitive function any time their ability to safely perform their job duties is adversely impacted by the use of a prescription medication or any time the prescribing medical practitioner indicated that the employee's fitness-for-duty may be compromised.
 - a) A legally prescribed drug means the employee has a prescription or other written approval from a medical practitioner for his/her use of a drug in the course of medical treatment. The written statement must include the employee's name, the name of the substance, quantity/amount to be taken, and the period of authorization.
 - b) The misuse or abuse of prescription medications is prohibited. Examples of misuse and/or abuse include:
 - Use of a medication that is not prescribed for the employee.
 - The employee exceeds the prescribed dosage or frequency of use.
 - Use of medication for purposes other than their intended use.
 - Use of any medication that contains alcohol within four hours of performing safety-sensitive functions.
 - The use of any prescription medications that adversely impacts the employee's ability to safely perform his/her safety-sensitive job functions.

- c) In some instances employees may be able to judge how a substance is impacting him/her. As such, the employee has the responsibility to inform the prescribing medical practitioner of performance altering side effects and request medical disqualification from performance of his/her safety-sensitive duties. The employee is encouraged to discuss/consider alternative treatments that do not have the performance altering side effects.
- d) Additionally, an employee will be medically disqualified from the performance of safety-sensitive functions if the medical practitioner determines that the employees medical history, current condition, side effects of the medication being prescribed and other indications pose a potential threat to the safety of coworkers, the public and/or the employee.
- e) The medical practitioner statements and any other medical information obtained through this process are confidential information and will be maintained in confidential medical files in the HR Manager's office.

If, as a result of testing under this policy, the individual is found to have the presence of controlled substances in the body which is a result of the use of his/her legally prescribed medication that has not been reported, the individual shall be removed from service until it is determined that the use of medication will not impair his/her ability to safely and effectively perform assigned duties.

- 7. No covered employee shall report for duty, remain on duty, or perform a safety-sensitive function, if the individual tests positive for alcohol or prohibited drugs.

Other Related Alcohol Conduct

A covered employee tested under the requirements of this policy who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall be removed immediately from performing safety-sensitive functions until the individual's alcohol concentration measures less than 0.02; or the start of the individual's next regularly scheduled duty period, but not less than eight (8) hours following administration of the test.

Drug and Alcohol Testing

The covered employee may be subject to drug testing at any time during his/her work day, except pre-employment, and alcohol testing will be conducted just before, during or just after performing safety-sensitive functions.

In addition, any covered employee who receives a negative dilute test result will be required to submit a second test. Once notified the applicant/covered employee must proceed immediately to the collection site. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.

Employees and / or applicants will be subject to testing as follows:

Pre-Employment

Covered employees will be tested for prohibited drugs, and the employer must receive notification of a verified negative drug test result, prior to the individual performing any safety-sensitive function. An individual may not transfer from a non safety-sensitive function to a safety-sensitive function until he/she takes a drug test with a verified negative test result. A covered employee who has not performed a safety-sensitive function for 90 consecutive calendar days, regardless of reason, and was removed from the random testing pool during that time, shall submit to a pre-employment drug test with a verified negative result prior to resuming performance of safety-sensitive functions. If the applicant or employee's test is canceled, then he/she must take another pre-employment drug test. An applicant who tests positive on a pre-employment test will not be hired and will not be eligible to reapply for employment with the City of Canby.

Applicants are required (even if ultimately not hired) to provide the City of Canby with signed written releases requesting FTA drug and alcohol records from all previous, DOT-covered, employers that the applicant has worked for within the last two years. Failure to do so will result in the employment offer being rescinded. The City of Canby is required to ask all applicants (even if ultimately not hired) if they have tested positive or refused to test on a pre-employment test for a DOT covered employer within the last two years. If the applicant has tested positive or refused to test on a pre-employment test for a DOT covered employer, the applicant must provide The City of Canby proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G. The driver/applicant will be responsible to pay for the pre-treatment evaluation, education and/or treatment, and the subsequent pre-employment test. This is a condition of employment. Refusing will result in the job offer being withdrawn. If an applicant or transferring employee's test is canceled, then he/she must take another pre-employment drug test.

Random

The employer is using a consortium/third party administrator to facilitate the random selection and notification to the employer of the covered employee(s) and individual contractor(s) selected for testing. The consortium/third party administrator is:

Bio-Med Testing Service Inc.
3110 25th St. SE
Salem, OR 97302
503-585-6654

Covered employees and individual contractors will be subject to random alcohol and drug testing under the following program:

1. Random selection of covered employees and individual contractors will be made by a scientifically valid method using a computer-based random number generator that is matched with the individual's Employer identification number.
2. Each covered employee shall have an equal chance of being drawn each time selections are made.
3. Selections for testing are unannounced and reasonably spread throughout the calendar year.
4. Random selections are made to ensure testing for prohibited drugs is conducted at not less than the minimum annual 25% rate and alcohol is conducted at not less than the minimum annual 10% rate, as established by the Federal Transit Administration (FTA).
5. A covered employee shall only be randomly tested for alcohol just before, during, or just after performing safety-sensitive functions, however, he/she may be tested for prohibited drugs anytime while performing work for the employer.
6. Once a covered employee is notified of selection for random alcohol and/or drug testing he/she shall proceed to the test site immediately.

Reasonable Suspicion

Covered employees will be tested for alcohol and/or drugs whenever the employer has reasonable suspicion that the individual has used a prohibited drug and/or engaged in alcohol misuse.

Reasonable suspicion shall mean that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odor that are consistent with possible drug use and/or alcohol misuse.

Reasonable suspicion drug testing is authorized when the supervisor's observation of the covered employee's behavior occurs anytime during the workday. Reasonable suspicion alcohol testing is authorized only if the supervisor's observation of the covered employee's behavior has been made during, just preceding, or just after the employee was performing any safety-sensitive function.

Reasonable Suspicion documentation is evaluated by the HR Director (or the City Administrator, if the supervisor in question is the HR Director) to prevent abuse of Reasonable Suspicion testing. In the interest of safety, such review may occur after removing the employee from service and sending the employee to testing.

The alcohol test must be completed within two (2) hours of the observation, if not, the CITY must document the reasons for the delay, and shall continue to have the test conducted up to eight (8) hours following the observation. After eight (8) hours the attempt to test will cease, and the CITY must again provide the reasons for the test not being administered.

If an alcohol test is not completed within the two (2) or eight (8) hour time periods, the employer shall prepare and maintain on file a record stating the reasons the test was not administered within the appropriate time frames.

Supervisors and any CITY representative that may be expected to serve in a supervisory capacity, and who may be required to make a reasonable suspicion determination, must have received at least 60 minutes of training on the indications of probable drug use and an additional 60 minutes training on the indicators of probable alcohol misuse. Only those individuals who have received this two (2) hours of training are qualified to make these decisions.

Post-Accident Testing

As soon as practicable following an accident, each surviving covered employee on duty in the vehicle at the time of the accident shall be tested for prohibited drugs and alcohol. Any other covered employee whose performance could have contributed to the accident, as determined by the employer using the best information at the time of the decision, shall be tested for prohibited drugs and alcohol if any of the following conditions are met:

1. If the accident involved the loss of human life (fatality).
2. If the accident involved bodily injury to any person who, as a result of the accident, immediately receives medical treatment away from the scene of the accident.
3. If the accident involved one or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle. Disabling damage includes any damage, which precludes the departure of a motor vehicle from the scene of an accident in its usual manner in daylight after simple repair. This includes damage to vehicles that could have been driven, but would have been further damaged by such movement (i.e. limped away).

A covered employee may not consume alcohol for eight (8) hours following an accident that requires the DOT alcohol test. The alcohol test must be completed within two (2) hours of the accident, if not, the covered employee or independent contractor must advise the CITY of the reasons for the delay, and shall continue to

have the test conducted up to eight (8) hours following the accident. After eight (8) hours the attempt to test will cease, and the individual must again provide the reasons for the test being administered

If an alcohol test is not completed within the two (2) or eight (8) hour time periods, the employer shall prepare and maintain on file a record stating the reasons the test was not administered within the appropriate time frames. Upon request, these records shall be submitted to the FTA Administrator.

A drug test shall be administered as soon as practicable following the incident, up to 32 hours following the accident. After 32 hours the attempt to test will cease, and the covered employee or individual contractor must provide the reasons for the test not being administered properly.

All covered employees will be required to undergo urine and breath testing if they are involved in an accident with a transit vehicle regardless of whether or not the vehicle is in revenue service that results in a fatality. This includes all surviving covered employees that are operating the vehicle at the time of the accident and any other whose performance could have contributed to the accident.

A post-accident test of the operator will be conducted if a non-fatal accident results in injuries requiring immediate transportation to a medical treatment facility; or one or more vehicles incurs disabling damage, unless the operator's performance can be completely discounted as a contributing factor to the accident. Additionally, any other covered employee will be tested whose performance cannot be completely discounted as a contributing factor to the accident.

A covered employee must remain readily available for testing, or may be deemed by the CITY to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident, or to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

In the rare event that the CITY is unable to perform a drug and alcohol test (i.e., employee is unconscious, employee is detained by law enforcement agency), the CITY may use drug and alcohol post-accident test results administered by local, state, or federal law enforcement officials in lieu of the test. The local, state, or federal law enforcement officials must have independent authority for the test and the employer must obtain the results in conformance with local law.

Return-to-Duty

All covered employees who previously tested positive on a drug or alcohol test or refused a test, must test negative for drugs, alcohol (below 0.02 for alcohol), or both and be evaluated and released by the Substance Abuse Professional before returning to work. For an initial positive drug test a Return-to-Duty drug test is required and an alcohol test is allowed. For an initial positive alcohol test a Return-to-Duty alcohol test is required and a drug test is allowed. Following the initial assessment, the SAP will recommend a course of rehabilitation unique to the individual. The SAP will recommend the return-to-duty test only when the employee has successfully completed the treatment requirement and is known to be drug and alcohol-free and there are no undo concerns for public safety.

Follow-Up Testing

Covered employees will be required to undergo frequent, unannounced drug and/or alcohol testing following their return-to-duty. The follow-up testing will be performed for a period of one to five years with a minimum of six tests to be performed the first year. The frequency and duration of the follow-up tests (beyond the minimums) will be determined by the SAP reflecting the SAP's assessment of the employee's unique situation and recovery progress. Follow-up testing should be frequent enough to deter and/or detect a relapse. Follow-

up testing is separate and in addition to the random, post-accident, reasonable suspicion and return-to-duty testing.

Failure to Cooperate

Individuals who are subject to this policy are expected to comply fully with any required testing as a condition of employment.

Any covered employee that has a verified positive drug or alcohol test, or test refusal, will be removed from his/her safety-sensitive position, informed of educational and rehabilitation programs available, and referred to a Substance Abuse Professional (SAP) for assessment. No employee will be allowed to return to duty requiring the performance of safety-sensitive job functions without the approval of the SAP and the employer.

This will also be considered a violation of CITY policy that will subject the individual to discipline, up to and including termination of employment and/or contract.

The CITY also reserves the right to involve law enforcement officials for any conduct it believes might be in violation of local, state or federal law.

Testing Procedures

Drug and alcohol testing will be conducted in accordance with procedures of 49 CFR Part 40, as amended. Detailed collection and alcohol testing procedures are available to all covered employees and can be obtained from the HR Director.

Medical Review

All drug test results will be reviewed by a Medical Review Officer (MRO) before being reported to the CITY. The MRO will attempt to contact the covered employee to discuss the test results before reporting positive results to the CITY.

The Medical Review Officer for the City of Canby is:

Dr. Fernando Proano
1500 1st Avenue S, Suite 106
Burien, WA 98148
503.400.6660

Notification of Results

The CITY will notify the affected covered employee of any alcohol or drug test that is reported positive by the BAT or MRO and will immediately remove the employee from performing safety-sensitive functions. An employee may request a copy of drug test results from the CITY with a written request.

Reanalysis of Original Specimen or Split Specimen Retest

Any covered employee who questions the results of a required drug test under this policy may request that the split sample be tested. The split sample test must be conducted at a second HHS-certified laboratory. The test must be conducted on the split sample that was provided by the employee at the same time as the primary sample. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made to the Medical Review Officer within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted at the discretion of the MRO if the delay was due to documentable facts that were beyond the control of the employee. The City of Canby will ensure that the cost for the split specimen are

covered in order for a timely analysis of the sample, however The City of Canby will seek reimbursement for the split sample test from the employee.

If the analysis of the split specimen fails to confirm the presence of the drug(s) detected in the primary specimen, if the split specimen is not able to be analyzed, or if the results of the split specimen are not scientifically adequate, the MRO will declare the original test to be canceled. If the split specimen is not available to analyze the MRO will direct The City of Canby to retest the employee under direct observation.

Confidentiality and Information Disclosure

Drug/alcohol testing records shall be maintained by the City of Canby Drug and Alcohol Program Manager and, except as provided below or by law, the results of any drug/alcohol test shall not be disclosed without express written consent of the tested employee.

The employee, upon written request, is entitled to obtain copies of any records pertaining to their use of prohibited drugs or misuse of alcohol including any drug or alcohol testing records. Covered employees have the right to gain access to any pertinent records such as equipment calibration records, and records of laboratory certifications. Employees may not have access to SAP follow-up testing plans.

Records of a verified positive drug/alcohol test result shall be released to the Drug and Alcohol Program Manager, and other transit system management personnel on a need to know basis.

Records will be released to a subsequent employer only upon receipt of a written request from the employee.

Records of an employee's drug/alcohol tests shall be released to the adjudicator in a grievance, lawsuit, or other proceeding initiated by or on behalf of the tested individual arising from the results of the drug/alcohol test. The records will be released to the decision maker in the proceeding.

Records will be released to the National Transportation Safety Board during an accident investigation.

Information will be released in a criminal or civil action resulting from an employee's performance of safety-sensitive duties, in which a court of competent jurisdiction determines that the drug or alcohol test information is relevant to the case and issues an order to the employer to release the information. The employer will release the information to the decision maker in the proceeding with a binding stipulation that it will only be released to parties of the proceeding.

Records will be released to the DOT or any DOT agency with regulatory authority over the employer or any of its employees.

Records will be released if requested by a Federal, state or local safety agency with regulatory authority over [GRANTEE/TRANSIT SYSTEM NAME] or the employee.

If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of Part 40 as amended, necessary legal steps to contest the issuance of the order will be taken

In cases of a contractor or sub-recipient of a state department of transportation, records will be released when requested by such agencies that must certify compliance with the regulation to the FTA.

Evaluation and Referral

DOT regulations require that any covered employee who violates the prohibitions of the alcohol and drug rules of 49 CFR Part 655 or Part 40 be advised of available evaluation resources and be evaluated by a Substance

Abuse Professional. In addition to the CITY's Employee Assistance Program, the following Substance Abuse Professional can provide help and referrals:

Katherine Hager
3276 Commercial Street SE
Salem, OR 97302
503.428.7211

Consequences

Employees violating this policy or federal regulations will be prohibited from performing any safety-sensitive functions as defined by this policy and may be subject to disciplinary action up to and including termination of employment. The CITY also reserves the right to involve law enforcement officials for any conduct, which it believes, might be in violation of local, state or federal law.

Questions?

If you have any questions about this policy or the regulations, you may contact the Designated Employer Representative (DER): - City of Canby HR Director 503.266.0635.

This policy replaces and supersedes any previously distributed policy.

The policy has been approved by:

Signature

Rick Robinson, City Administrator

Printed Name and Title

Date

Adopted September 19, 2012 – Resolution #1143.

Revision 1 effective April 1, 2015 – Resolution #1212

Revision 2 effective January 1, 2018 – Resolution #TBD

**CITY OF CANBY, OREGON
DRUG AND ALCOHOL POLICY
FOR USE WITH DOT REGULATED EMPLOYEES**

CERTIFICATE OF ACKNOWLEDGEMENT

I hereby acknowledge that I was notified that the City of Canby would require me to complete a pre-employment drug test.

CERTIFICATE OF RECEIPT

I hereby certify that on the date shown below I received a copy of City of Canby Drug and Alcohol Policy for Use With DOT-Regulated Employees, consisting of thirteen (13) pages plus these Certificates of Receipt, and a copy of drug and alcohol awareness training materials. I agree to comply with this policy, including any required alcohol or drug testing.

CERTIFICATE OF TRAINING

I hereby certify that I have reviewed the drug and alcohol awareness training materials included with City of Canby Drug and Alcohol Policy.

Signature

Printed Name and Title

Date

-----Do Not Write Below – For Office Use -----

Time and Date of Pre-employment Test: _____

Time and Date Test Result Received: _____ Reported By: _____

Date Hired: _____

(Original to be kept in employee file.)

(Employee to receive duplicate copy.)



City of Canby

PO Box 930 Phone: 503.266.4021
222 NE 2nd Ave Fax: 503.266.7961
Canby, OR 97013 www.canbyoregon.gov

MEMORANDUM

TO: *Honorable Mayor Hodson and City Council*
FROM: *Kim Scheafer, MMC, City Recorder*
DATE: *February 8, 2018*
THROUGH: *Rick Robinson, City Administrator*

Issue: Adopt an IGA with Oregon Secretary of State for Electronic Records Management Services

Synopsis: The Oregon Secretary of State has formed a unique public-private partnership utilizing cloud-based HPE Records Manager software to implement the first statewide electronic records management solution of its kind in the country. The IGA provides for archival consulting, implementation services of the Oregon Records Management Solution (ORMS), and on-going training at no cost. Currently, there are 50 State/county/local government agencies that are on the system. The system allows agencies to systematically and routinely manage information from creation until final disposition, while providing better access to this information and potentially reducing the City's legal risk and liability. In addition to the IGA, agencies enter into a contract with Chaves Consulting Inc. for the use of HPE Records Manager software, 24/7 support services, customized planning, and secure storage/hosting in Oregon-based tier 3 data center.

City staff have attended demonstrations regarding the program and feel that it would greatly benefit the City. Ten users have been identified in various departments that would be power users of the system. A web drawer would be established on the City's webpage that would allow public to perform eDiscovery.

It is staff's desire to enter into an IGA so that by July 1, 2018, City records with a retention of five or more years could be transferred into the system which in turn will provide:

- Immediate access to City documents
- Increase in transparency through improved access to information
- Automatic records retention and destruction services
- Satisfies the storage approaches formerly accomplished by microfilm and paper into a private government cloud-based shared solution

Fiscal Impact: **There is no fiscal impact for entering into the IGA with the State.** There will be fee paid to Chaves Consulting, Inc. of \$4,442.40 per year for ten users in the City. Additional users can be added for \$37.02 per month. The fee will eventually decrease as the total number of ORMS users (statewide) increase.

Recommendation: Staff recommends Council adopt Resolution 1282.

Recommended Motion: *“I move to adopt Resolution 1282, A RESOLUTION ADOPTING AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF OREGON SECRETARY OF STATE FOR ELECTRONIC RECORDS MANAGEMENT SERVICES.”*

Attached: Resolution 1282

RESOLUTION NO. 1282

A RESOLUTION ADOPTING AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF OREGON SECRETARY OF STATE FOR ELECTRONIC RECORDS MANAGEMENT SERVICES

WHEREAS, the State Archivist has developed services for electronic records management services that include a uniform, non-technical records classification specification; and

WHEREAS, the Secretary of State has established a statewide agreement with a service provider for ongoing electronic records management services, including provision of a central repository to house electronic records that allows for the consistent and proper management, access and final disposition of electronic records; and

WHEREAS, services are available to State agencies and local governments through a separate contract between each entity and the Oregon Records Management Solution (ORMS) Service Provider; and

WHEREAS, those entities entering into an agreement with the Secretary of State will receive archival consulting and implementation services that incorporate improved and consistent record management practices;

WHEREAS, the City Council wishes to enter into an Intergovernmental Agreement with the Secretary of State for the management and disposition of City records.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Canby, as follows:

1. The City Council hereby adopts the Intergovernmental Agreement with the State of Oregon, attached hereto as Exhibit "A", and authorizes the City Administrator to sign it on behalf of the City and take any and all actions necessary to facilitate the agreement.

This resolution will take effect on February 21, 2018.

ADOPTED this 21st day of February 2018 by the Canby City Council.

Brian Hodson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder

Exhibit "A"

OFFICE OF THE SECRETARY OF STATE

DENNIS RICHARDSON
SECRETARY OF STATE

LESLIE CUMMINGS
DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION
MARY BETH HERKERT
DIRECTOR
800 Summer Street NE
Salem, Oregon 97310
(503) 373-0701
Facsimile (503) 378-4118

INTERGOVERNMENTAL AGREEMENT # 165-190066-18
For
Electronic Records Management Services
between
Oregon Secretary of State and (City of Canby)

This Intergovernmental Agreement (the "Agreement") is made and entered into between the State of Oregon, acting through its Office of the Secretary of State ("SOS") and City of Canby ("Canby") (each a "Party", collectively, the "Parties"). This Agreement is effective on the date this Agreement is fully executed and approved by an authorized representative of each Party as indicated by signature below (the "Commencement Date").

RECITALS

Under ORS 192.015, the legislature designated SOS as public records administrator of the state, with the responsibility "*...to obtain and maintain uniformity in the application, operation and interpretation of the public records laws.*" Further to this designation, "[t]he State Archivist may grant to public officials of the state or any political subdivision specific or continuing authorization for the retention or disposition of public records that are in their custody." (ORS 192.105(1))

In order to effectively carry out the above-stated duties and assist state agencies and local governments in the shared responsibility of public records retention and disposal, SOS has determined that the effective management of public records must address information that is primarily contained in or derived from electronic formats. ORS 192.001 to 192.105 gives the State Archivist the authority to conduct an electronic records management system ("ERMS") services program.

The State Archivist has developed services for managing electronic records (including e-mail) that include a uniform, non-technical records classification specification (file structure and records classification). SOS has established a statewide agreement with a service provider for ongoing ERMS services, including provision of a central repository to house electronic records that allows for the consistent and proper management, access and final disposition of electronic records. These additional services are available to state agencies and local governments through a separate contract between each participating entity and the Oregon Records Management Solution (ORMS) service provider. Canby may enter into a contract with the ORMS service provider under the cooperative purchasing provisions of the contract and state law. For those agencies and local government bodies that implement the ORMS under the statewide agreement, it is the goal of the State Archivist, through interagency agreements, to provide archival consulting and implementation services to participating state agencies and local government entities that incorporate improved and consistent record management practices and comply with the Secretary of State's public records administration requirements.

June 15, 2015

AGREEMENT

SECTION 1. TERM AND RENEWAL

The initial term of this Agreement begins on the Commencement Date and ends on June 30, 2018 (the “Initial Term”). Thereafter, this Agreement shall automatically renew each year for a one-year term beginning on July 1 of a calendar year and ending on June 30 of the following calendar year (“Extension Term”; the Initial Term together with the Extension Term shall be hereinafter collectively referred to as the “Term”), unless either Party provides written notice to the other Party of its intent not to renew this Agreement at least six months prior to the expiration of the current Term.

SECTION 2. SERVICES; OBLIGATIONS; OPTING OUT

2.1 Services.

- 2.1.1 SOS shall make consulting services (“Consulting Services”) available to Canby as set forth in this Agreement. As used in this Agreement “ORMS Services” means the Oregon Records Management Solution that incorporates Hewlett Packard’s TRIM software and is provided under separate contract between Canby and the third party provider (“ORMS Provider”) under statewide agreement with SOS. The parties mutually agree that, a service level agreement (SLA) which describes the minimum levels of system performance, availability, operation, reliability and continuity will be made part of Agreement as an addendum and remain in effect during the use of the ORMS. SOS will work with the individuals identified in Appendix A in order to provide the services and obligations provided in this Agreement.
- 2.1.2 SOS shall provide Canby with the following services, including those described in Appendix B
 - a. Record Classification and Retention Consulting;
 - b. File Structure Consulting;
 - c. Preparation for use of the ORMS; and
 - d. Training for Canby personnel related to the ORMS and record management.
- 2.1.3 In providing Consulting Services, SOS shall:
 - a. Provide appropriately trained staff to fulfill its obligations under this Agreement;
 - b. Use reasonable efforts to ensure that levels of service quality, responsiveness and dependability are maintained; and
 - c. Make revisions to the SOS internal incident-resolution escalation process to the extent SOS determines such revisions are necessary to fulfill its obligations under this Agreement.

Provision of Consulting Services is subject to Canby’s timely response to requests for critical information necessary to resolve issues.

2.2 Canby’s Obligations. Canby shall:

- a. Negotiate to enter into an agreement with the ORMS service provider using the HP TRIM solution through the cooperative purchasing provisions of the State agreement as allowed under state law;
- b. Incorporate, with SOS assistance, the record structure work provided by SOS that is required to use the ORMS;

- c. Appoint an authorized representative upon signing and notify SOS immediately of any change in authority;
- d. Designate a Canby employee to participate as necessary as a representative on a change advisory board made up of SOS personnel and representatives from the participating city, county and state entities which shall be responsible for reviewing requested enhancements to the ORMS, and making recommendations for implementation of such enhancements to the ORMS Provider; and
- e. Respond in a timely manner to SOS requests for critical information necessary to resolve issues.

Nothing in this Agreement shall be construed to require SOS to perform any record management activities that Canby is required to perform pursuant to state or federal law.

2.3 Opting Out.

- 2.3.1 Canby may, at its sole discretion and at any time during the Term, discontinue use of Consulting Services by sending 3 months prior written notice to SOS of its intention to discontinue such use (such action shall be referred to in this Agreement as “Opting Out,” or Canby’s “Opt Out”). Canby shall specify in its notice the date on which it will Opt Out (“Opt Out date”), which shall not be earlier than 3 months following the date of Canby Opt Out notice. Following notification Canby’s desire to Opt Out, SOS shall have no obligation to provide Consulting Services under this Agreement after the Opt Out date has occurred. Opting Out shall terminate this Agreement as provided in Section 7.
- 2.3.2 If Canby chooses to Opt Out, then:
 - a. SOS shall have no responsibility for any of Canby’s costs for Opting Out;
 - b. SOS shall have no obligation after the Opt Out date to develop or maintain Canby’s interface to the system employed under the ORMS that allows Canby to use another application to manage records within Canby’s own systems, however, SOS shall reasonably cooperate with and assist Canby in developing such interfaces;
 - c. SOS shall allow Canby to export records, and shall provide reasonable cooperation and assistance to Canby in completing such export, however SOS shall have no obligation to provide Canby with any data that resides in the system employed under the ORMS in any particular format; and
 - d. Canby shall continue to maintain records in accordance with Oregon record retention laws.

SECTION 3. TREATMENT OF DATA

Each Party shall comply with applicable state laws governing the use and disclosure of public records. Each Party shall be responsible for responding to any public records request it receives, to the extent that it has access to the information requested, including responsibility for evaluating and appropriately handling the confidentiality of the information.

SECTION 4. FEES

There shall be no charge to Canby by SOS for the Consulting Services described in this agreement during the Initial Term.

If fees will be charged during any subsequent or renewal term, SOS shall notify Canby of the total anticipated fees in January of the fiscal year preceding the fiscal year in which such fees will be due.

If Canby requires a background check, such as, Criminal Justice Information Services (CJIS) or Law Enforcement Data System (LEDS), etc. Canby shall be responsible for all associated fees.

SECTION 5. REPRESENTATIONS AND WARRANTIES

5.1 Canby. Canby represents and warrants to SOS as follows:

- 5.1.1 Canby is a unit of state government as defined under ORS 190.003, duly organized and validly existing under the laws of the State of Oregon. Canby has full power, authority and legal right to make this Agreement and to incur and perform its obligations hereunder.
- 5.1.2 The making and performance by Canby of this Agreement: (a) have been duly authorized by all necessary action of Canby; (b) does not and will not violate any provision of any applicable law, rule, regulation, or order of any court, regulatory commission, board, or other administrative agency or any provision of Canby's charter or other organizational document; and (c) does not and will not result in the breach of, or constitute a default or require any consent under any other agreement or instrument to which Canby is a party or by which Canby or any of its properties may be bound or affected.
- 5.1.3 No authorization, consent, license, approval of, filing or registration with or notification to any governmental body or regulatory or supervisory authority is required for the execution, delivery or performance by Canby of this Agreement.
- 5.1.4 This Agreement has been duly executed and delivered by Canby and constitutes a legal, valid and binding obligation of Canby, enforceable in accordance with its terms subject to the laws of bankruptcy, insolvency, or other similar laws affecting the enforcement of creditors' rights generally.

5.2 By SOS. SOS represents and warrants to Canby as follows:

- 5.2.1 SOS is an agency of the State of Oregon duly organized and validly existing under the laws of the State of Oregon. SOS has full power, authority and legal right to make this Agreement and to incur and perform its obligations hereunder.
- 5.2.2 The making and performance by SOS of this Agreement: (1) has been duly authorized by all necessary action of the State; (2) does not and will not violate any provision of any applicable law, rule, regulation, or order of any court, regulatory commission, board, or other administrative agency or any provision of any other organizational document' and (3) does not and will not result in the breach of, or constitute a default or require any consent under any other agreement or instrument to which SOS is a party or by which SOS or any of its properties may be bound or affected.
- 5.2.3 No authorization, consent, license, approval of, filing or registration with or notification to any governmental body or regulatory or supervisory authority is required for the execution, delivery or performance by SOS of this Agreement.

- 5.2.4 This Agreement has been duly executed and delivered by SOS and constitutes a legal, valid and binding obligation of SOS, enforceable in accordance with its terms subject to the laws of bankruptcy, insolvency, or other similar laws affecting the enforcement of creditors' rights generally.

6. DEFAULT

A Party shall be in default under this Agreement if:

- a. The Party fails to perform, observe or discharge any of its covenants, agreements or obligations set forth herein; or
- b. Any representation, warranty or statement made herein by the Party is untrue in any material respect when made and is made in bad faith.

7. TERMINATION

7.1 By Entity. Canby may terminate this Agreement:

- a. Immediately upon written notice to SOS, or at such later date as Canby may establish in such notice, if Canby fails to receive funding, appropriations, limitations or such other expenditure authority at levels sufficient to enable it to meet its contract obligations under this Agreement. In the event Canby reasonably believes it must terminate this Agreement pursuant to this section, Canby shall provide notice to SOS as soon as possible of its intent to terminate this Agreement. When possible, Canby shall provide such notice to SOS 6 months prior to the effective date of the termination;
- b. Immediately upon written notice to SOS if federal or state laws, regulations, or guidelines are modified or interpreted in such a way that Canby's performance of its obligations under this Agreement is prohibited;
- c. Upon breach of this Agreement by SOS and failure by SOS to cure the breach within 30 calendar days after written notice from Canby specifying the breach; or
- d. By Opting Out as provided in Section 2.3.

7.2 By SOS. SOS may terminate this Agreement:

- a. Immediately upon written notice to Canby or at such later date as SOS may establish in such notice, if SOS fails to receive funding, appropriations, limitations or other expenditure authority at levels sufficient to continue to provide the Services.
- b. Immediately upon written notice to Canby, if federal or state laws, regulations, or guidelines are modified or interpreted in such a way that SOS's performance of Consulting Services under this Agreement is prohibited.
- c. Upon breach of this Agreement by Canby and failure by Canby to cure the breach within 30 calendar days after written notice from SOS specifying the breach.

7.3 By Either Party. Either Party may terminate this Agreement, for any or no reason, upon six month's written notice to the other Party.

7.4 Remedies. Termination of this Agreement shall not affect any other remedies and rights which a Party may have under this Agreement, in law or in equity.

8. INDEMNITY

The Parties shall (consistent with ORS chapter 180) defend, save, hold harmless, and indemnify one another, including all officers, employees and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature resulting from or arising out of any negligent acts or omissions under this Agreement. SOS's liability under this Section is limited to the extent permitted

by Article XI, Section 7 of the Oregon Constitution and subject to the terms, conditions and limitations of the Oregon Tort Claims Act (ORS 30.260 - 30.300). Canby's liability under this Section is limited to the extent provided by any applicable provisions of the Oregon Constitution and the Oregon Tort Claims Act. Canby shall carry appropriate insurance to cover the indemnity requirement. Neither Canby nor any attorney engaged by Canby or any other entity shall defend the claim, suit or action in the name of the State of Oregon or any agency of the State of Oregon, nor purport to act as legal representative of the State of Oregon or any of its agencies, without first receiving from the Oregon Attorney General, in a form and manner determined appropriate by the Attorney General, authority to act as legal counsel for the State of Oregon. Nor shall Canby or any other entity settle any claim, action or suit on behalf of the State of Oregon without the approval of the Attorney General. The State of Oregon may, at its election and expense, assume its own defense and settlement in the event that the State of Oregon determines that Grantee is prohibited from defending the State of Oregon, or is not adequately defending the State of Oregon's interests, or that an important government principle is at issue and the State of Oregon desires to assume its own defense.

9. OWNERSHIP OF WORK PRODUCT

All Work Product created solely by SOS pursuant to or in connection with this Agreement, including derivative works and compilations, and whether or not such Work Product is considered a work made for hire or an employment to invent, shall be the exclusive property of SOS. All Work Product created solely by Canby pursuant to or in connection with this Agreement, including derivative works and compilations, and whether or not such Work Product is considered a work made for hire or an employment to invent, shall be the exclusive property of Canby. All Work Product created jointly by Canby and SOS pursuant to or in connection with this Agreement, including derivative works and compilations, and whether or not such Work Product is considered a work made for hire or an employment to invent, shall be the joint property of SOS and Canby, "Work Product" means every invention, discovery, work of authorship including academic programs or course curricula, trade secret or other tangible or intangible item and all intellectual property rights therein that a Party may produce pursuant or in connection with this Agreement. As to Work Product created solely by SOS pursuant to this Agreement, the Parties agree that such original works of authorship are "work made for hire" of which SOS is the author within the meaning of the United States Copyright Act. If for any reason the original Work Product created pursuant to this Agreement is not "work made for hire," SOS hereby irrevocably retains any and all of its rights, title, and interest in all original Work Product created by SOS, whether arising from copyright, patent, trademark, trade secret, or any other state or federal intellectual property law or doctrine. Canby forever waives any and all rights relating to original Work Product created pursuant to this Agreement, including without limitation, any and all rights arising under 17 USC §106A or any other rights of identification of authorship or rights of approval, restriction or limitation on use or subsequent modifications.

10. GENERAL PROVISIONS

- 10.1 Notices. Notices shall be in writing and either delivered personally or sent by registered or certified mail, postage prepaid, by internationally recognized air courier or by facsimile or electronic means which provides for confirmation and acknowledgment of receipt. Notices sent to any Party under this Agreement shall be sent to the Party's Authorized Representative. "Authorized Representative" means (i) with respect to v, the person that is designated in Appendix A; and (ii) with respect to SOS, the Director of the Archives Division of the Office of the Oregon Secretary of State or the person that the Director of the Archives Division designates. Each Party may change its address for receiving notice or its Authorized Representative at any time upon notice given in accordance with this Section. Notices shall be deemed given upon delivery or, in the case of facsimile or electronic transmission, when acknowledgment and

confirmation of receipt is received electronically, provided that a printed copy of such acknowledgment and confirmation is forwarded on the date received, by another means provided for in this Section.

- 10.2 Force Majeure. Neither Party shall be liable for a delay or failure to perform due to causes beyond its control including, but not limited to, a labor dispute, strike, lock-out, civil commotion or like operation, invasion, rebellion, hostilities, military or usurped power, sabotage, governmental regulations or controls, inability to obtain labor, services or materials, or through act of God or causes beyond the reasonable control of Parties, provided such cause is not due to the willful act or neglect of SOS or Canby.
- 10.3 Independent Status. Canby shall have no right to, and shall not, control the manner or determine the method of accomplishing Consulting Services. Neither SOS nor SOS's staff are employees or agents of Canby, nor are Canby or Canby's staff employees or agents of SOS for any purpose whatsoever. Neither Party nor its staff shall, under any circumstances, have any authority to act for or to bind the other Party, or to sign the name of the other Party, or to otherwise represent that it is in any way responsible for the other Party's acts or omissions.
- 10.4 Governing Law; Venue; Consent to Jurisdiction. This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon, without regard to principles of conflict of law. Any claim, action, suit or proceeding, (collectively, "Claim") between SOS (or any other agency or department of the State of Oregon) and Canby that arises from or relates to this Agreement shall be brought and conducted solely and exclusively within the Circuit Court of Marion County for the State of Oregon; provided, however, if a Claim must be brought in a federal forum, then it shall be brought and conducted solely and exclusively within the United States District Court of the District of Oregon. In no event shall this section be construed as a waiver by the State of Oregon of any form of defense or immunity, whether sovereign immunity, governmental immunity, immunity based on the eleventh amendment to the Constitution of the United States or otherwise, from any Claim or from the jurisdiction of any court. Canby, BY EXECUTION OF THIS AGREEMENT, HEREBY CONSENTS TO THE IN PERSONAM JURISDICTION OF SAID COURTS.
- 10.5 Severability; Waiver. If any term or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected. The rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular term or provisions held to be invalid. The failure by a Party to enforce any provision of this Agreement shall not constitute a waiver of that or any other provision.
- 10.6 Survival. All rights and obligations shall cease upon termination or expiration of this Agreement except for the rights and obligations set forth in the following sections: Section 4 (Payment); Section 5 (Representations and Warranties); Section 8 (Indemnity); Section 9 (Work Product); Section 10.4 (Governing Law; Venue; Consent to Jurisdiction); Section 10.6 (Survival); Section 10.8 (Records); and Section 10.9 (Entire Agreement; Amendments).
- 10.7 Compliance with Law. Both Parties shall comply with all federal, state and local laws, regulations, executive orders and ordinances applicable to this Agreement.

10.8 Records. Each Party shall maintain financial records relating to this Agreement in accordance with generally accepted accounting principles to clearly document the Party's performance. Additionally, each Party shall maintain any other records pertinent to this Agreement in such a manner as to clearly document the Party's performance of its duties under this Agreement. SOS, Canby, and the federal government and their duly authorized representatives shall have access to such financial records and other books, documents, papers, plans, records of shipments and payments and writings of the Parties that are pertinent to this Agreement, whether in paper, electronic or other form, to perform examinations and audits and make excerpts and transcripts. Canby and SOS shall retain and keep accessible all such financial records, books, documents, papers, plans, records of shipments and payments and writings for a minimum of six (6) years, or such longer period as may be required by applicable law, following final payment and termination of this Agreement, or until the conclusion of any audit, controversy or litigation arising out of or related to this Agreement, whichever date is later.

10.9 Entire Agreement; Amendments. This Agreement constitutes the entire agreement between the Parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No amendment, waiver, consent, modification or change of terms of this Agreement shall bind either party unless in writing and signed by both parties. Such amendment, waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given.

IN WITNESS WHEREOF, the Parties hereto have duly executed this Agreement as of the day, month and year noted below.

THE STATE OF OREGON, acting through its OFFICE OF THE SECRETARY OF STATE

By: _____

Title: _____

Date: _____

Address and Fax for Notices: Oregon Secretary of State
Attn: Linda Lichty
255 Capitol St NE, Suite 180
Salem, OR 97310
Phone # 503-986-2241
Fax #503-378-4991

City of Canby

By: _____

Title: _____

Date: _____

Address and Fax for Notices **MUST** be filled in:

June 15, 2015

Contact: _____

Address: _____

Phone number: _____

Fax Number: _____

**Appendix A
City of Canby (Canby)**

Canby will use the ORMS

Annual Payment to SOS for the Initial Term (as that term is defined in Section 2.1): \$0

Canby Contact Information:

Title	Name	Phone	email
Project Management and Records Contact			
IT Contact			

**Appendix B
Supported Services**

Record Classification: SOS shall assist Canby with classification of all appropriate records as determined jointly by SOS and Canby

Retention Services: SOS shall specify and recommend record retention schedules and SOS shall assist Canby with applying Canby Records Retention Schedule to electronic records in the ORMS.

File Structure: SOS will work with Canby to develop and implement a file structure that best fits the needs of Canby and the use of the ORMS. SOS shall assist Canby to help ensure that file structures are in place to effectively implement the ORMS.

ORMS Preparation: SOS shall ensure Canby records and structures are in order to effectively begin using the ORMS.

Training Services: SOS shall provide all necessary training to ensure a successful migration to the new records management system.

Final Acceptance: SOS will work with Canby for final user acceptance which meets success criteria outlined by both parties.

ORDINANCE NO. 1470

AN ORDINANCE, PROCLAIMING ANNEXATION INTO THE CITY OF CANBY, OREGON 22.54 ACRES INCLUDING 20.26 ACRES OF REAL PROPERTY DESCRIBED AS TAX LOTS 1500 AND 1600 OF THE SE ¼ OF SEC. 4, T.4S., R.1E., W.M. (TAX MAP 41E04CA); AND 1401 AND 1500 OF THE SE ¼ OF SEC. 4, T.4S., R.1E., W.M. (TAX MAP 41E04C); AND 1400, 1500 AND 1600 OF THE SE ¼ OF SEC. 4, T.4S., R.1E., W.M. (TAX MAP 41E04D); AND APPROX. 1.17 ACRES OF ADJACENT S. FIR STREET RIGHT-OF-WAY AND APPROX. 1.11 ACRES OF ADJACENT S IVY STREET RIGHT-OF-WAY AND AMENDING THE EXISTING COUNTY ZONING FROM EXCLUSIVE FARM USE (EFU) TO CITY LOW DENSITY RESIDENTIAL (R-1) FOR TAX LOT 1500 OF TAX MAP 41E04C; TO CITY MEDIUM DENSITY RESIDENTIAL (R 1.5) FOR TAX LOT 1401 OF TAX MAP 41E04C AND TAX LOT 1500 AND 1600 OF TAX MAP 41E04CA AND TAX LOT 1600 OF TAX MAP 41E04D; AND TO CITY RESIDENTIAL COMMERCIAL (C-R) FOR TAX LOT 1400 AND 1500 OF TAX MAP 41E04D; AND SETTING THE BOUNDARIES OF THE PROPERTY TO BE INCLUDED WITHIN THE CANBY CITY LIMITS.

WHEREAS, on February 7, 2018, at a public hearing the City Council of the City of Canby approved by a vote of 6-0, Annexation (ANN 17-02)/Zone Change (ZC 17-03) which called for the annexation of 22.54 acres into the City of Canby. The applicant is Gordon Root with Stafford Development Co. LLC. The owners of the annexed property are: Nadine J. Beck, Trustee and Rodney J. Beck, Trustee of tax lot 1500 of tax map (41E04C); Roger Alan Steinke and Cheryl D. Steinke of tax lot 1500 of tax map (41E04CA); Craig Gingerich for Hope Village, Inc. of tax lot 1500 of tax map (41E04D); Brian Christensen of tax lot 1400 of tax map (41E04D); and Rita J. Schmeiser of tax lot 1600 of tax map (41E04D); and Rodney J. Beck and Carol M. Beck of tax lot 1401 of tax map (41E04C) and tax lot 1600 of tax map (41E04CA); and the adjacent legally described right-of-way for S Fir Street and S Ivy Street. A complete legal description of the tax lots or portion thereof lying within the City's Urban Growth Boundary and adjacent right-of-way to be annexed is attached hereto as Annexation Tract No. 1 with map, and Annexation Tract No. 2 with map and by this reference are incorporated herein; and

WHEREAS, Pursuant to CMC 16.84.080, the City must proclaim by ordinance or resolution, the annexation of said property into the City and set the boundaries of the property by legal description; and

WHEREAS, the zoning of the annexed land shall be designated as R-1 Low Density Residential for tax lot 1500 of Tax Map 41E04C; R 1.5 Medium Density Residential for tax lot 1401 of tax map 41E04C and an tax lot 1500 and 1600 of tax map 41E04CA and tax lot 1600 of tax map 41E04D; and C-R Residential Commercial for tax lot 1400 and 1500 of tax map 41E04D; which conform with the Canby Comprehensive Plan Map, and such zoning shall be indicated on the official zoning map for the City of Canby; and

WHEREAS, an application was filed with the City by the applicant listed above to change the zoning of seven parcels as indicated herein and where applicable the zoning will be extended to

2nd Reading

the centerline of adjacent public streets; and

WHEREAS, a public hearing was conducted by the Canby Planning Commission on January 8, 2018 after public notices were mailed, posted and printed in the Canby Herald, as required by law; and

WHEREAS, the Canby Planning Commission heard and considered testimony regarding the annexation, accompanying zone change and the proposed Development Concept Plan require for annexations by Figure 16.84.040 of Chapter 16.84 of the Land Development and Planning Ordinance at the public hearing and at the conclusion of the public hearing; the Planning Commission voted 5-0 to recommend that the City Council approve the applications and proposed Development Concept Plan with recommended revisions. The written Findings, Conclusions and Order was approved with recommended revisions to the proposed Development Concept Plan by the Planning Commission and forwarded to the Council as their recommendation; and

WHEREAS, the Canby City Council considered the matter and the recommendation of the Planning Commission following a public hearing held at its regular meeting on February 7, 2018; and

WHEREAS, the Canby City Council, after considering the applicant's submittal, the staff report, the Planning Commission's hearing record and their recommendation documented in their written Findings, Conclusions and Order and after conducting its own public hearing; voted to approve the annexation and associated zoning designations for the properties and adopted a Concept Development Plan for the area - required prior to granting a zone change – and to be reflected in the written Council Findings, Conclusions and Order; and

WHEREAS, the written Findings, Conclusions and Order is to be approved by the City Council at the next regular Council meeting on February 21, 2018.

NOW, THEREFORE, THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. It is hereby proclaimed by the City Council of Canby that 22.54 acres of property described, set, and shown as Annexation Tract No. 1 with map and Annexation Tract No. 2 with map and attached hereto as Exhibit "A", is annexed into the corporate limits of the City of Canby, Oregon.

Section 2. The annexed land shall be rezoned from the county Exclusive Farm Use (EFU) to city Low Density Residential (R-1), Medium Density Residential (R-1.5) and Residential-Commercial (C-R) as reflected on the Canby's Comprehensive Plan Map and as indicated by Tax Lot in this Ordinance. The Mayor, attested by the City Recorder, is hereby authorized and directed to have the zone change made to the official zoning map for the City of Canby.

Section 3. A Concept Development Plan for the area is adopted with any revisions specified within the written Council Findings, Conclusion and Order.

SUBMITTED to the Council and read the first time at a regular meeting thereof on February 7, 2018 and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter, and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on February 21, 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

PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on February 21, 2018 by the following vote:

YEAS_____ NAYS_____

Brian Hodson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder

ZTec Engineers, Inc.

Civil ♦ Structural ♦ Surveying

John McL. Middleton, P.E.

Chris C. Fischborn, P.L.S.
3880 SE 8th Ave., Suite 280
Portland, OR 97202
503-235-8795

Ronald b. Sellards, P.E.

FAX: 503-233-7889

Email: chris@ztecengineers.com

Stafford Land Co.
Annexation Tract No. 1

A Tract of land being all of those tracts of land described in those deeds recorded as Document No's. 1993-034836, 1988-013806, and 1982-29558, Clackamas County Deed Records and a portion of S. Fir St., located in the Southwest one-quarter of Section 4, Township 4 South, Range 1 East, of the Willamette Meridian, Clackamas County, Oregon. Said Tract of land being more particularly described as follows:

Beginning at a 5/8 inch rod with a yellow plastic cap stamped "GAYLORD LAND SURVEYING, INC." found at the Southeast corner of the plat of "Sequoia Place", said point being on the West right-of-way line of said S. Fir St.; thence South 89°36'34" East, a distance of 40.00 feet to a point on the East right-of-way line of said S. Fir St.; thence South 00°23'26" West, along said East right-of-way line, a distance of 869.71 feet to the Southwest corner of the plat of "Hope Campus"; thence North 88°55'42" West, along the Westerly extension of the South line of said "Hope Campus", a distance of 7.00 feet to a point on said East right-of-way line of said S. Fir St.; thence South 00°23'26" West, along said East right-of-way line, a distance of 484.57 feet to a point on the Easterly extension of the South line of said Document No. 1993-034836 tract; thence North 89°15'34" West, along said Easterly extension and along the South line of said Document No. 1993-034836 tract, a distance of 471.00 to the Northwest corner of that tract of land described in that deed recorded as Document No. 1997-076293; Clackamas County Deed Records; thence South 00°38'24" East along the West line of said Document No. 1997-076293 tract, a distance of 64.04 feet to an angle point in said West line; thence continuing along said West line, South 41°01'14" East, a distance of 114.93 feet to a point; thence South 89°14'56" East, along the South line of said Document No. 1997-076293, a distance of 98.18 feet to a point; thence South 02°03'57" East a distance of 180.44 feet to a point on the South line of said Document No. 1993-034836 tract, thence North 89°15'34" West, along the South line of said Document No. 1993-034836 tract, a distance of 75.00 feet to a point on the top of bank to an 18% slope on the Urban Growth Boundary; thence along the top of bank the following 4 courses, North 14°12'00" West a distance of 161.00 feet; thence North 35°12'30" West a distance of 195.00 feet; thence North 46°50'41" West a distance of 210.87 feet; thence North 38°12'00" West a distance of 192.71 feet to a point on the West line of said Document No. 1993-034836 tract; thence North 00°23'26" East, along said West line of said 1993-034836 and



Chris Fischborn



along the West line of said Document No. 1982-29558, a distance of 656.62 feet to the Northwest corner of said Document No. 1982-29558; thence South 89°15'00" East, along the North line of said Document No. 1982-29558 tract, a distance of 759.00 feet to a point on said West right-of-way line of said S. Fir St.; thence North 00°23'26" East, along said West right-of-way line, a distance of 421.95 feet to the true point of beginning of the Tract of land herein described.

Said Tract of land contains an area of 17.1436 acres more or less.



"SEQUOIA PLACE"

FD.5/8" I.R. WITH YELLOW PLASTIC CAP
STAMPED "GAYLORD LAND SURVEYOR INC."

LOT 12

S 89°36'34" E 40.00'

POINT OF BEGINNING

40.0'

N 00°23'26" E 421.95'

S. FIR ST.

S 89°15'00" E 759.00'

DOCUMENT NO.
1982-29558

DOCUMENT NO.
1988-013806

N 00°23'26" E 656.62'

DOCUMENT NO.
1993-034836

S 00°23'26" W 869.71'

HOPE
CAMPUS

N 88°55'42" W 7.00'

33.0'

S 00°23'26" W 484.57'

N 38°12'00" W 192.71'

N 46°50'41" W 210.87'

TOP OF BANK
TO AN 18% SLOPE
ON THE URBAN
GROWTH BOUNDARY

N 89°15'34" W 471.00'

S 00°38'24" E 64.04'

S 41°01'14" E 114.93'

S 89°14'56" E 98.18'

DOCUMENT NO.
1997-076293

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Chris Fischborn

OREGON
JULY 17, 1981
CHRIS FISCHBORN
1944

RENEWAL DATE: 1/1/2020

N 35°12'30" W 195.00'

N 14°12'00" W 161.00'

180.44'
S 02°03'57" E

N 89°15'34" W 75.00'

LOCATED IN THE S.W. 1/4 SECTION 4, T.4S., R.1E., W.M.,
CLACKAMAS COUNTY, OREGON N.T.S.

TITLE: CITY OF CANBY - ANNEXATION NO. 1

PLOT DATE: 1-16-18

FILE: 17-4177-1ANNEX(1)

CLIENT: STAFFORD LAND CO.

SHEET: 1

ZTec ENGINEERS, INC.

3880 S.E. 8TH AVE., SUITE 280

PORTLAND, OREGON 97202

(503) 235-8795

City Council Packet Page 186 of 198

1/23/2018 8:12:52 AM

ZTec Engineers, Inc.

Civil ♦ Structural ♦ Surveying

John McL. Middleton, P.E.

Chris C. Fischborn, P.L.S.
3880 SE 8th Ave., Suite 280
Portland, OR 97202
503-235-8795

Ronald b. Sellards, P.E.

FAX: 503-233-7889
Email: chris@ztecengineers.com

Stafford Land Co.
Annexation Tract No. 2

A Tract of land being all of those tracts of land described in those deeds recorded as Document No's. 2007-093016, 2017-028910, and 1989-048953, Clackamas County Deed Records and a portion of S. Ivy St.(Canby-Marquam Highway), located in the Southeast one-quarter of Section 4, Township 4 South, Range 1 East, of the Willamette Meridian, Clackamas County, Oregon.

Said Tract of land being more particularly described as follows:

Beginning at a 5/8 inch rod with a yellow plastic cap stamped "ZTEC LS 1944" found at the Southeast corner of Parcel 4 of Partition Plat No. 1997-003, said point being on the West right-of-way line of said S. Ivy St.; thence South 88°55'42" East, on the Easterly extension of the South line of said Parcel 4, a distance of 60.00 feet to a point on the East right-of-way line of said S. Ivy St.; thence South 00°31'13" West, along said East right-of-way line, a distance of 806.20 feet to a point on the Easterly extension of the South line of said Document No. 1989-048953; thence North 89°44'23" West, along said Easterly extension and along the South line of said Document No. 1989-048953, a distance of 352.90 feet to the Southwest corner thereof; thence North 00°30'12" East, along the West lines of said Document No.'s 1989-048953, 2017-028910 and 2007-093016 a distance of 646.20 feet to the Northwest corner of said Document No. 2007-093016; thence along the North line of said Document No. 2007-093016 the following three courses, South 88°55'42" East a distance of 88.24 feet; thence South 00°26'35" West, a distance of 9.00 feet; thence South 89°24'57" East, a distance of 204.84 feet to a point on said West right-of-way line of said S. Ivy St.; thence North 00°31'13" East, along said West right-of-way line, a distance of 172.25 feet to the true point of beginning of the Tract of land herein described.

Said Tract of land contains an area of 5.4053 acres more or less.

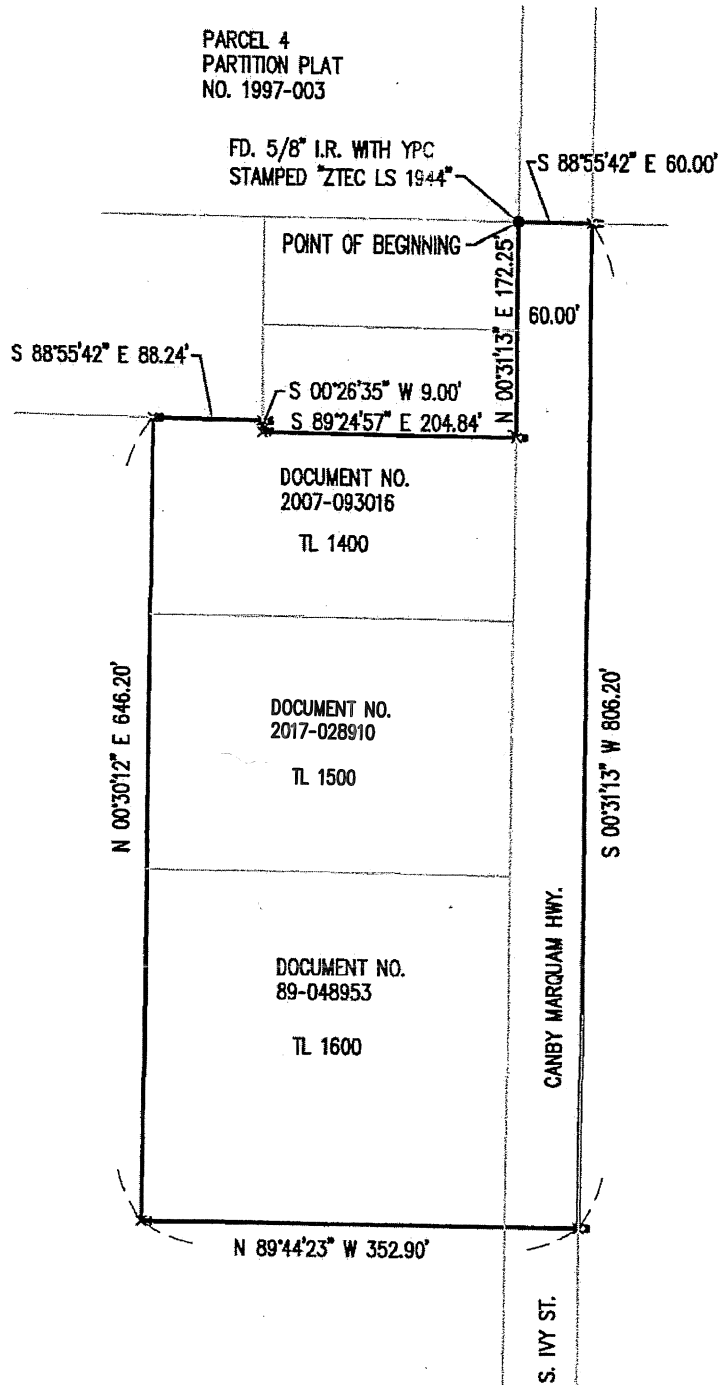
The basis of bearings for this description is Partition Plat No. 1997-003.



EXHIBIT "B"

PARCEL 4
PARTITION PLAT
NO. 1997-003

FD. 5/8" I.R. WITH YPC
STAMPED "ZTEC LS 1944"



LOCATED IN THE S.E. 1/4 SECTION 4, T.4S., R.1E., W.M.,
CLACKAMAS COUNTY, OREGON

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Chris Fischborn

OREGON
JULY 17, 1981
CHRIS FISCHBORN
1944

RENEWAL DATE: 1/1/2018

TITLE: CITY OF CANBY - ANNEXATION NO. 2

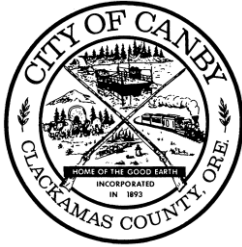
PLOT DATE: 11-3-17

FILE: 17-4177-1ANNEX

CLIENT: STAFFORD LAND CO.

SHEET: 1

ZTEC ENGINEERS, INC.
3880 S.E. 8TH AVE., SUITE 280
PORTLAND, OREGON 97202
(503) 235-8795



**BEFORE THE CITY COUNCIL
OF THE CITY OF CANBY**

Re:

A REQUEST FOR APPROVAL OF)	FINDINGS, CONCLUSION & FINAL ORDER
ANNEXATION AND ZONE CHANGE)	ANN 17-02/ZC 17-03
FOR PROPERTY LOCATED IN SOUTHWEST)	ROGER AND CHERYL STEINKE, RODNEY AND CAROL BECK,
CANBY BETWEEN WEST OF S. FIR STREET)	NADINE BECK, BRIAN CHRISTENSEN, HOPE VILLAGE, RITA
)	SCHMEISER

NATURE OF THE APPLICATION

The Applicants sought approval for an annexation/zone change application ANN 17-02/ZC 17-03 to annex 20.26 acres of real property described as Tax Lots 41E04CA01500, 1600 and 41E04C01401, 1500 and 41E04D01400, 1500, 1600, Clackamas County, Oregon. The property is zoned Clackamas County EFU and is requested to be zoned City R-1, Low Density Residential, R-1.5, (Medium Density Residential), and C-R, (Residential Commercial).

HEARINGS

The Planning Commission considered applications ANN 17-02/ZC 17-03 after the duly noticed hearing on January 8, 2018 during which the Planning Commission recommended by a 5/0 vote that the City Council approve **File# ANN 17-02/ZC 17-03** per the recommendation contained in the staff report. This includes approval of the proposed SW Canby Area Development Concept Plan.

The City Council considered applications **File# ANN 17-02/ZC 17-03** after the duly noticed hearing on February 7, 2018 during which the Council voted 6/0 to approve **File# ANN 17-02/ZC 17-03**. These findings are entered to document the approval.

CRITERIA AND STANDARDS

In judging whether or not the annexation and zone change applications 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 criteria and standards were reviewed in the Planning Commission staff report dated January 8, 2018 and presented at the February 7, 2018 public hearing of the Canby City Council along with the Planning Commission's recommendation.

FINDINGS AND REASONS

The Staff Report was presented and written and oral testimony was received at the Council public hearing. The recommendation to approve **File# ANN 17-02/ZC 17-03** and adopt the SW Canby Area Development Concept Plan reflecting changes recommended by the Planning Commission and as made by the applicant in the version labeled Exhibit 3 and dated 2-2-18.

After hearing public testimony, and closing the public hearing, the City Council made the additional findings beyond those contained in the staff report to arrive at their decision and support their recommendation:

1. To reinforce that the adopted Development Concept Plan retains some degree of flexibility without a formal amendment process, the Council condition approval of the proposed Southwest Canby Master (the annexation ordinance required DCP) to contain a note to read

“Property owners are not bound to lot size and lines as proposed”. It was explained, that the configuration of the size and number of lots are guided by the underlying zoning district development standards and are to be determined at the time of subdivision approval. Slight variations in street configuration are also possible as long as it has no substantial impact on continual infrastructure service and future development potential for all Tax Lots involved.

CONCLUSION

In summary, the City Council adopted the findings contained in the staff report, concluded that the annexation/zone change/SW Canby Area Development Concept Plan meets all applicable approval criteria, and approved **File# ANN 17-02/ZC 17-03** as stated below. The City Council’s order is reflected below.

ORDER

Based on the application submitted and the facts, findings, and conclusions of the staff memo, and the supplemental findings from the Council public hearing, the City Council of the City of Canby **APPROVES ANNEXATION/ZONE CHANGE** application **File# ANN 17-02/ZC 17-03** as follows:

1. The SW Canby Area Development Concept Plan be adopted, and
2. ANN 17-02/ZC 17-03 be approved and,
3. Upon annexation, the zoning of the subject properties be designated as R-1, R-1.5, and C-R as indicated by the Southwest Canby Development Concept Plan Map and the Canby Comprehensive Plan Map.
4. A Note shall be placed on the adopted DCP indicating “Property owners are not bound to lot size and lines as proposed”.

I CERTIFY THAT THIS ORDER approving **ANN 17-02/ZC 17-03** was presented to and **APPROVED** by the City Council of the City of Canby.

DATED this 21st day of February, 2018

Brian Hodson
Mayor

Bryan Brown
Planning Director

ORAL DECISION – February 7, 2018

AYES: Smith, Parker, Hensley, Dale, Heidt, Spoon

NOES: None.

ABSTAIN: None.

ABSENT: None.

WRITTEN FINDINGS – February 21, 2018

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Kimberly Scheafer, MMC
City Recorder

MEMO

To: Clackamas County Coordinating Committee (C4)
From: Trent Wilson, Clackamas County Government Affairs Specialist; Chuck Robbins, Clackamas County Housing & Community Development Director
Date: January 25, 2018
Subject: C4 Discussion regarding County-wide Housing Needs Assessment (HNA)

Discussion Questions

- Does C4 agree that pursuing a county-wide housing needs assessment (HNA) is still a productive approach to address housing throughout the county?
- Do C4 members agree to advance the conversation to their council/commission to discuss participation in a county-wide HNA?
- What do C4 members require to be successful in sharing this information with their council/commission?

Overview

Clackamas County Coordinating Committee agreed in 2017 to move forward with an RFP to perform a county-wide housing needs assessment (HNA). C4 reviewed the draft scope of work at their September 7, 2017 meeting. *The intention of the county-wide HNA was to pool resources to gather data that would enable cities to achieve Department of Land Conservation and Development (DLCD)'s Goal 10 requirements and provide the county with strategic policy insight on where best to target housing initiatives.*

Available Information Concerning RFP Responses

Special Note: Even though a proposal has been recommended, **the contract is not finalized** and so there are limits to what can be shared regarding the chosen proposal. The number of submissions will not be shared, as well as the names of the proposal organizations.

Details of the Preferred Proposal:

- The review panel felt the preferred proposal was the most responsive to the RFP and best represented the desired product outlined in the scope of work approved by C4. The preferred proposal was also the highest proposed cost.
- The County would receive a full Housing Needs Assessment and Buildable Lands Inventory, as well as additional policy research that would support the County's Housing and Community Development Department, thus increasing its ability to better work with jurisdictions through the county to support housing needs.

- The cities would receive data that achieves the research requirements of their Goal 10 needs and additionally provides a comprehensive buildable lands inventory and additional housing data (e.g. forecasting, housing needs by income category). However, this proposal complies with the cities' request to limit the scope of research to data-only, meaning the proposal, if chosen, would not conduct additional work to help each city finalize Goal 10. Additionally, the preferred proposal would accomplish its work with less reliance on city staff than other proposals.
- To accomplish an HNA in compliance with Goal 10, cities would still be required to:
 - Facilitate community involvement opportunities
 - Adopt the information into the city's Comprehensive Plan

Cost of the Selected Proposal:

- Proposals ranged from: \$81,000 to \$174,865
- Division of costs if prorated by population (as previously discussed at C4):

	Estimated Tot	**Adjusted Tot		Proposal Estimates	
				\$ 81,000	\$ 174,865
Unincorporated	197,091	197,091	57.43%	\$ 46,522	\$ 100,433
Barlow	135	135	0.04%	\$ 32	\$ 69
Canby	16,420	16,420	4.78%	\$ 3,876	\$ 8,367
Damascus	-	-	0.00%	\$ -	\$ -
Estacada	3,155	3,155	0.92%	\$ 745	\$ 1,608
Gladstone	11,660	11,660	3.40%	\$ 2,752	\$ 5,942
Happy Valley	18,680	18,680	5.44%	\$ 4,409	\$ 9,519
Johnson City	565	565	0.16%	\$ 133	\$ 288
Lake Oswego	34,855	-	0.00%	\$ -	\$ -
Milwaukie	20,510	-	0.00%	\$ -	\$ -
Molalla	9,085	9,085	2.65%	\$ 2,144	\$ 4,629
Oregon City	34,240	34,240	9.98%	\$ 8,082	\$ 17,448
Portland *	766	-	0.00%	\$ -	\$ -
Rivergrove *	459	459	0.13%	\$ 108	\$ 234
Sandy	10,655	-	0.00%	\$ -	\$ -
Tualatin *	2,911	26,054	7.59%	\$ 6,150	\$ 13,276
West Linn	25,615	25,615	7.46%	\$ 6,046	\$ 13,053
Wilsonville *	21,260	-	0.00%	\$ -	\$ -
TOTAL	408,062	343,159	100%	\$ 81,000	\$ 174,865
** Excludes Pop for Portland, Milwaukie, L.O., Sandy, and Wilsonville					

Review Panel:

- Brian Hodson, Canby Mayor, C4 Co-Chair
- John LaMotte, Lake Oswego Councilor

- Laura Terway, Oregon City Community Development Director
- Mike McCallister, Clackamas County Planning Director
- Chuck Robbins, Clackamas County Housing and Community Development Director
- Trent Wilson, Clackamas County Government Affairs Specialist

Recommended Next Steps

A decision by C4 to advance with the current county-wide HNA proposal would include the following steps:

- In February: the county and cities would agree to present the available information to their appropriate councils/commissions to determine:
 - Does our jurisdiction wish to participate?
 - If not, what would have to be true for our jurisdiction to participate?
 - Does our jurisdiction agree the acquired information from this study either accomplishes a need or advance our goals towards addressing housing in our communities?
 - If not, what needs to change?
 - If our jurisdiction participates, does the scope of work meet our needs or do we need to propose amendments to enable us to receive the best value from this study?
- At the March 1, 2018 C4 meeting, jurisdictions return to share discussion points, with a possible action item to advance the study.
- Officially advancing the study would likely include:
 - Negotiating the scope and cost of the contract with the selected consultant.
 - Agreements between jurisdictions on financing the study.
 - A dedicated point of contact with each jurisdiction participating.
 - A formalized timeline of the project.

Attachments

- Approved Scope of Work from RFP

Memo

To: Trent Wilson, Clackamas County Government Affairs Specialist
From: Jennifer Donnelly, Metro Regional Rep
Date: 6 February 2018
Re: Goal 10 requirement in the Metro region

Goal 10 post LUBA decision on *Housing Land Advocates v. City of Happy Valley*

Is Goal 10 a requirement for cities in the Metro region?

Yes, the Housing Land Advocates v. City of Happy Valley LUBA case did not exempt cities in the Metro region from Goal 10 compliance. The LUBA case clarified that specific requirements apply to the entire city only during Periodic Review: 50/50 requirement for new residential units have to be attached or multi-family housing and the Metropolitan Housing Rule regarding assigned minimum densities. Outside of Periodic Review these rules are applied solely on the impacted area of the PAPA(i.e. re-zone).

Is a city obligated/required to have a current Housing Needs Analysis in the absence of Periodic Review?

No.

What is the benefit to a current Housing Needs Analysis (HNA) for cities, or is there?

Goal 10 states: Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

An up-to-date housing needs analysis ensures that a city has an up-to-date comprehensive plan when analyzing quasi-judicial applications for comprehensive plan map amendments and zoning map amendments. This may open up city decisions based upon old comprehensive plan analyses and policies to legal challenge as being insufficient in complying with Goal 10's requirement to provide needed housing.

Background information on *Housing Land Advocates v. City of Happy Valley*

Goal 10, OAR 660-007-0030, 0035, 0060, Needed Housing, *Housing Land Advocates v. City of Happy Valley*, LUBA 2016-031/105, decided March 24, 2017. LUBA remanded a decision by the city of Happy Valley approving a comprehensive plan amendment and rezone to reduce the residential density, at the request for the applicant, for a 4.78-acre property. The amendment reduced the minimum density on the property from 25 units per acre to six units per acre. While the decision was remanded for the city to address compliance with a Metro residential density issue, LUBA rejected the petitioner's assignments of error related to Goal 10 and implementing administrative rules in OAR chapter 660, division 7. With respect to Goal 10, LUBA held that while Happy Valley is required to demonstrate that its comprehensive plan and development code will: (1) provide the opportunity for at least 50 percent of new residential units to be attached single-family or multiple family housing, and (2) provide for an overall density of six or more dwelling units per net buildable acre, that requirement applies *only* at the time of periodic review (see OAR 660-007-0060). Further, the standards set forth in OAR 660-007-0060(2) for plan and land use regulation amendments in the interim between periodic reviews require only that the mix and density standards on the subject parcel itself are met by the amendment. Since the new zoning minimum density on the site met the six dwelling units per acre standard, and the new zoning district allows multiple-family dwellings, LUBA determined that the city was not required to make the more rigorous findings associated with periodic review regarding citywide density and housing mix.

GOAL 10:

"To provide housing needs for the citizens of the state"

"Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density."

Definitions

Buildable land means residentially designated land within the Metro urban growth boundary, including both vacant and developed land likely to be redeveloped, that is suitable, available and necessary for residential uses. Publicly owned land is generally not considered available for residential uses. Land is generally considered "suitable and available" unless it:

- Is severely constrained by natural hazards;
- Is subject to natural resource protection measures;
- Has slopes of 25 percent or greater;
- Is within the 100-year flood plain; or
- Cannot be provided with public facilities.

Needed housing means housing types determined to meet the need shown for housing **within a UGB** at particular price ranges and rent levels.

- a. Based on affordability: household income and household cost
- b. Not based on historical mix and density of housing

Needed housing includes but not limited to:

- Government-assisted housing (for all cities);
- Mobile home or manufactured dwelling parks (for all cities);
- Housing affordable to households with low, very low, and extremely low income; or
- For cities with population of 2,500 or more and counties with 15,000 or more: attached single family, detached single family, multiple family, and manufactured homes on individual lots planned and zoned for single family use, whether owned or rented.

Administrative Rules Implementing Goal 10

- Housing needs analysis determines mix and density of needed housing – needs are the planned mix of housing types and densities that will be:
 - a. Within the financial capabilities of all income levels
 - b. Consistent with regional housing standards, statutes and LCDC rules
- Sufficient Buildable Lands shall be designated on the plan map, with specific residential plan designations (mixed use designations as appropriate);
- Approval standards must be clear and objective. This requirement applies to all housing, not just “needed” housing;
- Rezoning of land to maximum planned density may be deferred for reasons of growth management/provision of public facilities. However rezoning criteria must be clear and objective;
- The local coordination body shall ensure that needed housing is provided for on a regional basis (restrictive or expansive local programs are considered); and
- Applies at periodic review and at the time of consideration of any post-acknowledgment plan amendments involving residential land.

Additional Administrative Rules Implementing Goal 10 for Metro Area Jurisdictions

- At least 50% single family, multifamily mix is required to be allowed by zoning;
- 6-8-10 dwelling units per acre minimum density for small, medium and large jurisdictions; and
- Applies at periodic review, not for individual post-acknowledgment plan amendments (which must show compliance only for the individual site affected by the amendment)

Clear and Objective Standards

A local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing. The standards, conditions and procedures may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

Clear and objective standards are NOT “standards, conditions or procedures that involve subjective, value-laden analyses designed to balance or mitigate impacts of the development

on (1) the property to be developed or (2) the adjoining properties or community.” (legal standard from *Rogue Valley Assoc. of Realtors v. City of Ashland*, 35 Or LUBA 139 (1998)).

A local government may offer alternative, discretionary review standards that are not clear and objective. The choice to use such standards rests with the applicant for development review.

Clear and objective standards are not required for housing located in historic areas designated for protection under a Goal 5 protecting historic areas.

Housing Needs Analysis – “How to”

Planning for Residential Growth: A Workbook for Oregon’s Urban Areas (1997) commissioned and published by the Oregon Department of Land Conservation and Development. Available at: http://www.oregon.gov/LCD/docs/publications/planning_for_residential_growth.pdf.