



PLANNING COMMISSION

Meeting Agenda

Monday, October 23, 2017

7:00 PM

City Council Chambers – 222 NE 2nd Avenue

Commissioner John Savory (Chair)

Commissioner Larry Boatright (Vice Chair)

Commissioner John Serlet

Commissioner Derrick Mottern

Commissioner Tyler Hall

Commissioner Shawn Varwig

Commissioner Andrey Chernishov

1. **CALL TO ORDER**
 - a. Invocation and Pledge of Allegiance
2. **CITIZEN INPUT ON NON-AGENDA ITEMS**
3. **MINUTES**
 - a. Approval of Planning Commission Minutes - TBD
4. **NEW BUSINESS**
5. **PUBLIC HEARING**
 - a. Consider a request for a Subdivision at 3500 N Maple St consisting of 22 single family home lots in the R-1 Low Density Residential Zone (**SUB 17-05 The Seven Acres, Sprague**).
6. **FINAL DECISIONS**

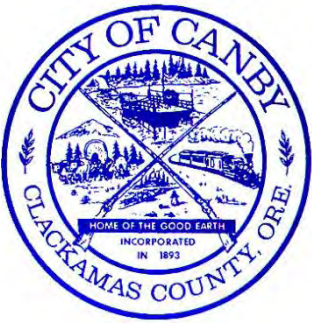
(Note: These are final, written versions of previous oral decisions. No public testimony.)

 - a. ZC 17-02/CUP 17-05/SUB 17-04 S Ivy Park Subdivision, Allen Manuel
7. **ITEMS OF INTEREST/REPORT FROM STAFF**
 - a. Next Planning Commission Meeting scheduled Monday, November 13, 2017
 - N Redwood Landing Subdivision
8. **ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION**
9. **ADJOURNMENT**

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for person with disabilities should be made at least 48 hours before the meeting at 503-266-7001. A copy of this agenda can be found on the City's web page at www.canbyoregon.gov. City Council and Planning Commission Meetings are broadcast live and can be viewed on OCTS Channel 5.

For a schedule of the playback times, please call 503-263-6287.

10-9-17 PLANNING
COMMISSION MINUTES
WILL BE AVAILABLE
LATER THIS WEEK



City of Canby

REVISED STAFF REPORT

FILE #: SUB 17-05 – SEVEN ACRES SUBDIVISION

Revised for the October 23, 2017 Planning Commission Meeting

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

ZONING: R-1 Low Density Residential

TAX LOT: 31E2102602



LOT SIZE: 6.84 acres

OWNERS: Canby Development LLC

APPLICANT: Doug and Lori Sprague, and Kati Gault

APPLICATION TYPE: Subdivision (Type III)

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

I. PROJECT OVERVIEW & EXISTING CONDITIONS

The applicant proposes to divide a 6.84 acre parcel into a 22-lot subdivision for single-family residential development. The property is currently vacant land located within the R-1, Low Density Residential Zone, and is designated Low Density Residential in the Canby Comprehensive Plan. The zone allows a single family dwelling on each lot. The applicant intends to develop the subdivision in 6 phases over an undetermined period of time. According to the applicant, the proposed subdivision will create lots ranging in size 7,627 sq. ft. to 26,056 sq. ft. with the average lot size being 9,996 sq. ft. in size (without the access arm of the two flag lots as allowed). The applicant will plat 4 “tracts” within the subdivision, totaling about 32,400 sq. ft., set aside for a monument sign, wetland delineation protection, storm water management detention, and a public walkway and emergency access road connection to the logging road trail. Access to the new subdivision will be from N. Maple Street that terminates at the south boundary of the property.

II. ATTACHMENTS

- A. Application narrative
- B. Vicinity Map
- C. Assessor Map
- D. Exhibit 1 – Site Location
- E. Exhibit 2 – Revised Preliminary Plat (Site Plan Sheets C1, C2,C3) & associated drawings
- F. Exhibit 3 – DKS Traffic Impact Study
- G. Exhibit 4 – Lancaster Engineering Technical Memo
- H. Exhibit 5 – DKS Supplemental Traffic Memo and Email
- I. Exhibit 6 – Pre-Application Meeting Minutes
- J. Exhibit 7 – Neighborhood Meeting Notes
- K. Exhibit 8 – Land Use Application
- L. Exhibit 9 - Deed of Lot Creation, 1975
- M. Exhibit 11 – Lot Area Average Calculation
- N. Exhibit 12 – N Maple Street – Option 1 Proposed Street USE Cross Section
- O. Exhibit 13 – N Maple Street – Option 2 Proposed Street Use Cross Section
- P. Agency Comments
- Q. Citizen Comments

III. APPLICABLE CRITERIA & FINDINGS

Applicable criteria used in evaluating this application are listed in the following sections of the *City of Canby’s Land Development and Planning Ordinance*:

- 16.08 General Provisions
- 16.10 Off-street Parking and Loading
- 16.16 R-1 Low Density Residential Zone
- 16.43 Outdoor Lighting Standards
- 16.46 Access Limitations on Project Density
- 16.62 Subdivisions-Applications
- 16.64 Subdivisions-Design Standards
- 16.86 Street Alignments
- 16.88 General Standards & Procedures

- 16.89 Application and Review Procedures
- 16.120 Parks, Open Space, and Recreation Land General Provisions

Findings:

Overall General Findings: Based on the applicant's submitted application material – including the originally submitted narrative, the additional submitted memorandum dated October 10, 2017 and the revised Exhibit 2 (Sheets C1, C2 and C3), and additional Exhibits 11, 12, and 13 also submitted on October 10, 2017; staff agrees with the applicant's findings and conclusions except as pointed out with additional needed explanation, discussion and findings of fact on the applicable review standards and criteria indicated below.

Section 16.08 General Provisions:

Legal Lot of Record: Based on available information, it appears that the subject property is a remnant parcel resulting from the subdivision and development of the Country Club Estates Subdivision. Subsequently, the parcel can be considered a legal parcel for land use purposes. The R-1 Low Density Residential zoning for the property was indicated in 1983 with adoption of the original Comprehensive Plan for the City.

UGB and City Limit: The Canby Urban Growth Boundary borders the property on the west and northeast sides and extends south approximately 150 feet west of N. Maple Street before going west along 22nd Avenue. The strip of land, approximately 150 feet wide, that extends along the west side of N. Maple Street is not within the Canby City limits but remains in Clackamas County. That places the City limit boundary adjacent to the west edge of the current 30' of platted right-of-way. In this area, N. Maple Street was created as a 30 foot right-of-way with Canby approval of the Country Club Estates Annex No. 2 & 3 Subdivision. The applicant is actively seeking the dedication of 10' of additional right-of-way adjacent to Tax Lot 31E21 00300 to add to N Maple Street where he will voluntarily widen the street to 34' of pavement width (40' of ROW) if the City requests that he do so if the 10' of ROW easement adjacent to Tax Lot 300 is provided. If the City does not obtain the needed right-of-way by way of a donation deed or other acceptable means by deed, it may be necessary to execute a lot line adjustment as well as an annexation application to bring the easement into the City to use for road widening purposes should agreement be reached with the owner of this tax lot and the dedication occurs allowing expansion of N Maple Street pavement in the manner the applicant has volunteered to do within their application. With imposition of an annexation related condition of approval this criterion will be met.

Traffic Study: A Traffic Impact Study (TIS) for development resulting from the proposed subdivision was first performed by DKS and dated April 8, 2015. An additional Technical

Memorandum prepared for the record at the applicant's request from Lancaster Engineering dated September 18, 2016 addresses possible N Maple Street sidewalk proportional share participation related to a permanent sidewalk along the east side of the street. This was mentioned in the original DKS Traffic Study as the logical preferred way to implement improved pedestrian safety based on the limited 30' of existing right-of-way. The memo's summary and conclusion recommended 28 percent cost contribution from the applicant from the north Willamette Golf Club property entrance to the Logging Road Trail connection. Additionally, it recommended an option for sidewalk construction on the west side of N. Maple Street as well.

A supplemental follow-up memorandum from DKS dated November 17, 2016 was requested by both city staff and the applicant to clarify the suitability of providing temporary provisions for a pedestrian pathway along the west side of Maple Street when it was determined by further analysis after their first traffic study report that a regulation width sidewalk (City 6' standard, ADA minimum 5' standard) - would not satisfactorily fit within the eastern most available non-paved portion of the existing 30-foot of street right-of-way without moving the existing street curb westward to accommodate the sidewalk width chosen and areas needing a retaining wall in addition to a minimum 5-foot wide ADA compliant sidewalk. It was concluded that a permanent raised concrete sidewalk in this location would result in considerable disruption to the adjacent property owners with removal of large trees, landscaping, irrigation pipe relocation and significant driveway rebuilding to handle ADA accessible requirements. In addition, from the applicant's own cost estimate and proportional cost share study for constructing such a sidewalk from the entrance of the Willamette Country Club north to the proposed Seven Acre Subdivision, it was evident that a cost share would be necessary to correct this deficiency that exists in terms of today's sensibility toward pedestrian need and safety with new development. There was no standard for constructing a sidewalk when the adjacent Willamette Country Club overall subdivision master plan was approved. A cost sharing for an east side permanent sidewalk would likely require the formation of a Local Improvement District by the City Council with the City fronting the initial cost with assessment for reimbursement over time by the benefiting properties. The success in formation of such a district is not assured considering a requirement for obtaining support from over a majority of the affected property owners.

While the original traffic report recommended constructing a sidewalk in the east 5-foot of the existing 30' of right-of-way the supplemental follow-up DKS Memorandum on November 17, 2016 recommended that it would be suitable to construct a four foot asphalt shoulder/path on the west side of N. Maple Street from the existing sidewalk terminus (just north of NE 23rd Avenue) to the northern terminus of N. Maple Street in consideration of working within the constraint presented by the 30' of total right-of-way. This leaves 5-foot of existing street right-of-way within the front yards of the adjacent homes along the east

side which remains essentially unused for public benefit. It was recommended that the shoulder be striped for use by bicycles and pedestrians with “No Parking” signs on the west side of N. Maple Street. The widened pavement section built for the pedestrian path should be constructed to vehicular standards to accommodate emergency vehicle use and the passing of two vehicles into the pedestrian path when pedestrians are not present. Unless negotiations for dedication of additional right-of-way is successful along Tax Lot 300, N Maple Street will be constructed to a widened City standard for a local street when properties on the west side of N. Maple are annexed and development occurs. At the time of development, the no parking signs could be removed from the west side of the street as a new permanent raised sidewalk would be provided at that time allowing on-street parking along the west side of the street.

Off-site Pedestrian Safety Conclusion: The applicant and staff have reached agreement that widening the pavement of N Maple Street along the west side and designating a temporary sidewalk pathway or shared use of the widened street pavement on the west side of N Maple Street is the best solution to provide improved pedestrian and bicycle accommodation until a separate sidewalk can be required of future adjacent development. The applicant has volunteered to implement any of the options they presented that the City wishes them to provide. This criterion is considered satisfied with the applicant picking up 100% of the proportional costs associated with both the pedestrian and bicycle safety improvements proposed and agreed to by staff.

DKS Findings - Original Study Dated April 8, 2015:

- *The proposed project of up to 26 single-family units (now proposed at only 22 lots) would add approximately 28 vehicle trips along N Maple Street during the a.m. peak hour, 31 vehicle trips during the p.m. peak hour, and 304 daily vehicle trips.*
- *The segment of N Maple Street between NE Territorial Road and NE 21st Avenue does not meet the standard local street for paved width (20-foot drive aisle with 7-foot parking on both sides). Although parking is not prohibited, there is adequate shoulder for vehicles to park along the side of the street. **Therefore, a 20-foot drive aisle is currently provided on this portion of N Maple Street.** To prevent parking within the paved street and maintain a 20-foot drive aisle, centerline striping could be provided. Additionally, the two parallel routes of N Locust Street to NE 22nd Avenue and N Country Club Drive to NE 22nd Avenue provide alternate access to the project site. No roadway widening is recommended along N Maple Street in this segment.*
- *The segment of N Maple Street between Willamette Valley Golf Club and the project site does not meet the minimum standard local street paved width (20-foot drive aisle with 7-foot parking on both sides). Measured traffic volumes indicate that with the proposed project, daily traffic volumes along this segment would exceed 500 vehicles; therefore, the low-volume local street designation would not be applicable. In order to meet the minimum 20-foot drive aisle as required by the local standard street classification and emergency vehicles, it is recommended that parking be prohibited along the east side of N Maple Street north of Willamette Valley Golf Club. Currently,*

this segment provides access to approximately 19 homes, all of which have driveways and garages that can accommodate at least two vehicles.

- *To provide a safe pedestrian space and eliminate the need for pedestrians to walk in the roadway, it is recommended that a sidewalk be provided along the east side of N Maple Street, north of the Willamette Valley Golf Club within the existing right-of-way. The resulting cross-section of N Maple Street in this segment would consist of a 20-foot drive aisle and a 6-foot sidewalk on the east side of the street. Sidewalk and on-street parking improvements should be made on the west side of N Maple Street between the Willamette Valley Country Club and the project site as conditions of approval under future development, consistent with the City's standard cross-section for local standard streets. Because this deficiency is an existing condition, it is recommended that the applicant provide a proportionate share of the costs towards providing the sidewalk on the east side of N Maple Street. Additionally, a Local Improvement District could be established in which the neighborhood, along with the applicant, participate in a cost share program.*
- *It is recommended that the project site plan provide a public pedestrian connection to the Logging Road Trail that connects with the recommended sidewalk along the east side of N Maple Street north of the Willamette Valley Golf Club.*

DKS Supplemental Traffic Recommendations on November 17, 2016

- *As an interim temporary solution an asphalt shoulder/path on the west side of the road that would provide 25' of total pavement width would accommodate pedestrian and bicycles near term. This is equivalent to a Low-Volume Local Street, without parking on the west side and the sidewalk replaced by a paved area. This is a viable interim solution if no additional right-of-way can be obtained. This pathway for pedestrians can also be used as a shoulder area, facilitating the passage of vehicles traveling in opposite directions when pedestrians and bicycles are not present.*

Plat Phasing/Utilities: The applicant intends to subdivide the property in six phases. It is always more expensive to develop in stages but does provide the developer an opportunity to respond to the market as demand occurs, with a right to phase as indicated or develop the subdivision all at once. The service providers have to look at the suitability of dead end streets and utility lines until looping is possible. The phasing plan is considered to meet acceptable standards with any necessary requirements to conform to service provider policies to accommodate the phasing to be determined with approval of the construction improvement plans.

Public water will be extended from N Maple Street into the subdivision. City sanitary sewer will gravity feed out of the subdivision at the southeast corner to and along the logging road trail south to the nearby pump station. Capacity has not been brought up as an issue for the existing pump station. Storm water management includes a storm water detention

facility in Tract B with overflow to a storm drain running west to east across the subdivision out to an existing 24" outfall at the Willamette River. Arrangements are in the works to size the storm drain to handle major flooding situations from the farm fields to west in addition to the on-site storm water runoff. Electric and other franchise utilities are provided adequate access within easements adjacent to the public streets and within rear yards as designated. The provision to provide adequate public improvements and all necessary utilities has been demonstrated. This criterion is met.

Section 16.16.030(B)

B. Lot area exceptions:

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

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

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

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

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

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

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

Staff Response Concerning Lot Sizes: A minimum lot size of 7000 square feet and a maximum of 10,000 square feet is allowed under provisions in Section 16.16.030(A) of the R-1 zone. The subdivision is zoned R-1, and only single-family homes are proposed, and lot sizes range from 7,627 square feet to 26,056 square feet with all proposed lots exceeding the 7,000 square feet minimum and four lots proposed over the 10,000 square foot maximum. Lot size averaging is allowed by Section 16.16.030(B) as long as the overall lot size average stays within the minimum of 7,000 sf. and maximum of 10,000 sq. ft. This criterion has been met with the maximum average lot size at 9,996 sq. ft. The applicant has provided a detailed accounting of their lot size averaging in Exhibit 11 which staff accepts as proof of meeting this criterion.

In the applicant's supplemental memorandum dated October 10, 2017 (Item 3) they are requesting that the Planning Commission approve an exception to allow more than 10% of the total number of lots to be greater than the 10,000 square foot maximum. The standard would allow 2 of the lots to be over the 10,000 square foot maximum lot size when utilizing lot averaging while four are proposed. The Planning Commission has the authority to allow additional lots to be outside of the maximum size permitted if they determine a "public benefit" is afforded by doing so. Staff is supportive of the applicant's reasoning provided in their supplemental Oct 10 memorandum and would recommend that the Planning Commission utilize their authority to find a "public benefit" in allowing an additional 2 lots to exceed the 10,000 sf maximum lot size. With this finding by the Planning Commission, this criterion can be met.

Minimum Lot Width/Frontage Standard: As stated by the applicant, at least six of the proposed lots do not meet the required 60 feet of lot width and frontage. Under Section 16.16.030(C), the Planning Commission may approve lots having less frontage subject to extenuating circumstances if adequate access is still assured. The applicant requests that the Planning Commission find that adequate access is still assured for six lots – two of which by definition as flag lots are allowed to have narrower lot frontage). All of these lots are oriented on street eyebrows (partial cul-de-sacs) for which it is common for this standard to not be met and has been approved for numerous subdivisions that utilize cul-de-sacs. Section 16.64.040(C) allows the Planning Commission to create flag lots and cul-de-sac lots that do not have the standard lot frontage width if access and building area is deemed adequate. Staff accepts the need to utilize the eyebrows in their proposed subdivision design due to the constraint lot shape and size and find that adequate access to a public street will still be provided. On-street parking is obviously limited between driveways on eyebrows when they are close together. With a Planning Commission finding that adequate access and building area is still maintained, this criterion can be met.

Street Tree: Section 16.64.070(C)(3) indicates street trees shall be provided consistent with the provisions of Chapter 12.32 of the Canby Municipal Code. 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 City plants street trees in an approximate 30 to 40' spacing or in accordance with a submitted street tree planting plan that maintains adequate separation from driveways, utility meters and lateral utilities, street lights and fire hydrants. A fee of \$200 per tree is collected. A temporary street tree easement is required along the frontage of all lots to allow city staff to enter onto private property to plant and maintain the street tree for 2 years at which time it becomes the responsibility of the adjacent property owner. With the imposition of a condition of approve to provide a street tree plan or pay the required street tree fee based on a one tree for each 30' of linear frontage along with a temporary planting easement on the plat this criterion will be met.

In lieu of park dedication as required by Section 16.120.040, the City requests the payment of Park SDC payments rather than dedication of a park. The proposed Tract B indicated as a pedestrian/bike connection and emergency connection to the logging road trail shall be maintained by the home owners association or dedicated to the City as park land.

In accordance with the City's adopted fee schedule, 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.

Proposed N. Maple Street Offsite Improvements

Ordinance Standards:

The standards contained in CMC 16.46.010 Access Limitations on Project Density are informative in what City standard applies when determining the minimum acceptable street width **for accessing a new proposed subdivision**. It is stated in Section 16.46.010 (B)(1) that two lane access roads shall be a minimum width of 20 feet with no parking permitted. That is possible today, as generally 20 feet of pavement exists the full distance on N Maple Street north of Territorial Road to the termination at the property of the proposed subdivision. However, on-street parking on the east side of the street would need to be considered for elimination to meet this standard if the street pavement cannot be widened beyond 25' in width. It is implied but not stated, that a local street must have 27' or 28' of pavement width if parking is allowed on one side, depending on the width allowed for the parking.

The National Fire Code has been reported by the Canby Fire Marshall to require a 20' minimum free and clear paved pathway to provide for emergency access. This is the same as the ordinance access standard indicated above. He has offered in previous new development circumstances, including this one, to utilize discretion with regard to the standard if all new proposed homes are required to have fire sprinkler systems. The applicant has proposed accepting an option that would require fire sprinklers in all the subdivision homes if it would allow the parking to remain in place. **The fire marshal has agreed to accept 18' minimum**

free and clear emergency access on this road with the additional assurance of fire prevention systems installed within the new homes. On its own, this exception could provide for the option to maintain the existing parking along the east side of N Maple Street if the applicant is unable to widen the street beyond 25' in width. Indeed, the DKS supplemental memorandum indicated a shared roadway where cars pass using the entire roadway was found to be suitable as a temporary measure in a low pedestrian environment.

However, with the City ordinance standard to maintain 20' of pavement width with no on-street parking as indicated above, the on-street parking must be eliminated where road widening beyond 25-foot in width is not possible because parking reduces the useable vehicular roadway width to 18 feet which does not meet standard. If the roadway is widened to 25' and the east side parking is retained, this does provide some benefit to improve pedestrian safety provisions along this portion of N Maple Street through a shared widened street for pedestrian use and shows a necessary contribution to off-site pedestrian safety to address that the subdivision will be contributing new pedestrians to an area without sidewalks. It may be deemed suitable to allow the parking to remain by making a finding that the 20' wide no parking standard indicated by Section 16.46.010 (B)(1) only applies within new subdivisions and was not intended to apply to roads leading to a proposed subdivision. Another option to comply with all minimal street access standards and retain parking where the street can only be widened to 25' in width is to build a permanent raised sidewalk within the unused existing right-of-way along the east side of the street. Staff has previously noted the problem with constructing and funding this option, and the developer has not volunteered to construct this option but to provide only a proportionate 28% contribution to its cost.

Staff would note that for the past 40 years there has only been 13' of pavement free and clear for regular vehicular use, emergency access, and shared pedestrian and bicycle use since on-street parking has been allowed and not restricted on the existing 20' wide paved surface. The Fire Marshalls decision makes a 25' wide street pavement the minimum acceptable street width for emergency access if on-street parking along the east side (7' minimum standard allowed) were to continue to be allowed ($25-7=18'$). Pedestrians would be walking on a road way with 5 feet of additional width, improving the safety of pedestrians and bicyclists shared use of the road over that which exists today.

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

two roads. Staff has interpreted this statement to apply to the ultimate design width intended for these two roadways. The minimal roadway width requirements indicated above (20' with no on-street parking – 28' with parking on one side) would apply for providing necessary access to this subdivision.

Section 16.46.010 (G) states “Public roads accessing any development shall be a minimum of two travel lanes (twenty-four) feet of pave width to the nearest improved collector or arterial street. This standard may be considered to be met by the applicant’s proposed widening of all sections of N Maple which does not already have adequate shoulders for parking to a minimum 25’ of width. However, it implies travel lane width which would exclude on-street paved parking from meeting this standard. This requirement is couched in two conditions that have been reported to be discretionary in nature by the applicant’s attorney and not suitable by State Statute for use with a Limited Land Use Decision which is applicable to a subdivision application. If the two conditions that must be met are applied, staff has determined that only Condition (G)(1) can be met, where (G)(2) indicates that the cost of the required off-site improvement be proportional to the impact that the development will have on the infrastructure (N Maple Street). Staff finds it is **clear that conditioning approval of this development on the widening of the full distance of N Maple Street to a city local street standard and to build a permanent sidewalk where none exists today is inappropriate. This does lead to the existing street infrastructure leading up to this proposed subdivision to be considered inadequate.**

A developer has voluntarily proposed several options to address the existing inadequate access infrastructure leading to their proposed subdivision. The city cannot require a developer to pay more than the demonstrated rough proportional impact that their development is expected to contribute to an existing deficiency. Staff did not spend time preparing a detailed proportional cost analysis because the developer has voluntarily proposed off-site improvements that we believe are far in excess of their subdivisions actual additional impact on an existing deficiency related to the street width and lack of a sidewalk on N Maple Street leading to this subdivision.

It is relevant to know that when existing lots were platted along N Maple Street, the City Land Development Ordinance did not have a requirement for sidewalks. No one is to blame for the fact there are no existing sidewalks and people bought homes and moved to this location fully knowing they were buying and moving to an inadequate “half-street” without an existing sidewalk. Reading some past land use action reports reveals that not long after the Willamette Country Club proposed some significant golf related clubhouse facilities sidewalks were considered important then and the section of sidewalk you see in front of the Club House on N Maple Street was installed and the Country Club executed a non-remonstrance agreement to not protest the formation and participation in a possible future sidewalk Local Improvement District that applied to the adjacent platted lot frontages and the

rest of the golf course frontage along N Maple Street. The City Development Ordinance has always indicated a requirement for improving one-half of the adjoining street to City standard with the expectation that the other half would be provided by future development on the opposite side. The Planning Commission has authority to decide if half-street should be allowed or not at the time they are proposed.

Applicant's Voluntary Off-Site Improvements to N Maple Street

The actual voluntary street improvements proposed by the applicant have changed since the application was submitted and again after requesting postponement of the originally scheduled public hearing. There was uncertainty about the extent of the width of existing ROW in front of two tax lots on the west side of N Maple Street (Tax Lot 31E28A 01000 & 900). It has now been confirmed to the City's satisfaction, that a full 50 foot of existing ROW is in place on N Maple Street from approximately NE 23rd Avenue north to the north property boundary of Tax Lot 3 31E 28A 00900. The owners of the property of the above two Tax Lots have had their own survey performed and reported those results to the City after the applicant submitted their supplemental October 10, 2017 Memorandum with improvement Options and Exhibit Drawings. It confirmed, that there is 20' of right-of-way provided by the original Pruneland plat adjacent to the east side of their property, and that 30' of additional right-of-way was platted on the west side of the Country Club Estates Annex plat to match adjacent to the existing 20' providing a total of 50' of easement right-of-way for N Maple Street adjacent to these two tax lots. At this point northward adjacent to Tax Lot 31E21 00300, there is only 30' of platted ROW to the end of the street. The Option Exhibit Drawings may now assume 50' of right-of-way and agreed upon voluntary widening of N Maple Street if the City so chooses to require such to include these two tax lots now.

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

Pedestrian Safety & Provisions: **Staff has not located any specific ordinance provision requiring that sidewalks be in place leading up to a proposed subdivision.** Sidewalks are clearly required and provided in the design of all proposed subdivisions and for streets adjacent to that subdivision when they do not exist. The proposed subdivision meets these

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

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

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

A letter was submitted from Clackamas County department of Transportation and Development Services indicating support for the proposed widening of that portion of N Maple Street that is under the their jurisdiction and thus subject to their widening standards. This has cleared the way for the applicant to implement their proposed widening of N Maple Street starting just north of NE 23rd Avenue northward to the area under City jurisdiction.

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

parking should be eliminated where the roadway can only be widened to 25'. This has been an unsafe situation for 40 years and eliminating parking should improve emergency response to existing residents and improve the functioning of this street in a manner that meets minimum access standards today. The applicant has volunteered in their Options presented (Option 2 Cross Section C-C & Option 1C) to widen the street to 34' where enough right-of-way exists (50') and to 25' feet where only 30' of right-of-way exists with a request that the City Council agree to remove the existing parking along the east side of the 25' widen pavement. Staff finds that the off-site improvement access standards and proportional contribution toward improved pedestrian and bicycle safety will be met with approval implementation of these applicant volunteered off-site N Maple Street improvement options. (If an agreement is reached with the owners of Tax Lot 31E21 00300, the applicant will widen N Maple Street to 34' along the frontage of this Tax Lot as indicated in Option 2 CC – making the request to eliminate existing parking along the east side unnecessary)

IV. **DUE PROCESS/PUBLIC TESTIMONY/AGENCY COMMENTS**

Written notice of this application and opportunity to provide comment was mailed to owners and residents of lots within 500 feet of the subject property and to all property owners who voiced an interest in the application by submitting written letters or emails pertaining to this application, including before the application was submitted. We provided notice and a request for comments to applicable public agencies and service providers. We placed a Land Use Public Action sign on the site of the proposed subdivision 10 days prior to the first evidentiary hearing. We published a notice of the initial evidentiary hearing in the Canby Herald. We provided a new public hearing notice to all interested citizens when the applicant requested a postponement of the initial advertised September public hearing to this October 23, 2017 public hearing. All citizen and agency comments that were received to date have been made a part of the record in the file and have been included and provided in the Planning Commission packet.

V. **CONCLUSION**

Staff concludes that the application conforms to the applicable review standards and criteria subject to the conditions of approval listed in Section VII of this report.

VI. **STAFF RECOMMENDATION**

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

VII. **CONDITIONS OF APPROVAL**

General Improvement & Design Conditions:

1. Prior to the start of any public improvement work, the applicant must schedule a pre-construction conference with the city and obtain construction plan sign-

off from applicable agencies. City Engineer comments provided in his memorandum dated September 7, 2017, except related to “planter strips” shall be reflected on those plans.

2. The Planning Commission shall make a finding for that a “public benefit” is afforded in allowing an additional two lots to exceed the 10,000 sf maximum lots size when utilizing lot averaging.
3. The Planning Commission shall make a finding that adequate access and building area is provided to approve the six proposed lots (two of which are flag lots by definition) all located on eyebrows (partial cul-de-sac bulb streets) that may be allowed to not meet the required minimum 60 feet of frontage on a public street.
4. On street parking shall be restricted on the inside edge of NE 35th Place which has a pavement design width of only 28’ to comply with minimum fire code accessibility standards.
5. The final construction design plans shall reflect the use of a 4.5’ wide planter strip separating the sidewalk from the street curb along both sides of N Maple Court beginning within the subdivision and up to the beginning of the eyebrow (partial cul-de-sac bulb) where it may taper into a curb tight sidewalk. to comply with the City standard practice for new subdivisions since adopting the new 0 to 8’ wide standard that was intended to require planter strips but allow flexibility where it was deemed to be suitable to match existing same street standards or protect resources or avoid difficult restrictions or circumstances. The planter strip is waived – allowing a curb tight sidewalk along both sides of NE 35th Place along with an exception to reduce the sidewalk width to 5’ adjacent to the Tract D wetlands to assist in its protection. A dual 12’ wide PUE & Sidewalk Easement shall be designated on the final plat to allow public use of any sidewalk placed outside of the public rights-of-way.
6. The off-site street widening public improvements volunteered by the applicant and approved by the City for N. Maple Street shall be part of the improvements associated with Phase I of the Seven Acres Subdivision. This is intended to provide improved vehicular and safety improvements before any additional residential traffic from the subdivision is added to this street.
7. Temporary suitable turnarounds may be required at the end of all interior streets that exceed 150’ in length as directed by the Canby Fire Department.
8. The applicant shall process an annexation application and a lot line adjustment if deemed necessary based on how the dedication occurs should agreement be reached with the owner of Tax Lot 31E21 00300 for the purpose of adding 10’ of right-of-way easement to the west side of N Maple Street.

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

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

a. The applicant proposes to widen N Maple Street to 34' in width as shown on Exhibit 13 – Maple Street ROW Option 2 – Cross Section C-C.

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

a. The applicant proposes to widen N Maple Street to 25' in width along the frontage of Tax Lot 31E21 00300, as shown on Exhibit 12 – Maple Street ROW Option 1, Cross Section C-C; or,

b. If an agreement is reached with the owners of Tax Lot 31E21 00300, up to and prior to approval of the final construction plans for N Maple Street, the applicant will widen N Maple Street to 34' along the frontage of Tax Lot 31E21 00300 per Exhibit 13 – Maple Street ROW Option 2 – Cross Section A-A.

C. Prior to final plat recording and in conjunction with approval of the civil construction plans for the subdivision an agreement shall be executed between the City, the owner of Tax Lot 31E21 00300 (Montecucco Rentals, LLC), and the owner of the subject development to specify the reconfiguration of the existing drainage line that currently drains storm water from Tax Lot 31E21 00300 (Montecucco) through the subject development to the existing City storm system. The location and specifications of the proposed system shall be included in this agreement. In the event the parties cannot reach an agreement, the owner of the subject development will leave the Montecucco line in its current condition and location, and will not tie into the private Montecucco line or build lots or tracts over said line, and will implement a satisfactory drainage solution for the proposed subdivision in accordance with the City of Canby Public Works Design Standards, June 2012.

Fees/Assurances:

10. All public improvements are normally installed prior to the recordation of the final plat. If the applicant wishes to forgo construction of any portion of the public improvements until after the recordation of the final plat, then the applicant shall provide the City with appropriate performance security (subdivision performance

bond or cash escrow) in the amount of 110% of the cost of the remaining public improvements to be installed.

11. If the applicant chooses to provide a subdivision performance bond for some or all of the required public improvements, the applicant shall obtain a certificate from the city engineer that states:
 - a. The applicant has complied with the requirements for bonding or otherwise assured completion of required public improvements.
 - b. The total cost or estimate of the total cost for the development of the subdivision shall be accompanied by a final bid estimate of the subdivider's contractor if there is a contractor engaged to perform the work, and the total cost estimate must be approved by the city engineer.
12. The applicant must guarantee or warranty all public improvement work with a 1 year subdivision maintenance bond or other acceptable means of security in accordance with CMC 16.64.070(P).
13. The applicant must pay the city Master Fee authorized engineering plan review fee equal to 0.4% of public improvement costs prior to the construction of public improvements (approval of construction plans) as each phase of development occurs.

Streets, Signage & Striping:

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

Sewer:

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

Stormwater:

20. Stormwater systems shall be designed in compliance with the Canby Public Works Design Standards as determined by the City Engineer, and in accordance with the

agreement for the relocation of the Montecucco's drainage easement and line if an agreement is reached.

21. Drywells proposed within the subdivision shall be approved by DEQ.

Grading/Erosion Control:

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

Final plat conditions:

General Final Plat Conditions:

24. The applicant shall apply for final plat approval at the city and pay any applicable city fees to gain approval of the final subdivision plat. Prior to the recordation of the final plat at Clackamas County, it must be approved by the city and all other applicable agencies. The city will distribute the final plat to applicable service agencies for comment prior to signing off of the final plat if deemed necessary.
25. All public improvements or submittal of necessary performance security assurance shall be made prior to the signing and release of the final plat for filing of record.
26. The final plat shall conform to the necessary information requirements of CMC 16.68.030, 16.68.040(B), and 16.68.050. The county surveyor shall verify that these standards are met prior to the recordation of the subdivision plat.
27. All "as-builts" of City public improvements installed shall be filed with Canby Public Works within sixty days of the completion of improvements.
28. Clackamas County Surveying reviews pending subdivision plat documents for Oregon Statutes and county requirements. A subdivision final plat for Phase 1 prepared in substantial conformance with the approved tentative plat must be submitted to the City for approval within one year of approval of the tentative plat or formally request an extension of up to 6-months with a finding of good cause.
29. The applicant shall record the final plat at Clackamas County within 6 months of the date of the signature of the Planning Director.
30. The applicant shall assure that the city is provided with a copy of the final plat in a timely manner after it is recorded at Clackamas County, including any CC&Rs recorded in conjunction with the final plat.
31. The City shall assign addresses for each newly created subdivision lot and distribute that to the developer, and other agencies that have an interest.

Dedications

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

Easements

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

for any portion of the 6' public sidewalk that will lie on private property.

Street Trees

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

Monumentation/Survey Accuracy Conditions

36. 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:

- 37. Construction of all required public improvements and recordation of the final subdivision plat must be completed prior to the construction of any homes.
- 38. 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.
- 39. The homebuilder shall apply for a City of Canby Erosion Control Permit.
- 40. All residential construction shall be in accordance with applicable Public Works Design Standards.
- 41. Individual lot on-site stormwater management shall be designed in compliance with the Canby Public Works Design Standards.
- 42. 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.
- 43. Per the Canby Public Works Design Standards, minimum residential driveway widths at the inside edge of the sidewalk shall be 12 feet and the maximum residential driveways widths shall be 24 feet with an allowed exception for 28 feet for a home with 3 or more garages and a required separation of 10 feet between driveways on local streets when possible.
- 44. Sidewalks and planter strips shall be constructed by the homebuilder as shown on the approved tentative plat.
- 45. 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.

Canby Development, LLC

Memorandum

Date: October 10, 2017

To: Bryan Brown

From: Kati Gault

CC: Doug Sprague

RE: Sub 17-05 – Seven Acres Subdivision Application Amendments

Bryan,

Please see the following changes to our application for consideration in your amended staff report.

1) Exhibit 2 – Preliminary Plat

Attached is a revised preliminary plat, Exhibit 2 (Sheets C1, C2 and C3).

2) DKS Findings

The DKS findings described on pages 4-5 of the staff report don't seem to reflect all DKS reports/emails. To minimize confusion, on the DKS recommendations, see comments in the attached staff report and DKS reports/email in Exhibit 3 and 5 of our application.

3) Section 16.16.030(B) – Lot Area Exceptions.

The Applicant requests that Planning Commission approve an exception to the maximum lot area of four lots (Lots 1, 2, 4 and 22) to allow them to be greater than 10,000SF. The average lot area of the subdivision is 9,996 sf. The calculation can be found on Exhibit 11 – Lot Area Calculation, submitted with this memo. Lot 4 and Lot 22 are Flag Lots by definition, per 16.04.318. The definition of Lot Area excludes the access strip servicing a

flag lot per 16.04.300. In accordance with these code sections the lot area of Lot 4 and 22 exclude the area of the access strip servicing the respective flag lots.

Due to the triangular shape of the site, the fact that the site is limited to one point of connection to a public street that enters the site at a curve (due partially to site topography on the west side of the site) and wetland preservation on the site this exception is requested. The triangular shape of the site makes it unfeasible to create traditional rectangular lots and grid street patterns. The parent parcel shape results in non-rectangular lots with inefficient use of space on the irregularly shaped lots. The four lots that we request exception to the maximum lot area for are located at the corners of the site where the parent parcel's irregular shape creates the greatest challenge. To allow these irregular shaped lots enough space for access and usable yards, we request the planning commission allow these four lots to be larger than 10,000 square feet as proposed. The public benefits of allowing these lots to exceed the maximum lot area include:

- existing wetland areas will be preserved
- lots will be more functional and desirable and therefore add more value to the neighborhood
- larger lots help to accomplish the City Council Goal of implementing the Community Vision Plan priority to resist pressure for high density and smaller lots. Although the current zoning would allow the applicant to squeeze additional lots into the proposed subdivision, the applicant believes that the proposed larger lots are a better fit for this neighborhood and would better complement the existing larger lots abutting the proposed development and rural feel of the neighborhood.
- The surrounding neighbors have expressed their desire for fewer and larger lots in the proposed subdivision and fewer trips added to N. Maple Street. By allowing larger lots, fewer lots will be created in the subdivision allowing the proposed subdivision to more closely align with the neighbors' desires.

The applicant requests that Condition of Approval 2 be amended as shown attached.

4) Section 16.16.030(C) – Minimum Width and Frontage.

The Applicant requests that Planning Commission approve six lots (4, 5, 12, 20, 21 and 22) having less than sixty feet of frontage subject to special conditions to assure adequate access. Additionally, Lots 4 and 22 are flag lots which by definition, per Municipal Code section 16.04.318, are lots that do not meet minimum frontage requirements and where access to the public road is by a narrow, private right-of-way.

As discussed above, due to the triangular shape of the site, the fact that the site is limited to one point of connection to a public street and the presence of wetlands being preserved on the site it is unfeasible to create traditional rectangular lots and grid street patterns. To ensure adequate access on this irregularly shaped property the most effective solution was to provide streets with eyebrows (partial cul-de-sac bulbs) that result in the need to allow less than sixty feet of frontage on lots located on the eyebrows. All six of the lots we request reduced frontage for are located on the eyebrows and two of the six lots are traditional flag lots that would not typically require full frontage standards to be met. If sixty feet of frontage were required it would be even more difficult to meet the 10,000sf lot average or may result in more wide, oversized lots along the eyebrows and small lots elsewhere to compensate. The current design allows similar sized lots throughout the development and better compatibility with the existing adjacent neighborhood. Additionally, this type of frontage reduction has been commonly allowed throughout many R1 zoned subdivisions in the City, some examples include the following: Pine Meadow, North Wood Estates, Auburn Farms and Kraft Place.

The applicant requests Condition of Approval 3 be amended as shown attached.

5) Planter Strips

The September 7, 2017 memo from the City Engineer recommends that planter strips be installed throughout the proposed development based on a requirement in Chapter 2 of the Public Works Standards, however no requirement was found by the applicant. Due to the irregular shape of the property and that there are no connecting sidewalks to this site, the applicant requests that Planning Commission allow curb tight sidewalks in the subdivision. Curb tight sidewalks will allow the lots to be more effectively used and landscaped by the future homeowners. Additionally there are no other subdivisions with planter strips nearby. Other subdivisions in town, such as North Wood Estates, with similar lot sizes and similar proposed homes have been built in recent years without planter strips and the finished product is aesthetically pleasing. It seems unnecessary to

place a burden of planter strips on this uniquely shaped parcel when there isn't a specific requirement that they be installed, the site is already constrained by other natural features, the addition of planter strips would further constrain the site and no other nearby developments have planter strips.

Additionally this condition of approval appears to recommend that 5' sidewalk on the east side of N. Maple be installed. Based on our conversations we didn't think that was the City's intended recommendation. If it is not the City's intended recommendation, can you amend this condition to reflect that?

The applicant requests that Conditions of Approval 5, 33, 35 and 41 be amended to reflect that planter strips are not required or recommended.

6) Maple Street Offsite Improvements

A. On N Maple Street from approximately NE 23rd Avenue (at the southern termination of the existing sidewalk) north to the north property boundary of Tax Lot 31E 28A 00900, the applicant proposes either:

1. If the existing Right of Way is only 30' wide fronting lots 00900 and 01000, the applicant proposes to widen N Maple Street to 25' wide from approximately NE 23rd Avenue (at the southern termination of the existing sidewalk) north to the north property boundary of Tax Lot 31E 28A 00900, as shown on Exhibit 12 – Maple Street ROW Option 1. Under this 25' widening option the applicant's preference is to construct Section A-A as recommended by the City's traffic engineer, DKS and Associates, and allowed by exception from the Fire Marshal with the installation of fire sprinklers in all of the residences in the proposed subdivision. However, the applicant has also offered Section B-B and C-C should the Planning Commission find one of these alternatives more suitable.
 - a. Option 1A – Widen this segment to 25' to allow 7' of existing parking to remain on the east side of N. Maple Street and provide for a 13' 4" travel lane and a 4' 8" pedestrian and emergency

vehicle lane. In this option, fire sprinklers would be required on all lots in the proposed subdivision.

- b. Option 1B - Widen this segment to 25' to allow 7' of existing parking to remain on the east side of N. Maple Street and provide for an 18' travel lane and shared pedestrian lane. In this option, fire sprinklers would be required on all lots in the proposed subdivision.
- c. Option 1C - Widen this area to 25' to allow a 20' travel lane and 4' pedestrian lane. In this scenario the applicant would be required to request removal of existing parking (from City Council) currently located along the east side of N. Maple Street. In this option fire sprinklers would not be required on any lots in the proposed subdivision.

OR

- 2. If the existing Right of Way is definitively found to be 50' wide prior to applicant's construction plan preparation, the applicant will widen N. Maple Street from approximately NE 23rd Avenue (at the southern termination of the existing sidewalk) north to the north property boundary of Tax Lot 31E 28A 00900, to 34' at the City's request as shown on Exhibit 13 – Maple Street ROW Option 2

B. On N Maple Street along the frontage of Tax Lot 31E21 00300 north to the proposed subdivision, the applicant proposes to either:

- 1. The applicant proposes to widen N Maple Street to 25' wide along the frontage of Tax Lot 31E21 00300, as shown on Exhibit 12 – Maple Street ROW Option 1. Under this 25' widening option the applicant's preference is to construct Section A-A as recommended by the City's traffic engineer, DKS and Associates, and allowed by exception from the Fire Marshal with the installation of fire sprinklers in all of the residences in the proposed subdivision. However, the applicant has

also offered Section B-B and C-C should the Planning Commission find one of these alternatives more suitable.

- a. Option 1A – Widen this segment to 25’ to allow 7’ of existing parking to remain on the east side of N. Maple Street and provide for a 13’ 4” travel lane and a 4’ 8” pedestrian and emergency vehicle lane. In this option, fire sprinklers would be required on all lots in the proposed subdivision.
- b. Option 1B - Widen this segment to 25’ to allow 7’ of existing parking to remain on the east side of N. Maple Street and provide for an 18’ travel lane and shared pedestrian lane. In this option, fire sprinklers would be required on all lots in the proposed subdivision.
- c. Option 1C - Widen this area to 25’ to allow a 20’ travel lane and 4’ pedestrian lane. In this scenario the applicant would be required to request removal of existing parking (from City Council) currently located along the east side of N. Maple Street. In this option fire sprinklers would not be required on any lots in the proposed subdivision.

OR

2. If an agreement is reached with the owners of Tax Lot 31E21 00300, the applicant will widen N. Maple Street to 34’ along the frontage of Tax Lot 31E21 00300 per Exhibit 13 – Maple Street ROW Option 2

The applicant requests that Condition of Approval 9.A and 9.B be amended as shown attached.

7) Existing Onsite Storm Line

Currently the City, Montecucco Rentals and the applicant are negotiating an agreement to relocate the existing Montecucco storm line that runs through the property. In the event the parties are unable to reach an agreement, the applicant requests that Condition of Approval 9.C be amended as shown attached.

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

DKS Findings:

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

Commented [KG1]: Bryan, per the DKS email (Jan 23,2017, Exhibit 5) these recommendations were replaced by the recommendations of the Supplemental Memo November 17, 2016 (Exhibit 5). I'm not sure if you want to edit this section, but seems like it could cause confusion as to what is being recommended.

special conditions are present to justify less frontage on lots (4, 5, 12, 20, 21 and 22) and that adequate access is provided.

Commented [KG7]: Bryan – See memo provided, can you recommend PC approval of the exception based on information provided in the memo?

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

As a condition of approval, a Street Tree Plan shall be submitted with the final plat, and street tree fees must be paid prior to release of the final plat.

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

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

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

IV. PUBLIC TESTIMONY/AGENCY COMMENTS

Notice of this application and opportunity to provide comment was mailed to owners and residents of lots within 500 feet of the subject properties and to all applicable public agencies. All citizen and agency comments that were received to date are available in the file and provided in the Planning Commission packet.

V. CONCLUSION AND CONDITIONS OF APPROVAL

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

General Public Improvement Conditions:

1. Prior to the start of any public improvement work, the applicant must schedule a pre-construction conference with the city and obtain construction plan sign-off from applicable agencies.
2. The Planning Commission must make a finding to approve the proposed lots above the maximum lot size. An exception, as allowed by Section 16.16.030(B), is approved to allow 4 lots to be greater than 10,000 sf.
3. Special conditions are present to justify less than 60' of frontage on 6 lots in the subdivision. The Planning Commission In accordance with section 16.16.030(C) the proposed reduced frontage for 6 lots in the subdivision is approved. must make a finding for the record to approve the proposed lots that do not meet the required 60 feet of lot frontage.
4. The development shall comply with all applicable City of Canby Public Works Design Standards.

Commented [KG8]: Bryan – based on information in the memo provided can you create a COA to allow proposed lots above max lot size?

Commented [KG9]: Bryan – based on information in the memo provided can you create a proposed COA to allow reduced lot frontage?

5. The final construction design plans shall conform to the comments provided by the City Engineer in his memorandum dated September 7, 2017, including that the internal sidewalks be separated from the curb with a 4.5' planter strip except where necessary to avoid disturbing protected wetlands and with an exception to the placement of a sidewalk or pedestrian pathway as otherwise indicated in these conditions and determined to be acceptable by the Planning Commission.
6. Public improvements such as sidewalk and street widening improvements on N. Maple Street are required during development.
7. Turnarounds may be required at the end of all interior streets as directed by the Canby Fire Department.
8. The applicant must process a lot line adjustment and annexation application of property into the City of Canby should agreement be reached with the owner of Tax Lot 31E21 00300 for the purpose of adding 10' of right-of-way to N Maple Street.
9. The applicant must enter in to an Improvement Agreement with the City prior to Final Plat recording. The following improvements and requirements shall be included in the agreement:
 - A. The applicant voluntarily agrees to the following regarding N Maple Street improvements along the frontage of Tax Lot 31E21 00300. The applicant may satisfy this condition by selecting one of the following ~~four~~ choices (~~a or b~~ 2, 3, or 4) at their election:
 - ~~1. Applicant may build the full street of 34' width if the required easements or right of way are secured. The street shall include a 7' parking lane, 22' for travel lanes and a 4' pedestrian lane located on the west side of N. Maple Street or a 7' parking lane, 20' for travel lanes and a 6' shared bicycle and pedestrian lane.~~
 1. Widen this segment to 25' to allow 7' of existing parking to remain on the east side of N. Maple Street and provide for a 13' 4" travel lane and a 4' 8" pedestrian and emergency vehicle lane. In this option, fire sprinklers would be required on all lots in the proposed subdivision. See Exhibit 12 – Maple St. Option 1 Section A-A
 2. Widen this segment to 25' to allow 7' of existing parking to remain on the east side of N. Maple Street and provide for an 18' travel lane and shared pedestrian lane. In this option, fire sprinklers would be required on all lots in the proposed subdivision. See Exhibit 12 – Maple St. Option 1 Section B-B
 3. Widen this area to 25' to allow a 20' travel lane and 4' pedestrian lane. In this scenario the applicant would be required to request removal of existing parking (from City Council) currently located along the east side of N. Maple Street. In this option fire sprinklers would not be required on any lots in the proposed subdivision. See Exhibit 12 – Maple St. Option 1 Section C-C Since the narrow width of N. Maple Street is a pre-existing condition the applicant may request that the City Administrator or City Council approve removal of parking in this location. If removal of parking is

Commented [KG10]: Bryan –
 1)The requirement to comply with the Sept 7th memo implies that we are required to build the sidewalk on the east side of Maple per Hassan's 1st comment. Is that the intent of this condition? If not, can you please amend this condition to exclude that requirement?
 2)Hassan's 2nd recommendation states that a planter is recommended in conformance with the City of Canby Public Works Design Standards Chapter 2. We were unable to locate that requirement. Can the planter strip recommendation be removed if it is not actually a requirement and based on info provided in the memo we provided? If it is a requirement can you point us to the specific location it is required?

Commented [KG11]: Bryan - There may not be sidewalk improvements depending on PC decision.

~~approved, the applicant may widen the street to 25', including a 20' travel lane and 4' striped asphalt pedestrian way on the west side of N. Maple per the supplemental memorandum recommendation of DKS and Associates.~~

4. Applicant may build the full street of 34' width if the required easements or right of way are secured. The street shall include a 7' parking lane, 22' for travel lanes and a 4' pedestrian lane located on the west side of N. Maple Street or a 7' parking lane, 20' for travel lanes and a 6' shared bicycle and pedestrian lane. See Exhibit 13 – Maple St. Option 2

B. The applicant volunteers the following condition: For the proposed N Maple Street improvements along the frontage of Tax Lot 31E28A 00900 to the southern existing sidewalk termination that is located on the west side of N. Maple St. (shown on the exhibits provided with this application and located along the frontage of Tax Lot 31E28A 00401). ~~The applicant may satisfy this condition by selecting one of the following four choices (1, 2, 3 or 4):~~, the applicant shall construct the full street, 34' wide, along its frontage. ~~The street shall include a 7' parking lane, 22' for travel lanes and a 4' pedestrian lane located on the west side of N. Maple Street or a 7' parking lane, 20' for travel lanes and a 6' shared bicycle and pedestrian lane on the west side of N Maple St.~~

1. Widen this segment to 25' to allow 7' of existing parking to remain on the east side of N. Maple Street and provide for a 13' 4" travel lane and a 4' 8" pedestrian and emergency vehicle lane. In this option, fire sprinklers would be required on all lots in the proposed subdivision. See Exhibit 12 – Maple St. Option 1 Section A-A
2. Widen this segment to 25' to allow 7' of existing parking to remain on the east side of N. Maple Street and provide for an 18' travel lane and shared pedestrian lane. In this option, fire sprinklers would be required on all lots in the proposed subdivision. See Exhibit 12 – Maple St. Option 1 Section B-B
3. Widen this area to 25' to allow a 20' travel lane and 4' pedestrian lane. In this scenario the applicant would be required to request removal of existing parking (from City Council) currently located along the east side of N. Maple Street. In this option fire sprinklers would not be required on any lots in the proposed subdivision. See Exhibit 12 – Maple St. Option 1 Section C-C
4. If the existing Right of Way is definitively found to be 50' wide prior to applicant's construction plan preparation, the applicant will widen N. Maple Street from approximately NE 23rd Avenue (at the southern termination of the existing sidewalk) north to the north property boundary of Tax Lot 31E 28A 00900, to 34' at the City's request as shown on Exhibit 13 – Maple Street ROW Option 2

C. Prior to final plat recording and in conjunction with approval of the civil construction plans for the subdivision an agreement shall be executed between the City, the owner of Tax Lot 31E21 00300 (Montecucco Rentals, LLC), and the owner of the subject development to specify the reconfiguration of the existing drainage line that currently drains storm water from Tax Lot 31E21 00300 (Montecucco) through the subject development to the existing City storm system. The location and specifications of the proposed system shall be included in this agreement. In the event the parties cannot reach an agreement, the owner of the subject development will either leave the Montecucco line in its current condition and location or relocate on-site portions of the Montecucco line that interfere with the proposed development, and will not tie into the private Montecucco line or build lots or tracts over said line, and will implement a separate satisfactory drainage solution for the proposed subdivision in accordance with the City of Canby Public Works Design Standards, June 2012.

Fees/Assurances:

10. All public improvements are normally installed prior to the recordation of the final plat. If the applicant wishes to forgo construction of any portion of the public improvements until after the recordation of the final plat, then the applicant shall provide the City with appropriate performance security (subdivision performance bond or cash escrow) in the amount of 110% of the cost of the remaining public improvements to be installed.
11. If the applicant chooses to provide a subdivision performance bond for some or all of the required public improvements, the applicant shall obtain a certificate from the city engineer that states:
 - a. The applicant has complied with the requirements for bonding or otherwise assured completion of required public improvements.
 - b. The total cost or estimate of the total cost for the development of the subdivision shall be accompanied by a final bid estimate of the subdivider's contractor if there is a contractor engaged to perform the work, and the total cost estimate must be approved by the city engineer.
12. The applicant must guarantee or warranty all public improvement work with a 1 year subdivision maintenance bond or other acceptable means of security in accordance with CMC 16.64.070(P).
13. The applicant must pay the city Master Fee authorized engineering plan review fee equal to 0.4% of public improvement costs prior to the construction of public improvements (approval of construction plans) as each phase of development occurs.

Streets, Signage & Striping:

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

Sewer:

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

Stormwater:

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

Grading/Erosion Control:

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

Final plat conditions:

General Final Plat Conditions:

24. The applicant shall apply for final plat approval at the city and pay any applicable city fees to gain approval of the final subdivision plat. Prior to the recordation of the final plat at Clackamas County, it must be approved by the city and all other applicable agencies. The city will distribute the final plat to applicable service agencies for comment prior to signing off of the final plat if deemed necessary.
25. All public improvements or submittal of necessary performance security assurance shall be made prior to the signing and release of the final plat for filing of record.
26. The final plat shall conform to the necessary information requirements of CMC 16.68.030, 16.68.040(B), and 16.68.050. The county surveyor shall verify that these standards are met prior to the recordation of the subdivision plat.
27. All "as-builts" of City public improvements installed shall be filed with Canby Public Works within sixty days of the completion of improvements.

28. Clackamas County Surveying reviews pending subdivision plat documents for Oregon Statutes and county requirements. A subdivision final plat for Phase 1 prepared in substantial conformance with the approved tentative plat must be submitted to the City for approval within one year of approval of the tentative plat or formally request an extension of up to 6-months with a finding of good cause.
29. The applicant shall record the final plat at Clackamas County within 6 months of the date of the signature of the Planning Director.
30. The applicant shall assure that the city is provided with a copy of the final plat in a timely manner after it is recorded at Clackamas County, including any CC&Rs recorded in conjunction with the final plat.
31. The City shall assign addresses for each newly created subdivision lot and distribute that to the developer, and other agencies that have an interest.

Dedications

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

Easements

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

Commented [KG12]: Bryan – can you amend depending on outcome of changes in COA 5? Are planter strips really a requirement, I can't find it.

Street Trees

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

Commented [KG13]: Bryan – can you amend depending on outcome of changes in COA 5? Are planter strips really a requirement, I can't find it.

Monumentation/Survey Accuracy Conditions

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

Residential Building Permits Conditions:

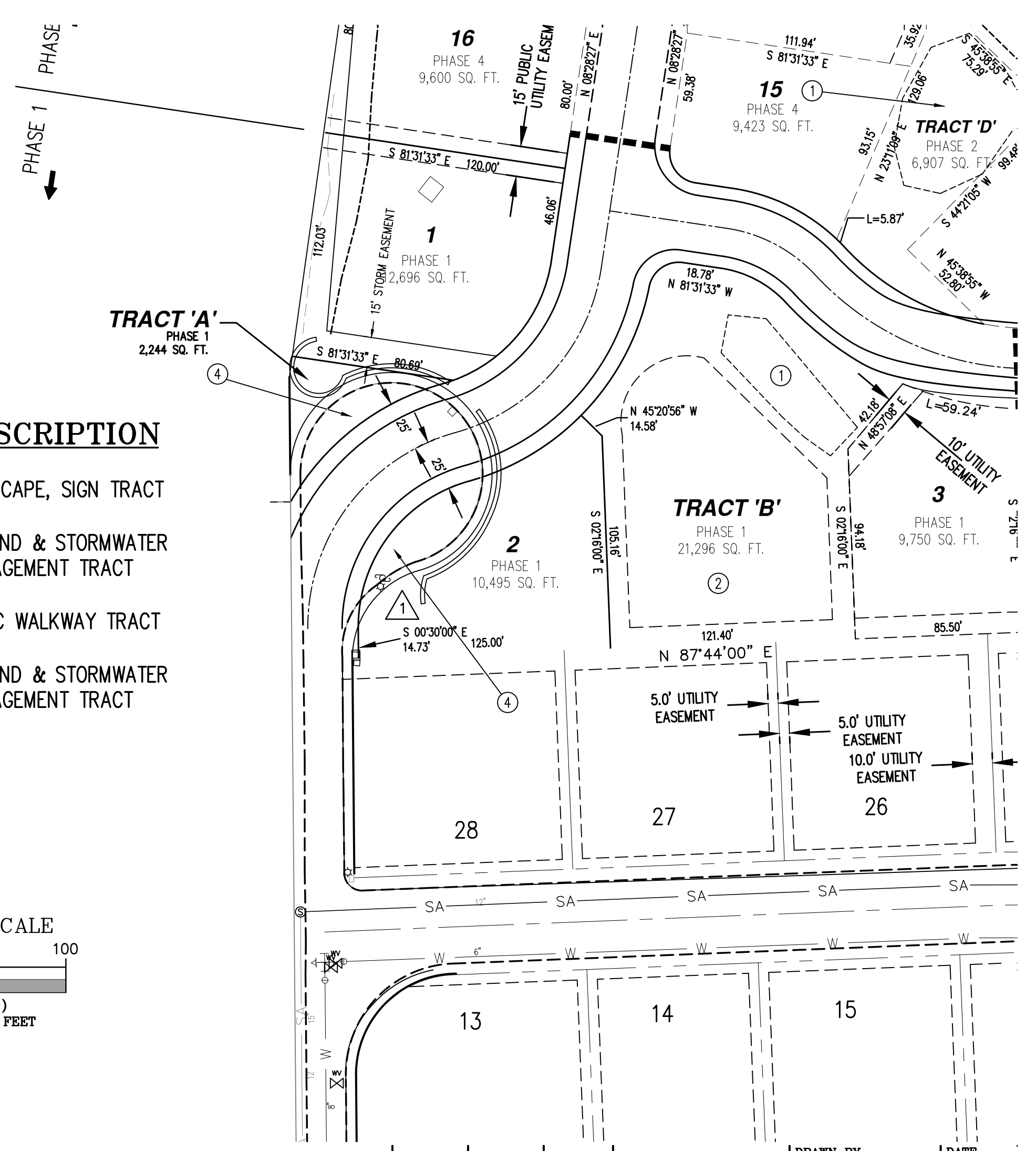
34. Construction of all required public improvements and recordation of the final subdivision plat must be completed prior to the construction of any homes.
35. The homebuilder shall apply for a City of Canby Site Plan Permit and County Building Permit for each home and satisfy the residential design standards of CMC 16.21.

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

Commented [KG14]: Bryan – can you amend depending on outcome of changes in COA 5? Are planter strips really a requirement, I can't find it.

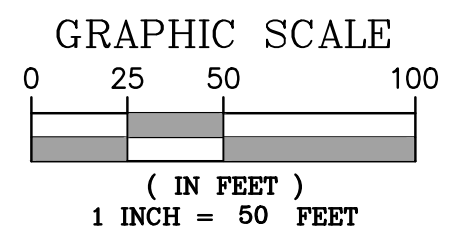
VI. Decision

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

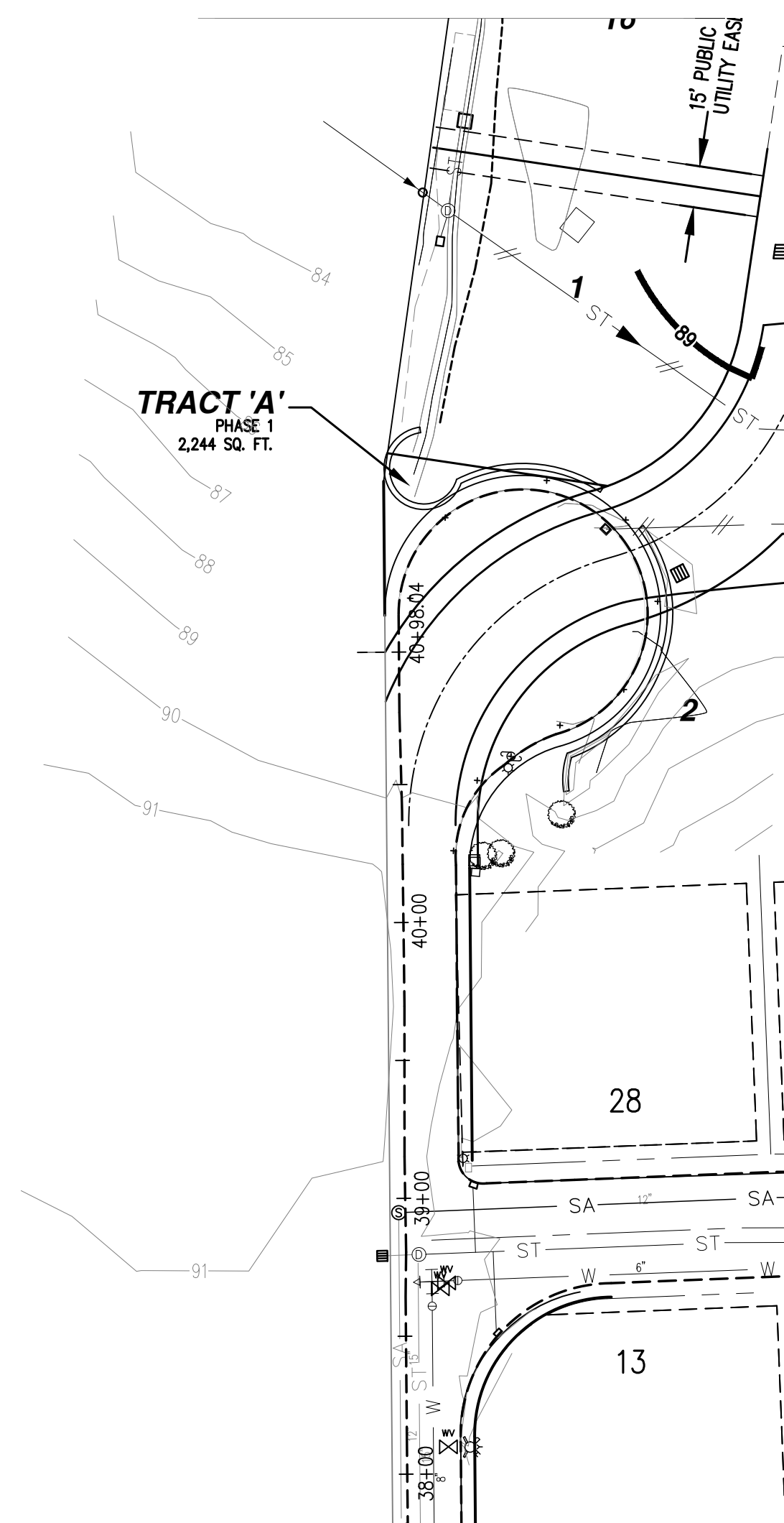


TRACT DESCRIPTION

- TRACT 'A' - LANDSCAPE, SIGN TRACT
- TRACT 'B' - WETLAND & STORMWATER MANAGEMENT TRACT
- TRACT 'C' - PUBLIC WALKWAY TRACT
- TRACT 'D' - WETLAND & STORMWATER MANAGEMENT TRACT



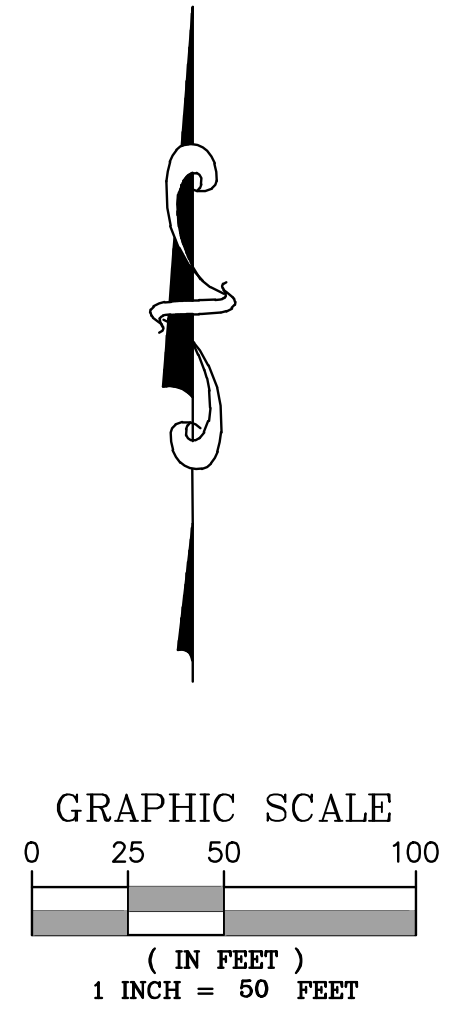
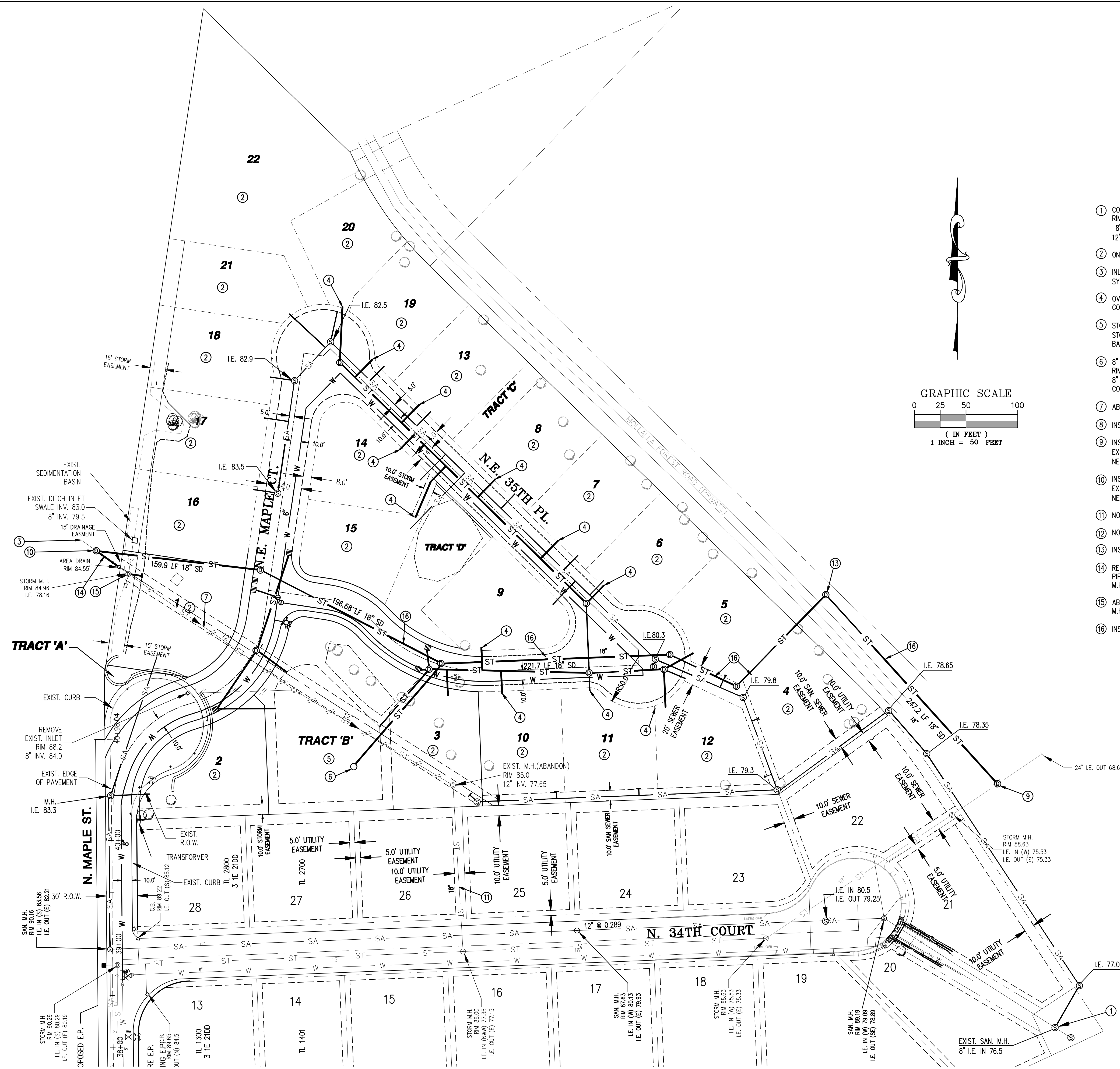
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					JHH	JM			3-11-1



SYM	REVISION	BY	APPROVED	DATE

DRAWN BY JHH
 CHECKED JM
 ENGR.
 CHECKED

DATE 3-11-11



- ① CONNECT TO EXIST. SAN. M.H.
RIM=94.93
8" I.E. IN 76.5
12" I.E. OUT 75.73
- ② ON-SITE STORM TREATMENT FACILITY EACH LOT.
- ③ INLET FROM FARM FIELD TILE REMOVE SILT IN EXISTING SYSTEM TO 20' UPSTREAM OF EXISTING M.H.
- ④ OVERFLOW FROM ON-SITE STORM TREATMENT FACILITY CONNECT TO STORMWATER COLLECTION SYSTEM.
- ⑤ STORMWATER DETENTION/TREATMENT BASIN. 2' MAX. STORAGE DEPTH, 3:1 SIDE SLOPES, 1' MIN. FREEBOARD. BASE EL. 82.0
- ⑥ 8" DIA. OVERFLOW STANDPIPE
RIM 84.0
8" I.E. 79.0
CONNECT TO NEW STORMLINE.
- ⑦ ABANDON EXISTING 12" STORM LINE
- ⑧ INSTALL 18" PVC STORM LINE
- ⑨ INSTALL NEW WATER QUALITY M.H.
EX 24" I.E. = APPRX 70.53
NEW 18" I.E. IN = 78.19
- ⑩ INSTALL NEW MANHOLE OVER EXISTING FARM FIELD TILE
EX 12" I.E. 78.29
NEW 8" I.E. OUT 78.19
- ⑪ NOT USED
- ⑫ NOT USED
- ⑬ INSTALL NEW STORM M.H.
- ⑭ REMOVE AND REPLACE EXISTING PIPE WITH NEW 18" PIPE SO THAT EXISTING AREA DRAIN PLOWS TO NEW M.H.
- ⑮ ABANDON PIPE BETWEEN AREA DRAIN AND EXISTING M.H.
- ⑯ INSTALL NEW 18" PVC STORM LINE, S=0.26%

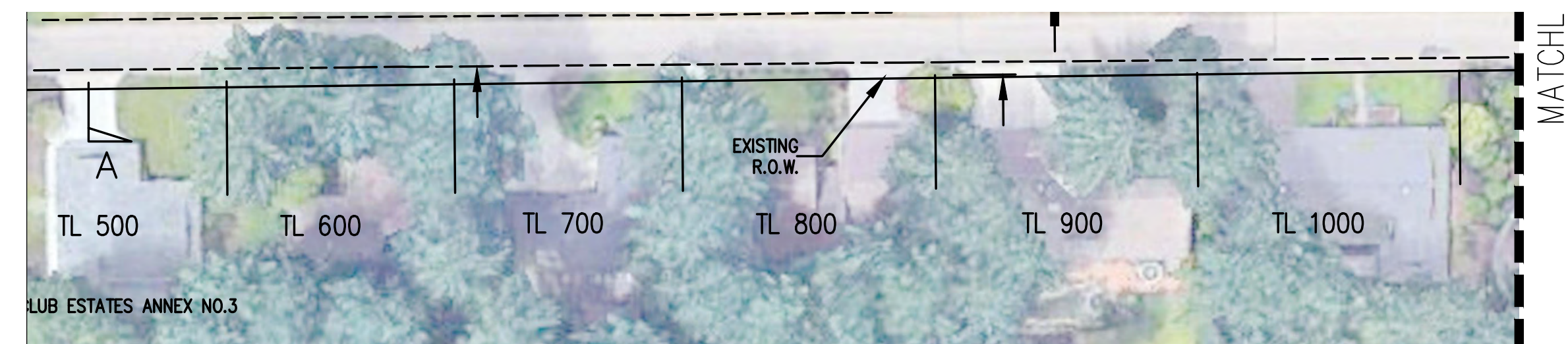
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JHH	3-11-15
JM	

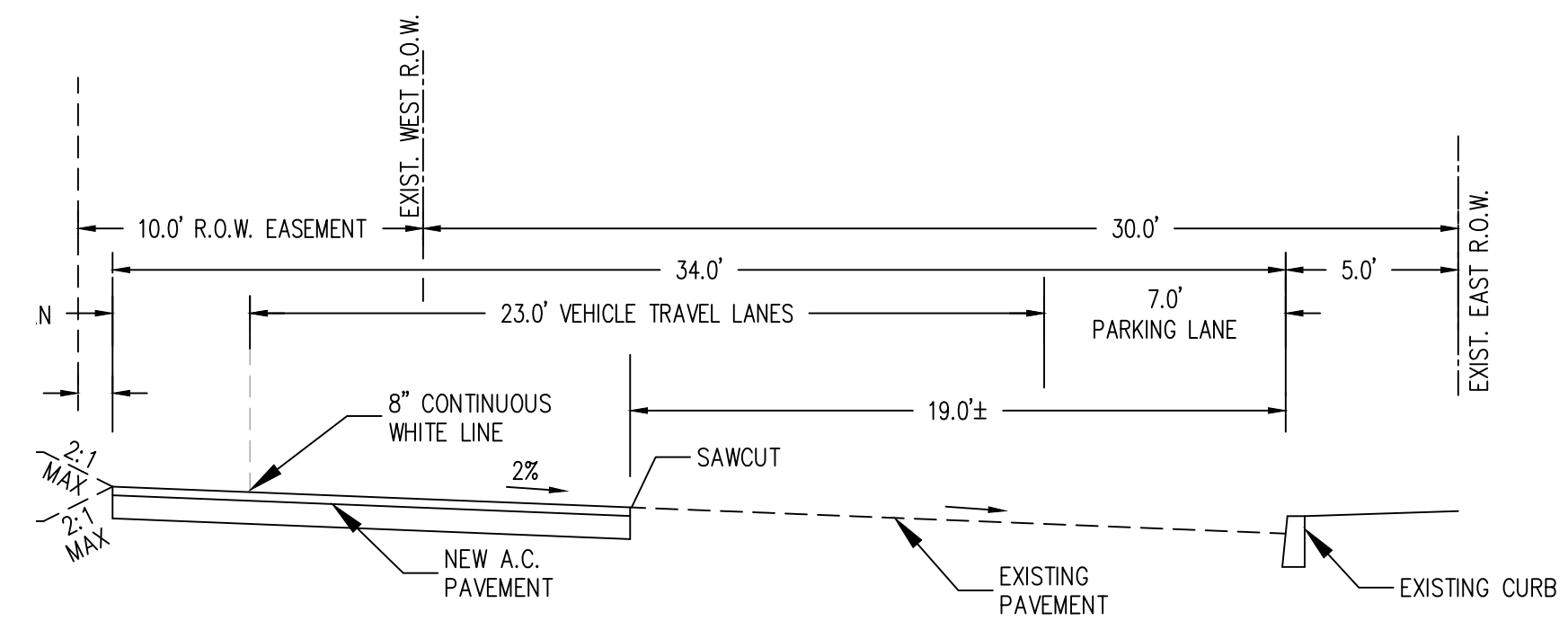
ZTec ENGINEERS INC.
 3880 S.E. 8TH AVE., SUITE 280, PORTLAND, OR. 97202
 PHONE: (503) 235-8795
 FAX: (503) 233-7889
 EMAIL: ztec@ztecengineers.com

SUBTITLE: PRELIMINARY SITE UTILITIES PLAN
 TITLE: FOR: DOUG SPRAGUE
 7 ACRE SITE
 N. MAPLE ST., CANBY, OR

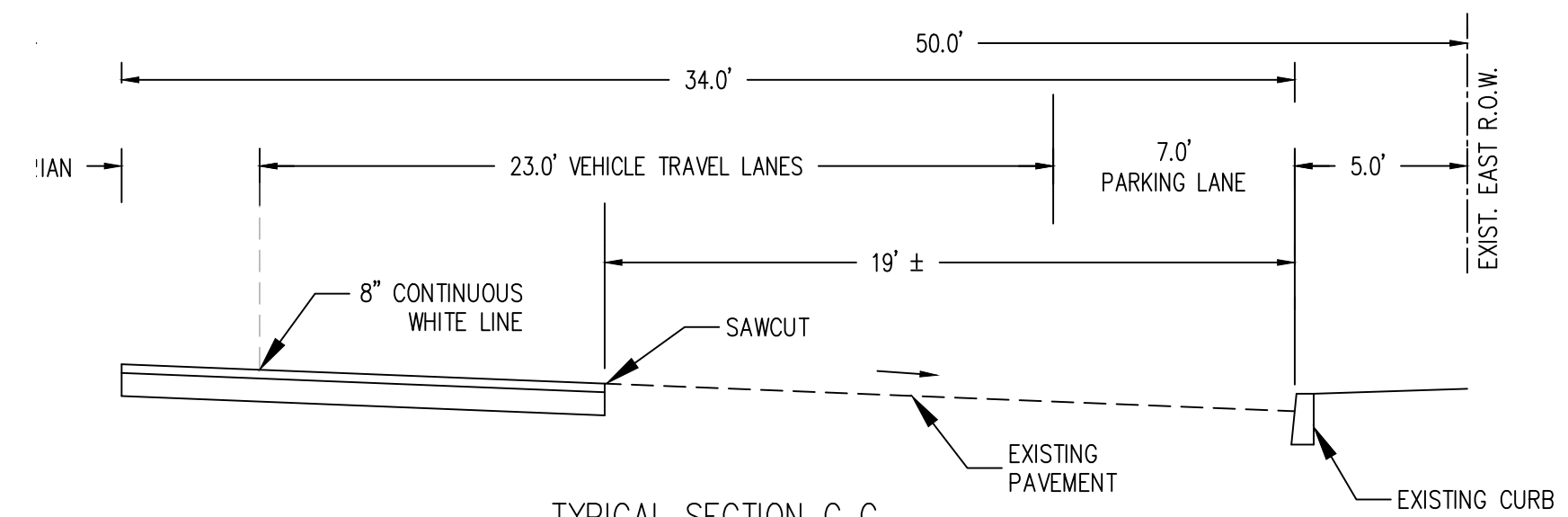
JOB NO.:	Y704-1
DWG. NO.:	Y7041C1
SCALE:	1"=50'
SHEET:	C3



MATCH

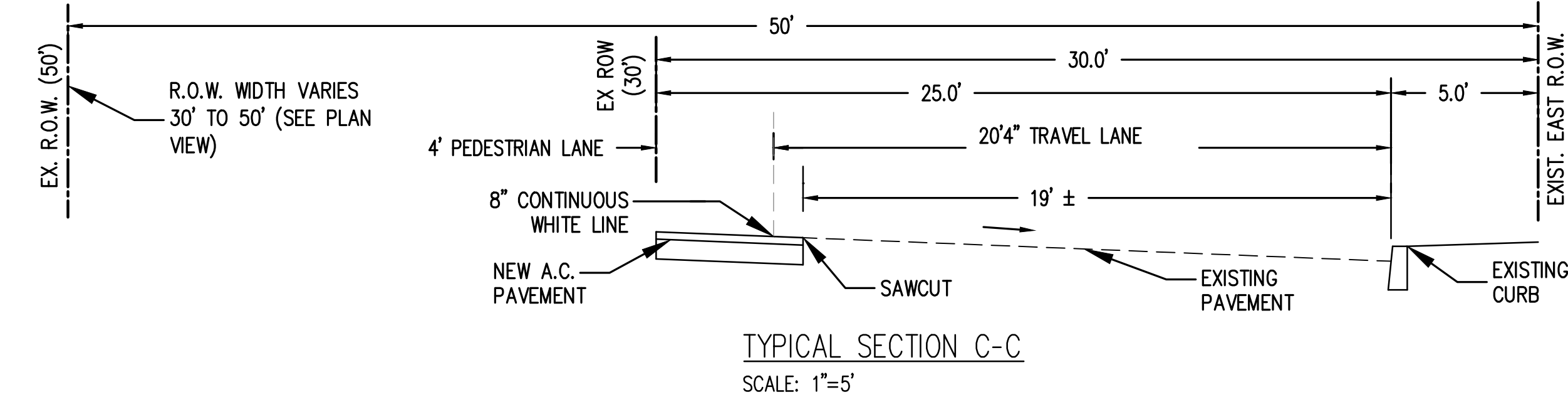
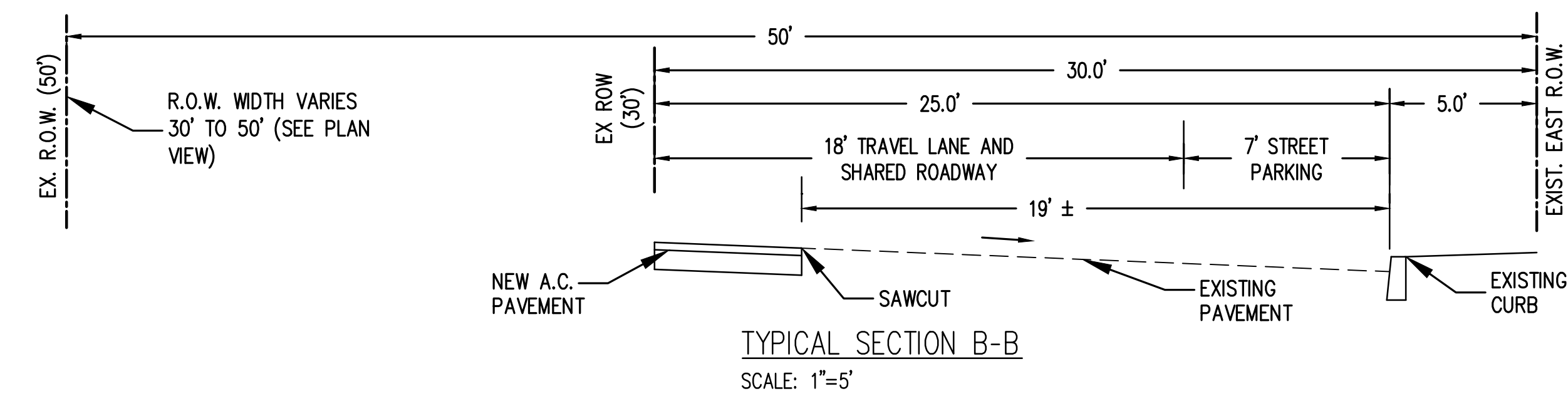
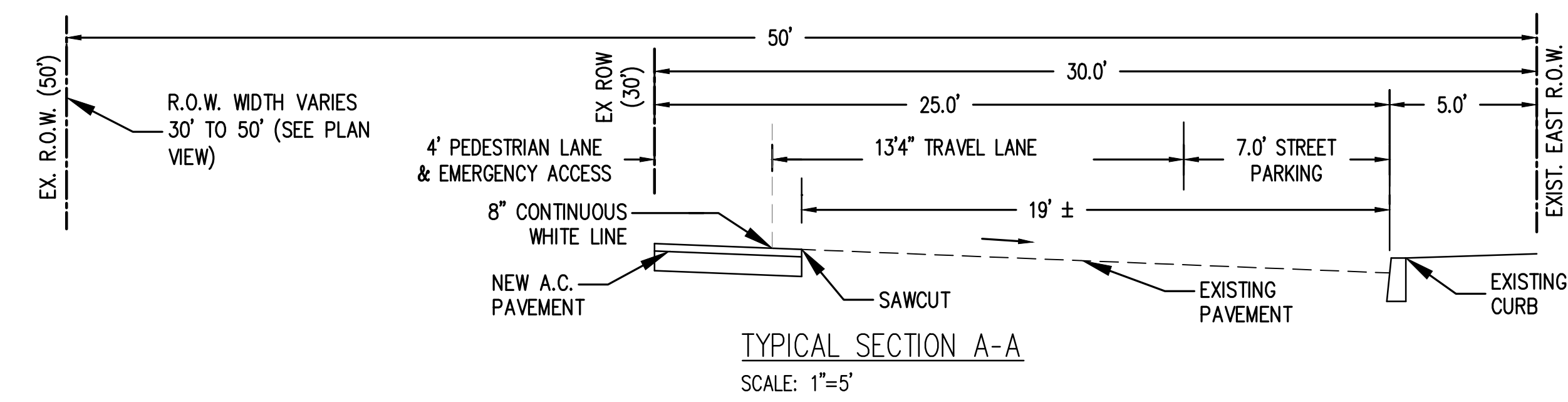
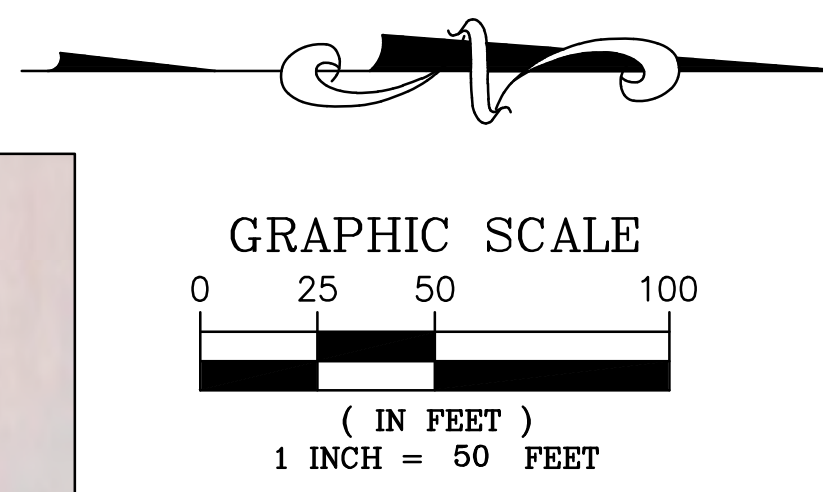
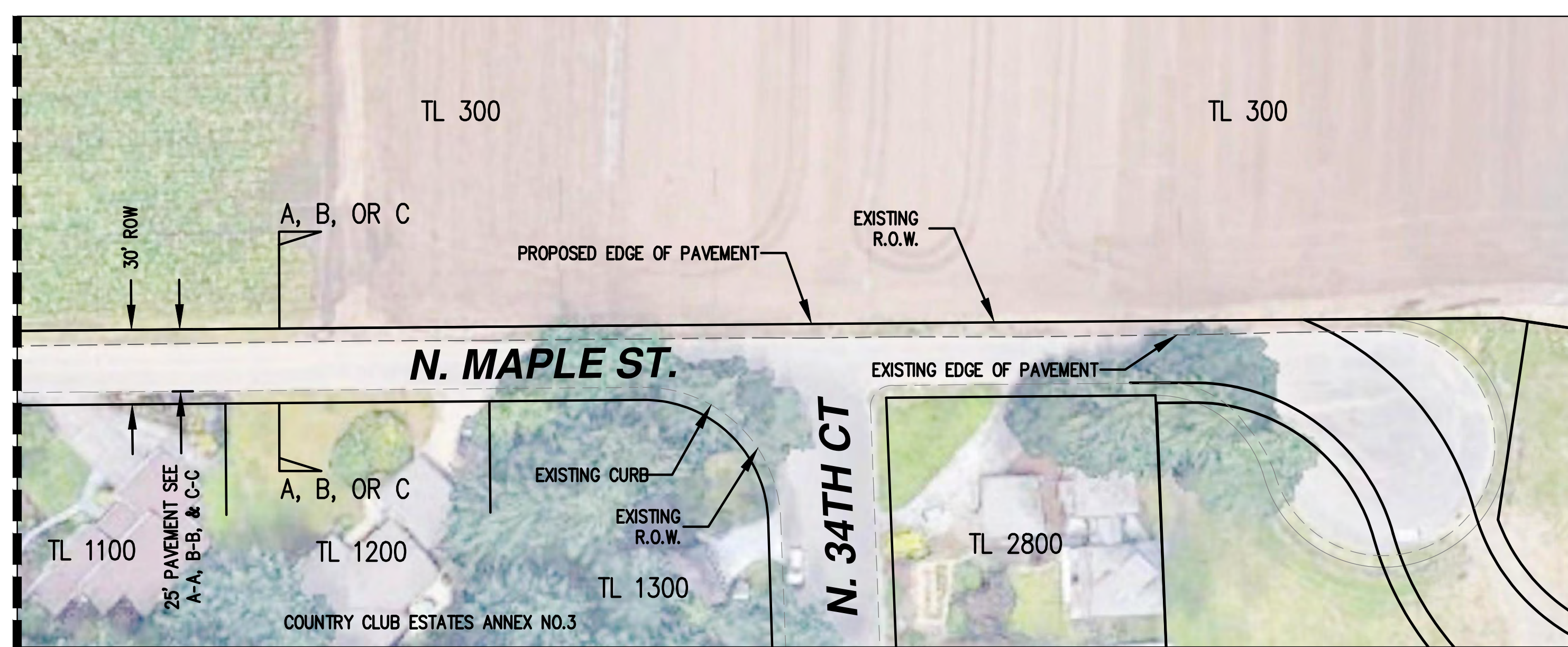
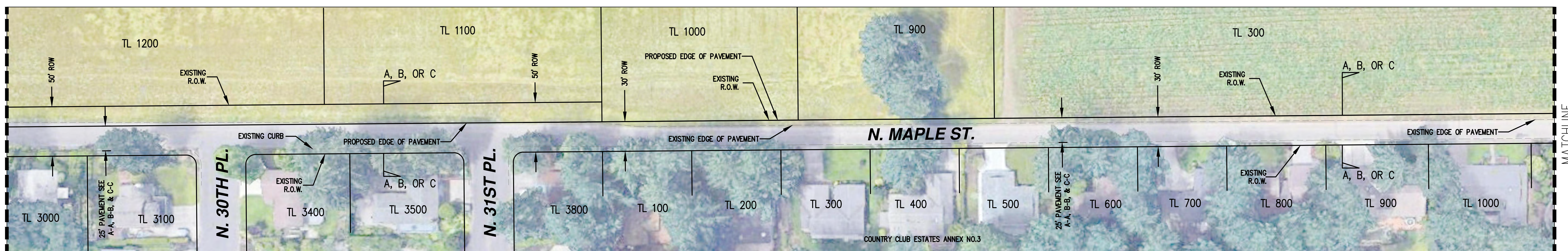
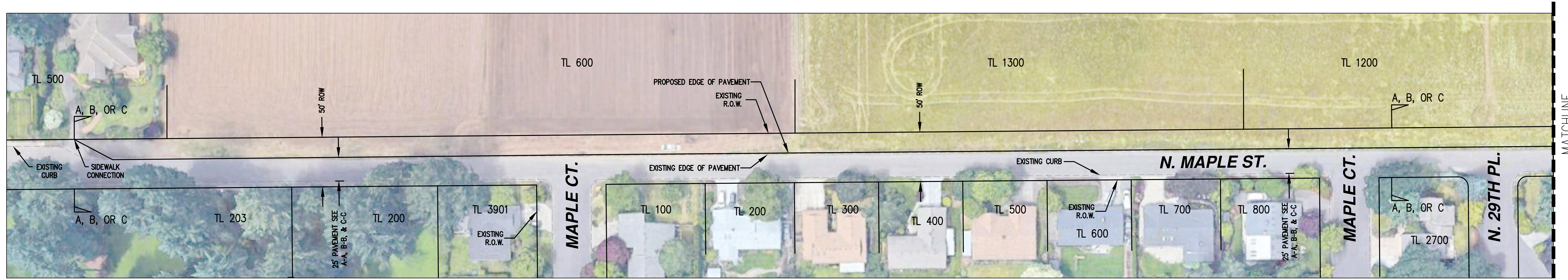


TYPICAL SECTION A-A
SCALE: 1"=5'



TYPICAL SECTION C-C
SCALE: 1"=5'

SUBTITLE	N. MAPLE ST – OPTION 2	JOB NO.:
TITLE	7 ACRE SITE N. MAPLE ST. CANBY, OR	DWG. NO.:
		SCALE:
		SHEET:



SYM	REVISION	BY	APPROVED	DATE	DRAWN BY	DATE
					CNW	09/12/17
					CHECKED	
					BNGR	
					CHECKED	

SUBTITLE	N. MAPLE ST - OPTION 1	JOB NO.:
TITLE	7 ACRE SITE N. MAPLE ST. CANBY, OR	DWG. NO.:
		SCALE:
		SHEET:

**The Seven Acres
Exhibit 11 - Lot Area Calculation
October 10, 2017**

Lot Number	Lot Area	Notes
1*		12696
2*		10495
3		9750
4*		12227 16.04.300
5		8911
6		7988
7		8400
8		8400
9		9608
10		8802
11		8969
12		9875
13		8400
14		8823
15		9423
16		9600
17		9600
18		9393
19		7983
20		7627
21		8300
22*		24633 16.04.300
Average		9996 SF

* Lot over 10,000SF

APPLICATION

BY

CANBY DEVELOPMENT LLC

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

SUBMITTED

JULY 28, 2017

TABLE OF CONTENTS

	Page
I. INTRODUCTION.....	1
A. Ownership and Applicant	1
B. Proposal.....	1
C. Site and Adjacent Zoning and Land Use	1
D. Applicant Team.....	2
II. SITE SERVICES AND UTILITIES	2
III. CHARACTERIZATION OF THE APPLICATION	2
IV. APPROVAL CRITERIA	3
A. LDO 16.16, “R-1 Low Density Residential Zone”	3
1. LDO 16.16.010, “Uses Permitted Outright”	3
2. LDO 16.16.030, “R-1 Development Standards”	3
3. LDO 16.16.030.B.....	3
4. LDO 16.16.030.C.....	4
5. LDO 16.16.030.D	4
B. LDO 16.46, “Access Limitations”	4
1. LDO 16.46.020, Ingress and Egress	5
2. LDO 16.46.030, Access Connection.....	6
C. LDO Division IV, “Land Division Regulations.”	6
1. LDO 16.56.030.A, “Comprehensive Plan.”	6
2. LDO 16.56.030.C, “Health, Safety and Sanitation.”	6
3. LDO 16.56.030.D, “Building.”	6
4. LDO 16.56.030.E, “Streets and Roads.”	6
5. LDO 16.62.020.A	6
6. LDO 16.62.020.B.....	6
7. LDO 16.62.020.C.1-5	7
8. LDO 16.62.020.D	8
9. LDO 16.62.020.E.....	8
10. LDO 16.62.020.F	8
11. LDO 16.64.010	8
12. LDO 16.64.010.B. – N.....	8

TABLE OF CONTENTS
(continued)

		Page
13.	LDO 16.64.015, Access	10
14.	LDO 16.64.020, Blocks	10
15.	LDO 16.64.030, Easements	10
16.	LDO 16.64.040, Lots	10
17.	LDO 16.64.070, Improvements	13
18.	LDO 16.64.080, Low Impact Development Incentives	15
19.	LDO 16.66, Subdivisions - Planning Commission Action	16
20.	LDO 16.86.020, General Provisions	16
21.	LDO 16.86.040, Recommended Roadway Standards	16
22.	LDO 16.86.060, Street Connectivity	16
23.	LDO 16.89.020, Description and Summary of Processes	16
24.	LDO 16.89.050, Type III Decision	17
25.	LDO 16.89.070, Neighborhood Meetings	17
26.	LDO 16.120, Parks, Open Space and Recreation Land	17
27.	LDO 16.120.020, Minimum standard for park, open space and recreation land	17
28.	LDO 16.120.040, Cash in lieu of dedication of land	17
V.	CONCLUSION	17
VI.	EXHIBITS	19
	Exhibit 1 Site Location	
	Exhibit 2 Preliminary Plat	
	Exhibit 3 DKS Traffic Impact Study	
	Exhibit 4 Lancaster Engineering Proportional Share Memo	
	Exhibit 5 DKS Supplemental Memo and E-mail	
	Exhibit 6 Pre-Application Meeting Notes	
	Exhibit 7 Neighborhood Meeting Notes	
	Exhibit 8 Land Use Application	

TABLE OF CONTENTS
(continued)

Page

Exhibit 9 Deed

Exhibit 10 Mailing Labels

I. Introduction.

A. Ownership and Applicant.

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

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

B. Proposal.

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

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

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

C. Site and Adjacent Zoning and Land Use.

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

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

D. Applicant Team.

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

II. Site Services and Utilities.

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

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

Available public and private services, utilities and facilities are sufficient to serve the proposed 22-lot subdivision.

III. Characterization of the Application.

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

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

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

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

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

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

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

IV. Approval Criteria.

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

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

1. LDO 16.16.010, “Uses Permitted Outright”.

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

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

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

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

3. LDO 16.16.030.B

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

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

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

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

4. LDO 16.16.030.C.

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

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

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

5. LDO 16.16.030.D.

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

B. LDO 16.46, “Access Limitations”.

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

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

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

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

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

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

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

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

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

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

1. LDO 16.46.020, Ingress and Egress.

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

2. LDO 16.46.030, Access Connection.

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

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

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

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

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

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

3. LDO 16.56.030.D, “Building.”

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

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

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

5. LDO 16.62.020.A.

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

6. LDO 16.62.020.B.

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

7. LDO 16.62.020.C.1-5.

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

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

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

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

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

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

FINDING: The City’s traffic consultant, DKS Associates, prepared a traffic report (**Exhibit 3**). The applicant also engaged Lancaster Engineering to complete a review of the DKS traffic report and found that a sidewalk on the east side of N. Maple Street would create an undue burden on the proposed development (**Exhibit 4**). The applicant also learned the location of the sidewalk on the east side of N. Maple Street was unfavorable to many of the existing homeowners on N. Maple Street. As a result, the applicant, their consultants, the City and DKS were able to come to an agreement to modify the traffic report to move the location of the pedestrian way to the west side of N. Maple Street as discussed in the Supplemental Memo and email by DKS Associates (**Exhibit 5**). The required TIS has been completed.

8. LDO 16.62.020.D.

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

9. LDO 16.62.020.E.

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

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

10. LDO 16.62.020.F.

FINDING: The City’s Traffic Engineer has provided a traffic impact study (“TIS”) (**Exhibit 3**).

11. LDO 16.64.010.A.

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

12. LDO 16.64.010.B. – O.

- B. Permeable Surfaces - All streets and right-of-way improvements will incorporate impervious surfaces through the use of asphalt and/or concrete for streets and sidewalks. Permeable pavement is not a viable option for this development.
- C. Reserve Strips - There are no reserve strips planned because no streets are dead-end streets or streets to be extended in the future.
- D. Alignment -The extension of North Maple Street from its current cul-de-sac end to include the streets within the Site uses the existing alignment of North Maple Street and continues this street to a completed layout pattern. No other streets are impacted in terms of extension and alignment by the proposed development. A portion of the existing N. Maple Street Right of Way at the existing cul-de-sac bulb will need to be vacated. The applicant will make separate request to City Council for this Right of Way vacation.
- E. Future Extension of Streets – None of the streets in the vicinity of the Site will be extended. The city’s TSP does not identify future street extensions for either North Maple Street, or any other local neighborhood street in the area.
- F. Intersection Angles - All intersection angles for streets within the project site are proposed considering the shape of the site. The triangular shape of the parcel dictates a layout and street pattern that reflects the physical characteristics of the site, with intersection angles at the level where the intersections are negotiable and usable. Use of “bulbs” at two (2) points in the street system will facilitate traffic movement, as well as provide additional lot frontage and individual access. While the angles of the intersections may not be a true 90 degrees, they are sufficient for low-speed and low-volume residential traffic.
- G. Existing Streets - The only existing street that is impacted by the proposed subdivision is North Maple Street, which will be the primary route of service and access to the site. No other existing streets will be impacted.
- H. Half Streets - There are no half-streets proposed as part of the subdivision.
- I. Cul-de-sacs - The project contains two bulbs as part of the street pattern. No streets are true dead-end cul-de-sacs.
- J. Marginal Access Streets - Because this standard applies only to City Arterial streets, and there are no City Arterial streets within the project or in the adjacent neighborhood area, this standard does not apply.

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

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

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

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

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

13. LDO 16.64.015, Access.

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

14. LDO 16.64.020, Blocks.

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

15. LDO 16.64.030, Easements.

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

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

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

16. LDO 16.64.040, Lots.

A. Size and Shape.

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

B. Minimum Lot Sizes.

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

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

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

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

C. Lot Frontage.

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

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

D. Double Frontage.

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

E. Side Lot Lines.

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

F. Resubdivision.

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

G. Building Lines.

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

H. Potentially Hazardous Lots or Parcels.

FINDING: There are no lots or parcels within this project that are hazardous due to flooding or soil conditions. The site is not within the 100-year floodplain of the Willamette River, nor are soils considered to be unstable.

I. Flag Lots or Panhandle-shaped Lots.

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

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

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

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

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

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

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

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

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

16.64.050, Parks and Recreation.

FINDING: See subsection 16.120 below.

16.64.060, Grading of building sites.

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

17. LDO 16.64.070, Improvements.

A. Improvement Procedures.

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

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

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

C. Streets.

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

D. Surface Drainage and Storm Sewer System.

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

E. Sanitary Sewers.

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

F. Water System.

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

G. Sidewalks.

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

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

H. Bicycle Routes.

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

I. Street Name Signs.

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

J. Street Lighting System.

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

K. Other Improvements.

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

L. Improvements in Areas of Flood or Slope Hazard.

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

M. Survey Accuracy and Requirements.

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

N. Guarantee.

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

O. Large Scale or Solar Efficient Development.

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

P. Fences/ Walls.

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

18. LDO 16.64.080, Low Impact Development Incentives.

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

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

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

19. LDO 16.66, Subdivisions - Planning Commission Action.

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

Chapter 16.86 Regulations.

20. LDO 16.86.020, General Provisions.

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

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

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

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

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

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

21. LDO 16.86.040, Recommended Roadway Standards.

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

22. LDO 16.86.060, Street Connectivity.

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

23. LDO 16.89.020, Description and Summary of Processes.

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

24. LDO 16.89.050, Type III Decision.

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

A. Pre-Application Conference. As required, a Pre-Application Conference was held on Thursday, August 27, 2015 (**Exhibit 6**).

B. Neighborhood meetings. The required neighborhood meeting was held on December 15, 2016 (**Notes per Exhibit 7**). Additionally, due to inclement weather on the date of the first meeting, the applicant held a voluntary second neighborhood meeting on January 25, 2017 to discuss the concerns raised at the first neighborhood meeting.

25. LDO 16.89.070, Neighborhood Meetings.

FINDING: The required neighborhood meeting was held on December 15, 2016 (**Notes per Exhibit 7**). Additionally, due to inclement weather on the date of the first meeting, the applicant held a voluntary second neighborhood meeting on January 25, 2017 to discuss the concerns raised at the first neighborhood meeting.

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

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

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

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

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

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

V. CONCLUSION.

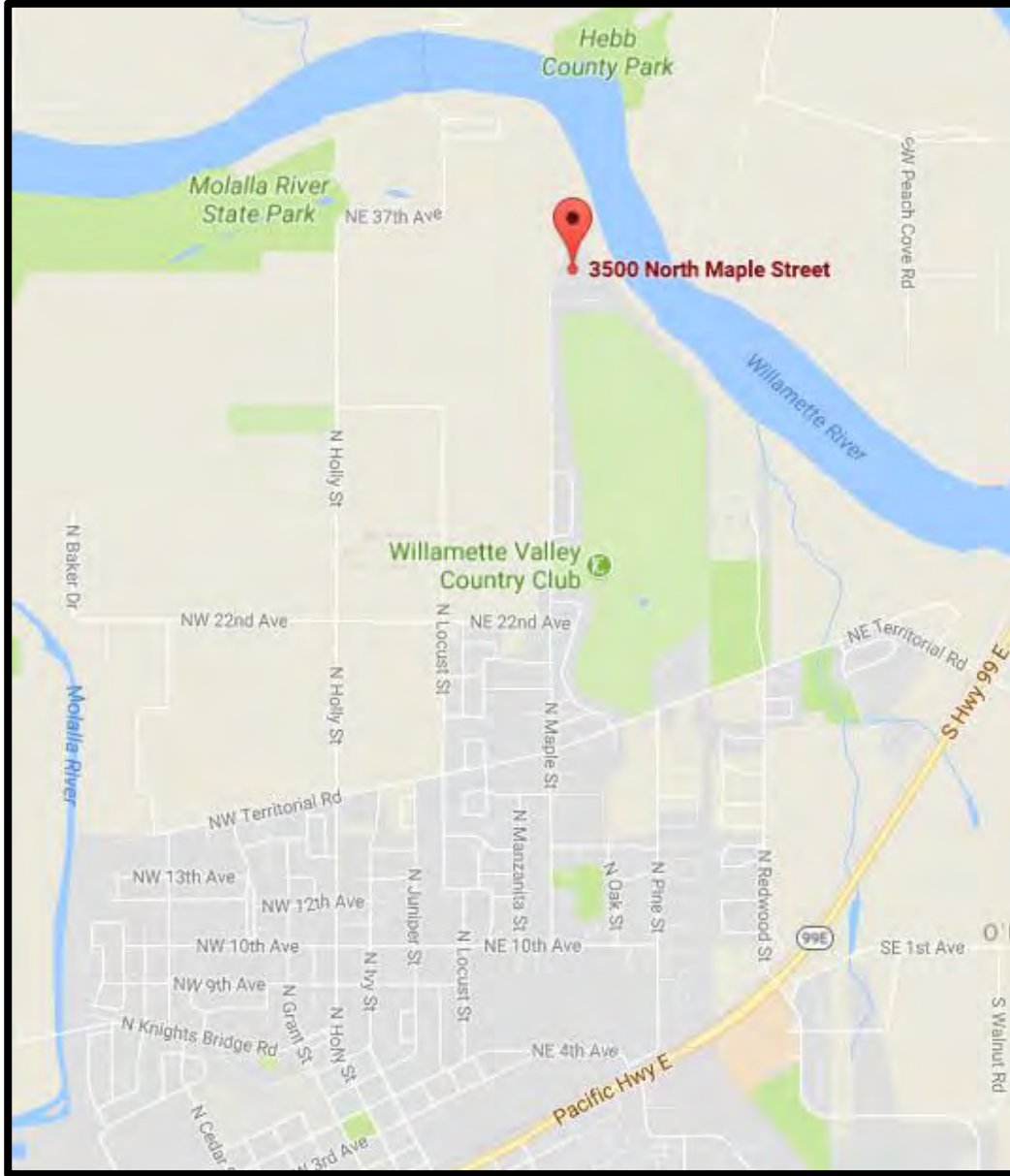
The Planning Commission can find that this preliminary subdivision application meets the relevant approval criteria. The Canby Comprehensive Plan policies that are not incorporated into the City’s land use regulations may not be applied to this application. ORS 197.195(1). Where otherwise relevant approval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

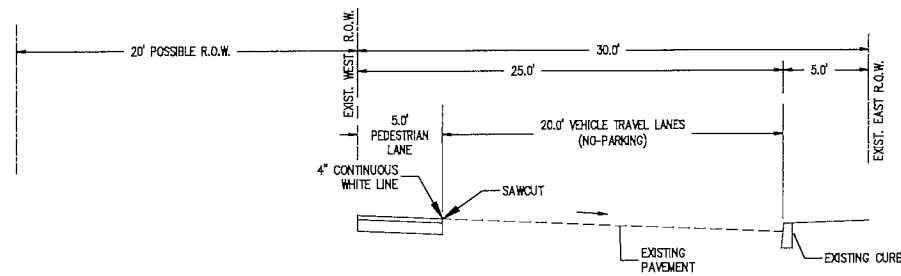
The Applicant requests that the planning commission approve this 22-lot preliminary subdivision and impose clear and objective conditions of approval where needed.

VI. EXHIBITS

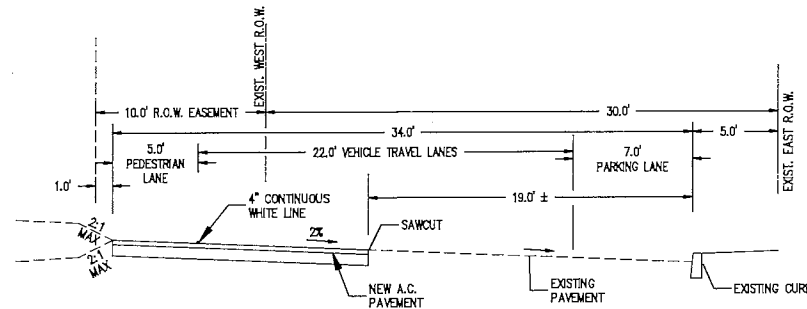
- Exhibit 1 Site Location
- Exhibit 2 Preliminary Plat
- Exhibit 3 DKS Traffic Impact Study
- Exhibit 4 Lancaster Engineering Proportional Share Memo
- Exhibit 5 DKS Supplemental Memo and E-mail
- Exhibit 6 Pre-Application Meeting Notes
- Exhibit 7 Neighborhood Meeting Notes
- Exhibit 8 Land Use Application
- Exhibit 9 Deed
- Exhibit 10 Mailing Labels

Exhibit 1 Site Location
The Seven Acres Subdivision

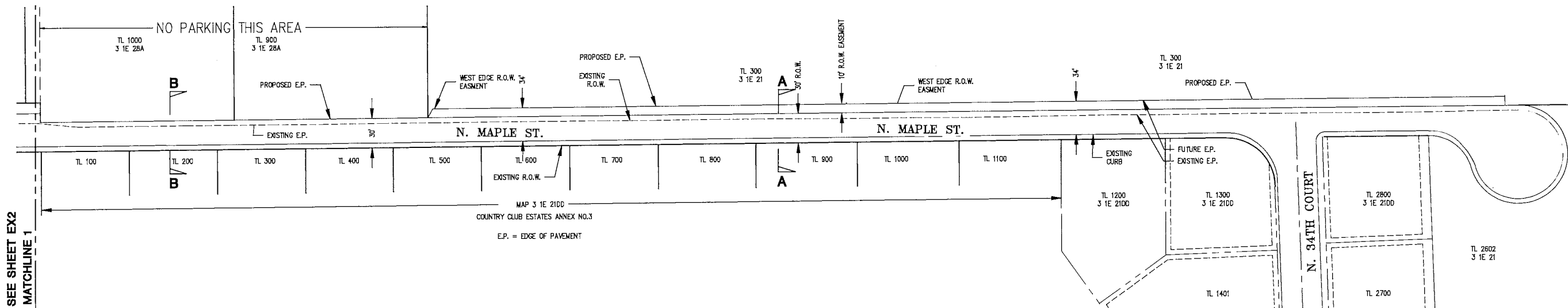
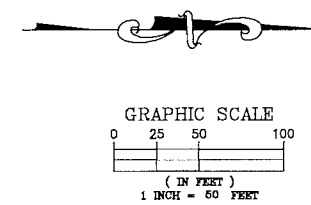




TYPICAL SECTION B-B
SCALE: 1"=5'



TYPICAL SECTION A-A
SCALE: 1"=5'



SEE SHEET EX2
MATCHLINE 1

SYM	REVISION	BY	APPROVED	DATE

DRAWN BY	JHH	DATE	3-11-15
CHECKED	JM		
ENGR.			
CHECKED			

ZTec ENGINEERS INC.

3880 S.E. 8TH AVE., SUITE 280, PORTLAND, OR. 97202
PHONE: (503) 235-8795
FAX: (503) 233-7889
EMAIL: ztec@ztecengineers.com

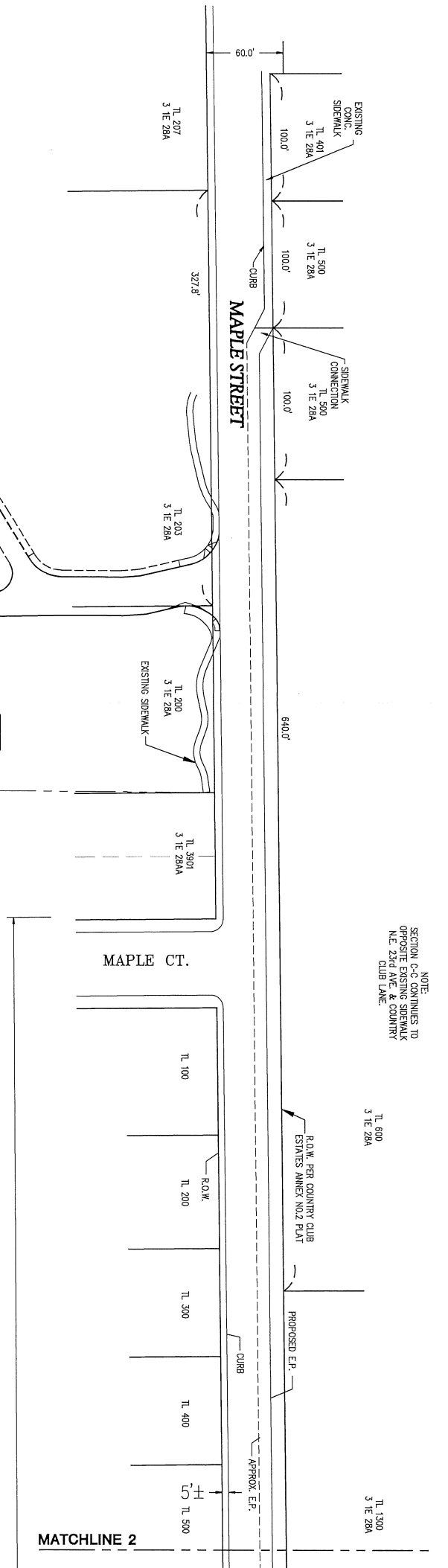
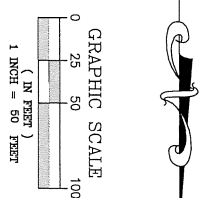
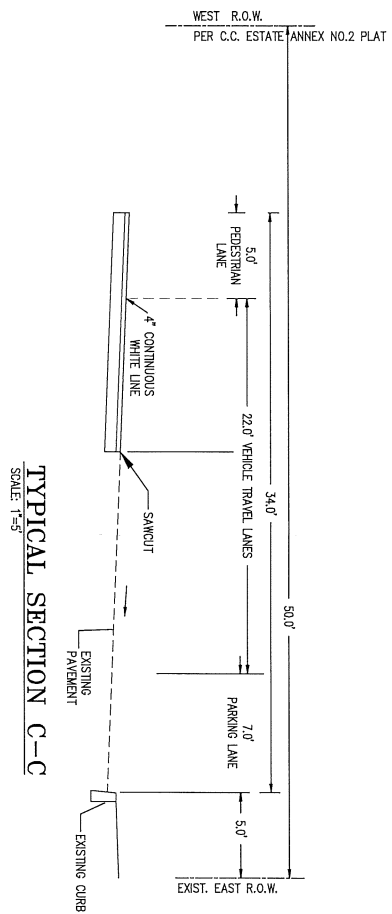
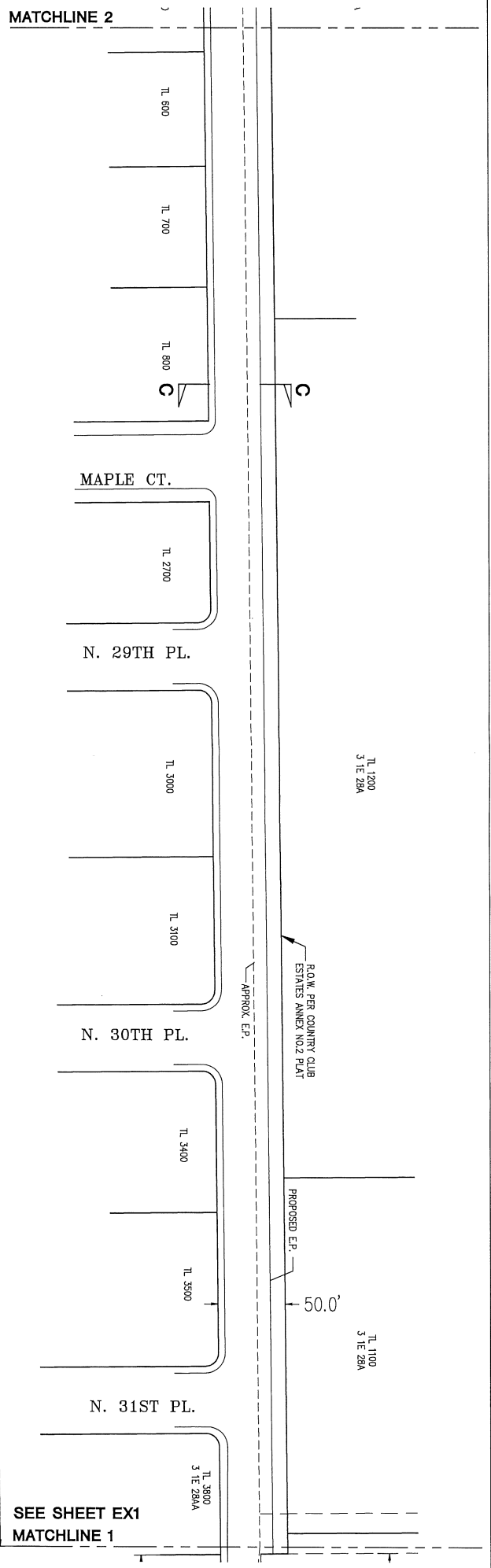
SUBTITLE	PROPOSED STREET IMPROVEMENT
TITLE	FOR: DOUG SPRAGUE 7 ACRE SITE N. MAPLE ST., CANBY, OR

JOB NO.:	Y704-1
DRG. NO.:	Y7041C1
SCALE:	1"=50'
REVISION:	EX1

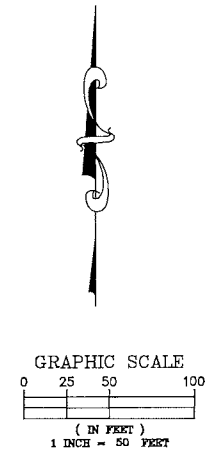
SYD	REVISION	BY	APPROVED	DATE	DRAWN BY	DATE
					JHH	5-1-15
					ENGINEER	JM
					CHECKER	

ZTEC ENGINEERS INC. 3880 S.E. 8TH AVE., SUITE 280, PORTLAND, OR. 97202 PHONE: (503) 235-8795 FAX: (503) 235-7899 EMAIL: ztec@ztecengineers.com	SUBTITLE	FOR: DOUG SPRAGUE
	TITLE	7 ACRE SITE
	TITLE	N. MAPLE ST., CANBY, OR

JOB NO.:	Y704-1
DATE:	7/04/11
SCALE:	1"=50'
DRAWING	EX2



NOTE:
 SECTION C-C CONTINUES TO
 OPPOSITE EXISTING SIDEWALK
 ON NE 25' PER COUNTRY
 CLUB LANE



① STORMWATER TREATMENT/DETENTION BASIN
 3200 SQ. FT. BASE, 3:1 SIDE SLOPE
 STORAGE DEPTH 2', 1" MIN FREEBOARD.

SYM	REVISION	BY	APPROVED	DATE

DRAWN BY	JHH	DATE	3-11-15
CHECKED	JM		

ZTec ENGINEERS INC.
 3880 S.E. 8TH AVE., SUITE 280, PORTLAND, OR. 97202
 PHONE: (503) 235-8795
 FAX: (503) 233-7889
 EMAIL: ztec@ztecengineers.com

SUBTITLE	PRELIMINARY GRADING PLAN
TITLE	FOR: DOUG SPRAGUE 7 ACRE SITE N. MAPLE ST., CANBY, OR
JOB NO.	Y704-1
DWG. NO.	Y7041C1
SCALE	1"=50'
SHEET	C2

LEGEND:

- SA — EXISTING SEWER
- ST — EXISTING STORM
- W — EXISTING WATER
- G — EXISTING GAS
- P — EXISTING POWER
- F — EXISTING FENCE
- (XXX.XX) EXISTING SPOT ELEVATION
- EXISTING CONCRETE SIDEWALK
- EXISTING CONTOUR
- EXISTING FIRE HYDRANT
- CB □ EXISTING CATCH BASIN
- ⊙ EXISTING STORM MANHOLE
- ⊙ EXISTING SANITARY MANHOLE
- ☆ EXISTING LIGHT POLE
- ⊙ EXISTING POWER POLE
- WV ⊙ EXISTING WATER VALVE
- WM □ EXISTING WATER METER
- GM □ EXISTING GAS METER
- ⊙ EXISTING GAS VALVE
- ⊙ EXISTING TREE
- ⊙ TEST PIT LOCATED PER PROVIDED COORDINATES

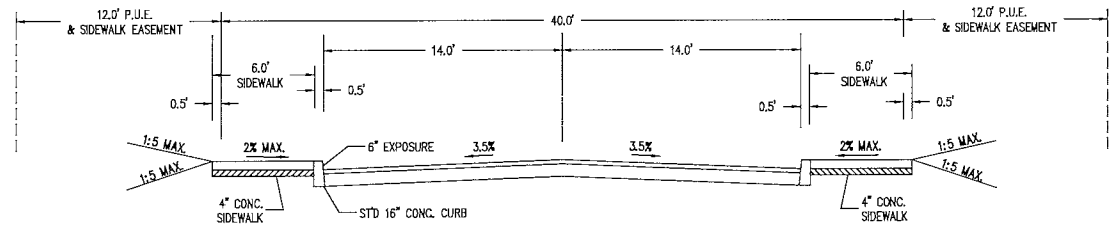
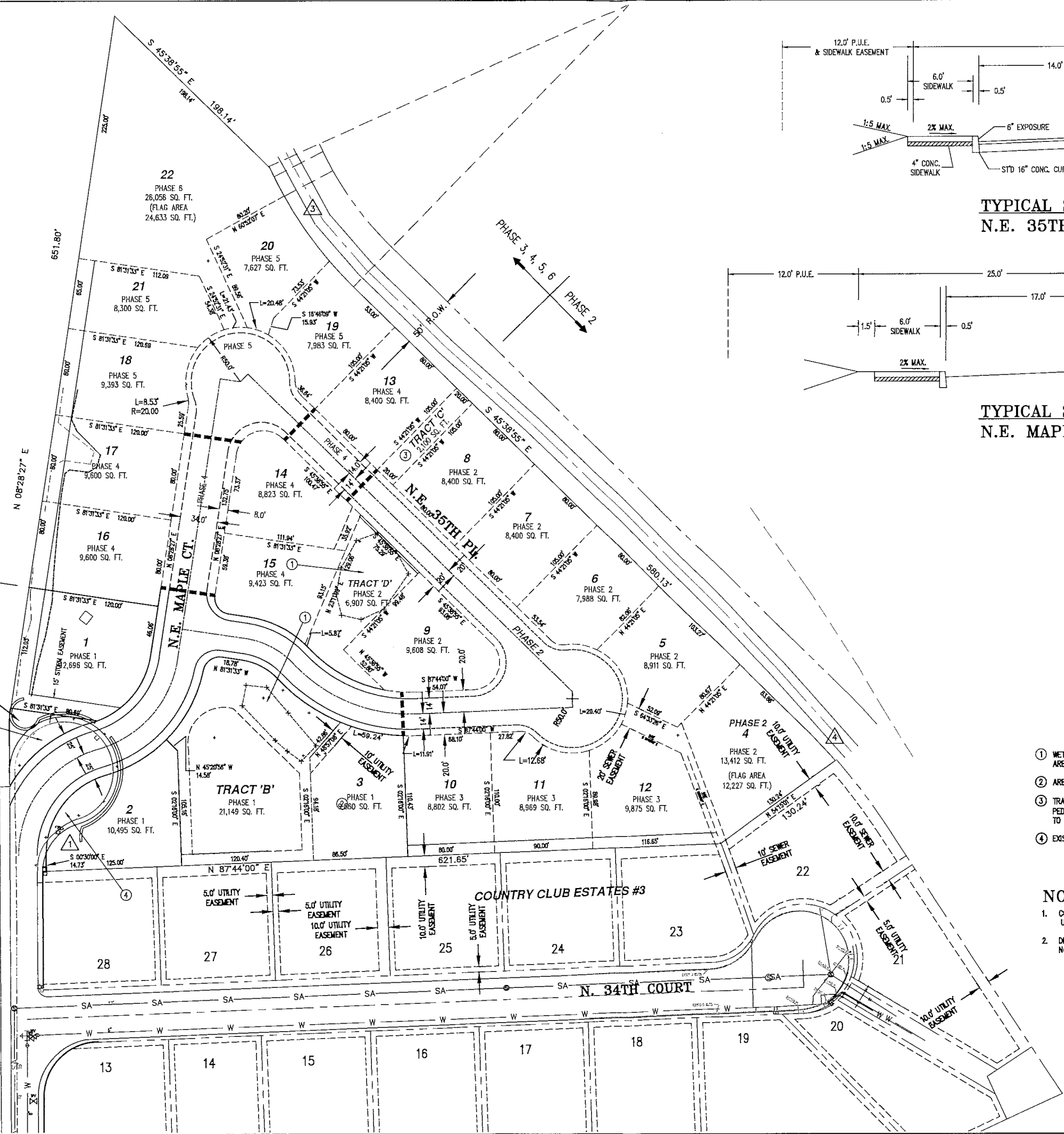
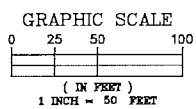


PHASE 1 PHASE 3, 4, 5, 6

TRACT 'A'
PHASE 1
2,244 SQ. FT.

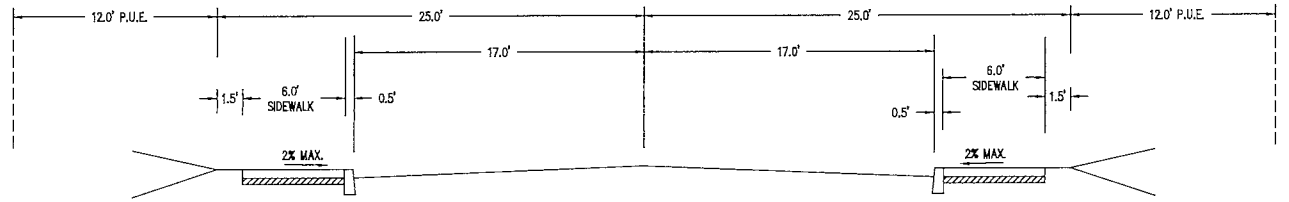
TRACT DESCRIPTION

- TRACT 'A' - LANDSCAPE, SIGN TRACT
- TRACT 'B' - WETLAND & STORMWATER MANAGEMENT TRACT
- TRACT 'C' - PUBLIC WALKWAY TRACT
- TRACT 'D' - WETLAND & STORMWATER MANAGEMENT TRACT



**TYPICAL SECTION
N.E. 35TH PL.**

SCALE: 1"=5'



**TYPICAL SECTION
N.E. MAPLE CT.**

SCALE: 1"=5'

- PHASING SEQUENCE:**
- ① WETLAND AREA PER BOUNDARY LOCATED NOV. 2014. AREA TO BE PROTECTED.
 - ② AREA FOR STORM RUNOFF TREATMENT, DETENTION.
 - ③ TRACT 'C' 20' EMERGENCY VEHICLE ACCESS & PEDESTRIAN ACCESS. 12' WIDE PAVED DRIVEWAY. TO BE INSTALLED WITH PHASES 2, 3, 4 OR 5.
 - ④ EXISTING CUL-DE-SAC R.O.W. TO BE VACATED.

NOTES:

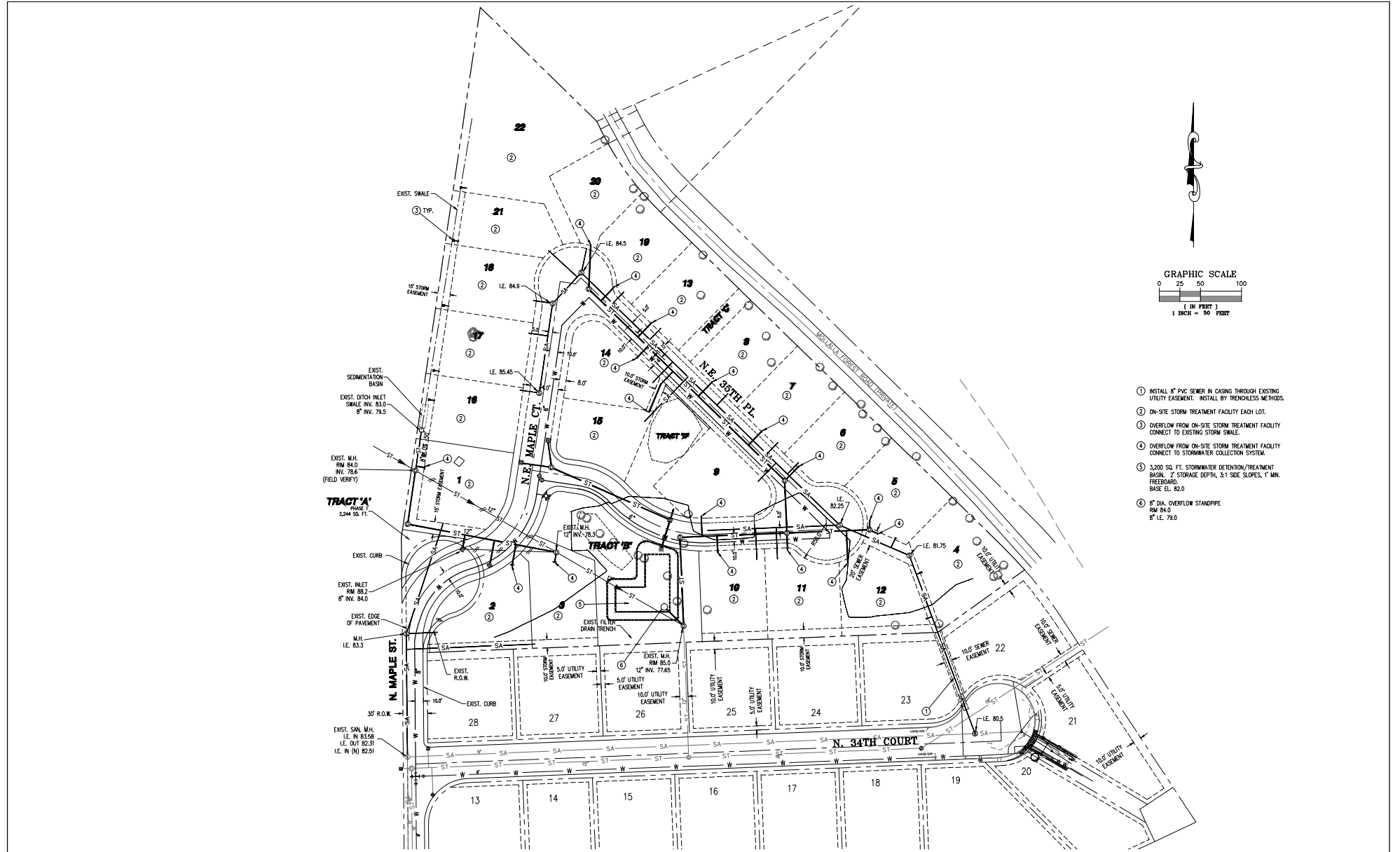
- 1. CONTOURS PER 2014 SURVEY BY OTHERS. UPDATED WITH ZTED TOPO.
- 2. DESIGNATED WETLAND AREA. DENSELY WOODED. NOT ALL INDIVIDUAL TREES IDENTIFIED.

PHASING SEQUENCE:

- PHASE 1: LOTS 1, 2, 3, TRACTS A & B, AND FRONTAGE STREET.
- PHASE 2: LOTS 4, 5, 6, 7, 8, 9, AND TRACTS C & D AND FRONTAGE STREET.
- * PHASE 3: LOTS 10, 11, 12.
- PHASE 4: LOTS 13, 14, 15, 16, 17, AND FRONTAGE STREET.
- PHASE 5: LOTS 18, 19, 20 & 21 AND CUL-DE-SAC STREET.
- PHASE 6: LOT 22
- * NOTE:
1. PHASE 6 MAY BE CONSTRUCTED OUT OF SEQUENCE BUT NOT EARLIER THAN PHASE 1.

PHASED 22 LOT SUBDIVISION

	REVISION	BY	APPROVED	DATE		DRAWN BY JHH	DATE 3-11-15	ZTec ENGINEERS INC.		JOB NO.: Y704-1
						CHECKED JM		3880 S.E. 8TH AVE., SUITE 280, PORTLAND, OR. 97202	SITE LAYOUT	DWG. NO.: Y7041C1
						CHECKED		PHONE: (503) 235-8795	FOR: DOUG SPRAGUE	SCALE: 1"=50'
								FAX: (503) 233-7889	7 ACRE SITE	SUBMIT:
								EMAIL: ztec@ztecengineers.com	N. MAPLE ST., CANBY, OR	C1
									PLOT DATE: 12-7-16	ZTEC CAD FILE: Y7041C1.DWG

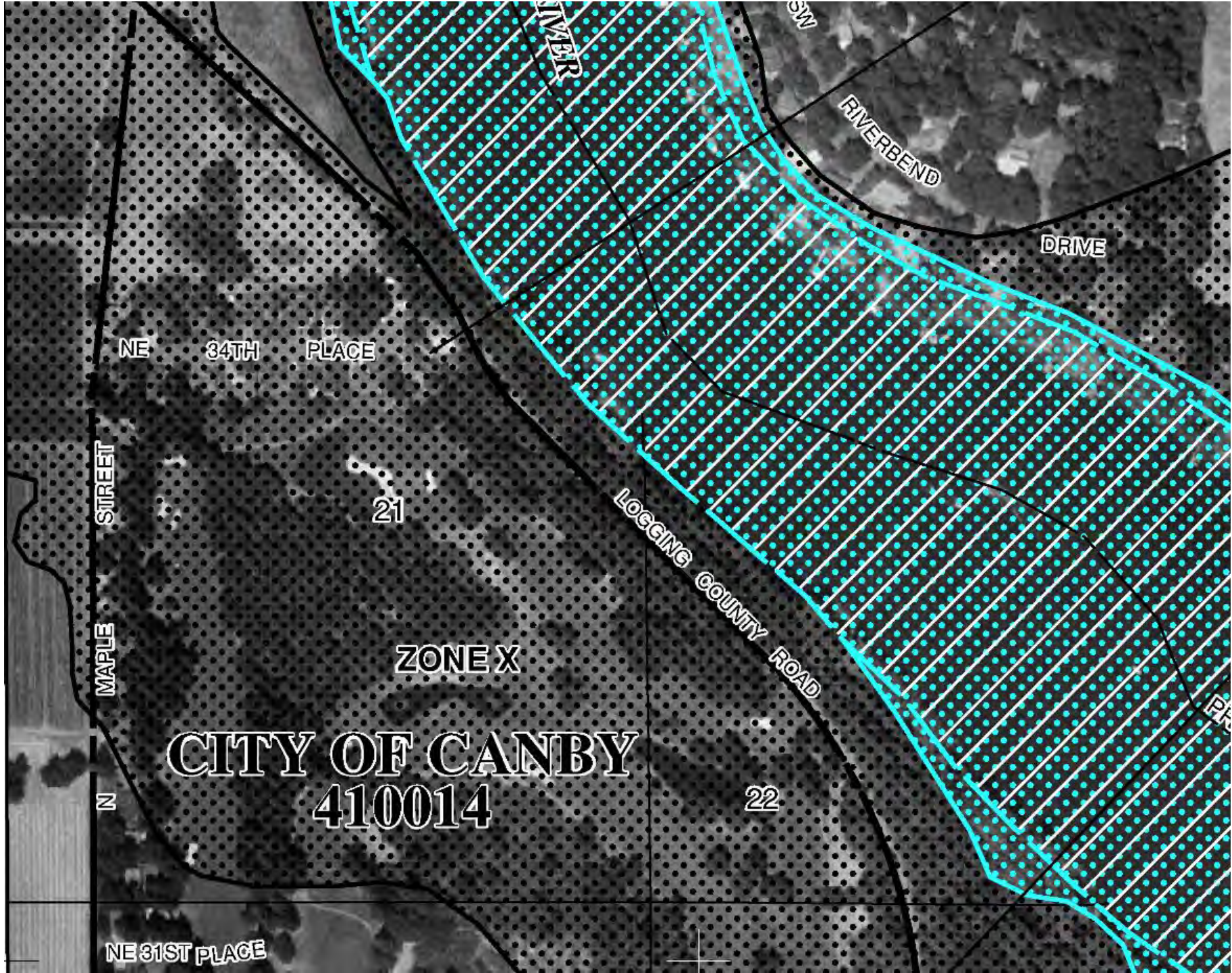


- ① INSTALL 8" PVC SEWER IN CASING THROUGH EXISTING UTILITY EASEMENT. INSTALL BY TRENCHLESS METHODS.
- ② ON-SITE STORM TREATMENT FACILITY EACH LOT.
- ③ OVERFLOW FROM ON-SITE STORM TREATMENT FACILITY CONNECT TO EXISTING STORM SWALE.
- ④ OVERFLOW FROM ON-SITE STORM TREATMENT FACILITY CONNECT TO STORMWATER COLLECTION SYSTEM.
- ⑤ 3,200 SQ. FT. STORMWATER DETENTION/TREATMENT BASIN. 2' STORAGE DEPTH, 3:1 SIDE SLOPES, 1' MIN. FREEBOARD. BASE E.L. 82.0
- ⑥ 8" DIA. OVERFLOW STANDPIPE RM 84.0 8" I.E. 79.0

REV	REVISION	BY	APPROVED	DATE

ZTEC ENGINEERS INC.
 3880 S.E. 8TH AVE., SUITE 280, PORTLAND, OR. 97202
 PHONE: (503) 235-8795
 FAX: (503) 233-7889
 EMAIL: ztec@ztecengineers.com

SUBTITLE PRELIMINARY SITE UTILITIES PLAN	PLOT NO: Y704-1
TITLE FOR: DOUG SPRAGUE 7 ACRE SITE N. MAPLE ST., CANBY, OR	PRL NO: Y7041C1
	SCALE: 1"=50' C3



MEMORANDUM

DATE: April 8, 2015

TO: Bryan Brown, City of Canby

FROM: Steve Boice, P.E., PTOE
Kate Petak, EIT

SUBJECT: Canby N Maple Street Subdivision Traffic Study



720 SW Washington St.
Suite 500
Portland, OR 97205
503.243.3500
www.dksassociates.com

P#11010-045

This memorandum describes the transportation assessment of N Maple Street, north of NE Territorial Road, associated with the proposed development of up to 26 single-family homes in Canby, Oregon.

The project site is located at the northernmost end of N Maple Street, at the existing cul-de-sac. The 6.84 acre lot is currently undeveloped and zoned R-1 (Low Density Residential). The proposed application would construct a 26 lot subdivision for single family housing which is an outright permitted development based on the City's Comprehensive Plan zoning of Low Density Residential (LDR).

Both City limits and the Urban Growth Boundary (UGB) are located along two of the sites frontages. The Logging Road Trail runs along the Willamette River just north of the project site. Access to the site would be provided by N Maple Street, which is classified as a local road by the City of Canby.

Project Trip Generation

The amount of new vehicle trips generated by the proposed development was estimated using trip generation estimates published in the ITE Trip Generation Manual for similar land use type¹. Trip generation estimates for the proposed development for daily, a.m. peak hour, and the p.m. peak hour are summarized in Table 1. The trip generation analysis was based on a total of 26 new single-family dwelling units.

¹ Trip Generation Manual, Institute of Transportation Engineers, 9th Edition.



Table 1: Proposed Project Vehicle Trip Generation Estimate

Land Use/ ITE Code	Period	Trip Rate Equation	Vehicle Trips In	Vehicle Trips Out	Total Vehicle Trips
26 Dwelling Units (DU) Residential Single Family Detached Housing ITE Code 210	Daily	$LN(T) = 0.92 * LN(X) + 2.72$	152	152	304
	AM Peak Hour	$T = 0.70(X) + 9.74$	7	21	28
	PM Peak Hour	$LN(T) = 0.90 * LN(X) + 0.51$	20	11	31

As listed, the project would add approximately 28 vehicle trips along N Maple Street during the a.m. peak hour, 31 vehicle trips during the p.m. peak hour, and 304 daily vehicle trips. This increase in vehicle trips will not significantly impact traffic operations along the surrounding transportation network and will not trigger the need for evaluation of off-site impacts at surrounding intersections based on operations standards.

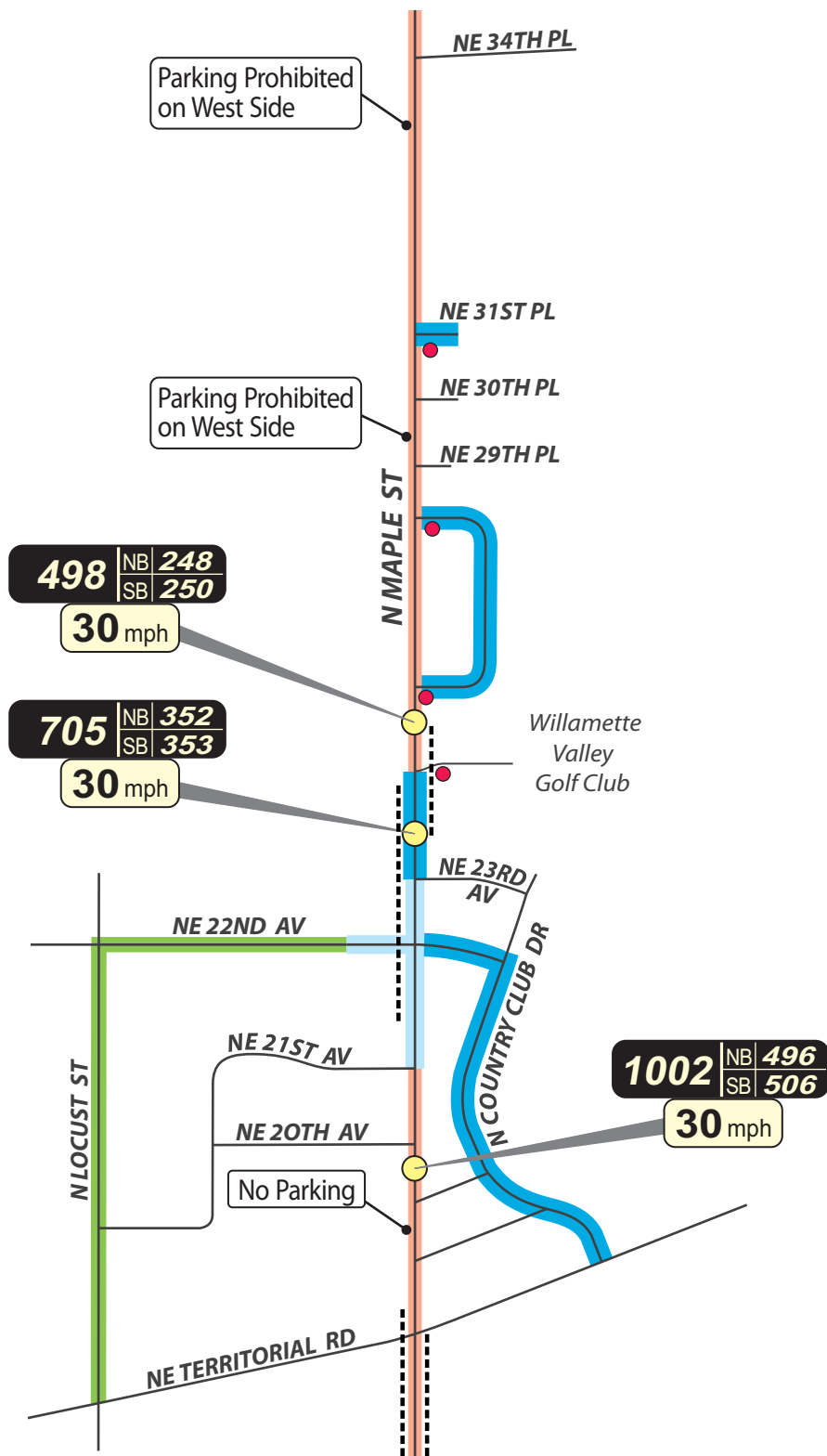
Site Access and Circulation Review

The following sections summarize review of paved street widths, volume and speed, emergency access, and safety along N Maple Street with the proposed project.

Paved Street Width

N Maple Street currently provides access to the Willamette Valley Golf Club, First Baptist School, and multiple single-family homes. The paved street width of N Maple Street, north of NE Territorial Road, ranges from 20 feet to 40 feet. Three routes provide access to the north segment of N Maple Street: NE 22nd Avenue from the west, NE 22nd Avenue from the east, and N Maple Street from the south. NE 22nd Avenue and N Locust Street and have 28 feet of paved street width, and N Country Club Drive has 40 feet of paved street width. Figure 1 illustrates the paved street widths of N Maple Street in addition to surrounding roadways. Also shown in the figure are the location of existing on-street parking, sidewalks, fire hydrants, daily traffic volumes, and measured daily traffic along this segment of roadway. These elements are discussed in subsequent sections.

Proposed Development Site



LEGEND

- Existing Sidewalk
- Fire Hydrant
- 24 Hour Speed/Volume Count Location

Roadway Widths

- 40'
- 34'
- 28'
- 20'-24'

ADT — **0000** NB / **000** SB
 85th Percentile Speed — **00** mph

DKS



No Scale

Figure 1

Project Study Area Existing Conditions

The City's Transportation System Plan (TSP) calls for standard local streets to have a 34-foot paved street width (20-foot drive aisle with 7-foot parking on both sides). This standard local street cross-section also provides 6-foot sidewalks on both sides within 50 feet of right-of-way. However, if the vehicle volume is less than 500 vehicles per day, the paved street width can be reduced to 28 feet with parking on both sides (14-foot drive aisle with 7-foot parking on both sides). This narrower cross-section is the City's low-volume local street standard. Figure 2 shows the standard local street cross-sections from the TSP.²

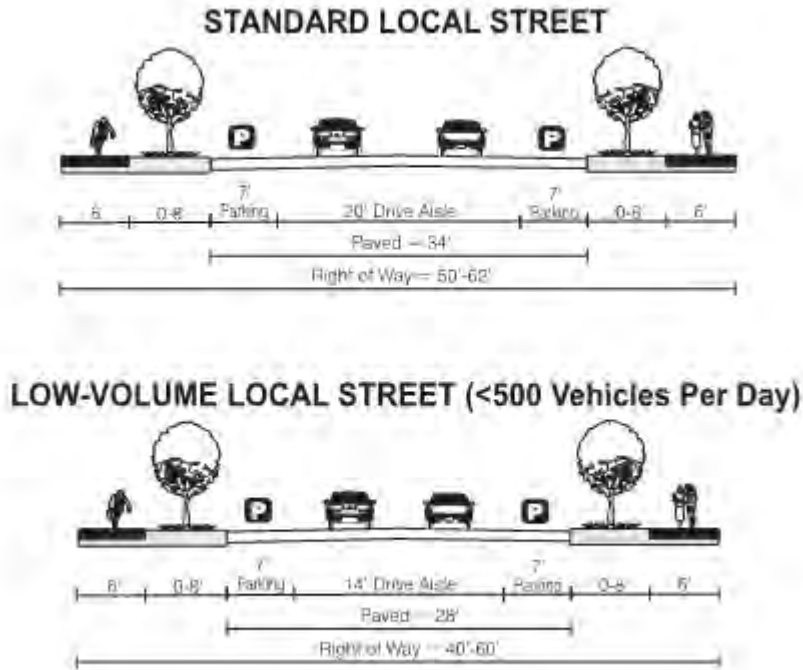


Figure 2: Canby TSP Local Street Cross-Sections

² Canby Transportation System Plan, Figure 7-6, Page 7-18, December 2010.



Table 2 compares the actual street widths to the functional classification street width as identified in the TSP in the figure above.

Table 2: N Maple Street Paved Widths and Classifications

Access	Paved Street Width	Functional Classification	Meets Classification Requirement?
N Maple St - NE Territorial Rd to NE 21st Ave	21'-23'	Local Street	No
N Maple St - NE 21st Ave to Willamette Valley Golf Club	34'-40'	Local Street	Yes
N Maple St - Willamette Valley Golf Club to Cul-de-Sac	20'-24'	Local Street	No
NE 22nd Ave	28'-33'	Local Street	No
N Locust St	28'	Local Street	No
N Country Club Dr	40'	Local Street	Yes

As indicated in the table, the current cross-section of N Maple Street between NE Territorial Road and NE 21st Avenue does not meet the standard local street for paved width with on-street parking. Although there are no parking prohibitions along this segment, vehicles typically park in the grass shoulder and not in the paved width. To maintain a minimum 20-foot drive aisle within this segment, centerline striping could be provided along N Maple Street to prevent vehicles from parking in the paved width. Additionally, N Locust Street, NE 22nd Avenue, and N Country Club Drive all have at least 28 feet of paved street width, and provide two alternative routes with adequate paved width to the project site. Because there are alternative options to accessing N Maple Street north of NE 22nd Avenue and adequate shoulder is provided for parking, no roadway widening is recommended on N Maple Street between NE Territorial Road and NE 21st Avenue.

The segment of N Maple Street north of Willamette Valley Golf Club has a paved street width ranging from 20 feet to 24 feet. The frontage along the west side of N Maple Street north of Willamette Valley Golf Club is currently undeveloped and no parking is allowed on this side. Parking is allowed on the east side of N Maple Street, which currently provides a 13-foot drive aisle. With this cross-section, it is required that approaching vehicles yield to on-coming traffic since the drive aisle is not wide enough for bi-directional traffic. To accommodate bi-directional traffic flow and a 20-foot drive aisle, as expected under the standard local street classification, it is recommended that parking be prohibited along the east side of N Maple Street north of the Willamette Valley Country Club. There are currently 19 homes with access on N Maple Street; all of which have driveways and garages that can accommodate at least two vehicles.

Volume and Speed

To verify whether traffic volumes are low enough to consider N Maple Street as a low-volume local standard street, 24-hour traffic volumes and 85th percentile speeds were collected at the three locations listed below³:

- Between NE 20th Ave and NE 21st Ave
- Between NE 23rd Ave and Willamette Valley Golf Club Driveway (south of driveway)
- Between Willamette Valley Golf Club Driveway (north of driveway) and N Maple Ct

Existing daily traffic volumes vary along the street segment as shown in Figure 3, which shows traffic volumes by time of day. The southernmost segment, between NE 22nd Avenue and NE Territorial Road, carries approximately 1,000 vehicles per day. The segment north of NE 22nd Avenue to the Willamette Valley Golf Club driveway carries approximately 700 vehicles per day, and the segment north of the golf club driveway carries approximately 500 vehicles per day.

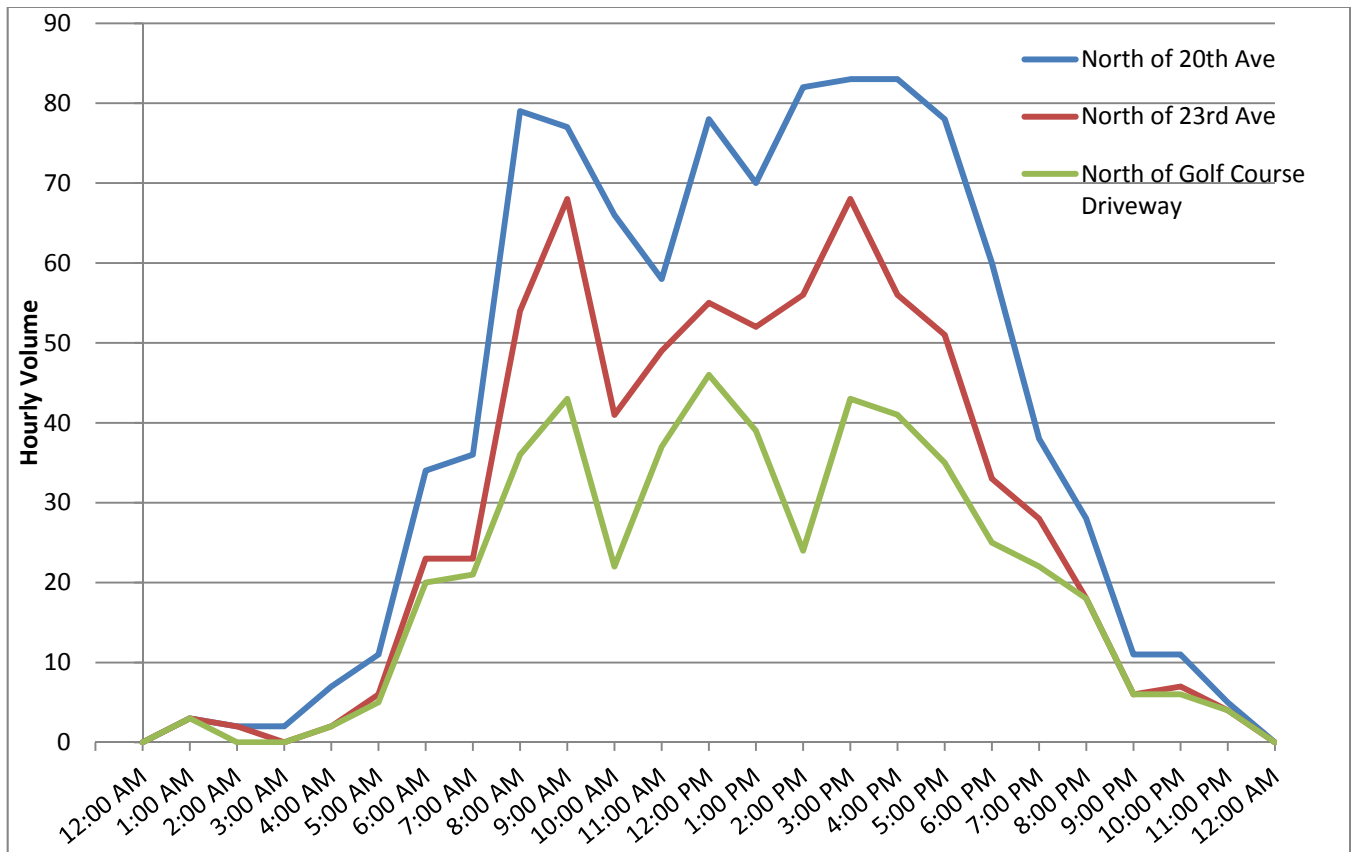


Figure 3: Hourly Volumes (combined direction of travel) for Wednesday, March 11, 2015

³ Traffic volumes and 85th percentile speeds collected on March 11, 2015, All Traffic Data.

The daily volumes for N Maple Street north of the Willamette Valley Golf Club are currently at the threshold for the low-volume local street classification as outlined in the Canby TSP. However, the proposed project would add approximately 304 daily trips along N Maple Street, putting it into the standard local street classification. Therefore, it is recommended that the local standard street cross-section be applied and worked towards as development occurs.

N Maple Street has a posted speed of 25 miles-per-hour (mph). Measured 85th percentile speeds indicate that the majority of drivers are travelling at five mph greater than the posted speed limit (30 mph).

Emergency Vehicle Access

There are four fire hydrants located along N Maple Street between NE 22nd Avenue and its terminus to the north as can be seen in Figure 1. The Canby Fire Department Access Code requires a minimum of 20 feet of unobstructed driving surface for access, and 26 feet adjacent to fire hydrants.⁴ At each of these locations, N Maple Street has a paved width of at least 20 feet, and the side streets have a paved width of 40 feet, which is wide enough to accommodate the fire trucks parking adjacent to the fire hydrant and maintain parking along the side streets. For the fire trucks to drive on N Maple Street, they need 20 feet of unobstructed driving surface. Currently, there is parking allowed on the east side of the street, so the current unobstructed driving surface may be as narrow as 13 feet. To accommodate the minimum 20-foot wide drive aisle needed for emergency vehicles, it is recommended that parking be prohibited along the east side of N Maple Street between Willamette Valley Country Club and the project site.

Safety

Existing sidewalks are currently provided along the east side of N Maple Street along the Willamette Valley Golf Club frontage and along the west side of Maple Street in the proximity of NE 22nd Avenue. Pedestrians were observed walking in the street, presumably in order to access the Logging Road Trail located just north of the project site. Because of the increase in daily traffic volumes, measured 85th percentile speeds, and standard cross-section, it is recommended that sidewalks be provided along the east side of N Maple Street between Willamette Valley Golf Club and the Logging Road Trail to provide a safe walking space for pedestrians. The addition of sidewalks on the east side of Maple Street could be provided within the existing right-of-way⁵. Under the local standard street classification, bicycles would share the roadway with vehicles. It is recommended that the project site plan provide pedestrian connection from this sidewalk to the Logging Road Trail.

To further explore intersection safety, the previous three years of intersection crash records were reviewed at the intersections of N Maple Street/NE 22nd Avenue and N Maple Street/NE Territorial Road to review any potential safety related deficiencies with additional traffic loading. There were no crashes on record between 2011 and 2013 at N Maple Street/NE 22nd Avenue, and there was one crash at N Maple Street/NE Territorial Road. This was an angle crash between a vehicle going south to north and a vehicle making a westbound left

⁴ *Fire Code Applications Guide*, Oregon Fire Code Metro Code Committee. Page 6, April 2006.

⁵ Existing right-of-way is approximately 50 plus feet south of NE 31st Place and 30 feet north of NE 31st Place.

turn. This was an Injury C crash, and occurred during daylight in dry conditions. There are no safety related concerns with the increase in traffic from the proposed project.

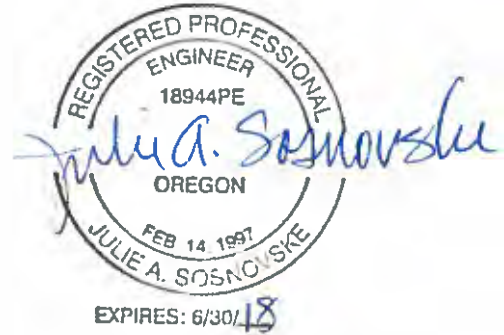
Findings

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



720 SW Washington St., Suite 500
 Portland, OR 97205
 503.243.3500
 www.dksassociates.com

MEMORANDUM



DATE: November 17, 2016
 TO: Bryan Brown, City of Canby
 FROM: Julie Sosnovske, P.E.
 Christopher S. Maciejewski, P.E., PTOE
 SUBJECT: Canby N. Maple Street Proposed Cross-Section

This memorandum addresses the proposed cross-section on N. Maple Street and is a follow-up to a traffic study completed by DKS Associates on April 8, 2015 for the Canby N. Maple Street Subdivision. This memorandum addresses the proposed cross-section of N. Maple Street, the traffic volume on the street, and the existing and proposed functional classification of the street. Safety and parking issues are also addressed.

Summary

It is recommended that the proposed Canby N. Maple Street project construct a four foot asphalt shoulder on the west side of N Maple Street from the existing sidewalk terminus (between NE 23rd Avenue and Country Club Place) to the northern terminus of N Maple Street (to the proposed subdivision). The asphalt shoulder should be separated from the travel lane by an eight inch wide stripe and will serve as temporary accommodation for bicycles and pedestrians. The west side of N Maple Street should also be signed "No Parking". In the future, when the properties on the west side of N Maple Street develop (they are currently outside city limits, but will likely develop eventually), N Maple Street should be constructed to the City's Standard Local Street cross-section (half-street on west side). At that time, the "No Parking" signs could be removed.



Background

The 2015 traffic study recommended that parking be prohibited on both sides of N. Maple Street north of approximately Country Club Place since adequate right-of-way is not available to construct the City's standard local street cross-section, consistent with the City's Transportation System Plan. The current paved width ranges from 20 to 24 feet north of Country Club Place. Since that time, there have been a number of discussions between DKS Associates, City Staff, and representatives from the proposed project developer regarding potential solutions that would allow for pedestrian and bicycle travel on N. Maple Street, but would not require the prohibition of parking on the east side of N Maple Street, adjacent to residential development. While each of the existing 19 homes on N Maple Street north of approximately Country Club Place have driveways and garages that can accommodate at least two vehicles, the City and the developer were interested in finding a solution that would allow the existing residents to retain the flexibility of on-street parking.

Proposed Cross-Section and Traffic Volume

Based on discussions with City staff¹, there is approximately 25 feet of right-of-way available, as measured from the east edge of pavement to the westerly right-of-way line. However, the proper Standard Local Street cross-section would require a 34 foot paved section and sidewalks on both sides. Since the properties on the west side of N Maple Street are not currently within the Urban Growth Boundary (UGB), an alternate cross-section was considered (Low-Volume Local Street). Existing volumes north of Country Club Place were counted to be just under 500 ADT, which is the criteria for applying this cross-section. However, the segment would exceed 500 vehicles with the proposed project in place. The proposed project is anticipated to add approximately 300 ADT to N Maple Street, bringing the anticipated ADT, with the project in place, to approximately 800.

It is recommended that the proposed project construct an asphalt shoulder/path on the west side of the road, providing 25 feet of paved width. The west side of the street should be signed "No Parking" and the shoulder/path area would accommodate pedestrians and bicycles in the near term. This cross-section is essentially equivalent to the Low-Volume Local Street, without parking on the west side and the sidewalk replaced by a shoulder area/paved path. This was determined to be a viable interim solution since no additional right-of-way on the west side of N Maple Street would be available in the near term.

¹ Telephone conversation with Bryan Brown, City of Canby staff, September 27, 2016.



Functional Classification

The functional classification and ultimate cross-section of N Maple Street is recommended to be a Standard Local Street since the expected ADT will exceed 500 ADT. While the interim solution will essentially function as a Low-Volume Local Street, no change is proposed to the ultimate classification and design of the street. When the properties on the west side of N Maple Street develop, they should be required by the City to construct the complete Standard Local Street cross-section (half-street), including parking on the west side of the street as well as a planter strip and sidewalks.

Safety and Parking Issues

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

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

Conclusion

No change is proposed to the functional classification and ultimate cross-section of N Maple Street. It should remain as a Standard Local Street. However, an interim solution is proposed, which includes a 25 foot paved width, including a four foot pedestrian/bicycle path on the west side, separated from the travel lane with an eight inch stripe. This cross-section is consistent with the Low-Volume Local Street, without on-street parking on the west side and pedestrian and bicycle traffic accommodated in the four-foot shoulder area in place of the sidewalk.

Please let us know if you have any questions regarding this analysis.



Kati Gault <katigault@gmail.com>

FW: FW: Maple Street Traffic Memo

1 message

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

Mon, Jan 23, 2017 at 8:16 AM

Kati,

Please see email that can be placed in the record for your application!

Bryan

Bryan Brown | Planning Director

City of Canby | Development Services

222 NE 2nd Avenue | PO Box 930

Canby, OR 97013

ph: 503-266-0702 | fax: 503-266-1574

email: brownb@canbyoregon.gov; website: www.canbyoregon.gov

Send applications to: PlanningApps@canbyoregon.gov

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From: Steve Boice [mailto:sjb@dksassociates.com]
Sent: Sunday, January 22, 2017 3:09 PM

To: Bryan Brown
Cc: Chris Maciejewski (csm@dksassociates.com); Jordin (Ketelsen) Kelly (jnk@dksassociates.com)
Subject: Re: FW: Maple Street Traffic Memo

Bryan,

To clarify, the supplemental memo dated 11/27/16 is in response to the third and fourth bullets in the findings section of the original memo dated 4/8/15.

Kati is correct in that the recommendation to provide a shoulder and pedestrian path in the 11/27/16 memo replaces the original recommendation to install a sidewalk on the east side of Maple Street (bullet 4 of original memo). The 11/27/16 memo also eliminates the original recommendation to remove parking on the east side of Maple Street (bullet 3 of original memo).

Hope this helps!

Steven Boice, PE, PTOE
Transportation Engineer
Ph: [503.243.3500](tel:503.243.3500) | C: [971.645.6385](tel:971.645.6385) | Fax: [503.243.1934](tel:503.243.1934) | Email: sjb@dksassociates.com

[Redacted signature line]

[Redacted signature line]

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On Thu, Jan 19, 2017 at 11:56 AM, Bryan Brown <BrownB@canbyoregon.gov> wrote:

Steve,

Please see request received below. I believe Kati's assumption is correct with regards to what the supplemental memorandum intended! Do you think a clarification email is possible?

Bryan

Bryan Brown | Planning Director

City of Canby | Development Services

222 NE 2nd Avenue | PO Box 930

Canby, OR 97013

ph: 503-266-0702 | fax: 503-266-1574

email: brownb@canbyoregon.gov; website: www.canbyoregon.gov

Send applications to: PlanningApps@canbyoregon.gov

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PUBLIC RECORDS LEGAL DISCLOSURE

This email is a public record of the City of Canby, Oregon, and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This email is subject to the State Retention Schedule.

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

Introduction

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

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

Sidewalk Location

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

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

Methodology

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

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

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

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

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

Summary & Conclusion

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

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

Cost Budget for Public Sidewalk

Option 1: Sidewalk on the East Side of Maple Street

Overview

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

Challenges Posed

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

Existing Driveways

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

Existing Trees

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

Existing Landscaping and Berms

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

Assumptions Made in Budget

Driveways

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



Figure 1: East Alignment
Shown as Red Line

Curb

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

Trees

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

Option 2: Sidewalk on the West Side of Maple Street

Overview

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

Challenges Posed

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

Assumptions Made in Budget

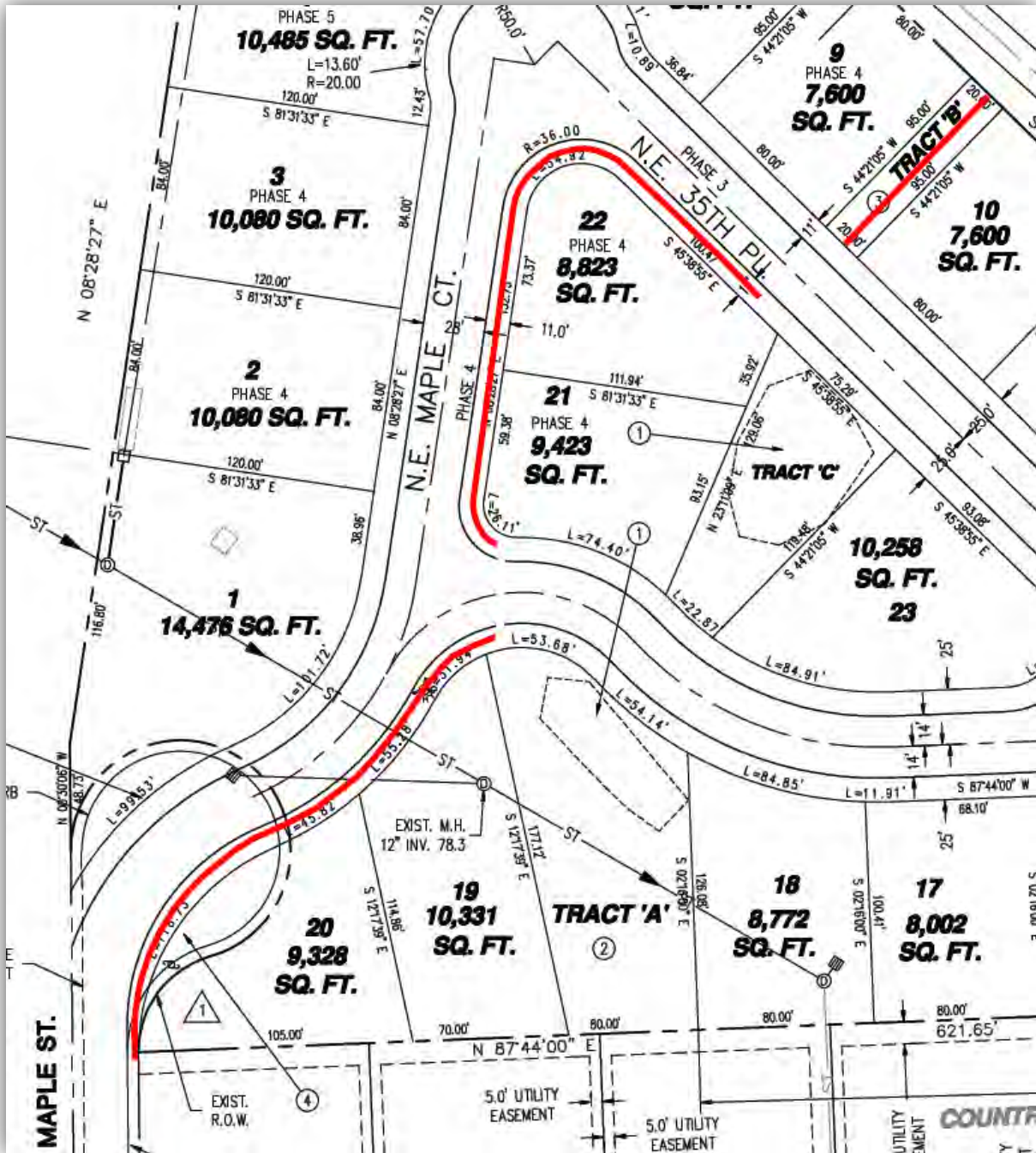
The same assumptions are made in this budget as were in the eastern alignment. The excavations along the west side will be sloped back instead of held back with retaining walls.



Figure 2: West Alignment Shown as Red Line

Sidewalk connecting Maple Street to the Logging Trail

This budget includes installing a 5' wide sidewalk through the Seven Acres project and connecting to the logging trail through Tract 'B'. The area of the sidewalk is approximately 3,500 square feet and the alignment is shown below.



09/14/2016
 SD1612
 *** Steve Deller

9:32
 Seven Acres - Public Sidewalk

BID TOTALS

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

Eastern Alignment Total \$385,119.53

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

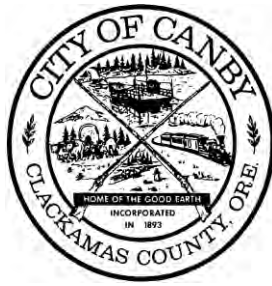
Western Alignment Total \$263,996.46

Sidewalk Connecting Maple Street to Logging Trail					
610	5' Wide Sidewalk	3,500.000	SF	6.53	22,855.00

Subtotal SW Connecting Maple to Logging Trail \$22,855.00

Bid Total =====> \$671,970.99

**Notes:



Pre-Application Meeting

**3500 N Maple Street
August 27, 2015
10:30 am**

Attended by:

Dick Carey, Wave Broadband, 971-338-3259
Bob Price, Sprague Family Representative, 503-807-4009
Gary Stockwell, Canby Utility, Electric Dept. 503-263-4307
Kati Gault, Owner, 503-318-8191
Doug Sprague, Owner, 503-209-4165
Bryan Brown, Planning Dept. 503-266-0702

Todd Mobley, Lancaster Engineering, 503-248-0313
Doug Quan, Canby Utility, Water Dept. 971-563-6314
Dan Mickelsen, Erosion Control, 503-266-0698
Lori Sprague, Owner, 503-318-1696
Jerry Nelzen, Public Works, 971-253-9175

This document is for preliminary use only and is not a contractual document.

OWNER, Doug Sprague

- We are looking at developing this seven acre parcel and we will be doing it in six phases.

CANBY UTILITY, WATER DEPARTMENT, Doug Quan

- Will this be a public street and Doug Sprague said yes. Doug Quan asked if it will be built all at once and Doug Sprague said we will be doing it in phases and Doug Quan asked if they will complete the loop when you are done and Doug Sprague said yes.
- The water ends here at 34th Place and it will be a long distance to get to the development. The water main will be the standard construction.
- Doug Sprague asked at the dead ends of the water main will you be asking for a blow-off station and Doug Quan said if it will be for any length of time you need to put on the automatic blow-off station and continue through your phases.
- You will have considerable water pressure at the end of N Maple Street and Doug Sprague asked if they will need pressure reducing equipment and Doug Quan said Clackamas County will require them by code on every house.
- Will you be placing hydrants in and Doug Sprague stated definitely in the subdivision and I do not know where the placement will be, but whatever the code dictates. Doug Quan said 500 foot spacing.
- You will need to discuss the sprinkler issues with Todd Gary, Canby Fire Department.

CITY OF CANBY, PUBLIC WORKS DEPARTMENT, Jerry Nelzen

- What are your plans for the sewer system, will you try to use gravity to the sewer lift station and Doug said when we applied in 1994 we had an easement and it is shown on the plans between lots 14 and 15 into NE 34th Place. We are assuming this easement is available to us to run sewer through those two existing houses and I do not know who the easement expert at the city is to make sure the easement is available.

- You will remove the cul-de-sac and put in our street standard going into the proposed subdivision and Doug said yes and then put the bulbs in the development.
- Since your crew will be putting in our storm and sewer mains, they know what we prefer.

CANBY UTILITY, ELECTRIC DEPARTMENT, Gary Stockwell

- The power available to the site is a vault adjacent to the logging road. It is sort of in a backyard next to 950 NE 34th Place. I will have to take a closer look at this and see what options make sense and we may just eliminate it through the course of your development. It will be extended down the logging road and into the development and Doug said you would like an easement provided and Gary said yes. Gary said we try to do something in the form of a loop where we have a source at each end and I will have to really look for what easements I have to get off the golf course and how I can serve this. We have primary lines running down the backside of the properties on NE 34th Place and Doug said you would like to eliminate that transformer and pick it off site somewhere and Gary said correct and every chance we get to remove our utilities out of the backyards we do for obvious reasons. Doug asked if that would eliminate everything and Gary stated he would still need the easement because there would be low voltage wire running along there, but I will remove the high voltage and place it out in front and move the transformer to the front. Doug said you will need some trenching out in front of these lots. I will have to make a decision on how this will work and where I have easements and where I do not and request a few easements on your site. It is servable and we have power to this development, it is just a matter of how we are going to get to your site.
- You have your development in different phases and it will have a bearing on what I do and Doug said this will determine how we will look at the design and there will be some issues and if we can get easements and place utilities ahead of time. We need to look at what will be cost effective and Gary said if something ends up in another phase or we need to cut through a future phase, we will ask for staking to be available to place it in the right spot and we will work with you.
- I have to wait until the city accepts the plan because if they eliminate a lot or move a lot line it will make my plan unusable. Once the city approves the plan, I can figure out where equipment will be placed and tell you where I will need easements.

WAVE BROADBAND, Dick Carey

- We will not have any questions yet until the trench is open and we will follow the power. Gary asked Dick where the point of contact was and Dick stated according to their plans it is off N Maple Street and also the Molalla Forest Road where it dead ends. We would like to have this line tied in and we understand this will be subject to change based on what the electric plan will do. We do not like backyard easements and we try to stay away from them and we prefer to be out front.
- When do you plan on starting this project and Doug said depending on the outcome of this meeting we could possibly start next year this time.

CITY OF CANBY, EROSION CONTROL, Dan Mickelsen

- I know we talked about this in 1994, do you think you are out of the flood zone and Doug said yes and the flood plain elevation was at 84 feet and we were pretty much out of it by 1996 and with the fill process and we are at 94 in the back. Kati said they looked at the FEMA flood data and it is no longer mapped in a 100 year flood plain on their maps. Doug said after the 1964 flood the Corps of Engineering restructured around the state park and the Molalla River used to cross there until they changed the whole lay of the land.
- There is another easement located between Tract A and Lot 18, we have the storm line and before you started your fill project did you do work on the storm line? Doug stated no, at that time it was Caffall Brothers property. What we did is a low point drain when we were applying for the fill permit to ensure we did not get water in anyone's backyards. Dan said I think the storm line goes into Montecucco's property and Doug concurred. Dan asked if there was a manhole and Doug said yes. Dan wanted to make sure there was not a conflict with the sewer and water. Doug stated Jerry and he last year were near the site to locate the storm and Jerry said we TV'd it and we can look at the records to see where the storm line goes. Doug said the storm line will have to be re-routed and Jerry asked if they were going to hook up to it and Doug said no it would not be good for Montecucco's and I think the farm tile ties into the city's storm. Jerry said yes and are you going to be using drywells and Doug said no. What we would do is tie into the storm system and use storage to control the flows so it would not over tax your system. I do not know your capacity for you storm on 34th Place and if you had any issues. Jerry said we had the slide where the outfall is located. I do not think it would handle any more water and we do not let private storm going into the city storm system. This system is overtaxed by the ponds in the area and has constant water going in the system. Doug said we can have the City's engineer and ZTec to see if we can come to a good conclusion and go to the outfall. Jerry said it is deep in this area 20 to 25 feet deep.
- Dan said you would need to make sure on Tract B that they have plenty of room for access and let the Parks Department know what your plans will be. Bryan said they are going to be required to have a pedestrian connection and so it will serve a dual purpose. Regardless they will have this connection. Doug said the new cul-de-sac will have the 45 foot radius, which we will put in at the first phase and Dan said it should be just fine.
- Just an informational suggestion, but lot 13 is not listed in your phasing sequence and lot 23 is listed in phase one and phase four.
- As you know around NE 34th Place and Montecucco's farm field is higher than the edge of the roadway and it would be great if you could blade it back towards lot 1 to the match grades a lot better. It looks approximately three feet in grade difference.

CITY OF CANBY, PLANNING DEPARTMENT, Bryan Brown

- Your phasing plan will hinge upon the fire department's willingness to utilize your stubbed streets for turn-a-rounds, otherwise they will ask for one of the lots to be a turn-a-round in itself and you cannot build a house on it until the street is extended. We have only done this once before and it was approved to have it that way. It is something for you to think about if they reject a turn-a-round in the street.

- It looks like you are going to build to our street standards, which as of today is 34 feet of pavement width and it accommodates two 10 foot lanes and 7 foot parking on both sides. That should meet the fire department's needs and standards if you try to do something less than that in the paved width you will have some problems. We have been arguing in neighborhood meetings and the Traffic Safety Commission on 28 foot wide paved streets and in the fact they have to limit parking so it is not allowed on one side and it causes problems. I do not know what your intent was, but if you were hoping to have parking on both sides then you will need the 34 foot minimum paved width. It looks like they are proposing a 50 foot right-of-way, at least from the scale drawing and just to let you know we will be advocating for the 5 foot planter strips and 2 foot of the 6 foot sidewalk will go on a pedestrian easement in the front yards, we have done it in the past and it is probably okay to do it. The Transportation System Plan (TSP) actually recommends we try to put sidewalks in the right-of-way now, but Canby has never done that and we will continue not to do that in certain subdivisions. I wanted to make sure Gary Stockwell realizes putting your services in the 12 foot public utility easement (PUE) and part of that might have a 4 foot sidewalk on it, does that work for you? Gary said we will look at the profile when the drawings come out and usually for the transformer locations we do a small knock out at each property line, say 15 feet.
- If I remember correctly you said you promised the homeowners you would not develop the area behind their houses first (lots 14 through 20). Doug said it is a political move and if I am going to phase it, it does not bother me to leave it open so the neighbors get time to adjust and I know them. You will be putting all the infrastructure for phase two to do phase one and it seems to be more logical to go ahead and do phases one and two as final plats and then just choose politically not to develop those lots right away. Doug said in this pre-application meeting discussions some of the phasing could change when we were to make the application and we would end up having neighborhood meetings and maybe it could be a non-issue. Bryan said this would give you an option during the neighborhood meetings and Doug said I am willing to listen to them and that is why we have the phasing and if it becomes a non-issue we can eliminate it. Bryan said the only thing I see as a problem would be phase five because we do not allow that long of a cul-de-sac and Doug said I know we talked about that issue and there would be a possibility we might have to put that piece in between lots 2 and 4, even though that phase will not be done. I have had this property for a long time and the reason that phase is in there is if we build in lot 6 we want more space.
- You have lots identified on the plans less than 7,000 sq ft and some larger than 10,000 sq ft and it is possible through an exception by the Planning Commission if all the lots together are not below the average of 7,000 sq ft and the maximum size is not above 10,000 sq ft. I did not look at this, but I thought that was you had attempted to do and Katie stated that was what we had done. What we are looking for is your input and is there some justification needed on irregular shapes and what constraints for having large lots and Bryan said I think it is good to have those justifications and I am not sure you necessarily need it, it is potentially discretionary decision by the Planning Commission and it would be good to think that way by doing lot averaging.
- Your application to me could be tentative or a preliminary plat approved for this design and I do not know of any reason you cannot use it in some phases because they might not happen

for several years. I have seen us do a development agreement in that instance and the only reason we might need to do that is we want to make sure absolutely certain we are in agreement on how the streets are temporarily dead ending, how turn-a-rounds are being handled and how the utility services are going to happen and I did not hear the water discussion on whether he needs to have them looped or going to put in the automatic blow-offs. We might want to make a written development agreement so as people change over time it can protect you as well as the city. If it takes ten years to complete we will have this agreement detailing what we had agreed upon and use it as a tool.

- This will be a single application for a Type III Subdivision and I think that is all you will need. Bryan passed out the Memorandum for Pre-Application Conference for 3500 N Maple Street Subdivision with the fees amounts for the 23 lots. It generally takes two months when you submit the application to completion and the appeal period is over. Kati asked two months from submittal to completion and Bryan stated from submittal. We do have up to 30 days to determine if it is complete, schedule the hearing and have it done in two months usually.
- You need to be aware, if not that the tracts you are proposing like Tract B for pedestrians and I think what I saw in here was a 12 wide paved surface and possibly have it as dual fire access site. There is an ordinance provision stating when you have a pedestrian easement going between lots you have certain fencing requirements and it reads about having eyes on the easement to protect against vandalism. You may want to think about putting up the fence as the developer so we do not have any problems with the property owner choosing to do the wrong fencing adjacent to the pedestrian easement. You will need to meet the ordinance standards either set the fence back further if you want a taller fence or closer as a 4 foot fence height.
- You had some questions in your narrative about off-site improvements. There are two possible responses and it will probably go to the Planning Commission for a decision. On one hand we can view this from the comprehensive plan standpoint and all the lots should have adequate public facilities to serve them. It is implemented through our ordinances and we could potentially take the stance like the traffic study indicates there is a substandard street and it does not meet our standards today because it does not have a sidewalk, not wide enough, etc. Therefore you are on the hook for getting a substandard street up to date to develop your property at this time. I personally think it is a little bit too onerous and I would agree with you on that standpoint, but on the other hand what we could potentially do is take a stance that the city, if they indicated approval for your subdivision as proposed would trigger eliminating the current on-street parking that is along those 19 houses. We should have the same existing paved width too fully use for traffic and that is the stance that could be taken. I doubt it would happen before your subdivision, I think your subdivision will be the trigger, but we would not be saying it is your condition, it is that if we are willing to approve new development then the city needs to take those people off the street and remove on-street parking and make our streets safe. It is just semantics and it makes a lot of difference. I wanted to share that point of view and I think the Planning Commission will have to decide. Todd asked Bryan if the 19 lots were south of this development and Bryan said yes. Todd said we have discussed this issue prior and with the diminution of traffic volume as you go north on N Maple Street and the parking restriction with the 20 foot clear

width for emergency vehicle access. Now the street section and the qualifier for the street section is that Average Daily Traffic (ADT) of 500 or less, we plan to propose parking restrictions only on the southern end where we know the ADT is less than 500 and the narrower street section would still work. Bryan said by requesting it you are changing your classification of the same street within two segments if that is what you are doing and I am not sure if that is reasonable to do it. We talked about the whole street maybe qualifying as a low volume street at one point and then the study said no it is not based on existing traffic. This is what we discussed with DKS Engineers and we think it is reasonable to go down the full length of N Maple Street and state that is a standard local street and now this lower section is different and you change the cross section. Todd said we would not change the functional classification necessarily, but just functionally on how the street operates. It seems like an appropriate thing especially when you have several clusters of 31 or so homes just north of the golf course access and so as you move north of those homes the volume decreases and the character of the roadway changes. Bryan said so what is the practical difference by of what you are stating, we would not have to worry about the on-street parking and Todd said it would function like the low volume street section, which has a narrower clearance and Bryan said I think that is where there is a restriction of it being no parking. Todd said what I have is the street cross section and it shows parking on both sides and Bryan stated there is not two travel lanes and you have to wait till it gets built because there is no parking on the left side of the street. Dan said he looked at the right-of-way easement for N Maple Street from NE 31st Avenue to NE 34th Place and it shows we have 30 feet and only 20 feet paved. Bryan said what I was trying to say about the traffic study and talking with people there is considerable pedestrian traffic going up and down this street. It is important to us to address this issue and I think there needs to be a sidewalk constructed in conjunction with this additional pedestrian traffic your subdivision will create and we do not want to make it any worse. I think at a minimum your development should contribute a portion of the share and how we calculate it I am not sure, one possible way is to say you have 23 lots against the 70 or so homes and you pay a portion of additional pedestrian traffic and it goes towards the city fixing the issue. If we approve this subdivision the city needs to get a sidewalk built along the east side of N Maple Street according to the traffic study recommendation. This will upset a few people because we will not be getting anymore right-of-way and the only way to get the adequate traffic flow and protect the pedestrians is to take part of their front yard in the public right-of-way and put a sidewalk in there. It means the city will have to recognize if we approve this subdivision we will be on the hook for some money through the Public Works Street or Sidewalk fund and reprioritize where we are doing sidewalk projects, but your development will contribute a portion of the share in the cost. Doug said he understands about having a sidewalk along N Maple Street, but there are a few problem spots like the tree at the corner of NE 34th Place and N Maple Street will cause complications because their root systems are in the right-of-way and it would weaken the trees. Bryan said they would study this aspect and see what the best option for pedestrian safety and is cost prohibitive if the tree is in the public right-of-way. Katie asked if the tree is in half of the public right-of-way and half in private property does the city have the right to remove the tree. Bryan said it is a good question and if it is important enough to have the sidewalk and that is where it is going to come down to the discretion of the Planning

Commission. If they want to approve the sidewalk and they agree it is needed and if it is in the public right-of-way.

- I did want to make it clear from my understanding of the traffic study the city is not asking for any off-site street widening, there is adequate width, we just have to get the parking off there.
- According to the ordinance, only one means of access is acceptable for up to 30 homes. The fire department may have the requirement for more than one means of access. It must be in the National Fire Code, I am not really familiar with it because our zoning code says one is plenty.
- Katie asked Bryan about the parking issue and the width is deficient because the fire department requires 20 feet of clear paved street and they do not currently have it. Bryan said they have been operating without an acceptable fire safety standard all this time with the cars parked along this section of N Maple Street. Katie said since it is currently deficient is there any opportunity for the city ahead of the development application to remove the parking, just on that basis that is currently deficient rather than tie it to the development application. Bryan said if you want to sit down with me and the city administrator and see what he thinks, we can do that. I just do not think it will really happen for the parking, but we can see what he says. Doug said would it be better to talk to the fire department first and Bryan said I would like to have them in partnership to come along with you to the talk to the city administrator and discuss this issue.



MEMORANDUM

To: Doug Sprague

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

FROM: Bryan Brown, Planning Director

DATE: August 27, 2015

APPLICANT: Doug Sprague/Kati Gault

PROPERTY OWNER: Douglas and Lori Sprague

TAX LOT: 31E21 02602, 6.84 acres

LOCATION: The northern terminus of N. Maple Street

ZONING: R1 Low Density Residential

PROPOSAL: Residential Subdivision containing 23 lots

EXISTING CONDITIONS: Vacant land

TO COMPLETE THIS PROPOSAL PLEASE NOTE THE FOLLOWING:

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


ZONING STANDARDS APPLICABLE TO THIS APPLICATION

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

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

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

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

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

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

ESTIMATED FEES

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

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

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

Questions: Will provide orally at pre-construction meeting

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Attendees:

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

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

Questions and Concerns Raised by the Montecucco Family

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

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

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

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

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

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

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

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

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

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

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

Montecucco Concern #6. Utility stub outs.

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

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

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

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

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

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

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

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

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

Montecucco Concern #11. What about berm erosion control?

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

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

To: Neighbors of “The Seven Acres” at 3500 N. Maple Street
From: Doug and Lori Sprague, Owners
Kati Gault, Project Manager
Date: January 10, 2017
Subject: Follow-up Neighborhood Meeting

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

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

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

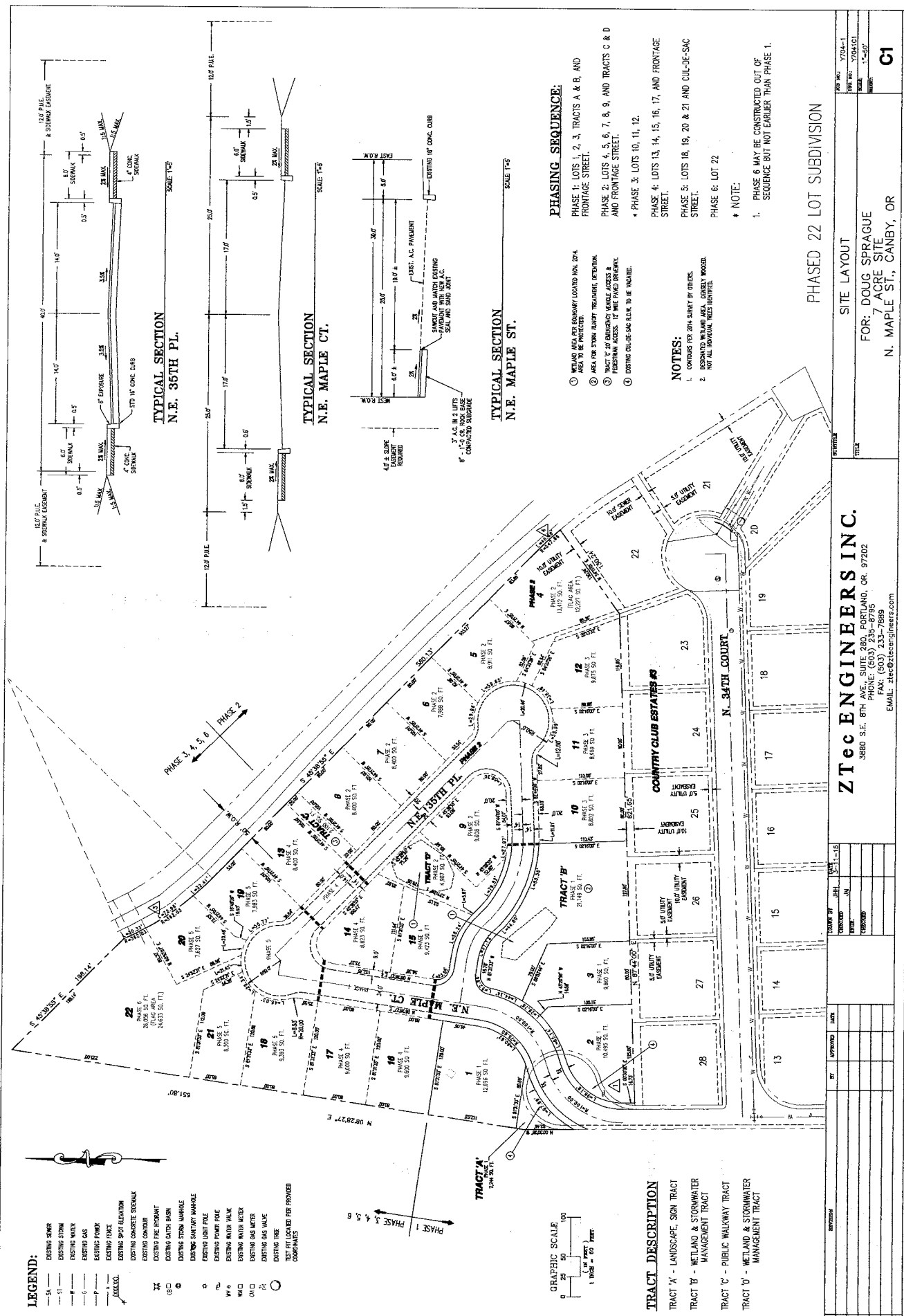
An informational neighborhood meeting will be held to provide you the opportunity to review the project with the Sprague family, ask questions and make suggestions as to the design/layout of the site. This neighborhood meeting will be held as follows:

Date: January 25, 2017 at 6 PM

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

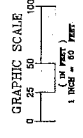
Please feel free to attend this one hour informational meeting. Should you wish for information prior to the meeting, please call:

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



LEGEND:

- SA — EXISTING SEWER
- S — EXISTING STORM
- W — EXISTING WATER
- G — EXISTING GAS
- P — EXISTING POWER
- C — EXISTING CONC
- E — EXISTING EXPOSED
- S — EXISTING SPOLE
- D — EXISTING DITCH
- F — EXISTING FENCE
- B — EXISTING BENCH MARK
- M — EXISTING MANKOLE
- U — EXISTING UTILITY POLE
- P — EXISTING POWER POLE
- V — EXISTING WATER VALVE
- W — EXISTING WATER METER
- M — EXISTING GAS METER
- V — EXISTING GAS VALVE
- C — EXISTING CONC
- D — EXISTING DITCH
- S — EXISTING SPOLE
- E — EXISTING EXPOSED
- S — EXISTING SPOLE



- TRACT DESCRIPTION**
- TRACT 'A' - LANDSCAPE, SIGN TRACT
 - TRACT 'B' - WETLAND & STORMWATER MANAGEMENT TRACT
 - TRACT 'C' - PUBLIC WALKWAY TRACT
 - TRACT 'D' - WETLAND & STORMWATER MANAGEMENT TRACT

PHASING SEQUENCE:

- PHASE 1: LOTS 1, 2, 3, TRACTS A & B, AND FRONTAGE STREET.
- PHASE 2: LOTS 4, 5, 6, 7, 8, 9, AND TRACTS C & D AND FRONTAGE STREET.
- PHASE 3: LOTS 10, 11, 12.
- PHASE 4: LOTS 13, 14, 15, 16, 17, AND FRONTAGE STREET.
- PHASE 5: LOTS 18, 19, 20 & 21 AND CUL-DE-SAC STREET.
- PHASE 6: LOT 22

NOTES:

- 1. CONFORM TO 2014 SUDAS BY ORD.
- 2. DESIGNATED WETLAND AREA, LOOSELY WOODS. NOT ALL INDIVIDUAL TREES IDENTIFIED.

- 1. PHASE 6 MAY BE CONSTRUCTED OUT OF SEQUENCE BUT NOT EARLIER THAN PHASE 5.

PHASED 22 LOT SUBDIVISION

Ztec ENGINEERS INC.
 3880 S.E. 6TH AVE. SUITE 200, PORTLAND, OR 97202
 PHONE: (503) 325-8700
 FAX: (503) 233-7889
 EMAIL: ztec@ztecengineers.com

SITE LAYOUT
 FOR: DOUG SPRAGUE
 7 ACRE SITE
 N. MAPLE ST., CANBY, OR

PROJECT NO. 7704-1
 DATE 7/20/11
 SCALE 1"=50'

GT

SEE CAD FILE: 7704G.DWG



City of Canby
 Planning Department
 111 NW 2nd Avenue
 PO Box 930
 Canby, OR 97013
 (503) 266-7001

LAND USE APPLICATION

SUBDIVISION

Process Type III

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

Applicant Name: Canby Development LLC Phone: 503-266-2792
 Address: P.O. Box 848 Email: katigault@gmail.com
 City/State: Canby/OR Zip: 97013

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

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

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

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

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

PROPERTY & PROJECT INFORMATION:

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

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

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

SUBDIVISION APPLICATION – TYPE III
Instructions to Applicants

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

Applicant City
 Check Check

- One (1) copy of this application packet. The City may request further information at any time before deeming the application complete.
- Payment of appropriate fees – cash or check only. Refer to the city’s Master Fee Schedule for current fees. Checks should be made out to the *City of Canby*.

SUBDIVISION APPLICATION – TYPE III

Applicant City
 Check Check

- Mailing labels (1" x 2-5/8") for all property owners and all residents within 500 feet of the subject property. **If the address of a property owner is different from the address of a site, a label for each unit on the site must also be prepared and addressed to "occupant."** A list of property owners may be obtained from a title insurance company or from the County Assessor.
- One (1) copy of a written, narrative statement describing the proposed development and detailing how it conforms with the Municipal Code and to the approval criteria, including the applicable Design Review Matrix, and availability and adequacy of public facilities and services. **Ask staff for applicable Municipal Code chapters and approval criteria.** Applicable Code Criteria for this application includes:

- Three (3) copies of a Traffic Impact Study (TIS), conducted or reviewed by a traffic engineer that is contracted by the City and paid for by the applicant (payment must be received by the City before the traffic engineer will conduct or review a traffic impact study. Ask staff to determine if a TIS is required.
- One (1) copy in written format of the minutes of the neighborhood meeting as required by Municipal Code 16.89.020 and 16.89.070. The minutes shall include the date of the meeting and a list of attendees.
- One (1) copy in written format of the minutes of the pre-application meeting
- One copy of either the recorded plat or the recorded deeds or land sales contracts that demonstrates how and when legal property lines were established and where the boundaries of the legal lot(s) of record are located. If the property is a lot or parcel created by plat, a copy of the recorded plat may be obtained from the Clackamas County Surveyor’s office. If the property is a legal lot of record created by recorded deed or land

sales contract at a time when it was legal to configure property lines by deed or contract, then those recorded deeds may be obtained from the Clackamas County Office of the Clerk, or a Title Company can also assist you in researching and obtaining deeds.

Applicant City
Check Check

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

SUBDIVISION APPLICATION – TYPE III

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

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

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

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

SUBDIVISION – TYPE III: APPLICATION PROCESS

1. Prior to submitting an application, all applicants are encouraged to request a pre-application meeting with the City, or the City Planner may determine that a pre-application meeting is necessary after an application has been discussed or upon receipt of an application by the City. To schedule a pre-application meeting, an applicant must submit a completed pre-application form and set of preliminary plans to the City Planner, and after receiving the Planner's initials, must then make and take 16 copies of the pre-application materials to the Canby Public Works Department to schedule the pre-application meeting. The City does not charge a fee for a pre-application meeting.
2. Prior to submitting an application, all applicants must hold a neighborhood meeting with surrounding property owners and any recognized neighborhood association representative, pursuant to the procedures described in Canby Municipal Code Section 16.89.070. In certain situations, the Planning Director may waive the neighborhood meeting requirement.
3. At the time an application is submitted to the City, payment of all required application processing fees is required. An application will not be accepted without payment of fees. City Staff can provide you with information concerning application fees.
4. Staff will check the application, making sure that it is complete and all fees are paid. Copies of the application materials are routed to various City/State/County departments, as applicable, for their comments. Along with the comments received from others, the application is reviewed for completeness. The City Planner will accept or return the application with a written list of omissions within thirty (30) calendar days of the submittal.
5. Staff investigates the application, writes a staff report, issues public notice, notifies surrounding property owners, and makes all facts relating to the request available to the Planning Commission and all interested parties.
6. Prior to the public hearing, the City will prepare notice materials for posting on the subject property. This material must be posted **by the applicant** at least ten (10) days before the public hearing.
7. The staff report will be available to all interested parties seven (7) days prior to the hearing.
8. The Planning Commission holds a public hearing. The staff report is presented to the Commission. Testimony is presented by the applicant, proponents and opponents, followed by rebuttal from the applicant.
9. The Commission then issues findings of fact which support approval, modification, or denial of the application. A decision may be appealed to the City Council.
10. If an approval or a denial is appealed, City Council holds a public hearing. The staff report is presented and testimony taken, as at the original hearing(s). Unless the City Council decides to

hear the appeal de novo, only testimony regarding items already in the record is permitted, and no new information may be entered. In the case of an appeal, the Council may affirm, revise or reverse the action of the Planning Commission in all or in part. The Council may also remand the matter back to the hearing body for further consideration.

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

SUBDIVISION – TYPE III: STANDARDS AND CRITERIA

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

- A. Conformance with the text and applicable maps of the Comprehensive Plan;
- B. Conformance with other applicable requirements of the Land Development and Planning Ordinance;
- C. The overall design and arrangement of lots shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties; and
- D. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed land division.

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, That

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

hereinafter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Clackamas, State of Oregon, described as follows, to-wit: A description of a parcel of land located in the northeast one-quarter of Section 28, and the southeast one-quarter of Section 21, T. 3 S., R. 1 E., of the W. M., City of Canby. Said parcel of land being more particularly described as follows:

Beginning at the point of intersection of the north line of said Section 28, with the east line of "Frueland" as recorded in Clackamas County Record of Plats, said point being further described as North 89°41'15" West a distance of 1321.74 feet from the northeast corner of said Section 28. Where previous recorded bearings and distances are different from those bearings and distances measured for the tract of land herein described, the recorded bearings and distances are shown in parentheses; thence from said point of beginning North 00°30'00" West (North 00°27'20" West) along the east line of said "Frueland" and said east line extended Northerly a distance of 1554.85 feet; thence North 08°26'45" East (North 08°30'00" East) a distance of 651.90 feet; thence South 45°41'30" East (South 45°39'00" East) a distance of 198.20 feet to a point on the west line of the Molalla Forest Road; thence following the west line of said Molalla Forest Road along a 362.03 foot radius curve to the left through a central angle of 21°25'20" an arc distance of 135.36 feet (the long chord of said curve bears South 34°58'50" East a distance of 134.55 feet); thence South 45°41'30" East a distance of 580.20 feet to a point of curve; thence along a 547.96 foot radius curve to the right through a central angle of 12°21'00" an arc distance of 118.11 feet (the long chord of said curve bears South 39°31'00" East a distance of 117.89 feet); thence South 33°20'30" East (South 33°18'00" East) a distance of 292.70 feet to the point of intersection of said Molalla Forest Road and the ... (CONTINUED ON REVERSE SIDE.....

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

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

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

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

O-HE-CO., INC.

[Signature]

STATE OF OREGON,

County of _____

Personally appeared the above named _____

and acknowledged the foregoing instrument to be _____ voluntary act and deed,

Before me:

Notary Public for Oregon

My commission expires _____

STATE OF OREGON, County of Clackamas

May 2, 1975

Personally appeared James H. Payton and _____

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

O-HE-CO., INC.

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

Before me:

Notary Public for Oregon

My commission expires _____

My Commission Expires March 11, 1976

O-HE-CO., INC.

Canby, Oregon

GRANTOR'S NAME AND ADDRESS

Portland Escrows, Inc.

520 SW Stark Street

Portland, Oregon 97204

GRANTEE'S NAME AND ADDRESS

Ward Cook, Inc.

520 SW Stark Street

Portland, Oregon 97204

HAND, ADDRESS, ETC

After recording return to:

Ward Cook, Inc.

520 SW Stark Street

Portland, Oregon 97204

HAND, ADDRESS, ETC

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

NAME, ADDRESS, ZIP

STATE OF OREGON,

County of _____

I certify that the within instrument was received for record on the _____ day of _____, 19____

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

Record of Deeds of said county.

Witness my hand and seal of County affixed.

By _____ Recording Officer

Deputy

75 11176

north line of Willamette Valley Country Club; thence South 64°56'00" West (South 64° 58'25" West) along the north line of said Willamette Valley Country Club a distance of 112.55 feet; thence North 86°59'45" West a distance of 280.05 feet; thence South 87° 44'00" West a distance of 306.76 feet; thence South 54°02'30" West a distance of 168.61 feet; thence South 00°30'00" East a distance of 24.55 feet to a point on the west line of said Willamette Valley Country Club; thence South 04°03'20" West (South 04°04'15" West) along said west line a distance of 197.10 feet (197.21 feet); thence South 04°06'40" East (South 04°07'00" East) along said west line a distance of 164.17 feet (164.30 feet); thence South 32°06'10" East (South 32°05'30" East) along said west line a distance of 34.75 feet; thence South 00°30'00" East a distance of 652.91 feet to a point on the north line of said Section 28; thence South 89°41'15" East along the north line of said Section 28, a distance of 50.00 feet; thence South 01°53'15" West a distance of 520.96 feet; thence South 26°22'00" East a distance of 383.34 feet; thence South 00°01'30" East a distance of 761.94 feet; thence South 00°00'45" West a distance of 99.72 feet; thence North 09°35'30" West a distance of 404.91 feet to a point on the east line of said "Pruneland"; thence North 00° 00'30" East along said east line a distance of 50.46 feet; thence North 00°14'45" East (North 00°16'20" East) along said east line a distance of 1673.61 feet (1672.98 feet) to the true point of beginning. EXCEPTING THEREFROM that portion lying within the boundaries of public roads.

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

PARCEL "A" and Lots 4, 9, 16, 17, 19, 20, 22, ~~23~~ 33, COUNTRY CLUB ESTATES, ANNEX NO. 2, Clackamas County, Oregon

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

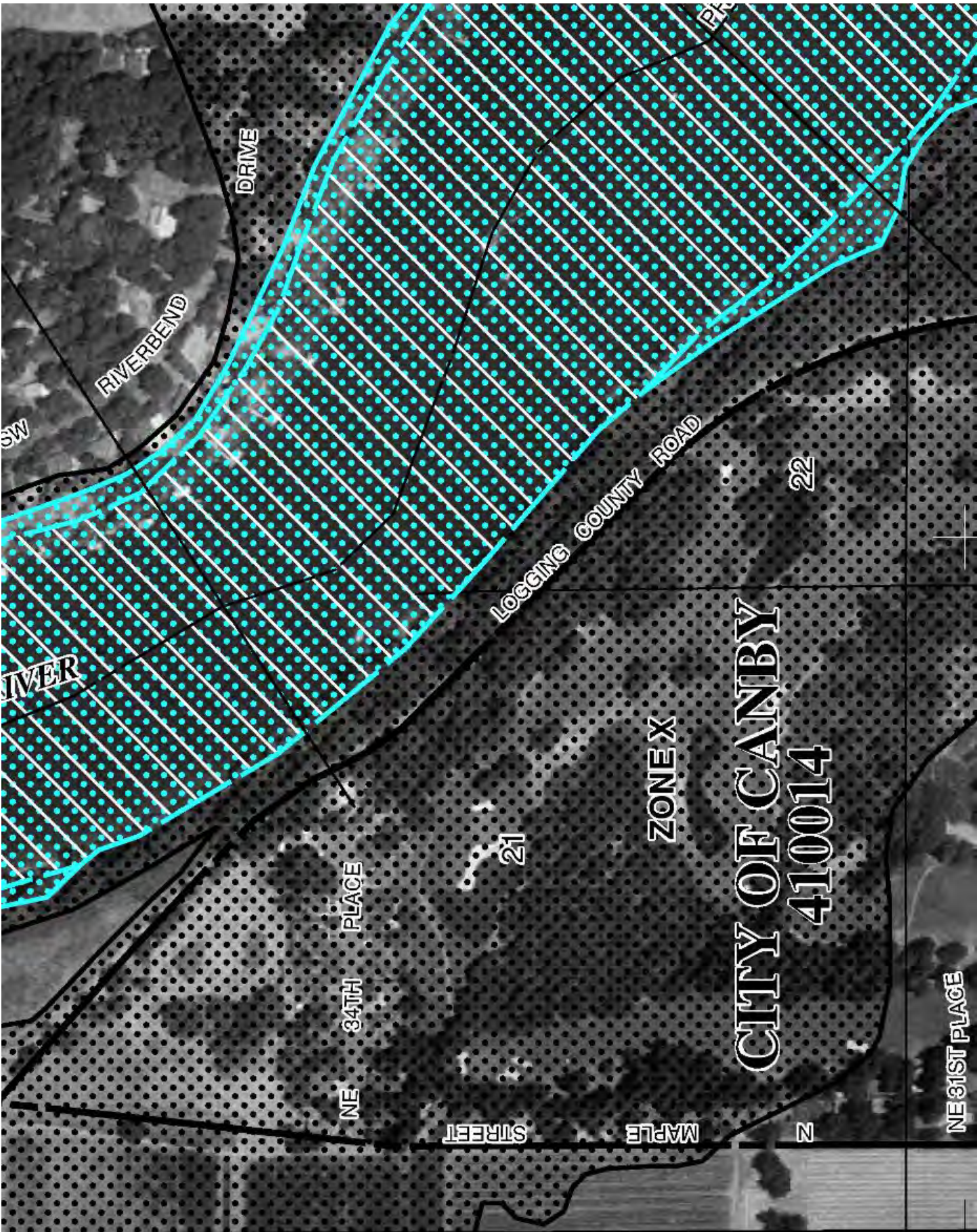
1975 MAY 6 AM 11 30



Witness my hand and official seal
 this 6th day of May 1975.
 George D. Poppen
 County Clerk, Recorder & Deputy

Recording Certificate 75 11178





This is a list of interested Canby citizens that would like to be notified of any meetings concerning the Seven Acre project at the N.E. end of Maple.

Thanks in advance for you consideration.

REFPARCEL	Name	Address	City	State	Zip
31E21 00100	Current Resident	1300 NE Territorial Rd	Canby	OR	97013-
31E21 02602	Lori Sprague, Trustee	641 NE 22nd Ave	Canby	OR	97013-2002
31E21 02602	Current Resident	3500 N Maple St	Canby	OR	97013-
31E21DD01300	Nathan & Gayle Clayton	715 NE 34th Pl	Canby	OR	97013-2126
31E21DD01400	Willamette Country Club	PO Box 988	Canby	OR	97013-0988
31E21DD01401	Jeffrey Peterson	735 NE 34th Pl	Canby	OR	97013-2126
31E21DD01500	Emory & Patricia Powell	815 NE 34th Pl	Canby	OR	97013-2127
31E21DD01600	Arthur & Virginia Hall	845 NE 34th Pl	Canby	OR	97013-2127
31E21DD01700	Marc & Nancy Thompson	875 NE 34th Pl	Canby	OR	97013-2127
31E21DD01800	Colin & Sandra Clayton	925 NE 34th Pl	Canby	OR	97013-2105
31E21DD01900	Gary & Margaret Kuykendall, Trustee	945 NE 34th Pl	Canby	OR	97013-2105
31E21DD02000	Laurel Boone	965 NE 34th Place	Canby	OR	97013
31E21DD02200	Bernard & Ariana Vanhouten	950 NE 34th Pl	Canby	OR	97013-2105
31E21DD02300	John & Randi Gunter Jr	930 NE 34th Pl	Canby	OR	97013-2105
31E21DD02400	Steve & Rachel Thoroughman	880 NE 34th Pl	Canby	OR	97013-2127
31E21DD02500	Beverly Harlan, Trustee	850 NE 34th Pl	Canby	OR	97013-2127
31E21DD02600	Roy Meadows/William Meadows	650 Ortiz Ave	Sand City	CA	93955-3525
31E21DD02600	Current Resident	830 NE 34th Pl	Canby	OR	97013-
31E21DD02700	Allan & Linda Geddes	740 NE 34th Pl	Canby	OR	97013-2126
31E21DD02800	Ben Baucum/Brenna Jensen-Baucum	720 NE 34th Pl	Canby	OR	97013-2126
	Montecucco Rentals C/O Susan Myers	1590 N. Ponderosa St.	Canby	OR	97013
	Andrew Sambuceto	2880 N. Maple Ct.	Canby	OR	97013
	Montecucco Rentals C/O Ed Montecucco	3468 N. Holly St	Canby	OR	97013
	Raymond & Stephanie Reif	3310 N. Maple St.	Canby	OR	97013
	Vincent Andersen	3370 N. Maple St.	Canby	OR	97013
	James & Drinda Larson	970 NE 34th Place	Canby	OR	97013
	Daniel & Bethanee Esqueda	967 NE 34th Court	Canby	OR	97013
	Current Resident	3330 N. Maple St	Canby	OR	97013
	Paul & Darlene Toole	3350 N. Maple St	Canby	OR	97013

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