



PLANNING COMMISSION

Meeting Agenda

Monday, November 13, 2017

7:00 PM

City Council Chambers – 222 NE 2nd Avenue

Commissioner John Savory (Chair)

Commissioner Larry Boatright (Vice Chair)

Commissioner John Serlet

Commissioner Derrick Mottern

Commissioner Tyler Hall

Commissioner Shawn Varwig

Commissioner Andrey Chernishov

1. **CALL TO ORDER**
2. **CITIZEN INPUT ON NON-AGENDA ITEMS**
3. **MINUTES**
 - a. Approval of the October 23, 2017 Planning Commission Minutes
4. **NEW BUSINESS**
 - a. None
5. **PUBLIC HEARING**
 - a. Consider a request for a Minor Land Partition at 159 NE 10th Ave (**MLP 17-07 Will Snyder**)
 - b. Consider a request for a Subdivision at 1440, 1548, 1612, 1650, and 1758 N Redwood St (**SUB 17-06 N Redwood Landing Subdivision**)
6. **FINAL DECISIONS**

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

 - a. SUB 17-05 The Seven Acres, Sprague Subdivision
 - b. MLP 17-07 Will Snyder
 - c. SUB 17-06 N Redwood Landing Subdivision
7. **ITEMS OF INTEREST/REPORT FROM STAFF**
 - a. S Ivy Subdivision (SUB 17-04, ZC 17-02, CUP 17-05), Allen Manuel Appeal
 - b. Cancellation of the regularly scheduled Planning Commission Meeting for Monday, November 27, 2017.
8. **ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION**
9. **ADJOURNMENT**

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for person with disabilities should be made at least 48 hours before the meeting at 503-266-7001. A copy of this agenda can be found on the City's web page at www.canbyoregon.gov. City Council and Planning Commission Meetings are broadcast live and can be viewed on OCTS Channel 5. For a schedule of the playback times, please call 503-263-6287.

PUBLIC HEARING FORMAT

The public hearing will be conducted as follows:

- **STAFF REPORT**
 - **QUESTIONS** (If any, by the Planning Commission or staff)
 - **OPEN PUBLIC HEARING FOR TESTIMONY:**
 - APPLICANT** (Not more than 15 minutes)
 - PROPONENTS** (Persons in favor of application) (Not more than 5 minutes per person)
 - OPPONENTS** (Persons opposed to application) (Not more than 5 minutes per person)
 - NEUTRAL** (Persons with no opinion) (Not more than 5 minutes per person)
 - REBUTTAL** (By applicant, not more than 10 minutes)
 - **CLOSE PUBLIC HEARING** (No further public testimony allowed)
 - **QUESTIONS** (If any by the Planning Commission)
 - **DISCUSSION** (By the Planning Commission)
 - **DECISION** (By the Planning Commission)
- All interested persons in attendance shall be heard on the matter. If you wish to testify on this matter, please be sure to complete a Testimony Card and hand it to the Recording Secretary. When the Chair calls for Proponents, if you favor the application; or Opponents if you are opposed to the application please come forward and take a seat, speak into the microphone so the viewing public may hear you, and state your name, address, and interest in the matter. You may be limited by time for your statement, depending upon how many people wish to testify.

EVERYONE PRESENT IS ENCOURAGED TO TESTIFY, EVEN IF IT IS ONLY TO CONCUR WITH PREVIOUS TESTIMONY. All questions must be directed through the Chair. Any evidence to be considered must be submitted to the hearing body for public access.

Testimony and evidence must be directed toward the applicable review criteria contained in the staff report, the Comprehensive Plan, or other land use regulations which the person believes to apply to the decision.

Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision-maker and interested parties an opportunity to respond to the issue, may preclude appeal to the City Council and the Land Use Board of Appeals based on that issue.

Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government to respond to the issue may preclude an action for damages in circuit court.

Before the conclusion of the initial evidentiary hearing, any participant may ask the hearings body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing. The Planning Commission shall grant such requests by continuing the public hearing or leaving the record open for additional written evidence or testimony. Any such continuance or extension shall be subject to the limitations of the 120-day rule, unless the continuance or extension is requested or agreed to by the applicant.

If additional documents or evidence are provided by any party, the Planning Commission may, if requested, allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Any such continuance or extension of the record requested by an applicant shall result in a corresponding extension of the 120-day time period.



City of Canby

MINOR PARTITION STAFF REPORT

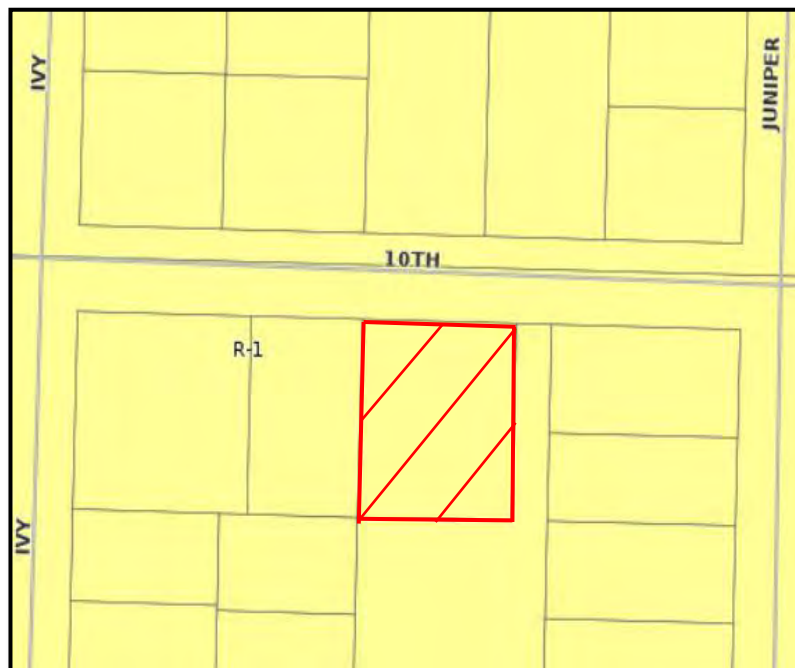
FILE #: MLP 17-07

Prepared for the November 13, 2017 Planning Commission Hearing

LOCATION: 159 NE 10th Avenue

ZONING: R-1 Low Density Residential

Tax lots: 31E33BD02301 (Red Bordered/Hatched Property in Map Below)



LOT SIZES: 15,597 SQUARE FEET (.36 AC)

OWNERS: Snyder Construction, LLC

APPLICANT: Snyder Construction, LLC – Will Snyder

APPLICATION TYPE: Minor Partition (Type III)

CITY FILE NUMBER: MLP 17-07

I. **PROJECT OVERVIEW & EXISTING CONDITIONS**

The applicant proposes to partition an existing 15,597 square foot lot into two parcels of approximately 7,792 square feet and 7,809 square feet each. Parcel 1 will contain an existing dwelling. All utilities to serve the new lots will be accessed from NE 10th Avenue. Access to the newly created flag lot is proposed from a single private 18 foot flag along the east side of the property.

II. APPLICABLE CRITERIA & STAFF FINDINGS

Applicable criteria used in evaluating this application are found in Chapter 16 of the *City of Canby's Land Development and Planning Ordinance* (Zoning Code) as follows:

- 16.08 General Provisions
- 16.10 Off-street Parking and Loading
- 16.16 R-1 Zone
- 16.21 Residential Design Standards
- 16.46 Access Limitations on Project Density
- 16.60 Major or Minor Partitions
- 16.64 Subdivisions-Design Standards
- 16.89 Application and Review Procedures

Chapter 16.08 General Provisions

16.08.070. Illegally created lots

In no case shall a lot which has been created in violation of state statute or city ordinance be considered as a lot of record for development purposes, until such violation has been legally remedied. (Ord. 740 section 10.3.05(G), 1984)

Findings: Based on available information, it appears that the subject property is a remnant parcel of surrounding land previously divided by deed or partitioning. Because there is no documentation otherwise, the property can be considered legally created for land use purposes.

16.08.160 Safety and Functionality Standards

The City will not issue any development permits unless the proposed development complies with the city's basic transportation safety and functionality standards, the purpose of which is to ensure that development does not occur in areas where the surrounding public facilities are inadequate. Upon submission of a development permit application, an applicant shall demonstrate that the development property will meet the standards listed in A-E of this section.

Findings: The standards listed in the section are determined to be met as follows:

- a. Adequate street drainage exists.
- b. The street intersection has safe access and clear vision
- c. Public utilities are available and adequate to serve the new home

Chapter 16.10 Off Street Parking & Loading

Table 16.10.050 Off-street Parking Provisions

Findings: Two Parking spaces are required for each single-family dwelling, and adequate parking will be reviewed during the building permit process. It should be noted that flag lot requirements state that adequate onsite turnarounds be provided so vehicles exit forward onto the public street.

16.10.070 Parking lots and access

B. Access

6. To afford safe pedestrian access and egress for properties within the city, a sidewalk shall be constructed along all street frontages, prior to use or occupancy of the building or structure proposed for said property. The sidewalks required by this section shall be constructed to city standards.... Section 16.08.08.090 states: "The Planning Commission may impose appropriate sidewalk and curbing requirements as a condition of approving any discretionary application it reviews. (Ord 740 section 10.3.05(l) 1984)"

Findings: The City Engineer stated that 6' wide sidewalks must be constructed along the entire site frontage. Sidewalks must be constructed to City standards. Sidewalk access from the street to the homes beyond the driveway itself is required for a 1 or 2 family dwelling unit.

16.10.070(10) (f): Distance between Driveways and Intersections for Single-family Residential Houses...:

Findings: It appears by the submitted site plan that access for the newly created lot will be able to comply with the required 50' separation from the nearest street intersection. The proposed driveway will maintain a 5 foot driveway setback from the property line. However, the developed adjacent parcel has an existing driveway that does not meet the standard, so the proposal will not meet a 10 foot separation from adjacent driveways. The adjacent existing non-compliance should not prevent the property owner of the subject property from developing his lot, and the Planning Director determined that the provision is met.

Table 16.10.070: Minimum dimensional Standard for Parking:

Findings: Parking standards will be verified during the building permit process. Minimum driveway width is 12' with a maximum of 24' at the inside edge of the sidewalk for a home with a 2 car garage. A minimum paved driveway width of 12 feet is allowed for a flag lot with an arm that extends less than 100 feet in length back from the road frontage.

16.16 R-1 Low Density Residential Zone

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

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

Findings: The proposed and existing single-family homes are permitted outright in the zone.

16.16.030 Development standards: The required development standards of the R-1 zone are listed in this section.

Findings: The proposed additional lot meets the 7,000 square foot minimum and 10,000 square foot maximum lot sizes. In this case, the "flag" portion of the partition is not under separate ownership but is part of the flag lot and will serve for access and utility service to the new home on Parcel 2. Subsequently, the flag area can be included with the lot size of the parcel. The existing dwelling will meet the minimum rear setback to the proposed new property boundary, and Parcel 1 will comply with the minimum 60 foot lot width. The flag lot is exempt from the 60 foot lot-width provision under Section 16.64.040(C). Verification of maximum impervious area will be addressed during the building permit process for new dwelling construction on Parcel 2.

16.46 Access Limitations on Project Density

Findings: There is no evidence that the additional lot will impact the suitability of the existing access to lots within the neighborhood. No new roads are proposed to trigger minimum access standards.

16.60 Major or Minor Partitions

16.60.020 Standards and criteria

The same improvements shall be installed to serve each building site of a partition as is required of a subdivision, and the same basic design standards shall apply. If the improvements are not constructed or installed prior to the filing of the signed partition plat with the county, they shall be guaranteed in a manner approved by the City Attorney. However, if the commission finds that the nature of development in the vicinity of the partition makes installation of some improvements unreasonable, the commission shall except those improvements. In lieu of excepting an improvement, the commission may recommend to the council that the improvement be installed in the area under special assessment financing or other facility extension policies of the city.

Findings: As indicated above, the standards of Chapter 16.64, Subdivision Design Standards, are applicable to this proposal. The above section also gives the Planning Commission the authority to be flexible with public improvement requirements that may be unique to this case.

16.60.030 Minor partitions.

Application for a minor partition shall be evaluated based upon the following standards and criteria:

- A.** Conformance with the text and applicable maps of the Comprehensive Plan;
- B.** Conformance with all other applicable requirements of the Land Development and Planning Ordinance;
- C.** The overall design and arrangement of parcels shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties;
- D.** No minor partitioning shall be allowed where the sole means of access is by private road, unless it is found that adequate assurance has been provided for year-round maintenance sufficient to allow for unhindered use by emergency vehicles, and unless it is found that the construction of a street to city standards is not necessary to insure safe and efficient access to the parcels;
- E.** It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed land division.

Findings: The application meets the provisions of a partition as stated in Section 16.60.040, and more specifically as a Minor Partition in that the applicant intends to divide a single parcel into two separate lots and does not propose any new street or roadway. Public facilities and services are presently available to serve the proposed lot by extending individual service laterals, and in the case of sanitary sewer a new sewer main, from adjacent NE 10th Avenue. Access to the newly created parcels will occur from a new driveway directly onto NE 10th Avenue. A condition of approval shall be placed to establish that any possible utility easement needed across the frontage of NE 10th Avenue by utility service providers shall be made a part of the recorded partition plat.

16.60.060 Final procedures and recordation.

- A.** Following the action of the city in approving or conditionally approving a tentative plat for a partition, the applicant shall be responsible for the completion of all required improvements, or the

posting of adequate assurances in lieu thereof, to the satisfaction of the city engineer prior to the transfer of title of any of the parcels involved.

- B. Recordation of an accurate survey map (Partition Plat), prepared by a registered engineer or licensed surveyor, must be completed within one year of the approval of the tentative map. One copy of the recorded survey map shall be filed with the City Planner for appropriate record keeping.
- C. The applicant shall bear full responsibility for compliance with applicable state and city regulations regarding the recordation of documents and subsequent transfer of ownership.
- D. The Planning Director may approve a single one-year extension to the original one-year period. Applicants must file a request for such extension in writing, stating the reasons the request is needed. The Planning Director shall review such requests and may issue the extension after reviewing any changes that may have been made to the text of this title and any other pertinent factors, including public comment on the original application.

Findings: A condition of approval shall state that a surveyed partition plat prepared by a licensed surveyor or engineer shall be recorded at Clackamas County after City review. The proposed final plat must be submitted to the city for review within one year of Planning Commission approval, or the applicant must request that the Planning Director approve a one-year extension for submittal. The applicant or county shall provide the city with a copy of the final plat in a timely manner after it is recorded at Clackamas County. Additionally, a condition of approval shall list criteria in "A" above.

16.64 Subdivisions-Design Standards

16.64.010 Streets

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

16.64.070

- C. (3) Street Trees. Street trees shall be provided consistent with the provisions of Chapter 12.32.
- K. Street tree planting is required of the sub divider and shall be according to city requirements.

Findings: Generally, a condition of approval would require the applicant to submit a Street Tree Plan applicable to the parcel fronting on NE 10th Avenue. However, street tree easement standards have not been applied to partitions with flag lots and developed frontage parcels. Subsequently, the street tree criterion is not applicable to this particular application.

16.64.030 Easements

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

Findings: A condition of approval shall require that all provisions of applicable utility agencies are met prior to the recordation of the partition plat.

16.64.040 Lots

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

Findings: The proposed lots meet the above size, width, and shape criteria.

- C. Lot Frontage. All lots shall meet the requirements specified in Division III for frontage on a public street, except that the Planning Commission may allow creation of flag lots...upon finding that access and building areas are adequate.
- E. Lot Side Lines. The side lines of lots shall run at right angles to the street upon which the lots face...

Findings: The proposal meets the above criteria.

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

2. The access strip is to be a minimum of twenty feet in width and shall be paved for its full width from its connection with the public street to the main body of the lot. Except, however, that the width requirement may be reduced to twelve feet, for accessing a single flag lot, where the total length of the access strip does not exceed one hundred feet. Access strips not less than ten feet in width may be permitted where two such drives abut and are provided with reciprocal easements for use. For drives accessing more than two flag lots, the access strip shall be a minimum of twenty feet with reciprocal access and maintenance agreements for all lots.

Findings: In the particular case, the length of the lot's flag portion for access is 75.50 feet, so the access width could be reduced to 12 feet. The submitted site plan delineates an 18 foot wide access and utility flag with a 12 foot paved surface along the east side of the property. The access meets the above criteria.

- J. Designation of Lots as 'Infill Home' Sites. The Planning Commission may require that homes built on one or more lots adjacent to existing development be subject to any or all of the requirements of 16.21.050 - Infill Homes. Furthermore, for subdivisions where the parent parcel(s) is less than two acres in size, the Planning Commission may require that all homes built on lots in the subdivision be subject to any or all of the requirements of 16.21.050. These requirements are to be shown on the subdivision plat or included in the deed restrictions.

Infill Lots are defined in Section 16.04.255 as follows: "Infill homes mean existing and new single family dwellings, manufactured homes, two-family dwellings, duplexes and triplexes on lots that are located in an R-1 or R-1.5 zoning district, and that have existing homes on two adjacent sides. Each adjacent home must be within 25 feet of the common lot line with the infill homes and have pre-existed for at least 5 years (dated from the existing homes final building permit approval). (Ord. 1107, 2002; Ord 1237, 2007; Ord 1323, 2010)"

Findings: It appears that proposed Parcel 2 may meet the definition of an infill lot. As a condition of approval, the applicant must address criteria in 16.21.050 during the building permit site plan review process.

16.64.060 Grading of Building Sites

The commission may impose bonding requirements, similar to those described in section 16.64.070, for the purpose of ensuring that grading work will create no public hazard nor endanger public facilities where either steep slopes or unstable soil conditions are known to exist.

Findings: The subject parcel is situated on level property without any indication of hazard to public facilities. Staff does not recommend a bonding requirement for grading purposes.

16.64.070 Improvements

A. Improvement Procedures. In addition to other requirements, improvements installed by a land divider either as a requirement of these regulations, or at his own option, shall conform to the requirements of these regulations and improvement standards and specifications followed by the city, and shall be installed in accordance with the following procedure:

1. Improvement work shall not be commenced until plans have been checked for adequacy and approved by the city. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the tentative plat of a subdivision or partition. No work shall commence until the developer has signed the necessary certificates and paid the subdivision development fees specified elsewhere in this division.
2. Improvement work shall not commence until after the city is notified and if work is discontinued for any reason it shall not be resumed until after the city is notified.
3. Improvements shall be constructed under the inspection and to the satisfaction of the City. The city may require changes in typical sections and details in the public interest if unusual conditions arise during construction which warrants the change.

Findings: Public Works department through the City's Engineer has recommended street improvements associated with this partition. A paved driveway approach to city standards is required for the new access onto NE 10th Avenue as well as a six foot wide sidewalk along the site frontage.

5. A map showing public improvements "as built" shall be filed with the city engineer within sixty days of the completion of the improvements.

Findings: Public improvement plans are not required so as-built plans would not be needed for this project except for the public sewer main to serve the new lot.

B. The following improvements shall be installed at the expense of the sub divider unless specifically exempted by the Planning Commission:

1. Streets, including drainage and street trees;
2. Complete sanitary sewer system;
3. Water distribution lines and fire hydrants;
4. Sidewalks and any special pedestrian ways;
5. Street name and traffic-control signs;
6. Streetlights;
7. Lot, street and perimeter monumentation;
8. Underground power lines and related facilities;
9. Underground telephone lines, CATV lines, natural gas lines, and related facilities;

Findings: As previously discussed, staff recommends that improvements be limited to paved driveway approach and site frontage sidewalk construction to city standards, sewer main extension, water lateral connections, and compliance with building and erosion control standards with development of Parcel 2. As stated above, all improvements are at the expense of the applicant.

C. Streets

2. ...monuments shall be reestablished and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street centerlines as required by Oregon Revised Statutes Chapter 92.

Findings: A condition of approval addresses monumentation requirements.

4. Prior to city approval of the partition plat, all perimeter and back lot line monumentation shall be installed and the installation of the front lot monumentation (along and within street rights-of-way) shall be guaranteed. Any monuments destroyed during improvement installation shall be replaced at the developer's expense.

Findings: A condition of approval addresses monumentation requirements.

9. Improvements such as paving, curbing, installation or contribution to traffic signals, construction of sidewalks, bikeways, access ways, paths, or streets that serve the proposed use where the existing transportation system may be burdened by the proposed use.

Findings: There is no evidence that the existing transportation system may be burdened by the proposal.

D. Surface Drainage and Storm Sewer System.

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

Findings: All residential storm water must be retained onsite per Chapter 4 of the Canby Public Works Design Standards.

G. Sidewalks. Sidewalks shall be required on both sides of a public street and in any special pedestrian way within the subdivision, except that in the case of identified arterials, or industrial districts, the commission may approve a subdivision without sidewalks if alternative pedestrian routes are available. Sidewalk construction may be postponed until the actual construction of buildings on the lots, provided that adequate assurance is given that such sidewalks will be installed.

Findings: Construction of a six foot wide sidewalk along NE 10th Avenue is necessary.

K. Other Improvements.

1. Curb cuts and driveway installation are not required of the sub divider but, if installed, shall be according to city standards.
2. Street tree planting is required of the sub divider and shall be according to city requirements.

3. The developer shall make necessary arrangements with utility companies or other persons or corporations affected, for the installation of underground lines and facilities....

Findings: A condition of approval states that, prior to home construction, a City Street Opening Permit is required when curb cuts are proposed as part of development. Otherwise access spacing requirements will be reviewed during the building permit process, but would appear to be met based on distance to the intersection and to the nearest adjacent driveway. Street trees are not required for this case. Any existing overhead utility lines are not proposed to be placed underground with a single new lot creation.

M. Survey Accuracy and Requirements. In addition to meeting the requirements as set forth in Oregon Revised Statutes relative to required lot, street and perimeter monumentation, the criteria listed in **Section 16.64.070** shall be required.

Findings: A condition of approval states that the City Engineer or County surveyor shall verify that the above standards are met prior to the recordation of the partition plat.

N. Agreement for Improvements. Before commission approval of a subdivision plat or partition map, the land divider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the property, or execute and file with the city engineer, an agreement specifying the period within which required improvements and repairs shall be completed and provided that, if the work is not completed within the period specified, the city may complete the work and recover the full cost and expense, together with court costs and reasonable attorney fees necessary to collect the amounts from the land divider. The agreement shall also provide for reimbursement to the city for the cost of inspection by the city which shall not exceed ten percent of the improvements to be installed.

O. Bond.

1. The land divider shall file with the agreement, to assure his full and faithful performance thereof, one of the financial choices listed in this section and meet stated provisions of the section.

P. Guarantee. All improvements installed by the sub divider shall be guaranteed as to workmanship and materials for a period of one year following written notice of acceptance by the city to the developer.

Findings: Any public improvements required by the Commission shall meet the above criteria. Necessary improvements are noted by the City Engineer for the partition and will be installed prior to recording the partition plat, and if not, bonding will be necessary.

16.89 Application and Review Procedures

Findings: This application is being processed in accordance with Chapter 16.89. Notice of the public hearing was mailed to owners and residents of lots within 200 feet of the subject development and to applicable agencies. Notice of the meeting was posted at City Hall, Library and published in the Canby Herald. This chapter requires a Type III process for minor partitions. A neighborhood meeting is not required for minor partitions. A pre-application conference was not held for this application. The review procedures have been met.

III. PUBLIC TESTIMONY/COMMENTS

Notice of this application and opportunity to provide comment was mailed to owners and residents of lots within 200 feet of the subject properties and to all applicable public agencies. All citizen and agency comments/written testimony will be presented to the Planning Commission.

Comments received from the public and agencies by the time the staff report was written are included as part of the file.

IV. Decision

Based on the application submitted and the facts, findings, and conclusions of this report, staff recommends that the Planning Commission approve Minor Land Partition File MLP 17-07 subject to the following conditions of approval:

V. CONDITIONS OF APPROVAL

Minor Partition Conditions Unique to This Request:

1. The new home on Parcel 2 may be subject to the residential infill standards. The home builder must meet applicable infill home evaluation criteria listed in Section 16.21.050 that shall be addressed to assure code compliance at the time of submittal of a building permit and site plan review.
2. Any possible utility easement needed across the frontage on NE 10th Avenue by utility service providers shall be made a part of the recorded partition plat.
3. The driveway easement shall meet the 12 foot paved minimum width standard stated in Section 16.64.040(1)(2) unless otherwise specified by the Planning Commission.
4. At the required pre-construction meeting for developing the parcels, the applicant must provide approved improvement plans that show any public water and sewer main extensions and a 5 foot separation between driveways.
5. The applicant shall meet the provisions stated by the City Engineer in comments dated October 18, 2017.

Final Partition Plat Conditions:

6. A surveyed partition plat prepared by a licensed surveyor shall be recorded with Clackamas County after application and review of a Final Partition Plat by the City. The partition plat must be submitted to the city within one year of Planning Commission approval of the partition or the applicant must request, in writing, a one year extension from the Planning Commission. The applicant or county shall provide the city with a recorded copy of the plat in a timely manner.
7. The applicant shall bear full responsibility for compliance with applicable State or county regulations regarding the recordation of deed documents and subsequent transfer of ownership related to the newly established lot(s).
8. All provisions of applicable utility agencies shall be met prior to the recordation of the partition plat.
9. The applicant shall be responsible for the completion of all required improvements, or

the posting of adequate assurances in lieu thereof, to the satisfaction of the city engineer prior to the transfer of title of any of the parcels involved.

Monumentation/Survey Accuracy Conditions

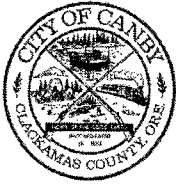
10. The county surveyor shall verify that the survey accuracy and monumentation requirements set forth in Oregon Revised Statutes and CMC 16.64.070(M) are met prior to the recordation of the partition plat. Installation of the front lot monumentation (along and within street rights-of-way) and the replacement of any existing monuments destroyed during improvement installation shall be confirmed by the city engineer or county surveyor prior to the recordation of the partition plat.
11. Monuments shall be reestablished and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street centerlines as required by Oregon Revised Statutes Chapter 92. The county surveyor shall verify compliance with this condition prior to the recordation of the final plat.

Residential Building Permits Conditions:

12. All work associated with the required paved driveway or utility installations associated with the new vacant Parcel 2 shall secure a street opening and/or driveway construction permit and comply with the City's current Public Works Design Standards.
13. Construction of all required public improvements and the recordation of the partition plat must be completed prior to the issuance of building permits and comply with all applicable City of Canby Public Works Design Standards.
14. The homebuilder shall apply for a City of Canby Site Plan Permit and County Building Permit for any proposed home.
15. Per the Canby Public Works Design Standards, minimum residential driveway widths at the inside edge of the sidewalk shall be 12 feet and the maximum residential driveway widths shall be 24 feet with an allowed exception for 28 feet for a home with 3 or more garages doors that face the street in a row.
16. The homebuilder for Parcel 2 shall apply for a City of Canby Erosion Control Permit.
17. On-site storm water management shall be designed in compliance with the Canby Public Works Design Standards when development is proposed for Parcel 2.
18. Clackamas County Building Codes Division will provide structural, electrical, plumbing, and mechanical plan review and inspection services for home construction. The applicable county building permits are required prior to construction of each home.

Attachments:

Partition Tentative Site Plan
Applicant's Narrative



City of Canby
 Planning Department
 170 N. 2nd Avenue
 P.O. Box 930
 Canby, OR 97013
 Ph: 503-266-7001
 Fax: 503-266-1574

LAND USE APPLICATION

MINOR/MAJOR PARTITION Process Type II/III

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

Applicant Name: Snyder Construction, LLC Phone: 503-833-2626
 Address: PO Box 595 Email: will@whiteriverhomes.net
 City/State: Canby Zip: 97013

Representative Name: Will Snyder Phone: Same
 Address: Same Email: Same
 City/State: _____ Zip: _____

Property Owner Name: Snyder Construction, LLC Phone: Same
 Signature: _____
 Address: _____ Email: _____
 City/State: _____ Zip: _____

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

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

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

PROPERTY & PROJECT INFORMATION:

159 NE 10th Ave Canby 15,582.5 SF 00789793
 Street Address or Location of Subject Property Total Size of Property Assessor Tax Lot Numbers

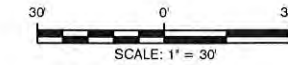
One detached single family dwelling R1 _____
 Existing Use, Structures, Other Improvements on Site Zoning Comp Plan Designation

Minor partition leaving existing dwelling on north lot and create new flag, south lot
 Describe the Proposed Development or Use of Subject Property

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



Scale: 1" = 30'



Notes:

1. THE BOUNDARY AND BASIS OF BEARING IS PER FOUND MONUMENTS AND THE PLAT OF CANBY ACRES.
2. TOPOGRAPHIC FEATURES SHOWN ON THIS MAP WERE LOCATED USING STANDARD PRECISION TOPOGRAPHIC MAPPING PROCEDURES. THIRD PARTY USERS OF DATA FROM THIS MAP PROVIDED VIA AUTOCAD DRAWING FILES OR DATA EXCHANGE FILES SHOULD NOT RELY ON ANY AUTOCAD GENERATED INFORMATION WHICH IS BEYOND THE LIMITS OF PRECISION OF THIS MAP. THIRD PARTIES USING DATA FROM THIS MAP IN AN AUTOCAD FORMAT SHOULD VERIFY ANY ELEMENTS REQUIRING PRECISE LOCATIONS PRIOR TO COMMENCEMENT OF ANY CRITICAL DESIGN OR CONSTRUCTION. CONTACT COMPASS LAND SURVEYORS FOR FURTHER INFORMATION. FURTHERMORE, COMPASS LAND SURVEYORS WILL NOT BE RESPONSIBLE NOR HELD LIABLE FOR ANY DESIGN OR CONSTRUCTION RELATED PROBLEMS THAT ARISE OUT OF THIRD PARTY USAGE OF THIS MAP (IN AUTOCAD OR OTHER FORMAT) FOR ANY PURPOSE OTHER THAN SPECIFICALLY STATED HEREIN. THIS STATEMENT IS AN OFFICIAL PART OF THIS MAP.
5. THE CURRENT ZONING OF THE SUBJECT PROPERTY IS R-1, LOW DENSITY RESIDENTIAL.
6. TAX LOT NUMBERS ARE FROM CURRENT ASSESSOR'S MAP 3-1E-338D.

Legend:

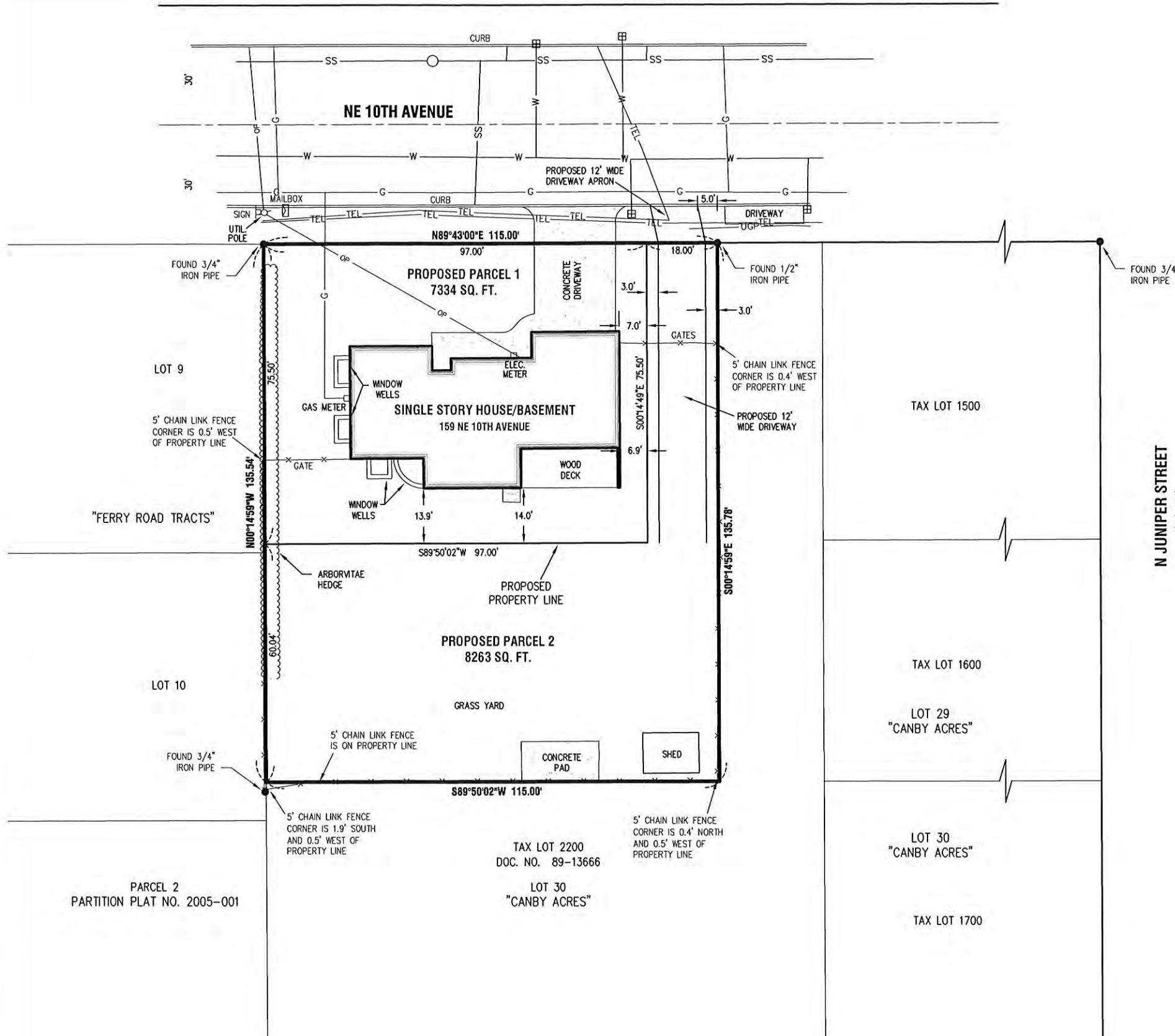
- G — GAS LINE
- OP — OVERHEAD POWER LINE
- SS — SANITARY SEWER LINE
- ST — STORM SEWER LINE
- TEL — UNDERGROUND COMMUNICATION LINE
- UCP — UNDERGROUND POWER LINE
- W — WATER LINE

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Joseph C. McAllister

OREGON
FEBRUARY 8, 2000
JOSEPH C. McALLISTER
49695

DATE OF SIGNATURE: 10/13/17
EXPIRES: 12/31/2018



**PRELIMINARY PLAT
EXISTING CONDITIONS SURVEY**

REVISIONS	DRAWN CH	CHECKED JCM
	SCALE 1" = 30'	DATE 10/2017
	PLAN 7950 Topo.dwg	

COMPASS Land Surveyors
4107 SE International Way, Suite 705
Milwaukie, Oregon 97222 503-653-9093

WHITE RIVER HOMES
P.O. BOX 595
CANBY, OREGON 97013

**TAX LOT 2301, THE WEST 115 FEET OF LOT 29, CANBY ACRES
SITUATED IN THE NORTHWEST ONE-QUARTER OF SECTION 33,
TOWNSHIP 3 SOUTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN,
CITY OF CANBY, CLACKAMAS COUNTY, OREGON**

White River Homes

09/08/2017

RE: Minor Partition of 159 NE 10th Ave Canby

Snyder Construction, LLC DBA White River Homes intends to partition the subject property creating a new north lot (Parcel 1) that will contain the existing dwelling and a new flag south lot (Parcel 2) that will be vacant.

The lot is rectangular with the north/south property lines at 135.5' long and the east/west property lines at 115' long. The newly created north lot (Parcel 1) will be facing NE 10th, 97' wide x 75.5' deep and totaling 7,334 square feet. The newly created south (flag) lot (Parcel 2) will have an 18' wide pole connecting to NE 10th Ave along the east side of the existing lot. The pole will travel south 75.5' then opening up to a 60' wide x 115' deep lot, Parcel 2. Parcel 2 will total 8,263 square feet, including the pole. NE 10th Ave is in good condition and has a curb along the entire northern length of the existing lot.

There is additionally an existing flag lot south of 159 NE 10th Ave. The address is 187 NE 10th Ave and has a pole access to NE 10th Ave that is 26' wide and will be east of the newly created pole of Parcel 2. It also has a 20' wide pole that travels south to NE 9th Ave. The asphalt driveway is roughly 16' wide and is held 2' west of the property line adjacent to proposed parcel 2. The street apron is also 2' west of the property line as can be seen on the Existing Condition Site Map.

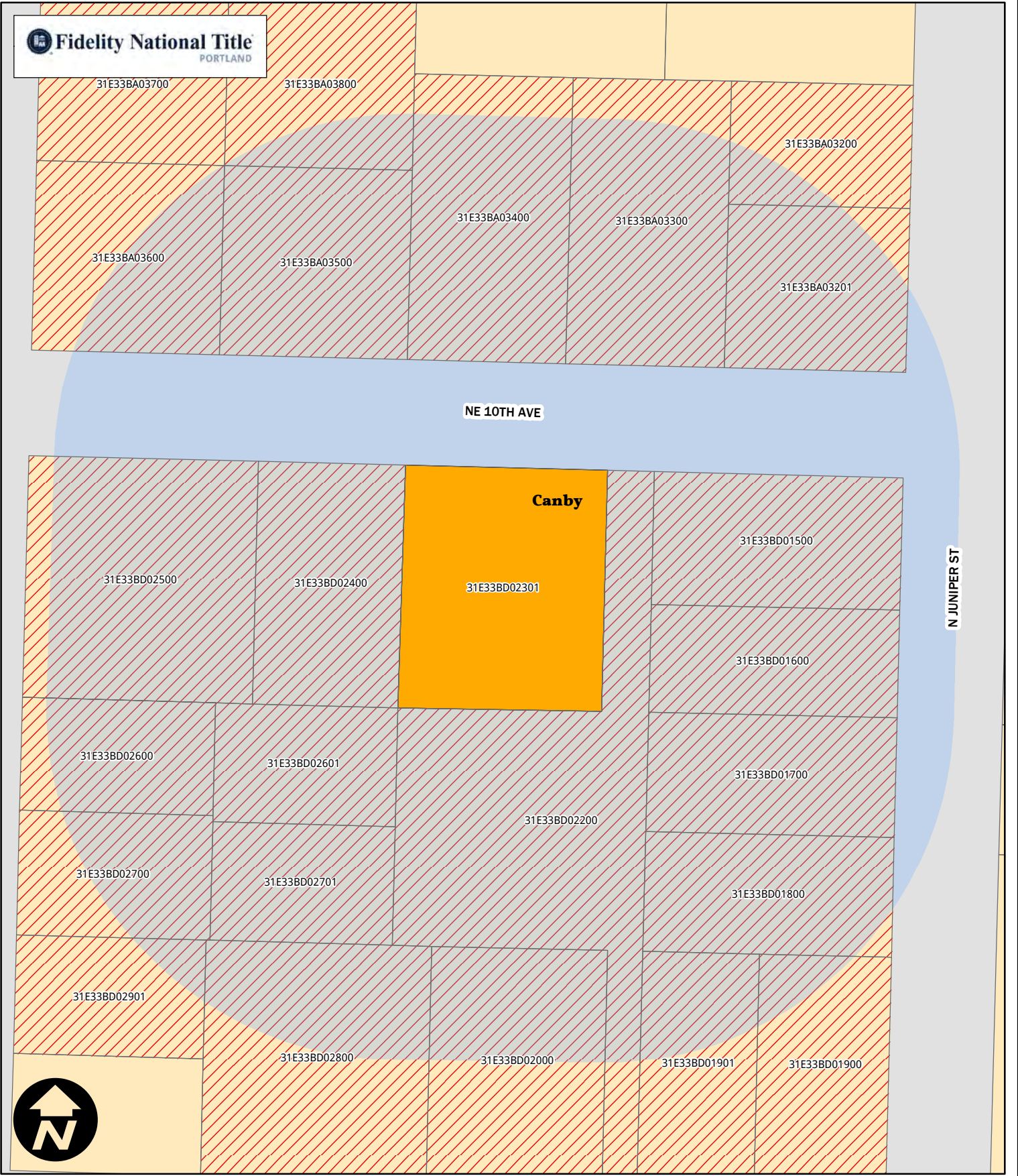
The 15,597 square foot site is zoned R1 which allows lots to be 7,000 to 10,000 square feet. Parcel 1, the lot that contains the existing dwelling will be roughly 7,334 square feet. Parcel 2, the newly created lot will contain roughly 8,263 square feet.

Parcel 1 will use the same utilities currently used and accessed via NE 10th Ave. Parcel 2 will also access NE 10th Ave and will access water, sewer, electricity, gas and low voltage all located in NE 10th Ave. The sewer and power are located on the north side of NE 10th Ave. The water, gas & low voltage are located on the south side of NE 10th Ave.






Sincerely,



Will Snyder

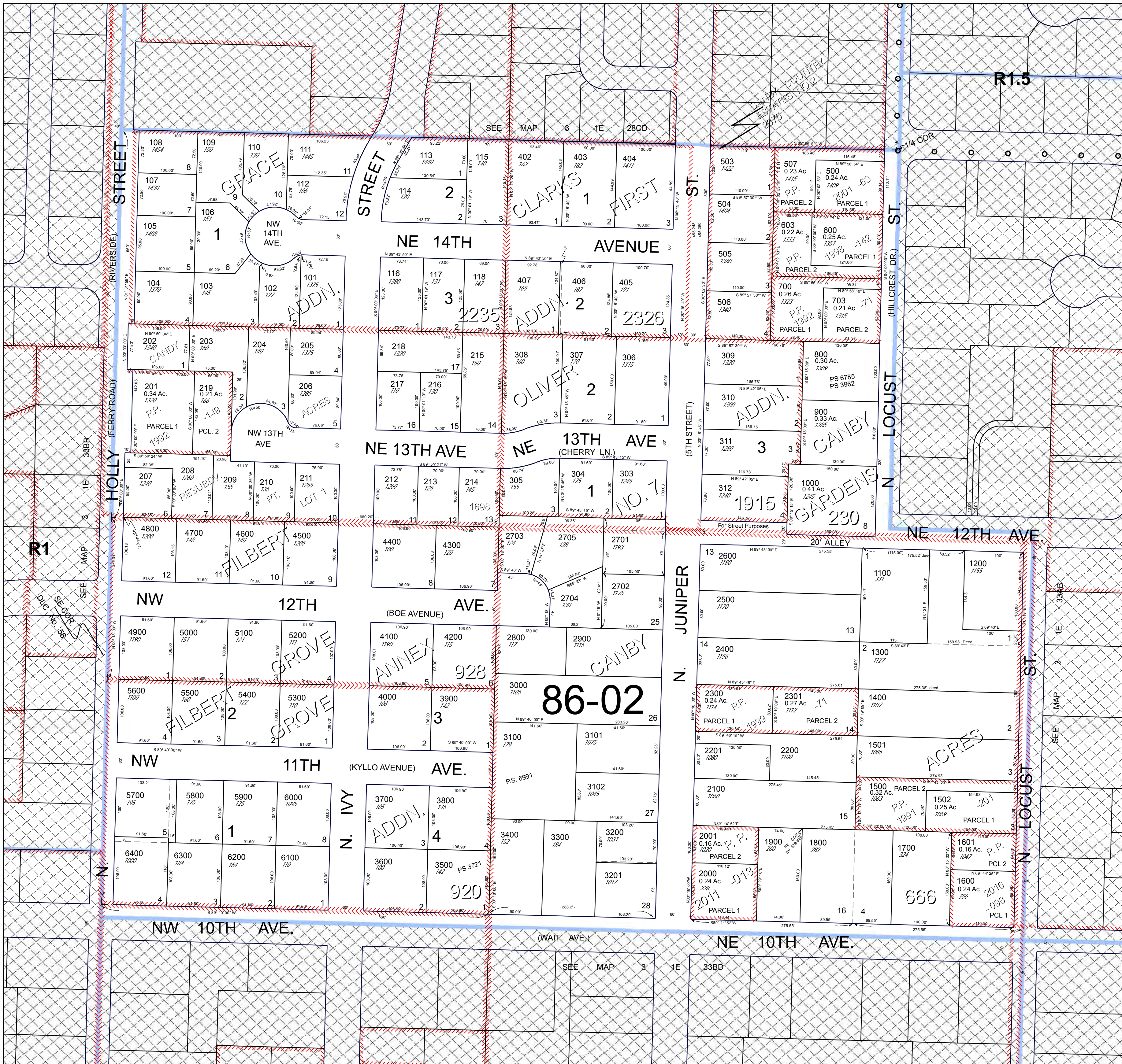


Public Notification Search

-  Subject
-  Notification
-  Radius
-  Incorporated city
-  Taxlots

200 Feet

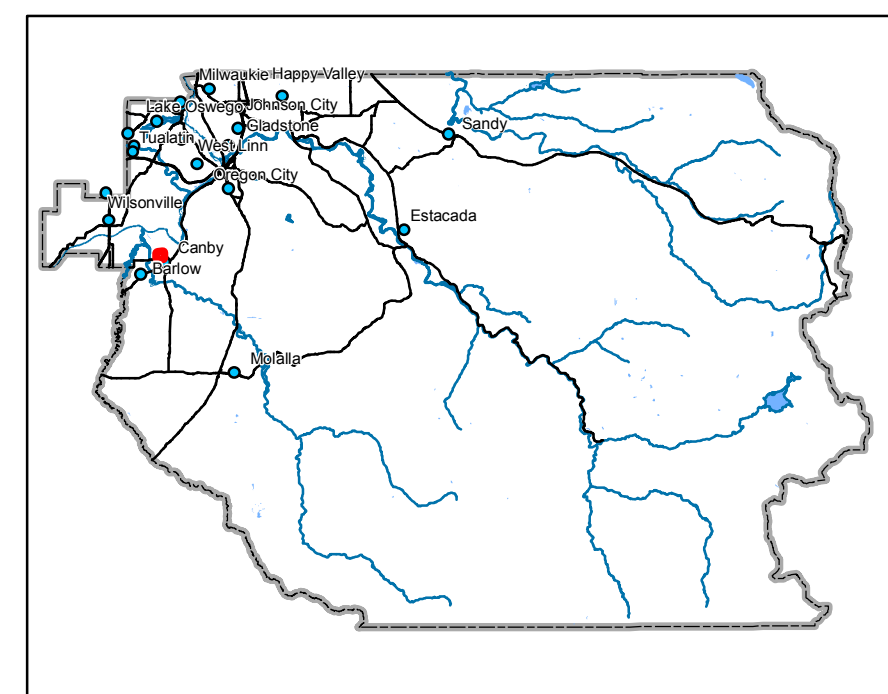
Prepared by: Fidelity National Title
Data: CoreLogic, Metro RLIS
Date: 10/20/2017
This information is reliable, but not guaranteed. It is **not** a survey.



Cancelled Taxlots

- 301
- 200
- 302
- 300
- 100
- 2700
- 401
- 400
- 502
- 602
- 702
- 501
- 601
- 701

- Parcel Boundary
- - - Private Road ROW
- - - Historical Boundary
- + - Railroad Centerline
- TaxCodeLines
- Map Index
- WaterLines
- Land Use Zoning
- ▨ Plats
- Water
- ⊙ Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- - - Meander Line
- PLSS Section Line
- ⊙ Historic Corridor 40'
- ⊙ Historic Corridor 20'



THIS MAP IS FOR ASSESSMENT
PURPOSES ONLY



3 1 E 33BD
CANBY

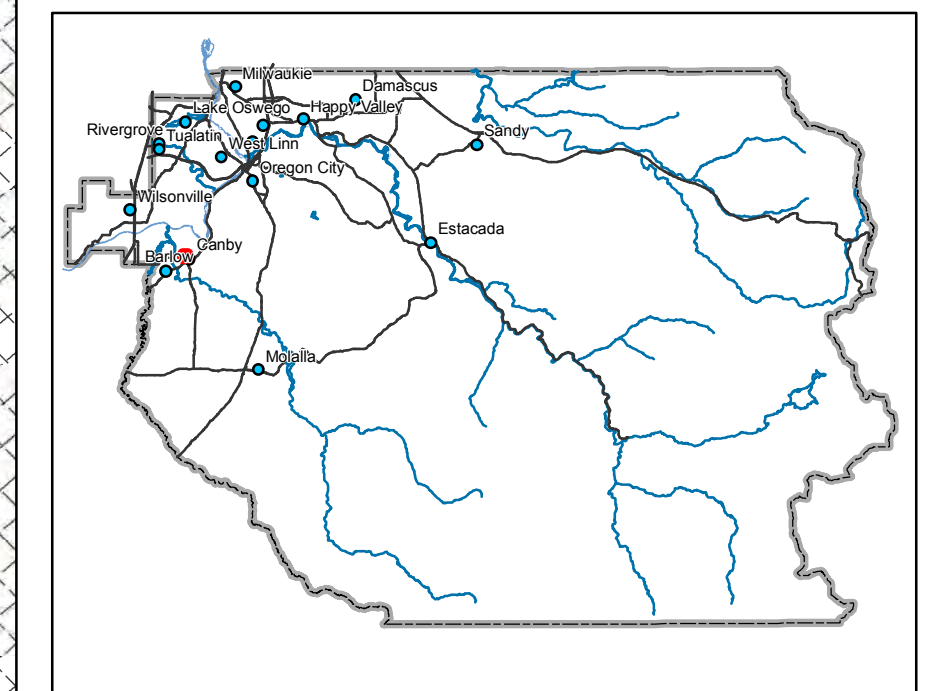
S.E. 1/4 N.W. 1/4 SEC. 33 T.3S. R. 1E. W.M.
CLACKAMAS COUNTY
1" = 100'

D. L. C.
PHILANDER LEE NO. 56

Cancelled Taxlots

- 10513
- 9401
- 5500
- 2100
- 5600
- 5100
- 2300
- 8500
- 8600
- 8800
- 9101
- 10300
- 10401
- 10500
- 7803
- 9102
- 10100
- 10200
- 9100
- 3801
- 1000
- 1000E1
- 400
- 500
- 900
- 6800
- 1200E1
- 10990
- 10991

- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- TaxCodeLines
- Map Index
- WaterLines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor 20'



THIS MAP IS FOR ASSESSMENT
PURPOSES ONLY

3 1 E 33BD
CANBY

6/26/2017



Fidelity National Title
Client Services Group
900 SW 5th Ave, Mezzanine
Portland, OR 97204
O: 503-227-5478 F: 503-274-5472
csrequest@fnf.com

Friday, October 20, 2017

The enclosed radius search was created using data purchased from Core Logic and Metro. This data is derived from county tax records and is deemed reliable, but is not guaranteed. Fidelity National Title cannot be held liable for any additions, deletions, or errors in this search.

This research was completed on the date stated above.

Thank you.

Enclosures:

- Data summary of parcels to be notified
- Map of subject parcel, radius, and parcels to be notified
- County assessor maps for parcels to be notified
- Labels



Fidelity National Title[®]

PORTLAND

Prepared By :
Date : 10/20/2017

900 SW 5th Ave, Mezzanine Level Portland, Oregon 97204
Phone: (503) 227-LIST (5478) E-mail: csrequest@fnf.com

OWNERSHIP INFORMATION

Owner : **Snyder Construction LLC**
Co Owner :
Site Address : 159 NE 10th Ave Canby 97013
Mail Address : PO Box 595 Canby Or 97013
Taxpayer : Young Jerold T & Janice K

Ref Parcel Number : 31E33BD02301
Parcel Number : 00789793
T: 03S R: 01E S: 33 Q: NW QQ: SE
County : Clackamas (OR)
Telephone :

TRANSFER HISTORY

Owner(s)	Date	Doc #	Price	Deed	Loan	Type
:Snyder Construction LLC	:09/29/2017	17 066607	:\$355,875	:Warranty	:\$267,660	:Construct
:Young Jerold T & Janice K	:	76-30336	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:

PROPERTY DESCRIPTION

Map Page & Grid :
Census Tract : 229.05 Block: 3
Improvement Type : 142 Sgl Family,R1-4,1-Story (Basement)
Subdivision/Plat : Canby Acres
Neighborhood Code : City of Canby
Land Use : 101 Res,Residential Land,Improved
Legal : 666 CANBY ACRES PT BLK 29

ASSESSMENT AND TAX INFORMATION

Mkt Land : \$127,732
Mkt Structure : \$236,040
Mkt Total : \$363,772
% Improved : 65
16-17 Taxes : \$3,458.63
Exempt Amount :
Exempt Type :
Levy Code : 086002
Millage Rate : 17.1433
M50AssdValue : \$201,748

PROPERTY CHARACTERISTICS

Bedrooms : 2	Building SF : 2,863	BldgTotSqFt : 2,178
Bathrooms : 1.50	1st Floor SF : 1,491	Lot Acres : .37
Full Baths : 1	Upper Finished SF :	Lot SqFt : 15,907
Half Baths : 1	Finished SF : 2,178	Garage SF : 540
Fireplace : Stacked	Above Ground SF : 1,492	Year Built : 1956
Heat Type : Hot Water	Upper Total SF :	School Dist : 086
Floor Cover : Hardwd	UnFinUpperStorySF :	Foundation : Concrete
Stories : 1 Story-Bsmt	Basement Fin SF : 686	Roof Type : Composition
Int Finish : Plaster	Basement Unfin SF : 685	Roof Shape : Gable
Ext Finsh : Bevel Siding	Basement Total SF : 1,371	

Fidelity National Title Company Of Oregon / Clackamas (OR)

Ref Parcel #	Owner Name	Site Address	Phone #
31E33BA03200	Wilhelm Peter Bryant	1031 N Juniper St Canby 97013	
31E33BA03201	Snyder Joseph & Brea	1017 N Juniper St Canby 97013	
31E33BA03300	Herman Steve	184 NE 10th Ave Canby 97013	
31E33BA03400	Pittman David M	152 NE 10th Ave Canby 97013	
31E33BA03500	Leece Delores L Trustee	142 NE 10th Ave Canby 97013	
31E33BA03600	Fillis Clayton D	100 NE 10th Ave Canby 97013	
31E33BA03700	Enevoldsen Donna	105 NE 11th Ave Canby 97013	
31E33BA03800	Hamilton Nancy J	145 NE 11th Ave Canby 97013	
31E33BD01500	Kline-Belnap Living Trust	197 NE 10th Ave Canby 97013	
31E33BD01600	Haines Vickie L	975 N Juniper St Canby 97013	
31E33BD01700	Pardey Shirley L	953 N Juniper St Canby 97013	
31E33BD01800	Horst Peter A	945 N Juniper St Canby 97013	
31E33BD01900	Pickett Nancy M	905 N Juniper St Canby 97013	
31E33BD01901	McGill Thomas A & Teresa D	186 NE 9th Ave Canby 97013	
31E33BD02000	Keen Rachel M	152 NE 9th Ave (No Mail) Canby 97013	
31E33BD02200	Smith Harold D & Sharon L	187 NE 10th Ave Canby 97013	
31E33BD02301	Snyder Construction LLC	159 NE 10th Ave Canby 97013	
31E33BD02400	Us Bk National Assn	149 NE 10th Ave Canby 97013	
31E33BD02500	McAlpin Robin E & Patricia	111 NE 10th Ave Canby 97013	
31E33BD02600	Mayo Chelsea	970 N Ivy St Canby 97013	
31E33BD02700	Fillis Arthur L & Patricia F	950 N Ivy St Canby 97013	
31E33BD02800	Axmaker Donald J & Kimberly K	146 NE 9th Ave Canby 97013	
31E33BD02601	Campbell Judith A	968 N Ivy St Canby 97013	
31E33BD02701	Peveler James M	952 N Ivy St Canby 97013	
31E33BD02901	Wild Hare Rentals LLC	920 N Ivy St Canby 97013	



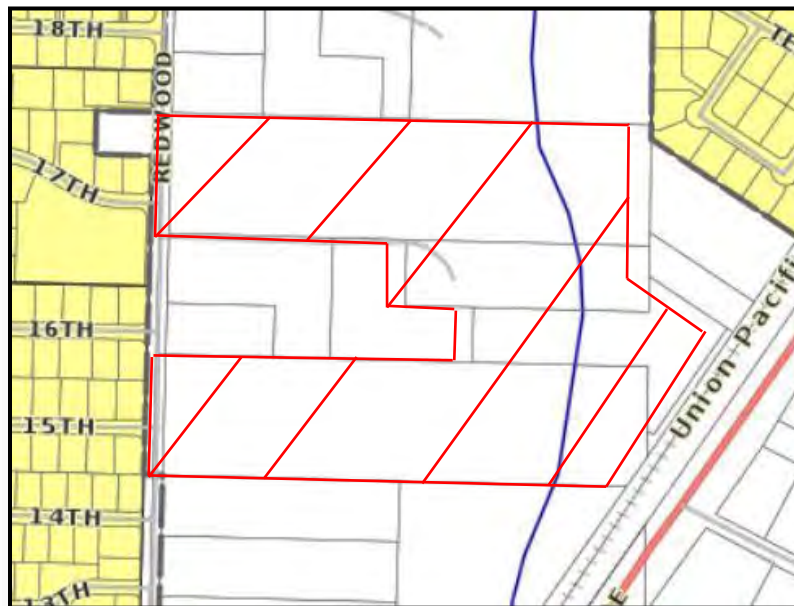
City of Canby

REDWOOD LANDING SUBDIVISION STAFF REPORT

FILE #: SUB 17-06

Prepared for the November 13, 2017 Planning Commission Meeting

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



LOT SIZE: 25.21 total acres

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

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

APPLICATION TYPE: Subdivision (Type III)

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

PROJECT OVERVIEW & EXISTING CONDITIONS

The applicants propose to subdivide properties consisting of 25.21 total acres into an 89 lot subdivision for low-density residential development. The existing five parcels are currently in residential/woodlot use. The subject properties are situated on the east side of N. Redwood

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

II. ATTACHMENTS

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

III. APPLICABLE CRITERIA & FINDINGS

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

- 16.08 General Provisions
- 16.10 Off-street Parking and Loading
- 16.13 North Redwood Plan District
- 16.18 R-1 Low Density Residential Zone
- 16.37 Riparian Overlay Zone
- 16.39 Wetland Overlay Zone

- 16.43 Outdoor Lighting Standards
- 16.46 Access Limitations on Project Density
- 16.62 Subdivisions-Applications
- 16.64 Subdivisions-Design Standards
- 16.86 Street Alignments
- 16.88 General Standards & Procedures
- 16.89 Application and Review Procedures
- 16.120 Parks, Open Space, and Recreation Land General Provisions
- 16.130 Riparian Preservation
- 16.140 Wetlands
- North Redwood Development Concept Plan
- City of Canby Comprehensive Plan

Findings:

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

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

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

- *Based on current 24-hour traffic data and warrant analysis, it was determined that an all-way stop is not warranted at the NE Territorial Road/N Redwood Street intersection under existing conditions or project build out conditions.*

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

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

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

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

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

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

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

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

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

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

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

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

The formula for required SDC fees is based on appraised values. The value of the natural park area plus the appraised value of the developable park area and then minus the value of residential transfer from the developable area that will then equal the value of North Redwood parks land dedication. The property owner will then minus the SDC's owed which will equal the net North Redwood parks contribution. If the property owner's land contribution is greater than SDC's owed, then the North Redwood account reimburses the land owner. If the property owner's land contribution is less than the

SDC's owed, then the North Redwood property owner contributes some land and some park SDC's.

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

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

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

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

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

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

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

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

IV. PUBLIC TESTIMONY/AGENCY COMMENTS

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

NW Natural Gas commented as follows:

NW Natural has a 2-inch yellow poly gas main which runs along the private driveway with natural gas services to houses at 1594 and 1608 N. Redwood Street, 1612 and 1650N. Redwood Street (proposed lots 69 and 75, respectively). NW Natural must maintain gas service to these existing customers at all times. The preliminary grading plan shows a 2-foot excavation to new finish grade near the south end of Sweetgum Street, which will

likely impact the 2-inch gas main serving 1608, 1612 and 1650 N. Redwood Street. The subdivision construction process will need to be phased to ensure existing gas service is provided at all times until the impacted gas main is relocated and/or the impacted services are reconnected to a new gas main brought thru the subdivision. The existing gas main lives within a 5-foot utility easement, which may need to be quit-claimed by NW Natural if a portion of the easement falls within the new subdivision area to be platted. If the Developer plans to develop the proposed subdivision with natural gas then the Developer or the Developer's engineer should submit Developer contact information with final construction plans in Adobe .pdf format to NW Natural at www.ncproj.com. If the Developer wants to relocate the gas main in advance of subdivision construction please contact NW Natural FS3 Darrell Hammond at 541-981-0164 to initiate the main relocation process. NW Natural will need to charge for costs to relocate the gas main, unless the Developer is installing natural gas within the new subdivision.

Public Comments:

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

V. **Decision**

Based on the application submitted and the facts, findings, and conclusions of this report, staff recommends that the Planning Commission **approve** Subdivision SUB 17-06 pursuant to the following Conditions of Approval.

General Public Improvement Conditions:

1. Prior to the start of any public improvement work, the applicant must schedule a pre-construction conference with the city and obtain construction plan sign-off from applicable agencies.
2. The development shall comply with all applicable City of Canby Public Works Design Standards.
3. **The final construction design plans shall conform to the comments provided by the City Engineer in his memorandum dated October 20, 2017.**
4. **The builder or applicant shall comply with the NW Natural Gas comments dated October 27, 2017.**
5. **The applicant shall comply with the applicable recommendations listed in the DKS Traffic Impact Study dated August 2017 and in this staff report.**
6. **The applicant shall locate the drainage water quality facility to the City Engineer's satisfaction.**
7. On-street parking is restricted to one side of any street that is 28 feet in width.
8. Public improvements such as sidewalk and street improvements on N. Redwood Street are required during development.
9. Turnarounds shall be required at the end of all interior streets if directed by the Canby Fire Department determines that a street exceeds the typical 150 foot distance standard.
10. Lots 24, 25, and 26, located on the east side of N. Sycamore Street, shall be eliminated and the area dedicated as park land to conform with the NRDCP as envisioned and allow

a future walkway through the park in this area.

Fees/Assurances:

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

Streets, Signage & Striping:

15. The street improvement plans for N. Redwood Street frontage and the interior streets shall conform to the TSP and Public Works standards as indicated by the city engineer.
16. A roadway striping plan shall be submitted by the applicant and shall be approved by city engineer and by the Public Works street department prior to the construction of public improvements.
17. A roadway signage plan shall be submitted by the applicant and shall be approved by the city engineer and by the Public Works street department prior to the construction of public improvements.
18. The applicant shall be responsible for installing all required street signage and striping at the time of construction of public improvements, unless other arrangements are agreed to by the City.

Sewer:

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

Stormwater:

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

Grading/Erosion Control:

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

Final plat conditions:

General Final Plat Conditions:

24. The applicant shall apply for final plat approval at the city and pay any applicable city fees to gain approval of the final subdivision plat. Prior to the recordation of the final plat at Clackamas County, it must be approved by the city and all other applicable agencies. The city will distribute the final plat to applicable agencies for comment prior to signing off on the final plat if deemed necessary.
25. All public improvements or submittal of necessary performance security assurance shall be made prior to the signing and release of the final plat for filing of record.
26. The final plat shall conform to the necessary information requirements of CMC 16.68.030, 16.68.040(B), and 16.68.050. The city engineer or county surveyor shall verify that these standards are met prior to the recordation of the subdivision plat.
27. All "as-built" of City public improvements installed shall be filed with Canby Public Works within sixty days of the completion of improvements.
28. Clackamas County Surveying reviews pending subdivision plat documents for Oregon Statutes and county requirements. A subdivision final plat prepared in substantial conformance with the approved tentative plat must be submitted to the City for approval within one year of approval of the tentative plat or formally request an extension of up to 6-months with a finding of good cause.
29. The applicant shall record the final plat at Clackamas County within 6 months of the date of the signature of the Planning Director.
30. The applicant shall assure that the city is provided with a copy of the final plat in a timely manner after it is recorded at Clackamas County, including any CC&Rs recorded in conjunction with the final plat.
31. The City shall assign addresses for each newly created subdivision lot and distribute that to the developer, and other agencies that have an interest.
32. The applicant must specify at the public hearing which lots are proposed for dwelling setback reduction and identify which lots are proposed for minimum lot frontage of 50 feet in order for the Planning Commission to make a detailed decision.

Dedications

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

Easements

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

Street Trees

37. A Street Tree Plan shall be submitted with the final plat, and street tree fees paid prior to release of the final plat. The plan will allow the city to establish street trees per the Tree Regulation standards in Chapter 12.32 of the Canby Municipal Code. The total per tree fee amount is calculated at one tree per 30 linear feet of total street frontage on both sides of all internal streets and the adjacent side of external streets or as determined by an approved Street Tree Plan on a per tree basis.

Monumentation/Survey Accuracy Conditions

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

Residential Building Permits Conditions:

- 39.** Construction of all required public improvements and recordation of the final subdivision plat must be completed prior to the construction of any homes.
- 40.** The homebuilder shall apply for a City of Canby Site Plan Permit and County Building Permit for each home and satisfy the residential design standards of CMC 16.21.
- 41.** The homebuilder shall apply for a City of Canby Erosion Control Permit.
- 42.** All residential construction shall be in accordance with applicable Public Works Design Standards.
- 43.** On-site stormwater management shall be designed in compliance with the Canby Public Works Design Standards.
- 44.** Clackamas County Building Codes Division will provide structural, electrical, plumbing, and mechanical plan review and inspection services for home construction per contract with the City. The applicable county building permits are required prior to construction of each home.
- 45.** Per the Canby Public Works Design Standards, minimum residential driveway widths at the inside edge of the sidewalk shall be 12 feet and the maximum residential driveways widths shall be 24 feet with an allowed exception for 28 feet for a home with 3 or more garages.
- 46.** Sidewalks and planter strips shall be constructed by the developer and shown on the approved tentative plat.
- 47.** All usual system development fees shall be collected with each home within this development except as otherwise indicated within the Park Land Dedication and Improvement Agreement associated with this subdivision.



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

LAND USE APPLICATION

SUBDIVISION Process Type III

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

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

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

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

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

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

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

PROPERTY & PROJECT INFORMATION:

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

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

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

Redwood Landing

Subdivision Application Attachment B

Property Owner Signatures

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

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

<u>John Boyle</u> Signature	<u>9-18-2017</u> Date
<u>Hugh Boyle</u> Signature	<u>9-18-2017</u> Date
<u>Jim Boyle</u> Signature	<u>9-18-2017</u> Date
<u>Karen O Seratt</u> Signature	<u>9/18/2017</u> Date
<u>Kristeen^a Boyle</u> Signature	<u>9/18/2017</u> Date
<u>Kathleen M. Boyle</u> Signature	<u>9, 18, 2017</u> Date



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

LAND USE APPLICATION

SUBDIVISION Process Type III

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

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

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

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

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

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

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

PROPERTY & PROJECT INFORMATION:

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

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

Describe the Proposed Development or Use of Subject Property

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

Redwood Landing
Subdivision Application Attachment A

Property Owner Signatures

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

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

Signature	Date
<u>Pamela King</u>	<u>9-19-17</u>
Signature	Date
<u>St Stewart</u>	<u>9-18-17</u>
Signature	Date


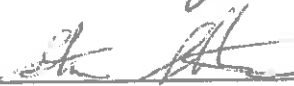
Redwood Landing

Subdivision Application Attachment A

Property Owner Signatures

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

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

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



Redwood Landing Subdivision Application

N. Redwood Street, Canby, OR

Icon Construction & Development, LLC.



Introduction:

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

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

Map 31E27C Tax Lots 301, 500 and 1200
Map 31E34B Tax Lots 700 and 701

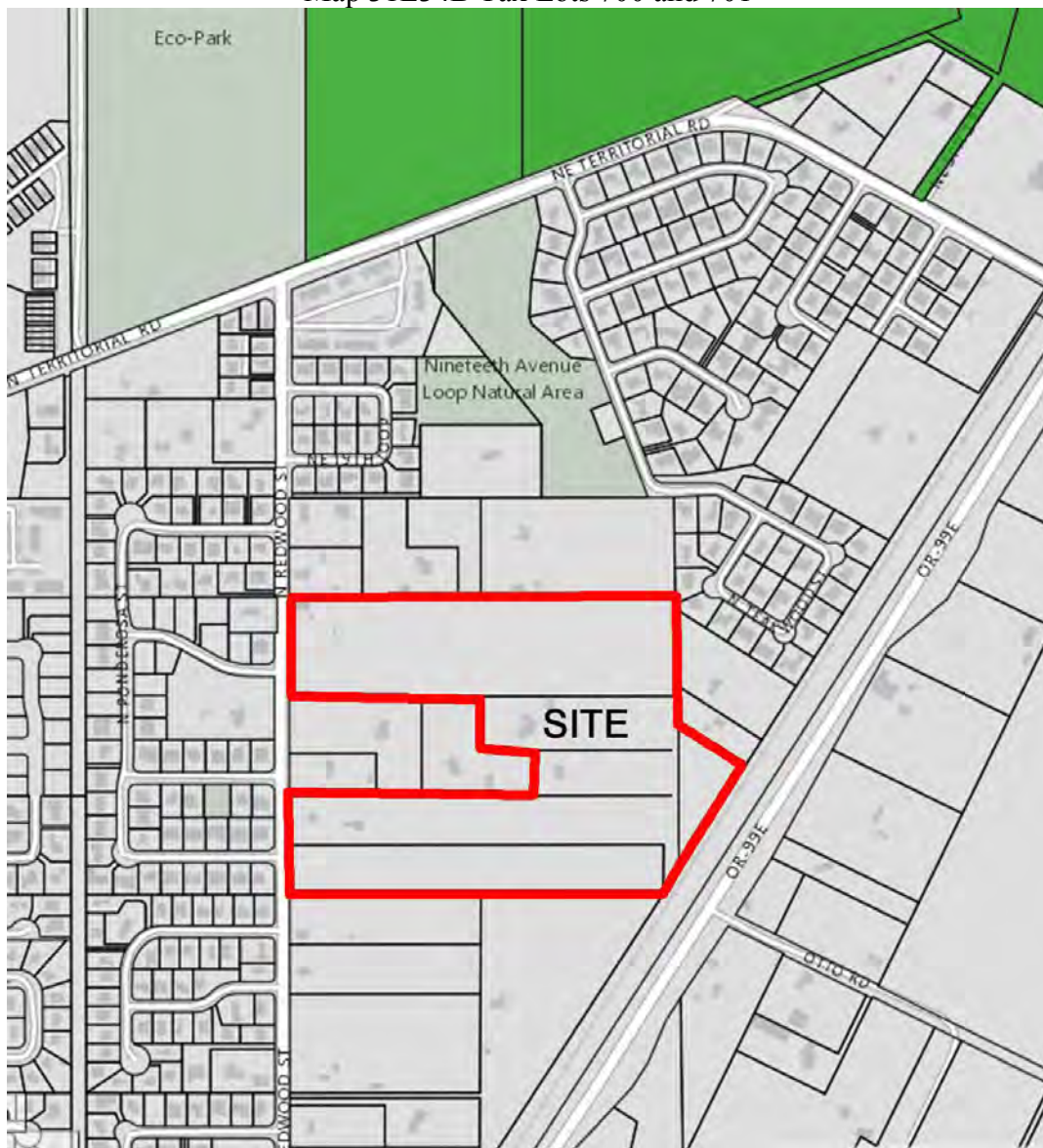


Figure 1: Vicinity Map and Existing Zoning

Existing Conditions:

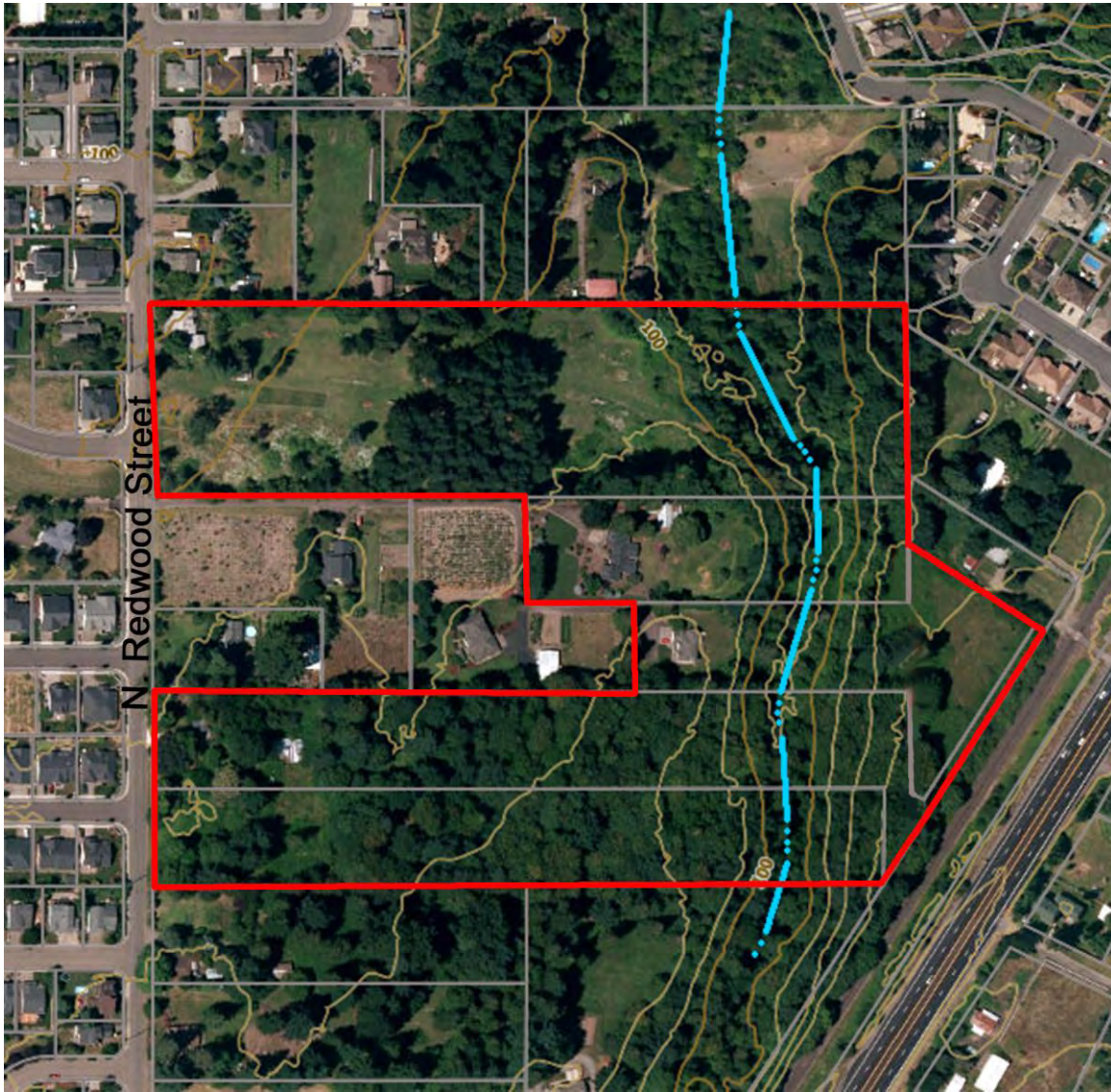


Figure 2: Aerial Photograph

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

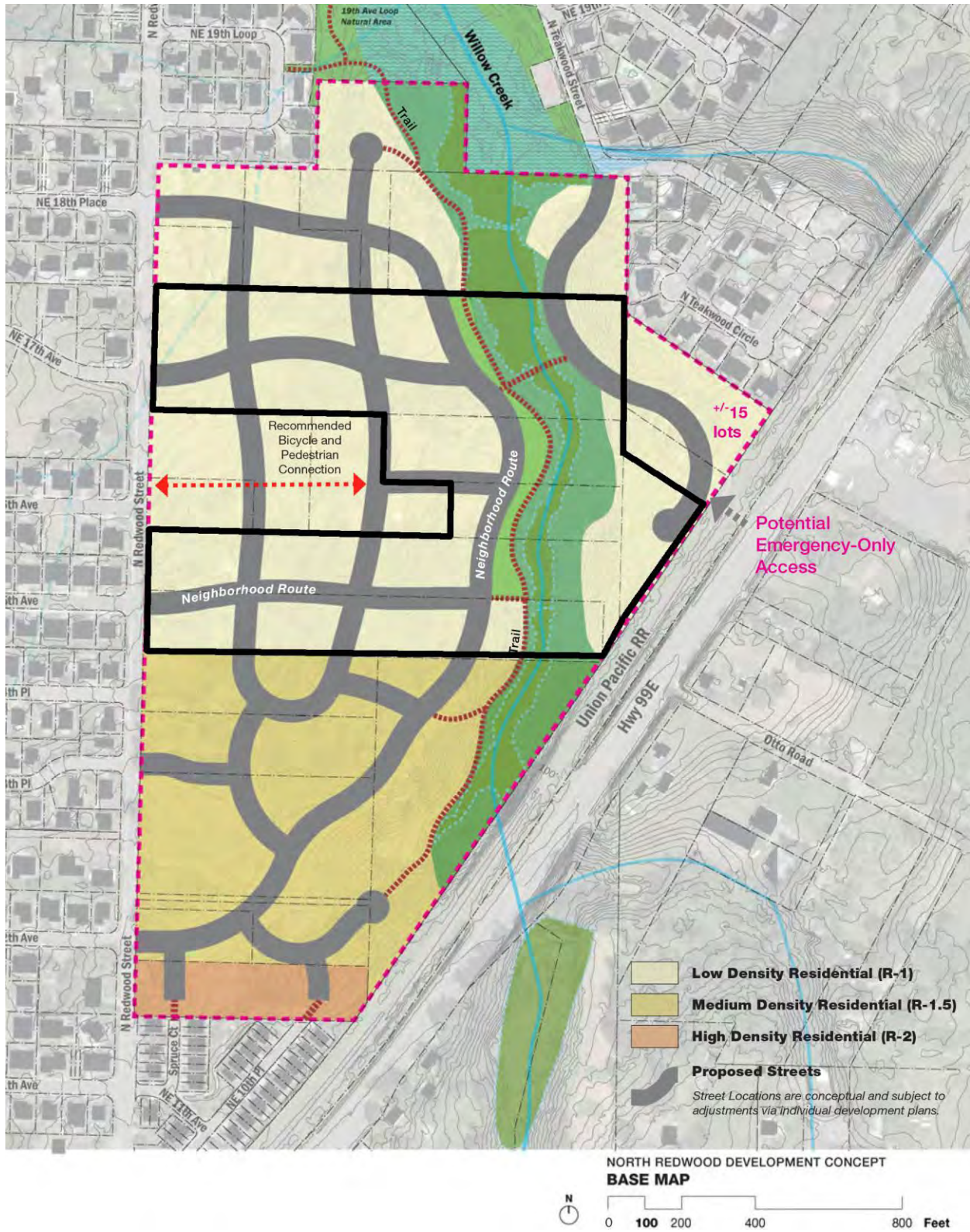


Figure 3: N. Redwood Development Concept Plan

Project Description:



Redwood Landing

Figure 4: Preliminary Site Plan

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

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

Compliance with Approval Criteria:

Chapter 16.13 – Plan Districts

16.13.010 North Redwood Plan District.

A. Purpose

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

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

B. Applicability

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

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

C. Approval criteria

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

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

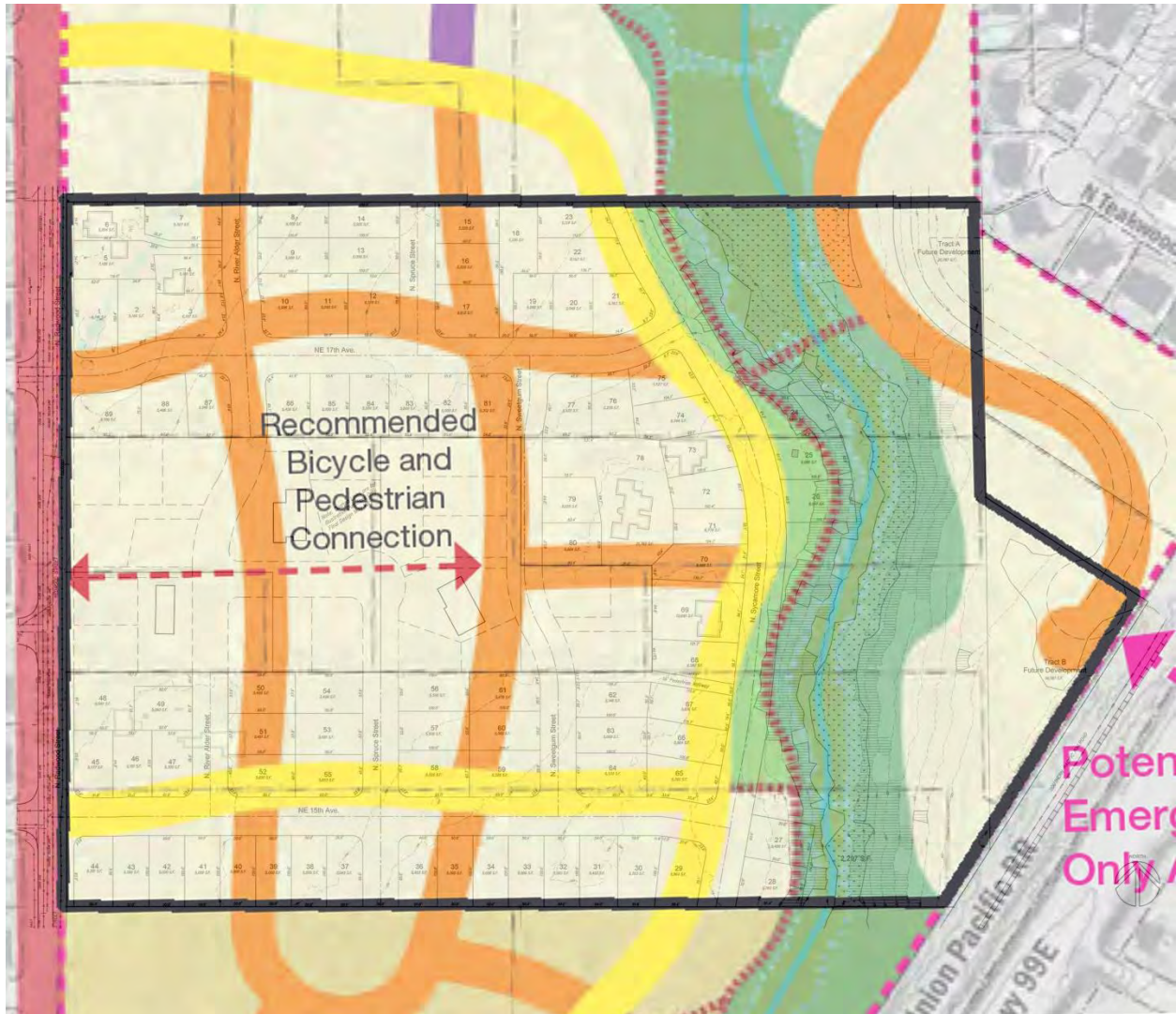


Figure 5: Overlay of Figure 9 from the NRDCP

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

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

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

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

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

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

Applicant Response: No cul-de sacs are proposed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

D. Lot area exceptions and lot size averaging.

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

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

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

Current Development Site Area: 740,126 sq. ft.
Park Site: 281,037 sq. ft.
Tract A – Future Development: 20,787 sq. ft.
Tract B – Future Development: 56,187 sq. ft.

Density for the Current Development Site is calculated as follows:

Gross Site Area: 740,126 sq. ft.
Less Streets = 219,920 sq. ft.
Less Pedestrian Walkway = 4,217 sq. ft.
Net Site Area = 515,989 sq. ft.
Net Site Area Divided by 7,000 sq.ft./Unit = 73.7 Units

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

Park Site = 281,037 sq. ft.
Less Wetlands = 77,862 sq. ft.
Less Slopes > 25% = 60,759 sq. ft.
Buildable Site Area = 142,416 sq. ft.
Assume 20% streets = 28,483 sq. ft.
Net Buildable Site Area = 113,933 sq. ft.
Net Buildable Site Area Divided by 7,000 sq. ft. = 16.3 Units

Total Density Allowed = 91 Units.

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

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

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

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

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

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

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

Chapter 16.16 – R-1 Low Density Residential Zone

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

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

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

16.16.030 Development standards.

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

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

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

B. Lot area exceptions:

- 1. The Planning Commission may approve an exception to the minimum and maximum lot area standards in subsection 16.16.030.A as part of a subdivision or partition application when all of the following standards are met:*
- 2. A public benefit must be demonstrated in order to allow more than ten percent of the lots to be outside of the minimum and maximum lot areas in subsection 16.16.030.A.*
- 3. The Planning Commission may modify the maximum lot area requirements in 16.16.030.A if these cannot be met due to existing lot dimensions, road patterns, or other site characteristics.*

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

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

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

D. *Minimum yard requirements:*

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

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

E. *Maximum building height:*

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

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

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

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

G. *Other regulations:*

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

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

Chapter 16.37 – Riparian Overlay Zone (RO)

16.37.010 Purpose

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

16.37.020 Canby Wetlands and Riparian Map

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

16.37.030 Uses permitted outright and conditional uses.

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

16.37.040 Development standards.

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

16.37.050 Severability

Invalidity of a section or part of a section of this ordinance shall not affect the validity of the remaining sections or parts of sections. (Ord. 905 sections 4, 1994)

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

Chapter 16.39 – Wetland Overlay Zone (WO)

16.39.010 Purpose

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

16.39.020 Wetlands and Riparian Map

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

16.39.030 Uses permitted outright and conditional uses.

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

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

16.39.040 Development standards

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

16.39.050 Severability

Invalidity of a section or part of a section of this ordinance shall not affect the validity of the remaining sections or parts of sections. (Ord. 905 sections 4, 1994)

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

Division IV: Land Division Regulation

Chapter 16.56: General Provisions:

16.56.030 Conformance.

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

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

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

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

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

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

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

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

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

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

Chapter 16.62: Subdivisions - Applications

16.62.010 Filing procedures.

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

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

16.62.020 Standards and criteria.

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

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

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

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

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

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

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

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

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

D. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed land division.

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

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

Applicant Response:

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

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

Chapter 16.64: Subdivisions – Design Standards

16.64.010 Streets.

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

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

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

B. Permeable Surfaces. Permeable surfacing alternatives and on-site stormwater management facilities, are encouraged for street improvements. Permeable surfacing and LID stormwater management facilities shall be constructed in accordance with the Canby Public Works Design Standards and the manufacturer’s recommendations. Permeable surfacing includes, but is no limited to: paving blocks, turf block, pervious concrete, porous asphalt, and other similar approved materials. Alternative surfacing methods may be approved for public and private roads, road shoulders, pedestrian ways, driveways, and easement service roads unless site constraints make use of such materials detrimental to water quality. Use of permeable surfacing methods shall meet the imposed load requirements for fire apparatus, and shall be subject to review and approval by the Canby Public Works Department.

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

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

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

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

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

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

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

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

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

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

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

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

Applicant Response: No half streets are proposed.

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

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

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

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

K. *Alleys.*

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

Applicant Response: No alleys are proposed.

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

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

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

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

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

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

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

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

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

16.64.015 Access

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

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

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

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

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

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

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

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

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

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

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

Applicant Response: Proposed accesses will comply with these standards.

16.64.020 Blocks.

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

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

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

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

16.64.030 Easements.

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

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

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

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

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

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

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

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

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

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

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

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

16.64.040 Lots.

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

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

B. *Minimum Lot Sizes:*

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

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

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

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

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

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

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

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

C. Lot Frontage. All lots shall meet the requirements specified in Division III for frontage on a public street, except that the Planning Commission may allow the creation of flag lots, cul-de-sac lots and other such unique designs upon findings that access and building areas are adequate. Lots that front on more than one major street shall be required to locate motor vehicle accesses on the street with the lower functional classification.

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

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

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

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

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

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

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

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

Applicant Response: No special building setback lines are proposed.

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

Applicant Response: No potentially hazardous lots are proposed.

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

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

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

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

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

16.64.050 Parks and recreation.

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

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

COMPLIANCE WITH COMPREHENSIVE PLAN

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

CITIZEN INVOLVEMENT ELEMENT

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

URBAN GROWTH ELEMENT

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

LAND USE ELEMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

ENVIRONMENTAL CONCERNS ELEMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TRANSPORTATION ELEMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

PUBLIC FACILITIES AND SERVICES ELEMENT

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

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

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

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

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

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

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

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

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

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

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

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

ECONOMIC ELEMENT

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

HOUSING ELEMENT

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

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

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

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

ENERGY CONSERVATION ELEMENT

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

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

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

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

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

NOTICE OF NEIGHBORHOOD MEETING

For a Proposed Subdivision on N. Redwood St. in Canby, OR

You are invited to attend a neighborhood meeting regarding a proposed 88 lot subdivision that is planned for properties located at 1440, 1548, 1612, 1650, and 1758 N. Redwood Street. The purpose of the meeting is to present the proposed plan and to receive neighborhood comments and suggestions prior to the submittal of the application to the City of Canby for processing.

The meeting is scheduled for:

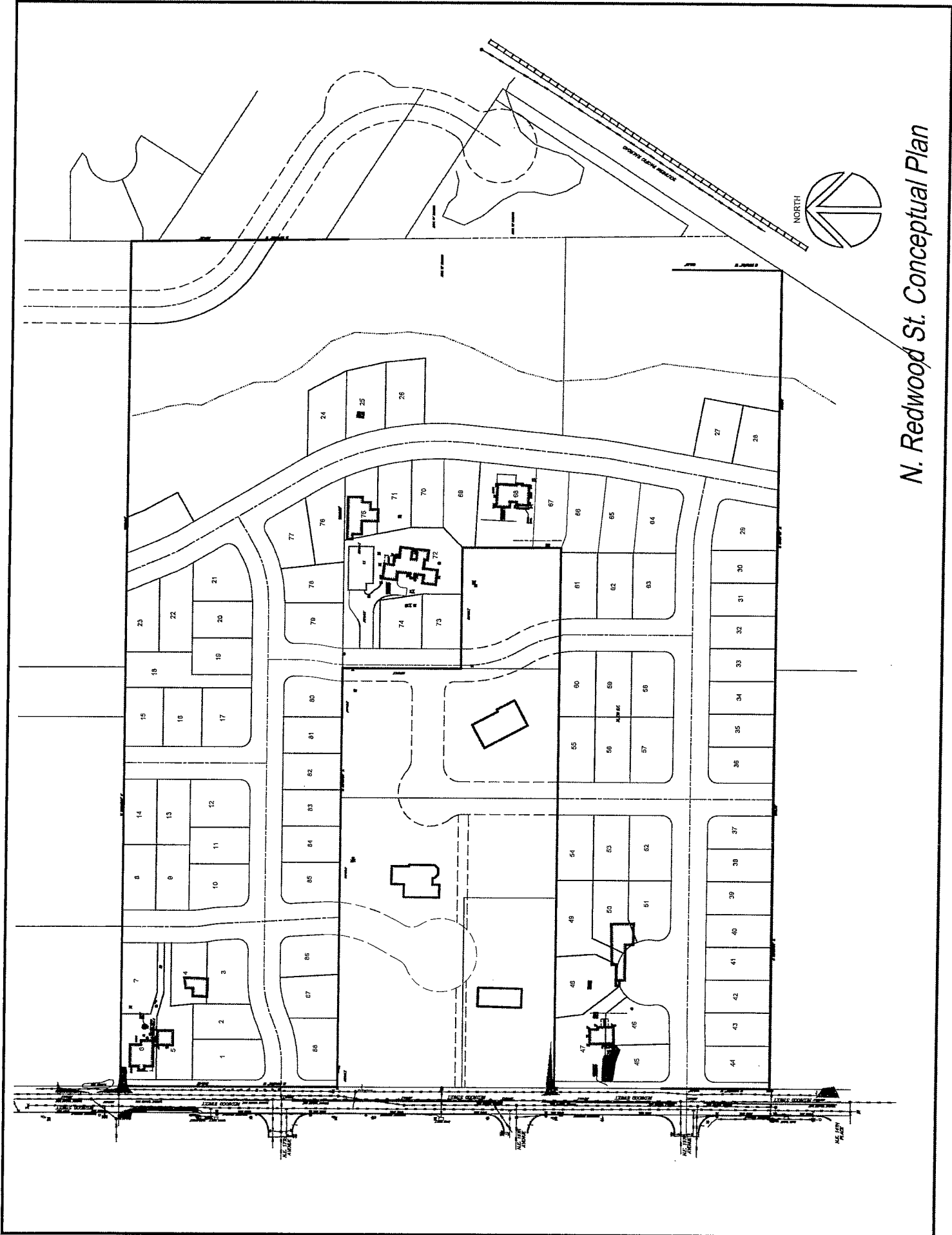
Date: Thursday, August 31, 2017

Time: 6:30 to 7:30 PM

Location: Canby United Methodist Church

1520 N. Holly Street,
Canby, OR

If you cannot attend and have questions or comments, please contact the project planner, Rick Givens, via email at rickgivens@gmail.com.



N. Redwood St. Conceptual Plan

3
15
10
30

AFTER RECORDING RETURN TO:
Ethan Manuel and Stephanie Manuel
1612 N Redwood Street,
Cantab, OR 97013
Until a change is requested all tax statements shall be
sent to the following address:
Same as above

Clackamas County Official Records 2007-061509
Sherry Hall, County Clerk

 \$31.00 record on

01124019200700515080020022 07/13/2007 02:47:35 PM

D-D Cnt=1 Stn=5 LESLIE
\$10.00 \$11.00 \$10.00

Witness

Escrow No.: 45-443222-CW
Order No.: 443222

my hand and seal of County
affixed.
Name TitleBy
Deputy.

WARRANTY DEED - STATUTORY FORM
(INDIVIDUAL or CORPORATION)

Beverly Ann Doolittle, who took title as Beverly A. Doolittle

Grantor, conveys and warrants to

Ethan Manuel and Stephanie Manuel Husband and wife

Grantees, the following described real property free of encumbrances except as specifically set forth herein:

SEE LEGAL DESCRIPTION ATTACHED HERETO


re record to attach the legal previously recorded 7-13-07 2007-061509

Before signing or accepting this instrument, the person transferring fee title should inquire about the person's rights, if any, under ORS 197.352. This instrument does not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify approved uses, to determine any limits on lawsuits against farming or forest practices as defined in ORS 30.930 and to inquire about the rights of neighboring property owners, if any, under ORS 197.352.

ENCUMBRANCES: see attached

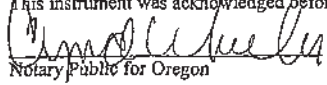
The true consideration for this conveyance is \$555,000.00.

Dated July 11th 2007; if a corporate grantor, it has caused its name to be signed by order of its board of directors.


Beverly Ann Doolittle who took title as Beverly A. Doolittle

STATE OF OREGON
County of Clackamas

This instrument was acknowledged before me on the 11th day of July, 2007 by Beverly A. Doolittle.


Notary Public for Oregon

My Commission Expires: 06/03/10

(SEAL)




443222

CHICAGO

45-443222 CW

Clackamas County Official Records 2007-063140
Sherry Hall, County Clerk

 \$36.00

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D-D Cnt=1 Stn=4 KANNA
\$15.00 \$11.00 \$10.00

9014710540.rdw

EXHIBIT "A"

1. The assessment roll and the tax roll disclose that the premises herein described have been specially assessed as Farm or Forest Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied, in addition thereto a penalty may be levied if notice of disqualification is not timely given.

2. An easement created by instrument, including terms and provisions thereof;

Dated: May 6, 1953
Recorded: May 29, 1953
Book: 469
Page: 473
In Favor Of: Portland General Electric Company, an Oregon corporation
For: Utilities
Affects: Exact location not disclosed

3. Covenants, conditions, restrictions and easements, but omitting covenants or restrictions, if any, based on race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, or use of the real property by any home or facility that is licensed by or under the authority of the State of Oregon under ORS Chapter 443, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, imposed by instrument, including the terms and provisions thereof.

Recorded: July 24, 1990
Recorder's Fee No.: 90-035648
Amended by instrument, including the terms and provisions thereof;

Recorded: May 13, 1992
Recorder's Fee No.: 92-028599

4. Road Maintenance Agreement, including the terms and provisions thereof;

Recorded: July 24, 1990
Recorder's Fee No.: 90-035648
Amended by instrument, including the terms and provisions thereof;

Recorded: May 13, 1992
Recorder's Fee No.: 92-028599



STATE OF OREGON
COUNTY OF CLACKAMAS } ss.

I, SHERRY HALL, County Clerk of the State of Oregon for the County of Clackamas, do hereby certify that the foregoing copy of

Deed Record
2007-61509

has been by me compared with the original, and that it is a correct transcript therefrom, and the whole of such original, as the same appears on the file and record in my office and under my care, custody and control.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal

this 17th day of

July, 2007

By: Sherry Hall Deputy
SHERRY HALL, County Clerk