

## PLANNING COMMISSION

### Meeting Agenda

Monday, July 10, 2017

7:00 PM

City Council Chambers – 222 NE 2<sup>nd</sup> 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

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1. **CALL TO ORDER**
  - a. Invocation and Pledge of Allegiance
2. **CITIZEN INPUT ON NON-AGENDA ITEMS**
3. **MINUTES**
  - a. Not available for this meeting.
4. **NEW BUSINESS**
5. **PUBLIC HEARING**
  - a. Consider a request for a Minor Land Partition & Subdivision of a 1.65 acre lot where one dwelling will remain on Parcel 1. Parcel 2 will be divided into an 8-lot Subdivision. **(SUB/MLP 17-02 Tony Marnella, Tanoak Subdivision)**
  - b. Consider a request for a Site & Design Review to construct two flex space buildings in two phases totaling 40,200 sq. ft. with individual units from 1,500 to 6,000 sq. ft. to house various industrial uses. **(DR 17-05/CUP 17-02 OIC Investments – Ronald Reimers)**
6. **FINAL DECISIONS** (Note: These are final, written versions of previous oral decisions. No public testimony.)
  - a. Final Findings **(SUB/MLP 17-02 Tony Marnella, Tanoak Subdivision)**
  - b. Final Findings **(DR 17-05/CUP 17-02 OIC Investments – Ronald Reimers)**
7. **ITEMS OF INTEREST/REPORT FROM STAFF**
  - a. Next Planning Commission Meeting scheduled for Monday, July 24, 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](http://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 step forward when the Chair calls for Proponents if you favor the application; or Opponents if you are opposed to the application; to the microphone, state your name address, and interest in the matter. You will also need to sign the Testimony sheet and while at the microphone, please say your name and address prior to testifying. 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.



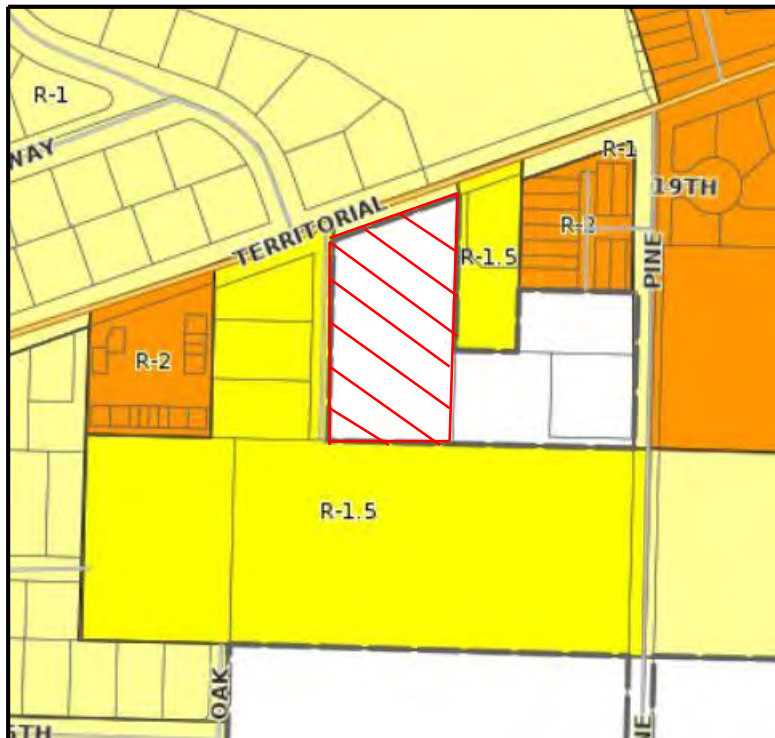
# City of Canby

## TANOAK SUBDIVISION STAFF REPORT

FILE #: SUB/MLP 17-02

Prepared for the July 10, 2017 Planning Commission Meeting

**LOCATION:** 1009 NE Territorial Road  
**ZONING:** R-1.5 Medium Density Residential  
**TAX LOTS:** 31E28DD01800 (Red-bordered property in map below)



**LOT SIZE:** 1.65 acres  
**OWNER:** Territorial, LLC  
**APPLICANT:** Marnella Homes – Tony Marnella  
**APPLICATION TYPE:** Minor Land Partition/Subdivision (Type III)  
**CITY FILE NUMBER:** SUB/MLP 17-02 – Tanoak Subdivision

### I. PROJECT OVERVIEW & EXISTING CONDITIONS

The property was annexed on November 3, 2016 by Ordinance No. 1449 and was placed within the R-1.5, Medium Density Zone to correspond with the existing designation of Medium Density Residential in the Canby Comprehensive Plan. A Development Agreement was filed in conjunction with the annexation. The applicant proposes to partition an existing 1.65 acre lot into two parcels containing 11,823 square feet and 51,756 square feet and to divide the newly created 51,726 acre parcel into an 8 lot subdivision. An existing single-family

dwelling will remain on the 11,823 square foot lot identified as Parcel 1 on the partition plat, and the remaining portion of the partition (Parcel 2) will be divided into the subdivision after the filing a final plat for the partition. The subdivision will extend south from NE Territorial road along the east side of N. Oak Street.

## **II.** ATTACHMENTS

- A. Application form
- B. Application narrative
- C. Traffic Study
- D. Pre-application meeting minutes
- E. Neighborhood meeting notice, notes, and attendance sheet
- F. Deed/Legal Descriptions
- G. Assessor Map
- H. Sheet 1 – Partition Site Plan (Tentative Plat)
- I. Sheet 2 – Subdivision Plan
- J. Sheet 3 – Existing Conditions
- K. Sheet 4 – Water and Sanitary Plan
- L. Sheet 5 – NE Territorial Rd. Street Profile and Storm Plan
- M. Sheet 6 – N Oak Street Profile and Storm Plan
- N. Sheet 7 – NE 18<sup>th</sup> Street Profile and Storm Plan
- O. Sheet 8 – Grading and ESC Plan
- P. Sheet 9 – Construction Details
- Q. Sheet 10 – Construction Details
- R. Sheet 11 – Neighborhood Shadow 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
- 16.18 R-1.5 Medium Density Residential Zone
- 16.43 Outdoor Lighting Standards
- 16.46 Access Limitations on Project Density
- 16.60 Major and Minor Partitions
- 16.62 Subdivisions-Applications
- 16.64 Subdivisions-Design Standards
- 16.86 Street Alignments
- 16.88 General Standards & Procedures
- 16.89 Application and Review Procedures
- 16.120 Parks, Open Space, and Recreation Land General Provisions

**Findings:**

Section 16.08.070 of the Canby Municipal Code (CMC) states that, “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)” According to available documents, the parcel was surveyed as a separate parcel in 1966 prior to ordinance requirements for partitions or subdivisions. The parcel is considered a legal lot for land use purposes.

In order to create the 8 lot subdivision, a separate 51,726 lot must first be created through a recorded partition. The application meets the definition of a partitioning stated in Section 16.04.470. A condition of approval shall state that a surveyed partition plat, prepared by a licensed surveyor or engineer, shall be submitted and recorded at Clackamas County after City review as part of the subdivision plat review. The partition plat can be submitted simultaneously with the subdivision plat. 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.

The applicant proposes to construct single-family dwellings in the subdivision on lots that will be created within the minimum and maximum lot sizes allowed in the R-1.5 Zone. Minimum lot size in the zone is 5000 square and the maximum is 6500 square feet. The size of the smallest lot proposed is 5,017 square feet and the largest proposed is 5,826 square feet. The average size of the eight lots is 5,361 square feet.

A Traffic Study for the annexation and subsequent R-1.5 zone designation determined that the new zone designation would not have a significant effect on the transportation system. The study also concluded that transportation assessment performed as part of the City’s TSP accounts for proposed uses allowed in the zone and is consistent with the acknowledged transportation system plan. DKS submitted written verification that the Traffic Study performed the tasks of the Traffic Scope and the study reached the appropriate conclusions.

The applicant proposes to extend a street right-of-way eastward from N. Oak Street. The new street is identified as NE 18<sup>th</sup> Avenue and will provide access to some of the lots within the subdivision. The submitted shadow plat shows the street eventually going through to N. Pine Street. However, properties situated between the subdivision and N. Pine Street to the east are not within the city limits, and the time frame for future annexation and development cannot be determined at this time. Proposed NE 18<sup>th</sup> Avenue extends 180 feet before it dead ends at the eastern boundary of the subject property. Fire standards state that any street over 150 feet must have a turnaround for emergency equipment. The applicant must show a turnaround for fire equipment on the final plat unless documentation from the Fire Marshall indicates otherwise.

The applicant provided a 20 foot street dedication along N. Oak Street and a 10 foot dedication on NE Territorial Road. The dedications must be shown on the final plat. Right-of-ways will be widened to accommodate proposed streets that must be constructed to City standards.

Sidewalk easements are required along the frontage of the newly created private lots. The applicant stated that combination sidewalk and PUE easements will be created along N. Oak Street and NE 18<sup>th</sup> Avenue. The improvements on NE 18<sup>th</sup> Avenue will include 6 foot sidewalks and 4.5 foot planter strips. Sidewalk improvements along NE Territorial Road will be constructed within the right-of-way.

The applicant shall construct DEQ approved drywells at the end of each street within the subdivision.

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

The City prefers Park SDC payments rather than dedication of park space.

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

The proposal is a Type III procedure application and must be approved by the Planning Commission. A pre-application conference was conducted prior to annexation of the property, and a neighborhood meeting was held on March 30, 2017 as required by the CMC.

The applicant submitted detailed material and information in support of the proposal. Staff has reviewed the applicant's narrative and submitted material and finds that this partition/subdivision application conforms to the applicable review criteria and standards, subject to meeting the conditions of approval noted in *Section V* of the staff report.

#### **IV.**

##### **PUBLIC TESTIMONY/AGENCY COMMENTS**

Notice of this application and opportunity to provide comment was mailed to owners and residents of lots within 500 feet of the subject properties and to all applicable public agencies. All citizen and agency comments/written testimony received to date is attached and will be presented to the Planning Commission.

#### **V.**

##### **DECISION AND CONDITIONS OF APPROVAL**

Based on the application submitted and the facts, findings, and conclusions of this report, staff recommends that the Planning Commission **approve** SUB/MLP 17-02 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. Turnarounds on NE 18<sup>th</sup> Avenue for emergency equipment shall be delineated on the final plat unless documentation from the Fire Marshall indicates otherwise.
4. The final construction design plans shall conform to the comments provided by the City Engineer in his memorandum dated .

**Fees/Assurances:**

5. 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.
6. 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.
7. The applicant must guarantee or warranty all public improvement work with a 1 year subdivision maintenance bond in accordance with 16.64.070(P).
8. 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:**

9. The street improvement plans for NE Territorial Road, N. Oak Street frontage and the interior street shall conform to the TSP and Public Works standards as indicated by the city engineer.
10. 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.
11. 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.
12. 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:**

13. The applicant shall submit documentation of DEQ approval of the sewer plans to the City Engineer prior to the construction of this public improvement.

**Stormwater:**

14. Stormwater systems shall be designed in compliance with the Canby Public Works

Design Standards as determined by the City Engineer.

15. The applicant shall construct DEQ approved drywells at the end of each street within of subdivision.

**Grading/Erosion Control:**

16. 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.
17. 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:**

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**General Final Plat Conditions:**

18. The applicant shall apply for final plat approval at the city and pay any applicable city fees to gain approval of the final partition and 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.
19. 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.
20. 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.
21. All "as-builts" of public improvements, including: curbing and sidewalks; planter strips; streets; street lighting; street signage; street striping; storm; sewer; electric; water/fire hydrants; cable; underground telephone lines; CATV lines; and natural gas lines, shall be filed at the Canby Public Works and the Canby Planning Department within sixty days of the completion of improvements and prior to the recordation of the final plat.
22. 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.
23. The applicant shall record the final plat at Clackamas County within 6 months of the date of the signature of the Planning Director.
24. 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.
25. The City shall assign addresses for each newly created subdivision lot and distribute that to the developer, and other agencies that have an interest.

**Dedications**

26. The applicant shall show on the final plat the appropriate R.O.W. width dedication of 10 feet width on NE Territorial Road and a 20 foot dedication on N. Oak Street for the full length of the subject property.

**Easements**

27. A 12 foot utility easement along all of the lot's 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.

28. Sidewalk easements are required along the frontage of the newly created private lots.

#### **Street Trees**

29. 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 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 otherwise designated on an approved Street Tree Plan. A twelve foot temporary street tree easement along all lot street frontages shall be noted on the final plat.

#### **Monumentation/Survey Accuracy Conditions**

30. 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:**

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31. Construction of all required public improvements and recordation of the final subdivision plat must be completed prior to the construction of any homes.
32. The homebuilder shall apply for a City of Canby Site Plan Permit and County Building Permit for each home.
33. The homebuilder shall apply for a City of Canby Erosion Control Permit.
34. All residential construction shall be in accordance with applicable Public Works Design Standards.
35. On-site stormwater management shall be designed in compliance with the Canby Public Works Design Standards.
36. 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.
37. 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.
38. Sidewalks and planter strips shall be constructed by the homebuilder as shown on the approved tentative plat.
39. All usual system development fees shall be collected with each home within this development.

# **Applications for Partition and Subdivision**

## **1009 NE Territorial Road, Canby, OR**

### **“TANOAK” subdivision**

Applicant: Marnella Homes, Tony Marnella  
18318 SE Abernethy Lane  
Milwaukie, OR 97267  
Phone: (503) 654-6642  
Email: tony@marnellahomes.com

Owner: Territorial, LLC  
18318 SE Abernethy Lane  
Milwaukie, OR 97267  
Phone: (503) 654-6642

Representative: Sisul Engineering, Pat Sisul  
375 Portland Avenue  
Gladstone, OR 97027  
Phone: (503) 657-0188  
Email: patsisul@sisulengineering.com

Location 1009 NE Territorial Road  
South of NE Territorial Road & east of N. Oak Street

Legal Description Tax Lot 1800, Sec. 28, T3S R1E WM  
(Assessor Map 3 1E 28DD)

Zoning R-1.5, Medium Density Residential

Proposal To partition the property into 2 parcels that will divide the home from the undeveloped portion of the site, then to subdivide Parcel 2 into a subdivision with 8 new lots consistent with R-1.5 zoning requirements.

# Table of Contents

- I. Application Forms
- II. Written Narrative
- III. Neighborhood Meeting
- IV. Pre-Application Meeting Minutes
- V. Traffic Study
- VI. Deed & Legal Description
- VII. Development Agreement
- VIII. Maps
  - a. Sheet 0, Cover Sheet
  - b. Sheet 1, Partition Site Plan
  - c. Sheet 2, Subdivision Plan
  - d. Sheet 3, Existing Conditions
  - e. Sheet 4, Water & Sanitary Plan
  - f. Sheet 5, NE Territorial Road, Street & SD
  - g. Sheet 6, N Oak Street, Street & SD
  - h. Sheet 7, NE 18<sup>th</sup> Avenue, Street & SD
  - i. Sheet 8, Grading and ESC Plan
  - j. Sheet 9, Construction Details
  - k. Sheet 10, Construction Details

Loose Mailing Labels

# I. Application Forms



City of Canby  
 Planning Department  
 222 NE 2<sup>nd</sup> Avenue  
 P.O. Box 930  
 Canby, OR 97013  
 Ph: 503-266-7001  
 Fax: 503-266-1574

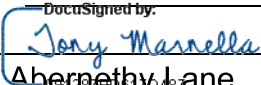
# LAND USE APPLICATION

## MINOR PARTITION Process Type II MAJOR PARTITION Process Type III

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

Applicant Name: Marnella Homes, Tony Marnella Phone: (503) 654-6642  
 Address: 18318 SE Abernethy Lane Email: tony@marnellahomes.com  
 City/State: Milwaukie, OR Zip: 97267

Representative Name: Sisul Engineering, Pat Sisul Phone: (503) 657-0188  
 Address: 375 Portland Avenue Email: patsisul@sisulengineering.com  
 City/State: Gladstone, OR Zip: 97027

Property Owner Name: Territorial, LLC Phone: (503) 654-6642  
 Signature: DocuSigned by:  
  
 Address: 18318 SE Abernethy Lane Email: \_\_\_\_\_  
 City/State: Milwaukie, OR Zip: 97267

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>1009 NE Territorial Road</u>   | <u>1.65 Acres</u>      | <u>Tax Lot 1800, Map 3 1E 28</u> |
| Street Address or Location of Subject Property  | Total Size of Property | Assessor Tax Lot Numbers         |
| <u>One home and one detached garage / shop</u>  | <u>R-1.5</u>           | <u>MDR-Medium Density Resid.</u> |
| Existing Use, Structures, Other Improvements on Site  | Zoning                 | Comp Plan Designation            |
| <u>2 lot partition of the site to divide the home from the undeveloped portion of the property.</u> |                        |                                  |
| Describe the Proposed Development or Use of Subject Property  |                        |                                  |

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

## PARTITION (MINOR OR MAJOR) – TYPE III–INSTRUCTIONS

All required application submittals detailed below must also be submitted in electronic format on a CD, flash drive or via email: [PlanningApps@canbyoregon.gov](mailto:PlanningApps@canbyoregon.gov)

Applicant City  
Check Check

- One (1) copy of this application packet. The City may request further information at any time before deeming the application complete.
- Payment of appropriate fees – cash, check or credit card. Refer to the city’s Master Fee Schedule for current fees. Checks should be made out to the *City of Canby*.  
“Major” Partition – includes the creation of a road or street.  
“Minor” Partition – does not include the creation of a road or street.
- Please submit one (1) electronic copy of mailing addresses in either an EXCEL SPREADSHEET or WORD DOCUMENT** for all property owners and all residents within 200 feet of the subject property. **If the address of a property owner is different from the address of a site, an address for each unit on the site must also be included and addressed to “Occupant.”** A list of property owners may be obtained from a title insurance company or from the County Assessor’s office.
- One (1) copy of a written, narrative statement describing the proposed development and detailing how it conforms with the Municipal Code and to the approval criteria. ***Ask staff for applicable Municipal Code chapters and approval criteria.***  
Applicable Code Criteria for this application includes:  

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- Three (3) copies of a Traffic Impact Study (TIS), conducted or reviewed by a traffic engineer that is contracted by the City and paid for by the applicant (payment must be received by the City before the traffic engineer will conduct or review a traffic impact study.  
Ask staff to determine if a Traffic Impact Study is required.
- No Neighborhood Meeting is required
- One (1) copy in written format of the minutes of the pre-application meeting
- One copy of either the recorded plat or the recorded deeds or land sales contracts that demonstrates how and when legal property lines were established and where the boundaries of the legal lot(s) of record are located. If the property is a lot or parcel created by plat, a copy of the recorded plat may be obtained from the Clackamas County Surveyor’s office. If the property is a legal lot of record created by recorded deed or land sales contract at a time when it was legal to configure property lines by deed or contract, then those recorded deeds may be obtained from the Clackamas County Office of the Clerk, or a Title Company can also assist you in researching and obtaining deeds.

Applicant City  
Check Check

- If the development is located in a Hazard (“H”) Overlay Zone, submit one (1) copy of an affidavit signed by a licensed professional engineer that the proposed development will not result in significant impacts to fish, wildlife and open space resources of the community. If major site grading is proposed, or removal of any trees having trunks greater than six inches in diameter is proposed, then submit one (1) copy of a grading plan and/or tree-cutting plan.
- Two (2) 11” x 17” paper copies of the proposed plans, printed to scale no smaller than 1”=50’. The plans shall include the following information:
- Vicinity Map. Vicinity map at a scale of 1”=400’ showing the relationship of the project site to the existing street or road pattern.
  - Name of Proposed Partition Plat (subject to review and approval by Clackamas County).
  - Partition boundary, parcel lines, parcel dimensions, gross area in square feet of each parcel (excluding the square footage of access ways for flag lots), and proposed public and private easements;
  - If any undevelopable tract is proposed to be created, the dimensions, gross area, and purpose of the tract shall be included.
  - If any oversized parcels are proposed, which in the opinion of the Planning Director are likely to be further divided in the future, provide an illustration of how the parcel could be further divided in conformance with all CMC standards in a manner which provides for continuation of streets and provides adequate building envelopes.
  - Site Plan-the following general information shall be included on the site plan:
    - Property lines (legal lot of record boundaries);
    - Location of all proposed hardscape, including driveways, parking lots, compact cars and handicapped spaces, loading areas, bicycle paths, bicycle parking, sidewalks, and pedestrian ways;
    - Callouts to identify dimensions and distances between structures and other significant features, including property lines, yards and setbacks, building area, building height, lot area, impervious surface area, lot densities and parking areas;
    - Location of vision clearance areas at all proposed driveways and streets.
    - Location and description of all existing structures (i.e., buildings, signs, fences, mechanical or utility structures, etc.) on the property, including those under construction or pending under an issued building permit. Indicate which structures are to remain and which are to be removed. For structures to remain, call out the distance between the structure and all proposed boundaries of the parcel upon which the structure is located.
    - Location and proposed disposition of all existing: driveways, wells, septic tanks, drain fields, easements, drainage ways, and jurisdictional watercourses or wetlands on or abutting the property.
    - Location, names, right-of-way width, improvement dimensions, curve radius, and grades of all existing and proposed streets and public access ways within the proposed partition and abutting the partition.
    - Identify the classification of all streets in accordance with the Canby Transportation System Plan. Show typical cross-sections of proposed street improvements, including identification of proposed street trees. Provide street center profiles showing the finished grade of all streets as approved by the City Engineer, including extensions for a reasonable distance beyond the limits of the proposed subdivision.
    - Location and type of existing and proposed transit facilities.
    - Location of all proposed utilities, including sewer, water, storm water, electric, telephone, and natural gas; including utility sizes and grades.



City of Canby  
 Planning Department  
 222 NE 2<sup>nd</sup> 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: Marnella Homes, Tony Marnella Phone: (503) 654-6642  
 Address: 18318 SE Abernethy Lane Email: tony@marnellahomes.com  
 City/State: Milwaukie, OR Zip: 97267

Representative Name: Sisul Engineering, Pat Sisul Phone: (503) 657-0188  
 Address: 375 Portland Avenue Email: patsisul@sisulengineering.com  
 City/State: Gladstone, OR Zip: 97027

Property Owner Name: Territorial, LLC Phone: (503) 654-6642  
 Signature:   
 Address: 18318 SE Abernethy Lane Email: tony@marnellahomes.com  
 City/State: Milwaukie, OR Zip: 97267

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>1009 NE Territorial Road</u>                      | <u>1.65 Acres</u>      | <u>Tax Lot 1800, Map 3 1E 28</u>  |
| Street Address or Location of Subject Property       | Total Size of Property | Assessor Tax Lot Numbers          |
| <u>One home and one detached garage / shop</u>       | <u>R-1.5</u>           | <u>MDR - Medium Density Resid</u> |
| Existing Use, Structures, Other Improvements on Site | Zoning                 | Comp Plan Designation             |

Divide Parcel 2 of the concurrent partition application into 8 R-1.5 lots, dedication of NE 18th Avenue

Describe the Proposed Development or Use of Subject Property

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



## SUBDIVISION APPLICATION – TYPE III

### Instructions to Applicants

**All required application submittals detailed below must also be submitted in electronic format on a CD, flash drive or via email to: [PlanningApps@canbyoregon.gov](mailto:PlanningApps@canbyoregon.gov)**

Applicant City  
Check Check

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

## SUBDIVISION APPLICATION – TYPE III

Applicant City  
Check Check

- Please submit one (1) electronic copy of mailing addresses in either an EXCEL SPREADSHEET or WORD DOCUMENT** for all property owners and all residents within 500 feet of the subject property. If the address of a property owner is different from the address of a site, an address for each unit on the site must also be included and addressed to “Occupant.” A list of property owners may be obtained from a title insurance company or from the County Assessor’s office.
- One (1) copy of a written, narrative statement describing the proposed development and detailing how it conforms with the Municipal Code and to the approval criteria, including the applicable Design Review Matrix, and availability and adequacy of public facilities and services. **Ask staff for applicable Municipal Code chapters and approval criteria.** Applicable Code Criteria for this application includes:  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_
- Three (3) copies of a Traffic Impact Study (TIS), conducted or reviewed by a traffic engineer that is contracted by the City and paid for by the applicant (payment must be received by the City before the traffic engineer will conduct or review a traffic impact study. Ask staff to determine if a TIS is required.
- One (1) copy in written format of the minutes of the neighborhood meeting as required by Municipal Code 16.89.020 and 16.89.070. The minutes shall include the date of the meeting and a list of attendees.
- One (1) copy in written format of the minutes of the pre-application meeting
- One copy of either the recorded plat or the recorded deeds or land sales contracts that demonstrates how and when legal property lines were established and where the boundaries of the legal lot(s) of record are located. If the property is a lot or parcel created by plat, a copy of the recorded plat may be obtained from the Clackamas County Surveyor’s office. If the property is a legal lot of record created by recorded deed or land sales contract at a time when it was legal to configure property lines by deed or contract,

then those recorded deeds may be obtained from the Clackamas County Office of the Clerk, or a Title Company can also assist you in researching and obtaining deeds.

Applicant City  
Check Check

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

### **SUBDIVISION APPLICATION – TYPE III**

- Two (2) 11” x 17” paper copies of the proposed plans, printed to scale no smaller than 1”=50’. The plans shall include the following information:
- Vicinity Map. Vicinity map at a scale of 1”=400’ showing the relationship of the project site to the existing street or road pattern.
  - Site Plan-the following general information shall be included on the site plan:
    - Date, north arrow, and scale of drawing;
    - Name and address of the developer, engineer, architect, or other individual(s) who prepared the site plan;
    - Property lines (legal lot of record boundaries);
    - Location, width, and names of all existing or planned streets, other public ways, and easements within or adjacent to the property, and other important features;
    - Location of all jurisdictional wetlands or watercourses on or abutting the property;
    - Finished grading contour lines of site and abutting public ways;
    - Location of all existing structures, and whether or not they are to be retained with the proposed development;
    - Layout of all proposed structures, such as buildings, fences, signs, solid waste collection containers, mailboxes, exterior storage areas, and exterior mechanical and utility equipment;
    - Location of all proposed hardscape, including driveways, parking lots, compact cars and handicapped spaces, loading areas, bicycle paths, bicycle parking, sidewalks, and pedestrian ways;
    - Callouts to identify dimensions and distances between structures and other significant features, including property lines, yards and setbacks, building area, building height, lot area, impervious surface area, lot densities and parking areas;
    - Location of vision clearance areas at all proposed driveways and streets.
  - Landscape Plan  
The following general information shall be included on the landscape plan:
    - Layout and dimensions of all proposed areas of landscaping;
    - Proposed irrigation system;
    - Types, sizes, and location of all plants to be used in the landscaping (can be a “palette” of possible plants to be used in specific areas for landscaping);
    - Identification of any non-vegetative ground cover proposed, and dimensions of non-vegetative landscaped areas;

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

## II. Written Narrative

**Application for Partition and Subdivision**

Applicant: Marnella Homes, Tony Marnella  
18318 SE Abernethy Lane  
Milwaukie, OR 97267  
Phone: (503) 654-6642  
Email: [tony@marnellahomes.com](mailto:tony@marnellahomes.com)

Owner: Territorial, LLC  
18318 SE Abernethy Lane  
Milwaukie, OR 97267  
Phone: (503) 654-6642

Representative Sisul Engineering  
375 Portland Avenue  
Gladstone, OR 97027  
Pat Sisul, Project Manager  
Phone: (503) 657-0188

Location 1009 NE Territorial Road  
South of Territorial Road, east of N. Oak Street

Legal Description Tax Lot 1800, Sec. 28, T3S R1E WM  
(Assessor Map 3 1E 28DD)

Zoning R-1.5 (Medium Density Residential Zone)

Site Size 1.65 Acres

Proposal To partition the property to divide the existing home off from the undeveloped portion of the property and then to divide the undeveloped portion of the site into 8 new lots suitable for dwellings meeting R-1.5 zoning standards.

Date April, 2017

## SITE DESCRIPTION

The site is located south of NE Territorial Road and east of N Oak Street in northeast Canby and the property has frontage on both roadways. N Oak Street is located to the west of the site and on the opposite side of N Oak Street there are three larger single family home sites with lots of more than ¼ acre in size. NE Territorial Road is located along the northern side of the site and on the opposite side of Territorial Road are lots of roughly 10,000 square feet to the west and Willamette Valley Country Club to the east. To the south of the subject property is a large wooded parcel that was annexed into the City of Canby in November, 2010 and currently remains undeveloped. To the east of the site there are a mixture of properties located inside and outside of the City limits. These lots include a mixture of single family and multi-family housing, with the older construction being single family homes and the newer construction being multi-family housing.

The development site is presently occupied by a single residence and one garage/shop out building. The home is in the NE corner of the site and it takes access from NE Territorial Road. The out building is more centrally located on the property and it is accessed from N Oak Street. A mowed yard, with landscaping and several trees, is located surrounding the home, while the remainder of the property is taller mowed grass that often exceeds six inches or more in height. The property is very nearly flat, with a slight fall to the south. The property has no identified significant natural resources or physical hazards.

Public sanitary sewer and water are available to the site in NE Territorial Road and N Oak Street. Other public utilities, such as natural gas, power and communications are also available from Territorial Road and Oak Street. Fire protection is available to the property from Canby Fire District and police protection is available from the City of Canby Police Department.

Storm drainage runoff is anticipated to be infiltrated into the ground, per the City of Canby's preferred method of storm drain disposal, drywells. There is also a storm drain conveyance pipe located on the north side of Territorial Road that drains east toward the Canby Eco-Park. New drywells are anticipated to be hooked into the storm drain conveyance pipe in case of emergency overflow.

The property was annexed into the City of Canby, through an application submitted by the previous property owner. The annexation application was heard at a public hearing before the City Council on October 19, 2016 and the application was approved by the City Council with the adoption of Ordinance 1449 on November 2, 2016. A Development Agreement between the City of Canby and the property owner was agreed to by the two parties and was a condition of the annexation. A copy of the recorded development agreement is attached with this application. The application believes that he is meeting the requirements of the agreement through his development plan.

## PROPOSAL

Two land use actions are proposed. The property will first be partitioned into two separate parcels that will effectively divide the existing home away from the undeveloped portion of the property. The purpose for partitioning the property is that it will allow the applicant to sell the home off to fund the development of the remainder of the site. After the partition is recorded, the undeveloped parcel will be subdivided into 8 new lots suitable for R-1.5 zoned, detached single family residences.

Dedications for NE Territorial Road and N Oak Street would occur with the Partition while dedication of a new street, NE 18<sup>th</sup> Avenue, would occur at the time the subdivision plat records. Territorial Road frontage improvements along “Parcel 1” would be guaranteed at the time of recording of the partition plat through a performance bond or other means acceptable to the City of Canby. All improvements for the partition and the subdivision would be constructed at the same time, with a single set of construction plans to be approved by the City of Canby and other service providers. The developer would include a clause in the sales agreement for the existing home that would require the new owner to cooperate with the frontage improvements that the applicant will construct along NE Territorial Road.

NE Territorial Road will be constructed to Collector street standards consisting of a 20-foot wide ½ street improvement from centerline to curblin and a 6-foot wide curb-tight sidewalk along the south side of the street. NE Territorial Road is currently 60-feet wide in front of the site and a 10-foot right-of-way dedication along the project frontage will make the southern ½ right-of-way 40 feet wide and the total right-of-way width 70 feet wide. This dedication will make the southern edge of the right-of-way consistent with other recent developments south of Territorial Road to the west and east.

N Oak Street carries a “local street” designation in the City’s Transportation System Plan and is currently shown as a 30-foot wide right-of-way on the County Assessor’s map. A 20-foot wide right-of-way dedication will make the street right-of-way 50 feet wide, consistent with current standards. N Oak Street will be improved to have a 34-foot wide paved street, with a new curb, a 4.5-foot-wide planter strip, and a 6-foot wide sidewalk on the east side of the street. NE 18<sup>th</sup> Avenue will also be a local street improved to a paved width of 34 feet, with 4.5-foot-wide planter strips and 6-foot wide sidewalks on both sides.

Public sanitary sewer and water are available to the site in NE Territorial Road and N Oak Street. Other public utilities, such as natural gas, power and communications are also available from Territorial Road and Oak Street. Fire protection is available to the property from Canby Fire District and police protection is available from the City of Canby Police Department. Storm drainage runoff is anticipated to be infiltrated into the ground, per the City of Canby’s preferred method of storm drain disposal, drywells. There is also a storm drain conveyance pipe located on the north side of Territorial Road that drains east toward the Canby Eco-Park. New drywells are anticipated to be hooked into the storm drain conveyance pipe in case of emergency overflow.

A pre-application conference was held with the City of Canby and service providers to discuss the annexation of the site on December 30, 2015. Because the current site plan was discussed at that meeting, the need for another pre-application to discuss the partition and subdivision was unnecessary.

A traffic impact study for the annexation of the site was conducted by the City's traffic consultant, DKS Associates, when the property was annexed in 2016. Because the proposed site plan is consistent with the General Land Use plan imagined with the annexation application, a new traffic study has been deemed not necessary.

A neighborhood meeting for the proposed subdivision and partition was held at the Canby United Methodist Church on March 30, 2017. Two neighbors attended the meeting, in addition to the applicant. The neighbors live at the southern end of N Oak Street, across from the site. Topics discussed at the neighborhood meeting are listed in the neighborhood meeting notes, prepared by the applicant.



## APPLICABLE CRITERIA AND STANDARDS

### Identification of Applicable Criteria and Standards

The following sections of the City of Canby Land Development and Planning Ordinance apply to this application:

- 16.10 Off-Street Parking and Loading
- 16.18 R-1.5 Medium Density Residential Zone
- 16.46 Access Limitations on Project Density
- 16.56 Land Division General Provisions
- 16.64 Subdivisions – Design Standards
- 16.86 Street Alignments
- 16.88 General Standards & Procedures
- 16.89 Application and Review Procedures
- 16.120 Park, Open Space and Recreation Land General Provisions

## LAND USE AND DEVELOPMENT ORDINANCE

### *Chapter 16.10 Off-Street Parking and Loading*

Response: The parking requirement for single family dwellings is two spaces per dwelling unit (Table 16.10.050). The existing dwelling on Parcel 1 has more than enough room for two off-street parking spaces and the other lots are of sufficient size to accommodate two off-street parking spaces. This requirement can be satisfied when building plans are submitted for each lot.

### *Chapter 16.18 R-1.5 Medium Density Residential Zone*

Response: The proposed subdivision will create 8 new lots for detached single family dwellings. The proposed residential use is allowed outright in the zone (16.18.010.A). New lots in the R-1.5 Zone are required to meet the development standards specified in Section 16.18.030. Development standards for structures can be verified when plans for building permits are submitted. The following table lists requirements and how the application proposes to satisfy each standard:

#### *Section 16.18.030 R-1.5 Zone Dimensional Standards*

| Requirement   | Proposed   |
|---|--|
| 16.18.030.A Minimum and maximum lot area: 5,000 sq. ft. and 6,500 sq. ft. | Parcel 1: 11,823 sq. ft.<br>All other lots:<br>Min. lot area = 5,017 sq. ft.<br>Max. lot area = 5,826 sq. ft.<br>Average lot area (Lots 1-8) = 5,361 sq. ft. |

|  |   |
|--|---|
| 16.18.030.B Lot Area Exceptions<br>The maximum lot area standard does not apply to dwellings existing prior to subdivision or partition plan approval or to lots designated for open space.  | Parcel 1 will contain the existing home and will be partitioned away from the remainder of the undeveloped site. Per Section 16.18.030.B.5, the maximum lot area standard does not apply to this parcel.  |
| 16.18.030.C Minimum width and frontage: 40 feet  | All lots have a minimum width and frontage of at least 40 feet.   |
| 16.18.030.D Minimum yard requirements:<br>Street yard, 20 feet for side w/dwy<br>Other street yards, 15 feet<br>Rear yard, 20 feet for two story building, 15 feet for one story<br>Rear yard corner lots, 15 feet for two story, 10 feet for one story<br>Interior yard: 7 feet, or zero lot line | These requirements will be satisfied when building plans are submitted for structures on each proposed lot. Proposed lot widths and depths are sufficient to allow these yard requirements to be met. The home on Parcel 1 is existing and the current front yard and east side yard are already fixed at approximately 40 feet and 10 feet respectively. The rear yard will be set at 20.5 feet and the west side yard will be set at approximately 17 feet, exceeding the requirements of this section. |
| 16.18.030.E Maximum building height: 35 feet   | This requirement will be satisfied when building plans are submitted for structures on each proposed lot.   |
| 16.18.030.F Maximum amount of impervious surface: 70 percent   | Parcel 1 will have an impervious percentage of less than 40 percent. This requirement will be satisfied for Lots 1 – 8 when building plans are submitted for structures on each proposed lot.   |
| 16.18.30.G Other regulations.  | These requirements will be satisfied when building plans are submitted for structures on each proposed lot.   |

*16.46.010 Number of Units in Residential Development*

Response: The development proposes to create detached single family residences on individual lots, therefore Sec. 16.46.010A is the appropriate standard.

The development will widen N Oak Street south of NE Territorial Road and will construct NE 18<sup>th</sup> Avenue east of N Oak Street. There will be one point of access to serve Lots 1-8 of the development, and the three existing properties west of N Oak Street, Tax Lots 1900, 1902 & 1903. Parcel 1 will continue to take access directly from NE Territorial Road.

Using the City’s formula in 16.46.010.A.2, one street connection would permit up to 30 residential units. In total, 11 lots will use N Oak Street. Therefore, the single access will be sufficient to meet the standards of this section.

NE 18<sup>th</sup> Avenue and N Oak Street will be local public streets with 34 feet of pavement. Sidewalks will comply with the current 6-foot wide sidewalk standard and planter strips will be 4.5 feet wide from back of curb to back of sidewalk within the subdivision. The sidewalk along NE Territorial Road is proposed as curb-tight to conform to other sidewalks on the south side of Territorial Road near the site. The proposed measures are sufficient to satisfy the requirements in Sec. 16.46.010.A for roadway and pavement width, number of access points, and number of dwelling units.

#### *16.46.030 Access Connection*

Response: The applicant proposes one new street, NE 18<sup>th</sup> Avenue, that will connect to N Oak Street. The proposed separation between NE 18<sup>th</sup> Avenue and NE Territorial Road is 216 feet, in conformance with the 150-foot minimum spacing requirement of Table 16.46.30. Access Management Guidelines for City Streets. Driveways will also need to conform to the spacing requirements of this section and conformance with the standards can be verified at the time of building permit submittal.

The driveway for the existing home on Parcel 1 will remain in its current location and continue to take access from NE Territorial Road. The existing separation between Oak Street and the driveway to Parcel 1 is 191 feet. This distance exceeds the minimum requirement of 100 feet between a roadway and a driveway on a collector roadway. Therefore, the driveway to Parcel 1 conforms to the standards of Table 16.46.30. Access Management Guidelines for City Streets.

#### *16.46.070 Exception Standards*

Response: With the applicant's current submittal, all intersections conform to the Access Management Guidelines for City Streets, Table 16.46.30 and no exceptions are necessary.

#### *Chapter 16.49 Site & Design Review*

Response: Site and Design Review is required for all new development, except for single family and two-family dwellings (16.49.030).

Dwellings in the proposed subdivision are single family, thus will not require site and design review.

*Division IV Land Division Regulations*

*Chapter 16.62 Subdivisions-Applications*

Response: An application that satisfies the filing procedures and information required in Sec. 16.62.010 has been submitted.

Standards and criteria for approval of a subdivision are set forth in Sec. 16.62.020, as follows:

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

Response: Applicable requirements of other sections of the Land Development and Planning Ordinance are discussed in other sections of this narrative and on the maps included with the application, demonstrating that the proposed land divisions conform to applicable criteria.

*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;*

Response: The design and layout of the site provides for functional and desirable building sites. All lots meet or exceed the minimum lot area standards for the R-1.5 Zone, or permitted exceptions thereto. Each lot has access to a public street and has easy connectivity to NE Territorial Road, a collector, and nearby arterial streets, including Highway 99E. The proposed plan will widen N Oak Street, an existing local street, to its required width, and will build NE 18<sup>th</sup> Avenue, a new local public street, through the site to the eastern property line. Extension of N Oak Street to the south property line and extension of NE 18<sup>th</sup> Avenue to the east property line will provide access and utilities for future developments to the south and east. Public utilities such as sewer, water, communications, and power will be extended through the development site so that these services can be used by undeveloped neighboring properties. Development of the site will not hinder the use or development of any adjacent properties.

*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.*

Response: Although the Code encourages Low Impact Development techniques, other provisions of the Code, such as minimum width requirements for public streets and off-street parking requirements, make it difficult to achieve Low Impact Development within a medium density residential subdivision having lots of approximately 5,000 sq. ft.

The proposed layout will provide adequate sized lots that will allow space to create or preserve vegetation and the lots. The home on Parcel 1 will be preserved as will many of the existing trees and other landscaping features that currently surround the home. The street system is double loaded, which provides for a more economical design and less impervious surfacing than single loaded streets. The street lengths are short and an extended pattern of linear development is avoided while providing a street system that fits with the existing roadways and provides adequate and logical connections for future development of surrounding properties.

*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.*

Response: Necessary facilities and services are available for the proposed development at the proposed R-1.5 zoning designation. Public water is located in NE Territorial Road and N Oak Street to the north and west of the development. Creation of NE 18<sup>th</sup> Avenue east of N Oak Street will create a temporary dead end in the water system that can be extended to connect to N Pine Street in the future. Extension of the water main to N Pine Street will create an additional loop in the system, making for a more reliable system and providing for better water quality and higher fire flows.

Public sanitary sewer is also available in NE Territorial Road and N Oak Street. A new sanitary sewer main will be installed in NE 18<sup>th</sup> Avenue to serve many of the new lots in this development.

Public storm drainage is available through construction of a new drywell within the development site. Currently, N Oak Street has a drainage problem in that a lot of runoff from NE Territorial Road turns the corner and runs down to the south end of N Oak Street, causing flooding at the end of the street during periods of heavy rainfall. The applicant has discussed the problem with the neighbors and the City Public Works Department and intends to solve this existing problem through the construction of new

inlets on N Oak Street, the installation of a new drywell and an overflow line from the drywell to the to an existing storm drain conveyance pipe located on the north side of NE Territorial Road.

Power, gas, and communications facilities are available in NE Territorial Road and N Oak Street. Garbage and recycling collection are available in the neighborhood through Canby Disposal. Fire protection for the area is provided by Canby Fire District, which serves all of the City of Canby and the surrounding area. Police protection is provided by Canby Police Department.

All public services are available or will become available for the subdivision at the time of development.

*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)*

Response: Although no schools are located near the proposed subdivision in northeast Canby, sidewalks on all new streets will support the objectives of the Safe Routes to Schools Program. The creation of NE 18<sup>th</sup> Avenue will eventually provide for an additional connection to N Pine Street when future properties are developed that will provide for a walking and bicycling route between N Pine Street and NE Territorial Road, without needing to travel along NE Territorial Road, which is a busier roadway due to its collector status.

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

Response: A Traffic Impact Study was commissioned by the former property owner, through the City of Canby, when the property was annexed into the City of Canby in 2016. The City Development Services Department indicated that no further traffic study was needed for the subdivision application as the proposed subdivision plan conforms to the General Land Use planned submitted with the annexation application.

#### *Chapter 16.64 Subdivisions Design Standards*

##### *Section 16.64.010 Streets*

Response: The proposed interior street system will be designed and constructed with a pavement width of 34 feet from curb to curb. Street right-of-way widths on N Oak Street and NE 18<sup>th</sup> Avenue will be 50 feet, consistent with current standards. Planter

strips separating the curb from the sidewalk will measure 4.5 feet. Sidewalks will be constructed to the City standard width of 6 feet.

NE Territorial Road is a designated collector roadway. Ten feet of additional right-of-way dedication is proposed along the south side of Territorial Road to bring the street right-of-way to 70 feet. Collectors are required to have pavement widths of between 34 and 50 feet. The pavement width of N Pine Street is proposed as 22 feet from centerline to curbline and 42 feet from curbline to curbline. The curbline on the south side of the street is proposed to align with the curbline installed in front of the Pine Station development east of this site along the south side of Territorial Road. A six-foot-wide curb-tight sidewalk will be installed along NE Territorial Road, as the City Engineer, City Planner and Public Works Department determined that a curb-tight sidewalk in this area made sense, as all other sidewalks along NE Territorial Road are curb tight.

One new street name is proposed, “NE 18<sup>th</sup> Avenue”, a new street that will continue to City’s pattern of naming east-west streets in a numbering pattern will extend east from N Oak Street. Street profiles for NE Territorial Road and N Oak Street are already established by the existing roadway improvements in place. The street profile for NE 18<sup>th</sup> Avenue will be a slight fall to the east, consistent with the fall of the current terrain. The anticipated grade of NE 18<sup>th</sup> Avenue is less than 1 percent.

#### *Section 16.64.015 Access*

No connection to a State Highway is proposed, therefore the project does not have to be reviewed for conformance with state access management standards.

Public roadway improvements will widen two existing roadways and will create one new logical local street segment that can be extended in the future to facilitate further neighborhood development. NE 18<sup>th</sup> Avenue will be provided to the south of NE Territorial Road in a location that will allow for future development and extension of that roadway to N Pine Street. The roadway will provide for a future street connection that will allow for convenient access and use for neighborhood residents, visitors, deliveries, emergency vehicles, and garbage collection. NE 18<sup>th</sup> Avenue will be constructed at a right angle to N Oak and will also connect to N Pine Street at a right angle upon future extension of the roadway in that direction. NE 18<sup>th</sup> Avenue will have a vertical profile more or less consistent with the natural terrain that will fall from west to east at a grade of less than 1 percent.

NE Territorial Road will be constructed with a curb-tight sidewalk on the south side of the street, while N Oak Street and NE 18<sup>th</sup> Avenue will have sidewalks separated from the curb by a planter strip. All sidewalks will be 6 feet wide. Sidewalks along NE Territorial Road will be constructed with development of the subdivision, while sidewalks along the two local streets will be constructed when homes and driveway aprons are constructed. Lot access and driveway locations will be reviewed by the City at the time of building permits.

### *Section 16.64.020 Blocks*

The City requires subdivisions to be designed to accommodate blocks that provide lots of suitable size and access in multiple directions. Generally, block lengths in residential zones are limited to 400 feet. The City Planning Department determined that construction of NE 18<sup>th</sup> Avenue east from N Oak Street to N Pine Street was a necessity for the area to comply with this block length standard.

Without the creation of NE 18<sup>th</sup> Avenue, the block length along the west side of N Pine Street from NE Territorial Road to NE 17<sup>th</sup> Avenue would measure approximately 680 feet. With the construction of NE 18<sup>th</sup> Avenue, the project is doing its part to provide for a future street pattern that will comply with the block length standards. When NE 18<sup>th</sup> Avenue is eventually extended to N Pine Street it will divided the block from NE Territorial Road to NE 17<sup>th</sup> Avenue along the western side of N Pine Street into two segments measuring approximately 370 feet and 310 feet.

### *Section 16.64.030 Easements*

Easements for utility lines will be provided as necessary to satisfy requirements of the City and the public service providers. A combination public sidewalk easement and public utility easement will be created along the N Oak Street and NE 18<sup>th</sup> Avenue street frontages of each lot to accommodate the portion of the public sidewalk that will encroach into the lots. No easement for sidewalk is needed along NE Territorial Road as the sidewalk will be located completely within the public right-of-way.

### *Section 16.64.040 Lots*

(16.64.040.A & B) Lot sizes and shapes comply with dimensional requirements for the R-1.5 Zone, as previously discussed in this narrative and as shown on the proposed site plan.

(16.64.040.C) All R-1.5 lots have at least 40 feet of frontage on a public street.

(16.64.040.D) No double frontage lots are being created by this development.

(16.64.040.E) Lot side lines are generally at right angles to the fronting streets, except along NE Territorial Road which is built at a skew to other nearby streets.

(16.64.040.F) No lots in the subdivision can be re-divided.

(16.64.040.H) No hazardous situation related to flooding or soil instability has been identified on the site. The site will dispose of storm drain runoff through the installation of a new storm drain system with a drywell and an overflow connection to the storm drain conveyance system on the north side of NE Territorial Road.

(16.64.040.I) No flag lots are proposed.



(16.64.040.J) If constructed in a timely manner, none of the lots within the proposed development will meet the definition of an “Infill home”.

*Section 16.64.050 Parks and Recreation.*

No area is proposed for dedication for public open space on this site. The City Development Services Department has indicated that they would prefer that a fee in lieu payment be provided by at the time of building permit submittal for lots in this subdivision.

*Section 16.64.060 Grading of Building Sites*

Minor grading will be accomplished on the site to create suitable building sites.

*Section 16.64.070 Improvements*

Improvements for the subdivision and the partition will be accomplished as required by this section. Plans have been submitted as part of this application to show the arrangement of streets and sidewalks, public utilities, and other improvements necessary to provide for the convenience, health, and safety of future residents of this community and of the City. Please refer to specific plans for details. Following approval of the preliminary plan, more detailed construction plans will be submitted to the City for review and will include the frontage improvements in front of Parcel 1. At the same time the detailed construction plans will also be submitted to private utility service providers such as the gas and communications companies so that they may design their system improvements to serve the subdivision.

Streets will be constructed to the City’s standard structural section. NE Territorial Road and N Oak Street will be widened and curb and sidewalk will be installed on the project side of the street. Street lighting, street signage, and sidewalk along NE Territorial Road will be installed with the street improvements. Driveway approaches, sidewalks on the two interior streets, and street trees will be installed as homes are constructed throughout the development.

Stormwater will be managed through the installation of several new stormwater inlets on N Oak Street and NE 18<sup>th</sup> Avenue. The new inlets will collect the stormwater runoff, convey it to a water quality treatment manhole through new piping, then to a drywell for disposal underground, as is commonly done in most areas of the City. Due to the volume of offsite water that currently flows around the corner of NE Territorial Road onto N Oak Street, an overflow connection will be installed from the new drywell to the City’s conveyance pipe on the north side of NE Territorial Road. Depending upon the flow rate of the drywell, the overflow pipe can relieve extreme flows that otherwise might overwhelm the capacity of the drywell.

LID stormwater approaches such as green roofs, pervious pavements and roadside swales often are not good fits for residential subdivisions. Green roofs tend to work best on flat roofs and are not as good of a fit for the pitched roof architecture seen in

residential subdivisions. Pervious pavements tend to function better in mature subdivisions where there isn't a lot of ground disturbing activity taking place. The home building, landscaping, and fence building activities common in new subdivisions tend to deposit soil and other landscaping material onto the surface of the roadway, often clogging it, and preventing it from functioning as intended. Once material works its way down into the pores of the porous pavement, it becomes nearly sealed and it functions like standard pavement. Roadside swales can be problematic in residential subdivisions as the swales make it difficult to get out of cars parked against the curblin, as the planter strip is often soggy or under an inch or more of water.

Sanitary sewer will be provided through a connection to the existing sanitary sewer mains in NE Territorial Road and N Oak Street. The sewer main will be extended east in NE 18<sup>th</sup> Street from N Oak Street to serve the lots in this development.

A new public water main will connect to the existing water main in N Oak Street and it will be constructed east in NE 18<sup>th</sup> Avenue from Oak Street to the east property line. One new fire hydrant will be provided at the intersection of N Oak Street and NE 18<sup>th</sup> Avenue.

#### *Section 16.64.080 Low Impact Development Incentives*

The project does not plan to increase density or building heights allowed through the incentives offered in this section.

#### *Chapter 16.86 Street Alignments*

This chapter is intended to insure that adequate space is provided in appropriate locations for the planned expansion, extension, or realignment of public streets and it is further intended to allow for the safe utilization of streets once developed.

NE Territorial Road is proposed to be widened to its full and final width on the south side of the street. An additional 10 feet of right-of-way will be dedicated by this project to bring the right-of-way width to 70 feet. The street and sidewalk improvements are proposed to align with existing improvements constructed farther east in front of the Pine Station development.

N Oak Street will be widened to a width of 34 feet from curb to curb and to a right-of-way width of 50 feet. Sidewalk and planter strips will be created on the east side of N Oak Street. NE 18<sup>th</sup> Avenue is a new local street that will be constructed in accordance with current City standards, including a right-of-way width of 50 feet, a street width of 34 feet, and with 4.5-foot-wide planter strips and 6-foot wide sidewalks on each side. Plans submitted with the application show how NE 18<sup>th</sup> Avenue could be extended east to N Pine Street in the future.

### *Chapter 16.88 General Standards and Procedures*

The general standards and procedures set out in this chapter apply to the regulations of all sections of this title, except as may be specifically noted. The application has been submitted to the City by the property owner and the appropriate fees have been paid (Sec. 16.88.030).

### *Chapter 16.89 Application and Review Procedures*

The purpose of this chapter is to establish standard decision-making procedures that will enable the City, the applicant, and the public to review applications and participate in the decision-making process in a timely and effective way.

This application is a Type III procedure. A pre-application meeting was held prior to the annexation of the property into the City of Canby where utility concerns were discussed. Because the site plan has not changed from the earlier pre-application meeting, the Planning Director determined that another pre-application meeting for the subdivision application was not necessary. A Neighborhood meeting with the Northeast Canby Neighborhood Association was held on January 8, 2014. Neighborhood concerns were minimal (see Neighborhood meeting Notes attached with this application).

### *Chapter 16.120 Parks Open Space and Recreation Land*

The City of Canby shall require park land dedication or a fee in lieu of park land dedication in the form of a system development charge. The City has indicated that it would prefer that lots in this subdivision pay a system development charge rather than dedicate park land.

## **CONCLUSION**

The foregoing narrative and accompanying plans and documents, together demonstrate that the proposed subdivision and partition conform with the applicable criteria and standards of the City's Land Development and Planning Ordinance. Therefore, the applicant requests that the Planning Commission approve the application.

### III. Neighborhood Meeting Notes

March 14, 2017

RE: Neighborhood meeting about the proposed land use actions for 1009 NE  
Territorial Rd. AKA T2S, R2E, Sec 17CC, TL#'s 3900 & 4000

Why: We are having a neighborhood meeting to discuss the proposed 2  
lot partition and the subdivision applications being filed for the above  
mentioned property.

Where: Canby United Methodist Church  
1520 N Holly St.  
Canby, OR 97013

When: March 30<sup>th</sup>, 2017 @ 6:00pm.

Who: Tony Marnella  
Marnella Homes  
18318 SE Abernethy Lane  
Milwaukie, OR 97267  
503-709-3900

If you cannot attend, please feel to call to discuss any questions or concerns you  
might have.

Respectfully,

Tony Marnella  
Marnella Homes.

TL 300

WILLAMETTE VALLE  
COUNTRY CLUB

TL 100

TL 200

NE TERRITORIAL RD

TL 1602

1  
11,823 SF

2  
5,826 SF

TL 1601

3  
5,741 SF

4  
5,625 SF

5  
5,625 SF

TL 1800

NE 18th AVENUE

TL 1700

N. OAK STREET

6  
5,024 SF

7  
5,017 SF

8  
5,017 SF

9  
5,017 SF

30.0'

20.0'

45.0'

45.0'

45.0'

45.0'

45.0'

Territorial Road  
Neighborhood Meeting  
1520 N Holly Street, Canby OR 97013  
March 30<sup>th</sup>, 2017  
6:00pm

1. Gay & Elaine McClenahan
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_
11. \_\_\_\_\_
12. \_\_\_\_\_
13. \_\_\_\_\_
14. \_\_\_\_\_
15. \_\_\_\_\_

**Agenda**  
**Neighborhood Meeting**  
1520 N Holly St., Canby OR 97013  
March 30<sup>th</sup>, 2017

Meeting call to order:  
6:00pm

Attendees signed in:  
Only one couple attended – Gary and Elaine McClanahan

We discussed the project and they shared the concerns over storm water and the history of what they have dealt with.

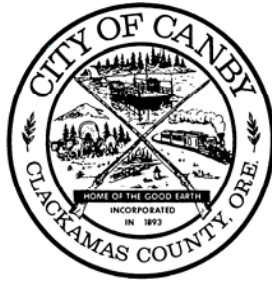
Meeting adjourned:  
6:30pm



| REFPARCEL    | OWNERFIRST                  | OWNERLAST  | MAILADDRESS                | MAILCITY      | MAILSTATE | MAILZIP | SITEADDRESS                | SITECITY | SITESTATE | SITEZIP |
|--------------|-----------------------------|------------|----------------------------|---------------|-----------|---------|----------------------------|----------|-----------|---------|
| 31E27C 02002 | Danny & Dian                | Moore      | 1512 N Ponderosa St        | Canby         | OR        | 97013   | 1200 NE Territorial Rd #12 | Canby    | OR        | 97013   |
| 31E27C 02003 | Eleanor                     | Liberty    | 1200 NE Territorial Rd #22 | Canby         | OR        | 97013   | 1200 NE Territorial Rd #22 | Canby    | OR        | 97013   |
| 31E27C 02021 | Peter & Prudence            | Farrell    | Po Box 216                 | Cannon Beach  | OR        | 97110   | 1200 NE Territorial Rd #13 | Canby    | OR        | 97013   |
| 31E27C 02022 | Wallace & Isabelle          | Shoemaker  | 1200 NE Territorial Rd #11 | Canby         | OR        | 97013   | 1200 NE Territorial Rd #11 | Canby    | OR        | 97013   |
| 31E27C 02023 | Frank                       | Stevens    | 1200 NE Territorial Rd #24 | Canby         | OR        | 97013   | 1200 NE Territorial Rd #24 | Canby    | OR        | 97013   |
| 31E27C 02024 | Ronald                      | Campbell   | 1200 NE Territorial Rd #21 | Canby         | OR        | 97013   | 1200 NE Territorial Rd #21 | Canby    | OR        | 97013   |
| 31E27C 02026 | Robert                      | Thomas     | 1200 NE Territorial Rd #23 | Canby         | OR        | 97013   | 1200 NE Territorial Rd #23 | Canby    | OR        | 97013   |
| 31E28 00100  | Grand Oaks LLC              | Thomas     | 2890 Kirkland Dr           | Beverly Hills | CA        | 90210   | 1802 N Pine St             | Canby    | OR        | 97013   |
| 31E28DA00100 | Willamette Valley Ctry Club | Hill       | Po Box 988                 | Canby         | OR        | 97013   | 900 Country Club Pl        | Canby    | OR        | 97013   |
| 31E28DA00100 | James & Mary                | Hill       | 1000 NE Territorial Rd     | Canby         | OR        | 97013   | 1000 NE Territorial Rd     | Canby    | OR        | 97013   |
| 31E28DA00200 | Geoffrey                    | Cutsforth  | 1840 N Country Club Dr     | Canby         | OR        | 97013   | 1840 N Country Club Dr     | Canby    | OR        | 97013   |
| 31E28DA00300 | James & Marjorie            | Irving     | 1864 N Country Club Dr     | Canby         | OR        | 97013   | 1864 N Country Club Dr     | Canby    | OR        | 97013   |
| 31E28DA00400 | Merrill                     | Wolfe      | 1900 N Country Club Dr     | Canby         | OR        | 97013   | 1900 N Country Club Dr     | Canby    | OR        | 97013   |
| 31E28DA00500 | Richard                     | Ares       | 1920 N Country Club Dr     | Canby         | OR        | 97013   | 1920 N Country Club Dr     | Canby    | OR        | 97013   |
| 31E28DA00600 | Steven & Janet              | Skinner    | 1934 N Country Club Dr     | Canby         | OR        | 97013   | 1934 N Country Club Dr     | Canby    | OR        | 97013   |
| 31E28DA00700 | Robert                      | Thomas     | 1200 NE Territorial Rd #23 | Canby         | OR        | 97013   | 1958 N Country Club Dr     | Canby    | OR        | 97013   |
| 31E28DA04200 | Peter & Susan               | Larro      | 850 NE Fairway Ln          | Canby         | OR        | 97013   | 850 NE Fairway Ln          | Canby    | OR        | 97013   |
| 31E28DD00100 | Nancy                       | Kahut      | 9903 S Kraxberger Rd       | Canby         | OR        | 97013   | 1875 N Country Club Dr     | Canby    | OR        | 97013   |
| 31E28DD00200 | Vernon & Carmen             | Thompson   | 867 NE Fairway Ln          | Canby         | OR        | 97013   | 867 NE Fairway Ln          | Canby    | OR        | 97013   |
| 31E28DD00300 | David & Karen               | Haring     | 847 NE Fairway Ln          | Canby         | OR        | 97013   | 847 NE Fairway Ln          | Canby    | OR        | 97013   |
| 31E28DD00400 | Rhett                       | Stanley    | 825 NE Fairway Ln          | Canby         | OR        | 97013   | 825 NE Fairway Ln          | Canby    | OR        | 97013   |
| 31E28DD01000 | Ashley                      | Lynch      | 800 NE Territorial Rd      | Canby         | OR        | 97013   | 800 NE Territorial Rd      | Canby    | OR        | 97013   |
| 31E28DD01100 | Mike & Cindy                | McGarvey   | Po Box 606                 | Canby         | OR        | 97013   | 820 NE Territorial Rd      | Canby    | OR        | 97013   |
| 31E28DD01200 | Geoffrey Alan               | Wilson     | 850 NE Territorial Rd      | Canby         | OR        | 97013   | 850 NE Territorial Rd      | Canby    | OR        | 97013   |
| 31E28DD01300 | Morgan & Nicole             | Annas      | 882 NE Territorial Rd      | Canby         | OR        | 97013   | 882 NE Territorial Rd      | Canby    | OR        | 97013   |
| 31E28DD01400 | Jeanne                      | Dahle      | 1855 N Country Club Dr     | Canby         | OR        | 97013   | 1855 N Country Club Dr     | Canby    | OR        | 97013   |
| 31E28DD01600 | Kimberly Dawn               | Taylor     | 1825 N Pine St             | Canby         | OR        | 97013   | 1825 N Pine St             | Canby    | OR        | 97013   |
| 31E28DD01601 | William & Yvonne            | Scott      | 1027 NE Territorial Rd     | Canby         | OR        | 97013   | 1027 NE Territorial Rd     | Canby    | OR        | 97013   |
| 31E28DD01602 | Timothy & Kamela            | Davis      | 1045 NE Territorial Rd     | Canby         | OR        | 97013   | 1045 NE Territorial Rd     | Canby    | OR        | 97013   |
| 31E28DD01700 | Daniel & Trinka             | Morford    | 599 Hardcastle Ave         | Woodburn      | OR        | 97071   | 1787 N Pine St             | Canby    | OR        | 97013   |
| 31E28DD01701 | Janice                      | Lunning    | 1793 N Pine St             | Canby         | OR        | 97013   | 1793 N Pine St             | Canby    | OR        | 97013   |
| 31E28DD01900 | Francis & Charlotte         | Garmire    | 939 NE Territorial Rd      | Canby         | OR        | 97013   | 939 NE Territorial Rd      | Canby    | OR        | 97013   |
| 31E28DD01902 | William                     | Whittaker  | 1811 N Oak St              | Canby         | OR        | 97013   | 1811 N Oak St              | Canby    | OR        | 97013   |
| 31E28DD01903 | Gary & Elaine               | McClanahan | Po Box 873                 | Canby         | OR        | 97013   | 1805 N Oak St              | Canby    | OR        | 97013   |
| 31E28DD02100 | Thomas                      | Holmes     | Po Box 111                 | Canby         | OR        | 97013   | *no Site Address*          | Canby    | OR        | 00000   |
| 31E28DD02200 | Keith & Nancy               | Murphy     | 725 NE Territorial Rd      | Canby         | OR        | 97013   | 725 NE Territorial Rd      | Canby    | OR        | 00000   |
| 31E28DD02706 | Patrick & Laurie            | Harmon     | 2325 E Madrona Ln          | Canby         | OR        | 97013   | 830 NE 16th Ave            | Canby    | OR        | 97013   |
| 31E28DD02707 | George Jr & Donna           | Schmidt    | 854 NE 16th Ave            | Canby         | OR        | 97013   | 854 NE 16th Ave            | Canby    | OR        | 97013   |
| 31E28DD02708 | Dennis-Mychael & Gina       | Haylett    | 1615 N Oak St              | Canby         | OR        | 97013   | 1615 N Oak St              | Canby    | OR        | 97013   |
| 31E28DD03200 | Joann                       | Hamilton   | 1541 N Oak St              | Canby         | OR        | 97013   | *no Site Address*          | Canby    | OR        | 00000   |
| 31E27C 02044 | Willamette Green Homeowners | Minton     | 1200 NE Territorial Rd #84 | Canby         | OR        | 97013   | *no Site Address*          | Canby    | OR        | 00000   |
| 31E28DD02201 | Richard                     | Rigsby     | 735 NE Territorial Rd      | Canby         | OR        | 97013   | 735 NE Territorial Rd      | Canby    | OR        | 97013   |
| 31E28DD02202 | Gary                        | Stang      | 795 NE Territorial Rd      | Canby         | OR        | 97013   | 795 NE Territorial Rd      | Canby    | OR        | 97013   |
| 31E28DD02203 | Elsie                       | Haskell    | 792 NE 17th Ave            | Canby         | OR        | 97013   | 792 NE 17th Ave            | Canby    | OR        | 97013   |
| 31E28DD02204 | Paul & Carla                | Brubaker   | 778 NE 17th Ave            | Canby         | OR        | 97013   | 778 NE 17th Ave            | Canby    | OR        | 97013   |
| 31E28DD02207 | Richard                     | Waterman   | 789 NE 17th Ave            | Canby         | OR        | 97013   | 789 NE 17th Ave            | Canby    | OR        | 97013   |
| 31E27CB01201 | James                       | Waterman   | 1102 NE 19th Ct            | Canby         | OR        | 97013   | 1102 NE 19th Ct            | Canby    | OR        | 97013   |

|              |                                  |                       |               |    |       |       |       |    |       |
|--------------|----------------------------------|-----------------------|---------------|----|-------|-------|-------|----|-------|
| 31E27C801202 | Dianne                           | 23747 1st St NE       | Aurora        | OR | 97002 | 97013 | Canby | OR | 97013 |
| 31E27C801204 | S T J I LLC                      | 130 SW 2nd Ave #103   | Canby         | OR | 97013 | 97013 | Canby | OR | 97013 |
| 31E27C801205 | S T J I LLC                      | 130 SW 2nd Ave #103   | Canby         | OR | 97013 | 97013 | Canby | OR | 97013 |
| 31E27C801206 | Richard & Rosemary               | 2452 S Dutch Vista Ct | Canby         | OR | 97013 | 97013 | Canby | OR | 97013 |
| 31E28DD90841 | Carol                            | 841 NE Territorial Rd | Canby         | OR | 97013 | 97013 | Canby | OR | 97013 |
| 31E28DD90845 | E Darlene                        | Po Box 1203           | Mullino       | OR | 97042 | 97013 | Canby | OR | 97013 |
| 31E28DD90849 | D Galen                          | 849 NE Territorial Rd | Canby         | OR | 97013 | 97013 | Canby | OR | 97013 |
| 31E28DD90853 | Carol                            | 3480 SE Elizabeth Pl  | Troutdale     | OR | 97060 | 97013 | Canby | OR | 97013 |
| 31E28DD90857 | Luke                             | 15743 S Windy City Rd | Mullino       | OR | 97042 | 97013 | Canby | OR | 97013 |
| 31E28DD90861 | Carissa                          | 861 NE Territorial Rd | Canby         | OR | 97013 | 97013 | Canby | OR | 97013 |
| 31E28DD90863 | Julie                            | 863 NE Territorial Rd | Canby         | OR | 97013 | 97013 | Canby | OR | 97013 |
| 31E28DD90867 | Dixon & Annette                  | 1315 SE 13th Pl       | Canby         | OR | 97013 | 97013 | Canby | OR | 97013 |
| 31E28DD90871 | Marla                            | 871 NE Territorial Rd | Canby         | OR | 97013 | 97013 | Canby | OR | 97013 |
| 31E28DD90875 | Katie Lee                        | 875 NE Territorial Rd | Canby         | OR | 97013 | 97013 | Canby | OR | 97013 |
| 31E28DD90879 | Patrick                          | 879 NE Territorial Rd | Canby         | OR | 97013 | 97013 | Canby | OR | 97013 |
| 31E28DD90883 | Deanne                           | 883 NE Territorial Rd | Canby         | OR | 97013 | 97013 | Canby | OR | 97013 |
| 31E28DD90887 | Joe                              | 887 NE Territorial Rd | Canby         | OR | 97013 | 97013 | Canby | OR | 97013 |
| 31E28DD90891 | Jeffrey Lee                      | 891 NE Territorial Rd | Canby         | OR | 97013 | 97013 | Canby | OR | 97013 |
| 31E28DD90000 | Trademark Development LLC        | 4744 Oakridge Rd      | Lake Oswego   | OR | 97035 | 00000 | Canby | OR | 00000 |
| 31E27C 02401 | Grand Oaks LLC                   | 2890 Kirkland Dr      | Beverly Hills | CA | 90210 | 97013 | Canby | OR | 97013 |
| 31E28DD01501 | Jeffrey David                    | 1995 N Pine St        | Canby         | OR | 97013 | 97013 | Canby | OR | 97013 |
| 31E28DD01502 | Karoline                         | 1983 N Pine St        | Canby         | OR | 97013 | 97013 | Canby | OR | 97013 |
| 31E28DD01503 | Alex & Jessica                   | 1848 N Teakwood Cir   | Canby         | OR | 97013 | 97013 | Canby | OR | 97013 |
| 31E28DD01504 | James & Kristin                  | 1963 N Pine St        | Canby         | OR | 97013 | 97013 | Canby | OR | 97013 |
| 31E28DD01505 | Gregory & Melissa                | 1957 N Pine St        | Canby         | OR | 97013 | 97013 | Canby | OR | 97013 |
| 31E28DD01506 | Diana                            | 1951 N Pine St        | Canby         | OR | 97013 | 97013 | Canby | OR | 97013 |
| 31E28DD01507 | Judi                             | 1945 N Pine St        | Canby         | OR | 97013 | 97013 | Canby | OR | 97013 |
| 31E28DD01508 | Teddi                            | 1937 N Pine St        | Canby         | OR | 97013 | 97013 | Canby | OR | 97013 |
| 31E28DD01509 | Frank & Shelby                   | Po Box 537            | Canby         | OR | 97013 | 97013 | Canby | OR | 97013 |
| 31E28DD01510 | James & Alyssa                   | 1919 N Pine St        | Canby         | OR | 97013 | 97013 | Canby | OR | 97013 |
| 31E28DD01511 | Carol                            | 1911 N Pine St        | Canby         | OR | 97013 | 97013 | Canby | OR | 97013 |
| 31E28DD01512 | Pine Station Hmownrs Assoc       | 214 SW 2nd Ave        | Canby         | OR | 97013 | 00000 | Canby | OR | 00000 |
| 31E28DD01513 | Pine Station Hmownrs Assoc       | 214 SW 2nd Ave        | Canby         | OR | 97013 | 00000 | Canby | OR | 00000 |
| 31E28DD01514 | Pine Station Hmownrs Assoc       | 214 SW 2nd Ave        | Canby         | OR | 97013 | 00000 | Canby | OR | 00000 |
| 31E27CC05300 | Stafford Homes & Land LLC        | 485 S State St        | Lake Oswego   | OR | 97034 | 97013 | Canby | OR | 97013 |
| 31E27CC05400 | Tyson & Regina                   | 1118 NE 17th Ave      | Canby         | OR | 97013 | 97013 | Canby | OR | 97013 |
| 31E27CC05500 | Fred                             | 1126 NE 17th Ave      | Canby         | OR | 97013 | 97013 | Canby | OR | 97013 |
| 31E27CC07000 |                                  | 1115 NE 17th Ave      | Canby         | OR | 97013 | 97013 | Canby | OR | 97013 |
| 31E27CC07100 | Stafford Homes & Land LLC        | 485 S State St        | Lake Oswego   | OR | 97034 | 97013 | Canby | OR | 97013 |
| 31E27CC07200 | Stafford Development company LLC | 485 S State St        | Lake Oswego   | OR | 97034 | 97013 | Canby | OR | 97013 |

## IV. Pre-application Meeting Minutes



## **Pre-Application Meeting**

**Annexation for 1009 NE Territorial Road  
December 30, 2015  
10:30 am**

### **Attended by:**

Hassan Ibrahim, Curran-McLeod Engineering, 503-684-3478  
Jerry Nelzen, Public Works, 971-253-9173  
Boe Teasdale, NW Natural, 503-931-38/58  
Doug Quan, Canby Utility, Water, 971-563-6314

Pat Sisul, Sisul Engineering, 503-657-0188  
Dan Mickelsen, Erosion Control, 503-266-0698  
Mark Gunter, Public Works, 541-231-8674  
Bryan Brown, Planning, 503-266-0702

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

### **SISUL ENGINEERING, Pat Sisul**

- John Meredith, Longhorn Development would like to annex 1009 NE Territorial Road into the City of Canby. This parcel has one existing house on the property and will be lot 1 of the subdivision.
- North Oak Street is partially constructed and so is the south side of NE Territorial Road. The proposed site to the south as shown on the site plan, we laid out when we did the Pine Meadow development and we built off of it. I talked to Bryan Brown about the need of NE 18<sup>th</sup> Avenue and Bryan felt there was a need for putting in NE 18<sup>th</sup> Avenue. We also made provisions to break up the block between the proposed NE 17<sup>th</sup> Avenue.
- This meeting is for annexation and we not proposing the development at this time, but we really need to know if the utilities are available and if there is any reason why we would have any difficulty serving this development.
- Pat asked if Tom Holmes decided to develop his land, is there a possibility of having his storm water a part of the N Redwood Drainage System. Bryan said they did a rigorous analysis on what the capacity for this system could handle and I doubt it would have any extra room other than the N Redwood area for storm water. Jerry said we need to you look at it because we might have to do something for this area and it is a concern for us all.

### **CURRAN-MCLEOD ENGINEERING, Hassan Ibrahim**

- As far as sanitary sewer I do not think there will be any capacity issues in terms of the treatment plant. There is a sanitary sewer main in NE Territorial Road and I saw a manhole at the intersection of NE Territorial Road and N Oak and Jerry stated there was a cleanout at the dead end of N Oak Street. The sewer main line is 8" plastic pipe.
- N Oak Street is basically shot and there is curb partially along the west side of N Oak and no return at the intersection. You will have to do half street improvements with curb and sidewalks. Pat asked what do you mean by half street improvements on NE Territorial Road and Hassan stated we need to make it 42 feet wide, curb to curb. Pat said we would just saw cut the clean edge of the roadway and you are not talking about going to the center line and

Hassan said no. Hassan said the new standard calls for a planter strip and Jerry said we need to match the existing, which is curb tight and NE Territorial Road has parking, bike lane and sidewalk. Hassan said there are two 11 foot lanes, two 6 foot bike lanes and 8 foot parking for the 42 feet of right-of-way. N Oak Street will be a local street and the right-of-way is 34 feet of paved street and I do not know if you would be responsible for the other half and we need to come up with some money to overlay the other side. Jerry asked if we can rip it out and re-do the entire roadway and Pat said we would pay for one side and the city pay for the other half. Consensus agreed with sharing the cost of rebuilding the street. Hassan said the curb and sidewalk on the partial section of N Oak Street and looks pretty new and should be okay. You are proposing a 50 foot right-of-way and that is adequate for a local street.

- We discussed parts of the storm drainage in this area and we think it is too wet as is and drywells may not function well. Jerry said we are running into drainage issues in this area and Pat said he noticed from the storm water master plan there is an unknown size of storm drain line running down NE Territorial Road. Dan stated it would be just for overflow purposes only and Jerry said it was what he was thinking with a sedimentation manhole, drywell and overflow to the storm line and Pat said that would work for us. Jerry asked about placing catch basins at the two dead ends for the proposed John Meredith subdivision project and Pat asked if there was a drainage problems in this area. Pat said we need to be aware of the water wells in the area. Discussion ensued. Pat stated the storm water master plan projection shows a storm line coming down NE 10<sup>th</sup> Avenue, picking up all the failed drywells and piping them north on N Pine Street. Jerry said he did not know how they would do it because there is not any fall.
- Hassan said is this best option for the proposed annexation alignment of N Oak Street for future land development. Pat said Bryan and I looked at the proposed alignment for N Oak Street and if you are swinging it through and use the radiuses here you cannot get a long enough tangent in the middle to make it work. Since we could not make it work this is why we went this route because at least it met code. Discussion ensued. Bryan said we developed this proposed street plans when they developed Pine and Franz Meadow subdivisions and what was most important is we have interconnectability and we want the streets to go through. Pat said he tried to show the proposed NE 18<sup>th</sup> Avenue connecting with this proposed annexation and with these lots likely to develop and some not to develop. I tried to push the enough roadway to this side for these property owners could build a half street having two lanes of traffic without these properties being developed. Unfortunately, it does not align with the apartment's driveway and there would need to have a traffic study for this section in the future and Bryan agreed and said he would talk to our traffic consultants.

#### **CITY OF CANBY, PUBLIC WORKS, Jerry Nelzen**

- Jerry asked where the drywells would be and Pat said we do not know at this time and we would have to find the surrounding wells and go from there. Discussion ensued. Pat said we would need to place the drywells on the westerly side of N Oak Street and Jerry said he wanted to know if there would be enough fall to pipe it over and my thoughts are for the future proposed areas to make sure we can get drainage for them also. We would like to see a manhole in the center of the streets at the dead ends so you do not have to cut the roadways in the future and Hassan said Pat would need to do a profile and see what would happen with the catch basins and it would manifest itself during the design to help alleviate your future

concerns. Dan said we need to think about the water coming off of NE Territorial Road coming down onto N Oak Street because we would need a drywell just for that purpose and they would need a drywell for their own needs. Pat said if there is a need to have two drywells in this area would the city pick up the costs for one of them and Jerry said it does not matter what has to happen we just need to figure it out and do it. One drywell will not handle all the water and when the proposed subdivision is put in, it will definitely not be able to handle the storm water. I would like to have the entire storm line connected together and Pat said we could also pipe the overflow to the city's storm line and Jerry said that would be fine. Dan wanted to mention the overflow should just be for emergencies only because you will not be able to rely on it. Pat said we will put in pipe at the ends of N Oak Street and NE 18<sup>th</sup> Avenue and Jerry said to make sure there is enough fall to bring it back to the drywells in N Oak Street.

- Jerry said you know the understanding of what we need for the sewer mains and Pat said yes.
- Pat said we assume for lot 1 we would use the existing driveway approach onto NE Territorial Road and we wanted to know if lot 2's driveway approach could come off of NE Territorial Road. Bryan stated if there is an option for a lesser classification street for the driveway approaches you are always supposed to use it. Pat said he thought so.

#### **CANBY UTILITY, WATER DEPARTMENT, Doug Quan**

- We have a 6 inch PVC water line in N Oak Street located in the street and goes off to the side where the blow off is located. The water main will be changed to an 8 inch because it is dictated in our master plan and for fire flow purposes it has to be an 8 inch line. If you put in NE 18<sup>th</sup> Avenue and due to the shortness of road you will not get the fire flow from the 6 inch for a hydrant and I do not think the fire department would like the reduced flow. Pat asked who would be paying for the upsizing of the main from a 6 to an 8 inch line. Doug said good question, but since you will be tearing the entire roadway up it should be easy to accomplish. Pat said if we put in an 8 inch line on NE 18<sup>th</sup> Avenue and part of N Oak Street still utilize the 6 inch, would that work for you and Doug said no because if John does this and the others do not develop for another two to three years it will be an issue. Pat said Bryan and I will need to know for the development agreement who is paying for it and Doug said if the street will be torn up anyway and you will be putting in a new base for the road it will not be that much more to put in an 8 inch line. If this is just an annexation you are still a ways a way and Pat said it would not annex until the end of next year and it would not be a subdivision until 9 months after that. Doug said we have a few budget cycles to go through before we have to figure it out. Pat said the other option would be to put in an 8 inch line to the hydrant and leave the 6 inch and Doug said it would not be that much further to take it to the end because when the other proposed subdivisions tie in everything will be an 8 inch line.
- You will still have to have automatic blow off stations at the end. Pat said you have one already in and another just needs to be added on NE 18<sup>th</sup> Avenue and Doug concurred. Jerry said we need to discuss the problems we are having with the automatic blow off stations you have installed at Faist 6 subdivision. Doug said we are having an issue with Faist 6 and when the contractor put in the lines we discovered they dropped the service lines coming off of the blow off stations to a 4 inch and manufactures specifications are for a 6 inch line. They tied into the house lateral and I do not know why they did not use a sweep "Y" and Jerry said they used a "T". Doug said we discussed using a sweep "Y" because it would

direct the flow downstream and I think they installed a “T”. Pat said if we run into a situation where we cannot go into an end of a cleanout, do you want the lateral for the blow off station be a “Y” instead of a “T” and everyone concurred. Pat said we have to do a “Y” on private sewer and storm, but for public works it is just the opposite and everything is a “T” and if you want that from now on we can spec it. Doug said make sure they put in a 6 inch for the discharge side. Jerry asked if they make the automatic blow offs with de-chlorination and Doug said yes. Jerry wanted to know if they could have the blow off line go into our storm system and Doug said they can be configured to either storm or sewer. The dechlorination systems are a tablet feed and water just goes over them and into the line. We tested the automatic blow off at Dinsmore 3 and it worked well and Jerry said if you do a 6 inch pipe it will not hurt anything, but at Faist 6 it does not work and if we could go into the catch basin it would work much better. We would not have to worry about it flooding the houses through the sanitary sewer lines. Jerry said it is Mark’s call because he signs for the sanitary sewer system. Doug said the automatic blow off stations can be retrofitted with a dechlorination system and the consensus was to use the storm system instead of the sewer laterals. Jerry said we would like to try it on the next project and Doug said okay.

#### **NW NATURAL, Boe Teasdale**

- We have a gas line on N Oak Street and it would have to be relocated with the new road improvements and I assume you will put in a public utility easement (PUE) on the east side and Pat said yes. Boe said we usually tag along with power in the trench line and we would have to reconnect a service line at 1805 N Oak Street. Pat asked if the existing line was a joint trench and Boe said in 2005 when the line was put in, it did not specify whether it was a joint trench.
- To service lot 1 we would need to access NE Territorial Road and Pat said he did not see a service to the existing house and I would assume they are not going to change now. We will put a PUE along the frontage and Boe said that would be great for the future.

#### **CITY OF CANBY, PLANNING DEPARTMENT, Bryan Brown**

- Jerry asked if they would be doing curb tight sidewalks and Bryan said I am not sure that needs to be decided at this stage. Hassan said on the west side of N Oak Street there is existing curb tight sidewalks and Bryan asked what the right-of-way is and Hassan stated a 50 foot right-of-way, the current standard for the local streets are 50 to 62 feet.
- The development agreement is binding on all the properties located within the designated development area as shown on the Canby annexation development map. It means we are not just dealing with John Meredith’s property being annexed but we are also using the other two tax lots along N Pine Street which would be a part of the development agreement and whatever provisions are put in. With that being said if we are tying the future streets through their property and we say something in the development agreement, it would be in the best interest during your neighborhood meeting before annexation by getting them involved and letting them realize we will be dictating how their property might be developed in the future through the development agreement. Pat asked who would be signing the development agreement and Bryan said he did not know, but the owners would be signing it also by the way it was worded. Pat said we have done prior development agreements and Bryan said yes, but we have never had one that involved property other than what was being annexed.

Pat said what about Pine and Franz Meadows they were blue box and it was just signed by the individual. Bryan said the way we read this is all the owners of property in the defined development agreement area and Pat said are they subjected to same development agreement or are they subjected to a development agreement? Bryan said it does not say and I can easily interpret they should be a single development agreement that applies to the defined area on the annexation development map. Apparently we have not be doing it that way and when I read it today it seems to me we should be doing one development agreement area for the area identified on the annexation map. Pat said he did not know how we could do it because you could have one property owner not signing the agreement and nobody gets annexed. Bryan said it is the same problem with the concept plans and it again describes the ordinance you do not have to have an agreement from everyone to get the council to approve a concept development plan and the same thing could be true with a development agreement. They might not sign it, but it applies to the entire area.

- We have been typically taking both an annexation application and a zone change application. When you do have more than one application you get the lowest cost one at half price.
- To my knowledge we need to do a traffic impact study and it means fairly soon if you are going to make this into a February deadline to make the application. You should get a scoping started, which means giving us a \$500 deposit and we can start the scope of work.
- We do have some questions on whether John wants to do two or three family dwellings and it will be related to what we do to the traffic analysis. Whether having a duplex or a triplex could it cause any problems on the slope of the street or the nearby intersection, I do not think so for this many lots, but we should think of a trip cap which I know has come up in the past on re-zones. My thoughts are we could put it in the development agreement and it state there will be no more trips or trip capped and would be only single family homes or so many duplexes can be the possibility and be bound by it and do less of a traffic study. I can talk to the traffic engineers and see what they have to say about it. Pat said he will talk to John and see what he would like to do, either all single family homes or a mixture of single family and duplexes.



25. The City shall assign addresses for each newly created subdivision lot and distribute that to the developer, and other agencies that have an interest.

**Dedications**

26. The applicant shall show on the final plat the appropriate R.O.W. width dedication of 10 feet width on NE Territorial Road and a 20 foot dedication on N. Oak Street for the full length of the subject property.

**Easements**

27. A 12 foot utility easement along all of the lot's 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.
28. Sidewalk easements are required along the frontage of the newly created private lots.

**Street Trees**

29. 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 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 otherwise designated on an approved Street Tree Plan. A twelve foot temporary street tree easement along all lot street frontages shall be noted on the final plat.

**Monumentation/Survey Accuracy Conditions**

30. 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:**

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31. Construction of all required public improvements and recordation of the final subdivision plat must be completed prior to the construction of any homes.
32. The homebuilder shall apply for a City of Canby Site Plan Permit and County Building Permit for each home.
33. The homebuilder shall apply for a City of Canby Erosion Control Permit.
34. All residential construction shall be in accordance with applicable Public Works Design Standards.
35. On-site stormwater management shall be designed in compliance with the Canby Public Works Design Standards.
36. 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.
37. 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.
38. Sidewalks and planter strips shall be constructed by the homebuilder as shown on the approved tentative plat.
39. All usual system development fees shall be collected with each home within this development.

**I CERTIFY THAT THIS ORDER** approving **SUB 17-02 Tanoak Subdivision** was presented to and **APPROVED** by the Planning Commission of the City of Canby.

**DATED** this 10th day of July, 2017

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

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

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

**ORAL DECISION: July 10, 2017**

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

**WRITTEN DECISION: July 10, 2017**

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

## V. Traffic Study

# MEMORANDUM

**DATE:** September 2, 2016

**TO:** Bryan Brown, City of Canby

**FROM:** Julie Sosnovske, PE  
Christopher S. Maciejewski, PE, PTOE



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

**SUBJECT:** Canby N Oak Street Annexation – Transportation Planning Rule (TPR) Analysis P#11010-071

This memorandum summarizes how the requirements of Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR), are met for a proposed annexation on NE Territorial Road, just east of N Oak Street, in Canby, Oregon. The following section describes the consistency of the annexation request (and corresponding rezone) with both the City's Comprehensive Plan and Transportation System Plan.

## Transportation Planning Rule Findings

The proposed annexation is located inside Canby's Urban Growth Boundary (UGB) in unincorporated Clackamas County. It is located at 1009 NE Territorial Road, tax lot 3 1E 28DD 1800. It is currently designated Clackamas County RRFF-5 zoning. The City's comprehensive plan designation is MDR – Medium Density Residential and the proposed zoning is R 1.5 Medium Density Residential. The proposed zoning is consistent with the City's adopted Comprehensive Plan designation.

The requirements of Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR), must be met for proposed changes in land use zoning. The intent of the TPR (OAR 660-12-0060) is to ensure that future land use and traffic growth is consistent with transportation system planning, and does not create a significant impact on the surrounding transportation system beyond currently allowed uses. The TPR allows a change in land use zoning in the event that a zone change would make the designation consistent with both the Comprehensive Plan and the Transportation System Plan. The allowance (found in Section 9) was added to the TPR in December 2011 and fits the circumstances of the project parcel. Specifically, section 9 states:

Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.

- (a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;
- (b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP;
- (c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was



exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area

Each of these criteria is addressed below:

- (a) The proposed annexation, and associated proposed zoning, are consistent with the City’s Comprehensive Plan and adopted Transportation System Plan (TSP), including a review of the forecasted development types and amounts from the travel demand forecasts utilized for the TSP.<sup>1</sup>
- (b) The City of Canby has adopted the Transportation System Plan (2010) and the proposed zoning is consistent with the TSP.
- (c) This subsection applies if the area was added to the urban growth boundary (UGB). Since the parcels are already within the UGB, provisions from subsection (c) would not apply. Per email from City staff, the parcels subject to the zoning map amendment were not exempt from this rule at the time of an urban growth boundary amendment<sup>2</sup>.

Based on the discussion above, all three criteria are satisfied; therefore, the proposed rezone will not have a significant effect on the transportation system. The proposed rezoning is consistent with the existing comprehensive plan map designation, as summarized in Table 1. Additionally, the transportation assessment performed as part of the City’s TSP accounts for the proposed uses related to annexation of the property, therefore the proposed rezoning is consistent with the acknowledged transportation system plan.

*Table 1: Proposed Annexation at 1009 NE Territorial Road, Tax Lot 3 1E 28DD 1800*

|                        | <b>Tax Lots</b> | <b>Lot Size (acres)</b> | <b>Clackamas County Zoning</b>         | <b>City of Canby Zoning</b>        | <b>City of Canby Comprehensive Plan Land Use</b> |
|------------------------|-----------------|-------------------------|--|------------------------------------|--|
| Annexation Application | 3 1E 28DD 1800  | 1.65 acres              | RRFF-5 (Rural Residential Farm Forest) | R-1.5 (Medium Density Residential) | MDR (Medium Density Residential)                 |

<sup>1</sup> Based on the estimated acreages of potentially redevelopable parcels within the same TAZ as the proposed annexation (TAZ 11 in the City of Canby TSP, 2010), approximately eight additional households were accounted for on the proposed annexation site, as part of the TSP. Based on the City's zoning code, a minimum of six (6) two, three or four-family homes per acre would be allowed, after accounting for street right-of-way and public open space requirements.

<sup>2</sup> Email from Bryan Brown, City of Canby, August 23, 2016

## VI. Legal Description & Survey

2

AFTER RECORDING RETURN TO:  
John T. and Katherine A. Meredith  
377 NW Territorial Rd.  
Canby OR 97013

Clackamas County Official Records  
Sherry Hall, County Clerk

2011-001990



\$52.00

01465275201100019900020027

01/07/2011 02:09:30 PM

D-D Cnt=1 Stn=9 DIANNAW  
\$10.00 \$10.00 \$16.00 \$16.00

UNTIL REQUESTED OTHERWISE,  
SEND TAX STATEMENTS TO:  
John and Katherine Meredith  
377 NW Territorial Road  
Canby OR 97013

WARRANTY DEED

**LONGHORN PROPERTIES, LLC**, GRANTOR, conveys and warrants to **JOHN T. MEREDITH and KATHERINE A. MEREDITH**, husband and wife, GRANTEE, the following described real property, free of encumbrances except as specifically set forth herein, in Clackamas County, Oregon:

SEE ATTACHED EXHIBIT A.

The true and actual consideration for this conveyance is \$NIL. Distribution from Grantor's limited liability company.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, 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 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

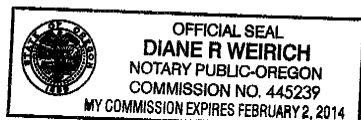
DATED this 7th day of January, 2011.


LONGHORN PROPERTIES, LLC

  
JOHN T. MEREDITH, Manager - Grantor

STATE OF OREGON     )  
                                  ) ss.  
County of Clackamas    )

On this 7th day of January, 2011, before me, personally appeared JOHN T. MEREDITH, Manager, LONGHORN PROPERTIES, LLC, and acknowledged the foregoing instrument to be his voluntary act and deed.



  
Notary Public for Oregon  
My commission expires: Feb 2, 2014

**EXHIBIT A**

**LEGAL DESCRIPTION:**

A parcel of land situated in the Southeast quarter of Section 28, Township 3 South, Range 1 East, of the Willamette Meridian, being part of Tract 60, CANBY GARDENS, in the County of Clackamas and State of Oregon, more particularly described as follows:

Beginning at the Southwest corner of said Tract 60; thence East along the South boundary of said Tract 60 a distance of 149.6 feet to the true point of beginning; thence continuing East along the South boundary of said Tract 60 a distance of 200.00 feet to a point which is also the Southeast corner of that certain parcel of land conveyed to Francis M. Garmire and Charlotte H. Garmire, his wife, by deed recorded September 11, 1956 in Book 516, Page 250; thence North at right angles to said South boundary a distance of 398.34 feet to the Northwesterly boundary of said Tract 60, which boundary is also the Southerly boundary of Territorial Road; thence South 69°03' West a distance of 214.13 feet along the North boundary of said Tract 60 to a point; thence South 321.83 feet to the South boundary of said Tract 60, to a point being the true point of beginning.

(2)



## VII. Development Agreement

Exhibit "C"

7P  
AFTER RECORDING RETURN TO:  
City of Canby, Attn: City Recorder  
P O Box 930  
Canby OR 97013

Clackamas County Official Records  
Sherry Hall, County Clerk

2016-077169



\$83.00

01999679201600771690070076

11/08/2016 03:22:37 PM

UNTIL REQUESTED OTHERWISE,  
SEND TAX STATEMENTS TO:  
John Meredith  
377 NW Territorial Road  
Canby, OR 97013

D-DEVA Cnt=1 Stn=9 COUNTER1  
\$35.00 \$16.00 \$22.00 \$10.00

DEVELOPMENT AGREEMENT  
(ANNEXATION)

RECITALS:

1. John Meredith hereinafter referred to as "MEREDITH", own real property commonly described as 1009 NE Territorial Road, Canby, OR 97013 and more particularly described in the attached Exhibit A and depicted on a survey attached as Exhibit B.
2. The City of Canby, hereinafter referred to as "CANBY", is an Oregon municipal corporation.
3. The property described in Exhibit A and depicted on Exhibit B is located within the boundaries of a designated annexation "Development Agreement Area" as shown on the City of Canby Annexation Development Map (City of Canby Municipal Code Title 16, Figure 16.84.040).
4. CANBY procedures for annexation specify the Planning Commission shall conduct a public hearing to review any proposed annexations and determine the appropriate zoning designation upon annexation. The Planning Commission shall furnish its recommendation concerning annexation and assigned zoning to the City Council. The City Council will determine whether the applicable standards and criteria of Canby Municipal Code 16.84.040 are met and will determine appropriate zoning for the property based on the criteria set forth in the Canby Municipal Code 16.54.040.
5. The purpose of this Annexation Development Agreement is to satisfy the requirements of Canby Municipal Code 16.84.040 including providing adequate public information and information evaluating the physical, environmental, and related social effects of a proposed annexation. The proposed annexation does not require the statutory development agreement of ORS 94.504 et seq.

NOW, THEREFORE, it is hereby agreed:

- I. CANBY MUNICIPAL CODE 16.84.040 APPLICABLE PROVISIONS.

A. Timing of the submittal of an application for zoning. Concurrent with review of this Agreement, the Council shall consider MEREDITH'S annexation application and requests that, upon approval of the annexation by the City Council, the property described in Exhibit A shall be zoned R-1.5. This approach will insure that the development agreement as well as the annexation and zone change approvals are consistent with City Code 16.84.

B. Scope of annexation request. In addition to the property owned by MEREDITH and described in Exhibit A, MEREDITH's annexation application shall include the southern one-half of the NE Territorial Road right-of-way, County Road No. 1485 adjacent to the MEREDITH property. The southern half of the NE Territorial Road right-of-way shall be measured from the right-of-way centerline and also as described in Exhibit A and depicted on Exhibit B. MEREDITH agrees to dedicate street right-of-way for NE Territorial Road to meet the standards of the City of Canby with future land use actions on the property as part of the development approval process.

C. Timing for Recording. MEREDITH shall have seven (7) calendar days from the date the City Council takes final action approving this Agreement, the annexation, the zone change request, to record this Agreement. A condition of approval will be attached to the annexation and zone change approval imposing this requirement.

D. Dedication of land for future public facilities including park and open space land. At the time of development, MEREDITH agrees to dedicate street right-of-way for NE Territorial Road, N. Oak Street and for other streets being created inside the property to the standards of the City of Canby and to satisfy CANBY's parkland dedication obligation through payment of the City's park system development charge.

E. Street construction/layouts, utilities, right of ways/dedications, and lots. At the time of development, City required public street improvements will be constructed to Canby Municipal Code specifications by MEREDITH. Specifically, MEREDITH agrees to improve the southern one-half of the NE Territorial Road right-of-way and the east one-half of the N. Oak Street right-of-way along the frontage of the property, and to construct a new street, NE 18<sup>th</sup> Avenue, west from N. Oak Street. The southern one-half of the NE Territorial Road right-of-way and the east one-half of the N. Oak Street right-of-way shall be measured from the right-of-way centerline. MEREDITH will position the NE 18<sup>th</sup> Avenue intersection to N Oak Street at a location deemed appropriate by the City of Canby Planning Department during the tentative plat design and approval process. Street cross section layouts, public utilities, franchise utilities, and right of way widths/associated dedications will be determined at the time of development in conformance with the Canby Municipal Code and Canby Public Works Design Standards. The submitted General Land Use Plan dated July, 2016 in conjunction with the ANN/ZC 16-04 applications is for general reference only and is non-binding. Lot sizes and layouts will be determined at the time of development and are contingent upon street cross sections and right of way widths.

F. Utility availability. At the time of development, MEREDITH agrees to ensure that utilities and infrastructure are available to serve the property described in Exhibit A at densities currently authorized in the R-1.5 zone. To the extent that additional utility or

service infrastructure is required to serve the property in the future, MEREDITH agrees to provide those utilities and services in a way that is commensurate with the impacts from development and consistent with the City's Code. MEREDITH also agrees to allow connection to MEREDITH's constructed public facilities by adjacent property owners.

G. Water and Sewer. At the time of development, MEREDITH agrees to install public waterlines in all new or extended public streets and sewer lines in new City streets as is needed to serve the development. CANBY agrees that MEREDITH can connect to the public water system and that MEREDITH can connect the existing public sanitary sewer. CANBY agrees that no new sewer main is needed in NE Territorial Road along the frontage of the Meredith parcel.

H. Waiver of compensation claims. MEREDITH waives compensation or waiver of land use regulations as provided in ORS 195.300 and 195.336, as well as Measure 49, resulting from annexation and the concurrent zone change approval.

I. Rough proportionality of future exactions. To the extent that this agreement identifies right-of-way dedication, utility or service obligations, these obligations are necessary and will be limited to an amount necessary to serve this development based on the proposed development application as well as on the uses and densities permitted in the R-1.5 zone.

J. Other commitments deemed valuable to the City of Canby. MEREDITH agrees any future development will meet the requirements of the adopted CANBY Municipal Code in effect at the time of development.

## II. OTHER CONSIDERATIONS.

A. Duration. This Agreement shall be effective upon CANBY, acting by and through its city council, approving this Agreement and upon its recording with the Clackamas County Recording Office. As used herein, "approval" means the granting of the approval and the expiration of the period of appeal, or if appeal is filed, the resolution of that appeal. This Agreement shall continue in effect for a period of eight (8) years after its effective date unless cancelled as provided in Section II, C below

B. Recording. Within seven (7) calendar days after the City Council makes a final decision approving ANN/ZC 16-04, MEREDITH shall record this agreement with the Clackamas County Recorder's Office and provide a copy of the recorded agreement to the City Attorney.

C. Cancellation. This Development Agreement shall not be cancelled.

D. Modification. This Agreement may be modified, amended, or extended upon the mutual consent of MEREDITH and CANBY.

Dated this 8<sup>th</sup> day of November 2016.

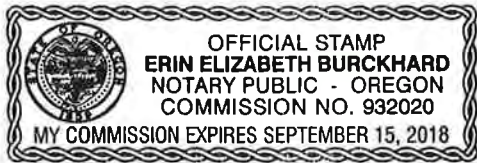
  
John Meredith

APPROVED BY ACTION OF THE CITY COUNCIL ON OCTOBER 19, 2016 THROUGH CITY COUNCIL ORDINANCE NO. 1449 ADOPTED ON NOVEMBER 2, 2016.

STATE OF OREGON            )  
  ) ss.  
County of Clackamas        )


Personally appeared before me, JOHN MEREDITH, and acknowledged the foregoing instrument to be his voluntary act and deed.

Dated this 8<sup>th</sup> day of November 2016.



  
Notary Public for Oregon  
My Commission Expires: 9/15/2018


APPROVED AS TO FORM:

By:   
Joseph Lindsay, City Attorney

Dated: November 2, 2016

Dated this 3<sup>rd</sup> day of November 2016.

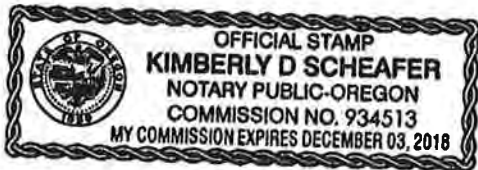
CITY OF CANBY, OREGON

By:   
Richard Robinson, City Administrator

STATE OF OREGON        )  
                                  ) ss.  
County of Clackamas    )

Personally appeared before me, RICHARD ROBINSON as the City Administrator of the City of Canby, Oregon.

Dated this 3<sup>rd</sup> day of November 2016.




  
Notary Public for Oregon  
My Commission Expires: 12-3-18

EXHIBIT "A"

**Associated Land Surveyors, Inc.**

375 Portland Ave., Gladstone OR 503-656-9440

**Exhibit A**

July 20, 2016

Property description for annexation to the City of Canby  
Meredith Property and Territorial Road

A portion of Tract 60, CANBY GARDENS, in the Southeast quarter of Section 28, Township 3 South, Range 1 East, of the Willamette Meridian, Clackamas County, Oregon, more particularly described as follows:

Commencing at the Southwest corner of said Tract 60; thence N89°59' E along the South boundary of said Tract 60 a distance of 149.6 feet to the Point of Beginning of the property herein described; thence continuing along said South boundary a distance of 200 feet to the Southeast corner of the tract of land conveyed to John T. Meredith and Katherine A. Meredith by Clackamas County Deed Document No. 2011-001990; thence N00°01'W along the East line thereof a distance of 398.34 feet to the Northeast corner of said Meredith property on the Southeasterly right-of-way line of Territorial Road (County Road No. 1485); thence S69°03'W along said Southeasterly right-of-way line a distance of 214.13 feet to Northwest corner of said Meredith property; thence S00°01'E along the West line thereof a distance of 321.83 feet to the Point of Beginning.

Together with the following described portion of Territorial Road (County Road No. 1485) abutting said Meredith property:

Beginning at the Northeast corner of the above described Meredith property; thence N 00°01'W along the Northerly extension of the East line thereof a distance of 32.12 feet to the center line of said Territorial Road; thence S69°03'W along said center line a distance of 214.13 feet to the intersection with the Northerly extension of the West line of said Meredith property; thence S00°01'E along said line a distance of 32.12 feet to the Northwest corner of said Meredith property on the Southeasterly right-of-way line of Territorial Road; thence N69°03'E along said line a distance of 214.13 feet to the point of beginning.

The combined areas totaling 1.80 acres.

The courses of this description are as shown on a survey filed at the Clackamas County Surveyor's Office as PS 5957.

canbyannex.doc

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Kurtis Kuiper*

OREGON  
JANUARY 19, 1982  
KURTIS H. KUIPER  
1976

VALID THRU: 6/30/17

EXHIBIT "B"

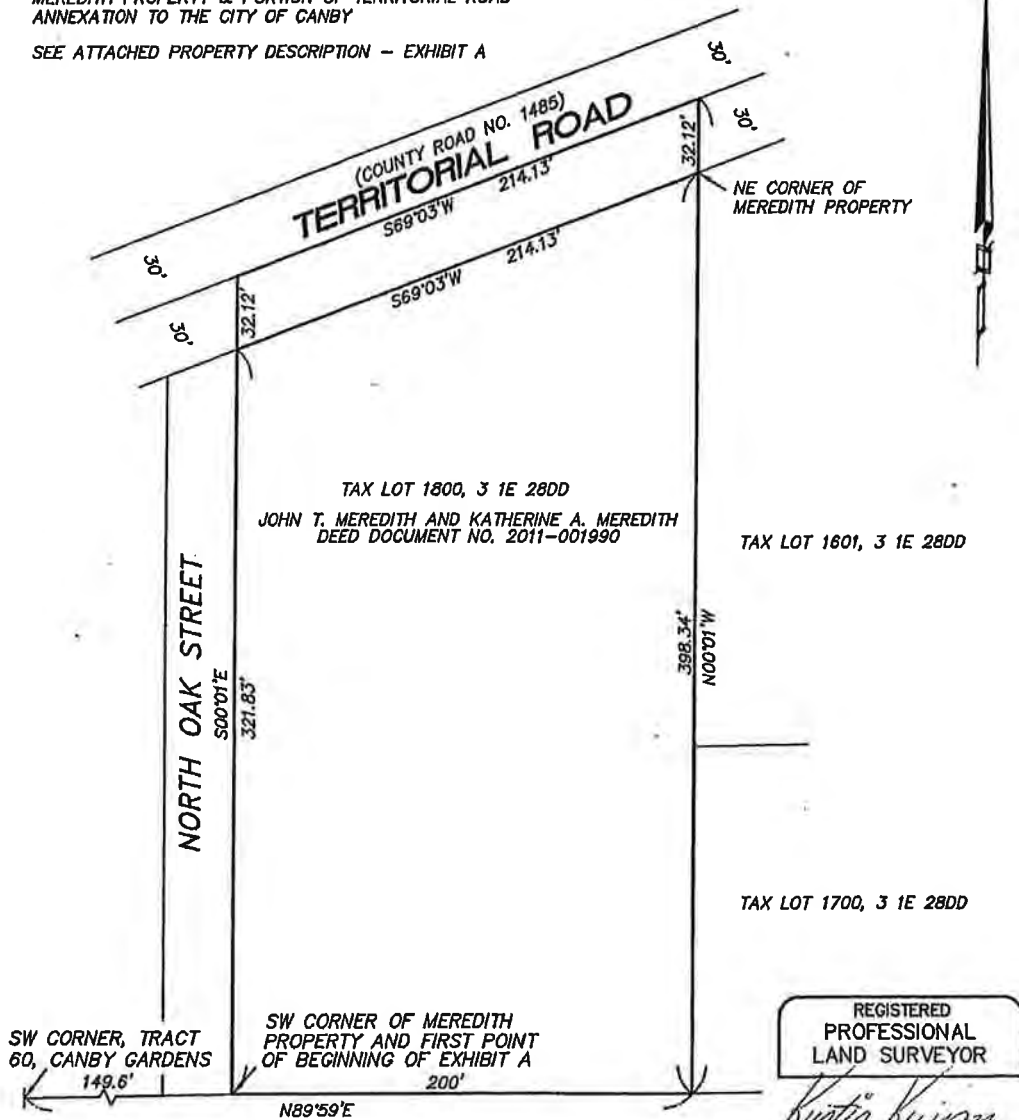
**EXHIBIT B**

July 20, 2016

Scale: 1" = 60'

MEREDITH PROPERTY & PORTION OF TERRITORIAL ROAD  
ANNEXATION TO THE CITY OF CANBY

SEE ATTACHED PROPERTY DESCRIPTION - EXHIBIT A



PREPARED BY:  
**ASSOCIATED LAND SURVEYORS, INC.**  
375 PORTLAND AVE.  
GLADSTONE, OREGON 97027  
PHONE: (503) 656-9440

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
*Kurtis H. Kuiper*  
OREGON  
JANUARY 19, 1982  
KURTIS H. KUIPER  
1976  
VALID THRU: 6/30/17  
PROJECT: 1609



## VIII. Maps

- a. Sheet 0, Cover Sheet
- b. Sheet 1, Partition Site Plan
- c. Sheet 2, Subdivision Plan
- d. Sheet 3, Existing Conditions
- e. Sheet 4, Water & Sanitary Plan
- f. Sheet 5, NE Territorial Road, Street & SD
- g. Sheet 6, N Oak Street, Street & SD
- h. Sheet 7, NE 18<sup>th</sup> Avenue, Street & SD
- i. Sheet 8, Grading and ESC Plan
- j. Sheet 9, Construction Details
- k. Sheet 10, Construction Details

# TANOAK

DEVELOPER:

## MARNELLA HOMES

Contact: TONY MARNELLA  
 18318 SE ABERNETHY LANE  
 MILWAUKIE, OREGON 97267  
 PHONE: (503) 654-6642

APRIL 2017



VICINITY MAP  
 N.T.S.

**NOTICE TO EXCAVATORS:**  
 ATTENTION: OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH OAR 952-001-0090. YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE CENTER. (NOTE: THE TELEPHONE NUMBER FOR THE OREGON UTILITY NOTIFICATION CENTER IS (503)-232-1987).

POTENTIAL UNDERGROUND FACILITY OWNERS

**Dig Safely.**  
 Call the Oregon One-Call Center  
 DIAL 811 or 1-800-332-2344

EMERGENCY TELEPHONE NUMBERS

NW NATURAL GAS  
 M-F 7am-6pm 503-226-4211 Ext.4313  
 AFTER HOURS 503-226-4211

PGE  
 503-464-7777

OWEST  
 1-800-573-1311

CITY OF CANBY PUBLIC WORKS 503-266-0759

CANBY UTILITY WATER 971-563-6314

VERIZON 1-800-483-1000

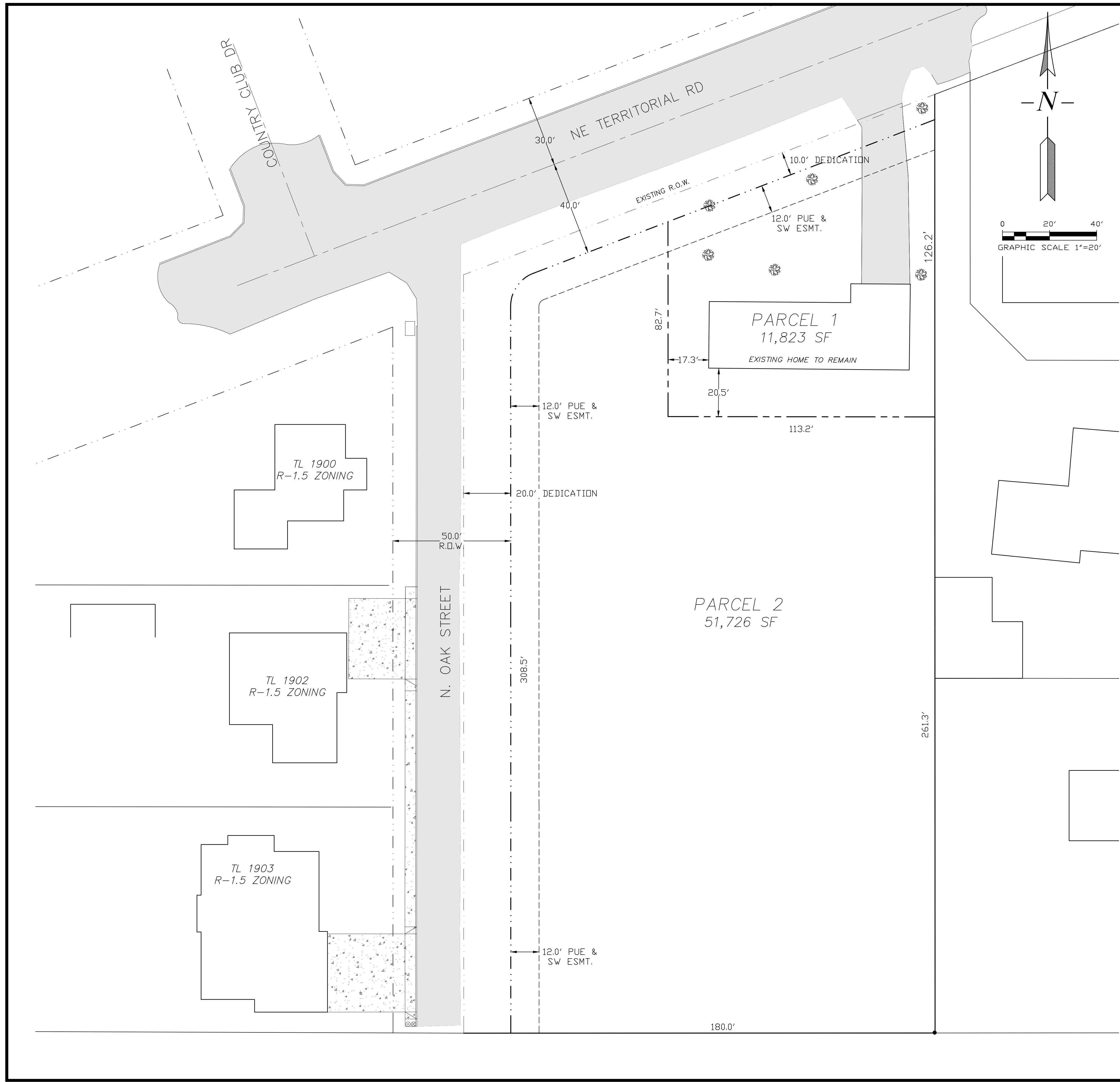
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| CANBY UTILITY-WATER           | _____ | <input type="checkbox"/> |
| CANBY UTILITY-ELECTRIC        | _____ | <input type="checkbox"/> |
| CANBY TELECOM                 | _____ | <input type="checkbox"/> |
| CANBY STORMWATER              | _____ | <input type="checkbox"/> |
| NW NATURAL GAS                | _____ | <input type="checkbox"/> |
| CANBY FIRE DIST.              | _____ | <input type="checkbox"/> |
| CITY ENGINEER                 | _____ | <input type="checkbox"/> |
| PLANNING DEPT.                | _____ | <input type="checkbox"/> |

## INDEX

| SHEET | DESCRIPTION  |
|-------|--|
| 0     | COVER  |
| 1     | PARTITION SITE PLAN                                  |
| 2     | SUBDIVISION PLAN                                     |
| 3     | EXISTING CONDITIONS PLAN                             |
| 4     | WATER AND SANITARY PLAN                              |
| 5     | NE TERRITORIAL RD. STREET AND STORM PLAN AND PROFILE |
| 6     | N. OAK STREET STREET AND STORM PLAN AND PROFILE      |
| 7     | NE 18TH AVENUE STREET AND STORM PLAN AND PROFILE     |
| 8     | GRADING AND ESC PLAN                                 |
| 9     | CONSTRUCTION DETAILS                                 |
| 10    | CONSTRUCTION DETAILS                                 |
| 11    | NEIGHBORHOOD SHADOW PLAN                             |

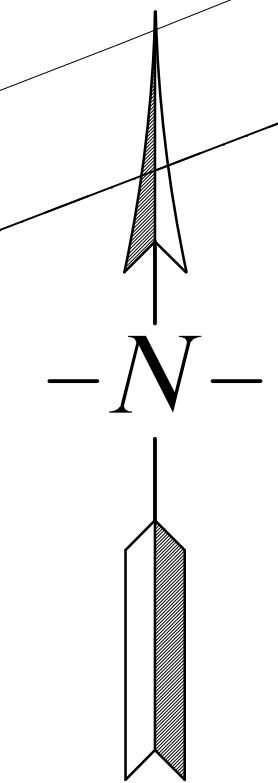
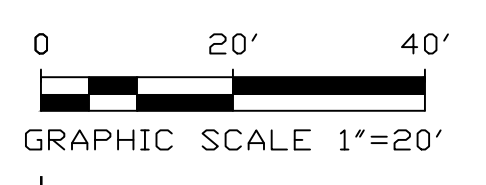
MOST RECENT REVISION TO THIS SET OF PLANS:

**SISUL ENGINEERING**  
 375 PORTLAND AVENUE  
 GLADSTONE, OREGON 97027  
 PHONE: (503) 657-0188  
 FAX: (503) 657-5779  
 WEB: www.sisulengineering.com



**LEGEND:**

- = PROPERTY LINE
- = EXISTING SANITARY
- = EXISTING STORM
- = EXISTING WATER
- 450--- = EXISTING MAJOR CONTOUR
- 451--- = EXISTING MINOR CONTOUR
- - - - = RIGHT OF WAY
- = EXISTING CENTERLINE
- = EXISTING SIDEWALK/CURB
- = PROPOSED CENTERLINE
- = PROPOSED SANITARY
- = PROPOSED STORM
- = PROPOSED WATER
- 450--- = PROPOSED MAJOR CONTOUR
- 451--- = PROPOSED MINOR CONTOUR
- = PROPOSED SETBACKS
- = PROPOSED SIDEWALK/CURB
- = SAWCUT
- = SEDIMENT FENCE
- ☐ = INLET PROTECTION
- ⊗ = WATER VALVE
- ⊗ = EXISTING FIRE HYDRANT
- ☐ = PROPOSED WATER METER
- ⊗ = BLOWOFF ASSEMBLY
- ⊗ = PROPOSED FIRE HYDRANT
- ⊗ = SANITARY MANHOLE
- ⊗ = CLEANOUT
- ⊗ = SANITARY MANHOLE
- ⊗ = EXISTING UTILITY POLE
- ⊗ = EXISTING LIGHT POLE
- ☐ = EXISTING CATCH BASIN
- ⊗ = EXISTING STORM MANHOLE
- ⊗ = DRYWELL
- ⊗ = WATER QUALITY MANHOLE
- ☐ = CATCH BASIN
- ⊗ = ELECTRICAL RISER
- ☐ = ELECTRICAL VAULT
- ☐ = ELECTRICAL POWER PEDESTAL
- ☐ = TRANSFORMER
- ⊗ = GAS RISER
- ☐ = COMMUNICATION PEDESTAL
- ↑ = SIGN POST
- = DIRECTION OF FLOW
- ☐ = EXISTING TREE
- ▨ = ROADWAY HATCH
- ▨ = SIDEWALK HATCH
- ▨ = SAWCUT HATCH
- ▨ = PLANTER HATCH



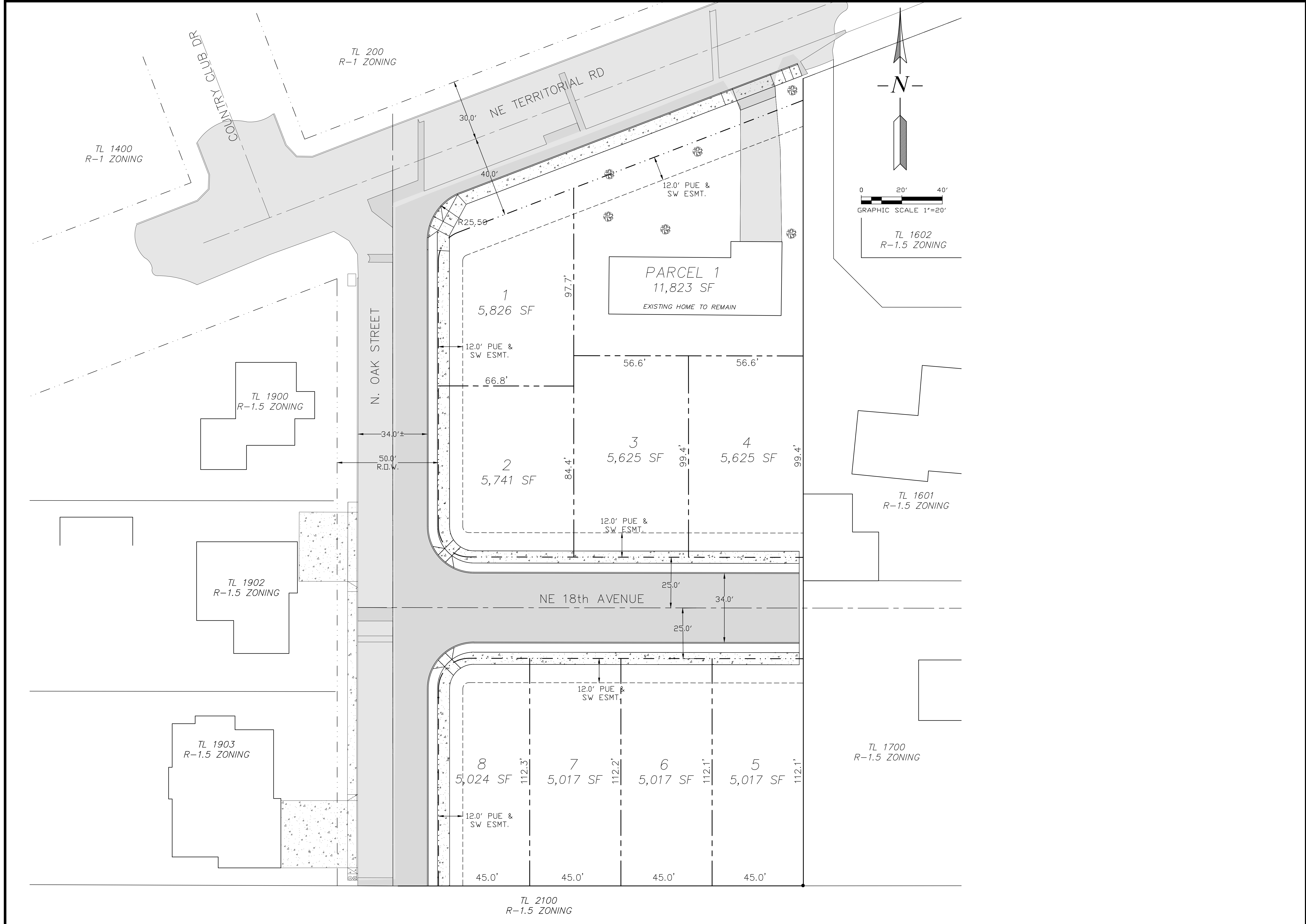
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**Two Lot Partition  
Marnella Homes**

**Partition Site Plan**

**SISUL ENGINEERING**  
 375 PORTLAND AVENUE  
 GLADSTONE, OREGON 97027  
 (503) 687-0188  
Drawings: 15-Tier Plans, Inc.

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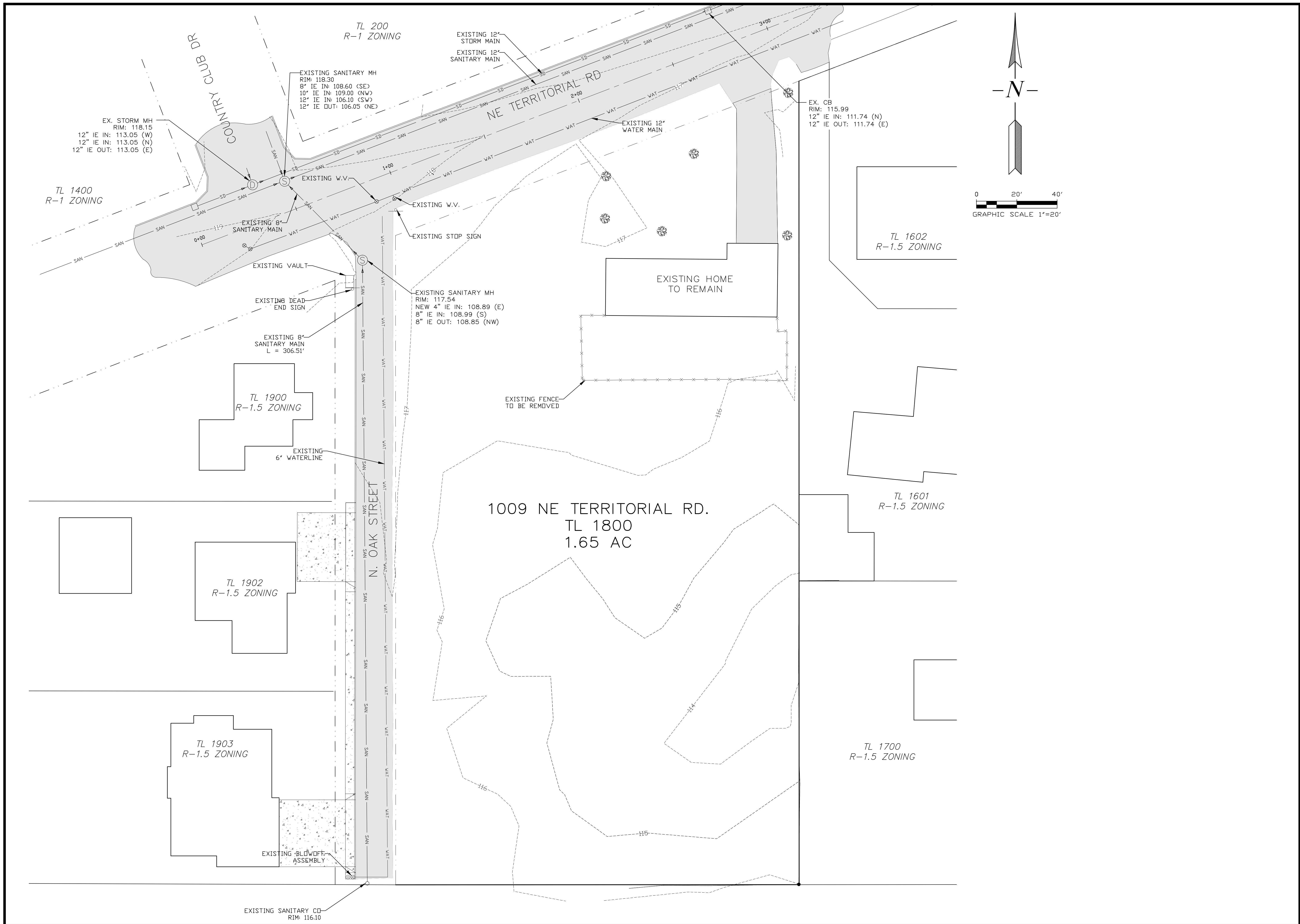
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**Tanoak**  
**Marnella Homes**

**Subdivision Plan**

**SISUL ENGINEERING**  
 875 PORTLAND AVENUE  
 CITY OF PORTLAND, OREGON 97027  
 (503) 687-0188  
DATEPLOTTER: 10-104-F1101.dwg

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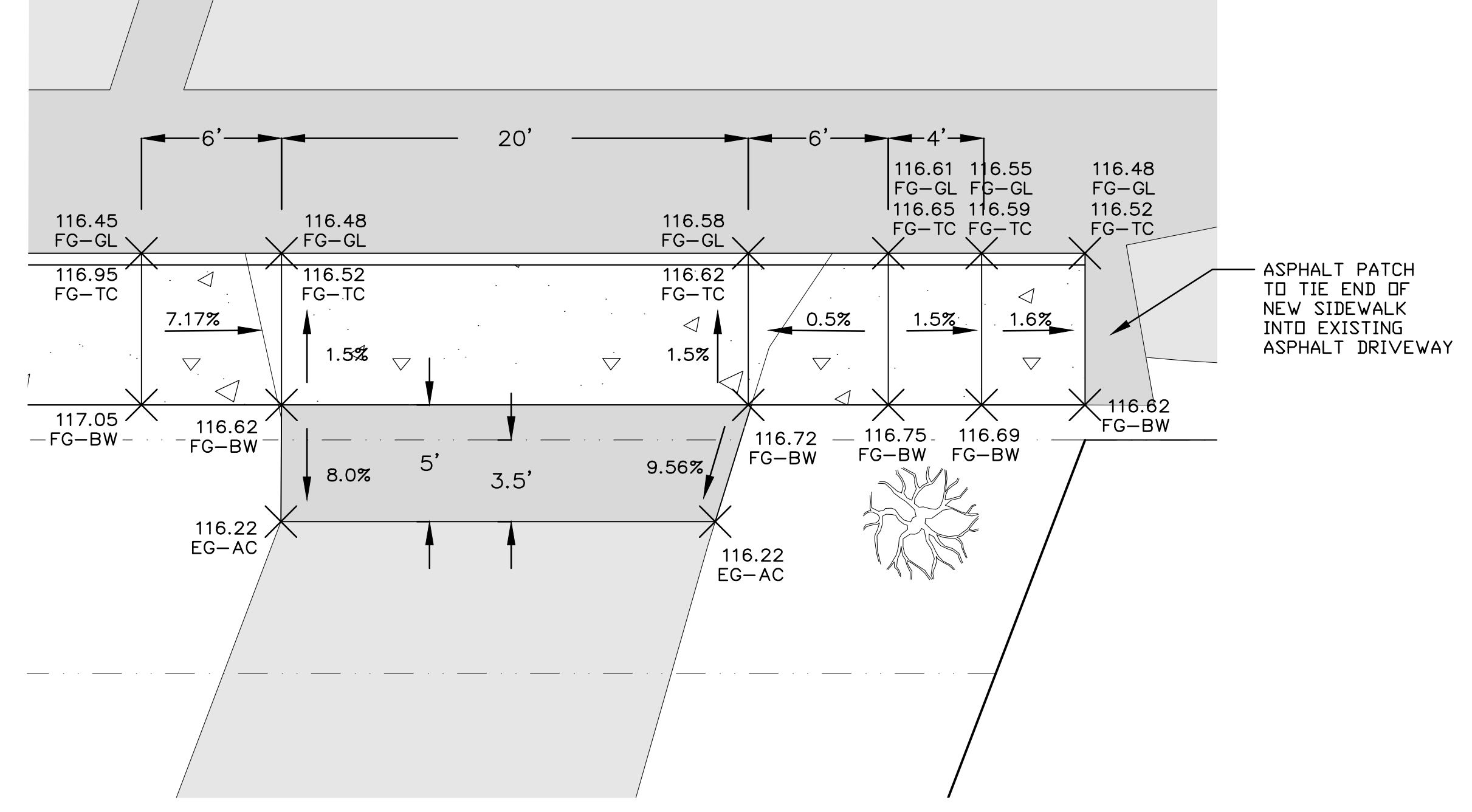
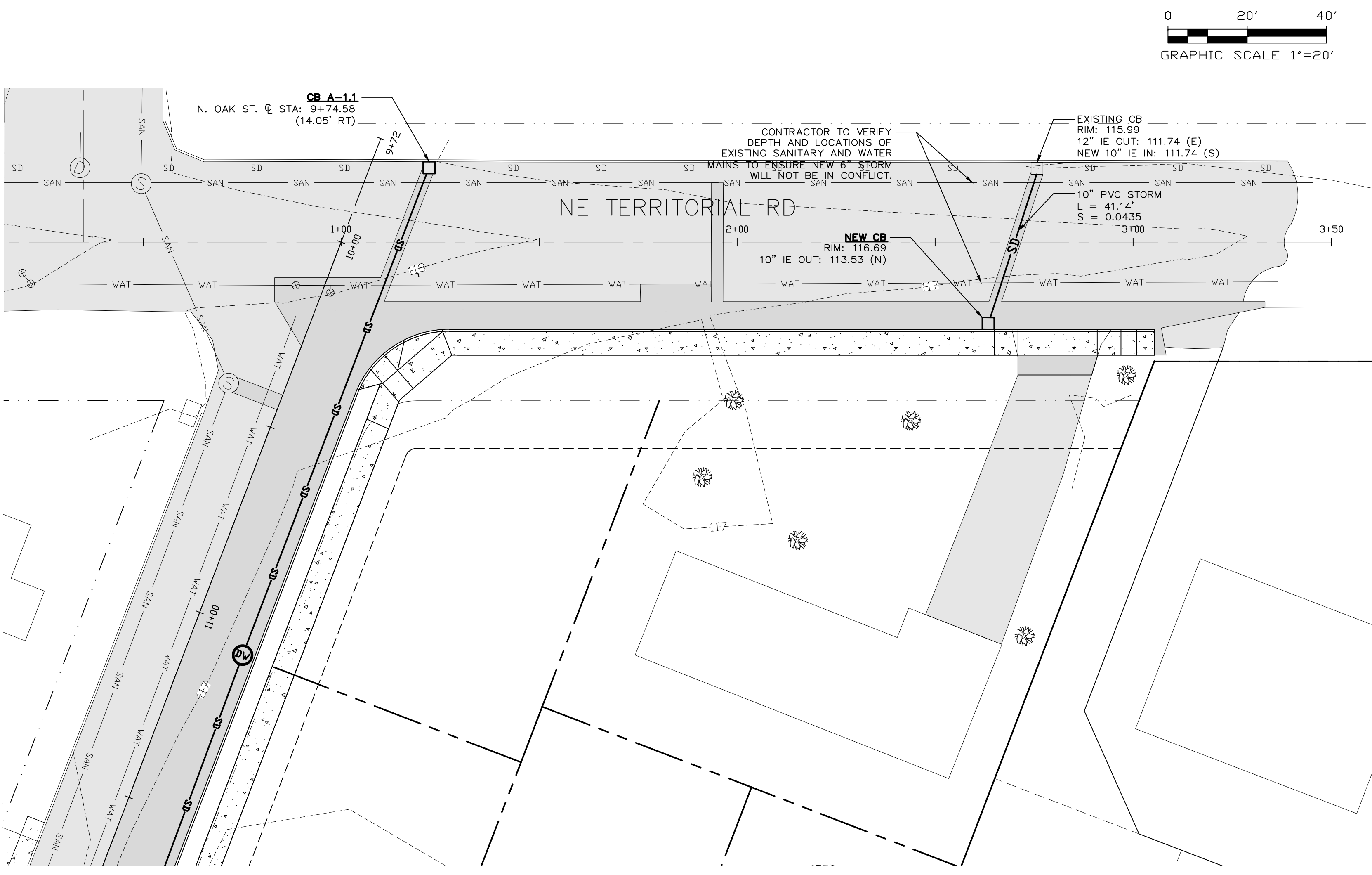
**Tanoak  
Marnella Homes**

**Existing Conditions Plan**

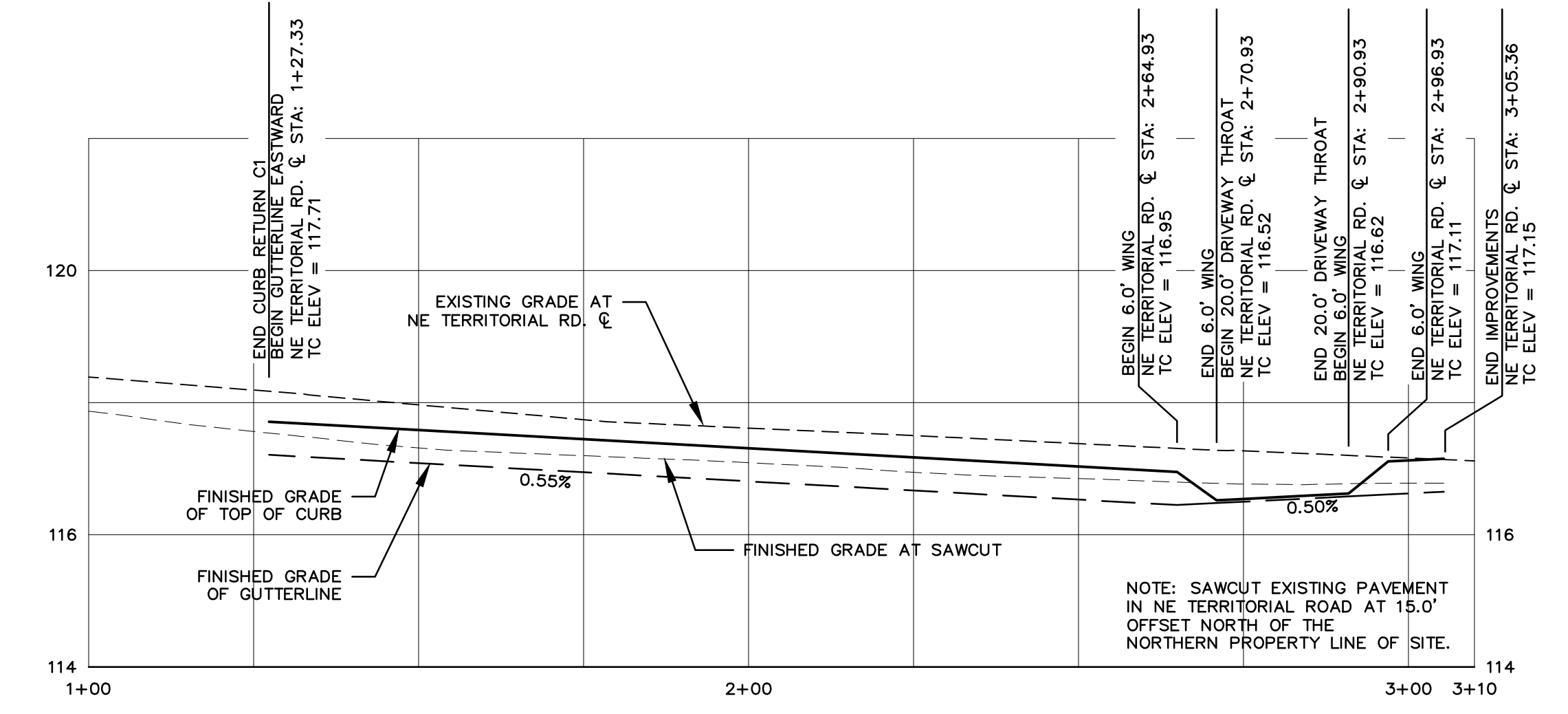
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 9715 PORTLAND AVENUE  
 CLATSOP COUNTY, OREGON 97027  
 (503) 687-0188  
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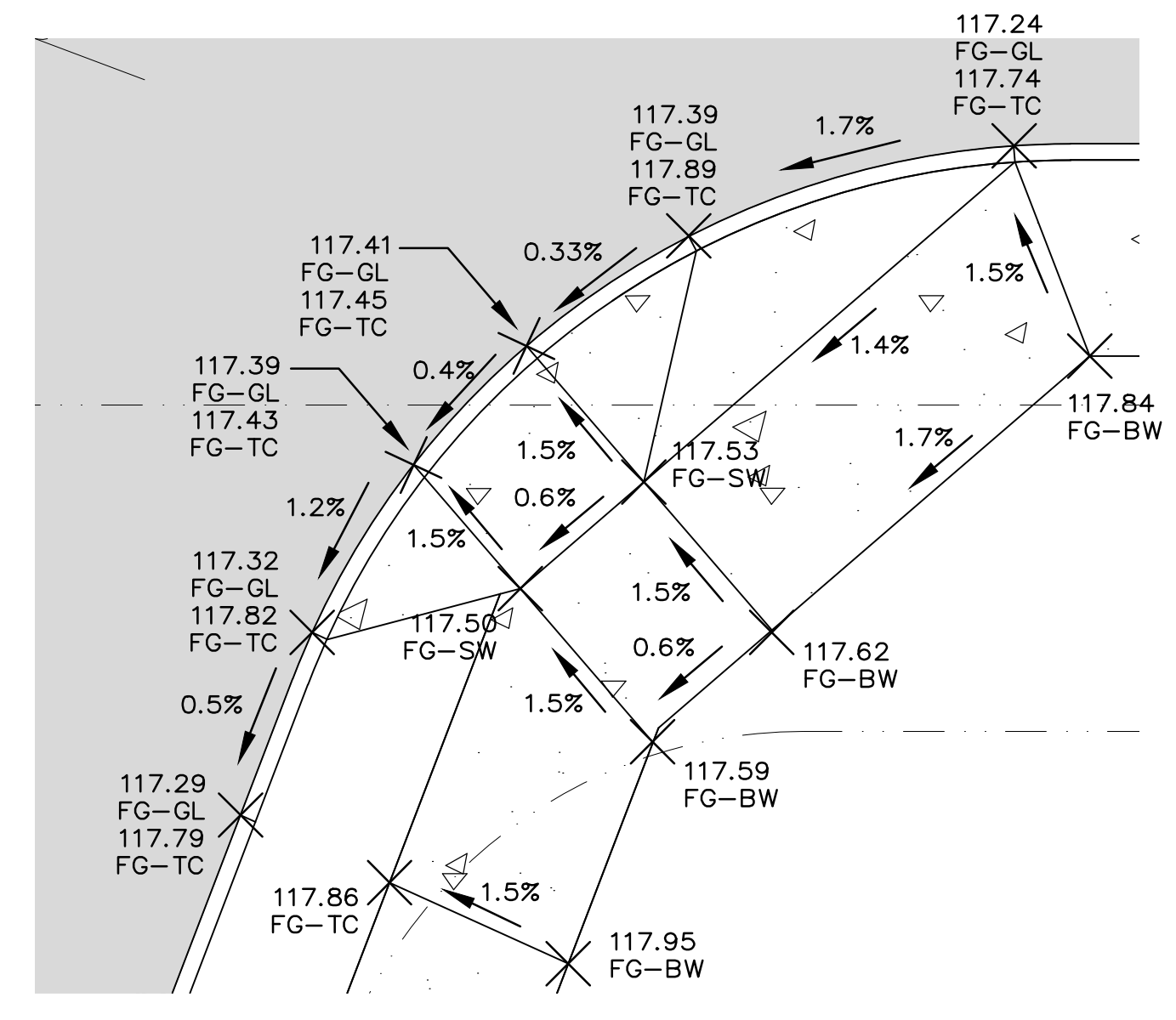




DRIVEWAY APPROACH DETAIL  
SCALE: 1" = 5'



NE Territorial Rd. CL  
HORIZONTAL SCALE: 1"=20'  
VERTICAL SCALE: 1"=2'



ADA RAMP GRADING DETAIL  
SCALE: 1" = 5'

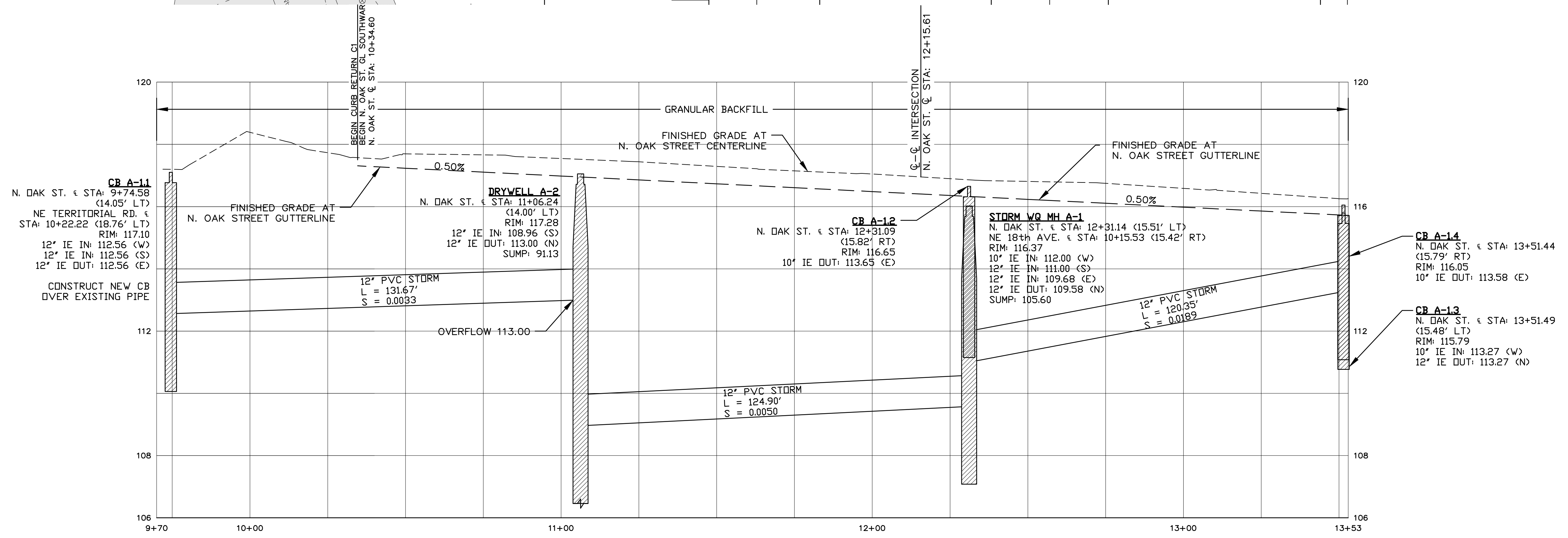
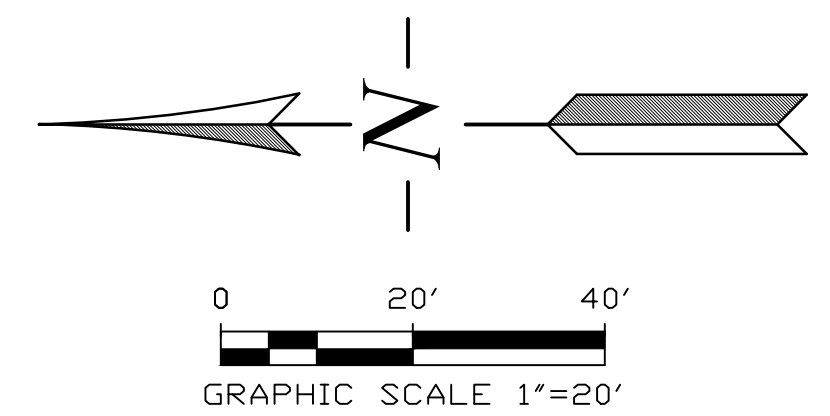
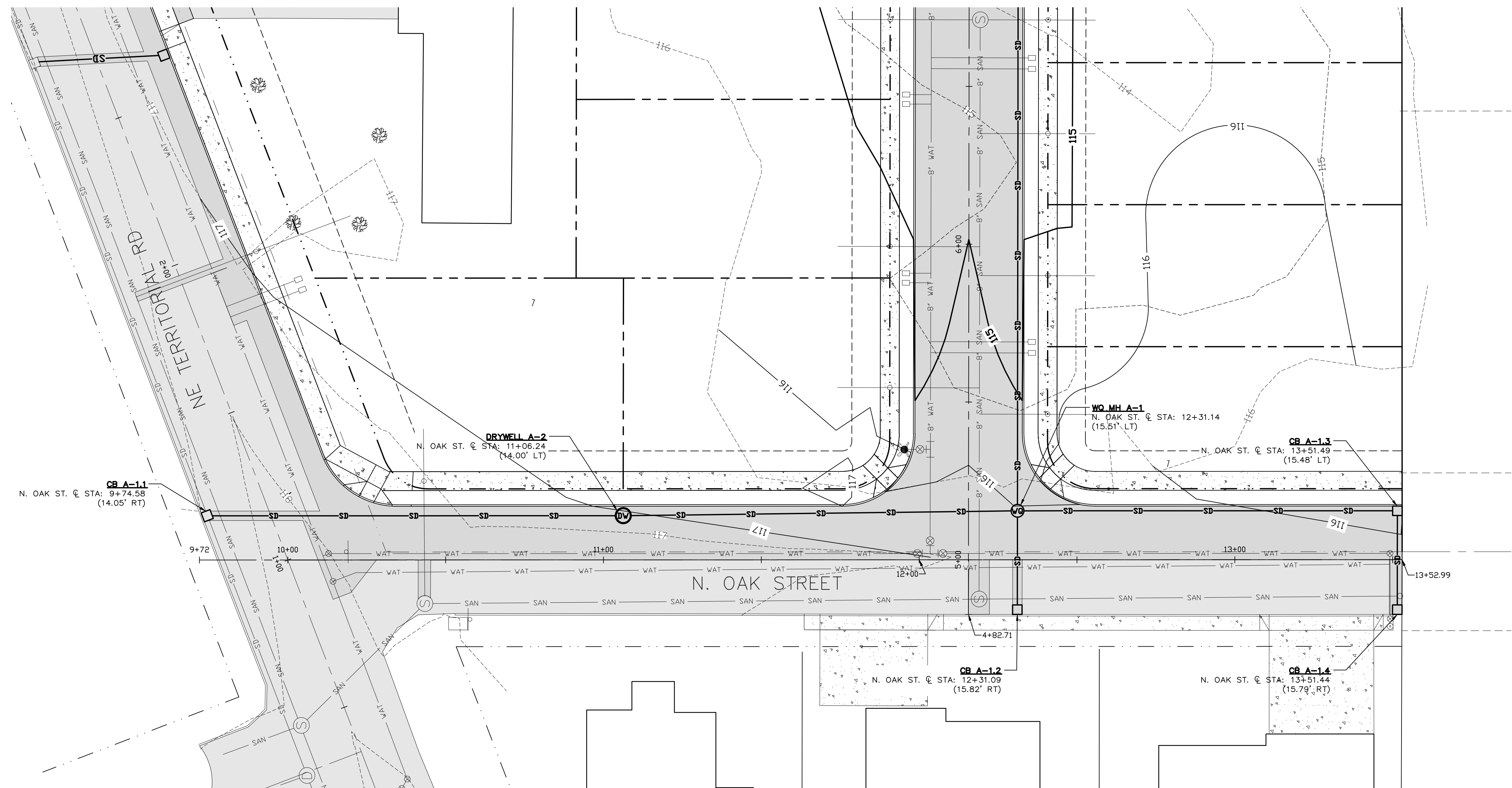
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Tanoak  
Marnella Homes

NE Territorial Rd.  
Street and Storm  
Plan and Profile

SISUL ENGINEERING  
375 PORTLAND AVENUE  
CLATSOP COUNTY, OREGON 97027  
(503) 657-0188  
DRAWING: 15-104 Plans.dwg

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| DF    | 11 SHEETS  |



**N. Oak St. Street and Storm**  
 HORIZONTAL SCALE: 1"=20'  
 VERTICAL SCALE: 1"=2'

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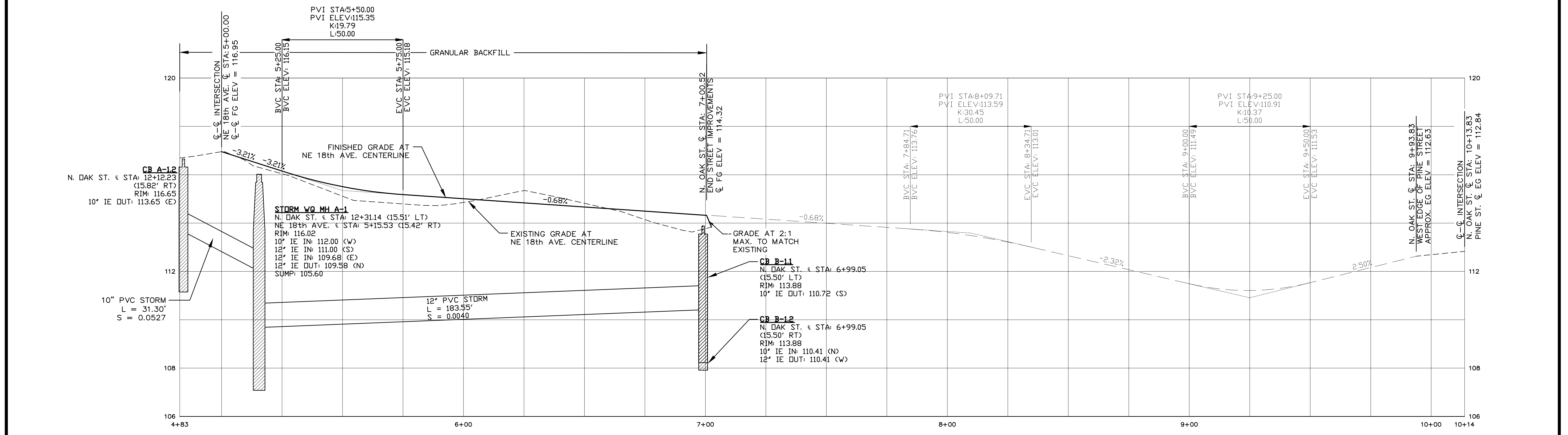
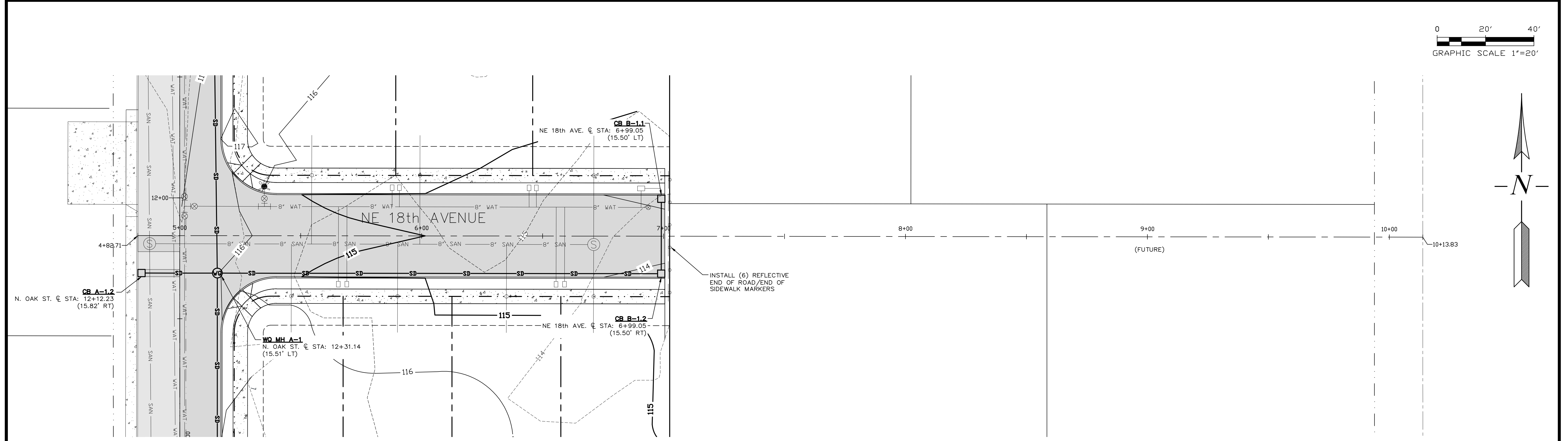
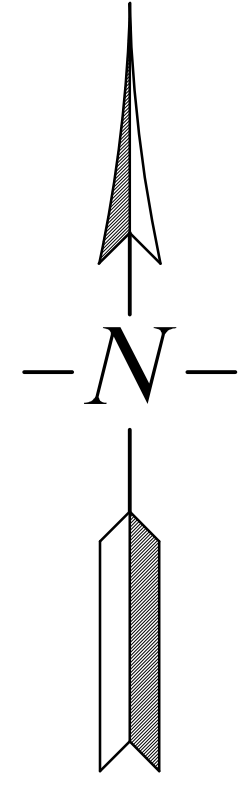
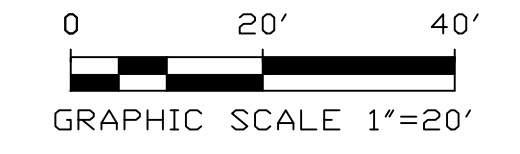
**Tanoak  
Marnella Homes**

**N. Oak Street  
Street and Storm  
Plan and Profile**

**SISUL ENGINEERING**  
 975 PORTLAND AVENUE  
 CLATSOP COUNTY, OREGON 97027  
 (503) 687-0188  
www.sisul.com

|       |            |
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| DATE  | APRIL 2017 |
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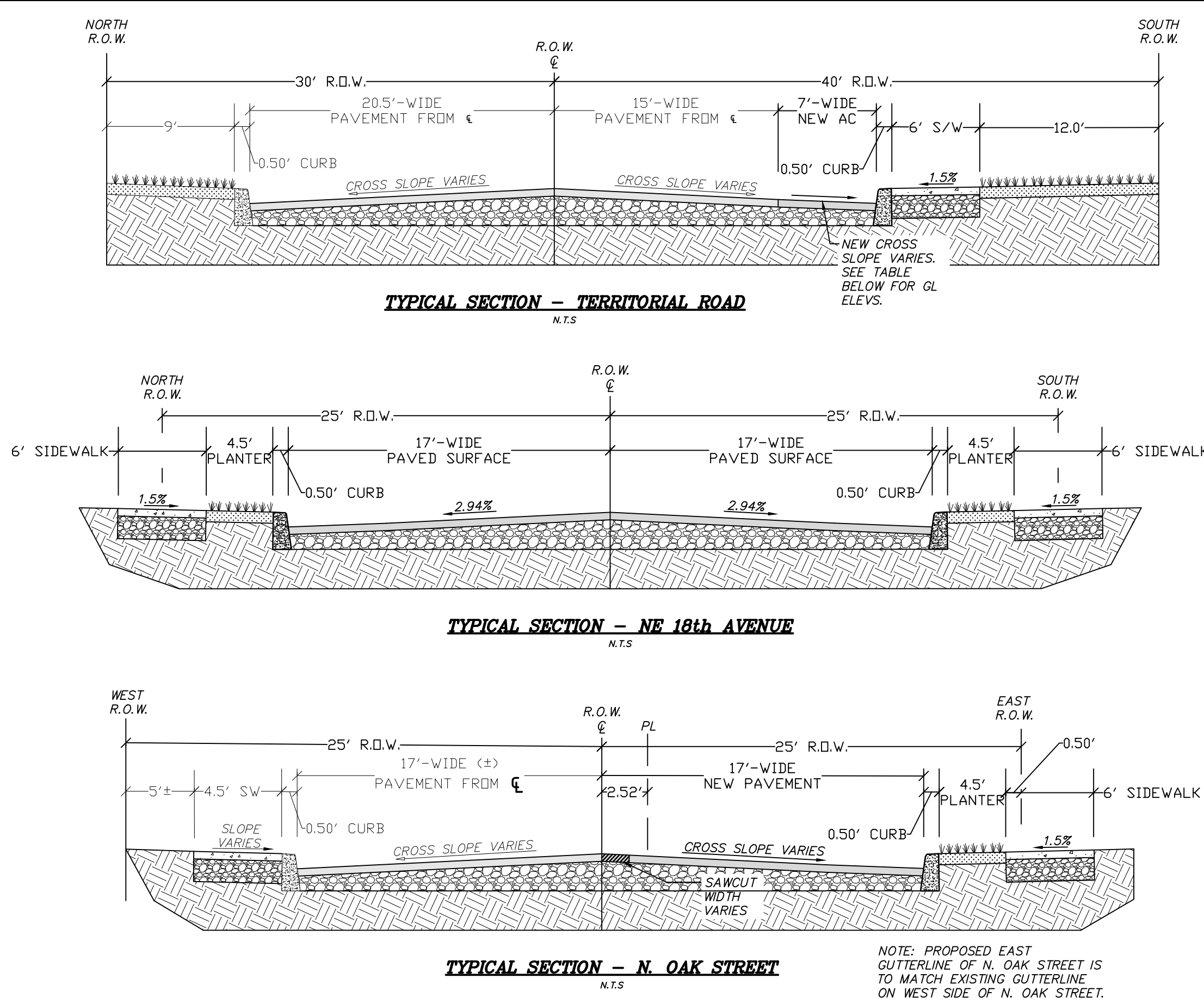
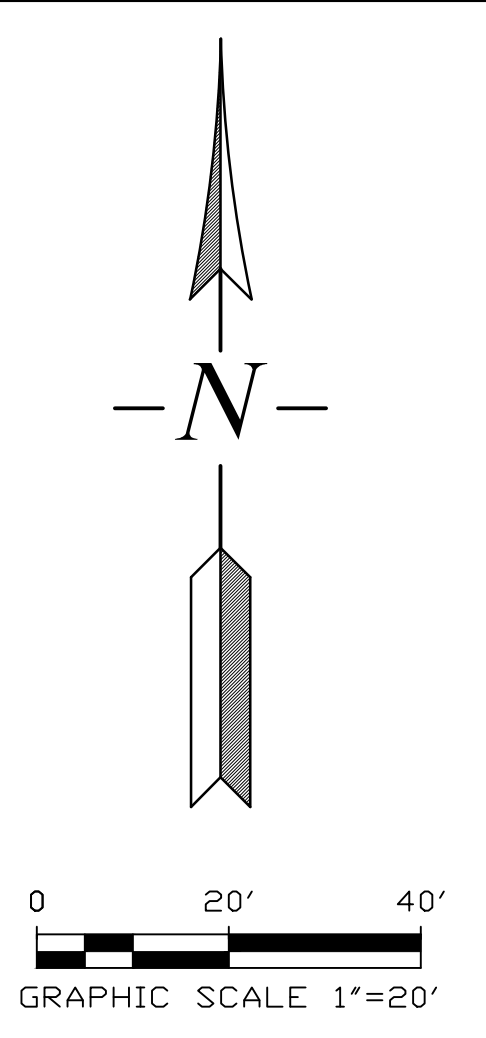
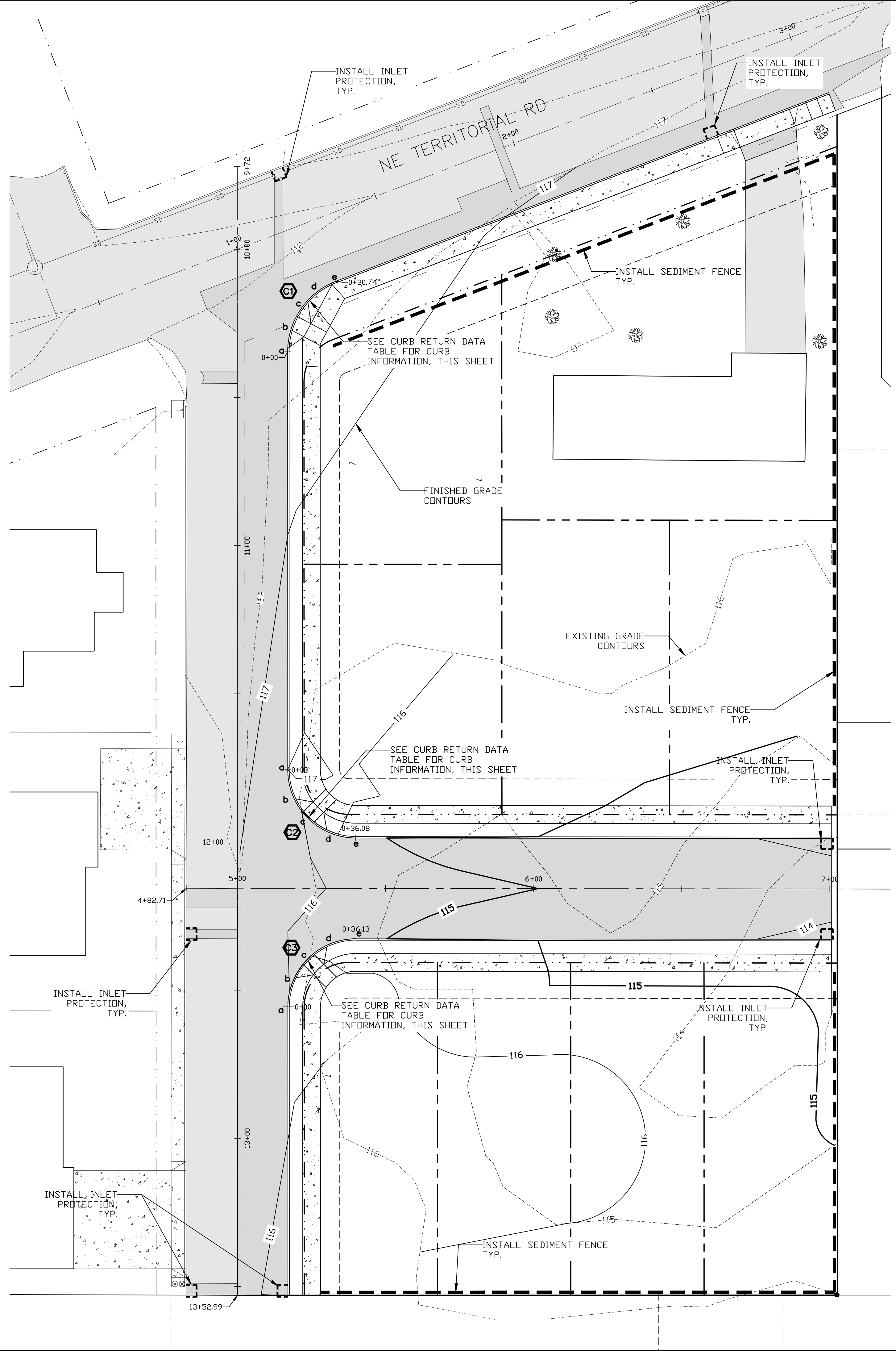
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**Tanoak**  
**Marnella Homes**

**NE 18th Avenue**  
**Street and Storm**  
**Plan and Profile**

**SISUL ENGINEERING**  
 375 PORTLAND AVENUE  
 CLATSOP, OREGON 97027  
 (503) 687-0188  
Drawings: 15-104-Plans.dwg

|              |            |
|--------------|------------|
| DATE         | APRIL 2017 |
| SCALE        | 1" = 20'   |
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| JOB          | SGL15-104  |
| SHEET        | <b>7</b>   |
| OF 11 SHEETS |            |



**CURB RETURN DATA**

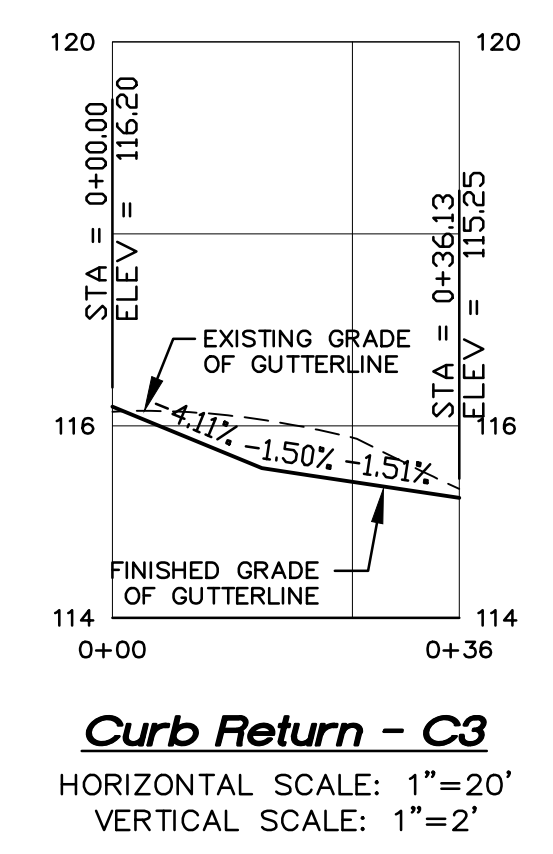
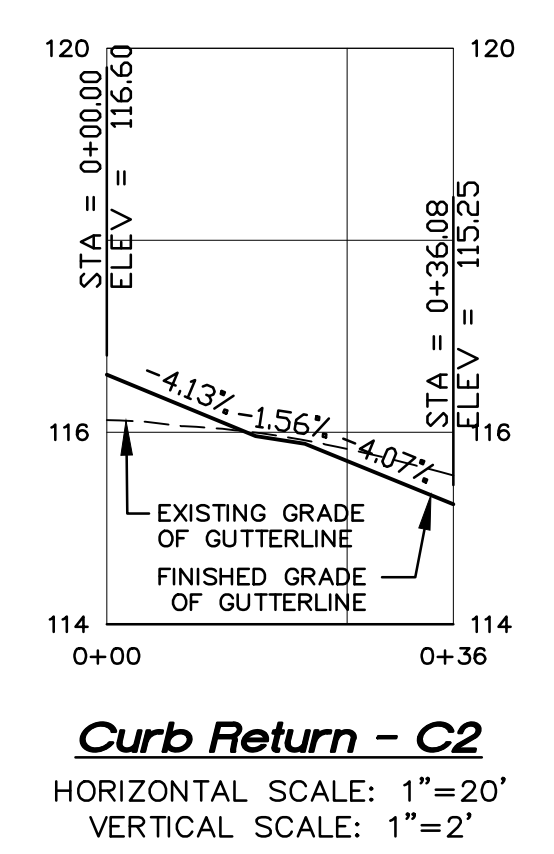
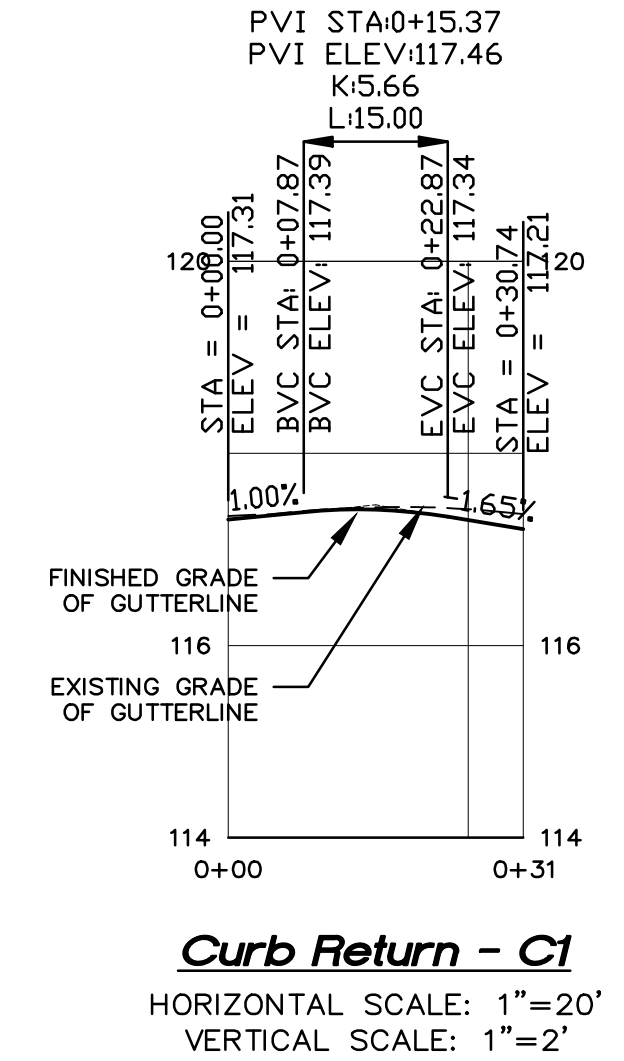
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|-------|-------------------------------------|---|--------------------|--------------------------|--------------------|---|
| C1    | A=69°04'10"<br>R=25.50'<br>L=30.74' | TC 117.81<br>PC<br>N. OAK STREET @<br>STA 10+34.60 (17.0' LT) | TC 117.89<br>1/4 Δ | TC 117.96<br>MID (1/2 Δ) | TC 117.84<br>3/4 Δ | TC 117.71<br>PT<br>NE TERRITORIAL RD. @<br>STA 1+27.33 (22.0' RT) |
| C2    | A=89°54'41"<br>R=23.00'<br>L=36.09' | TC 116.60<br>PC<br>N. OAK STREET @<br>STA 11+75.67 (17.0' RT) | TC 116.23<br>1/4 Δ | TC 115.92<br>MID (1/2 Δ) | TC 115.61<br>3/4 Δ | TC 115.25<br>PT<br>NE 18th AVENUE @<br>STA 5+39.94 (17.0' RT)     |
| C3    | A=90°05'19"<br>R=23.00'<br>L=36.16' | TC 116.20<br>PC<br>N. OAK STREET @<br>STA 12+55.67 (17.0' RT) | TC 115.83<br>1/4 Δ | TC 115.52<br>MID (1/2 Δ) | TC 115.39<br>3/4 Δ | TC 115.25<br>PT<br>NE 18th AVENUE @<br>STA 5+40.06 (17.0' RT)     |

**NE TERRITORIAL RD. @ STATIONING**

| @ STATIONING | E.D.P. ELEV. | SOUTH GL ELEV. (17.0' RT) |
|--------------|--------------|---------------------------|
| 1+25.00      | 117.57       | SEE CURB RETURN DATA      |
| 1+27.33      | 117.54       | 117.21                    |
| 1+50.00      | 117.30       | 117.09                    |
| 1+75.00      | 117.20       | 116.95                    |
| 2+00.00      | 117.09       | 116.81                    |
| 2+25.00      | 116.95       | 116.67                    |
| 2+50.00      | 116.86       | 116.53                    |
| 2+64.93      | 116.80       | 116.45                    |
| 2+70.93      | 116.78       | 116.48                    |
| 2+75.00      | 116.77       | 116.50                    |
| 2+90.93      | 116.77       | 116.58                    |
| 2+96.93      | 116.79       | 116.61                    |
| 3+00.00      | 116.78       | 116.62                    |
| 3+05.36      | 116.78       | 116.65                    |
| 3+25.00      | 116.71       | N/A                       |
| 3+33.41      | 116.62       | N/A                       |

**N. OAK STREET @ STATIONING**

| @ STATIONING | WEST GL ELEV. (17.0' ± LT) | @ ELEV. | EAST GL ELEV. (17.0' RT) |
|--------------|----------------------------|---------|--------------------------|
| 10+25.00     | N/A                        | 117.76  | SEE CURB RETURN DATA     |
| 10+34.60     | N/A                        | 117.57  | 117.31                   |
| 10+50.00     | N/A                        | 117.70  | 117.23                   |
| 10+75.00     | 117.66                     | 117.66  | 117.11                   |
| 11+00.00     | 117.29                     | 117.55  | 116.98                   |
| 11+25.00     | 117.14                     | 117.44  | 116.86                   |
| 11+50.00     | 116.87                     | 117.29  | 116.73                   |
| 11+75.00     | 116.56                     | 117.15  | 116.61                   |
| 12+00.00     | 116.70                     | 117.04  | 116.48                   |
| 12+25.00     | 116.66                     | 116.90  | 116.36                   |
| 12+50.00     | 116.55                     | 116.81  | 116.23                   |
| 12+75.00     | 116.43                     | 116.75  | 116.11                   |
| 13+00.00     | 116.29                     | 116.59  | 115.98                   |
| 13+25.00     | 116.53                     | 116.43  | 115.86                   |
| 13+50.00     | 116.11                     | 116.26  | 115.73                   |
| 13+52.99     | 116.05                     | 116.25  | 115.72                   |



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**Tanoak  
Marnella Homes**

**Grading and ESC Plan**

**SISUL ENGINEERING**  
375 PORTLAND AVENUE  
GLADSTONE, OREGON 97027  
(503) 657-0188  
DRAWING: 15-104 Plans.dwg

|       |            |
|-------|------------|
| DATE  | APRIL 2017 |
| SCALE | 1" = 20'   |
| DRAWN | JDM        |
| JDB   | SGL15-104  |
| SHEET | 08         |
| DF    | 11 SHEETS  |

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Tanoak  
Marnella Homes

Construction Details

SISUL ENGINEERING  
9716 PORTLAND AVENUE  
CLATSOP COUNTY, OREGON 97027  
(503) 667-0168  
www.sisul.com

DATE: APRIL 2017  
SCALE: AS NOTED  
DRAWN: JDM  
JOB: SGL15-104  
SHEET: 9 OF 11 SHEETS

**STANDARD MANHOLE COVER, FRAME & GRATE**

**GENERAL NOTES FOR ALL DETAILS:**

- Temporarily covers road, driveway or storm drain manhole when located in pedestrian areas or residential areas. Covers for sanitary manholes that have a 12" minimum depth.
- Manhole covers required if located where cover may be subjected to foot traffic.
- Covers and frames shall be stamped with manufacturer's initials, heat number and year of origin.
- See Std. Drg. R0337 for manhole safety ladder.
- See Std. Drg. R0360 for manhole frame adjustment.
- See ODOT's QR for storm drain manhole adjustment rings.
- Manhole grate allowed only in locations not subject to bicycle or pedestrian use.
- See ODOT's QR for alternative bolt-down products.

**OREGON STANDARD DRAWINGS**  
**MANHOLE COVERS AND FRAMES**  
2015  
R0356

Effective Date: December 1, 2016 - May 31, 2017

**DETAIL A WITHOUT SUMPS**

**GENERAL NOTES FOR ALL DETAILS:**

- Where precast inlets are used as an alternative to cast-in-place inlets, 4" compacted bedding bed of 1/2" crushed aggregate shall be provided. All precast inlets shall conform to requirements of ASTM C913.
- Cast-in-place concrete shall be used for all inlets.
- Provide sumps only where shown on plans, and allowed by jurisdiction. See Detail A for inlets without sumps.
- For curb details, see Std. Drgs. R0700 & R0701.
- See Std. Drg. R0338 for tracer wire details, or approved alternate.
- Max. pipe diameter varies with pipe material.
- Location, elevation, diameter, slope, and number of pipe(s) varies, see project plans.
- Concrete shall be commercial grade concrete when curb and gutter thickness of concrete.
- See Std. Drg. R0339 for gutter transition section, when curb and gutter are required.
- See Std. Drg. R0339 for pipe to structure connections.

**OREGON STANDARD DRAWINGS**  
**CONCRETE INLETS**  
TYPE C-1, C-2, G-2M, & G-2MA  
2015  
R0364

Effective Date: December 1, 2016 - May 31, 2017

**STANDARD CURB & GUTTER**

**GENERAL NOTES FOR ALL DETAILS:**

- Curbs shall be 12" x 6" x 6" if used vertically from finished to highest point on curb. Vary as shown on plans or as directed. O.D.O.T. standard "C-2".
- Curbs shall be 200 maximum spacing, and at points of tangency, and at ends of each driveway.
- Curbs shall be 200 maximum spacing, and at ends of each curb and ramp.
- Dimensions shall be to center of curb at different exposures "C".
- "C" is the total vertical dimension of curb surface.
- Having a slope of 1" or steeper. Maximum desirable transition length shall be 20' for each 1" difference in "C".
- Types of curbs that slope toward the roadway at 1:20 max. 2.0% finished surface slope, unless otherwise shown, as directed.
- Dimensions are nominal. Vary to conform with curb materials approved by the engineer.
- Dimensions subject to call are measured to the point of intersection of curb surfaces.
- See detail A for details, and materials, curb & inlets, see Std. Drg. R0700.
- For drainage curbs, see Std. Drg. R0701.
- For sidewalk ramps, see Std. Drg. R0755.

**OREGON STANDARD DRAWINGS**  
**CURBS**  
2015  
R0700

Effective Date: December 1, 2016 - May 31, 2017

**TYPICAL SIDEWALK CROSS SECTION**

**GENERAL NOTES FOR ALL DETAILS:**

- As specified in plans, max. 4".
- As specified in plans, max. 4".
- As specified in plans, max. 4".
- As specified in plans, max. 4".
- As specified in plans, max. 4".
- As specified in plans, max. 4".
- As specified in plans, max. 4".
- As specified in plans, max. 4".
- As specified in plans, max. 4".
- As specified in plans, max. 4".

**OREGON STANDARD DRAWINGS**  
**SIDEWALKS**  
2015  
R0720

Effective Date: December 1, 2016 - May 31, 2017

**TYPICAL SEPARATED SIDEWALK DRIVEWAY**

**GENERAL NOTES FOR ALL DETAILS:**

- Details are based on United States Access Board Standards.
- Only use details allowed by jurisdiction.
- The following dimensions are as shown on plans, or as directed: driveway width, driveway slope, sidewalk width, buffer strip width, curb exposure, driveway to exposure, landing area length and width. See project plans for details not shown.
- Curb, gutter, and sidewalk types varies, see plans. See Std. Drgs. R0700 & R0701 for curb details.
- See Std. Drg. R0700 for sidewalk details.
- Where existing driveway is in good condition, and meets slope requirements, construct only as much as required for satisfactory connection with new work.
- Check the gutter flow depth at driveway locations to assure that the design does not overflow the back of sidewalk at driveway.
- Interlocking access plates are in a minimum 10' of driveway to perform other approved design in signet.
- Finished joints are required at all driveway slope break lines.
- 15' min. of the driveway behind the sidewalk should be surfaced to prevent tracking of gravel onto the sidewalk.
- Any dimensions except those of general note 5 may be amended by local agencies for their use.

**OREGON STANDARD DRAWINGS**  
**SEPARATED SIDEWALK DRIVEWAYS OR ALLEYS (OPTIONS I, II & J)**  
LOCAL JURISDICTIONS  
2015  
R0740

Effective Date: December 1, 2016 - May 31, 2017

**STANDARD SANITARY & STORM DRAIN LATERAL**

**GENERAL NOTES FOR ALL DETAILS:**

- All precast products shall conform to requirements of ASTM C913.
- Standard precast manhole section diameter shall be 48". Use 42" if specified by jurisdiction.
- See Std. Drg. R0345 for pipe to manhole connections.
- See Std. Drg. R0344 for manhole base section.
- Adjust 24" maximum.
- All connecting pipes shall have a tracer wire, or approved alternate.
- See Std. Drg. R0337 for manhole safety ladder.
- See Std. Drg. R0336 for details not shown.
- See Std. Drg. R0356 for manhole covers and frames, manhole adjustment rings, etc.
- Max. pipe diameter varies with pipe material.
- See Std. Drg. R0342 for shallow manholes.
- Location, elevation, diameter, slope, and number of pipe(s) varies, see project plans.
- This detail is intended to restore depth of 24".
- See Std. Drg. R0350 or R0351 for drop manhole details for drops in excess of 24".

**OREGON STANDARD DRAWINGS**  
**SANITARY SEWER MANHOLE**  
2015  
R0338

Effective Date: December 1, 2016 - May 31, 2017

**WATER QUALITY MANHOLE (SNOUT) A**

**SEE NOTE AT TOP OF STANDARD DETAIL #200 FOR LARGE DIAMETER MANHOLES SEE STANDARD DETAIL #160**

**NOTES:**

- ALL MANHOLE SECTIONS SHALL CONFORM TO THE REQUIREMENTS OF ASTI C-7 AND APPLICABLE PROVISIONS OF STD. MANHOLE DRAWING NO. 010
- INLET AND OUTLET PIPE NOT TO EXCEED 18" DIA.
- PROVIDE SPECIAL DETAIL FOR OUTLET FLOW CONTROL EXCEEDING 18" DIA.
- ALL OUTLETS SHALL HAVE FLOW CONTROL DEVICE.
- ALL HOODS AND TRAPS FOR CATCH BASINS AND WATER QUALITY STRUCTURES SHALL BE AS MANUFACTURED BY: BEST MANAGEMENT PRODUCTS, INC. 83 MT. ARDEN RD LYME, CT 06371 (860) 434-0277 (860) 434-3195 FAX TOLL FREE: (800) 504-8008 OR (888) 364-7569 WEB SITE: WWW.BMPINC.COM OR PRE-APPROVED EQUAL

**SUMP VOLUME AVAILABLE:**

| MINIMUM                      | MAXIMUM  |
|------------------------------|----------|
| 87 M <sup>3</sup> = 88.9 CF  | 96.1 CF  |
| 72 M <sup>3</sup> = 84.8 CF  | 143.0 CF |
| 84 M <sup>3</sup> = 116.4 CF | 182.3 CF |

**PROVIDE SPECIAL DETAIL FOR VOLUME REQUIREMENTS EXCEEDING 18.0 CF**

**60" DIAMETER MH REQUIRED 3' MINIMUM SUMP (4.5' BELOW I.C. OUT)**

**CleanWater Services**  
Our commitment is clear.

REVISIONS: 12-06

**STANDARD SANITARY & STORM DRAIN LATERAL**

**GENERAL NOTES FOR ALL DETAILS:**

- 4" of 1/2" DENSE GRADED (NO NATIVE) COMPACTED TO 95% RELATIVE DENSITY TO PROPERTY LINE, ONLY.
- FINISH GRADE AC.
- NON-SHRINK GROUT.
- STANDARD MANHOLE GRADE RING.
- WATER TIGHT PIPE PLUG WITH STOPS.
- PROVIDE 3/4" x 6" FOR A MINIMUM OF 6" AROUND CLEANOUT.
- 6" PVC OR DIP PIPE EXTENDING TO SEWER MAIN.
- 6" PVC PIPE.
- 3/4" x 6".
- 4" PVC PIPE.
- FABRICATED TEE ON NEW MAIN LINE OR TAP EXISTING MAIN LINE ABOVE FLOWLINE WITH INSERT TEE.
- 6" MIN. SAND COVER TOP OF PIPE AND HANDED ON SIDES.
- CONCRETE ENCASED BOTTOM OF TEE FOR PLASTIC PIPE.
- FERROUS REDUCER COUPLING OR 6" TO 4" DOWN.

**OREGON STANDARD DRAWINGS**  
**STANDARD SANITARY & STORM DRAIN LATERAL**  
2015  
R0740

Effective Date: December 1, 2016 - May 31, 2017

**STANDARD DRYWELL**

**GENERAL NOTES FOR ALL DETAILS:**

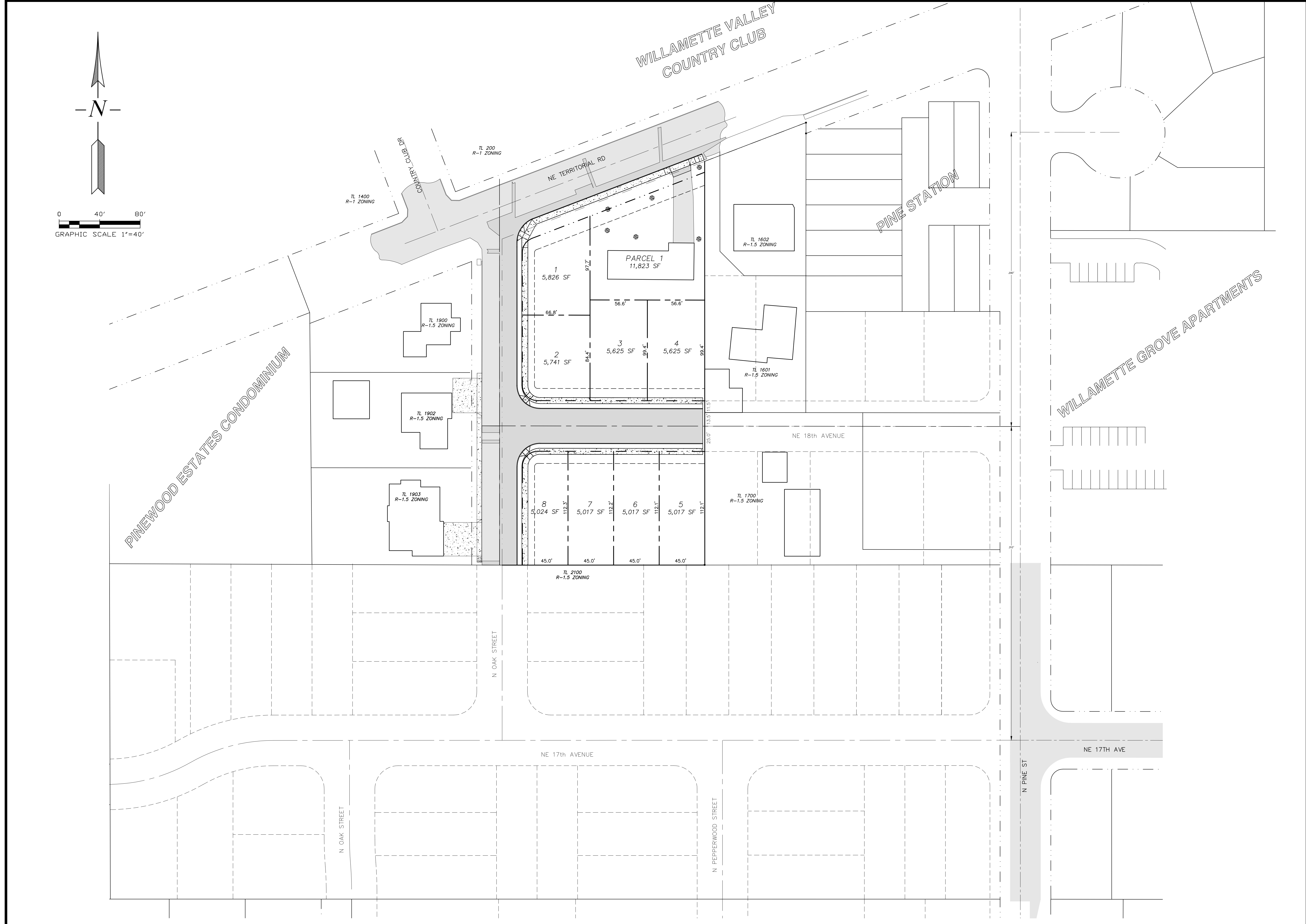
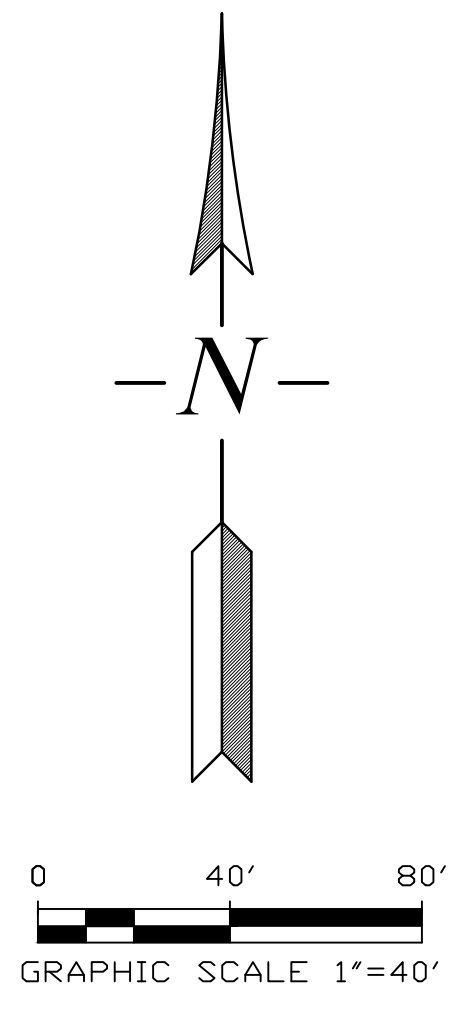
- LID TO BE TAMPER-PROOF IF USED FOR PRIVATE INSTALLATION. SEE DETAIL R0356. THIS SHEET STANDARD MANHOLE FRAME AND COVER.
- FINISH GRADE OF STREET.
- GRANULAR BACKFILL.
- ANTI-SIPHON DEVICE.
- WATER TIGHT SEAL.
- PIPE TYPE SIZE AND CONNECTION PER PLAN, AS APPROVED.
- SNOUT OIL & DEBRIS STOP.
- OIL & FLOATABLE DEBRIS ON SURFACE CANNOT EXIT PIPE.
- DRAPED HDPE FABRIC AROUND OUTSIDE OF TRENCH TO SEPARATE SOIL FROM BACKFILL. USE MIRAFIX 140, AMOCO PROPEX 454S OR OTHER EQUIVALENT FABRIC APPROVED BY THE CITY.
- 4" x 4" I.D. PERFORATED REINFORCED CONCRETE PIPE.
- TAPERED WEEDHOLES TO PROVIDE TOTAL OF 120 SQ IN. IN ONE FT. OF RISER.
- BACKFILL WITH 2" - 4" DRAIN ROCK TO TOP OF PERFORATIONS.
- REMOVE ANY FABRIC OR COVER ON OUTSIDE OF DRYWELL INSTALLED BY MANUFACTURER.

**OREGON STANDARD DRAWINGS**  
**STANDARD DRYWELL**  
2015  
R0740

Effective Date: December 1, 2016 - May 31, 2017

CURRAN-MCLEOD, INC.  
CONSULTING ENGINEERS





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**Tanoak**  
**Marnella Homes**

**Neighborhood Shadow Plan**

**SISUL ENGINEERING**  
375 PORTLAND AVENUE  
GLADSTONE, OREGON 97027  
(503) 687-0188  
DRAWING: 13-104-Platns.dwg

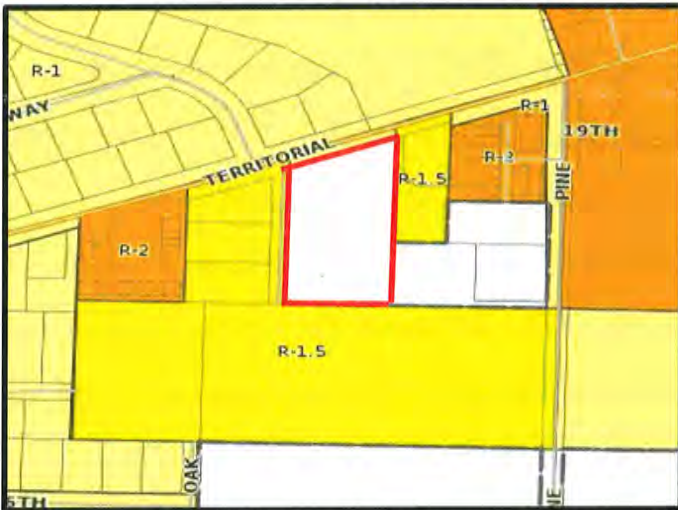
|              |            |
|--------------|------------|
| DATE         | APRIL 2017 |
| SCALE        | 1" = 40'   |
| DRAWN        | JDM        |
| JOB          | SGL15-104  |
| SHEET        | <b>11</b>  |
| OF 11 SHEETS |            |



# City of Canby

## NOTICE OF PUBLIC HEARING & REQUEST FOR COMMENTS

The purpose of this Notice is to Request Your Comments and invite you to a Public Hearing at a Planning Commission meeting on Monday, July 10, 2017 at 7 pm, City Council Chambers, 222 NE 2<sup>nd</sup> Ave, 1<sup>st</sup> Floor to review a Subdivision application. The applicant proposes to partition an existing 1.65 acre lot into two parcels containing 11,823 square feet and 51,756 square feet and to divide the newly created 51,726 acre parcel into an 8 lot subdivision. An existing single-family dwelling will remain on the 11,823 square foot lot identified as Parcel 1 on the partition plat, and the remaining portion of the partition (Parcel 2) will be divided into the subdivision after the filing a final plat for the partition. The subdivision will extend south from NE Territorial road along the east side of N. Oak St.



**Comments due**– If you would like your comments to be incorporated into the City’s Staff Report, please return the Comment Form by Wednesday, June 28, 2017  
**Location:** 1009 NE Territorial Road  
**Tax Lots:** 31E28DD01800  
**Lot Size and Zoning:** 1.65 acres, R 1.5 Medium Density Residential  
**Owners:** Territorial, LLC  
**Applicant:** Tony Marnella, Marnella Homes  
**Application Type:** Minor Land Partition/Subdivision (Type III)  
**City File Number:** SUB/MLP 17-02 – Tanoak Subdivision  
**Contact:** David Epling at 503-266-0686 or by email [eplingd@canbyoregon.gov](mailto:eplingd@canbyoregon.gov)

**What is the Decision Process?** The Planning Commission will

make a decision after the Public Hearing. The Planning Commission’s decision may be appealed to the City Council.

**Where can I send my comments?** Written comments can be submitted up to the time of the Public Hearing and may also be delivered in person to the Planning Commission during the Public Hearing on Monday, July 10, 2017. (Please see *Comment Form*). Comments can be mailed to the Canby Planning Department, PO Box 930, Canby, OR 97013; dropped off at 222 NE 2<sup>nd</sup> Ave; or emailed to [eplingd@canbyoregon.gov](mailto:eplingd@canbyoregon.gov)

**How can I review the documents and staff report?** Weekdays from 8 AM to 5 PM at the Canby Planning Department. The staff report to the Planning Commission will be available for inspection starting Friday, June 30, 2017 and can be viewed on the City’s website: <http://www.canbyoregon.gov> Copies are available at \$0.25 per page or can be emailed to you upon request.

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

- 16.08 General Provisions
- 16.10 Off-Street Parking and Loading
- 16.18 R 1.5 Medium Density Residential Zone
- 16.43 Outdoor Lighting Standards
- 16.46 Access Standards
- 16.62 Subdivisions – Applications
- 16.64 Subdivisions – Design Standards
- 16.86 Street Alignments
- 16.88 General Standards & Procedures
- 16.89 Application & Review Procedures
- 16.120 Parks, Open Space & Recreation Land General Provisions

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

## CITY OF CANBY –COMMENT FORM

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

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

Written comments to be included in the Planning Commission's meeting packet are due by Noon on Wednesday, June 21, 2017. Written comments can also be submitted up to the time of the Public Hearing on Monday, July 10, 2016 and may be delivered in person to the Planning Commission during the Public Hearing at 7 pm in the City Council Chambers, 222 NE 2<sup>nd</sup> Avenue, 1<sup>st</sup> Floor.

**Application:** *SUB/MLP 17-02 Tanoak Subdivision*

**COMMENTS:**

*Since I live off of Pine + Territorial, I cannot be in agreement of any dwelling additions until the roads are dealt with! There is already awful traffic on the few + narrow Canby access roads, such as Arnoldt road, 99E, Barlow Road is a joke as it approaches 99, and it backs up on Territorial onto 99. We are becoming like Wilsonville - backed up in areas for MILES because the roads cannot handle the high amount of traffic. I feel you are putting the cart before the horse... and not to mention the potholes that weren't fixed - or ~~was~~ are already coming up. Ah - then there's the Donald offramp! Dangerous as anything. Can we not get any more freeway offramps? 😊*

**NAME:** Jeannette Schilling  
**ADDRESS:** 1802 N. Pine St Apt H-101 Canby 97013  
**EMAIL:** jeannetteschil7@gmail.com **DATE:** 6/23/17

*Please consider*

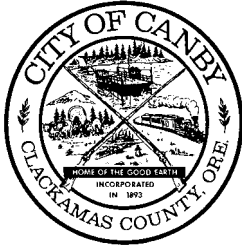
**AGENCIES:** *Please check one box and fill in your Name/Agency/Date below:*

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

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

*I sincerely hope we'll get wider roads + more of them before grid lock causes road rage + further accidents. Thank you!*

**Thank you!**



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

|                                   |   |   |
|-----------------------------------|---|---|
| <b>A REQUEST FOR A MINOR LAND</b> | ) | <b>FINDINGS, CONCLUSION &amp; FINAL ORDER</b> |
| <b>PARTITION/SUBDIVISION</b>      | ) | <b>SUB/MLP 17-02</b>                          |
| <b>1009 NE Territorial Road</b>   | ) | <b>Territorial, LLC - Marnella</b>            |

**NATURE OF THE APPLICATION**

The Applicant has sought approval for a Minor Land Partition and concurrent Subdivision (SUB/MLP 17-02) creating 2 parcels and dividing the remaining 51,756 square foot parcel into an 8 lot subdivision on property located at 1009 NE Territorial road and described as Tax Map/Lot 31E28DD 01800, Clackamas County, Oregon. The property is zoned Medium Density Residential (R-1.5) under the Canby Municipal Code (CMC).

**HEARINGS**

The Planning Commission considered application MLP/SUB 17-02 after the duly noticed hearing on July 10, 2017 during which the Planning Commission approved SUB/MLP 17-02. These findings are entered to document the approval.

**CRITERIA AND STANDARDS**

In judging whether or not a Minor Land Partition/Subdivision application shall be approved, the Planning Commission determines whether criteria from the *City of Canby Land Development and Planning Ordinance* are met, or can be met by observance of conditions. Applicable code criteria and standards were reviewed in the Staff Report dated July 10, 2017 and presented at the July 10, 2017 meeting of the Canby Planning Commission.

**FINDINGS AND REASONS**

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

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



## **CONCLUSION**

In summary, the Planning Commission adopted the findings contained in the Staff Report along with the additional findings concluded at the public hearing and noted herein, concluding that the Minor Land Partition and residential Subdivision applications meet all applicable approval criteria, and recommended **City File# SUB/MLP 17-02** be approved with the Conditions of Approval reflected in the written Order below.

## **ORDER**

The Planning Commission concludes that, with the following conditions, the application meets the requirements for Minor Land Partition/Subdivision approval. Therefore, **IT IS ORDERED BY THE PLANNING COMMISSION** of the City of Canby that **MLP/SUB 17-02** is approved, subject to the following conditions:

### **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. Turnarounds on NE 18<sup>th</sup> Avenue for emergency equipment shall be delineated on the final plat unless documentation from the Fire Marshall indicates otherwise.
4. The final construction design plans shall conform to the requirements of the City Engineer.

### **Fees/Assurances:**

5. 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.
6. 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.
7. The applicant must guarantee or warranty all public improvement work with a 1 year subdivision maintenance bond in accordance with 16.64.070(P).
8. 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:**

9. The street improvement plans for NE Territorial Road, N. Oak Street frontage and the interior street shall conform to the TSP and Public Works standards as indicated by the city engineer.
10. 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.

11. 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.
12. 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:**

13. The applicant shall submit documentation of DEQ approval of the sewer plans to the City Engineer prior to the construction of this public improvement.

**Stormwater:**

14. Stormwater systems shall be designed in compliance with the Canby Public Works Design Standards as determined by the City Engineer.
15. The applicant shall construct DEQ approved drywells at the end of each street within of subdivision.

**Grading/Erosion Control:**

16. 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.
17. 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:**

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**General Final Plat Conditions:**

18. The applicant shall apply for final plat approval at the city and pay any applicable city fees to gain approval of the final partition and 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.
19. 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.
20. 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.
21. All "as-builts" of public improvements, including: curbing and sidewalks; planter strips; streets; street lighting; street signage; street striping; storm; sewer; electric; water/fire hydrants; cable; underground telephone lines; CATV lines; and natural gas lines, shall be filed at the Canby Public Works and the Canby Planning Department within sixty days of the completion of improvements and prior to the recordation of the final plat.
22. 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.
23. The applicant shall record the final plat at Clackamas County within 6 months of the date of the signature of the Planning Director.
24. 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.