

CITIZEN  
COMMENTS

## Bryan Brown

---

**From:** Bernard Van Houten <b.a.vanhoutens@gmail.com>  
**Sent:** Wednesday, October 11, 2017 4:26 PM  
**To:** Bryan Brown  
**Subject:** The Seven Acres subdivision

10/11/17

2017 BB

We are Bernie and Ariana VanHouten and our address is 950 NE 34th Pl., Canby, OR. Our home is right next to the planned subdivision and we have a few concerns regarding this development.

1. The safety of those who walk or bike on N. Maple st.
2. The safety of the residents if there were to be an emergency evacuation and the lack of exit routes for that many people.
3. The ability of the sewer pump station to handle the additional homes. We have been flooded (twice) in our home with raw sewage because of pump station failures, and wonder if this would happen more often if more homes were connected to this pump station.
4. The run off of water onto our property and the flooding it would cause, we already have flooding in our yard because of the fill dirt that has been added, how much more will there be when the development is added?

Thank you for listening to our concerns.

Sincerely,

Bernie and Ariana VanHouten

October 10, 2017

To the City of Canby Planning Commission

Re: Please vote against the 6.84 Acre subdivision of 22 homes located at 3500 N Maple St (Sprague)

We have lived on N Maple Street since 1978 and we oppose building 22 new homes at the end of our Dead End Street for the following reasons:

Emergency Access: City Code 16.46.010, Section F requires a legally binding alternative emergency vehicle access be available for the new subdivision. It is proposed that the Fire Department would use the Logging Road Trail in an emergency. It would be dangerous to have Emergency vehicles on this designated walking trail. The Logging Road is 11.5 feet between the posts at the entrance of the logging trail off of Territorial Rd. The center post is removable with a lock that must be opened and the post physically removed from the center of the pathway. In order for a truck to get through, 2 other permanent posts would have to be removed. The purpose of these posts is to prevent vehicular traffic down the logging trail and also to keep the walkers safe from crime and vandalism. The Logging Trail is 10 feet wide for most of the distance and does not meet the accepted 18-20 feet of access normally required by emergency vehicles. Low hanging tree branches and road debris also pose a problem. We walk and bike on the path and it is well used by all age groups. No one expects to see emergency vehicles speeding down the path. The staff report of 9/16/17 states that the Canby Fire Marshall "has offered in previous circumstances, including this one, to utilize discretion with regard to the National Fire Code requirement of 20' minimum free and clear paved pathway for emergency access if all new proposed homes are required to have fire sprinkler systems." Sprinkler systems in residential homes is not the right solution for getting emergency vehicles where they need to go. We OPPOSE the use of the Logging Trail to satisfy the developer's need for emergency access. If the walking and biking community knew about the proposed emergency use of their favorite local trail, they would OPPOSE it too!

The traffic study estimates the 22 new homes will generate 304 more trips per day. Additional traffic will come from 56 new apartments that are being built on Territorial. More traffic will be generated by the new pool and fitness center going in at the Country Club. The intersection at Territorial Rd and N Maple Street is already a challenge. The City recognizes Territorial road as an unofficial bypass for 99E. If this development is approved, then there should be a traffic light installed at the intersection of Territorial Rd and N Maple Street. We OPPOSE 304 more trips a day on a DEAD END street.

We oppose building in phases. Our neighborhood could potentially be disrupted for 4-6 years. Heavy trucks and hazardous traffic would be rolling along our DEAD END street, since there is only one access to this proposed development. All of this will be dangerous for the many walkers and bikers that use Maple St. The views from Maple Street make it a very desirable walking destination.

We have additional reasons to oppose this development, but with respect to your time, we have kept this letter brief. Our neighbors are also against the development and you will probably hear from them too.

Thank you,

Tim and Catherine Davis, 2790 N Maple Street, P.O. Box 73, Canby, OR 97013 ( 503-266-8933 )



Canby Planning Commission

RE: Maple street Development

I wish to object to the proposal to add 22 houses to the end of North Maple. I walk each night from 23rd down to the end of Maple. As you know the road is not a full road and the traffic is already can be busy as you move down past the country club.

There are no side walks and therefore you are required to walk on the street. If there is traffic, it crowds the pedestrians to the side of the road and if there are any cars or trucks parked on the road it makes it very tight. When there are 2 vehicles going in opposite directions, there is no room for a walker, bike rider or non car. The length of this Narrow Dead end cul-de-sac with no functioning other outlet will force an even more dangerous situation.

The City has chosen to not put sidewalks in and as you discuss how to mitigate the traffic congestion, an additional 4-8 feet will not resolve the safety issues unless it can run the entire length of Maple and there is an elevated walkway that moves us off the street.

It would also seem that putting 22 houses in what used to be a flood plain will eventually cause additional problems as the streets through the development will increase the need for the water to run off to somewhere and that will affect either the ability of the city to drain that properly or move the water to the lower farm land.

Elsewhere in the city I notice that the policy of sidewalks and street improvement with new construction is adhered too. It is hard to understand how the city could approve of this development on Maple without the proper build out you require everywhere else with new construction.. The property on the West side of the road has not been annexed into the city as of yet and it has been this way for over 30 years so it does not make sense to approve this project and assume that at some future date the safety concerns will be addressed. The suggestion that all of the houses on the East side of the street might not have street parking, so that you can add more houses to the current unsafe street traffic pattern is problematic to me. If you are familiar with the road you also know that for a good portion of it, there is a hill that makes parking improbable.

Of all the area that is being developed in town, I question why this development would not be required to provide the same road and sidewalk developments of any other development. When the farm land chooses to provide the city the ability to fully develop Maple, it would seem that would be a time for this development. When my house was built and the property brought into the city, we were required to put in sidewalks and widen the street as part of the development .

Why are those of us who live on the street expected to tolerate an decrease in safety that is based on expansion into an area that cannot properly provide for traffic flow, fire safety or the additional infrastructure costs this construction will bring. I also question how this development will affect the intersection at Territorial and Maple which is already dangerous with current maple traffic and the Golf Course.



Besides the traffic and safety concerns, I am concerned with the ability for the city tax base to provide the long term maintenance services the drainage and road condition will provide. Already the City has begun to charge additional fees for Parks, streets and sewer, as costs continue to increase just to cover the costs of infrastructure maintenance. To add a development to an area that's very location will require greater long term costs is questionable.

It would seem that when the city is able to bring the property on the west side of Maple into the city and design appropriate traffic and infrastructure this development might make more sense.

I also question the ability of Emergency services to provide quick response as I understand the walking path/"old Logging Road", is expected to be the backup access road, requiring the removal of the current barriers in an emergency.

Scott Taylor

10-10-2017

10/10/17

Canby Planning Commission:

I have concerns with the development of 22 homes at the end of the Maple St.

1. The road is not wide enough for the traffic that goes up and down there now, adding more houses and not widening the road to the 34 feet will cause a safety problem. The pedestrians use this road for a walking path with no sidewalks to walk on so they walk in the road.
2. The road was not up to code when installed (18 ft.) for a dead end road 16.46.010,B The proposed road of 25 ft. still does not meet the requirements.
3. The road needs to be built to code before the 22 homes go in and Maple St improved to the correct width from Territorial Rd to 34<sup>th</sup> with the extra traffic that will be traveling on the road.
4. Has the property to the west of Maple St been bought yet for the widening of the road?
5. How did the property owner get a permit to fill in a WETLANDS AREA? Filling in this area has affected the houses on 34<sup>th</sup> street. Who will be flooded when the Molalla River floods again?
6. If the city makes the road width at 25 ft. and has no parking for the 900 ft., where will the landscapers of the homes park their trucks or any repair work done? When the residents of this area have guests, they will have to park at the end of the road and walk 400 ft. to the house that is affected. Would your guest be willing to do this to your house?

These are issues to be corrected before permits have been issued. Please take the time to do so.

Sincerely yours,



Scott Smith  
2700 N Maple Ct.  
Canby, OR 97013

To: **City of Canby Planning Department**

**Ref: SUB 17-05 – 7 Acre Subdivision**

My name is Russell W. Langridge and am the property owner at 1947 N. Maple Street. My property is located on the corner of NE. 20<sup>th</sup> avenue and N. Maple St. with our house facing Maple Street.

I would like to go on record with the City of Canby Planning Department and Planning Commission to ask that you **disapprove** the proposal to develop 7 acres at the extreme north end of Maple Street into 22 buildable homesite lots. (SUB 17-05 – 7 Acre Subdivision) The primary concern I have is regarding the issue of “**safety**” due to increased road traffic on a road that is currently below standard even to handle the existing traffic flow.

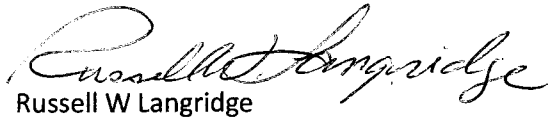
This concern is based on my first hand visual validation, specifically from the vantage point on my open shop door where I spend a significant amount of time restoring vintage cars. The following are a few key points to consider with my request:

- 1) Canby’s City Comprehensive Plan states that before any new development is to be considered, the infrastructure needed to support said development must be in place. It seems quite clear that not only is the northern part of N. Maple Street in need of infrastructure enhancement, but also the southern end of N. Maple Street. The impact is larger than your current project proposal describes.
- 2) At minimum, a new traffic flow monitoring plan of action should be put into action and placed at the southern end of N. Maple street so as to more realistically determine current traffic density.
- 3) The Willamette Country Club in “Low density Residential “ presents unusual and sporadic high traffic patterns. With 50+ employees, daily large (speeding) delivery trucks, membership encompassing county and beyond, and serving as a popular special events venue, they contribute the largest percentage of traffic on our segment of Maple St.
- 4) The current new construction of a “state of the art” fitness center with swimming pool at the Willamette Country Club, will result in another significant traffic flow increase for N. Maple Street. Conservative estimates document a minimum of 200 additional vehicles per day using N. Maple Street.
- 5) There is currently a private church school and a preschool/kindergarten day care facility operating both adjacent and diagonally across N. Maple St from my residence (corner of Maple and Greenview Dr. This must be considered in the safety issue of an additional 22 homes and corresponding traffic loads.
- 6) There has been a significant traffic flow increase since the newer homesite addition to the immediate west (parallel to Maple Street). These homes primarily use Maple to both exit and enter. Entry points are at NE. 20<sup>th</sup>, NE. 21<sup>st</sup>, and NE 22<sup>nd</sup> Avenues.
- 7) The corner of NE. 20<sup>th</sup> avenue and N. Maple streets is now a major school bus stop with high numbers of children from the adjacent new home subdivision. In addition, this corner is extremely dangerous due to an elevation rise on Maple Street causing a blind spot for both

southbound Maple Street traffic and NE. 20<sup>th</sup> avenue traffic entering. Several accidents have occurred at this intersection.

- 8) The section of Maple Street from about N. 21<sup>st</sup> and continuing south to Territorial, is very narrow and in disrepair with no pedestrian passageways (either walking or bicycle). This street is a major walkway and jogging path for pedestrians and is annually used by events such as "Dahlia Run" and "Volkswalking".
- 9) The major traffic use scenario for traffic entering and exiting the area is from N. Maple Street and not the alternative N. Country Club Drive. This in all likelihood will not change no matter what the current justification report for the project states.
- 10) The attached study map documenting the Maple St. condition is a preexisting survey map that should be currently in the archive files for this project. Whereas there has been a minor degree of improvement, specifically at the Maple St. and Territorial St. intersection, the remainder of Maple St. has not had significant change. I am especially concerned with the **failed** section from Greenview Dr. to NE. 22 Ave.

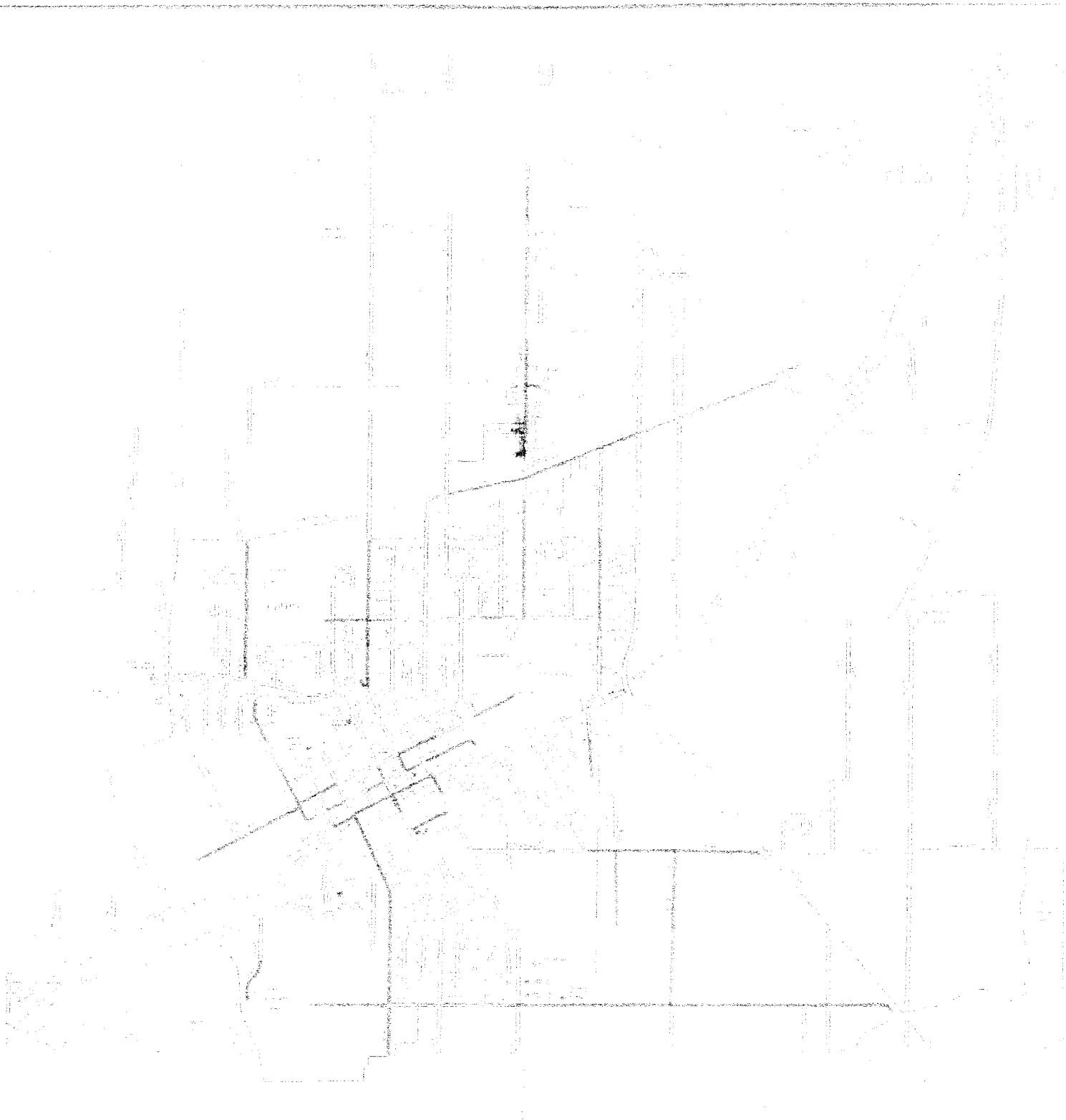
I would respectfully request that you reconsider the approval of the 7 acre project site in question. The potential impact of the proposed 22 homesites is of significant scope as it relates to the safety of traffic flow and pedestrians throughout the full length of N. Maple Street.

  
Russell W Langridge

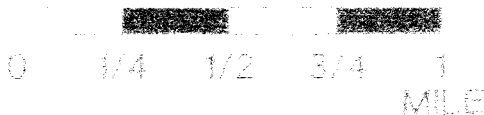
1947 N. Maple Street

[rlangridge@cranby.com](mailto:rlangridge@cranby.com) 971-235-4095


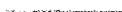



# MAPLE ARCHIVE STREET CONDITION



SCALE



LEGEND

-  EXCELLENT
-  GOOD / V.P. / GOOD
-  FAIR
-  POOR / V.P. / POOR
-  PAVED

10/9/17

Canby Planning Commission:

I am writing because I have concerns regarding the impact of the proposed 7 Acres subdivision at the end of N. Maple St. I have major safety concerns.

\*The number of increased cars and other vehicles on North Maple St. north of Territorial. The addition of 22 homes, plus farm equipment and school buses, will make getting across or turning onto Territorial Rd. more difficult. Will the dead end be big enough for school buses and garbage trucks to safely turn around? How will the addition of a 56-unit apartment complex proposed for Territorial Rd. affect this increasing traffic problem?

\*It has been two years since a traffic study has been done. The last one was not completed to take in consideration the heavy increased traffic during spring, summer, and fall at WVCC golf course, or that many are now using Territorial Rd. as a way to miss driving 99E through Canby. Have you personally been out to see this situation? Do you really know how much traffic actually use this street?

\*Maple Street has too many locations where the street varies in width and narrows at the intersection of Territorial and N. Maple. I have driven this street observing all sorts of vehicles driving down the middle of the road. I have had more near head-on collisions than I want. Vehicles also travel this street at speeds higher than the posted 20 school zone and 25 mph. This is also dangerous for walkers because there are sections with no sidewalks. Why has not a pedestrian traffic study been completed on Maple St. and include weekends, early mornings, and early evenings.

Thank you for your time and consideration of my concerns.



Revaleen Smith  
2700 N Maple Ct.  
Canby, OR 97213

October 9, 2017

Canby Planning Commission  
222 NE 2<sup>nd</sup> Avenue  
Canby, OR 97013

Subject: Seven Acres Subdivision

Dear Commissioners:

We would like to again state our opposition to the Seven Acre housing subdivision. Although there are many reasons we oppose this development, our main objection at this point in time concerns the current proposal of a 20-foot section of vehicular traffic and a 4-foot walking path (plus a 1-foot stripe denoting a pedestrian pathway) with no parking permitted which would be applied to 8 homes (addresses 3200 through 3370) along this section. The following points should be considered:

1. The fact that N. Maple St. has permitted parking on the east side of the entire street for 40 years is a preexisting condition (just like the preexisting condition of the narrowness of the road) that should not be withdrawn. Should the homeowners affected by the “no parking” possibility in front of their homes have their rights sacrificed for the benefit of a developer so that he can profit in millions of dollars at the expense and safety of those residents.
2. Narrowing this section of N. Maple St. for the homes in this 900+ foot section from the proposed 34 foot width to a 25 foot width creates a variance of 9 feet of reduced lane availability on both ends of this section...an already hazardous situation made extremely hazardous for both vehicles and pedestrians. The increased amount of traffic on N. Maple St. from the addition of the cars and service vehicles for the proposed 22 new homes as they enter and exit their development area, will have to be funneled through this narrow section of the street and will likely result in accidents and injuries. Traveling along a 34 foot road and then suddenly losing 9 feet in a narrowing funnel demonstrates poor planning and complete disregard for the residents whose homes are along that stretch of road.
3. The width variances of the entire stretch of N. Maple St. from Territorial Rd. to the proposed subdivision is putting all residents on this street and in this neighborhood at an increased safety risk if heavy equipment, supply trucks, and the traffic created by the construction itself is allowed on this half street, not to mention the impact of this traffic on the integrity of the road.

Because of all the structural development in Canby now in place and proposed for the future, it is imperative that the city use good judgment and control over our growth so that Canby remains a wonderful place to live and raise a family. To do that you need to make certain this construction is done right and that means making sure N. Maple St. is safe and meets the standards for a residential street that will increase in traffic use with the addition of these homes. In addition, the road should meet these standards before ground is broken for the subdivision.

Respectfully submitted,

Phillip and Sarah Seale  
3240 N. Maple St.  
Canby, OR 97013

October 10, 2017

To the City of Canby Planning Commission

Re: Please vote against the 6.84 Acre subdivision of 22 homes located at 3500 N Maple St (Sprague)

We have lived on N Maple Street since 1978 and we oppose building 22 new homes at the end of our Dead End Street for the following reasons:

Emergency Access: City Code 16.46.010, Section F requires a legally binding alternative emergency vehicle access be available for the new subdivision. It is proposed that the Fire Department would use the Logging Road Trail in an emergency. It would be dangerous to have Emergency vehicles on this designated walking trail. The Logging Road is 11.5 feet between the posts at the entrance of the logging trail off of Territorial Rd. The center post is removable with a lock that must be opened and the post physically removed from the center of the pathway. In order for a truck to get through, 2 other permanent posts would have to be removed. The purpose of these posts is to prevent vehicular traffic down the logging trail and also to keep the walkers safe from crime and vandalism. The Logging Trail is 10 feet wide for most of the distance and does not meet the accepted 18-20 feet of access normally required by emergency vehicles. Low hanging tree branches and road debris also pose a problem. We walk and bike on the path and it is well used by all age groups. No one expects to see emergency vehicles speeding down the path. The staff report of 9/16/17 states that the Canby Fire Marshall "has offered in previous circumstances, including this one, to utilize discretion with regard to the National Fire Code requirement of 20' minimum free and clear paved pathway for emergency access if all new proposed homes are required to have fire sprinkler systems." Sprinkler systems in residential homes is not the right solution for getting emergency vehicles where they need to go. We OPPOSE the use of the Logging Trail to satisfy the developer's need for emergency access. If the walking and biking community knew about the proposed emergency use of their favorite local trail, they would OPPOSE it too!

The traffic study estimates the 22 new homes will generate 304 more trips per day. Additional traffic will come from 56 new apartments that are being built on Territorial. More traffic will be generated by the new pool and fitness center going in at the Country Club. The intersection at Territorial Rd and N Maple Street is already a challenge. The City recognizes Territorial road as an unofficial bypass for 99E. If this development is approved, then there should be a traffic light installed at the intersection of Territorial Rd and N Maple Street. We OPPOSE 304 more trips a day on a DEAD END street.

We oppose building in phases. Our neighborhood could potentially be disrupted for 4-6 years. Heavy trucks and hazardous traffic would be rolling along our DEAD END street, since there is only one access to this proposed development. All of this will be dangerous for the many walkers and bikers that use Maple St. The views from Maple Street make it a very desirable walking destination.

We have additional reasons to oppose this development, but with respect to your time, we have kept this letter brief. Our neighbors are also against the development and you will probably hear from them too.

Thank you,

Tim and Catherine Davis, 2790 N Maple Street, P.O. Box 73, Canby, OR 97013 ( 503-266-8933 )



## Laney Fouse

---

**From:** LARRY KROMER <woodfbrsol@web-ster.com>  
**Sent:** Tuesday, October 03, 2017 1:19 PM  
**To:** Bryan Brown  
**Subject:** FW: The development of 7 acres at 3500 N. Maple St. by Canby Development, LLC

**From:** LARRY KROMER [mailto:woodfbrsol@web-ster.com]  
**Sent:** Tuesday, October 3, 2017 8:45 AM  
**Subject:** The development of 7 acres at 3500 N. Maple St. by Canby Development, LLC

I understand that the consideration for the development of this project before the Planning Commission has been rescheduled to October 23rd. I will be unable to attend this meeting. Subsequent to my letter of June 8, 2017, I wish to strongly request that should N. Maple St. ultimately be widened as per the most recent proposal, this widening include speed "humps" along the entire length of the betterment. My initial concerns for safety due to the narrow road surface will evolve to a concern for safety due to excess speed without these speed humps.

Thank You  
Larry Kromer  
3270 N. Maple St.  
503-266-5380

September 25, 2017

SEP 26 11:19

Canby Planning Commission

2017 JA

222 NE Second Avenue

Canby OR 97013

RE: Seven Acres Subdivision

To Whom It May Concern,

Thank you for your time in regards to my concerns for the development of Seven Acres. The City of Canby has created a truly beautiful, friendly, walking and biking park along the Willamette River on the old logging trail. The paved trail has become a busy spot for families as well as community events. Maple Street has become an extension of the trail "loop", forming a natural access to the rest of Canby and the Canby bike hub. Families along Maple welcome the many walkers, bikers, and groups making that loop,

By building on lots adjacent to the logging trail and breaking "the loop", creating unsafe road conditions for bikers, walkers, and generally all traffic seems to be counterproductive to our city goals.

Please keep Canby a safe place to be,

Best regards,



Janey E Belozer

3180 N Maple Street

Canby OR 97013

September 19, 2017

Canby Planning Commission  
222 N.E. 2<sup>nd</sup> Avenue  
Canby, Oregon 97013

RE: Seven Acres Subdivision

Dear Commissioners:

Please consider this as a letter of opposition to Mr. Doug Sprague's Seven Acres proposed subdivision on N. Maple Street. While I do not view myself as someone who is generally opposed to development and growth, this proposed 22 home subdivision, if approved, would increase the safety risk to an already dangerous safety problem on N. Maple St. We have been homeowners at 3220 N. Maple St. since Spring, 1981 and have witnessed numerous accidents, and near accidents involving cars and pedestrians. The applicants proposed development will only exacerbate the problem.

Traffic and pedestrian safety are my paramount reasons for opposing this application. Another very strong held reason is the potential of eliminating parking on N. Maple St. I will elaborate on these.


- City code requires a 2 lane road leading to and from any new development. It also requires any new development to construct sidewalks in all proposed subdivisions and streets adjacent to that subdivision. Clearly, N. Maple St. is adjacent to the proposed application. These requirements are there for a reason. The safety of our community. Without the applicant meeting this criteria, it will be only a matter of time before a tragic incident occurs. The next logical step to alleviating another tragedy will be for the city to require that our homeowners pay for sidewalks to be built. We will be forced to pay for his development and his profits. The idea of not having a two lane road and sidewalks is so inconsistent with our community's stated values and past practices.
- I remain unclear after reading Mr. Sprague's application and the subsequent staff report as to what exactly is being proposed. Both documents are vague and nebulous in my humble opinion. I believe that the staff report is indicating that Mr. Sprague has two options for road compliance; one, securing easements or right of way to obtain from the Montecucco's. If successful, road width requirements are met, but still without the safety features of a legitimate sidewalk. (Still not acceptable). Or, secondly, seek approval from the City Administrator or City Council to eliminate parking on the east side of N. Maple. How utterly preposterous. Please put yourselves in our place, people have bought their homes, lived the them up to 35 or more years, have never been informed that this could be possibility and now be threatened with the prospect that our friends and loved ones could not park in front of our of homes on Thanksgiving, Christmas, Easter, graduation or simply – dinner parties. Where do you think they should park? Downtown, walk to our homes from a mile or two away, take a cab? How utterly ridiculous and unfair to our current residents? What about parking for landscapers and gardeners, tree removal companies, roofers, contractors, etc.? Where are they supposed to park? It would be unworkable. Please do not let this consideration enter into the discussions. It would be completely unjust.

What worries me even more is the fact that he could easily come into compliance of the planning director's staff report and opt out of the first option and simply resort to option number two, eliminate parking on the east side. Which one is far cheaper and still satisfies the requirements? Obviously, option number two.

So far, the only bright spot during all these proposals and subsequent changes to plans, is the fire marshal. I have spoken to him about the safety needs from his perspective and I feel comfortable about his requirements to the alternative vehicle access using code specifications on the logging road, the requirements of the applicant to construct turnarounds at the end of all interior streets and the requirement of sprinkler systems to be installed in all of the homes in the subdivision.

This application is a very complicated and confusing matter. I implore you to be very clear about what you are voting on. Specific conditions must be put in place that are locked- in and unequivocal to insure safety. In my opinion we are far from that in reading his application and the staff report.

Sincerely,

A handwritten signature in cursive script that reads "Douglas W. Poppen".

Douglas and Nikki Poppen  
3220 N. Maple St.  
Canby, Oregon 97013

## Laney Fouse

---

**From:** Erin Storlie <estorlie@andersen-const.com>  
**Sent:** Monday, October 09, 2017 11:24 AM  
**To:** Bryan Brown  
**Cc:** Laney Fouse; Erin evenings  
**Subject:** RE: The Seven Acres Subdivision-Impacts to Creedon Farmland  
**Attachments:** Prune Land Map-With ROW Comments to BB 10.9.17.pdf; Colins Deed & Quit Claim.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed



I had meant to attach this marked up file..for your use/reference & The Collins Tract info/Deed.  
Thanks!

**Erin Storlie**  
Senior Project Manager

ANDERSEN CONSTRUCTION  
CELL 503.572.2414

**From:** Erin Storlie  
**Sent:** Monday, October 9, 2017 11:22 AM  
**To:** 'Bryan Brown' <BrownB@canbyoregon.gov>  
**Cc:** 'fousel@canbyoregon.gov' <fousel@canbyoregon.gov>; Erin evenings <erinstorlie@gmail.com>  
**Subject:** RE: The Seven Acres Subdivision-Impacts to Creedon Farmland

Bryan,  
Following our conversation 2 weeks ago, we have engaged a surveyor to obtain information you discussed with me regarding the Right of Way along N. Maple Street.

As you are aware, The Creedon Family owns the farmland along Lots 43, 44, 45, 46, 47 facing N. Maple Street. We have consulted with Westlake Consulting Engineers and have the following comments for the Planning Department to review and confirm as part of the upcoming Staff Report / Development Review:

- **There is ONLY a 20' Right of Way to our property**, located on the WEST face of N. Maple Street.
- There is an error regarding property line assumptions regarding the 30' Quit Claim that you emailed to me on 9/19/17 –**this Quit Claim DOES NOT apply to our Property.**
  - The Maple Street Roadway on the Country Club Estates #2 & 3 is dedicated by Plat in 1975 to the property on the OPPOSITE side of Maple Street-Now Called Country Club Estates, Formerly Collins Tract.
  - The 30' Quitclaim that you sent to me 2 weeks ago IS the Roadway. The dedication of the 30' in 1975 essentially replaces the Quit Claim for the Collins Tract.
  - **The 30' Reference should ONLY be taken from the West property line of the Country Club Estates-NOT our Farmland.**

- Please Confirm to me, in writing, that the ROW reference for any future street/sidewalks will address the following:
  - The City/County will only use up to 20' of ROW located on lots 43, 44, 45, 46, 47
  - Provide a plan for street improvements, including shoulder work/excavation elevations relative to our property for review.
  - Address drainage issues from the Street/Sidewalk Improvements onto our farm-Where will water drain to?
  - Since there was a prior incorrect assumption regarding property lines by the developer, please provide Survey information for our review and confirmation.
  - Ensure that any work planned for adjacent improvements will have all easements and permits in place, prior to starting work. Any damage to our property or crops will be borne by the contractor, if necessary for repair.
  - Costs for Roadway/Sidewalk improvement will be paid for by the developer of the new subdivision, no costs will be paid by adjacent property owners.
  
- Please send me the updated Staff Report, as soon as available.

Thanks for your help Bryan, looking forward to hearing back from you!

**Erin Storlie**  
Senior Project Manager

**ANDERSEN CONSTRUCTION**  
CELL 503.572.2414

**From:** Bryan Brown [<mailto:BrownB@canbyoregon.gov>]  
**Sent:** Thursday, September 21, 2017 10:16 AM  
**To:** Erin Storlie <[estorlie@andersen-const.com](mailto:estorlie@andersen-const.com)>  
**Subject:** RE: The Seven Acres Subdivision

Erin,

There may be an error on the original Pruneland Plat where it distinguishes the dividing line between Section 28, T.3S.R1E and Section 21, T.3S.R1E. Otherwise, all documents and the County Tax Lot Map which you can look at on CMAP online clearly indicate a total of 50' of ROW (original shown on east edge of Pruneland Plat and 30' of additional dedicated by Quick Claim Deed) as indicated on County Tax Assessor Map exists adjacent to Tax Lost 31E28A00900 & 31E28A01000 which are shown to be Lot 43 of Pruneland and from my understanding are owned by Creedon.

I would suggest that you will have to go to the County Assessor's office to gain verification or secure the services of a surveyor for confirmation. Their does seem to be an error on the Pruneland plat to me as to what Section Lot 43 is located in as it implies Section 21 while the other surveys that you can pull up and the County Tax Map indicated it is in Sec. 28.

The Pruneland Plat and Quick Claim deed are very clear that the 50' ROW goes to the NE/corner of Pruneland Lot 43. From their all evidence seems to indicate the Creedon property is in Pruneland Lot 43. That is what you should have verified be an expert, not me.

Best of Luck!  
Bryan

**Bryan Brown | Planning Director**

City of Canby | Development Services

222 NE 2<sup>nd</sup> Avenue | PO Box 930

Canby, OR 97013

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

email: [brownb@canbyoregon.gov](mailto:brownb@canbyoregon.gov) ; website: [www.canbyoregon.gov](http://www.canbyoregon.gov)

Send applications to: [PlanningApps@canbyoregon.gov](mailto:PlanningApps@canbyoregon.gov)

---

PUBLIC RECORDS LAW DISCLOSURE

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

---

corrobuation

**From:** Erin Storlie [<mailto:estorlie@andersen-const.com>]

**Sent:** Thursday, September 21, 2017 5:06 AM

**To:** Bryan Brown <[BrownB@canbyoregon.gov](mailto:BrownB@canbyoregon.gov)>

**Subject:** RE: The Seven Acres Subdivision

Bryan, planning on calling you at 1pm today

I can set up a go to meeting so we can both look at the same screen/map, if that is a possibility on your end—Let me know-I can send you a link

**Erin Storlie**

Senior Project Manager

**ANDERSEN CONSTRUCTION**

CELL 503.572.2414

**From:** Bryan Brown [<mailto:BrownB@canbyoregon.gov>]

**Sent:** Wednesday, September 20, 2017 4:26 PM

**To:** Erin Storlie <[estorlie@andersen-const.com](mailto:estorlie@andersen-const.com)>

**Subject:** RE: The Seven Acres Subdivision

Erin,

Yes, I can do 1:00 pm tomorrow. Will you call me?

Bryan

**Bryan Brown | Planning Director**

City of Canby | Development Services

222 NE 2<sup>nd</sup> Avenue | PO Box 930

Canby, OR 97013

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

email: [brownb@canbyoregon.gov](mailto:brownb@canbyoregon.gov) ; website: [www.canbyoregon.gov](http://www.canbyoregon.gov)



Send applications to: [PlanningApps@canbyoregon.gov](mailto:PlanningApps@canbyoregon.gov)

---

PUBLIC RECORDS LAW DISCLOSURE

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

---

**From:** Erin Storlie [<mailto:estorlie@andersen-const.com>]

**Sent:** Wednesday, September 20, 2017 1:46 PM

**To:** Bryan Brown <[BrownB@canbyoregon.gov](mailto:BrownB@canbyoregon.gov)>

**Subject:** Re: The Seven Acres Subdivision

Thank you. What time can I set up a call with you? Could we do tomorrow? I could do 1pm if that works for you.

Erin Storlie  
Project Manager  
503.572.2414

On Sep 20, 2017, at 1:41 PM, Bryan Brown <[BrownB@canbyoregon.gov](mailto:BrownB@canbyoregon.gov)> wrote:

Erin,

It was helpful for me to see what property is impacted by looking at the County Tax Map for Creedon's Tax Lot 900 & 10000 property. I would be happy to show you how I figured out the location at the office as I did for Doris but cannot describe it to you by email. I am not an expert at reading legal descriptions either.

For your information, we are just now today sending out new notice for the Subdivision Application setting a new public hearing date to everyone for October 23, 2017 at the request of the applicant. It will be removed from the current Sept. 25, 2017 Planning Commission Agenda today! This will give you more time to verify the ROW information.

Bryan

***Bryan Brown | Planning Director***

City of Canby | Development Services

222 NE 2<sup>nd</sup> Avenue | PO Box 930

Canby, OR 97013

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

email: [brownb@canbyoregon.gov](mailto:brownb@canbyoregon.gov) ; website: [www.canbyoregon.gov](http://www.canbyoregon.gov)

Send applications to: [PlanningApps@canbyoregon.gov](mailto:PlanningApps@canbyoregon.gov)

---

PUBLIC RECORDS LAW DISCLOSURE

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

---



**From:** Erin Storlie [<mailto:estorlie@andersen-const.com>]  
**Sent:** Wednesday, September 20, 2017 11:22 AM  
**To:** Bryan Brown <[BrownB@canbyoregon.gov](mailto:BrownB@canbyoregon.gov)>  
**Subject:** FW: The Seven Acres Subdivision

Bryan

Thanks for the two images.

I can't tell from your email, or the records on the cmap website when the Quit Claim occurred, and which piece(s) of property it applies to...can you give me some more info?

I tried to call you this morning, maybe a phone call would help me.

We are trying to get to the county today to find out when/where this new information came into play.

Thank you!

**Erin Storlie**  
Senior Project Manager

**ANDERSEN CONSTRUCTION**  
CELL 503.572.2414

**From:** Erin Storlie [<mailto:erinstorlie@gmail.com>]  
**Sent:** Wednesday, September 20, 2017 9:13 AM  
**To:** Erin Storlie <[estorlie@andersen-const.com](mailto:estorlie@andersen-const.com)>  
**Subject:** Fwd: The Seven Acres Subdivision

## **Forwarded conversation**

Subject: **The Seven Acres Subdivision**

-----  
From: **Laney Fouse** <[FouseL@canbyoregon.gov](mailto:FouseL@canbyoregon.gov)>  
Date: Mon, Sep 18, 2017 at 1:37 PM  
To: "[erinstorlie@gmail.com](mailto:erinstorlie@gmail.com)" <[erinstorlie@gmail.com](mailto:erinstorlie@gmail.com)>

Erin,

Here is the Staff Report and applicant submittal for the subdivision.

Thanks, Laney

*Laney Fouse*  
*Development Services Department*  
*City of Canby*  
*222 NE 2<sup>nd</sup> Ave, 2<sup>nd</sup> Floor*  
*Direct Line: 503-266-0685*  
*Main Line: 503-266-7001*  
*Fax 503-266-1574*  
*[fousel@canbyoregon.gov](mailto:fousel@canbyoregon.gov)*

*Send Applications to: [PlanningApps@canbyoregon.gov](mailto:PlanningApps@canbyoregon.gov)*

*City Website: [www.canbyoregon.gov](http://www.canbyoregon.gov)*

PUBLIC RECORDS LAW DISCLOSURE

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

PUBLIC RECORDS LEGAL DISCLOSURE

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

-----  
From: **Erin Storlie** <[erinstorlie@gmail.com](mailto:erinstorlie@gmail.com)>

Date: Tue, Sep 19, 2017 at 8:47 AM

To: Laney Fouse <[FouseL@canbyoregon.gov](mailto:FouseL@canbyoregon.gov)>, [BrownB@canbyoregon.gov](mailto:BrownB@canbyoregon.gov)

Thanks Laney,

I am hearing that the developer has recently changed the plans based on some new information regarding ROW.

How does the staff plan to re-review the plan, assuming this is correct?

Also, can either you or Bryan provide this information- I know that my Sister (Jill) and Mom (Doris) stopped in yesterday but this is still unclear to us.

Here are my questions:

1. What was the original ROW assumed that would be taken based on this Staff Report?- I cannot seem to find that on page 83 there is a reference to the ROW , but the dimension is not clear.
2. What is the new assumed ROW & what is the reasoning for the change?
3. The staff find report (page 3) indicates that DKS states it would be acceptable to construct a four foot asphalt shoulder on the west side of Maple. Is this the plan? We cannot find a set of plans that shows the current plan for construction.

Bryan, are you available for a phone call today?

Thank you

Erin Storlie (Doris Creedon's Daughter)

503.572.2414

-----  
From: **Erin Storlie** <[erinstorlie@gmail.com](mailto:erinstorlie@gmail.com)>

Date: Tue, Sep 19, 2017 at 8:54 AM

To: Sarah Nassif <[sarahjnassif@gmail.com](mailto:sarahjnassif@gmail.com)>, Mike Creedon <[michaelcreedon@hotmail.com](mailto:michaelcreedon@hotmail.com)>, doris creedon <[dcreedon@easystreet.net](mailto:dcreedon@easystreet.net)>, jill whitney <[jillcat68@gmail.com](mailto:jillcat68@gmail.com)>

This is the staff report for the development.

I have an email and call into Bryan at the City to get some clarification on this

I am hearing that the developer has recently changed the plans based on some new information regarding ROW.

How does the staff plan to re-review the plan, assuming this is correct?

Also, can either you or Bryan provide this information- I know that my Sister (Jill) and Mom (Doris) stopped in yesterday but this is still unclear to us.

Here are my questions:

1. What was the original ROW assumed that would be taken based on this Staff Report?- I cannot seem to find that on page 83 there is a reference to the ROW , but the dimension is not clear.
2. What is the new assumed ROW & what is the reasoning for the change?
3. The staff find report (page 3) indicates that DKS states it would be acceptable to construct a four foot asphalt shoulder on the west side of Maple. Is this the plan? We cannot find a set of plans that shows the current plan for construction.

Bryan, are you available for a phone call today?

Thank you

Erin Storlie (Doris Creedon's Daughter)

503.572.2414

-----  
From: **Bryan Brown** <[BrownB@canbyoregon.gov](mailto:BrownB@canbyoregon.gov)>

Date: Tue, Sep 19, 2017 at 10:43 AM

To: Erin Storlie <[erinstorlie@gmail.com](mailto:erinstorlie@gmail.com)>

Hello Erin,

The evidence provided by the applicant to substantiate that 50' of road ROW exists are attached. I combined these documents with viewing a Tax Map off of the Clackamas County's CMAP to help verify the locations matched the Creedons Tax Lot 900 and 1000 location that was previously unclear.

The staff report was based on this latest information as was the change in the applicants specific proposal with regard to voluntary improvements to N Maple Street. The ROW assumed is 50' total – 20' showing to have existed adjacent to the Pruneland Subdivision and an additional 30' dedicated to the east of that 20'. It was always assumed there was 50' of ROW just south of Tax Lot 1000 but these documents indicate it includes these two Tax Lots as well. City maps, based on County Tax Lot information, did not show this.

The applicant is proposing either a consistent 4' or possibly widening to 6' wide designated pedestrian pathway in the widened street along the west side of Maple Street – 4' wide where pavement may be limited to 25' in width and 6' wide where pavement will be widened to 34' in width – including Creedon's Tax Lot 900 & 1000.

Bryan

**Bryan Brown | Planning Director**

City of Canby | Development Services

222 NE 2<sup>nd</sup> Avenue | PO Box 930

Canby, OR 97013

ph: [503-266-0702](tel:503-266-0702) | fax: [503-266-1574](tel:503-266-1574)

email: [brownb@canbyoregon.gov](mailto:brownb@canbyoregon.gov) ; website: [www.canbyoregon.gov](http://www.canbyoregon.gov)

Send applications to: [PlanningApps@canbyoregon.gov](mailto:PlanningApps@canbyoregon.gov)

---

PUBLIC RECORDS LAW DISCLOSURE

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

---

**From:** Erin Storlie [mailto:[erinstorlie@gmail.com](mailto:erinstorlie@gmail.com)]

**Sent:** Tuesday, September 19, 2017 8:48 AM

**To:** Laney Fouse <[FouseL@canbyoregon.gov](mailto:FouseL@canbyoregon.gov)>; Bryan Brown <[BrownB@canbyoregon.gov](mailto:BrownB@canbyoregon.gov)>

**Subject:** Re: The Seven Acres Subdivision

-----  
> On Sep 19, 2017, at 8:55 AM, Erin Storlie <[erinstorlie@gmail.com](mailto:erinstorlie@gmail.com)> wrote:

>

> This is the staff report for the development.

> I have an email and call into Bryan at the City to get some clarification

> on this

>

> I am hearing that the developer has recently changed the plans based on some new information regarding ROW.

>

> How does the staff plan to re-review the plan, assuming this is correct?

> Also, can either you or Bryan provide this information- I know that my Sister (Jill) and Mom (Doris) stopped in yesterday but this is still unclear to us.

>

>

> Here are my questions:

> 1. What was the original ROW assumed that would be taken based on this Staff Report?- I cannot seem to find that on page 83 there is a reference to the ROW , but the dimension is not clear.

> 2. What is the new assumed ROW & what is the reasoning for the change?

> 3. The staff find report (page 3) indicates that DKS states it would be acceptable to construct a four foot asphalt shoulder on the west side of Maple. Is this the plan? We cannot find a set of plans that shows the current plan for constuction.

>

> Bryan, are you available for a phone call today?

> Thank you

> Erin Storlie (Doris Creedon's Daughter)  
> [503.572.2414](tel:503.572.2414)<tel:%28503%29%20572-2414>  
> ----- Forwarded message -----  
> From: Laney Fouse <[FouseL@canbyoregon.gov](mailto:FouseL@canbyoregon.gov)<mailto:[FouseL@canbyoregon.gov](mailto:FouseL@canbyoregon.gov)>>>  
> Date: Mon, Sep 18, 2017 at 1:37 PM  
> Subject: The Seven Acres Subdivision  
> To: "[erinstorlie@gmail.com](mailto:erinstorlie@gmail.com)<mailto:[erinstorlie@gmail.com](mailto:erinstorlie@gmail.com)>"  
> <[erinstorlie@gmail.com](mailto:erinstorlie@gmail.com)<mailto:[erinstorlie@gmail.com](mailto:erinstorlie@gmail.com)>>

>  
>  
> Erin,  
> Here is the Staff Report and applicant submittal for the subdivision.  
> Thanks, Laney

>  
> Laney Fouse  
> Development Services Department  
> City of Canby  
> 222 NE 2nd Ave, 2nd Floor  
> Direct Line: [503-266-0685](tel:503-266-0685)<tel:%28503%29%20266-0685>  
> Main Line: [503-266-7001](tel:503-266-7001)<tel:%28503%29%20266-7001>  
> Fax [503-266-1574](tel:503-266-1574)<tel:%28503%29%20266-1574>  
> [fousel@canbyoregon.gov](mailto:fousel@canbyoregon.gov)<mailto:[fousel@canbyoregon.gov](mailto:fousel@canbyoregon.gov)>

>  
> Send Applications to:  
> [PlanningApps@canbyoregon.gov](mailto:PlanningApps@canbyoregon.gov)<mailto:[PlanningApps@canbyoregon.gov](mailto:PlanningApps@canbyoregon.gov)>  
> City Website: [www.canbyoregon.gov](http://www.canbyoregon.gov)<<http://www.canbyoregon.gov>>/>

> PUBLIC RECORDS LAW DISCLOSURE

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

>  
>  
>  
> \_\_\_\_\_  
>  
> PUBLIC RECORDS LEGAL DISCLOSURE

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

> \_\_\_\_\_  
>  
>  
> <9-25-17 PC Packet Part 2.pdf>

-----  
From: **Erin Storlie** <[erinstorlie@gmail.com](mailto:erinstorlie@gmail.com)>  
Date: Tue, Sep 19, 2017 at 12:35 PM  
To: Mike Creedon <[michaelcreedon@hotmail.com](mailto:michaelcreedon@hotmail.com)>, Sarah Nassif <[sarahjnassif@gmail.com](mailto:sarahjnassif@gmail.com)>, jill whitney <[jillcat68@gmail.com](mailto:jillcat68@gmail.com)>, Doris Creedon <[dcreedon@easystreet.net](mailto:dcreedon@easystreet.net)>

Erin Storlie  
Project Manager  
503.572.2414

Begin forwarded message:

**From:** Bryan Brown <[BrownB@canbyoregon.gov](mailto:BrownB@canbyoregon.gov)>  
**Date:** September 19, 2017 at 10:43:48 AM PDT  
**To:** 'Erin Storlie' <[erinstorlie@gmail.com](mailto:erinstorlie@gmail.com)>  
**Subject:** RE: The Seven Acres Subdivision

<image003.jpg>

<image005.jpg>

-----  
From: **Erin Storlie** <[erinstorlie@gmail.com](mailto:erinstorlie@gmail.com)>  
Date: Tue, Sep 19, 2017 at 7:17 PM  
To: jill whitney <[jillcat68@gmail.com](mailto:jillcat68@gmail.com)>

## **Forwarded conversation**

Subject: **The Seven Acres Subdivision**

-----  
From: **Laney Fouse** <[FouseL@canbyoregon.gov](mailto:FouseL@canbyoregon.gov)>  
Date: Mon, Sep 18, 2017 at 1:37 PM  
To: "erinstorlie@gmail.com" <[erinstorlie@gmail.com](mailto:erinstorlie@gmail.com)>

Erin,  
Here is the Staff Report and applicant submittal for the subdivision.  
Thanks, Laney

*Laney Fouse  
Development Services Department  
City of Canby  
222 NE 2<sup>nd</sup> Ave, 2<sup>nd</sup> Floor  
Direct Line: 503-266-0685  
Main Line: 503-266-7001  
Fax 503-266-1574  
[fousel@canbyoregon.gov](mailto:fousel@canbyoregon.gov)*

*Send Applications to: [PlanningApps@canbyoregon.gov](mailto:PlanningApps@canbyoregon.gov)  
City Website: [www.canbyoregon.gov](http://www.canbyoregon.gov)*

PUBLIC RECORDS LAW DISCLOSURE

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

PUBLIC RECORDS LEGAL DISCLOSURE

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

-----  
From: **Erin Storlie** <[erinstorlie@gmail.com](mailto:erinstorlie@gmail.com)>  
Date: Tue, Sep 19, 2017 at 8:47 AM  
To: Laney Fouse <[FouseL@canbyoregon.gov](mailto:FouseL@canbyoregon.gov)>, [BrownB@canbyoregon.gov](mailto:BrownB@canbyoregon.gov)

Thanks Laney,  
I am hearing that the developer has recently changed the plans based on some new information regarding ROW.

How does the staff plan to re-review the plan, assuming this is correct?  
Also, can either you or Bryan provide this information- I know that my Sister (Jill) and Mom (Doris) stopped in yesterday but this is still unclear to us.

Here are my questions:

1. What was the original ROW assumed that would be taken based on this Staff Report?- I cannot seem to find that on page 83 there is a reference to the ROW , but the dimension is not clear.
2. What is the new assumed ROW & what is the reasoning for the change?
3. The staff find report (page 3) indicates that DKS states it would be acceptable to construct a four foot asphalt shoulder on the west side of Maple. Is this the plan? We cannot find a set of plans that shows the current plan for construction.

Bryan, are you available for a phone call today?

Thank you  
Erin Storlie (Doris Creedon's Daughter)  
[503.572.2414](tel:503.572.2414)

-----  
From: **Erin Storlie** <[erinstorlie@gmail.com](mailto:erinstorlie@gmail.com)>  
Date: Tue, Sep 19, 2017 at 8:54 AM  
To: Sarah Nassif <[sarahjnassif@gmail.com](mailto:sarahjnassif@gmail.com)>, Mike Creedon <[michaelcreedon@hotmail.com](mailto:michaelcreedon@hotmail.com)>, doris creedon <[dcreedon@easystreet.net](mailto:dcreedon@easystreet.net)>, jill whitney <[jillcat68@gmail.com](mailto:jillcat68@gmail.com)>

This is the staff report for the development.  
I have an email and call into Bryan at the City to get some clarification on this

I am hearing that the developer has recently changed the plans based on some new information regarding ROW.

How does the staff plan to re-review the plan, assuming this is correct?

Also, can either you or Bryan provide this information- I know that my Sister (Jill) and Mom (Doris) stopped in yesterday but this is still unclear to us.

Here are my questions:

1. What was the original ROW assumed that would be taken based on this Staff Report?- I cannot seem to find that on page 83 there is a reference to the ROW , but the dimension is not clear.
2. What is the new assumed ROW & what is the reasoning for the change?
3. The staff find report (page 3) indicates that DKS states it would be acceptable to construct a four foot asphalt shoulder on the west side of Maple. Is this the plan? We cannot find a set of plans that shows the current plan for construction.

Bryan, are you available for a phone call today?

Thank you

Erin Storlie (Doris Creedon's Daughter)

503.572.2414

-----  
From: **Bryan Brown** <[BrownB@canbyoregon.gov](mailto:BrownB@canbyoregon.gov)>

Date: Tue, Sep 19, 2017 at 10:43 AM

To: Erin Storlie <[erinstorlie@gmail.com](mailto:erinstorlie@gmail.com)>

Hello Erin,

The evidence provided by the applicant to substantiate that 50' of road ROW exists are attached. I combined these documents with viewing a Tax Map off of the Clackamas County's CMAP to help verify the locations matched the Creedons Tax Lot 900 and 1000 location that was previously unclear.

The staff report was based on this latest information as was the change in the applicants specific proposal with regard to voluntary improvements to N Maple Street. The ROW assumed is 50' total – 20' showing to have existed adjacent to the Pruneland Subdivision and an additional 30' dedicated to the east of that 20'. It was always assumed there was 50' of ROW just south of Tax Lot 1000 but these documents indicate it includes these two Tax Lots as well. City maps, based on County Tax Lot information, did not show this.

The applicant is proposing either a consistent 4' or possibly widening to 6' wide designated pedestrian pathway in the widened street along the west side of Maple Street – 4' wide where pavement may be limited to 25' in width and 6' wide where pavement will be widened to 34' in width – including Creedon's Tax Lot 900 & 1000.

Bryan

**Bryan Brown | Planning Director**

City of Canby | Development Services

222 NE 2<sup>nd</sup> Avenue | PO Box 930

Canby, OR 97013

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

email: [brownb@canbyoregon.gov](mailto:brownb@canbyoregon.gov); website: [www.canbyoregon.gov](http://www.canbyoregon.gov)



Send applications to: [PlanningApps@canbyoregon.gov](mailto:PlanningApps@canbyoregon.gov)

---

PUBLIC RECORDS LAW DISCLOSURE

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

---

**From:** Erin Storlie [mailto:[erinstorlie@gmail.com](mailto:erinstorlie@gmail.com)]  
**Sent:** Tuesday, September 19, 2017 8:48 AM  
**To:** Laney Fouse <[FouseL@canbyoregon.gov](mailto:FouseL@canbyoregon.gov)>; Bryan Brown <[BrownB@canbyoregon.gov](mailto:BrownB@canbyoregon.gov)>  
**Subject:** Re: The Seven Acres Subdivision

-----  
From: **michael creedon** <[michaelcreedon@hotmail.com](mailto:michaelcreedon@hotmail.com)>  
Date: Tue, Sep 19, 2017 at 11:37 AM  
To: Erin Storlie <[erinstorlie@gmail.com](mailto:erinstorlie@gmail.com)>  
Cc: Sarah Nassif <[sarahjnassif@gmail.com](mailto:sarahjnassif@gmail.com)>, doris creedon <[dcreedon@easystreet.net](mailto:dcreedon@easystreet.net)>, jill whitney <[jillcat68@gmail.com](mailto:jillcat68@gmail.com)>

Bryan will talk you in circles just like Sprague.  
I have met in person with Brian and Doug once approximately 2 months ago or more at the effected area of the farm. They both were uncertain where the easement line was on the west side of Maple (our side of maple, kitties house is on the east side).  
They both claim the north end of the farm on maple is under city jurisdiction and the south end on maple is county in relation to widening of maple.  
I believe our best bet is getting ahold of the county that was in the email I sent you.  
I'll check it out  
Mike

Sent from my iPhone

> On Sep 19, 2017, at 8:55 AM, Erin Storlie <[erinstorlie@gmail.com](mailto:erinstorlie@gmail.com)> wrote:  
>  
> This is the staff report for the development.  
> I have an email and call into Bryan at the City to get some clarification  
> on this  
>  
> I am hearing that the developer has recently changed the plans based on some new information regarding ROW.  
>

> How does the staff plan to re-review the plan, assuming this is correct?

> Also, can either you or Bryan provide this information- I know that my Sister (Jill) and Mom (Doris) stopped in yesterday but this is still unclear to us.

>

>

> Here are my questions:

> 1. What was the original ROW assumed that would be taken based on this Staff Report?- I cannot seem to find that on page 83 there is a reference to the ROW , but the dimension is not clear.

> 2. What is the new assumed ROW & what is the reasoning for the change?

> 3. The staff find report (page 3) indicates that DKS states it would be acceptable to construct a four foot asphalt shoulder on the west side of Maple. Is this the plan? We cannot find a set of plans that shows the current plan for constuction.

>

> Bryan, are you available for a phone call today?

> Thank you

> Erin Storlie (Doris Creedon's Daughter)

> [503.572.2414](tel:503.572.2414)<tel:%28503%29%20572-2414>

> ----- Forwarded message -----

> From: Laney Fouse <[FouseL@canbyoregon.gov](mailto:FouseL@canbyoregon.gov)<mailto:FouseL@canbyoregon.gov>>

> Date: Mon, Sep 18, 2017 at 1:37 PM

> Subject: The Seven Acres Subdivision

> To: "erinstorlie@gmail.com" <<mailto:erinstorlie@gmail.com>>"

> <[erinstorlie@gmail.com](mailto:erinstorlie@gmail.com)<mailto:erinstorlie@gmail.com>>

>

>

> Erin,

> Here is the Staff Report and applicant submittal for the subdivision.

> Thanks, Laney

>

> Laney Fouse

> Development Services Department

> City of Canby

> 222 NE 2nd Ave, 2nd Floor

> Direct Line: [503-266-0685](tel:503-266-0685)<tel:%28503%29%20266-0685>

> Main Line: [503-266-7001](tel:503-266-7001)<tel:%28503%29%20266-7001>

> Fax [503-266-1574](tel:503-266-1574)<tel:%28503%29%20266-1574>

> [fousel@canbyoregon.gov](mailto:fousel@canbyoregon.gov)<mailto:fousel@canbyoregon.gov>

>

> Send Applications to:

> [PlanningApps@canbyoregon.gov](mailto:PlanningApps@canbyoregon.gov)<mailto:PlanningApps@canbyoregon.gov>

> City Website: [www.canbyoregon.gov](http://www.canbyoregon.gov)<<http://www.canbyoregon.gov/>>

>

> PUBLIC RECORDS LAW DISCLOSURE

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

>

>

>

>

---

>  
> PUBLIC RECORDS LEGAL DISCLOSURE  
>  
> This email is a public record of the City of Canby, Oregon, and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This email is subject to the State Retention Schedule.  
>  
> \_\_\_\_\_  
>  
>  
> <9-25-17 PC Packet Part 2.pdf>

-----  
From: **Erin Storlie** <erinstorlie@gmail.com>  
Date: Tue, Sep 19, 2017 at 12:35 PM  
To: Mike Creedon <michaelcreedon@hotmail.com>, Sarah Nassif <sarahjnassif@gmail.com>, jill whitney <jillcat68@gmail.com>, Doris Creedon <dcreedon@easystreet.net>

Erin Storlie  
Project Manager  
503.572.2414

Begin forwarded message:

**From:** Bryan Brown <BrownB@canbyoregon.gov>  
**Date:** September 19, 2017 at 10:43:48 AM PDT  
**To:** 'Erin Storlie' <erinstorlie@gmail.com>  
**Subject:** RE: The Seven Acres Subdivision

<image006.jpg>

<image007.jpg>

---

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.

---

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.

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.

377/429

KNOW ALL MEN BY THESE PRESENTS that OSTRANDER RAILWAY AND TIMBER COMPANY, a Washington corporation, for and in consideration of the sum of ten dollars (\$10) and other valuable considerations to it paid by MARY L. COLLINS, TRUMAN W. COLLINS and GRACE COLLINS GOUDY, receipt of which is hereby acknowledged, has bargained and sold, and by these presents does hereby grant, bargain, sell and convey unto said Mary L. Collins, Truman W. Collins and Grace Collins Goudy, their heirs and assigns forever, the following described real property situated in Clackamas County, State of Oregon, to wit:

The beginning point of the description of the parcel of real estate hereby conveyed is a post set at the meander line on the right bank of the Willamette River, said post being definitely located from a point in the following manner: Beginning at the center of the southeast quarter of Section 28 in Township 3 South of Range 1 E st of the Willamette Meridian in Clackamas County, Oregon, and running thence north 85 chains and thence north 6 degrees and 30 minutes east 22.41 chains to the aforesaid post set at the meander line on the right bank of the said Willamette River, which said post is the most northerly point of said tract of land hereby conveyed and the point of beginning thereof; running thence south 8 degrees 30 minutes west 22.41 chains to a post; thence south 89.30 chains to an iron pipe set in the center of the County Road leading from Oregon City to Canby, Oregon; thence north 68 degrees 45 minutes east following said County Road 45.02 chains to an iron pipe; thence north 30.40 chains more or less to the meander line on the right bank of the Willamette River, thence with the meanders of said river following upstream in a northwesterly direction, to the place of beginning, containing 296.85 acres, more or less, excepting therefrom the following tracts or parcels of land:

Exception No. 1: The right of way of the Molalla Forest Road as said right of way is described in that certain deed dated November 28, 1945, from Ostrander Railway and Timber Company to Crown Zellerbach Corporation, which deed is recorded in Book 358 at page 92 of the Deed Records of Clackamas County, Oregon, and in that certain deed dated December 31, 1945, from Ostrander Railway and Timber Company to Weyerhaeuser Timber Company, which deed is recorded in Book 362 at page 529 of the Deed Records of Clackamas County, Oregon;



*in Maple A  
1320 S 1520 E of  
Center Station*



377 as 130

Exception No. 2: That certain tract or parcel of land conveyed by Ostrander Railway and Timber Company to Crown Zellertach Corporation by deed dated January 7, 1946, which is recorded in Book 368 at page 33 of the Deed Records of Clackamas County, Oregon;

Exception No. 3: That certain tract conveyed by Ostrander Railway and Timber Company to Meyerhaeuser Timber Company by deed dated March 15, 1946, which deed is recorded in Book 370 at page 197 of the Deed Records of Clackamas County, Oregon;

Exception No. 4: That certain tract conveyed by Ostrander Railway and Timber Company to Meyerhaeuser Timber Company by deed dated July 8, 1946, which deed is recorded in Book 374 at page 3 of the Deed Records of Clackamas County, Oregon;

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, including the right reserved to Ostrander Railway and Timber Company, its successors and assigns, to use and cross a portion of the Holalls Forest Road, which right was reserved in that certain deed from Ostrander Railway and Timber Company to Crown Zellertach Corporation dated November 28, 1945, and recorded in Book 358 at page 92 of the Deed Records of Clackamas County, Oregon, and in that certain deed from Ostrander Railway and Timber Company to Meyerhaeuser Timber Company dated December 31, 1945, and recorded in Book 362 at page 529 of the Deed Records of Clackamas County, Oregon.

TO HAVE AND TO HOLD the above described and granted real property unto the said Mary L. Collins, Truman W. Collins and Grace Collins Goudy, their heirs and assigns forever.

Ostrander Railway and Timber Company, the grantor herein, does hereby covenant to and with Mary L. Collins, Truman W. Collins and Grace Collins Goudy, the grantees herein, that it is the true and lawful owner of the above described and granted real property, and has good right to sell and

Ex 317 125401

convey the same, that the said real property is free and clear of all liens and encumbrances whatsoever and that it, the said grantor, will warrant and defend the above described and granted real property and every part and parcel thereof unto the said grantees, their heirs and assigns forever, from and against the lawful claims and demands of all persons whomsoever.

IN WITNESS WHEREOF, OSTRANDER RAILWAY AND TIMBER COMPANY, pursuant to a resolution of its board of directors, duly and regularly adopted, has caused these presents to be executed by its president and secretary, and its corporate seal to be hereunto affixed this 1st day of August, 1946.



OSTRANDER RAILWAY AND TIMBER COMPANY  
By Truman W. Collins President  
Attest Charles E. McCulloch Secretary

STATE OF OREGON, }  
County of Multnomah, } ss

August 1, 1946.

Personally appeared TRUMAN W. COLLINS and CHARLES E. McCULLOCH, who, being duly sworn, did say that they are the president and the secretary, respectively, of OSTRANDER RAILWAY AND TIMBER COMPANY, 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 they acknowledged said instrument to be its voluntary act and deed.

Before me:



Frederick W. 1899  
Notary Public for Oregon  
My commission expires July 3, 1947

REAL DOCUMENT 14319 RECORDED SEP 26 1946 10:55A. M. GUYH PACE, COUNTY CLERK

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, That MARY L. COLLINS, a widow, ELMER R. GOUDY and GRACE COLLINS GOUDY, his wife, and TRUMAN W. COLLINS and MARIEBETH W. COLLINS, his wife, in consideration of Ten and No/100 Dollars to them paid by CLACKAMAS COUNTY, a political subdivision of the State of Oregon, do hereby revise, release and forever quitclaim unto the said Clackamas County, a political subdivision of the State of Oregon, and unto its successors and assigns, all our right, title and interest in and to the following described real property, with the tenements, hereditaments and appurtenances, situated in the County of Clackamas, State of Oregon, bounded and described as follows, to wit:

A strip of land 30 feet in width lying in Section 28 Township 3 South, Range 1 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, more particularly described as follows:

Beginning at an iron pipe set at the South-west corner of that tract conveyed to Mary Collins et al. by deed recorded September 26, 1946, in Deed Book 377, Page 429, Records of Clackamas County, Oregon; thence North along the West line of said Collins tract 4639.8 feet to a point due East of the Northeast corner of Lot 41, Pruneland; thence East 30 feet; thence South parallel to the West line of said Collins tract 4639 feet, more or less, to the South line thereof on the center of the Territorial Road; thence South 88° 45' West along the center line of the Territorial Road to the point of beginning.

For public roads, utilities and public use.

TO HAVE AND TO HOLD the same unto the said Clackamas County, a political subdivision of the State of Oregon,

*Ira accepting county rd*

*18994*

*SECTION 28*

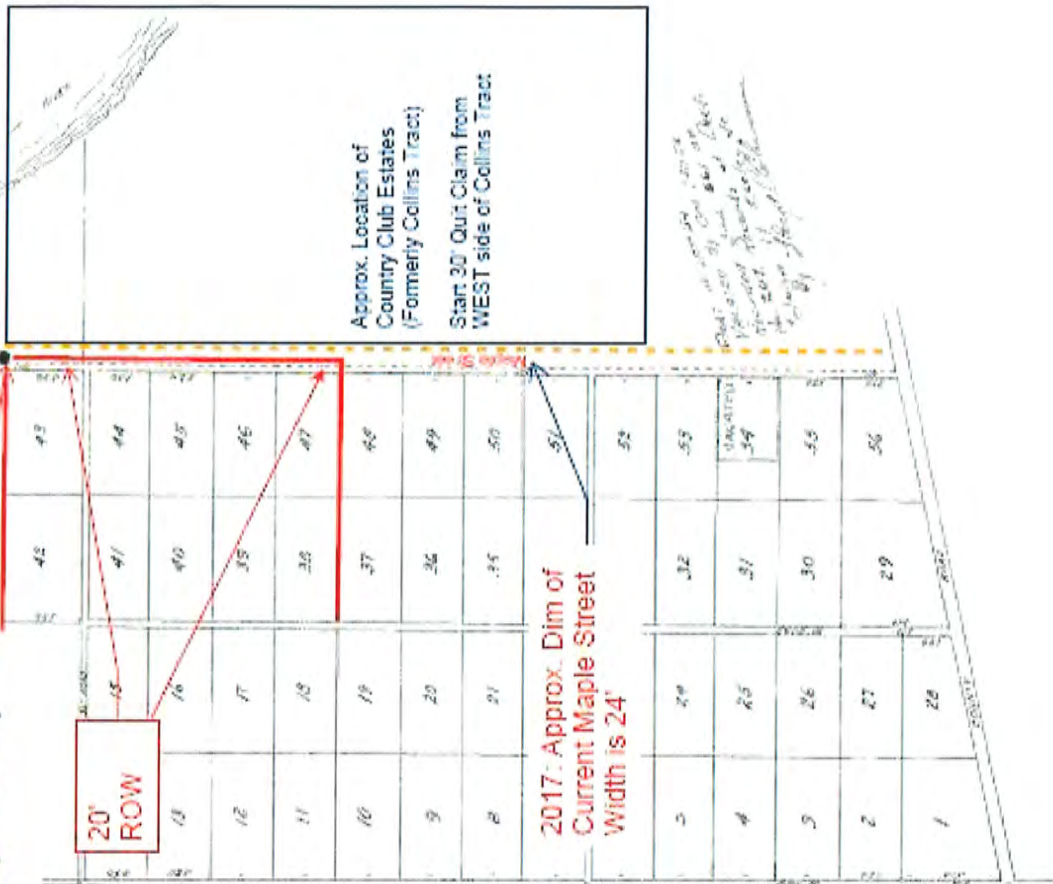
*CLOSE TO RIVER*

*easterly extension of N boundary of Lot 50 Pruneland south to Territorial Rd -*

*Country Club Estates Inc. to pay \$2000 to Cl. Co. for Grading & Rock & acceptance of rd as Co. Rd -*



20' Corner Marker, Start 20' ROW already Decided by Plat



Approx. Location of Country Club Estates (Formerly Collins Tract)  
Start 30' Out Claim from WEST side of Collins Tract

Plat is subject to the 2017 Plat of the Country Club Estates (Formerly Collins Tract) as shown on the attached plat.

# PRUNELAND

SECTION 29, T4N, R10E

STATE OF OREGON | 53

THIS CERTIFIES THAT ON THIS 16TH DAY OF FEBRUARY, 1981, PERSONALLY APPEARED BEFORE ME THE NOTARY PUBLIC JAMES A. CHASE AND JAMES A. CHASE, HIS WIFE, KNOWN TO ME TO BE THE PERSONS WHO WROTE AND SIGNED THE FOREGOING INSTRUMENT AND I HAVE EXAMINED THE SAID INSTRUMENT AND I AM SATISFIED THAT THE SAID INSTRUMENT WAS VOLUNTARILY EXECUTED BY THE SAID PARTIES AND I HAVE READ THE SAID INSTRUMENT TO THEM AND THEY HAVE ACKNOWLEDGED THE SAME TO ME.

IN WITNESS WHEREOF I HAVE HEREON SET MY HAND AND OFFICIAL SEAL THE DAY AND YEAR FIRST ABOVE WRITTEN.

JAMES A. CHASE, NOTARY PUBLIC IN AND FOR OREGON

JAMES A. CHASE, NOTARY PUBLIC, 2017 J. WALKER AVENUE, PRUNELAND, OREGON 97132. PHONE: 503-865-1111. FAX: 503-865-1112. E-MAIL: JCHASE@PRUNELAND.ORG

(DRAWN) J. G. HALL



NOTE: THIS PLAT IS SUBJECT TO THE 2017 PLAT OF THE COUNTRY CLUB ESTATES (FORMERLY COLLINS TRACT) AS SHOWN ON THE ATTACHED PLAT. THE 2017 PLAT IS SUBJECT TO THE 2017 PLAT OF THE COUNTRY CLUB ESTATES (FORMERLY COLLINS TRACT) AS SHOWN ON THE ATTACHED PLAT. THE 2017 PLAT IS SUBJECT TO THE 2017 PLAT OF THE COUNTRY CLUB ESTATES (FORMERLY COLLINS TRACT) AS SHOWN ON THE ATTACHED PLAT.

FILED WITH THE 1981 PLAT OF THE COUNTRY CLUB ESTATES (FORMERLY COLLINS TRACT) AS SHOWN ON THE ATTACHED PLAT.

FILED WITH THE 1981 PLAT OF THE COUNTRY CLUB ESTATES (FORMERLY COLLINS TRACT) AS SHOWN ON THE ATTACHED PLAT.

FILED WITH THE 1981 PLAT OF THE COUNTRY CLUB ESTATES (FORMERLY COLLINS TRACT) AS SHOWN ON THE ATTACHED PLAT.

FILED WITH THE 1981 PLAT OF THE COUNTRY CLUB ESTATES (FORMERLY COLLINS TRACT) AS SHOWN ON THE ATTACHED PLAT.

FILED WITH THE 1981 PLAT OF THE COUNTRY CLUB ESTATES (FORMERLY COLLINS TRACT) AS SHOWN ON THE ATTACHED PLAT.

FILED WITH THE 1981 PLAT OF THE COUNTRY CLUB ESTATES (FORMERLY COLLINS TRACT) AS SHOWN ON THE ATTACHED PLAT.

FILED WITH THE 1981 PLAT OF THE COUNTRY CLUB ESTATES (FORMERLY COLLINS TRACT) AS SHOWN ON THE ATTACHED PLAT.

FILED WITH THE 1981 PLAT OF THE COUNTRY CLUB ESTATES (FORMERLY COLLINS TRACT) AS SHOWN ON THE ATTACHED PLAT.

FILED WITH THE 1981 PLAT OF THE COUNTRY CLUB ESTATES (FORMERLY COLLINS TRACT) AS SHOWN ON THE ATTACHED PLAT.

FILED WITH THE 1981 PLAT OF THE COUNTRY CLUB ESTATES (FORMERLY COLLINS TRACT) AS SHOWN ON THE ATTACHED PLAT.

## Laney Fouse

---

**From:** bharlan@web-ster.com  
**Sent:** Thursday, September 14, 2017 10:39 AM  
**To:** Bryan Brown  
**Subject:** planning department Application: 17-05-7 acres sibdivision

I am against this subdivision because Maple street is so narrow that only one car can pass at a time when cars are parked on the street. Adding that much more traffic would be dangerous, especially to pedestrians.

Beverly Harlan  
850 NE 34th Place  
Canby, Or

Cantky, D12

September 12, 2017

Planning Commission

Make it a Park! Add it to the existing Logging Road Pathway which is used by so many people already. I am referencing the address at 3500 W. Maple Street also known as seven acres owned by Doug and Lori Sprague and Kati Gault. I believe the Planning Commission has insight and power to make this happen rather than 22 new homes making Maple Street a much too traveled Road.

Many of the Maple Street residents and side streets purchased their homes years ago looking for the beauty and serenity of the area which remains today. Much of this would be lost forever if this development is added to Maple Street. Maple Street is the only access to this proposed site, in and out, coming or going. One exception is the Emergency Proposed outlets to the Logging Road.

Maple Street will become too busy and unsafe - as 22 homes, with at least two cars per household probably more with young drivers, service vehicles, delivery

vans, construction equipment, my list could go on. This would impact the now existing beauty and tranquility of what is now.

Safety a priority for everyone. Pedestrians on Maple Street are very abundant in the form of casual walkers, at times with dogs. Runners and Joggers make an impact on Maple Street often from using it as a circle from the logging Road onto Maple St. Mothers walk their babies in strollers followed by their young children on bicycles. Maple Street at the / to the Cul-de-Sac is already dangerous - a school bus and one car can barely pass each other there. The street isn't wide enough and there are no sidewalks. Cars and people are at risk, everyday.

I realize the owners of Seven Acres, 3500 N Maple St. would like to sell their property for financial gain, their privilege of which I understand. But, not at the expense and lives of existing residences which cherish their tranquil and serene lives along with

the beauty the area, in which we / they live now.

The Planning Commission, as a whole, should drive to, down Maple Street to personally view what I have described in my letter. Seeing this the actual property, Seven Acres, cany will give the Planning Committee a real view and sense of this current proposal. Myself and many residents oppose the 22 house addition to Maple Street. The complexity of the area will forever be gone

A Park for all could include a childrens play area, with equipment for different ages of children. Covered picnic area which would be handicap accessible. Tables picnic about 50 people could have lunch/diner using provided Barbeques. Bocci Ball lanes and Horseshoes would at to the adult and senior interests. A small Putting Green only is an added plus to adults and Seniors, as would a Tennis Court.

Planning Commission please oppose this develop of Seven Acres - Mr. Prague should have the privilege of naming

this new Park, again open to the  
Public and an extension of the  
Logging Road, after his Father.

Safety and our quality of  
life are the priorities we wish  
remain on Maple Street

Make it a Park!

Sincerely  
Susan Glass  
Susan Glass  
5040 N Maple St  
Cantby, OR  
97013  
503 407 2170

## Bryan Brown

---

**From:** Andrew W Sambuceto <asambuceto@canby.com>  
**Sent:** Wednesday, September 13, 2017 6:20 PM  
**To:** Bryan Brown  
**Subject:** Re: Comment form SUB 17-05 7 Acres Subdivision

Thank you Bryan for your response!

-Andrew Sambuceto

On Sep 13, 2017, at 4:54 PM, Bryan Brown <[BrownB@canbyoregon.gov](mailto:BrownB@canbyoregon.gov)> wrote:

Andrew:

I will place your questions and concern about a sidewalk and who would pay for it as part of the record related to the proposed Seven Acre Subdivision.

I am not able to definitively answer your question.

If is a potential that a sidewalk could be built on the east side. The developer would certainly prefer to see participation by the existing home owners, and legally the City likely cannot require the developer to build the entire east side sidewalk since such off-site requirement would not be proportional to his development's contribution to the pedestrian traffic that already exists. However, the developer has to our knowledge, agreed to either construct a 5' wide sidewalk within the existing on-street parking area but with loss of the parking area where the existing ROW width will limit their ability to widen the street to 25' wide or will place a temporary sidewalk on widened pavement if they are able to obtain the necessary right-of-way to widen the entire street to 34' in width. In the latter case, if the neighborhood ever wishes to have a permanent sidewalk on the east side that is not built by the developer of this subdivision, it would be as a result of a request of 50% or more of the existing home owners requesting that a Local Improvement District be formed by the City Council where assessments would be made to each lot owner to pay over time for the City to install the sidewalk. Home owners are not being asked to pay for a sidewalk with this request!

Bryan

***Bryan Brown | Planning Director***

City of Canby | Development Services

222 NE 2<sup>nd</sup> Avenue | PO Box 930

Canby, OR 97013

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

email: [brownb@canbyoregon.gov](mailto:brownb@canbyoregon.gov) ; website: [www.canbyoregon.gov](http://www.canbyoregon.gov)

Send applications to: [PlanningApps@canbyoregon.gov](mailto:PlanningApps@canbyoregon.gov)

---

PUBLIC RECORDS LAW DISCLOSURE

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

---

**From:** [asambuceto@canby.com](mailto:asambuceto@canby.com) [mailto:[asambuceto@canby.com](mailto:asambuceto@canby.com)]

**Sent:** Wednesday, September 13, 2017 10:23 AM

**To:** Bryan Brown <[BrownB@canbyoregon.gov](mailto:BrownB@canbyoregon.gov)>

**Subject:** Comment form SUB 17-05 7 Acres Subdivision

**Importance:** High

To the City of Canby Planning Department,

With regards to the 7 acres Subdivision on N Maple, I have a major concern with the cost and development of a possible sidewalk on the east side of N. Maple street:

- **As a home owner with property on N. Maple street, who would bear the burden of financing a sidewalk if it were to be installed on the east side of the street?**
- **If it is not deemed to be installed in the near future, would the home owners be responsible for it in the later future?**
- **Can you guarantee that the home owners are not responsible for the cost of the sidewalk installation?**

Thank you,  
Andrew Sambuceto  
2880 N Maple ct.  
Canby, OR. 97013

---

PUBLIC RECORDS LEGAL DISCLOSURE

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

---



## Bryan Brown

---

**From:** Bryan Brown  
**Sent:** Wednesday, September 13, 2017 4:55 PM  
**To:** 'asambuceto@canby.com'  
**Subject:** RE: Comment form SUB 17-05 7 Acres Subdivision

Andrew:

I will place your questions and concern about a sidewalk and who would pay for it as part of the record related to the proposed Seven Acre Subdivision.

I am not able to definitively answer your question.

If is a potential that a sidewalk could be built on the east side. The developer would certainly prefer to see participation by the existing home owners, and legally the City likely cannot require the developer to build the entire east side sidewalk since such off-site requirement would not be proportional to his development's contribution to the pedestrian traffic that already exists. However, the developer has to our knowledge, agreed to either construct a 5' wide sidewalk within the existing on-street parking area but with loss of the parking area where the existing ROW width will limit their ability to widen the street to 25' wide or will place a temporary sidewalk on widened pavement if they are able to obtain the necessary right-of-way to widen the entire street to 34' in width. In the latter case, if the neighborhood ever wishes to have a permanent sidewalk on the east side that is not built by the developer of this subdivision, it would be as a result of a request of 50% or more of the existing home owners requesting that a Local Improvement District be formed by the City Council where assessments would be made to each lot owner to pay over time for the City to install the sidewalk. Home owners are not being asked to pay for a sidewalk with this request!

Bryan

***Bryan Brown | Planning Director***

City of Canby | Development Services

222 NE 2<sup>nd</sup> Avenue | PO Box 930

Canby, OR 97013

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

email: [brownb@canbyoregon.gov](mailto:brownb@canbyoregon.gov) ; website: [www.canbyoregon.gov](http://www.canbyoregon.gov)

Send applications to: [PlanningApps@canbyoregon.gov](mailto:PlanningApps@canbyoregon.gov)

---

### PUBLIC RECORDS LAW DISCLOSURE

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

---

**From:** asambuceto@canby.com [mailto:asambuceto@canby.com]  
**Sent:** Wednesday, September 13, 2017 10:23 AM  
**To:** Bryan Brown <BrownB@canbyoregon.gov>  
**Subject:** Comment form SUB 17-05 7 Acres Subdivision  
**Importance:** High

To the City of Canby Planning Department,

With regards to the 7 acres Subdivision on N Maple, I have a major concern with the cost and development of a possible sidewalk on the east side of N. Maple street:

**- As a home owner with property on N. Maple street, who would bear the burden of financing a sidewalk if it were to be installed on the east side of the street?**

**- If it is not deemed to be installed in the near future, would the home owners be responsible for it in the later future?**

**- Can you guarantee that the home owners are not responsible for the cost of the sidewalk installation?**

Thank you,  
Andrew Sambuceto  
2880 N Maple ct.  
Canby, OR. 97013

## Bryan Brown

---

**From:** Bryan Brown  
**Sent:** Monday, September 11, 2017 2:29 PM  
**To:** 'Phillip Seale'  
**Subject:** RE: Seven Acres Subdivision Application  
**Attachments:** Proposed N Maple Street Cross Sections.pdf

Hello Phillip,

I am still trying to figure this out too, with benefit of a new drawing I just received from the applicant (Labeled Proposed Street Improvements). It is attached for your use as a part of the applicants submittal.

1. The applicant is proposing to widen the entire existing street paving width to 34' - standard City local street standard - from the proposed subdivision south to NE 23rd Ave/Country Club Lane intersection with N Maple Street where an existing street curb and sidewalk ends on the west side except for 396' adjacent to Tax Lots 900 and 1000 where currently the amount of existing ROW has not been absolutely confirmed and the adjacent land owner has not yet agreed to provide additional ROW easement beyond the 30' which they believe exists.
2. The applicant is indicating widening the existing 20' pavement to 25' adjacent to Tax Lots 900 and 1000 if no additional existing ROW is determined to exist or negotiations do not lead to the an additional 10' ROW Easement which if secured would allow them to pave the entire distance if the ROW was available.
3. The proposal is to maintain the existing allowed parking along the entire east side except where the pavement at this time can only be guaranteed to be widened to 25' in order to maintain a minimum 20' free and clear access for emergency vehicle access. Allowing the parking to continue would only leave 18' for emergency access which the Fire Marshal has indicated he can vary only if all the homes in the subdivision were required to be sprinklered. The newly widened street along the west side would retain a "no parking" designation so as to allow a "temporary use of approximately 5' of the pavement for a "pedestrian way". It has not been determined at this time whether this "pedestrian area" would be marked or not!

My Best to You,  
Bryan

Bryan Brown | Planning Director  
City of Canby | Development Services  
222 NE 2nd Avenue | PO Box 930  
Canby, OR 97013  
ph: 503-266-0702 | fax: 503-266-1574  
email: [brownb@canbyoregon.gov](mailto:brownb@canbyoregon.gov) ; website: [www.canbyoregon.gov](http://www.canbyoregon.gov)

Send applications to: [PlanningApps@canbyoregon.gov](mailto:PlanningApps@canbyoregon.gov) \_\_\_\_\_ PUBLIC RECORDS LAW  
DISCLOSURE

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

---

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

From: Phillip Seale [mailto:sseale@canby.com]

Sent: Saturday, September 09, 2017 7:54 AM

To: Bryan Brown <BrownB@canbyoregon.gov>

Subject: Seven Acres Subdivision Application

Bryan.... a few more questions on N Maple ST modifications.

1. Is the application proposing to widen the entire 24 ft section from the Country Club heading north (around 31st Pl) to 25 ft ?
2. Is the application proposing to widen the 20 ft wide section that is 396 ft in length (along tax lots 00900 and 01000) to 25 ft ?
3. Assuming the answer to both of the above is "yes" (as I read the very confusing narrative) is the application proposing to make "no parking" on both sides of N Maple St the entire length of this new 25 ft section, essentially from the country club to the northern end where the new 34 ft section begins (around 3200 N Maple) ?

Bryan, I realize you told me the applicant is going to present more information and clarification at the public hearing; however, in order for the affected residents to comment, as requested before the hearing or be prepared to testify at the public hearing it is important that we have a clearer understanding of the application.

Thanks in advance for your usual fast response

Phillip Seale  
3240 N Maple ST

## Bryan Brown

---

**From:** Bryan Brown  
**Sent:** Thursday, September 07, 2017 9:18 AM  
**To:** 'Phillip Seale'  
**Subject:** RE: Seven Acres Subdivision

Phillip,

I understand the details pertaining to the street width have changed and it is a bit difficult to cull from the narrative submitted. The applicant has indicated that they are preparing and intend to have a visual (map) to help illustrate the resulting street and sidewalk situation they are proposing at the public hearing.

The notice and agenda has been set. It is totally up to the Planning Commission to entertain postponement or continue the public hearing to an additional meeting to allow for additional information to be submitted which can also prompt the applicant to request an opportunity to respond to any new information submitted if not shared ahead of time before a continued hearing for further discussion or to allow time for additional relevant information to be submitted.

Respectfully,  
Bryan

***Bryan Brown | Planning Director***

City of Canby | Development Services

222 NE 2<sup>nd</sup> Avenue | PO Box 930

Canby, OR 97013

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

email: [brownb@canbyoregon.gov](mailto:brownb@canbyoregon.gov) ; website: [www.canbyoregon.gov](http://www.canbyoregon.gov)

Send applications to: [PlanningApps@canbyoregon.gov](mailto:PlanningApps@canbyoregon.gov)

---

### PUBLIC RECORDS LAW DISCLOSURE

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

---

**From:** Phillip Seale [mailto:[sseale@canby.com](mailto:sseale@canby.com)]  
**Sent:** Thursday, September 07, 2017 6:57 AM  
**To:** Bryan Brown <[BrownB@canbyoregon.gov](mailto:BrownB@canbyoregon.gov)>  
**Subject:** Fwd: Seven Acres Subdivision

Not sure this email went out correctly, so I am repeating myself.  
Phillip

Begin forwarded message:

**From:** Phillip Seale <[sseale@canby.com](mailto:sseale@canby.com)>

## CITY OF CANBY –COMMENT FORM

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

**By mail:** Planning Department, PO Box 930, Canby, OR 97013  
**In person:** Planning Department at 222 NE 2<sup>nd</sup> Ave, Canby, OR 97013  
**E-mail:** [brownb@canbyoregon.gov](mailto:brownb@canbyoregon.gov)

Written comments to be included in the Planning Commission's meeting packet are due by Noon on Wednesday, September 13, 2017. Written comments can also be submitted up to the time of the Public Hearing on Monday, September 25, 2017 and may be delivered in person to the Planning Commission during the Public Hearing at 7 pm in the City Council Chambers, 222 NE 2<sup>nd</sup> Avenue, 1<sup>st</sup> Floor.

---

**Application: SUB 17-05 – 7 Acres Subdivision**

**COMMENTS:**

I live on N. Maple Street and am submitting my comments in strong opposition to the 7 Acres subdivision proposal for the following reasons:

1. Maple Street is a long dead-end road with a significant amount of traffic, pedestrians, joggers, bicyclers, kids on skateboards, etc. Currently the cars, buses, delivery trucks all tend to drive down this narrow road at high rates of speed. Increasing the number of houses and thus traffic will significantly increase the danger that is posed to all who live and use Maple Street.
2. Currently the street is 20 feet wide with a proposal to widen most of the street to 35 feet. However the portion in front of my house and several of my neighbors will only be widened to 25 feet. The uneven widening of the road will create a dual-ended "funnel" for the speeding cars to head toward increasing the risk of car accidents within this area, as well as increase the danger to pedestrians, joggers, kids and others to safely use and live on Maple Street.
3. Myself and my two children use the road for riding bikes, skateboarding, running or walking to their grandparents' house. The absence of sidewalks and the creation of a "funnel" in one section of Maple Street coupled with the increase in traffic will indeed heighten the danger along the road.
4. Finally, designating the 25 foot wide portion of the road as "no parking" is unfair and unreasonable. This proposal minimizes and disregards my rights as a resident and good citizen of the community.

**NAME:** Rachel L. Seale

**ADDRESS:** 3160 N. Maple Street

**EMAIL:** rlb5523@gmail.com

**DATE:** September 13, 2017

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

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

**NAME:** \_\_\_\_\_

**AGENCY:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**Thank you!**

To: City of Canby Planning Commission and Planning Staff

- Bryan Brown, Planning Director
- ✓ Matilda Deas, Senior Planner
- Dave Epling, Associate Planner
- Laney Fouse, Office Specialist
- Derrick Motten, Planning Commission
- Shawn Varwig, Planning Commission
- John Savoy, Chair
- Tyler Hall, Planning Commission
- John Serlet, Planning Commission
- Larry Boatwright, Vice Chair
- Andrey Chernishov, Planning Commission

**7 Acer Proposal – Letter of Opposition**

Dear Planning Commission and Planning Staff,

My name Anthony Polito and my wife Miriam and I live at 775 NE 31<sup>st</sup> Place, Canby. I am writing this email to you in 'opposition' to the upcoming proposal to develop the 7AC at the end of N. Maple St by the Sprague's. The entire neighborhood in the Country Club Estates is 100% against this proposal. It is dangerous, will take away quality of life for the current residents, ruin the neighborhood and decrease property values. We don't want to be Wilsonville...please.

You will most likely be receiving many letters of opposition and I ask you all to vote 'NO' on the project as proposed.

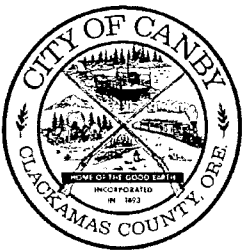
Please do the right thing for our neighborhood and community by voting NO and REJECT this proposed development!

My Sincere Best -



Anthony & Miriam Polito

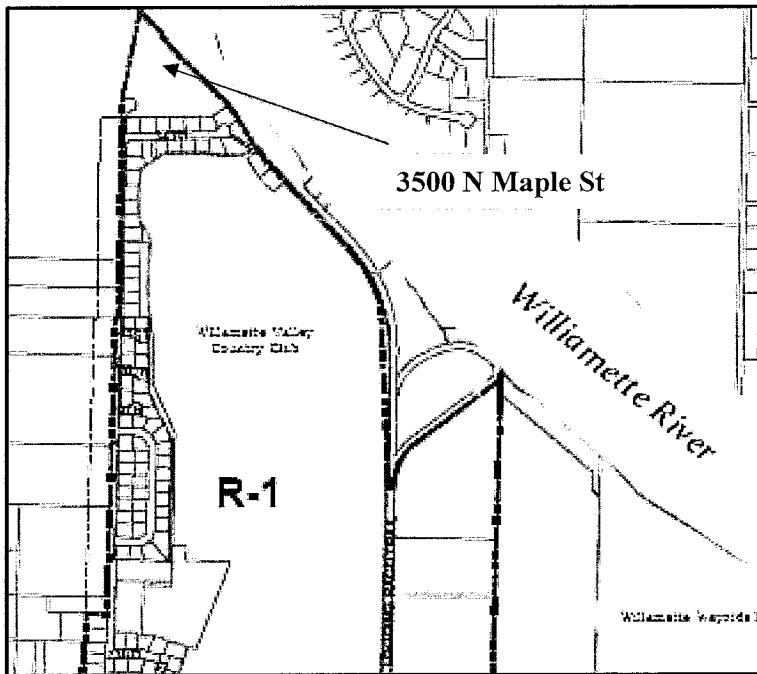




# City of Canby

## NOTICE OF PUBLIC HEARING & REQUEST FOR COMMENTS

The purpose of this Notice is to Request Your Comments and invite you to a Public Hearing at a Planning Commission meeting on Monday, September 25, 2017 at 7 pm, City Council Chambers, 222 NE 2<sup>nd</sup> Ave, 1<sup>st</sup> Floor to review a Subdivision application. The applicants are requesting approval of a 6.84 acre subdivision for 22-lot single family homes located at 3500 N Maple St.



**Comments due**— If you would like your comments to be incorporated into the City's Staff Report, please return the Comment Form by Wednesday, September 13, 2017

**Location:** 3500 N Maple St

**Tax Lots:** 31E21 0602

**Lot Size and Zoning:** 6.84 acres, R-1 Low Density Residential

**Owners:** Canby Development, LLC

**Applicants:** Doug & Lori Sprague and Kati Gault

**Application Type:** Subdivision (Type III)

**City File Number:** SUB 17-05

**Contact:** Bryan Brown at 503-266-0702 or email [brownb@canbyoregon.gov](mailto:brownb@canbyoregon.gov)

**What is the Decision Process?** The Planning Commission will make a decision after the Public Hearing. The Planning Commission's decision may be appealed to the City Council.

**Where can I send my comments?** Written comments

can be submitted up to the time of the Public Hearing and may also be delivered in person to the Planning Commission during the Public Hearing on Monday, September 25, 2017. (Please see *Comment Form*). Comments can be mailed to the Canby Planning Department, PO Box 930, Canby, OR 97013; dropped off at 222 NE 2<sup>nd</sup> Ave; or emailed to [brownb@canbyoregon.gov](mailto:brownb@canbyoregon.gov)

**How can I review the documents and staff report?** Weekdays from 8 AM to 5 PM at the Canby Planning Department. The staff report to the Planning Commission will be available for inspection starting Friday, September 15, 2017 and can be viewed on the City's website: <http://www.canbyoregon.gov> Copies are available at \$0.25 per page or can be emailed to you upon request.

**Applicable Criteria:** Canby Municipal Code Chapters:

- 16.08 General Provisions
- 16.10 Off-Street Parking and Loading
- 16.16 R 1 Low Density Residential Zone
- 16.43 Outdoor Lighting Standards
- 16.46 Access Standards
- 16.56 General Provisions
- 16.62 Subdivisions – Applications
- 16.64 Subdivisions – Design Standards
- 16.86 Street Alignments
- 16.88 General Standards & Procedures
- 16.89 Application & Review Procedures
- 16.120 Parks, Open Space & Recreation Land General Provisions

*Note: Failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the board based on that issue.*

## CITY OF CANBY – COMMENT FORM

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

**By mail:** Planning Department, PO Box 930, Canby, OR 97013  
**In person:** Planning Department at 222 NE 2<sup>nd</sup> Ave, Canby, OR 97013  
**E-mail:** [brownb@canbyoregon.gov](mailto:brownb@canbyoregon.gov)

Written comments to be included in the Planning Commission’s meeting packet are due by Noon on Wednesday, September 13, 2017. Written comments can also be submitted up to the time of the Public Hearing on Monday, September 25, 2017 and may be delivered in person to the Planning Commission during the Public Hearing at 7 pm in the City Council Chambers, 222 NE 2<sup>nd</sup> Avenue, 1<sup>st</sup> Floor.

**Application: SUB 17-05 – 7 Acres Subdivision**

**COMMENTS:**

1. Maple Street is too narrow to absorb additional traffic. AS it stands now we pull off if too large vehicles meet. No shoulders on the road.
2. No sidewalks - people walk on the road (narrow road). It works now, with light traffic but won't work with additional traffic.
3. No other public road to use to help distribute traffic increase.
4. Emergency evacuation <sup>area</sup> - lacks a 2nd road to/alternative to evacuate. With the increase of people this becomes a disaster in the making.

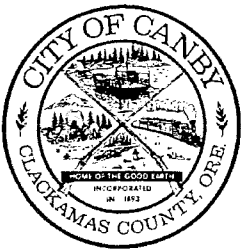
NAME: Marc & Nancy Thompson  
ADDRESS: 875 NE 34<sup>th</sup> Pl. Canby, OR - 97013  
EMAIL: marc.thompson@adidas.com DATE: 9-11-2017

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

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

NAME: \_\_\_\_\_  
AGENCY: \_\_\_\_\_  
DATE: \_\_\_\_\_

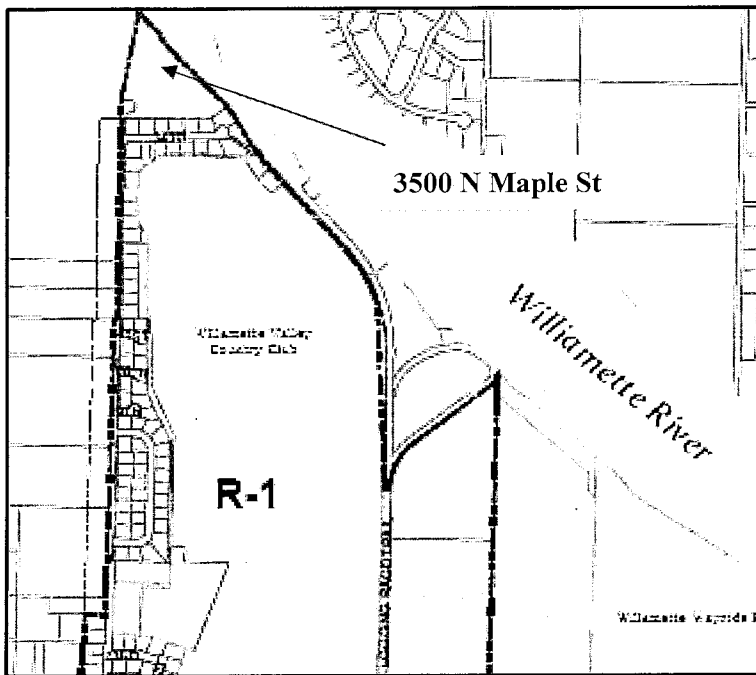
Thank you!



# City of Canby

## NOTICE OF PUBLIC HEARING & REQUEST FOR COMMENTS

The purpose of this Notice is to Request Your Comments and invite you to a Public Hearing at a Planning Commission meeting on Monday, September 25, 2017 at 7 pm, City Council Chambers, 222 NE 2<sup>nd</sup> Ave, 1<sup>st</sup> Floor to review a Subdivision application. The applicants are requesting approval of a 6.84 acre subdivision for 22-lot single family homes located at 3500 N Maple St.



**Comments due**– If you would like your comments to be incorporated into the City’s Staff Report, please return the Comment Form by Wednesday, September 13, 2017

**Location:** 3500 N Maple St

**Tax Lots:** 31E21 0602

**Lot Size and Zoning:** 6.84 acres, R-1 Low Density Residential

**Owners:** Canby Development, LLC

**Applicants:** Doug & Lori Sprague and Kati Gault

**Application Type:** Subdivision (Type III)

**City File Number:** SUB 17-05

**Contact:** Bryan Brown at 503-266-0702 or email [brownb@canbyoregon.gov](mailto:brownb@canbyoregon.gov)

**What is the Decision Process?** The Planning Commission will make a decision after the Public Hearing. The Planning Commission’s decision may be appealed to the City Council.

**Where can I send my comments?** Written comments

can be submitted up to the time of the Public Hearing and may also be delivered in person to the Planning Commission during the Public Hearing on Monday, September 25, 2017. (Please see *Comment Form*). Comments can be mailed to the Canby Planning Department, PO Box 930, Canby, OR 97013; dropped off at 222 NE 2<sup>nd</sup> Ave; or emailed to [brownb@canbyoregon.gov](mailto:brownb@canbyoregon.gov)

**How can I review the documents and staff report?** Weekdays from 8 AM to 5 PM at the Canby Planning Department. The staff report to the Planning Commission will be available for inspection starting Friday, September 15, 2017 and can be viewed on the City’s website: <http://www.canbyoregon.gov> Copies are available at \$0.25 per page or can be emailed to you upon request.

**Applicable Criteria:** Canby Municipal Code Chapters:

- 16.08 General Provisions
- 16.10 Off-Street Parking and Loading
- 16.16 R 1 Low Density Residential Zone
- 16.43 Outdoor Lighting Standards
- 16.46 Access Standards
- 16.56 General Provisions
- 16.62 Subdivisions – Applications
- 16.64 Subdivisions – Design Standards
- 16.86 Street Alignments
- 16.88 General Standards & Procedures
- 16.89 Application & Review Procedures
- 16.120 Parks, Open Space & Recreation Land General Provisions

*Note: Failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the board based on that issue.*

## CITY OF CANBY – COMMENT FORM

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

**By mail:** Planning Department, PO Box 930, Canby, OR 97013  
**In person:** Planning Department at 222 NE 2<sup>nd</sup> Ave, Canby, OR 97013  
**E-mail:** [brownb@canbyoregon.gov](mailto:brownb@canbyoregon.gov)

Written comments to be included in the Planning Commission’s meeting packet are due by Noon on Wednesday, September 13, 2017. Written comments can also be submitted up to the time of the Public Hearing on Monday, September 25, 2017 and may be delivered in person to the Planning Commission during the Public Hearing at 7 pm in the City Council Chambers, 222 NE 2<sup>nd</sup> Avenue, 1<sup>st</sup> Floor.

---

**Application: SUB 17-05 – 7 Acres Subdivision**

**COMMENTS:**

We are Dale + Karen Culver of 3140 N. Maple St, Canby. We have lived in this house thirty six years. The street in front of our house is too narrow to safely accommodate the traffic now – before the new development adds the impact of twenty-two new homes to the traffic. The street is a half street, only twenty-three feet wide. We understand that our home is one of five houses in that 23 ft. section of street that will have our right to park in front of our house – on the street – taken away. I read that this a “subjective decision” – We ask that the people involved in making this “subjective decision” will allow us our right to park. Our gardeners park on the street as do our party and holiday guests and family. Please allow us to use this space as we always have.

**NAME:** Dale and Karen Culver  
**ADDRESS:** 3140 N. Maple Street  
**EMAIL:** culver@web-ster.com      **DATE:** 9-12-2017

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

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

**NAME:** \_\_\_\_\_  
**AGENCY:** \_\_\_\_\_  
**DATE:** \_\_\_\_\_

Thank you!

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

From: Phillip Seale [mailto:sseale@canby.com]

Sent: Saturday, September 09, 2017 7:54 AM

To: Bryan Brown <BrownB@canbyoregon.gov>

Subject: Seven Acres Subdivision Application

Bryan.... a few more questions on N Maple ST modifications.

1. Is the application proposing to widen the entire 24 ft section from the Country Club heading north (around 31st Pl) to 25 ft ?
2. Is the application proposing to widen the 20 ft wide section that is 396 ft in length (along tax lots 00900 and 01000) to 25 ft ?
3. Assuming the answer to both of the above is "yes" (as I read the very confusing narrative) is the application proposing to make "no parking" on both sides of N Maple St the entire length of this new 25 ft section, essentially from the country club to the northern end where the new 34 ft section begins (around 3200 N Maple) ?

Bryan, I realize you told me the applicant is going to present more information and clarification at the public hearing; however, in order for the affected residents to comment, as requested before the hearing or be prepared to testify at the public hearing it is important that we have a clearer understanding of the application.

Thanks in advance for your usual fast response

Phillip Seale  
3240 N Maple ST

## Bryan Brown

---

**From:** Bryan Brown  
**Sent:** Monday, September 11, 2017 2:29 PM  
**To:** 'Phillip Seale'  
**Subject:** RE: Seven Acres Subdivision Application  
**Attachments:** Proposed N Maple Street Cross Sections.pdf

Hello Phillip,

I am still trying to figure this out too, with benefit of a new drawing I just received from the applicant (Labeled Proposed Street Improvements). It is attached for your use as a part of the applicants submittal.

1. The applicant is proposing to widen the entire existing street paving width to 34' - standard City local street standard - from the proposed subdivision south to NE 23rd Ave/Country Club Lane intersection with N Maple Street where an existing street curb and sidewalk ends on the west side except for 396' adjacent to Tax Lots 900 and 1000 where currently the amount of existing ROW has not been absolutely confirmed and the adjacent land owner has not yet agreed to provide additional ROW easement beyond the 30' which they believe exists.
2. The applicant is indicating widening the existing 20' pavement to 25' adjacent to Tax Lots 900 and 1000 if no additional existing ROW is determined to exist or negotiations do not lead to the an additional 10' ROW Easement which if secured would allow them to pave the entire distance if the ROW was available.
3. The proposal is to maintain the existing allowed parking along the entire east side except where the pavement at this time can only be guaranteed to be widened to 25' in order to maintain a minimum 20' free and clear access for emergency vehicle access. Allowing the parking to continue would only leave 18' for emergency access which the Fire Marshal has indicated he can vary only if all the homes in the subdivision were required to be sprinklered. The newly widened street along the west side would retain a "no parking" designation so as to allow a "temporary use of approximately 5' of the pavement for a "pedestrian way". It has not been determined at this time whether this "pedestrian area" would be marked or not!

My Best to You,  
Bryan

Bryan Brown | Planning Director  
City of Canby | Development Services  
222 NE 2nd Avenue | PO Box 930  
Canby, OR 97013  
ph: 503-266-0702 | fax: 503-266-1574  
email: [brownb@canbyoregon.gov](mailto:brownb@canbyoregon.gov) ; website: [www.canbyoregon.gov](http://www.canbyoregon.gov)

Send applications to: [PlanningApps@canbyoregon.gov](mailto:PlanningApps@canbyoregon.gov) \_\_\_\_\_ PUBLIC RECORDS LAW  
DISCLOSURE

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

---



**Subject: Re: Seven Acres Subdivision**  
**Date:** September 6, 2017 at 5:51:29 PM PDT  
**To:** Bryan Brown <[BrownB@canbyoregon.gov](mailto:BrownB@canbyoregon.gov)>

Thanks for your prompt response, Bryan. Several of the neighbors affected are concerned about being able to properly and thoroughly understand all the details of the subdivision application in view of the additional impact of the traffic flow and safety considerations based on the street width variances now proposed. Moreover, we just received this application on a Friday, September 1, before a holiday weekend when many are gone on vacation or away on other travels. Requiring comments to be submitted by September 15 is too short of notice for those who did receive the notice of the filed application. In addition, we must reiterate that this proposal impacts all the residents on Maple Street as well as those who live on the arterial streets. We would like to request a time extension of 30-60 days before the public hearing so adequate information can be provided for all those concerned.

This request would seem to be reasonable and fair since the housing project has been in the planning stages since last December (basically 9 months), and we just learned the full extent of the application and how it will impact the neighborhood less than a week ago.

Please let us know if there is a more formal procedure to follow if necessary to grant us an extension.

Phillip and Sarah Seale

On Sep 5, 2017, at 10:57 AM, Bryan Brown <[BrownB@canbyoregon.gov](mailto:BrownB@canbyoregon.gov)> wrote:

Hello Phillip,

My understanding is the developer is proposing to designate a four foot wide area within the widened 34' feet of street width separated with an 8" wide wide stripe of paint for pedestrians to walk. I am still debating as to whether it would be better to just allow continued share use of the much needed widened street as has been the situation for 40 years. Local streets, especially fairly low volume dead end streets are often have people walk and bike in them without any formal designation. I think it may actually be safer not designating the area for pedestrian use since it is still in the street so people are not complacent about walking in the street.

Bryan

Bryan Brown | Planning Director  
City of Canby | Development Services  
222 NE 2nd Avenue | PO Box 930  
Canby, OR 97013  
ph: 503-266-0702 | fax: 503-266-1574  
email: [brownb@canbyoregon.gov](mailto:brownb@canbyoregon.gov) ; website: [www.canbyoregon.gov](http://www.canbyoregon.gov)  
Send applications to: [PlanningApps@canbyoregon.gov](mailto:PlanningApps@canbyoregon.gov)

---

PUBLIC RECORDS LAW DISCLOSURE



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

---

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

From: Phillip Seale [<mailto:sseale@canby.com>]  
Sent: Sunday, September 03, 2017 5:22 PM  
To: Bryan Brown <[BrownB@canbyoregon.gov](mailto:BrownB@canbyoregon.gov)>  
Subject: Seven Acres Subdivision

Bryan

one question:

Is there any provision for sidewalks on the west side of North Maple in this application ? It is unclear to me in the submittal. Perhaps there is just an increase in the pavement width to 34 feet for the northernmost segment.

thanks  
Phillip Seale

---

#### PUBLIC RECORDS LEGAL DISCLOSURE

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

---

## Bryan Brown

---

**From:** Bryan Brown  
**Sent:** Thursday, September 07, 2017 9:18 AM  
**To:** 'Phillip Seale'  
**Subject:** RE: Seven Acres Subdivision

Phillip,

I understand the details pertaining to the street width have changed and it is a bit difficult to cull from the narrative submitted. The applicant has indicated that they are preparing and intend to have a visual (map) to help illustrate the resulting street and sidewalk situation they are proposing at the public hearing.

The notice and agenda has been set. It is totally up to the Planning Commission to entertain postponement or continue the public hearing to an additional meeting to allow for additional information to be submitted which can also prompt the applicant to request an opportunity to respond to any new information submitted if not shared ahead of time before a continued hearing for further discussion or to allow time for additional relevant information to be submitted.

Respectfully,  
Bryan

***Bryan Brown | Planning Director***

City of Canby | Development Services

222 NE 2<sup>nd</sup> Avenue | PO Box 930

Canby, OR 97013

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

email: [brownb@canbyoregon.gov](mailto:brownb@canbyoregon.gov); website: [www.canbyoregon.gov](http://www.canbyoregon.gov)

Send applications to: [PlanningApps@canbyoregon.gov](mailto:PlanningApps@canbyoregon.gov)

---

### PUBLIC RECORDS LAW DISCLOSURE

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

---

**From:** Phillip Seale [mailto:[sseale@canby.com](mailto:sseale@canby.com)]  
**Sent:** Thursday, September 07, 2017 6:57 AM  
**To:** Bryan Brown <[BrownB@canbyoregon.gov](mailto:BrownB@canbyoregon.gov)>  
**Subject:** Fwd: Seven Acres Subdivision

Not sure this email went out correctly, so I am repeating myself.  
Phillip

Begin forwarded message:

**From:** Phillip Seale <[sseale@canby.com](mailto:sseale@canby.com)>



# City of Canby

## NOTICE OF PUBLIC HEARING & REQUEST FOR COMMENTS

The purpose of this Notice is to Request Your Comments and invite you to a Public Hearing at a Planning Commission meeting on Monday, September 25, 2017 at 7 pm, City Council Chambers, 222 NE 2<sup>nd</sup> Ave, 1<sup>st</sup> Floor to review a Subdivision application. The applicants are requesting approval of a 6.84 acre subdivision for 22-lot single family homes located at 3500 N Maple St.



**Comments due**– If you would like your comments to be incorporated into the City’s Staff Report, please return the Comment Form by Wednesday, September 13, 2017

**Location:** 3500 N Maple St

**Tax Lots:** 31E21 0602

**Lot Size and Zoning:** 6.84 acres, R-1 Low Density Residential

**Owners:** Canby Development, LLC

**Applicants:** Doug & Lori Sprague and Kati Gault

**Application Type:** Subdivision (Type III)

**City File Number:** SUB 17-05

**Contact:** Bryan Brown at 503-266-0702 or email

[brownb@canbyoregon.gov](mailto:brownb@canbyoregon.gov)

**What is the Decision Process?** The Planning Commission will make a decision after the Public Hearing. The Planning Commission’s decision may be appealed to the City Council.

**Where can I send my comments?** Written comments

can be submitted up to the time of the Public Hearing and may also be delivered in person to the Planning Commission during the Public Hearing on Monday, September 25, 2017. (Please see *Comment Form*). Comments can be mailed to the Canby Planning Department, PO Box 930, Canby, OR 97013; dropped off at 222 NE 2<sup>nd</sup> Ave; or emailed to [brownb@canbyoregon.gov](mailto:brownb@canbyoregon.gov)

**How can I review the documents and staff report?** Weekdays from 8 AM to 5 PM at the Canby Planning Department. The staff report to the Planning Commission will be available for inspection starting Friday, September 15, 2017 and can be viewed on the City’s website: <http://www.canbyoregon.gov> Copies are available at \$0.25 per page or can be emailed to you upon request.

**Applicable Criteria:** Canby Municipal Code Chapters:

- 16.08 General Provisions
- 16.10 Off-Street Parking and Loading
- 16.16 R 1 Low Density Residential Zone
- 16.43 Outdoor Lighting Standards
- 16.46 Access Standards
- 16.56 General Provisions
- 16.62 Subdivisions – Applications
- 16.64 Subdivisions – Design Standards
- 16.86 Street Alignments
- 16.88 General Standards & Procedures
- 16.89 Application & Review Procedures
- 16.120 Parks, Open Space & Recreation Land General Provisions

*Note: Failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the board based on that issue.*



## CITY OF CANBY – COMMENT FORM

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

**By mail:** Planning Department, PO Box 930, Canby, OR 97013  
**In person:** Planning Department at 222 NE 2<sup>nd</sup> Ave, Canby, OR 97013  
**E-mail:** [brownb@canbyoregon.gov](mailto:brownb@canbyoregon.gov)

Written comments to be included in the Planning Commission's meeting packet are due by Noon on Wednesday, September 13, 2017. Written comments can also be submitted up to the time of the Public Hearing on Monday, September 25, 2017 and may be delivered in person to the Planning Commission during the Public Hearing at 7 pm in the City Council Chambers, 222 NE 2<sup>nd</sup> Avenue, 1<sup>st</sup> Floor.

**Application:** SUB 17-05 – 7 Acres Subdivision

**COMMENTS:**

We would like to make our concerns regarding this new subdivision app. known. Our property borders on Maple St. N Maple St is not wide enough as it is for existing traffic and parked vehicles, and there is no other egress. We believe that the offset intersection at Territorial & Maple would need a traffic control device. The Church School, Golf Course and residents will create dangerous conditions at intersections up & down Maple St. We already have long waits to turn from Maple onto Territorial because of increasing traffic on Territorial. Also there are a few of us who remember the Dec Flood of 1964 which did flood the land where the subdivision is to be built. And 1996 also came close to flooding this area. The water table is high. I'm surprised the Planning Commission would allow homes to be built there. We would like to know how it was changed from 100 yr flood to 500 yr flood. Many will regret if this application is approved.

**NAME:** Dan & Linda Mowry  
**ADDRESS:** 730 NE Fairway Lane Canby  
**EMAIL:** turtle@canby.com      **DATE:** Sept 6 2017

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

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

**NAME:** \_\_\_\_\_  
**AGENCY:** \_\_\_\_\_  
**DATE:** \_\_\_\_\_

Thank you!

Sept. 1, 2017

To whom this may concern:

Thank you for allowing us to share our concerns about this new housing development. My husband and I live at 2760 N. Maple St. and have lived here approx. 12 years now. We love being in the city but feeling like we are in the country. We moved to this home because it was a QUIET area / neighborhood.

Our main objection is that the traffic is going to become double to what it is now. With having a one lane road we are constantly having to pull over to let others pass. Many park on the street and it really restricts the traffic flow and often the visibility of oncoming traffic. Everyone is pretty respectful of each other but the fact is with no real curb parking and one lane it can be very frustrating.

If 22 homes are built at the end of Maple St. that would increase the traffic by approx. 44 cars using this street and it being the only outlet will make our lives less pleasant. There are several residents that literally fly by our house getting from point A to point B, and the teens coming and going from school are the worst. There are days we feel like we live on Territorial. The traffic is pretty constant. If there was a need for an evacuation it would be a nightmare.

I know that property seems ideal to others who don't live on Maple St., but it will make liveability for current residents not pleasant at all.

I know that most who live on Maple St. are opposed so I hope that our voices will be not just heard but considered.

PS...as I have been sitting in the living room I would say there have been at least 6-8 vehicles that have passed in the last 10 minutes. I know that doesn't sound like much but for a dead end, one lane country road I would say that is significant.

Sincerely

Cindy Powell

## Laney Fouse

---

**From:** LARRY KROMER <[woodfbrsol@web-ster.com](mailto:woodfbrsol@web-ster.com)>  
**Sent:** Thursday, June 08, 2017 9:32 AM  
**To:** Bryan Brown  
**Subject:** FW: THE DEVELOPMENT OF 7 ACRES LOCATED AT THE TERMINUS OF NORTH MAPLE STREET, CANBY OR

**From:** LARRY KROMER [<mailto:woodfbrsol@web-ster.com>]  
**Sent:** Thursday, June 8, 2017 9:30 AM  
**To:** [BryanBrown@canbyoregon.gov](mailto:BryanBrown@canbyoregon.gov)  
**Cc:** [hodsonb@canbyoregon.gov](mailto:hodsonb@canbyoregon.gov); [spoons@canbyoregon.gov](mailto:spoons@canbyoregon.gov); [parkerg@canbyoregon.gov](mailto:parkerg@canbyoregon.gov); [hensleyt@canbyoregon.gov](mailto:hensleyt@canbyoregon.gov); [smith@canbyoregon.gov](mailto:smith@canbyoregon.gov); [dalet@canbyoregon.gov](mailto:dalet@canbyoregon.gov)  
**Subject:** THE DEVELOPMENT OF 7 ACRES LOCATED AT THE TERMINUS OF NORTH MAPLE STREET, CANBY OR

MY NAME IS LARRY KROMER AND I RESIDE AT 3270 N. MAPLE STREET IN CANBY. THERE IS A PROPOSED DEVELOPMENT OF 7 ACRES AT THE END OF N. MAPLE STREET WHICH IS OF CONCERN TO ME. NORTH MAPLE STREET IS A "HALF" STREET WITH A PAVED SURFACE OF 18' TO 20' WIDE. THE STREET IS USED BY MANY PEDESTRIANS AND CYCLISTS WHO CONNECT TO THE LOGGING ROAD TRAIL VIA NORTH 34<sup>th</sup> AVE. WHEN DAILY SERVICE VEHICLES ARE ON THE STREET. (MAIL TRUCKS, GARBAGE TRUCKS, UPS, FEDEX ETC) IT REDUCES THE TRAFFIC FLOW TO ONE WAY AND IT REQUIRES PEDESTRIANS AND CYCLISTS TO THE EXTREME SHOULDER, OFTEN ONTO THE DIRT (OR MUD) SHOULDER. THE PROPOSED DEVELOPMENT CONTEMPLATES AN INCREASED TRAFFIC LOAD OF 300 DAILY TRIPS. UNLESS NORTH MAPLE IS DEVELOPED TO A FULL WIDTH STREET, THIS ADDITIONAL TRAFFIC FLOW IS DANGEROUS AND UNWISE. I HAVE NO ISSUE WITH THE RESIDENTIAL DEVELOPMENT UNDER CONSIDERATION FOR THE "7 ACRES". I FEEL STRONGLY THAT THE ACCESS VIA NORTH MAPLE STREET BE SAFE AND THAT THE STREET BE WIDENED TO CONFORM TO THE CITY STANDARD STREET WIDTH.

REGARDS,  
LARRY KROMER  
3270 N. MAPLE ST.  
503-266-5380  
[larry@woodfibersolutions.com](mailto:larry@woodfibersolutions.com)

June 5, 2017

Jane Moe

925 NE 34<sup>th</sup> Place

Canby, OR 97013

Brian Brown

Canby City Council Members

**Regarding the Proposed Development Known as “Seven Acres” at North End of Maple Street, Canby.**

Greetings,

I am concerned about the current plan to build 24 houses at this site for the volume of increased potential traffic may significantly alter the safety of this closed street.

Maple Street is well traveled by residential auto traffic, walkers, joggers, cyclists and a number of agricultural workers. Although Maple Street is considered a “Low Volume” street, it’s narrow width and lack of sidewalks often cause concerning congestion between the cars jockeying around street parked vehicles and the people using this street for transportation. Furthermore, with only Territorial Road as the entrance and exit for this area, I feel 24 more houses puts not only considerably more activity on Maple Street but also creates additional safety concerns by nature of the increased traffic of all kinds on a closed street.

I am not opposed to development of this property but I feel as though a smaller number of homes, possibly 12 houses, would be more prudent and a safer fit to this area.

Thank you for your attention and consideration and please feel free to contact me with any questions or thoughts you’d like to share.

Best Regards,

Jane Moe

971-703-9007

janemoe11@yahoo.com



to: Canby Planning Commission

From : Scott Taylor

Re: Proposed Development Maple street

On may 22nd I joined at least 50 of my North Maple Street Neighbors to discuss the proposed development at the end of North Maple Street. There was a consistent theme that the size of the development would greatly increase the traffic on North Maple, especially from the Country Club on. The road is not a full width road with the property on one side of it being undeveloped. My wife and I walk each night on this road and since there are no sidewalks and the road is narrow, the traffic on the road can be hazardous. To build another 20+ lots at the end of road will do nothing but greatly increase the risk of walking or even driving on this often fast moving road. A proposal to widen the road by adding a Walking lane is insufficient and will not truly address the fact that this is not a full width road, has fast moving traffic and putting a huge load of traffic at the far end will only increase the risk.

I served on the Canby city council for 18 years and spent another 6 on the utility Board. I am familiar with some of the legal and technical process you must use when considering future development. But I am at a loss to understand how this poorly considered, safety risk can be considered when the city has built speed bumps on a full width road, with sidewalks for what I would assume were locally stated safety concerns. When the 2nd half of road is built as the property is annexed, there will be a full road, sidewalks and an appropriate discussion of further development.

I with my neighbors will participate in the planning process and hope that we can affect the end planning commission decision, but wanted to voice my concerns to you.

I would be happy to visit with any of you when and if it is determined such interaction would be appropriate.

Sincerely,

Scott Taylor

503-209-0141

## Laney Fouse

---

**From:** V Andersen <dedrekon@gmail.com>  
**Sent:** Thursday, June 01, 2017 10:26 AM  
**To:** Bryan Brown; Matilda Deas; Brian Hodson; Tim Dale; Traci Hensley; Greg Parker; Sarah Spoon; Tracie Heidt; motternd@canbyoregon.gov; varwigs@canbyoregon.gov; savoryj@canbyoregon.gov; hallt@canbyoregon.gov; serletj@canbyoregon.gov; boatrightl@canbyoregon.gov; chernishova@canbyoregon.gov; Tyler Smith  
**Subject:** Re: Proposed Sprague 7 Acres Property Development  
**Attachments:** a maple.jpg; a maple1.jpg; a maple2.jpg

Canby Planners, Planning Commission and Canby City Council Members,

As a nearly twenty year tax paying property owner, I'm writing to express our deep concerns about the proposed development at the north end of Maple here in Canby. The developer is planning on erecting twenty three new homes on the property, which by their own estimate would increase traffic by over three hundred vehicles a day (nearly three thousand additional vehicles a week).

The road in front of our house is 18' wide....two cars can barely pass each other safely now IF no-one is parked on the street. If a vehicle is parked, it is a one way street. I've seen garbage trucks unable to get past parked cars without running off the road. It is dangerously narrow and there have been accidents as a result already. Adding three or four feet to the width of the road wouldn't change that. That much traffic would require sufficient improvements to make it a standard size road

The road isn't solely used by vehicular traffic. In point of fact it's one of the most popular walking, running and bicycling routes in the city. It's actually part of the "Tour Canby Route" as established by the city and on a typical spring or summer day it will host dozens of children, families and visitors. I counted 29 people in one hour this week alone. It's also an integral part of the route for several runs and races every year here in Canby.

To turn this into a busy, dangerous, overcrowded street would have a devastating effect on the quality of life not just for the homeowners, but for the entire city and it would be just a matter of time before someone was badly injured or worse by such a reckless increase in traffic.

I would strongly urge you not to alter, modify or waive any rules, guidelines or regulations pertaining to the roadway in order to benefit one party at the expense of safety, congestion and quality of life for this neighborhood and the entire city.

I'm attaching several pictures which clearly illustrate the foot/walker/bicycle/running traffic and the extreme narrowness of the roadway. Also attached is a copy of the Tour Canby Route. Please include this letter along with the pictures and Tour Route map in the official public record of any and all hearings on the subdivision application. Please forward this email and attachments to all relevant persons.

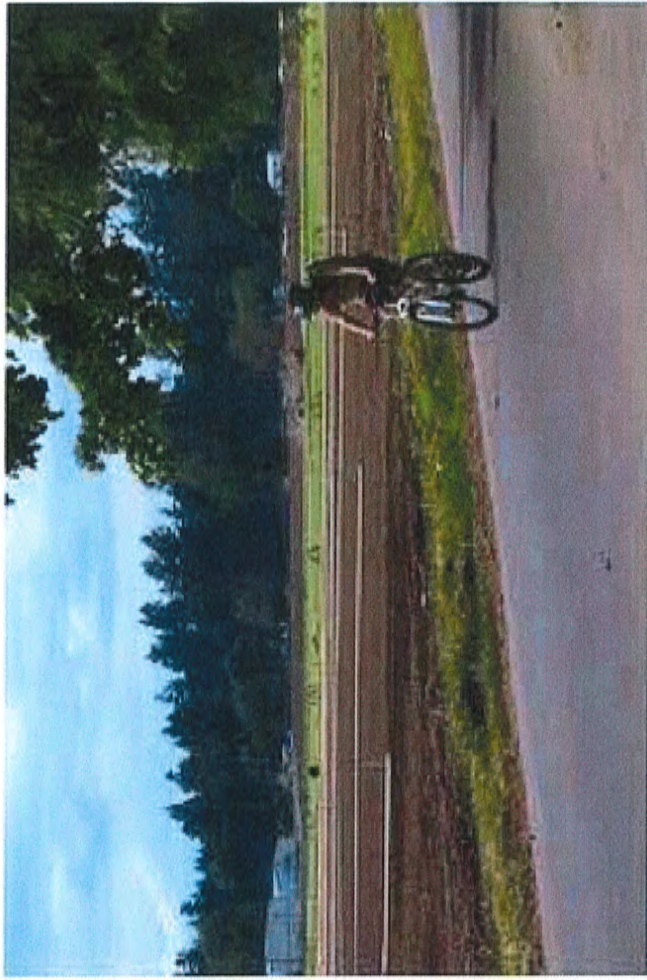
I would also urge all parties to come and take a look at the street and talk to the homeowners who are uniformly against, not development, but this attempt at over-development.

Sincerely,

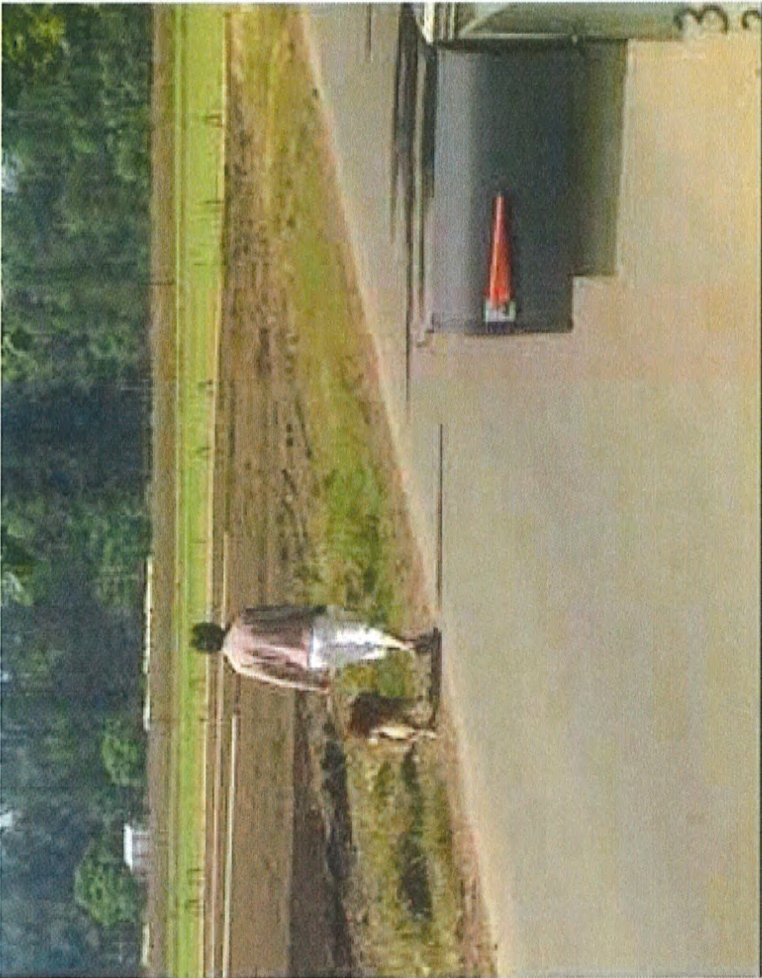
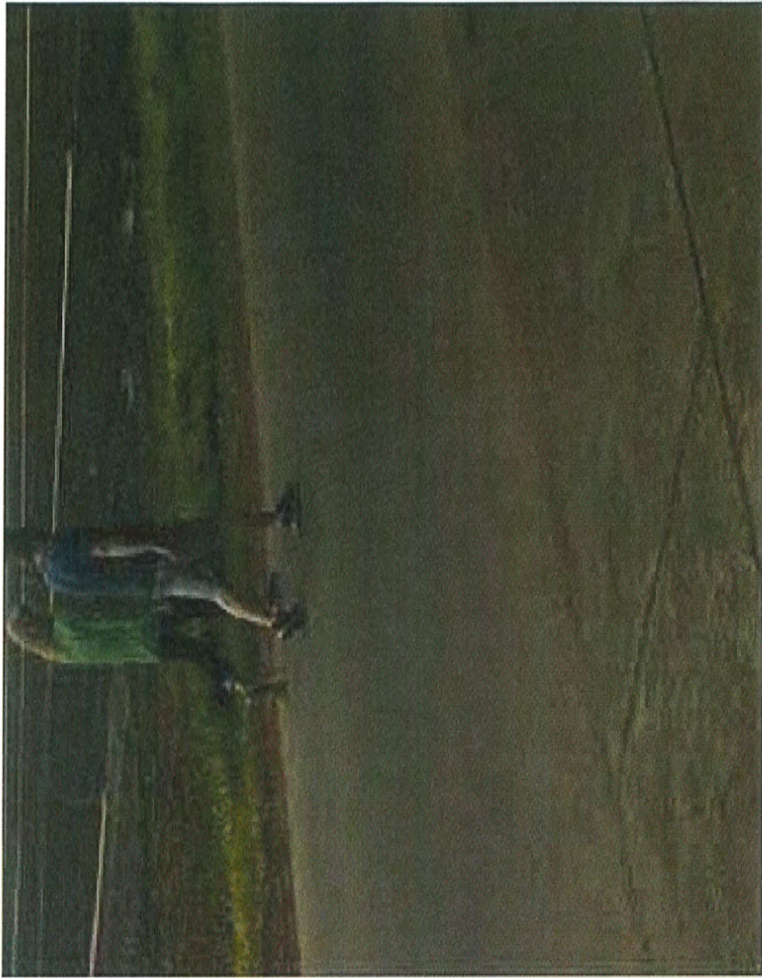
Vincent Andersen and Mary Andersen  
3370 N Maple  
Canby, Oregon 97013

<http://www.canbyoregon.gov/maps/docs/TourCanbyBikeLoop12-14.pdf>

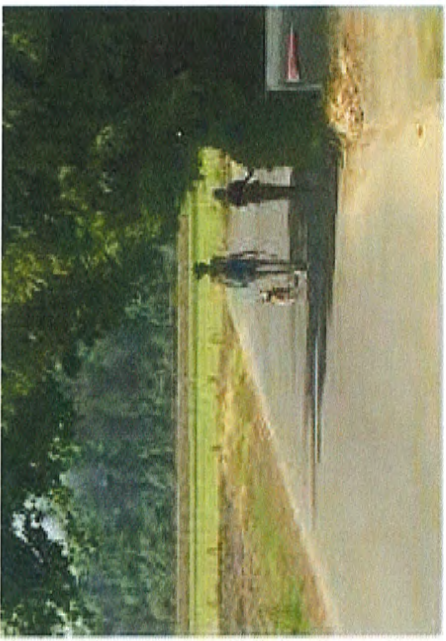














TO ALL....CANBY CITY COUNCIL MEMBERS and PLANNING DEPARTMENT MEMBERS.

First off, thank you for taking the time to read my letter.

As a resident of N.E. Canby for over 27 years...I am writing to ask that my opposition to the upcoming application for the Seven Acres project planned for the N.E. end of Maple, go into public record.

A similar project application was proposed somewhere about 15 years ago. The opposition was able to stop it because of the inadequacy of Maple Street. I am sure those records are available to you. Maple has not been improved...and the idea of adding 5 feet does very little to improve safety. The designation of Maple was changed from a "collector" to "local", for reasons that have not been explained. Maple has more traffic than in the past and certainly not less. We have 91 homes on a one way in and one way out....so please don't approve 22 more homes that will add to the pre-existing problems! The city of Canby has many citizens that use Maple for bike riding, running, dog walking, and simple family walks because it hooks up to the Molalla Logging path. More traffic will make these activities unsafe!

Again...thanks for listening.

Sincerely concerned,  
Linda Geddes  
740 N.E. 34 pl  
Canby, Oregon 97013  
503-263-6220



To: Brian Brown  
Canby City Council Members

925 NE 34<sup>th</sup> Place,  
Canby, OR 97013

May 30<sup>th</sup> 2017

**Subject: Proposed Development Known as “Seven Acres” at North End of Maple Street, Canby.**

The purpose of this letter is to express my concerns with the proposed size of this development, (24 homes).

As you may be aware, the width of North Maple Street reduces significantly from just south of Willamette Valley Country Club all the way north to what would be the entrance way to this development, just past my street, (NE 34<sup>th</sup> Place).

I understand that this section is classed as a “Low Volume Local Street” (<500 vehicles Per Day). This may be true in terms of vehicle traffic but does not reflect the heavy volume of pedestrian traffic that exists. North Maple Street is part of a loop that connects via NE 34<sup>th</sup> Place with the Logging Lane. Large numbers of walkers, with or without dogs, joggers and cyclists frequent the street throughout the day and into the evening. I would even go as far as to say that it is difficult to find a time when there is nobody there.

It can be a challenge driving up and down the narrow section of North Maple, especially if people park on the street, and building 24 more houses will just exacerbate the situation.

I would like to define solutions as well as problems but its not clear to me what an acceptable solution is in this case. Widening the east side of North Maple seems most unfair to the residents. It would reduce their driveway space, several which would barely have enough space to get their cars off the road. It would also require significant utility reworking and destroy many established firs and blossom trees. Widening into the farmland to the west side of North Maple is obviously simpler but involves the cost of some sort of eminent domain procedure.

Perhaps a more balanced approach would be to reduce the number of homes from 24 to for example 6, thus reducing the traffic impact on the existing situation.

Please feel free to contact me or share my concerns as you see fit.

Colin Clayton

## Laney Fouse

---

**From:** Tim Dale  
**Sent:** Monday, May 29, 2017 2:35 PM  
**To:** Karen Culver  
**Subject:** Re: North Maple Street

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Completed

Thank you very much for sharing with me, Dale and Karen. I will forward to our planning department, and it will be part of the public record submitted to decision making bodies, should a development application be received.

*Tim Dale  
Council President  
Urban Renewal Agency Chair  
Budget Committee Chair  
City of Canby  
PO Box 930  
Canby, OR 97013  
[503.263.5524](tel:503.263.5524)  
[dalet@ci.canby.or.us](mailto:dalet@ci.canby.or.us)*



On May 29, 2017, at 2:22 PM, Karen Culver <[culver@web-ster.com](mailto:culver@web-ster.com)> wrote:

Dear Tim,

My wife, Karen, and I have lived at 3140 N Maple St for over 36 years.

All this time our section of Maple street has been a single lane, a half street. There have been difficult situations daily due to the street's congestion. The street has always been heavily used by bikers, skate boarders, walkers and runners. Everyone. Add to that about 2 cars per home.

The proposed development of 22 houses without making Maple a full width street is an irresponsible decision. The increase of traffic on this dead-end street will be tremendous. It is already a very active street functioning as part of the fitness loop involving the logging road, 34th and Maple streets.

We want to thank you for serving our community, making it a wonderful place to live and work.

Sincerely,  
Dale and Karen Culver

PS- Feel free to email us or call us at 503 263-6091.

Sent from my iPhone

---

PUBLIC RECORDS LEGAL DISCLOSURE

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

---

## Laney Fouse

---

**From:** Karen Young <Karen.Young@aaaoregon.com>  
**Sent:** Wednesday, May 24, 2017 9:32 AM  
**To:** Bryan Brown  
**Subject:** Opposition on the Seven Acre housing development

Dear Brian,

We are writing in our concerns for a proposed housing development at the end of N Maple St. We are homeowners at 2680 N Maple St. We are concerned with the traffic that will increase by our home which will require widening of the road and adding sidewalks. While we understand the necessity for safety, we are concerned with the possibility of losing part of our property and the financial responsibilities that would be required in widening the road and creating sidewalks.

We currently have many people who walk, jog and bike down our road and safety would be concern. This increased traffic would also be concerning at the intersection of N Maple St and N Territorial, this intersection can be difficult at times.

We have heard that our financial responsibilities to assist with the cost of the upgrades would be in the thousands. This is unacceptable, if the housing project is approved, the developer should be the one financially responsible for any street additions.

For personal reasons, we do not want the housing development to be approved either. We bought our home five years ago, we were not told that there would be the possibility of losing part of our property and being financially responsible for widening the road and creating sidewalks. We have a maintained manicured lawn but we have an older sprinkler system. If we lose part of our property line, we would end up having to replacing the whole system. This expense coupled with the added expense for the street widening would create a financial hardship to the point we may not be able to afford the home anymore.

We have heard that if the City/Planning Commission would "re-zone" the Seven Acres to allow for a maximum of seven homes, this would be an answer for all concerned. Those types of "upscale" homes would increase the value of the neighborhood and only add a modest amount of additional traffic while eliminating the safety risks that will occur if this current project is approved.

We, therefore, request that the City Council and the Planning Commission "Deny the Application for the Seven Acre Project" as it is currently proposed.

Sincerely,  
Joseph and Karen Young

**Karen K Young**  
*Membership Sales & Service Specialist*

---  
6 Centerpointe Dr, Suite 260  
Lake Oswego, OR 97035  
**503-219-6224**  
Toll Free 888-422-2503

## The Seven Acres Subdivision

### Letter of Opposition – Deny the Application

I am a resident of the Country Club Estates at 775 NE 31<sup>st</sup> Place, Canby.

N Maple St. is used by the residents to walk daily for exercise, to walk the family dogs and enjoy a 'no traffic' environment! This is a very quiet street. You will notice by the photos attached how narrow the road is. The proposed widening of N Maple on the West side by 4 feet currently proposed by the applicant amounts to nothing more than a 'bike path'. The proposal for this 'bike path/walking area' will be driven on all the time by cars passing up and down the street and the photos attached validate this concern and condition. This presents a clear danger to everyone..... it's not safe at all!

Moreover, adding 22 new homes will add more than 70 additional cars going up and down N Maple all day and evening long and that number of cars will 'increase' as children of the new residents get to driving age. The number of additional cars will exceed 80 cars by a large number. Moreover, the density increase in the neighborhood will 'decrease' property value and the quality of life for the current and future residents.

The potential for an accident or pedestrian being hit on N Maple increases tremendously. When this happens, and it will we know the City will then require the installation of a standard width road complete with curbs on the East side of N Maple. That will mean ALL the residents will be required to give up a significant part of their property, install retaining walls in some cases, lose a large part of their property landscaping and personally pay more than \$15,000 (est.) for the curbs etc. This is not acceptable.

IF the City / Planning Commission would 're-zone' the 7 Acres to allow for a maximum of 7 homes this would be the answer for all concerned. Those types of 'upscale homes' would increase the value of the neighborhood, only add a modest amount of additional traffic and greatly eliminate the safety risks that will occur if this project is approved!

We therefore request that the City Council and Planning Commission **'DENY THE APPLICATION'** for the 7 Acre Project as it is currently proposed.

























To: City of Canby Planning Commission and Planning Staff

- ✓- Bryan Brown, Planning Director
- Matilda Deas, Senior Planner
- Dave Epling, Associate Planner
- Laney Fouse, Office Specialist
- Derrick Motten, Planning Commission
- Shawn Varwig, Planning Commission
- John Savoy, Chair
- Tyler Hall, Planning Commission
- John Serlet, Planning Commission
- Larry Boatwright, Vice Chair
- Andrey Chernishov, Planning Commission

**7 Acer Proposal – Letter of Opposition**

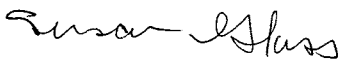
Dear Planning Commission and Planning Staff,

My name is Susan Glass and I live at 3040 N Maple St, Canby. I am writing this email to you in 'opposition' to the upcoming proposal to develop the 7AC at the end of N. Maple St by the Sprague's. The entire neighborhood in the Country Club Estates is 100% against this proposal. It is dangerous, will take away quality of life for the current residents, ruin the neighborhood and decrease property values. We don't want to be Wilsonville...please.

You will most likely be receiving many letters of opposition and I ask you all to vote 'NO' on the project as proposed.

Please do the right thing for our neighborhood and community by voting NO and REJECT this proposed development!

My Sincere Best -



Susan Glass

## Laney Fouse

---

**From:** Laura Baldonado <laurastamps@earthlink.net>  
**Sent:** Tuesday, May 23, 2017 10:30 PM  
**To:** Bryan Brown; Matilda Deas; epling@canbyoregon.gov; Brian Hodson; Tim Dale; Tyler Smith; Traci Hensley; Greg Parker; Sarah Spoon; heidit@canbyoregon.gov  
**Subject:** Canby N Maple Street Subdivision

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

We live on North Maple Court, off North Maple Street. We have read the November 17, 2016 memorandum from DKS to Bryan Brown regarding the proposed N Maple Street subdivision. We have several concerns.

The traffic study referenced is from March 2015. Vehicle traffic, however, increases dramatically from late spring through fall due to the golf course. Pedestrian and bicycle traffic also increases during that time due to good weather. Basing a traffic study during a slower time (March) seems faulty.

In the memorandum, it is written that "pedestrian volume will be relatively low since there are few destinations with a reasonable walking distance, other than residences". Based on our experience living in the neighborhood, a great deal of non-resident walkers and bicyclists use North Maple Street to join up with the logging trail, from sunup to sundown, all year round, but as noted, particularly late spring through fall.

Adding a new development with an anticipated additional 300 cars per day on such a narrow street seems unsafe, particularly as cars have no other means of entering or exiting except on the very narrow North Maple Street. Even using the figures from the March parking study, there would be almost double the number of cars daily.

The addition of a four foot "walking/bicycle" area would seem adequate if the street was a normal width but on such a narrow street that does not seem to be wide enough for so many cars. In addition, the four foot area would be along the west side where there is a farm. There is constantly mud/dirt/weeds along the street edging the farm, making that area less safe for walkers and bicyclists.

We would appreciate you sharing our concerns with all interested parties including the planning commission. Thank you.

Laura and Jerry Baldonado  
2810 N Maple Ct

## Laney Fouse

---

**From:** Darlene Toole <pardar@web-ster.com>  
**Sent:** Thursday, March 23, 2017 9:49 PM  
**To:** Bryan Brown  
**Subject:** From Darlene and Paul Toole  
**Attachments:** 20170223\_112841.jpg; 20170223\_113016 (1).jpg;  
20170223\_112902.jpg

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Completed

Hi! We live on Maple St. and Seven Acres is just down the road. We wanted to forward these photos of "the swamp" to you and the planning commission at to what Seven Acres looks like after two days of rain. Someone from the planning commission needs to see the parcel of land when there is unrelenting rain. P. Toole















## Laney Fouse

---

**From:** Brenna Baucum <BrennaB@thehgroup.com>  
**Sent:** Tuesday, May 23, 2017 10:53 AM  
**To:** Bryan Brown  
**Subject:** Concerns About Maple Development Proposal

Good morning Bryan,

My name is Brenna Baucum and I live at 720 NE 34<sup>th</sup> Place in Canby. I'm writing to express my concerns about the proposed development on the North end of Maple Street by Doug Sprague. I have one concern and that is safety.

I worry about the safety of my neighbors. Many are retirees and some, elderly. At least once a month I see an emergency vehicle on our street alone. Nestled around a country club, I'd venture to say that our block isn't the only one on or near Maple Street that houses primarily folks over 70 years old. People love living here, so it seems fair to assume those young retirees plan to age in place. The addition of 22 homes at the end of a dead end street that is not wide enough to accommodate two lanes will most certainly impact the ability of emergency vehicles to navigate to and from this area.

I worry about our safety of our roads. Traffic on Maple has increased in the 4 short years we've lived here. Because we live at corner of Maple and 34th, we see one or two dozen cars circle the cul-de-sac every day. Some park to walk their dogs or head to the river. Others use it as the starting block for a race with themselves, screeching tires and testing their vehicles to see how quickly they can get to 50+ mph. (You'll note just a few months ago, a vehicle was totaled on Maple because one of these drivers lost control.) I read in the traffic study that this development is expected to bring an additional 2 cars per household. If those cars make just one trip up and down Maple each day, that's an additional 88 cars passing through. This – again – on a dead end street that is not legally wide enough to be considered a two lane road. I worry that if the road is marginally widened – as I've heard is a potential – that it will only increase the confidence of the race-car drivers who come through.

Finally, I worry about the safety of my daughter. We just welcomed Mika into the world two months ago. I worry about our ability to safely walk / stroll with her around the neighborhood, and thinking ahead – about her ability to safely play, ride her bike and explore. We want to stay in this neighborhood and watch Mika grow up here; however, we don't want to do that if this becomes an unsafe place to live. With no sidewalks, parked vehicles on the East side and frequent agricultural spraying – Maple is already a challenging road to navigate as a pedestrian. Adding extra traffic will only exacerbate the issue.

I support Mr. Sprague's right to build on property he owns; however, the proposal that he distributed is too much for our street and neighborhood to support. As Planning Director, I hope you'll carefully review the safety concerns I've mentioned here and deny Mr. Sprague's development proposal.

Thank you for your time,

Brenna Baucum, CFP®

---

**The H Group, Inc.**  
A Fee-Only Investment Advisory Firm  
500 Liberty Street SE #310  
Salem, OR 97301  
**503-371-3333**

## Bryan Brown

---

**From:** Ted Creedon <tcreedon@easystreet.net>  
**Sent:** Friday, April 14, 2017 2:58 PM  
**To:** Bryan Brown  
**Cc:** Doris Creedon; michael creedon  
**Subject:** memo to file

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Byron,

We are not amenable to widening Maple St. 25 ft., it will all 51 acres will be developed and partial development now would interfere with it.

The best bet is to allow construction of a single family residence w.o subdivision or improve the logging road access for fire.

Pass this on if you want. Its public record.

Ted & Doris Creedon



## Laney Fouse

---

**From:** Arthur Hall <tookie@web-ster.com>  
**Sent:** Saturday, March 18, 2017 9:30 AM  
**To:** Bryan Brown  
**Subject:** Seven Acres issue  
**Attachments:** IMG\_2059.JPG; ATT00001.txt

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Hi Bryan, North Maple will be filled with yard service trucks, people walking, and residential cars this summer. This is what we drive through daily. Art Hall, 845 NE 34th Place. Canby.







March 1, 2017

Canby Planning Commission  
222 NE 2nd Avenue  
Canby, OR 97013

Subject: 7 Acres Housing Subdivision

Dear Commissioners:

We are homeowners at 3240 N. Maple St. in Canby. We attended an informational meeting on January 25, 2017 regarding the proposed 22-home subdivision called 7 Acres to be located at 3500 N. Maple St. The meeting was conducted by the property owner and developer, Doug Sprague.

Having reviewed the plans that Mr. Sprague presented, we have come to the conclusion that we are firmly opposed to the subdivision moving forward as currently configured. We do not feel that the proposal adequately addresses the traffic situation on N. Maple Street regarding the safety issues for vehicles, pedestrians, and cyclists. We would like to make the following points:

1. The access to 7 Acres is from Country Club Place to 3500 N. Maple St. This section of N. Maple St. is a .7 mile long half street with no sidewalks on either side of the road. About half of the .7 mile of the road has 24 foot wide pavement, and the remaining half is reduced to only 20 feet of pavement width. This half street configuration does not meet the City of Canby code of ordinances, 16.46.010, paragraph G, that clearly states *Public roads accessing any development shall be a minimum to two travel lanes (twenty-four (24) feet of paved width) to the nearest improved collector or arterial street,...* The 7 Acres clearly does not meet this requirement.
2. The current proposal does not provide for any standard sidewalks or curbs along N. Maple St. This section of N. Maple St. is a heavily traveled pedestrian walkway as it has become linked with the logging road path via NE 34<sup>th</sup> St. Many people in the area use the N. Maple St., the logging road path, and NE Territorial Rd. as a walking trail loop that is accommodated by the public parking area on NE Territorial Rd. Thus, it attracts many more pedestrians than just those who live in the surrounding neighborhood. Mr. Bryan Brown advised me that no pedestrian traffic study has been done for this loop. We do not see how the proposal can be approved without knowledge of the pedestrian usage of this area.
3. The 7 Acres proposal of a 4 foot pavement widening on the west side of N. Maple St. to serve as a "temporary pedestrian path" is wholly inadequate for pedestrian safety. In our discussion with Mr. Sprague at the above cited meeting, he indicated that the pedestrian path on the west side of the street would be marked by a solid white line, and if needed, could be accessed by a vehicle to pass another oncoming vehicle or other traffic interference. This seems to be counter-intuitive when the purpose of the pathway is to improve pedestrian safety. Moreover, it is unclear whether the proposal is applied to the entire .7 mile of road, or just the section that is only 20 feet in width. This pathway addition of the proposed 4 feet does not correct the problem of only 20 feet for vehicular traffic which will be exasperated with the increased number of vehicles using N. Maple St. with the addition of 22 homes.
4. Another concern voiced at the informational meeting on Jan. 25 was the issue of emergency vehicle access for the development. Since N. Maple St. is the only public street into the proposed housing development with no other street as an alternative access, it was felt that the narrowness of N. Maple St. and the lack of another access street would make it difficult to provide emergency services in a timely manner. At that point, Mr. Sprague discussed the use of the logging road path

as an alternative access into and out of the 7 Acres development. Currently, the logging road path is limited to pedestrians and cyclists and is barricaded at the edge of the country club property off of NE Territorial Road by three posts, of which the center post must be unlocked and taken out of the pavement before a vehicle can enter the pathway. Likewise there are two posts barricading the pathway at the end of the easement access on 34<sup>th</sup> St. to a house located on the logging road. These posts are needed to keep vehicles from driving on the logging road, and it seems that when there is an emergency, fire, medical, or police, having to take time to unlock and remove these posts would be detrimental to the urgency of the situation.

5. It was of interest to us that only residents within 500 feet of the proposed development would be apprised of the intent of the developer. This seems entirely unreasonable since residents on the entire .7 section of N. Maple St. are directly impacted by the consequences of the an increased number of vehicles (homeowners, services, emergency services, and increased daily traffic of others who will drive into that area), and indirectly impacted are all those residents living within the country club housing area that currently exists. Their opportunity to express their opinions has been unrecognized.

The photos included with this letter are intended to illustrate the narrowness and safety hazards associated with a half street. These conditions would be worsened by the increased number of vehicles using N. Maple St. on a daily basis with the addition of the housing development. We urge the Commission not to approve this subdivision without the necessary improvements to N. Maple St.

We request that this letter along with the enclosed photos be included in the official public record of the hearing on the 7 Acres subdivision application.

Sincerely,



Phillip L. Seale



Sarah J. Seale

Enclosures: 6 photos sheets

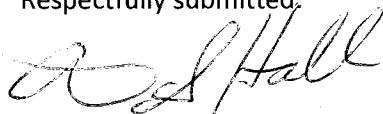
Received Feb. 6, 2017

## Development of SEVEN ACRES at the end of North Maple Street.

As a resident of 33 years, at 845 NE 34<sup>th</sup> Place, please consider my observations and concerns about the Seven Acres development.

- 1) When the city developed the logging road as a walking/biking park, it promoted thousands of people with and without dogs walking on North Maple Street in the summer. In addition to the walking public, numerous marathons and bike rallies use North Maple as a route for their events. The existing situation is presently dangerous to pedestrians. With an additional 22 houses in the Seven Acres development, the danger to the public will be exponential.
- 2) 14 years ago, the city determined that the Seven Acres development could not proceed without the safety of North Maple Street being upgraded to a standard street. Since that decision, North Maple's pedestrian and bike traffic has markedly increased. It is now more dangerous than ever to develop Seven Acres without a standard width street on N. Maple. Since the city requires standard street specifications within the development, why would the city allow a ½ mile of a half street standard to enter the development?
- 3) Deletion of the cul-de-sac at the end of North Maple was presented as part of the Seven Acres Development. Giving this city property to the developer would create a parking and turn around nightmare for the community living on N. Maple and NE 34<sup>th</sup> Place. Pedestrians, fisherman, kids with Frisbees, and bikers all park in the N. Maple cul-de-sac and the NE 34<sup>th</sup> Place Street cul-de-sac. To eliminate this parking and turn around portion of the street to please the developer would be a traffic issue unlike we have seen before. This area is used by all delivery trucks, school buses, fire trucks, police cars, farm vehicles, and local residents that serve the N. Maple residents.
- 4) The present width of N. Maple Street does not safely support the development of 22 more homes. That will be a total of 94 homes with only N. Maple access. This area should not be developed until North Maple is a continuous street of standard width from Territorial to the North Maple Cul-de-Sac.
- 5) Please review the documents submitted by the "land use" attorney, Jeff Klienman, during the last submission for this development of the Seven Acres project.
- 6) Presently one deaf and two blind individuals live on North Maple Street. For their safety and the community's safety, North Maple should be widened now before any development.

Respectfully submitted:

 Virginia Hall

Arthur S. Hall, DVM and Virginia Hall  
845 NE 34<sup>th</sup> Place  
Canby, OR 97013  
Phone# 503-266-7492



## The Seven Acres Subdivision

### Letter of Opposition – Deny the Application

We are resident / home owners of the Country Club Estates. We live off N Maple St. north of the Willamette Valley Country Club and the adjoining streets on the East side of N Maple.

N Maple St. is used by the residents to walk daily for exercise, to walk the family dogs and enjoy a 'no traffic' environment! This is a very quiet street. You will notice by the photos attached how narrow the road is. The proposed widening of N Maple on the West side by 4 feet currently proposed by the applicant amounts to nothing more than a 'bike path'. The proposal for this 'bike path/walking area' will be driven on all the time by cars passing up and down the street and the photos attached validate this concern and condition. This presents a clear danger to everyone..... it's not safe at all!

Moreover, adding 22 new homes will add more than 70 additional cars going up and down N Maple all day and evening long and that number of cars will 'increase' as children of the new residents get to driving age. The number of additional cars will exceed 80 cars by a large number. Moreover, the density increase in the neighborhood will 'decrease' property value and the quality of life for the current and future residents.

The potential for an accident or pedestrian being hit on N Maple increases tremendously. When this happens, and it will we know the City will then require the installation of a standard width road complete with curbs on the East side of N Maple. That will mean ALL the residents will be required to give up a significant part of their property, install retaining walls in some cases, lose a large part of their property landscaping and personally pay more than \$15,000 (est.) for the curbs etc. This is not acceptable.

IF the City / Planning Commission would 're-zone' the 7 Acres to allow for a maximum of 7 homes this would be the answer for all concerned. Those types of 'upscale homes' would increase the value of the neighborhood, only add a modest amount of additional traffic and greatly eliminate the safety risks that will occur if this project is approved!

We therefore request that the City Council and Planning Commission **'DENY THE APPLICATION'** for the 7 Acre Project as it is currently proposed.

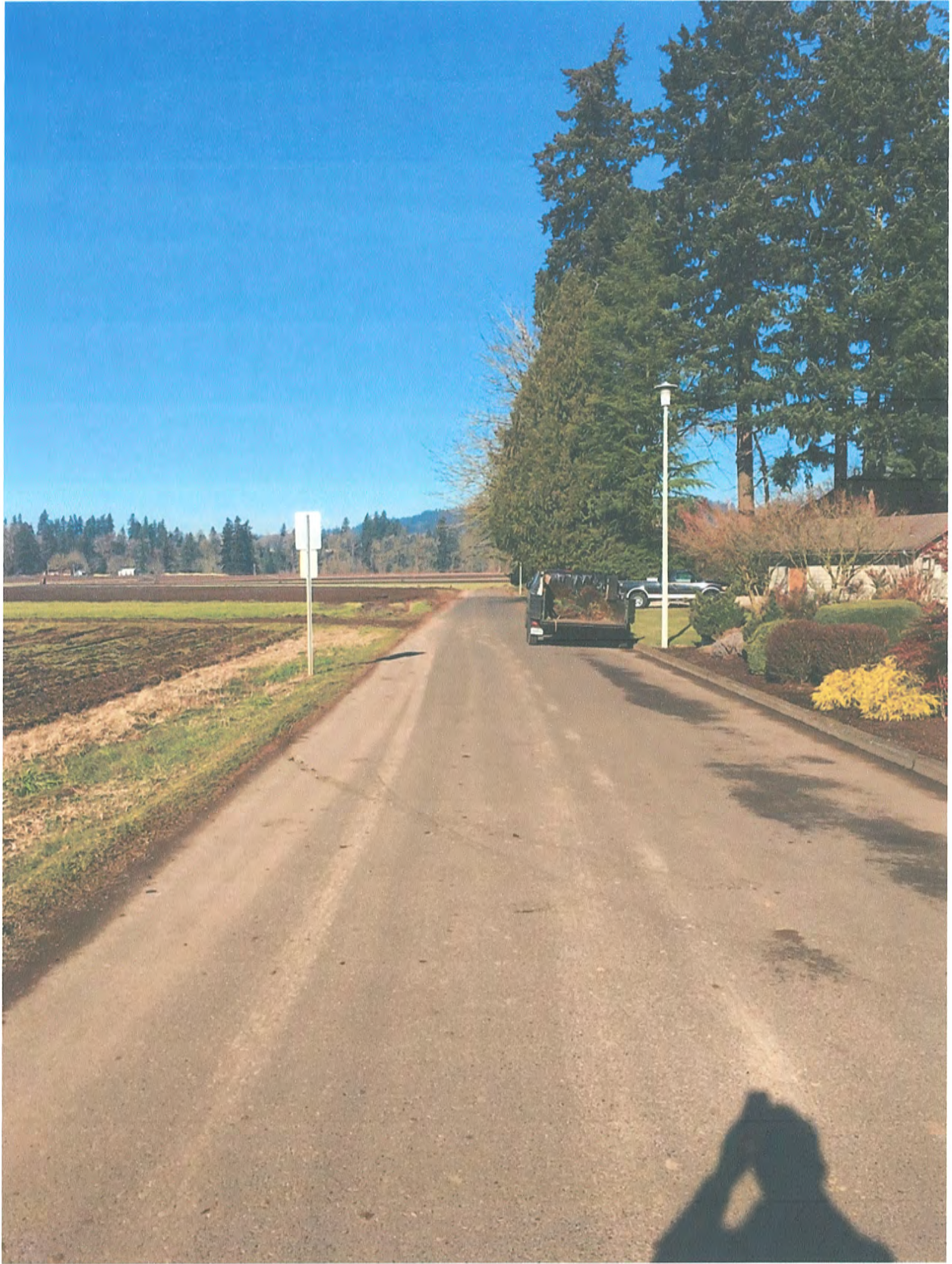


























MICHAEL D. MCNICHOLS  
730 NE 30<sup>TH</sup> PLACE  
CANBY, OREGON 97013-3695

December 23, 2016

Mr. Bryan Brown  
Planning Department  
City of Canby  
222 NE 2<sup>nd</sup> Avenue  
Canby, OR 97013

RECEIVED  
JAN 03 2017  
CITY OF CANBY

Re: "The Seven Acres" at 3500 N. Maple Street  
December 15<sup>th</sup> neighbor hood meeting  
Comments from meeting participants

Dear Mr. Brown:

I was one of approximately 30 persons who attended the meeting held on December 15<sup>th</sup> to talk about the proposed 22 single family development. During the session Doug Sprague indicated that he would inform the city of concerns that were voiced at that meeting. I took notes during the meeting and wanted to provide an additional source as to concerns stated at the meeting.

Due to the inclement weather, Mr. Sprague said that he would hold a second informational meeting to discuss the development sometime in January.

The primary concern of the attendees seemed to focus on the increased traffic volume and the proposed solutions to it. Only a few of the attendees had reviewed the traffic study that was conducted for the development.

One area of concern was the water run-off problems created by the development. Several attendees voiced concerns about the lack of drain solutions for the homes on 34<sup>th</sup> Avenue which border the development. It was observed that during the course of the fill period, the level of the property had increased between 3 and 4 feet with respect the neighboring properties. Mr. Sprague said "I believe we're in great shape . . ." and "twenty years of filling has been done with consideration of run-off." During latter discussions about the project, Mr. Sprague referenced a french drain that had been installed on the property at one time.

One of the attendees mentioned that Mr. Sprague told him after Mr. Sprague's daughter wedding that the plans were for seven single family homes to be built on the property. The speaker sought clarification as to why the plan changed from 7 homes to 22 homes. Mr. Sprague explained that the number was reached after a review of the minimal lot sizes required by Canby zoning law.

During the meeting Mr. Sprague said that the development had constraints because of requirements imposed by METRO. My notes were not clear as to which constraints were referenced.

I asked Mr. Sprague about the sidewalk situation for the proposed development. Page 7 of the Traffic Study dated April 8, 2015 states "Because of the increase in daily traffic volumes, measured 85<sup>th</sup> percentile speeds, and standard cross-section, it is recommended that sidewalks be provided

MICHAEL D. MCNICHOLS

Mr. Bryan Brown  
Planning Department  
City of Canby

December 23, 2016  
Page 2

along the east side of N Maple Street between Willamette Valley Golf Club and the Logging Road Trail to provide a safe walking space for pedestrians.” When asked about this, and concerns about the cost for each homeowner to pay for the required sidewalk and modifications to existing landscaping, Mr. Sprague responded, “But the city would never have property owners pay for it.” When asked if he would be willing to pay for the improvements imposed by the city, Mr. Sprague said no.

There are 29 homes on the east side of Maple between the development and the Country Club. One of the homes has an existing sidewalk. The other 28 homes would be required incur substantial expenditures for the benefit of the development.

One of the attendees questioned the 50 foot *temporary* use in the study which implies that the permanent width could conceivable be taken from the east side of Maple Street in the future.

It was mentioned that there are currently 2 blind persons and 1 deaf person living on Maple street and there are concerns as to their safety if the development were allowed.

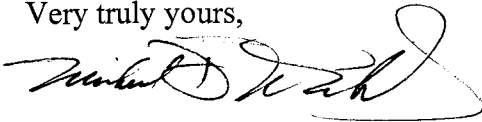
Several persons voiced an interest in having the city purchase the development site for a park.

The issue of emergency vehicle access to the development was discussed. Mr. Sprague indicated that logging road access by the emergency vehicles mitigated this issue.

During the meeting Mr. Sprague indicated that tract B was to be utilized for storm water storage. While not discussed at that meeting, I was under the impression that two areas of the development had previously received wetlands designation in prior hearings.

Please feel free to contact me if you have any questions concerning the above.

Very truly yours,



Michael D. McNichols

**FINAL  
FINDINGS  
ZC 17-02,  
CUP 17-05,  
SUB 17-04  
S IVY PARK  
SUBDIVISION**





**BEFORE THE PLANNING COMMISSION  
OF THE  
CITY OF CANBY**

**A REQUEST FOR A MAP AMENDMENT)  
FROM LOW DENSITY RESIDENTIAL TO)  
RESIDENTIAL-COMMERCIAL; A CONDITIONAL)  
USE PERMIT AND SUBDIVISION)**

**FINDINGS, CONCLUSION & FINAL ORDER  
ZC 17-02/CUP 17-05/SUB 17-04**

**NATURE OF APPLICATION**

The applicant is seeking a Map Amendment to change the zoning of three existing tax lots (41E04AB6300/07100/07200) totaling 1.31 acres located at 533, 553 & 583 S Ivy Street from low density residential zoning district (R-1) to the residential-commercial (C-R) zoning district; to receive approval of a Conditional Use Permit to allow the construction of two single-family dwelling structures having common wall construction (4-total units each on its own lot); and, the S Ivy Park 12 lot subdivision consisting of the four single-family common wall unit lots, 2 lots with existing homes to be retained, and 6 new single-family lots with a common private 20' wide driveway and utility easement to provide access to SW 6<sup>th</sup> Avenue.

**HEARINGS**

The Planning Commission held a public hearing and considered these applications at its meeting of October 9, 2017.

**CRITERIA AND STANDARDS**

**Map Amendment**

In judging whether or not the Zoning Map should be amended, the Planning Commission recommendation and City Council final decision shall consider Section 16.54.040 of the Canby Municipal Code which states the applicable review criteria when reviewing an amendment to the zoning map to be the following:

In judging whether or not the zoning map should be amended or changed, the Planning Commission and City Council shall consider:

- A. The Comprehensive Plan of the city, giving special attention to Policy 6 of the land use element and implementation measures therefore, and the plans and policies of the county, state and local districts in order to preserve functions and local aspects of land conservation and development;
- B. Whether all required public facilities and services exist or will be provided concurrent with development to adequately meet the needs of any use or development which would be permitted by the new zoning designation.

(Section 16.54.060)

- A. In acting on an application for a zone change, the Planning Commission may recommend and

**ZC 17-02/CUP 17-05/SUB 17-04 S Ivy Park Rezone, Conditional Use & Subdivision**

the City Council may impose conditions to be met by the proponents of the change before the proposed change takes effect. Such conditions shall be limited to improvements or physical changes to the property which are directly related to the health, safety or general welfare of those in the area. Further, such conditions shall be limited to improvements which clearly relate to and benefit the area of the proposed zoned change.

- B. The city will not use the imposition of improvement conditions as a means of preventing planned development, and will consider the potential impact of the costs or required improvements on needed housing. The Planning Commission and City Council will assure that the required improvements will not reduce housing densities below those anticipated in the Comprehensive Plan.

### **Conditional Use Permit**

In judging whether or not a Conditional Use Permit application shall be approved, the Planning Commission determines whether criteria from the Code are met, or can be met by observance of conditions, in accordance with Chapter 16.50 of the Canby Municipal Code which states the applicable review criteria when reviewing a Conditional Use Permit to include the following:

In judging whether or not conditional use permit shall be approved or denied, the Planning Commission shall weigh the proposal's positive and negative features that would result from authorizing the particular development at the location proposed and to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable:

- A. The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of this title and other applicable policies of the city;
- B. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features;
- C. All required public facilities and services exist to adequately meet the needs of the proposed development;
- D. The proposed use will not alter the character of the surrounding areas in a manner which substantially limits, or precludes the use of surrounding properties for the uses listed as permitted in the zone.

### **Subdivision**

Applications for a subdivision shall be evaluated based upon the standards and criteria of Section 16.62.020, the subdivision design standards in 16.64, and other applicable requirements of the Land Development and Planning Ordinance contained in 16.08 General Provisions, 16.10 Off-street Parking and Access, 16.24 C-R Residential/Commercial Zone and applicable development standards of 16.18 R 1.5 Medium Density Residential Zone and 16.20 High Density Residential Zone, 16.46 Access Limitations on Project Density.

### **FINDINGS AND REASONS**

The Staff Report was presented, upon which staff recommended approval of all three applications along with applied Conditions of Approval in order to ensure that the proposed development will meet all required City of Canby Land Development and Planning Ordinance approval criteria based on receipt of

*ZC 17-02/CUP 17-05/SUB 17-04 S Ivy Park Rezone, Conditional Use & Subdivision*

revised drawings after the initial publication of the staff report and prior to the hearing which: 1) reduced the number of lots allowed below the minimum lot size from 3 to the permitted one to comply with the 10% lot allowance, and 2) review of a revised drawing adding a proposed ADA compliant 5' wide interior sidewalk to each home site as required by access standards.

After holding said public hearing and considering the October 9, 2017 dated staff report and acceptance of written and oral testimony, the Planning Commission closed the public hearing, deliberated and **made the following additional findings beyond those contained in the staff report to arrive at and support their recommendation and decision to deny the three applications before them as indicated below:**

- 1) With respect to the Map Amendment, the Planning Commission relied on the final description statement within the Special Area of Concern "Area C" that indicates "There is no reason to attempt to hasten this transition process (the transition to C-R zoning that has begun in the area) because residential uses can eventually be converted to mixed residential/commercial use."
- 2) The Planning Commission found the proposed tentative development plan density to be excessive as a result of a combination of inappropriate assumptions utilized in the application of the overall lot size averaging for compliance with the minimum average lot size allowed along with allowing the roadway easement area to be included in the lot area calculations. It was argued by citizen written and oral testimony that the townhome lots should not be excluded from the overall average lot size calculation and that road easement area is not appropriate to be included when calculating the minimum lot size allowed. The developer testified at the meeting that excluding the easement area from the lots would likely eliminate 3 lots. Including the single-family with common wall lots as part of the average lot size would further decrease the amount of lot lots otherwise allowed on the site.
- 3) It was not adequately demonstrated that the increased traffic onto SW 6<sup>th</sup> Avenue would not be detrimental to the area and cause undue congestion and safety hazard at the S Ivy Street intersection as a full traffic study looking at existing traffic volumes and delay at the intersection caused by school bus traffic was not performed, merely a rezone TPR analysis and traffic generation analysis.
- 4) The private roadway easement's required "no parking" designation in conjunction with the number of lots proposed would result in a functional parking inadequacy even though the minimum code standard is met that could lead to emergency access issues when visitor's or residents ignore the "no parking signs" and park along the narrow 20' wide access easement. It was noted that visitors were not likely to park along SW 6<sup>th</sup> Avenue but would violate the no parking signs. Multiple homes with a visitor at one time would easily exhaust the available 4 visitor or overflow parking spaces provided. The likely parking problem would result in too great of a risk for safety and emergency access to the homes; therefore contributing to a loss in the quality of life for the residents of the development and the nearby area.
- 5) The Conditional Use Permit was deemed inappropriate as it contributed extra density, which increased the resulting functional parking problem that could result in risk for emergency access for the residents and were not deemed as compatible as the outright permitted uses within the proposed C-R zone.



## **RECOMMENDATION**

**IT IS RECOMMENDED BY THE PLANNING COMMISSION** of the City of Canby that the Canby City Council deny **ZC 17-02**.

**In addition**, the Planning Commission determined that **CUP 17-05/SUB 17-04** is found to be inappropriate and harmful to the quality of life within the surrounding neighborhood and does not satisfactorily contain enough functional and necessary elements to assure a “good plan” that is a proper fit for the area as reflected in the additional findings.

**Therefore, IT IS ORDERED BY THE PLANNING COMMISSION** of the City of Canby that **CUP 17-05/SUB 17-04** be denied.

**I CERTIFY THAT THIS ORDER** denying **ZC 17-02/CUP 17-05/SUB 17-04** which was presented to and **DENIED** by the Planning Commission of the City of Canby.

**DATED** this 9th day of October, 2017

\_\_\_\_\_  
 John Savory  
 Planning Commission Chair

\_\_\_\_\_  
 Bryan Brown  
 Planning Director

\_\_\_\_\_  
 Laney Fouse, Attest  
 Recording Secretary

**ORAL DECISION: October 9, 2017**

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

**WRITTEN DECISION: October 23, 2017**

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