

PLANNING COMMISSION

Meeting Agenda

Monday, January 22, 2018

7:00 PM

City Council Chambers – 222 NE 2nd Avenue

Commissioner John Savory (Chair)

Commissioner Larry Boatright (Vice Chair)

Commissioner John Serlet

Commissioner Derrick Mottern

Commissioner Tyler Hall

Commissioner Shawn Varwig

Commissioner Andrey Chernishov

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1. **CALL TO ORDER**
 - a. Invocation and Pledge of Allegiance
 - b. Chair & Vice-Chair Nominations
 2. **CITIZEN INPUT ON NON-AGENDA ITEMS**
 3. **MINUTES**
 - a. Approval of Planning Commission Minutes for December 11, 2017
 4. **NEW BUSINESS**
 - a. One-year Extension of Development Agreement and Conceptual Master Plan for Phase 4, Northwood Estates Subdivision
 5. **PUBLIC HEARING - None**
 6. **FINAL DECISIONS - None**

(Note: These are final, written versions of previous oral decisions. No public testimony.)
 7. **ITEMS OF INTEREST/REPORT FROM STAFF**
 - a. Next regularly Planning Commission Meeting scheduled for Monday, February 12, 2018.
 8. **ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION**
 9. **ADJOURNMENT**

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

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

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

1. CALL TO ORDER

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

2. CITIZEN INPUT ON NON-AGENDA ITEMS – None

3. MINUTES

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

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

4. NEW BUSINESS – None

5. PUBLIC HEARING

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

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

Commissioner Serlet visited the site.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chair Savory closed the public hearing.

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

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

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

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

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

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

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

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

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

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

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

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

Commissioner Cherishnov had jogged by the site many times.

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

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

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

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

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

Neutral: None

Rebuttal: None

Chair Savory closed the public hearing.

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

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

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

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

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

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

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

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

There was no public testimony.

Chair Savory closed the public hearing.

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

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

6. FINAL DECISIONS

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

a. Redwood Landing Subdivision (SUB 17-06)

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

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

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

c. Historic Review Board (TA 17-01)

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

7. ITEMS OF INTEREST/REPORT FROM STAFF

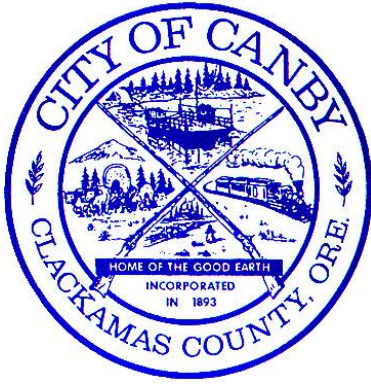
The next Planning Commission meeting would be held on January 8.

8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION

None

9. ADJOURNMENT

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



City of Canby

Development Services

TO: *Chair Savory and Planning Commission*

FROM: *Bryan Brown, Planning Director*

DATE: *January 11, 2018*

ISSUE: *Northwood Investment Partnership One-Year Extension of Northwood Estates Subdivision (SUB 05-12) Phase 4*

Background:

At the January 23, 2017 Planning Commission meeting, the Planning Commission extended for one year the approval of the following documents associated with the Northwood Estates Subdivision:

- Northwood Estates Development Agreement, dated January 11, 2007 (Clackamas County Record #2007-007387)
- Northwood Estates Conceptual Master Plan, dated December 29, 2005

This extension was to expire on February 24, 2018.

Discussion:

Northwood Investment Partnership has submitted a written request to extend the applicability of the above listed documents for one additional year through February 24, 2019. Approval of the extension will allow the remaining Phase 4 of Northwood Estates subdivision as originally envisioned in the overall Conceptual Master Plan to occur.

Review Criteria & Findings:

The Development Agreement provided the City the option for an unlimited number of one year extensions. The primary criterion related to whether to honor an extension is if enough changes have occurred in City development regulations since the original design of the project to warrant revisiting the design phase to allow incorporation of new design considerations due to new development ordinance provisions, revised engineering design standards, or to better conform with new Comprehensive Plan goals or policy direction that might be applicable to the development of the remaining Phase 4 portion of the original Conceptual Master Plan.

Staff is comfortable that the existing conceptual master plan is still suitable and adequately addresses regulations that are in effect today with one exception. We would ask that the remaining subdivision phase 4 application conform to our standard local street cross section, utilizing a 34' wide paved street section that incorporates a 4 and ½ wide planter strip between the street curb and a 6' wide sidewalk. The previous phases were allowed to continue to match the existing street widths and curb tight sidewalk arrangement set by the contiguous Phase 1 portion of the development. Phase 4 is separated from the first 3 phases by NW 10th Avenue, which is a higher classification east/west street allowing for a more natural break to allow incorporation of the newer standard street and sidewalk design cross section. It is understood that tapering to any existing street connection will be deemed suitable. The opportunity for justifying the use of the "low volume local street cross section should still be provided but only with the understanding it no longer allows parking on both sides when utilizing a 28' wide paved street width to better address emergency fire access standards and needs. This change in the low volume street cross section is intended to be officially modified.

Options:

1. Approve a one year extension of the Northwood Estates original Development Agreement and Conceptual Development Plan through February 24, 2019.
2. Allow these documents to expire, releasing the City from following the original design solution if it is determined to no longer be in the best interests of the surrounding area or City to do so. Doing so would also sever the Park SDC credit for the remaining Phase 4 lots which were agreed through the development agreement to have been satisfied by the Park dedication made in the previous phases of the subdivision development.

Staff Recommendation:

Staff recommends that the Planning Commission make a motion to approve Option #1 with the condition that the proposed Phase 4 subdivision application submittal incorporate the currently adopted local-street and sidewalk cross section utilizing a planter strip and 6' wide sidewalks.

Attachments:

- Written letter from Curran-McLeod, Inc. on behalf of Northwood Investment Partnership dated December 18, 2017 requesting a one year extension for the remaining Phase 4 of the Northwood Estates subdivision. Northwood Estates Development Agreement, dated January 11, 2007 (Clackamas County Record #2007-007387)
- Memorandum from staff to applicant indicating previous action by Planning Commission on this matter taken on January 11, 2016. Northwood Estates Conceptual Master Plan, dated December 29, 2005
- Original Northwood Estates Development Agreement.
- Remaining Phase 1V Conceptual Master Plan

CURRAN-McLEOD, INC.
CONSULTING ENGINEERS

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

December 18, 2017

Mr. Bryan Brown
City of Canby, Planning Director
222 NE 2nd Ave
Canby, OR 97013

**RE: CITY OF CANBY
NORTHWOOD ESTATES (SUB 05-12), PHASE 4**

Dear Bryan:

On January 23, 2017, the City of Canby Planning Commission has granted the developers a period of one-year to develop the remaining phase 4 of this development. It also permits an unlimited number of extensions not to exceed one-year apiece.

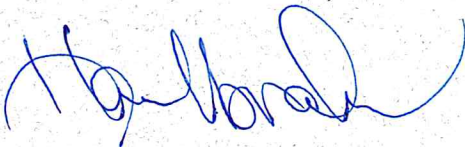
“Northwood’s Estates Development Agreement”, dated January 11, 2007 recorded between the City of Canby and Northwood Investment Partnership (Clackamas County Record # 2007-007387) and “Northwood Estates Conceptual Plan”, dated December 29, 2005 were extended until February 24, 2018 by the Canby Planning Commission at their regular meeting on January 23, 2017 (copy attached).

On behalf of the developers (Northwood Investment Partnership), we are requesting the approval of the Planning Commission for a one (1) year extension to this agreement until February 24, 2019.

Should you have any questions, please feel free to contact our office.

Very truly yours,

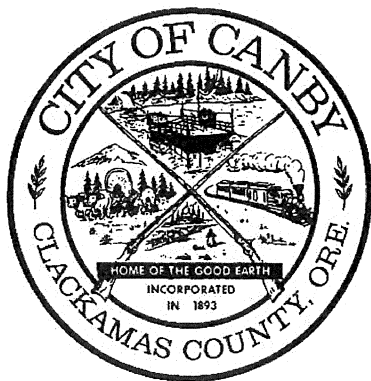
CURRAN-McLEOD, INC.



Hassan A. Ibrahim, P.E.

cc: Northwood Investment Partnership

C:\H A I\Projects\1391 Northwood Estates\Northwood Estates Phase IV\DA Extension ltr phase 4 wpd



City of Canby

Planning & Development

Curt McLeod
Northwood Investment Partnership
6655 SW Hampton St, Suite 110
Portland, OR 97223
(Sent Via Email)

Re: Approval of Request from Northwood Investment Partnership to Extend
Northwood Estates (SUB 05-12) Phases 3 & 4

Dear Curt:

At the January 23, 2017 Planning Commission meeting, the Planning Commission extended for one year the approval of the following documents associated with the Northwood Estates Subdivision:

- *Northwood's Estates Development Agreement, dated January 11, 2007 (Clackamas County Record #2007-007387)*
- *"Northwood Estates, Canby OR Conceptual Development Plan", dated December 29, 2005*

This one year extension will expire on February 24, 2018. Please notify the City prior to this expiration date if you wish to have the approval of the above documents extended for an additional year.

Sincerely,

Bryan Brown
City of Canby
Planning & Development Director

cc:
Ron Tatone
Northwood Investment Partnership
1127 NW 12th Ave
Canby, OR 97013
(Sent Via Email)

ATTACHMENT 4

**NORTHWOOD ESTATES
DEVELOPMENT AGREEMENT**

Clackamas County Official Records
Sherry Hall, County Clerk

2007-007387

After recording return to:



\$76.00

01065045200700073870110113

01/26/2007 03:38:12 PM

Northwood Investments,
Attn: Mr. Ron Tatone, Partner
1127 NW 12th Avenue
Canby, OR 97013

D-DEVA Cnt=1 Stn=2 TIFFANYCLA
\$55.00 \$11.00 \$10.00

Witness my hand and seal of County
affixed.

Name Title

By: _____ Deputy.

THIS AGREEMENT is made as of the 11 day of Jan., 2007, by and between the City of Canby, Oregon, with a mailing address of 182 North Holly Street, Canby, Oregon 97013, (the "City") and Northwood Investment Partnership together with Archie & Lois McLeod (the "Applicant"). NOW THEREFORE, the parties agree as follows:

I. AFFECTED PROPERTY

This Agreement shall be recorded upon the deed of that tract of land conveyed in 1990 to Northwood Investments, a general partnership consisting of Ronald G. Tatone, Lynn Kadwell, Curt McLeod, Fred Kahut and Bresco, Inc. as recorded in Deed Number 90-20689, Clackamas County Records and attached herein as Exhibit "A"; and additionally that tract of land conveyed to 2KRMT, INC. as recorded in Deed Number 2006-070258, Clackamas County Records and attached herein as Exhibit "B".

II. MASTER PLAN

The design of Phase 1 and all future phases of the Northwood Estates master plan is binding as submitted by the Applicant (Exhibit 1) in all details except as modified by the City as noted in the Findings of Fact and Conclusions of Law for City file SUB 05-12 (Exhibit 3). No modifications to this approved plan may be made except as approved by the City. The Agreement shall be considered valid for a period of one-thousand-ninety-five (1095) days to commence upon the date of recordation. If this Agreement expires prior to the City approval of the subdivision application for any particular phase, the Applicant shall be required to apply for master plan approval prior to the approval of any remaining phases. Agreement may be extended and/or modified only upon approval by the City. Each extension request may be granted for a period of three-hundred-sixty-five (365) days beyond the expiration date; upon approval by the City. This Agreement shall not conflict with the current Canby Municipal Code, Comprehensive Plan, or any other relevant laws and/or regulations in effect at the time of development.

III. PARK DEDICATION

The City has not required the dedication of any park land; however, the Applicant has offered to donate 2.94 acres of gross area that will result in a 2.32 acres of park land in the manner described in Section IV of this Agreement and as shown in Exhibit 2. Dedications shall occur as provided in Section V of this Agreement. Upon dedication, the dedicated park land shall be wholly City owned and maintained for the benefit and use of the public. The park land shall be developed by the Applicant at the Applicant's expense. The Applicant shall provide, at a minimum, street improvements, curbs, sidewalks or walkways, grass surfacing, street trees, irrigation system, and lighting. All park improvements shall be subject to review and approval by the City Parks Department. Any park improvements not completed at the time of the signing of the subdivision plat shall be subject to the bonding requirements listed under Section 16.64.070 of the Canby Municipal Code.

IV. PARK SDC CREDIT

The City agrees to waive future System Development Charges (SDCs) for all phases of development, that are normally charged by the City Parks Department upon the issuance of a building permit to offset an equivalent portion of the value of dedication and cost of development of the park improvements. The value of any additional park dedication or development cost beyond that being offset is offered as a free will donation from the applicant to the City. The waiver only applies to future building permits issued within the boundaries of the properties covered by this Agreement (110 single family residences). The waiver shall only apply to the parks SDC; all other SDCs in effect at the time of the issuance of individual permits shall remain valid.

V. PHASING

The master plan shall be developed in four phases as shown in Exhibit 2. Each phase shall be subject to separate Subdivision applications as required by the City. The Applicant agrees to adhere to all conditions of approval required as part of each subdivision approval.

For all Phases:

Subsurface evaluations in the vicinity of the proposed drainage improvements shall be conducted by a licensed hydrologist, soil scientist, geologist, or engineer at the Applicant's expense. Bioswales and infiltration trenches shall be designed according to the design guidelines developed by the City of Portland and presented in the Stormwater Management Manual. The sanitary sewer shall be extended by the Applicant to the phase line and a temporary clean out shall be installed; this shall be done for each phase in order to facilitate each subsequent phase of the development. The phasing of the water system shall be coordinated with the Canby Utility Board. The Applicant shall provide a drainage master plan for the entire development prior to the signing of the final subdivision plat for Phase I. Any relocation of existing utilities required due to construction of the development shall be done at the expense of the Applicant.

Phase I:

Phase I shall include the dedication of Tract A (1.82 acres of gross area resulting in a net 1.47 acres of park land) to be donated to the City at the time of the signing of the final subdivision plat. The well lot (Tract D) shall include a deed restriction indicating that it shall be not be used for residential purposes for as long as the well is in use. Should the well be abandoned, the lot may remain as open space or may be reabsorbed by lot 28. Lots 11, 25, 28, 29 and 41 shall be

subject to the same limitations of infill lots per the CMC. Private water lines (for irrigation) will not be allowed to be constructed within any public right-of-way except for street crossings provided the lines will be enclosed within casings; such crossings shall be subject to review and approval by the City.

Phase II:

Phase II shall include the dedication of Tract B (1.12 acres of gross area resulting in a net 0.85 acres of park land) to be donated to the City at the time of the signing of the final subdivision plat. The subdivision application for Phase II shall require a traffic study that shall address, at a minimum, the design of the proposed boulevard as it may relate to any vehicle conflicts particularly at the southern terminus. Lots 42, 59, 60, and 74 shall be subject to the same limitations of infill lots per the CMC.

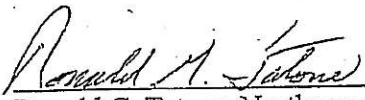
Phase III:

The subdivision application for Phase III shall require a traffic study that shall address, at a minimum, internal circulation. The traffic study for Phase III may be combined with a traffic study for either Phase II or Phase IV. Lots 75, 87, 88, 89, 90, 91, 92, 93, and 94 shall be limited to one story (22 feet) in height.

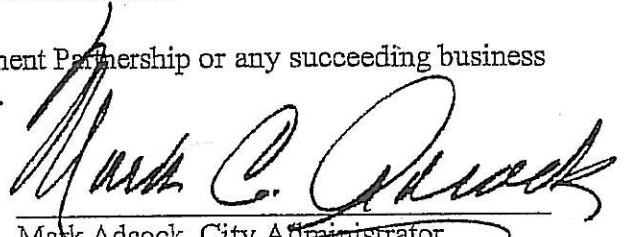
Phase IV:

The subdivision application for Phase IV shall require a traffic study that shall address, at a minimum, internal circulation and future external street connections.

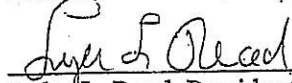
This agreement shall be binding upon the Northwood Investment Partnership or any succeeding business entity created for the development of the subject tract of land.



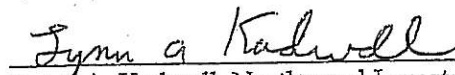
Ronald G. Tatone, Northwood Investments



Mark Adcock, City Administrator



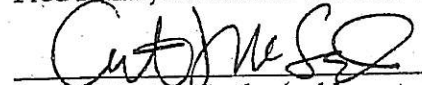
Lyle L. Read, President Bresco Inc,



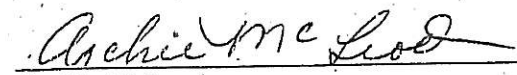
Lynn A. Kadwell, Northwood Investment



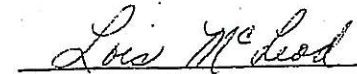
Fred Kahut, Northwood Investments



Curt McLeod, Northwood Investments



Archie McLeod



Lois McLeod

*Development Agreement is Subject to review by the Canby Planning Commission and City Attorney.

Exhibits incorporated by reference:

- 1. Applicant's Packet.
- 2. Master-Plan Map.
- 3. Findings of Fact and Conclusions of Law for City file SUB 05-12.

Attached Exhibits:

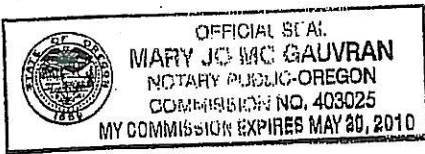
Exhibit "A" Legal Description from Fee Number 90-20689
 Exhibit "B" Legal Description from Fee Number 2006-070258

State of Oregon, County of Clackamas:

Personally appeared the above named Ronald G. Tatone before me on Jan 11, 2007 and acknowledged the foregoing instrument to be (HIS)(HER)(THEIR) voluntary act and deed.

Before Me: [Signature]
 Notary Public for Oregon

My Commission Expires: 5-30-10

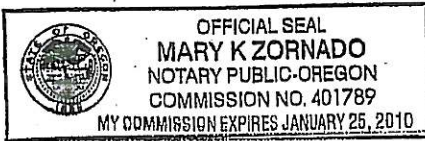


State of Oregon, County of Clackamas:

Personally appeared the above named Lyle L. Read, President, Bresco Inc., before me on 1-12, 2007 and acknowledged the foregoing instrument to be (HIS)(HER)(THEIR) voluntary act and deed.

Before Me: [Signature]
 Notary Public for Oregon

My Commission Expires: 1-25-2010

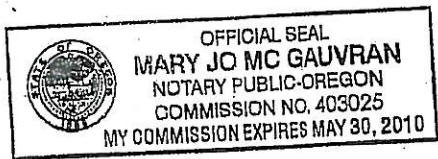


State of Oregon, County of Clackamas:

Personally appeared the above named Lynn A. Kadwell before me on Jan 11, 2007 and acknowledged the foregoing instrument to be (HIS)(HER)(THEIR) voluntary act and deed.

Before Me: [Signature]
 Notary Public for Oregon

My Commission Expires: 5-30-10

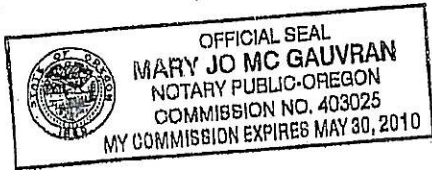


State of Oregon, County of Clackamas:

Personally appeared the above named Fred Kahut before me on Jan 11, 2007 and acknowledged the foregoing instrument to be (HIS)(HER)(THEIR) voluntary act and deed.

Before Me: [Signature]
Notary Public for Oregon

My Commission Expires: 5-30-10

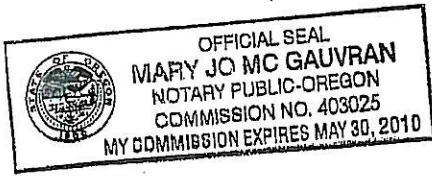


State of Oregon, County of Clackamas:

Personally appeared the above named Curt McLeod before me on Jan 11, 2007 and acknowledged the foregoing instrument to be (HIS)(HER)(THEIR) voluntary act and deed.

Before Me: [Signature]
Notary Public for Oregon

My Commission Expires: 5-30-10



State of Oregon, County of Clackamas:

Personally appeared the above named Archie McLeod before me on Jan 19, 2007 and acknowledged the foregoing instrument to be (HIS)(HER)(THEIR) voluntary act and deed.

Before Me: [Signature]
Notary Public for Oregon

My Commission Expires: 5-30-10

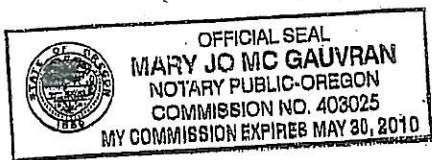


State of Oregon, County of Clackamas:

Personally appeared the above named Lois McLeod before me on Jan 11, 2007 and acknowledged the foregoing instrument to be (HIS)(HER)(THEIR) voluntary act and deed.

Before Me: [Signature]
Notary Public for Oregon

My Commission Expires: 5-30-10

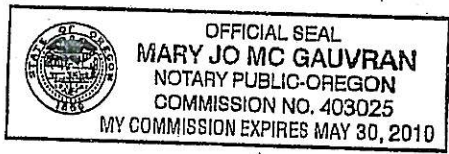


State of Oregon, County of Clackamas:

Personally appeared the above named Mark A. Adcock before me on Jan 24, 2007
and acknowledged the foregoing instrument to be (HIS)(HER)(THEIR) voluntary act and deed.

Before Me: Mary Jo Mc Gauran
Notary Public for Oregon

My Commission Expires: 5-30-10



NORTHWOOD INVESTMENTS LEGAL DESCRIPTION
 FEE NUMBER 90-20689
 CLACKAMAS COUNTY, OREGON

IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON

PARCEL I:

A tract of land situated in the Champing Pendleton D.L.C. No. 58, in Sections 28, 29, 32 and 33, Township 3 South, Range 1 East, of the W.M., described as follows:

Beginning at an iron pipe on the Southerly boundary of Territorial Road at the northeast corner of that tract of land conveyed to Earl Oliver and Sabina Oliver, husband and wife, by Deed recorded November 16, 1951, in Book 450, page 696, Deed Records, said iron pipe being North 8.47 chains, South 89° 29' West 16.35 chains and North 12° 00' West 9.036 chains, from the southeast corner of the Champing Pendleton D.L.C., in Township 3 South, Range 1 East, of the W.M.; thence South 78° 04' West along the southerly line of Territorial Road 187.57 feet to an iron pipe, said point being the northeast corner of a tract of land conveyed to Richard T. Mosier, et ux, by Warranty Deed recorded June 15, 1976, Fee No. 76 19823; thence South 12° 09' East 558.2 feet to the southeast corner of a tract described in Contract of Sale recorded February 28, 1975, Fee No. 75 5066; thence South 89° 29' East to the southeast corner of said Oliver tract; thence North 12° 09' West along the easterly line of said Oliver tract to the point of beginning.

PARCEL II:

Part of the southeast one-quarter of the northeast one-quarter of Section 32, Township 3 South, Range 1 East, of the W.M., described as follows:

Beginning at the southeast corner of a tract of land conveyed to John Mickelsen, et ux, by Warranty Deed recorded January 28, 1957, in Book 521, page 348, Deed Records, said point also being West 1320 feet and South 393.6 feet from the northeast corner of the Wesley Joslin D.L.C.; thence West 166.00 feet; thence North 100.00 feet; thence West 25.00 feet; thence South 100.00 feet; thence West 368.7 feet; thence South 214.7 feet to the northwest corner of a tract of land conveyed to Edward N. Cole, et ux, by Warranty Deed recorded April 24, 1956, in Book 510, page 19, Deed Records; thence East 235.00 feet to the most northerly northeast corner of said Cole tract; thence South 155.00 feet to an interior angle of said Cole tract; thence East to the most easterly northeast corner of said Cole tract; thence South 15 feet to the southerly line of a tract of land conveyed to Earl Oliver, et ux, by Warranty Deed recorded September 26, 1947, in Book 397, page 28, Deed Records; thence East along the south line of said Oliver tract 20 feet to the southeast corner thereof; thence North along the east line of said Oliver tract, 384.7 feet to the place of beginning.

PARCEL III:

A tract of land lying in Section 32, Township 3 South, Range 1 East, more particularly described as follows:

Beginning at a point which bears West 1332 feet from the northeast corner of the Wesley Joslin D.L.C., said point being also the Northeast corner of that certain tract of land described in deed to John P. Tatone in Book 227, page 162; running thence South along the east line of said Section 32 a distance of 393.6 feet; thence West 166.00 feet; thence North 100.00 feet; thence West 25.00 feet; thence South 100.00 feet; thence West 368.7 feet; thence North 393.6 feet; thence East 559.7 feet to the place of beginning.

PARCEL IV:

A tract of land located in Section 33, Township 3 South, Range 1 East, of the W.M., described as follows:

Beginning at the northwest corner of Lot 2, Oliver Addition No. 4; thence South $00^{\circ} 18'$ East along the west line of said Lot 2, a distance of 88.18 feet to the southwest corner thereof; thence continuing South $00^{\circ} 18'$ East 60.00 feet to the northwest corner of Lot 3, Oliver Addition No. 4, said point also being the northeast corner of that tract of land conveyed to the Archdiocese of Portland in Oregon by Deed recorded May 4, 1953, in Book 468, page 504, Deed Records; thence West along the northerly line of said Archdiocese of Portland in Oregon tract and the westerly extension of the south line of Wait Avenue as it appears in the recorded plat of Canby Acres, 580.00 feet to the west line of that tract of land conveyed to Earl Oliver and Sabina Oliver by Deed recorded May 22, 1950, in Book 431, page 437, Deed Records; thence North along the west line of said Oliver tract, 140.00 feet, more or less, to the northwest corner thereof; thence East along the northerly line of said Oliver tract, 579.50 feet to the place of beginning.

PARCEL V:

Part of the southeast one-quarter of the northeast one-quarter of Section 32, Township 3 South, Range 1 East, of the W.M., described as follows:

Beginning at the northeast corner of Lot 6, Oliver Addition No. 6; thence North $89^{\circ} 39'$ East, 59.21 feet to the east line of a tract of land conveyed to Earl Oliver, et ux, by Warranty Deed recorded December 4, 1961, in Book 596, page 3, Deed Records; thence South $0^{\circ} 09'$ West along the east line of said Oliver tract to the north line of Lot 1, Block 3, Oliver Addition No. 8; thence West along the north line of said Lot 1 to the east line of Lot 6, Oliver Addition No. 5; thence North along the east line of Lots 6 and 7, Oliver Addition No. 5, to the northeast corner of said Lot 7; thence West along the north line of said Lot 7, a distance of 10 feet to the southeast corner of the plat of Oliver Addition No. 6; thence North along the east line of said Oliver Addition No. 6, a distance of 560.73 feet to the place of beginning.

PARCEL VI:

Beginning at the most easterly southeast corner of the Champing Pendleton D.L.C. No. 58, in Township 3 South, Range 1 East, of the W.M.; thence South $89^{\circ} 39'$ West along the south boundary of said claim, 1332.55 feet to the southeast corner of that certain tract conveyed to John P. Tatone, et ux, by deed recorded April 25, 1935, in Book 227, page 162, Deed Records; thence North 559.02 feet to an iron pipe at the northeast corner of said Tatone tract; thence North $89^{\circ} 39'$ East along the north boundary of the land conveyed to Arndt Boe by deed recorded in Book 102, page 116, Deed Records to a stone 20 x 6 x 4 inches marked "X" on top, set on the west boundary of the tract conveyed to J. Lee Eckerson by deed recorded January 19, 1921, in Book 161, page 387, Deed Records; thence South 5.05 chains to the southwest corner of the tract conveyed to Peter Kyllö by deed recorded September 2, 1923, in Book 172, page 229, Deed Records; thence North $89^{\circ} 39'$ East, 10.90 chains to the east boundary of claim; thence South along the east boundary 3.42 chains to the place of beginning.

ALSO beginning at the northeast corner of the Wesley Joslin D.L.C. in Section 33, Township 3 South, Range 1 East, of the W.M.; thence West 80 rods; thence South 20 rods; thence East 40 rods; thence North 310 feet; thence East 40 rods to the east line of said claim; thence North 20 feet to the place of beginning.

EXCEPT that portion lying east of the west line of Lot 6, Eastwood Annex No. 2 extended South.

ALSO EXCEPT those portions within the boundaries of Eastwood Estates, Eastwood Estates Annex No. 1 and Eastwood Estates Annex.

PARCEL VII:

Part of the Champing Pendleton D.L.C. No. 58, in Township 3 South, Range 1 East, of the W.M., described as follows:

Beginning at a point 8.47 chains North and 10.90 chains South $89^{\circ} 29'$ West from the most easterly southeast corner of the Champing Pendleton D.L.C.; thence continuing South $89^{\circ} 29'$ West, 5.45 chains to the southeast corner of that tract conveyed to Earl Oliver and wife by Deed recorded November 16, 1951 in Book 450, page 696, Deed Records; thence Northwesterly along the easterly line of said Oliver tract and an extension thereof, 9.03 chains to the center of the Territorial Road; thence North $79^{\circ} 15'$ East along the center of said road, 7.52 chains to a point due North of the point of beginning; thence South 10.4 chains to the point of beginning.

EXCEPT the following described tract:

Part of the Champing Pendleton D.L.C. No. 58, Township 3 South, Range 1 East, of the W.M., in the City of Canby, described as follows:

Beginning at a point 8.47 chains North and 10.90 chains South 89° 29' West from the most easterly southeast corner of the Champing Pendleton D.L.C.; thence continuing South 89° 29' West 5.45 chains to the southeast corner of that tract conveyed to Earl Oliver and wife by Deed recorded November 16, 1951 in Book 450, page 696, Deed Records; thence Northwesterly along the course of the easterly line of said Oliver tract to a point which is 320 feet 6 inches Southeasterly from the northeasterly line of Territorial Road measured along said easterly course and which is the true point of beginning; thence continuing Northwesterly on said westerly course to the center of the Territorial Road; thence North 79° 15' East along the center of said road 140 feet; thence Southeasterly parallel with said westerly course to a point North 79° 15' East of the true point of beginning; thence South 79° 15' West to the true point of beginning.

2KRMT, INC. LEGAL DESCRIPTION
FEE NUMBER 2006-070258
CLACKAMAS COUNTY, OREGON

LEGAL DESCRIPTION

Part of the Champing Pendleton Donation Land Claim No. 58, Township 3 South, Range 1 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at a point 8.47 chains North and 10.90 chains South $89^{\circ}29'$ West from the most Easterly Southeast corner of said Pendleton Donation Land Claim; thence continuing South $89^{\circ}29'$ West 5.45 chains to the Southeast corner of that tract conveyed to Earl Oliver, et ux, by Deed recorded November 16, 1951, in Book 450, Page 696, Clackamas County Deed Records; thence Northwesterly along the Easterly line of said Oliver Tract to a point which is 320 feet 6 inches Southeasterly from the Northeasterly line of Territorial Road, when measured along said Easterly line and the true point of beginning; thence continuing Northwesterly on said Easterly line to the center of the Territorial Road; thence North $79^{\circ}15'$ East along the center of said road, 140 feet; thence Southeasterly, parallel with said Easterly line to a point North $79^{\circ}15'$ East of the true point of beginning; thence South $79^{\circ}15'$ West to the true point of beginning.

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SCALE 1"=100'



SUBDIVISION EASEMENTS

12' P.U.E. ALONG ALL PUBLIC STREET FRONTAGE
 6' P.U.E. ALONG ALL SIDE AND REAR LOT LINES
 EXCEPT 10' P.U.E. ALONG LOT LINES WHERE THEY
 ABUT UNDEVELOPED LAND

LEGEND

- PROPOSED LOT LINES & RIGHT-OF-WAY
- BOUNDARY LINE
- CENTER LINE
- PHASE LINE
- EASEMENT LINE

* LOTS MUST COMPLY WITH
 INFILL REQUIREMENTS OR
 CC&R HEIGHT LIMITATIONS.



**NORTHWOOD ESTATES, CANBY OR.
 CONCEPTUAL DEVELOPMENT PLAN**
 CANBY OR.
 DECEMBER 29, 2005

**CURRAN-McLEOD, INC.
 CONSULTING ENGINEERS**
 6655 SW. HAMPTON ST., SUITE 210
 PORTLAND, OREGON 97223
 PHONE (503) 684-3478

DATE	DEC.2005
P/N	1391
D/S	CJM
D/S	AWK
CON	1391-CONCEPT

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