

PLANNING COMMISSION

Meeting Agenda (Revised)

Monday, August 13, 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

1. CALL TO ORDER

- a. Invocation and Pledge of Allegiance

2. CITIZEN INPUT ON NON-AGENDA ITEMS

(This is an opportunity for audience members to address the Planning Commission on items not on the agenda. Each person will be given 3 minutes to speak. You are first required to fill out a testimony/comment card prior to speaking and hand it to the Recording Secretary. These forms are available by the sign-in podium. Staff and the Planning Commission will make every effort to respond to questions raised during citizen input before tonight's meeting ends or as quickly as possible thereafter.)

3. MINUTES

- a. Approval of the July 9, 2018 Planning Commission Minutes

4. NEW BUSINESS

5. PUBLIC HEARING

(To testify, please fill out a testimony/comment card and give to the Recording Secretary.)

- a. Continued Public Hearing to consider a request for a Minor Land Partition (Type III) application to create a separate lot for the Mulino Road Pump Station currently existing on an easement granted by property owner. **(MLP 18-03 City of Canby Mulino Road Pump Station/Weygandt).**
- b. Consider a request for a Subdivision (Type III) application for a 23-lot subdivision on a 5 acre parcel located at S Teakwood St & the eastern terminus of SE 10th Ave for single family residential homes. **(SUB 18-02 Cougar Run Subdivision).**
- c. Consider a request for a Subdivision (Type III) application for a 6-lot subdivision on a 0.38 acre parcel located at 480 S Pine St for townhomes (common wall) residential homes. **(SUB 18-03 Pine Place Subdivision) - TO BE POSTPONED TO A DATE CERTAIN OF AUGUST 27, 2018.**

6. FINAL DECISIONS - None

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

- a. **MLP 18-03 City of Canby Mulino Road Pump Station/Weygandt**
- b. **SUB 18-02 Cougar Run Subdivision**

7. ITEMS OF INTEREST/REPORT FROM PLANNING STAFF

- a. Next regularly scheduled Planning Commission meeting – Monday, August 27, 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.

PUBLIC HEARING FORMAT

The public hearing will be conducted as follows:

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

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

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

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

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

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

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



City of Canby

MINOR PARTITION STAFF REPORT

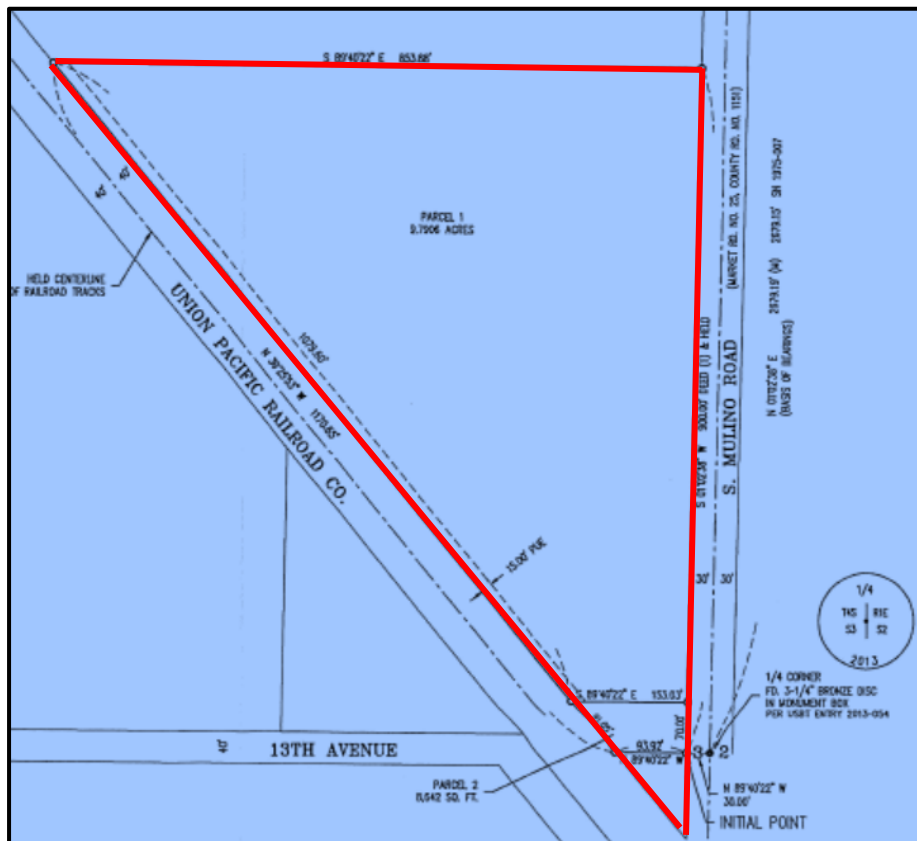
FILE #: MLP 18-03

Prepared for the July 23, 2018 Planning Commission Hearing

LOCATION: 1295 S Mulino Road

ZONING: M-1 Light Industrial/I-O Canby Industrial Area Overlay Zone

Tax lot: 41E0300101 (Red Bordered/Hatched Property in Map Below)



LOT SIZES: 10 ACRES

OWNER: Lisa Weygandt

APPLICANT: Hassan Ibrahim – Engineering Consultant - on behalf of City of Canby

APPLICATION TYPE: Minor Partition (Type III)

CITY FILE NUMBER: MLP 18-03

I. **PROJECT OVERVIEW & EXISTING CONDITIONS**

The City of Canby recently completed the construction of a sanitary sewer pumping station which is now in service near the southeast corner of the existing 10 acre industrial zoned tract. An easement was provided to the City to construct the pump station and force main paralleling the railroad. One of the conditions requested by the owner and agreed to by the City in exchange for the easement was to create a separate lot for the pump station site.

The minor partition application is intended to separate a 8,642 square foot parcel from the 10 care property for future ownership by the City while the remaining 9.8 acre parcel remains under ownership by the Weygandts.

AGENCY/PUBLIC COMMENTS:

Review comments were solicited from the public, City departments, and applicable reviewing agencies. All comments received by the time of posting this staff report have been included, while staff will present others for consideration at the public hearing.

II. **APPLICABLE CRITERIA & STAFF FINDINGS**

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

- 16.08 General Provisions
- 16.32 M-1 – Light Industrial Zone
- 16.35 I-O Canby Industrial Area Overlay Zone
- 16.46 Access Limitations
- 16.60 Major or Minor Partitions
- 16.64 Subdivisions-Design Standards
- 16.89 Application and Review Procedures

Chapter 16.08 General Provisions

16.08.070. Illegally created lots

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

Findings: The subject property appears to have been established in 1962 or before when the existing home was constructed on the property. This is prior to 1976 when City approval was required for establishing of new separate parcels rather than simply the recording of deeds. Staff is comfortable in considering the existing lot to be legally created for land use purposes.

16.08.090 Sidewalks required.

- B. The Planning Commission may impose appropriate sidewalk and curbing requirements as a condition of approving any discretionary application it reviews.

Findings: Mulino Road is a County rural roadway indicated as an industrial collector street in the Canby Transportation System Plan. As an existing rural roadway, no sidewalks or curbing exist along any portion of Mulino Road on either side. It would not seem necessary or appropriate to require the construction of a sidewalk for this minimal 70' of Mulino Road frontage at this time. However, the Planning Commission could consider the requirement to record a "non-remonstrance agreement" with Parcel 2 which is intended for City ownership to insure that the City will participate in and not protest a possible future local improvement district that include responsibility for sidewalk installation in the future. **This has been recommended as a required condition of approval.**

Sidewalk and street improvements are required under Section 16.10. Section 16.10.070(B)(6) states: "To afford safe pedestrian access and egress for properties within the city, a sidewalk shall be constructed along all street frontages, prior to use or occupancy of the building or structure proposed for said property." No new development is planned on the northerly 9.8 acre Parcel 1 with the existing home and out buildings. Future industrial redevelopment of Parcel 1 will require sidewalk and street construction along the Mulino St. frontage, with the "City non-remonstrance sidewalk agreement" obligating the City to make an extension to fill a gap or participate in a sidewalk local improvement district.

16.08.130 Standard Transportation Improvements.

Findings: This section of the Code pertains to additional transportation projects that may not be identified in the Canby Transportation System Plan, and whether the use is permitted outright or permitted subject to the issuance of a conditional use permit. No transportation project is proposed with the sanitary sewer project so this section of the Code is not applicable.

16.08.150 Traffic Impact Study (TIS).

This section contains standards pertaining to traffic studies including purpose, scoping, determination, submittal requirements, content, methodology, neighborhood and through-trip studies, mitigation, conditions of approval, and rough proportionality determination.

Findings: The Planning Director determined that a traffic study was not necessary for the proposed partition since no change of use is planned for the larger Parcel 1 and the Parcel 2 sewer pump station has no continual human occupancy but just occasional maintenance service needs. A traffic study analysis will be required when the 9.8 acre Parcel 1 is proposed for further development.

16.08.160 Safety and Functionality Standards

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

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

- a. Adequate street drainage exists. No change in the Mulino Road frontage is required at this time. A non-remonstrance agreement for street and sidewalk improvements if a local improvement district is ever formed or to extend a sidewalk across the Parcel 1 frontage when a sidewalk is constructed on adjacent parcels. (This has been recommended as a condition of approval).
- b. The street intersection has safe access and clear vision

- c. Public utilities are available and adequate to serve the new development. This use is to provide sanitary sewer service to nearby residential and industrial zone property currently outside the reach of a gravity served mainline.
- d. Access to a public street with the minimum pave width of 20 feet along the site's frontage exists.
- e. Same as d.
- f. The mobility standards identified in the TSP will still be met for the adjacent Mulino Road not resulting in any deficiency.

16.32 M-1 Light Industrial Zone

16.32.030 Development Standards:

The following subsections indicate the required development standards of the M-1 zone that are applicable to this case:

- A. Minimum lot area: five thousand square feet;
- B. Minimum width and frontage: fifty feet;

Findings: The subject property is situated within the M-1 Zone and the minimum lot size is 5000 square feet per Section 16.34.030. The smallest proposed parcel 2 in the partition is 8,642 square feet, and the same parcel also meets the 50' minimum width and frontage requirements at 70 feet. A good portion of the property is a wetland area outside of the developed pump station.

16.35 I-O Canby Industrial Area Overlay Zone

Findings: The partition property is also located within the I-O Zone, (Canby Industrial Area Overlay Zone). The industrial overlay (I-O) zone actually eliminates the applicable minimum lot size and lot width requirements of the underlying M-1 zone as indicated above. The same permitted (Minor Public Facility) use as allowed in the M-1 zone outright is also allowed in the applicable I-O zone.

All development standards were met with the pump station construction except a reduction in the interior side yard setback from 10' to 6' on the south boundary which is an undevelopable area primarily containing a creek for storm-water runoff which is owned by the Oregon Pacific Railroad. The underlying M-1 zone side yard setback is zero. The pump station was moved southward to avoid as much of the protected wetland to the north as possible, thus reducing mitigation requirements.

16.46 Access Limitations on Project Density

Findings: There is no evidence that the Partition of the property into two lots will impact the suitability of providing appropriate future access to Parcel 2 when it is redeveloped to industrial use. A new driveway was installed to serve the constructed pump station on Parcel 2. Driveway separation distance is suitable. No new roads are proposed to trigger minimum access standards.

16.60 Major or Minor Partitions

16.60.020 Standards and criteria

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

Findings: As indicated above, the standards of Chapter 16.64, Subdivision Design Standards are applicable to this proposal. The above section also gives the Planning Commission the authority to be flexible with public improvement requirements that may be unreasonable and unique to this case. No development is proposed on the 9.8 acre Parcel 1 that contains an existing home and outbuildings. Development of Parcel 2 with the City sanitary pump station has already occurred without triggering the need for frontage improvements when granted a building permit. Required infrastructure frontage improvements will clearly be necessary at the time of future industrial development of Parcel 1. Since Parcel 2 which is to have ownership transferred to the City has already been developed with the pump station, it would make sense to require that frontage sidewalk and street improvements to match those to be required with future industrial development of the adjacent Parcel 1 be required to be extended by the City on the Parcel 2 to close the gap in improvements at that future time. This could either occur by the lot developer or potentially through a City formation of a Local Improvement District. In either case, the execution of a non-remonstrance street and sidewalk improvement agreement is recommended to prompt City participation in such a LID if it were to occur and/or to extend necessary improvements across the 70' of frontage to our Parcel 2 when they occur on adjacent properties to close the gap that would otherwise occur at that time. With such an agreement requirement for Parcel 2, the necessary improvement requirements may be considered to have been satisfactorily met with this partition request.

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16.60.030 Minor partitions.

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

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

Findings: The application meets the definition of a partition stated in Section 16.04.470, and more specifically as a Minor Partition in that the applicant intends to divide a single parcel into two separate parcels and does not propose any new streets or roadway. Since no new development is currently planned for Parcel 1 and Parcel 2 is already developed with the City sanitary pump station, no other public facilities are needed at this time. Future industrial development will be required to install all necessary improvements to Parcel 1 and its sale must disclose that requirement, while staff has recommended that non-remonstrance agreement be

executed applicable to Parcel 2 to insure the extension of street and sidewalk improvements across its frontage when provided on adjacent properties since it is already newly and fully developed. With the non-remonstrant agreement, the above minor partition standards will be met except for the minor conflict deviation with the side yard setback which was explained above.

16.60.060 Final procedures and recordation.

A. Following the action of the city in approving or conditionally approving a tentative plat for a partition, the applicant shall be responsible for the completion of all required improvements, or the posting of adequate assurances in lieu thereof, to the satisfaction of the city engineer prior to the transfer of title of any of the parcels involved.

Findings: The Planning Commission may find that the installation of usual public improvements associated with a Minor Partition are unreasonable at this time and that execution of a non-remonstrance agreement for at least the newly developed Parcel 2 to be transferred to the City would be appropriate to fill any gap in improvements along the street frontage when adjacent parcels are developed in the future.

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

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

16.64 Subdivisions-Design Standards

16.64.010 Streets.

- A. Generally. Minimum right-of-way and roadway width shall follow the requirements of the TSP and/or Public Works Design Standards;
- M. Planting Easements. The Planning Commission may require additional easements for planting street trees or shrubs.

16.64.030 Easements.

- A. Utility Lines. Easements for electric lines or other public utilities are required, subject to the recommendations of the utility providing agency. Utility easements twelve feet in width shall be required along all street lot lines unless specifically waived.

Findings: It is generally best practice to obtain necessary future right-of-way needs when partitioning or subdivision of property happens. We have already discussed delaying actual improvements until substantial new development occurs that would warrant that expense. The Planning Commission can also delay needed street right-of-way dedication for Mulino Road as well. However, it can be easier to provide and document future ROW needs and easements that will be necessary at the time of future development on a Plat than by separate instrument at a future date.

Mulino Road is currently a County Road which is subject to the County's improvement standards. However, it is adjacent to the City and we also have applicable street cross section standards that will need to be met when future industrial development is proposed. Staff has determined that the existing 60' of ROW for Mulino Road will need to be expanded to a minimum of 72' to accommodate future improvements. This will require 6 feet of additional ROW dedication adjacent to the subject property either with this partition or when future development occurs. Since development has already occurred on Parcel 2 for which ownership is to be transferred to the City, it would be best to secure the needed ROW now where it can be easily indicated on the plat since future development is not likely. The County could possibly have a higher standard applicable to future improvements for this roadway. Staff would recommend requiring the needed future ROW dedication at this time, but also recognize the Planning Commission may delay the dedication if it is determined to impose an unnecessary or unreasonable hardship at this time in consideration of the nature of this partition, what precipitated the need for this partition to transfer ownership of the sanitary sewer pump station site to the City as requested by the property owner.

16.64.070

C. (3) Street Trees. Street trees shall be provided consistent with the provisions of Chapter 12.32.

K. Street tree planting is required of the sub divider and shall be according to city requirements.

Findings: The street trees are not appropriate at this time since their exact placement in the ultimate ROW is not known and could be harmed with future redevelopment of the property. They are likely to be located in a planter strip within the public right-of-way so a street tree easement would not be needed on the private property. Trees for Parcel 1 should be planted in the future when the street improvement and sidewalk are extended across the frontage of the parcel.

16.64.030 Easements

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

Findings: Staff would recommend that if the dedication of additional ROW is made a condition of approval of the Partition, that the standard 12' public utility easement or any lesser standard acceptable to service providers by required and shown on the recorded partition plat.

16.64.040 Lots

A. Size and Shape. The lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated. To provide for proper site design and prevent the creation of irregularly shaped parcels, the depth of any lot or parcel shall not exceed three times

its width (or four times its width in rural areas) unless there is a topographical or environmental constraint or an existing man-made feature such as a railroad line.

Findings: The proposed lot shape and size of Parcel 2 to be transferred to the City is appropriate in consideration of the wetlands which covers a portion of the parcel and the unique needs associated with the nature of the sanitary sewer pump station constructed on the property.

B. Minimum Lot Sizes:

1. Lot sizes shall conform to requirements of Division III...

C. Lot Frontage. All lots shall meet the requirements specified in Division III...

E. Lot Side Lines. The side lines of lots shall run at right angles to the street upon which the lots face.

Findings: The proposal meets the above criteria except for the reduced side yard setback to help protect the established wetland that lies directly to the north of this facility.

16.64.060 Grading of building sites.

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

Findings: The subject parcel is situated on somewhat level property without any indication of hazard to public facilities. Staff does not recommend a bonding requirement for grading purposes since no additional development is required at this time.

16.64.070 Improvements

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

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

Findings: Staff is not recommending any public improvements to be associated with this partition. However, we have recommended the dedication of 6 feet of additional ROW adjacent to the Mulino Road frontage of both parcels and the execution of a non-remonstrance agreement for Parcel 2 since it is already developed and should provide comparable improvements to Mulino Road as will be required and occur when adjacent property is redeveloped to industrial use.

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

Findings: Public improvement plans are not required so as-built plans would not be needed for this partition.

- B. The following improvements shall be installed at the expense of the sub divider unless specifically exempted by the Planning Commission:
1. Streets, including drainage and street trees;
 2. Complete sanitary sewer system;
 3. Water distribution lines and fire hydrants;
 4. Sidewalks and any special pedestrian ways;
 5. Street name and traffic-control signs;
 6. Streetlights;
 7. Lot, street and perimeter monumentation;
 8. Underground power lines and related facilities;
 9. Underground telephone lines, CATV lines, natural gas lines, and related facilities;

Findings: As previously pointed out, no improvements are being recommended at this time. These usual improvements will be required with future industrial development for Parcel 1 and the recommended non-remonstrance agreement for Parcel 2 will place on record the expectation that the City provide comparable improvements to the Mulino Road frontage when either adjacent parcels develops and installs required frontage public improvements.

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

Findings: A Traffic Study will be required when future industrial development occurs on the larger Parcel 1. It will assist in whether any adjacent or off-site mitigations are necessary to address any identified adverse impacts to the City transportation system. No Traffic Study is necessary associated with the minor partition since no new development results from transfer of Parcel 2 to City ownership.

D. Surface Drainage and Storm Sewer System.

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

Findings: All residential storm water must be retained onsite per Chapter 4 of the Canby Public Works Design Standards. However, no public improvements or new private site development is planned at this time. The constructed lift station and parking area did not trigger the 2,500 square foot of additional impervious surface area that triggers a full drainage analysis.

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

Findings: Sidewalks are an ordinance requirement. Canby practice has always allowed the required sidewalk construction to be associated with actual construction on the private building lot. Staff recommends that a non-remonstrance agreement be required for Parcel 2 being transferred to City ownership which would require that sidewalk and usual half-street improvements along the Mulino Road frontage be required to be installed in conjunction with or when the adjacent property to the north develops and installs required improvements. This assures that a gap in sidewalk and street improvements does not occur adjacent to Parcel 2 since the construction of the pump station occurred has already recently occurred.

J. Street Lighting System. Streetlights shall be required to the satisfaction of the manager of the Canby Utility Board.

Findings: No new streetlights are proposed or necessary in conjunction with this partition at this time.

K. Other Improvements.

1. Curb cuts and driveway installation are not required of the sub divider but, if installed, shall be according to city standards.
2. Street tree planting is required of the sub divider and shall be according to city requirements.
3. The developer shall make necessary arrangements with utility companies or other persons or corporations affected, for the installation of underground lines and facilities....

Findings: Access to Mulino Road is already provided to the existing use on Parcel 1 and was recently constructed to serve the pump station on Parcel 2. Electric service will be placed underground when future industrial development takes place on Parcel 1. Street trees will be required with the Site & Design Review application for new development to occur on Parcel 1. Again, staff recommends delaying usual standard frontage improvements until development is proposed.

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

O. Bond.

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

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

Findings: No public improvements are recommended with this partition but if required by the Commission shall meet the above criteria and will be installed prior to recording the partition plat, and if not, bonding will be necessary to record the Partition Plat.

16.89 Application and Review Procedures

Findings: This application is being processed in accordance with Chapter 16.89. Notice of the public hearing was mailed to owners and residents of lots within 200 feet of the subject development and to applicable agencies. Notice of the meeting was posted at City Hall, Library, and published in the Canby Herald. This chapter requires a Type III process for minor partitions. A neighborhood meeting is not required for minor partitions. A pre-application conference was waived by the Planning Director since the only development contemplated has already occurred on Parcel 2. Utilities will be brought in along Mulino Road should future development be contemplated in the future. The review procedures have been met.

16.120 Parks, Open Space, and Recreation Land-General Provision

16.120.020 Minimum standard for park, open space and recreation land

A. Parkland Dedication: All new residential, commercial and industrial developments shall be required to provide park, open space and recreation sites to serve existing and future residents and employees of those developments.

Findings: Criteria in this section requires that System Development Charges (SDCs) be collected at the time of construction of any new building when the site is not suitable for dedication of a park or open space. A park is not needed according to the Master Park Plan at this location. Therefore SDC fees will be collected prior to development occurring. No development is currently planned for Parcel 1 which has a home and out buildings on it and used for agricultural/nursery growing.

III. PUBLIC TESTIMONY

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

IV. Decision

Based on the application submitted and the facts, findings, and conclusions of this report, staff recommends that the Planning Commission **approve** Minor Land Partition File MLP 18-03 subject to the following conditions of approval:

V. CONDITIONS OF APPROVAL

Minor Partition Conditions Unique to This Request:

- 1.** Six feet of additional public right-of-way adjacent to the Mulino Road frontage shall be dedicated to bring this side up to the ultimate 72' minimum street cross section requirements indicated to be required in the adopted Transportation System Plan for property fronting on an industrial collector street classification and shall be shown on the Partition Plat to be recorded of record.
- 2.** A 12' Public Utility Easement adjacent to the inside edge of the adjacent Mulino street ROW, or less if approved by all utility service providers, shall be provided and designated on the Partition Plat.
- 3.** A non-remonstrant agreement shall be recorded with the Partition Plat applicable to Parcel 2 to place a public record that the City shall be required to install comparable

street and sidewalk improvements to the Mulino Road frontage of Parcel 2 when improvements are made to the adjacent parcel or agree to participation in a Local Improvement District if established for which Parcel 2 is a part.

Final Partition Plat Conditions:

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

Attachments:

Partition Tentative Site Plan

Applicant's Narrative

City of Canby
LISA M. WEYGANDT TRUST
APPLICATION NARRATIVE FOR MINOR PARTITION

The City of Canby recently completed construction of a sanitary sewer pumping station to serve the south east portions of the City Limits and Urban Growth Boundary. The pumping station is currently in service serving the new residential developments along SE 13th Avenue, including the Timber Park Subdivision.

Lisa Weygandt provided an easement to the City of Canby at the far SE corner of the City Limits/UGB for the pumping station and an easement paralleling the railroad for the force main. One of the conditions requested by the owner and agreed to by the City in exchange for the easement was to create a separate lot for the pump station site.

This minor partition application is intended to separate one 8,642 square foot parcel from the 10 acre property, and leave a remnant 9.8 acre parcel.

The property is inside the City Limits and the Urban Growth Boundary, and the pump station site is the lowest elevation property in the southeast quadrant of the City. The pump station site was selected due to its location and elevation, giving it an ability to serve the remaining undeveloped properties along SE 13th Avenue and the southern portions of the Canby Pioneer Industrial Park. Additionally, this location can serve a much larger area in the future when the UGB is expanded to the south and east.

The property is currently farmed, partially with grass seed and partially fallow, and contains the Weygandt residence and farm support buildings. The southeast corner of the property contains a small manmade wetland which partially defined the extent of the land offered to the City for the pumping station. The property owner requested the pump station site be 70 feet in width to include most of the wetlands.

The following criteria were identified by the City Planning Department to address compliance with the Municipal Code:

CMC 16.08 General Provisions

16.08.020 Zoning: This site is located within the City Limits and is zoned for Light Industrial (M-1) development with an Industrial Area Overlay (IO). The proposed minor partition complies with all requirements of the designated zone and overlay.

16.08.110 Fences: The partitioned lot has security fencing installed in compliance with this development standard. No modification is proposed for the 9.8 acre remnant parcel.

16.08.130 Standard Transportation Improvements: This site abuts Mulino Road which is under the jurisdiction of Clackamas County. No development is proposed for the remnant 9.8 acre parcel at this time, which already has a residence on site. The pump station site was submitted to Clackamas County for approval and for direction on needed transportation improvements. At this time no improvements other than a culvert were required for the site. This section of Mulino Road is not included in any capital improvements identified in the Canby Transportation System Plan.

16.08.150 Traffic Impact Study: Due to the minimal service requirements of the pump station site and no proposed development on the remnant parcel, a Traffic Impact Study should not be necessary for this minor partition. The pump station parcel should have only one trip per day to monitor the operation.

16.32 M-1 Light Industrial Zone

16.32.010 Uses Permitted Outright: Although this application is for the minor partition and not for approval of the pump station improvement, the pumping station is an outright permitted use as noted in 16.32.010 DD.

16.32.030 Development Standards: The minor partition meets all requirements for lot size and frontage defined in the Code. M-1 zoning requires a minimum 5,000 SF lot size with minimum 70 foot frontage width. The pump station parcel is 8,642 SF with 70 feet of frontage on Mulino Road. The remnant parcel is 9.8 acres.

16.35 Canby Industrial Area Overlay (IO) Zone

16.35.030 Uses Permitted Outright: Although this application is for the minor partition and not for approval of the pump station improvement, the pumping station is an outright permitted use in the Industrial Overlay zone.

16.35.050 Development Standards: The development standards in the IO zone replace some of the requirements in the M1 zone. In the IO Zone, there is no lot size minimum and no minimum frontage requirement.

The IO zone increases the side yard setback from zero required in the M-1 zone, to 10 feet required in the IO zone. Due to limitation imposed by the wetlands on the pump station, the existing building is located 6 feet from the south boundary and 53 feet from the northern boundary. The adjoining property to the south is an undevelopable area owned by the Oregon Pacific Railroad and primarily contains a creek for stormwater runoff. The area north of the building is protected wetland.

16.60 Major or Minor Partitions

16.60.020 Standards and Criteria: This minor partition is proposed to create two lots, one 8,642 SF lot to transfer to the City of Canby for the wastewater pumping station and a second remnant lot of 9.8 acres. No development is proposed on the remnant tract so no public improvements are anticipated.

The Clackamas County Surveyor recommended this process as the most efficient means to create the separate lot that could be transferred to City ownership. Transfer will be accomplished by deed after recording the partition plat.

16.60.040 Minor Partitions: This minor partition conforms to the comprehensive plan and zoning land use requirements. The actual pump station building on the proposed pump station lot does create a conflict with the side yard setback in the IO overlay zone. The building is setback 6 feet from the adjoining railroad property and the IO zone requires a 10 foot interior yard setback.

16.64 Subdivisions - Design Standards

16.64.010 Streets: No streets are proposed for this minor partition.

16.64.015 Access: Mulino Road provides access to each of the two proposed lots. Clackamas County has approved the access to the pump station lot.

16.64.070 Improvements: No infrastructure improvements are proposed for this minor partition. The purpose of this application is to create a separate lot that can be transferred to City ownership for the wastewater pumping station. The remnant tract will remain as cultivated farm land with the existing residence and farm structures.

Clackamas County has jurisdiction over Mulino Road and has not required any frontage improvements at this time. When industrial development of the remnant lot is completed, the City will be required to provide comparable improvements to the Mulino Road frontage.

16.89 Application and Review Procedures

16.89.020 Description and Summary of Processes: This minor partition application is a type III process that will require notice to the surrounding property owners and a hearing before the Planning Commission. All property owners within 200 feet need to be notified of the application as well as the neighborhood association and Clackamas County. A neighborhood meeting is not required.

Property owners within 200 feet include:

| | |
|--------------------------|----------------------------------------------------------------------------------|
| T4S, R1E, Sec 2, TL 600 | Suzanne Webber 24464 S Mulino Road Canby, OR 97013 |
| T4S, R1E, Sec 3, TL 102 | Lisa M Weygandt Trust 24401 S Mulino Road Canby, OR 97013 |
| T4S, R1E, Sec 3, TL 103 | Weygandt LLC 24401 S Mulino Road Canby, OR, 97013 |
| T4S, R1E, Sec 3, TL 200 | Chad Robison & Carrie Claeys 2542 SE 13th Avenue Canby, OR 97013 |
| T4S, R1E, Sec 3, TL 2700 | Roger & Julie McKinnon 2675 SE 13th Avenue Canby, OR 97013 |
| T4S, R1E, Sec 3, TL 2800 | Roger & Julie McKinnon 2675 SE 13th Avenue Canby, OR 97013 |
| T4S, R1E, Sec 3, TL 3100 | Union Pacific Railroad Molalla Branch Division of the Oregon Pacific Railroad |

PARTITION PLAT

LOCATED IN THE N.E. 1/4 SECTION 3,
T.4S., R.1E., W.M., IN THE CITY OF CANBY,
CLACKAMAS COUNTY, OREGON

ZTec ENGINEERS INC.

3737 S.E. 8TH AVENUE, PORTLAND, OREGON 97202
PH: (503) 235-8795 FAX: (503) 233-7889
JOB NO. 16-1202-8 DATE SURVEYED: 7-22-16

PARTITION PLAT NO. _____

- LEGEND:**
- DENOTES MONUMENTS FOUND AS NOTED
 - DENOTES 5/8" X 7/8" LONG IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "ZTEC ENGINEERS LS 1944" AND SET ON
 - I.R. DENOTES IRON ROD.
 - FD. DENOTES FOUND.
 - (M) DENOTES MEASURED.
 - SQ. FT. DENOTES SQUARE FEET.
 - SN DENOTES PRIVATE SURVEY CLACKAMAS COUNTY SURVEY RECORDS
 - DEED (1) DOCUMENT NO. 2014-000208
 - FILE DENOTES PUBLIC UTILITY EASEMENT



DOCUMENT NO. 99-089728

PARCEL 1
8,796.6 SQUARE FEET

PARCEL 2
6,642 SQ. FT.



NOTE:
THIS PARTITION PLAT IS SUBJECT TO THE CONDITIONS IMPOSED BY THE CITY OF CANBY IN CASE FILE NO. 2016-_____

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
CHRIS FISCHBORN
1944
RENEWAL DATE: 1/1/2018

GRAPHIC SCALE:
0 50 100 200
(IN FEET)
1 INCH = 100 FEET

PRELIMINARY

**CITY OF CANBY
APPLICATION FOR MINOR PARTITION**

OWNER: Lisa Weygandt Trustee
Lisa M Weygandt Trust Dated December 27, 2013
24401 S Mulino Road
Canby, OR 97013

APPLICANT: City of Canby
Hassan Ibrahim, PE
CURRAN-McLEOD, INC

LOCATION: 24401 S Mulino Road
970 feet abutting Mulino Road and the Oregon Pacific Railroad

TAX LOT: T3S, R1E, WM, Section 3, Tax Lot 101

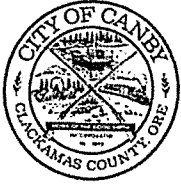
ZONING: M1 - Light Industrial with IO Canby Industrial Area Overlay

COMP PLAN: L1 - Light Industrial

REQUEST: Minor Partition to create a separate lot for a utility pumping station. Pump station currently exists on an easement granted by the property owner. City agreed at the time of securing the easement to make application on behalf of the owner to create a lot separate from the 9.8 acres remaining in the tax lot.

ATTACHMENTS:

1. Land Use Application
2. Application Narrative with list of impacted property owners
3. Property Deed
4. Preliminary Plat



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

LAND USE APPLICATION

MINOR PARTITION Process Type III MAJOR PARTITION Process Type III

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

Applicant Name: CITY OF CANBY Phone: (503) 266-7001
 Address: 222 NE 2ND AVE Email: _____
 City/State: CANBY OR Zip: 97013

Representative Name: HASSAN IBRAHIM Phone: (503) 807-2737
 Address: 6655 SW HAMPTON, STE 210 Email: HAI@CURRAN-MCLEOD.COM
 City/State: PORTLAND, OR Zip: 97223

Property Owner Name: LISA WEYGANDT Phone: (503) 266-5817
 Signature: Lisa weygandt
 Address: 24401 S. MULINO RD Email: WEY1013@MAC.COM
 City/State: CANBY, OR Zip: 97013

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:

1295 S. MULINO RD 10 AC T4S R1E SEC 3, TL 101
 Street Address or Location of Subject Property Total Size of Property Assessor Tax Lot Numbers

RESIDENCE / FARM USE M1 L1
 Existing Use, Structures, Other Improvements on Site Zoning Comp Plan Designation

PARTITION 0.2 AC FOR MUNICIPAL SEWAGE PUMP STA.
 Describe the Proposed Development or Use of Subject Property

| STAFF USE ONLY | | | | |
|----------------|---------------|-------------|-----------|-------------------|
| MLP 18-03 | 6/19/18 | If | | |
| FILE # | DATE RECEIVED | RECEIVED BY | RECEIPT # | DATE APP COMPLETE |

AFTER RECORDING RETURN TO:
Reif, Reif & Thalhofer, Attorneys
P. O. Box 729
Canby, OR 97013-0729

Clackamas County Official Records
Sherry Hall, County Clerk

2014-000208

UNTIL OTHERWISE REQUESTED,
SEND TAX STATEMENTS TO:
Lisa M. Weygandt, Trustee
24401 S. Mulino Road
Canby OR 97013



\$53.00

01/03/2014 11:43:55 AM

D-D Cnt=1 SIn=4 KANNA
\$5.00 \$10.00 \$16.00 \$22.00

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, that LISA MAE WEYGANDT, hereinafter called GRANTOR, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto LISA M. WEYGANDT, Trustee of the Lisa M. Weygandt Trust dated Dec 27, 2013, hereinafter called GRANTEE, and unto GRANTEE'S heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Clackamas, State of Oregon, commonly known as 24401 S. Mulino Road, Canby, OR 97013 and more particularly described as follows, to wit:

Beginning at the east one quarter corner of Section 3, T4S, R1E, W.M.; thence N 00° 40' 09" E along the east line of said Section 3, 900.00 feet to a point; thence leaving the said section line S 89° 57' 09" W 883.41 feet to a point in the west right of way line of Southern Pacific Railroad; thence along the said west right of way line S 39° 49' 01" E 1184.94 feet to a point in the south line of the northeast one quarter of Section 3; thence along the said south line N 89° 57' 09" E 123.18 feet to the point of beginning. Containing 10.40 acres more or less.

(Assessor's Acct. #00996202, Map 41E03 00101)

TO HAVE AND TO HOLD the same unto the said GRANTEE and GRANTEE'S heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is SNIL. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration. THIS IS A TRANSFER FOR ESTATE PLANNING PURPOSES.

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 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 AND 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

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

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this 27 day of Dec, 2013.

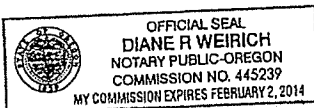
Lisa Mae Weygandt
LISA MAE WEYGANDT Grantor

STATE OF OREGON)
) ss.
County of Clackamas)

December 27, 2013

Before me personally appeared the above named LISA MAE WEYGANDT, and acknowledged the foregoing instrument to be her voluntary act and deed.

Diane R Weirich
Notary Public for Oregon
My Commission Expires: February 2, 2014



Lisa weygandt

24401 S Mulino Rd
Canby, OR 97013

July 22, 2018

To the Planning Commission and whom it may concern,

My name is Lisa Weygandt and current property owner of parcel 1 and parcel 2 that are the subject properties of this minor land partition application.

For several years the City of Canby has foreseen the need for improvements of it's Sanitary Sewer collection for the SE portion of town.

With the Timber Park residential development along SE 13th being proposed, and to make an effort to serve future Industrial Development, the City and myself signed land dedication and easement agreements in Dec. of 2016 to help facilitate the necessary improvements needed.

A gravity sewer line was installed in SE 13th Ave. to serve the surrounding area. A significant portion of this line was laid in the frontage of my land which is an established hazelnut orchard. As a result, I have been included in an Advanced Financing District. I will be required to pay back, plus interest, my benefitted costs when development occurs.

This 8" gravity line feeds into the now constructed "Mulino Pump Station".

Because of the urgency to get the pump station up and running I granted an easement (parcel 2) to the City with the understanding this would ultimately result in a land donation with the City taking over ownership.

Further, to be able to provide power and the ability to transport "product" via 6" sewer force line, I granted a 15' permanent easement and a 15' temporary construction easement. This runs the entire length of my property close to the railway.

For my willingness to cooperate and as per agreement dated Dec. 2016 City of Canby would:

1. Complete work to prepare a partition plat to define the pump station site.

2. Secure planning approvals.
3. Record the plat with the County, with thus recorded plat taking the place of the previous pump station site easement. Resulting in the dedication of the 70-ft pump station site to the City of Canby.
4. Monument the boundaries of the two created lots.

No where in this agreement does it state, as a condition, I would be required to additionally dedicate:

1. 6 ft. of additional public ROW adjacent to Mulino Rd.
2. A 12 ft. Public Utility Easement

These additional conditions are particularly onerous and completely unwarranted. You or I don't know what, if any, development will occur on my property. Is it wise to put conditions on width requirements before any proposed development actually occurs? Mulino Rd right now is a rural County road. It could very well stay that way for many more years. How can you possibly know what type Mulino Rd may become or what width requirements may be required?

The Planning Commission has a process at their disposal which can be utilized once a development application comes to you. Specifically, Site and Design Review. I ask that you trust that process at the appropriate time it becomes necessary. Once the logical chain of events occur in a possible future development on my property, I would then not object to the improvements needed to serve that development.

I would remind the Commissioners: It is so much more difficult to reverse a decision once it's been made.

Therefore, I would ask the Planning Commission to remove #1 and #2 under conditions for approval of this Minor Land Application.

Thank you,

Lisa weygandt



City of Canby

COUGAR RUN SUBDIVISION STAFF REPORT

FILE #: SUB 18-02

Prepared for the August 13, 2018 Planning Commission Meeting

LOCATION: Approximately 360 feet east of S. Teakwood Street at the eastern terminus of SE 10th Avenue

ZONING: R-1 Low Density Residential

TAX LOTS: 41E0300900 (Highlighted Below)



LOT SIZE: 5.0 Acres

OWNER: Canby School District

APPLICANT: Sisul Engineering – Pat Sisul

APPLICATION TYPE: Subdivision (Type III)

CITY FILE NUMBER: SUB 18-02 – Cougar Run Subdivision

PROJECT OVERVIEW & EXISTING CONDITIONS

The applicant proposes to divide an existing 5.0 acre parcel into a 23 lot subdivision for single-family residential development. The parcel is currently feral, vacant land. The proposed subdivision is bordered on the north by Baker Prairie Middle School, and on the east, west, and south by recently platted subdivisions that are in various stages of development. Adjacent subdivision development has stubbed SE 10th Place and SE 10th Avenue at the eastern and western property lines, and the streets will connect through the proposed subdivision. As future development occurs in the adjacent approved Faist Addition Subdivision, S. Vine Street will extend into the subject subdivision from the south and intersect SE 10th Avenue and SE 10th Place. The property was annexed in 2001 under ANN 01-02, a 45.42 acre annexation

approved by voters and the Canby City Council. The property is not designated in a development concept area on the City of Canby Annexation Development Map. However, future development patterns on the parcel were shown on maps from the SE 13th Avenue Development Concept Plan that was created for other properties in the vicinity. An emergency turnaround, required for adjacent subdivision is located on the property and will be eliminated by the development. The City shall release the Emergency Access Agreement recorded for Faist 6 and Timber Park Subdivisions. Zoning surrounding the parcel is R-1 with R-1.5 to the east.

II. ATTACHMENTS

- A. Application
- B. Application narrative
- C. Pre-application meeting minutes
- D. Neighborhood meeting notice, notes, and attendance sheet
- E. Record of Survey
- F. Title Report
- G. Vicinity Map
- H. Assessor Map
- I. Record of Survey
- J. Sheet 1 – Site Plan (Tentative Plat)
- K. Sheet 2 – Existing Conditions
- L. Sheet 3 – Utility Plan
- M. Sheet 4 – Grading Plan
- N. Sheet 5 – Street Profiles
- O. Sheet 6 – Approved Development concept Plan
- P. Agency Comments
- Q. Citizen Comments

III. APPLICABLE CRITERIA & FINDINGS

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

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

Findings:

The subject parcel was included with three parcels that totaled 45.42 acres for an annexation in 2001. Staff determined that a Traffic Impact Study (TIS) for development resulting from the annexation was not necessary, because a traffic study was performed for an annexation of adjacent properties under a Development Concept Plan in 2014 and another was performed for the adjacent Faist Phase 6 Subdivision that was approved in 2015. Because of recent traffic studies, an additional study is not necessary for this proposal.

The applicant provided a utility plan in the submitted application material. Any sanitary sewer proposals must be approved by the City of Canby Public Works. The plan will connect to existing or proposed lines to the east and west that are located in previously approved subdivisions.

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

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 payment of a SDC fee rather than dedication of park land.

As a condition of approval, the applicant shall pay the applicable Public Improvement Engineering and Site Development Engineering Plan review fees with City approval of the construction plans and prior to start of construction.

A minimum lot size of 7,000 square feet and a maximum of 10,000 square feet is allowed in the R-1 zone, under provisions in Section 16.16.030(A). The applicant is requesting an exception to the minimum lot area for lots 14 and 18 as allowed under Section 16.16030(B). The lot size of Lot 14 is proposed at 6,233 square feet and Lot 18 at 6,177. The lot sizes in the subdivision range from 6,177 square feet to 8,160 square feet with a lot average of 7,243 square feet. No lots are over the maximum.

The applicant provided a narrative that established the proposed lots mentioned above meet the criteria stated below, in particular the public benefit provision for more than 10% of the lots that are outside the minimum and maximum lot area standard listed in 16.16.030 (B) is not applicable.

Section 16.16.030(B) states that the Planning Commission may approve an exception to the minimum and maximum lot size as part of a subdivision if standards in 16.16.030(B) are met. Section 16.16.030(B) states the following:

16.16.030(B). *Lot area exceptions:*

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

a. The average area of all lots created through the subject land division, excluding required public park land dedications, surface water management facilities and similar public use areas, shall be no less than seven thousand square feet and no greater than ten thousand square feet. Non-required significant natural resource areas shall be included in the average lot size calculation to enable a transfer of density onto buildable portions of the site. Required areas include identified parks, wetland areas, riparian corridors, and other areas in which building is not permitted under local, state, or federal laws or regulations. For land in the North Redwood DCP area, the Planning Commission may allow public park land dedications to be included in the lot size averaging calculation in order to achieve community development goals and allow protection of natural resources; in this case, the resulting average lot size shall not be less than 5,000 square feet. (Am. Ord.1422, 2015)

b. No lot shall be created that contains less than six thousand square feet, unless the alternative lot layout option provided in Section 16.64.040 is used (Am. Ord.1422, 2015);

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

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

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

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

Findings: **The applicant stated in the submitted narrative that the proposed lot reductions are justified under the above criteria. However, the Planning Commission must determine if the applicant’s arguments are valid enough to except the lots from meeting the code requirements. An alternative would be to redraw the Tentative Plat in a way that the lot sizes and widths are consistent with criteria listed in the code or limit the number of undersized lots.**

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

IV.

PUBLIC/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 that was received to date are attached and will be presented to the Planning Commission.

V.

CONCLUSION 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** Subdivision SUB 18-02 pursuant to the Conditions of Approval presented in *Section V*.

General Public Improvement Conditions:

1. Prior to the start of any public improvement work, the applicant must schedule a pre-construction conference with the city and obtain construction plan sign-off from applicable agencies.
2. The development shall comply with all applicable City of Canby Public Works Design Standards.
3. The final construction design plans shall conform to the comments provided by the City Engineer in his memorandum dated July 30, 2018.
4. Public improvements such as sidewalk and street improvements are required during development.

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 appropriate city Master Fee authorized Engineering Plan Review fees prior to construction (approval of construction plans) as each phase of development occurs.

Streets, Signage & Striping:

9. The street improvement plans for and the interior streets shall conform to 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 with each phase of development.

Stormwater:

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

Grading/Erosion Control:

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

Final plat conditions:

General Final Plat Conditions:

17. The applicant shall apply for final plat approval at the city and pay any applicable city fees to gain approval of the final subdivision plat. Prior to the recordation of the final plat at Clackamas County, it must be approved by the city and all other applicable agencies. The city will distribute the final plat to applicable agencies for comment prior to signing off on the final plat if deemed necessary.
18. 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.
19. 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.
20. All "as-builts" of City public improvements installed shall be filed with Canby Public Works within sixty days of the completion of improvements.
21. 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.

22. The applicant shall record the final plat at Clackamas County within 6 months of the date of the signature of the Planning Director.
23. 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.
24. 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

25. The applicant shall dedicate public streets shown on the Tentative Platt and on the Final Plat.

Easements

26. 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.
27. Sidewalk easements are required along the frontage of the newly created private lots for any portion of the 6' public sidewalk that will lie on private property.

Street Trees

28. 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 determined by an approved Street Tree Plan on a per tree basis.

Monumentation/Survey Accuracy Conditions

29. 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:

30. Construction of all required public improvements and recordation of the final subdivision plat must be completed prior to the construction of any homes.
31. The homebuilder shall apply for a City of Canby Site Plan Permit and County Building Permit for each home.
32. The homebuilder shall apply for a City of Canby Erosion Control Permit.
33. All residential construction shall be in accordance with applicable Public Works Design Standards.
34. On-site stormwater management shall be designed in compliance with the Canby Public Works Design Standards.
35. 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.

- 36.** 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.
- 37.** Sidewalks and planter strips shall be constructed by the homebuilder as shown on the approved tentative plat.
- 38.** All usual system development fees shall be collected with each home within this development.



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

LAND USE APPLICATION

SUBDIVISION

Process Type III

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

Applicant Name: Canby School District, Denise Lapp Phone: 503-266-0020
 Address: 1130 S. Ivy Street Email: lappd@canby.k12.or.us
 City/State: Canby, OR Zip: 97013

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: Canby School District Phone: 503-266-0020
 Signature: *Denise Lapp*
 Address: 1130 S. Ivy Street Email: *lappd@canby.k12.or.us*
 City/State: Canby, OR Zip: 97013

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>South of Baker Prairie Middle School</u> | <u>5.00 Ac.</u> | <u>4 1E 03 00900</u> |
| Street Address or Location of Subject Property | Total Size of Property | Assessor Tax Lot Numbers |
| <u>Vacant</u> | <u>R-1</u> | <u>LDR, Low Density Residential</u> |
| Existing Use, Structures, Other Improvements on Site | Zoning | Comp Plan Designation |

23 lot R-1 residential subdivision with associated public streets and utilities
 Describe the Proposed Development or Use of Subject Property

| STAFF USE ONLY | | | | |
|------------------|---------------|-------------|-----------|-------------------|
| <u>SWB 18-07</u> | | <u>LF</u> | | |
| 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

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.
- N/A

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.

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

SUBDIVISION – TYPE III: APPLICATION PROCESS

1. Prior to submitting an application, all applicants are encouraged to request a pre-application meeting with the City or the City Planner may determine that a pre-application meeting is necessary after an application has been discussed or upon receipt of an application by the City. To schedule a pre-application meeting, an applicant must submit a completed pre-application form, two (2) sets - 11" x 17" paper copies of preliminary drawings, and an electronic submittal of all application materials either on CD, a jump drive, or by email to PlanningApps@canbyoregon.gov to the Planning Department and pay the appropriate fees. You will receive an email notice verifying the date of the Pre-Application meeting.
2. Prior to submitting an application, all applicants must hold a neighborhood meeting with surrounding property owners and any recognized neighborhood association representative, pursuant to the procedures described in Canby Municipal Code Section 16.89.070. In certain situations, the Planning Director may waive the neighborhood meeting requirement.
3. At the time an application is submitted to the City, payment of all required application processing fees is required. An application will not be accepted without payment of fees. Please see the Master Fee Schedule on our website at www.canbyoregon.gov
4. Staff will check the application, making sure that it is complete and all fees are paid. Copies of the application materials are routed to various City/State/County departments, as applicable, for their comments. Along with the comments received from others, the application is reviewed for completeness. The City Planner will accept or return the application with a written list of omissions within thirty (30) calendar days of the submittal.
5. Staff investigates the application, writes a staff report, issues public notice, notifies surrounding property owners, and makes all facts relating to the request available to the Planning Commission and all interested parties.
6. Prior to the public hearing, the City will prepare notice materials for posting on the subject property. This material will be posted **City Staff** at least ten (10) days before the public hearing.
7. The staff report will be available to all interested parties seven (7) days prior to the hearing.
8. The Planning Commission holds a public hearing. The staff report is presented to the Commission. Testimony is presented by the applicant, proponents and opponents, followed by rebuttal from the applicant.
9. The Commission then issues findings of fact which support approval, modification, or denial of the application. A decision may be appealed to the City Council.
10. If an approval or a denial is appealed, City Council holds a public hearing. The staff report is presented and testimony taken, as at the original hearing(s). Unless the City Council decides to hear the appeal de novo, only testimony regarding items already in the record is permitted, and no new information may be entered. In the case of an appeal, the Council may affirm, revise or reverse the action of the Planning Commission in all or in part. The Council may also remand the matter back to the hearing body for further consideration.

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

SUBDIVISION – TYPE III: STANDARDS AND CRITERIA

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

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

Application for Subdivision, "Cougar Run"

| | |
|--------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Property Owner & Applicant: | Canby School District 1130 S Ivy Street Canby, OR 97013 (503) 266-7861 |
| Representative | Sisul Engineering 375 Portland Avenue Gladstone, OR 97027 Pat Sisul, Project Manager Telephone: (503) 657-0188 |
| Location | No Site Address South of Baker Prairie Middle School & north of the Faist Addition No. 7 subdivision. West of the Timber Park subdivision and east of Faist Addition Phase 6. |
| Legal Description | Tax Lot 00900, Sec. 03, T4S R1E WM (Assessor Map 4 1E 03) |
| Zoning | R-1 (Low Density Residential Zone) |
| Site Size | 5.00 Acres |
| Proposal | To develop a 23-lot subdivision, with all lots suitable for detached single family dwellings, consistent with R-1 zoning standards. |

SITE DESCRIPTION

The property is owned by the Canby School District and the site is located south of and adjacent to Baker Prairie Middle School in southeast Canby. The site is a rectangular 5.00-acre parcel measuring approximately 495 feet x 440 feet. Four street stubs terminate at the boundary of the property. SE 10th Avenue is stubbed to the eastern and western property lines, each with 50-foot wide right-of-ways, while SE 10th Place is stubbed to the southeastern and southwestern corners of the site with 25 feet of frontage on each side of this site. A gravel emergency vehicle turnaround is located along the western property line at the termination of SE 10th Avenue.

The property was land locked and had no access from a public right-of-way until October, 2015, when the Faist Addition No. 6 subdivision was platted and streets in that subdivision were stubbed to the western boundary of the property. In December, 2016, the Faist Addition No. 7 subdivision was platted to the south of the site and in December, 2017, the Timber Park subdivision was platted to the east of the site and SE 10th Avenue and SE 10th Place were stubbed to the site's eastern property line.

The site is zoned R-1, Low Density Residential, as are other sites to the south and west. The Timber Park subdivision to the east is zoned R-1.5, Medium Density Residential and the Baker Prairie Middle School to the north is zoned R-1, with a Comprehensive Plan designation of "Public".

All roadways near the site are designated as local streets. SE 13th Avenue, a County collector roadway, is located 850 feet south of the property, while Sequoia Parkway, a City collector roadway, is located 810 feet to the east. Nearby schools include Baker Prairie Middle School immediately north of the site, Trost Elementary School on Redwood Street to the northwest, and the Ackerman Center on SE 13th Avenue to the west.

The site is vacant and has been so for many years. There are a few trees and a mixture of groundcover, however, Himalayan blackberry is the dominant species. Other than the existing trees, the site has no identified natural resources and there are no identified physical hazards. The site falls from west to east, away from Faist Addition Phase 6 and toward the Timber Park subdivision. Of the four streets stubbed to the property boundary, SE 10th Place in Faist Addition 6 (at 178.75) is the highest while SE 10th Place in Timber Park (at 175.15) is the lowest. The elevation at SE 10th Avenue (west) is 177.40 while the elevation of SE 10th Avenue (east) is 176.14.

Public water, sewer, power gas and communications are located in both SE 10th Avenue and SE 10th Place. Public storm drainage can be made available through construction of new drywells.

PROPOSAL

A 23-lot residential subdivision is proposed. The total site area is 5.00 acres, with street dedications accounting for 1.176 acres, leaving 3.824 acres available for subdivision development. The net density for the subdivision is one dwelling for each 7,243 square feet or 6.01 dwellings per net acre.

All streets in the subdivision will be local streets. Local streets will comply with current City standards, including streets measuring 34 feet between the curbs, 4.5 feet wide planter strips, and 6-foot wide sidewalks. Street right-of-ways will measure 50 feet.

Public sanitary sewer is available to serve this site from Timber Park, the subdivision to the east, while public water is available in all streets surrounding the site. The subdivision will install new public sanitary and water mains in all newly constructed streets to serve the proposed lots and to create a looped water system for the City of Canby. Storm water will be collected in catch basins placed at appropriate locations and will be disposed of in drywells, similar as has been done in the adjacent subdivisions.

A pre-application conference with the City occurred on April 24, 2018. No issues of concern were identified, beyond usual and expected considerations of Code compliance. A Neighborhood meeting was conducted at Canby School District Offices on May 21, 2018 and notes summarizing the discussion are submitted with the application. A traffic impact study for the development was deemed not necessary due to the large number of traffic studies that has been completed in this neighborhood recently that have documented no unanticipated conditions or conditions of concern.

Platting of the subdivision will require the City of Canby to release the Emergency Access Easement recorded as Fee No. 2015 072229, Clackamas County Records. The easement was recorded to facilitate a temporary emergency vehicle turnaround at the east end of SE 10th Avenue with the Faist Addition Phase 6 subdivision. Similar temporary turnaround easements can also be removed from Lot 14 of Faist Addition No. 6 and Lots 90 & 91 in the Timber Park subdivision to the east since the connection of the two roadways through the subdivision make the emergency vehicle turnarounds no longer necessary. All of these easements shall be removed when the plat records, dedicating the right-of-way through the site to the public.

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
- 16.16 R-1 Low Density Residential Zone
- 16.46 Access Limitations on Project Density
- 16.56 Land Division General Provisions
- 16.60 Major or Minor Partitions
- 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). This requirement can be satisfied when building plans are submitted for each lot.

Chapter 16.16 R-1 Low Density Residential Zone

Response: The proposed subdivision will create 23 new lots for detached single family dwellings. The proposed residential use is allowed outright in the zone (16.16.010.A). New lots in the R-1 Zone are required to meet the development standards specified in Sec. 16.16.030. 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 16.16.030 R-1 Zone Dimensional Standards

| Requirement | Proposed |
|----------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| 16.16.030.A Minimum and maximum lot area: 7,000 sq. ft. and 10,000 sq. ft. | Lots proposed = 23 Min. lot area = 6,177 sq. ft. Max. lot area = 8,160 sq. ft. Average lot area = 7,243 sq. ft. |
| 16.16.030.C Minimum width and frontage: 60 feet | All lots are at least 60 feet wide and have at least 60 feet of frontage. |

| | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| 16.18.030.D Minimum yard requirements: Street yard, 20 feet for side w/dwy Other street yards, 15 feet Rear yard, 20 feet for two story building, 15 feet for one story Interior yard: 7 feet, or zero lot line | These requirements will be satisfied when building plans are submitted for structures on each proposed lot. |
| 16.16.030.E Maximum building height: 35 feet | This requirement will be satisfied when building plans are submitted for structures on each proposed lot. |
| 16.16.030.F Maximum amount of impervious surface: 60 percent | This requirement will be satisfied when building plans are submitted for structures on each proposed lot. |
| 16.16.30.G Other regulations. | These requirements will be satisfied when building plans are submitted for structures on each proposed lot. |

16.16.030B. Lot area exceptions:

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

Response: The applicant is requesting an exception to the minimum lot area standard for two lots, Lots 14 and 18.

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

Response: As noted earlier in this narrative, the average lot area for the 23 proposed lots is 7,243 square feet, which is between 7,000 square feet and 10,000 square feet. This criterion is met.

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

Response: Two lots are proposed to be less than 7,000 square feet, but both will be larger than 6,000 square feet. This criterion is met.

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

Response: No two-family dwellings are proposed. This criterion does not apply.

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

Response: No oversized lots are proposed. This criterion does not apply.

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

Response: As noted earlier in this narrative, two lots will be outside of the minimum and maximum required lot areas. Two lots is 8.7 percent of the 23-lot total, less than the ten percent threshold. This criterion therefore does not apply.

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

Response: The maximum lot area is not an issue. This criterion does not apply.

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 layout of the public street system east of S Teakwood Street was established in 2014 when the City Council voted to approve the SE 13th Avenue Development Concept Plan (DCP). Most of the streets and lots in the DCP area have already been constructed, this property, although not technically in the SE 13th Avenue DCP area, is located adjacent to the DCP on two of its four sides, and its street layout was established through the adoption of the DCP by the City Council and the approval and development of neighboring properties as residential subdivisions.

Looking at just the development site itself, the 23 lots in the subdivision will be served by a minimum of 4 points of access, possibly 5, depending upon the timing of the Faist Addition No. 9 subdivision to the south. Using the City's formula in 16.46.010.A.2, four street connections will permit up to 288 residential units.

The larger neighborhood that includes the area bounded by S Teakwood Street on the west, S Sequoia Parkway on the east, SE 13th Avenue on the south, and Baker Prairie Middle School on the north will be served by a total of 5 public street connections; SE 10th Avenue, SE 10th Place and SE 11th Avenue to S Teakwood Street and S Vine Street

and S Walnut Street to SE 13th Avenue. This area includes the following developed, or approved, subdivisions:

| <u>Subdivision</u> | <u># of Lots</u> |
|--------------------------------------|------------------|
| Faist Addition Phase No. 6 | 30 |
| Faist Addition Phase No. 7 | 6 |
| Faist Addition Phase No. 8 (planned) | 26 |
| Faist Addition Phase No. 9 (planned) | 6 |
| Timber Park | 104 |
| <u>Canby School District</u> | <u>23</u> |
| Total | 195 |

Using the City’s formula in 16.46.010.A.2, five points of access is sufficient to serve 375 homes, which is more than the 195 planned for this area. Therefore, this criterion is satisfied.

All roadways within and adjacent to the development are proposed to be two-lane public roadways having 34 feet of pavement.

16.46.030 Access Connection

Response: The applicant proposes no new streets, but extensions of existing public streets. SE 10th Avenue and SE 10th Place will be extended through the site to connect existing dead-end segments of each roadway through the site. The centerline of SE 10th Place is planned to be located on the southern property line of this site with the street ½ on this site and ½ within the Faist Addition No. 9 subdivision to the south. Faist Addition No. 9 has been approved by the Planning Commission for development and it is anticipated to be developed in the next two years. It will be necessary for the developers of these two properties to work together to dedicate the full 50-foot wide right-of-way and install the necessary utilities when the first of the two developments is ready to be platted.

In addition to the two east-west connections through the site, a north-south street, S Vine Street will be constructed connecting the two east-west roadways. The extension of S Vine Street through this site to SE 10th Avenue will facilitate access to SE 13th Avenue, a County collector. All of the streets in this subdivision and in the neighboring developments are planned by the Development Concept Plan approved for the area by the City Council. See Maps Sheet 6 of 6 for the Approved DC Plan.

Platting of the subdivision will require the City of Canby to release the Emergency Access Easement recorded as Fee No. 2015 072229, Clackamas County Records. The easement was recorded to facilitate a temporary emergency vehicle turnaround at the east end of SE 10th Avenue with the Faist Addition Phase 6 subdivision. Similar temporary turnaround easements can also be removed from Lot 14 of Faist Addition No. 6 and Lots 90 & 91 in the Timber Park subdivision to the east since the connection of the two roadways through the subdivision make the emergency vehicle turnarounds no longer necessary.

16.46.070 Exception Standards

Response: All intersections conform to the Access Management Guidelines for City Streets, Table 16.46.30. 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 will not require site and design review.

Division IV Land Division Regulations

Chapter 16.60 Major or Minor Partitions

Response: No partition is proposed with this application. The provisions of Section 16.60 do not apply.

Chapter 16.62 Subdivisions-Applications

Response: An application satisfying 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 division conforms 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. Twenty-one of the 23 lots meet or exceed the minimum lot area standards for the R-1 Zone. A lot area exception is requested for the two lots that will be below the minimum lot size requirement and it was demonstrated in response to Section 16.16 that the exception criteria has been met. Each lot has access to a local public street and has

easy connectivity to a nearby collector street (SE 13th Avenue). The proposed subdivision layout provides connectivity through the site for the neighborhood east and west of the site for vehicles, bicycles and pedestrians. Public utilities, including sewer, water, communications, and power will be extended through the development to facilitate the utility service systems of the City and other service providers. 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, minimum lot size requirements, and the requirement for 6-foot wide sidewalks and planter strips along both sides of local streets, make it difficult to achieve Low Impact Development within the confines of a low density residential subdivision.

Two low-impact development techniques that can be achieved in this development include injection of stormwater back into the ground to keep the ground water aquifer charged, and to reduce exposed impervious surfaces through the installation of street trees. Installation of new public drywells will direct street runoff into the ground, while each home will install a rain drain infiltration system for roof runoff. Street trees will provide shade that will reduce heat from impervious surfaces such as streets, driveways, sidewalks, and rooftops.

The street system is double loaded, which provides for an efficient and economical design with less impervious surface per acre than single loaded street systems. The proposed layout and ample lot sizes provide lots that are large enough to allow adequate

space to create vegetation after the homes are constructed, similar to surrounding developments.

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 zoning designation. Public water mains are installed in all nearby roadways. Extension of the public water system through this site will eliminate dead end waterlines, improve fire flow, and improve water quality, all positives.

Public sewer is installed in all nearby roadways as well. The sewer east of this site in the Timber Park subdivision is deep enough to serve the proposed development. Public storm drainage is available using infiltration, through the installation of new drywells, similar as with other adjacent developments. New drywells in this area have been demonstrated to have a high-volume capacity and therefore drainage rates are not a concern. Power, gas and communications facilities are also all available in all nearby streets.

Police protection is provided by Canby Police Department and service is provided through the existing City Police Station located on NW 3rd Avenue. Fire protection is provided by Canby Fire District, which serves the City of Canby and the surrounding area. Service to this site would come from existing fire department facilities on S Pine Street. As mentioned above, new public water mains and fire hydrants installed within this development will assist with local fire protection through the elimination of 4 dead end roadways and 4 dead end water mains.

All public services are available or will become available for the subdivision at the time of development. Existing emergency access turnarounds to the east and west can be removed with development of this site.

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: Three schools are located in the vicinity of the proposed development. Sidewalks will be constructed along all streets in the subdivision at the time new homes are constructed. When the neighborhood is completely built out, the sidewalk network will provide safe connections that support the objectives of the Safe Routes to Schools Program.

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

Response: Several Traffic Impact Studies have been commissioned recently for other nearby annexations and subdivisions and these traffic studies have considered future traffic generated by this site. All studies found that nearby roadways and intersections are expected to operate within acceptable standards. Due to the number of traffic studies recently completed for this area, the Planning Department determined that another traffic impact study for this development was not necessary.

Chapter 16.64 Subdivisions Design Standards

Section 16.64.010 Streets

Response: Roadways will have pavement widths of 34 feet from curb to curb, while street right-of-ways will be 50 feet. Planter strips separating the curb from the sidewalk will measure 4.5 feet and public sidewalks will be constructed 6 feet wide. These dimensions are all consistent with the City's current local street standards.

Proposed street names include "SE 10th Avenue", "SE 10th Place" and "S Vine Street" which are all extensions of existing streets. Based upon comments provided by neighbors at the neighborhood meeting, the City may want to consider an all-way stop intersection at the proposed SE 10th Avenue / S Vine Street intersection to reduce vehicular speeds through the neighborhood.

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.

The public road system is designed to extend and connect existing streets through the site as envisioned by the approved SE 13th Avenue Development Concept Plan. The proposed road network provides convenient access for residents, visitors, deliveries, emergency vehicles, and garbage collection. New horizontal street alignments are proposed continue the gridded street pattern developed to the east and west with the extensions of SE 10th Avenue, SE 10th Place, and S Vine Street anticipated to generally follow the overall terrain of the area.

Local streets will have sidewalks on both sides, 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. This project builds upon the north/south and

east/west block widths and grid pattern established by previous subdivisions and the approved SE 13th Avenue Development Concept Plan. East/west block lengths are closer to 600 feet in this neighborhood to match the approved intersection spacing along SE 13th Avenue.

Section 16.64.030 Easements

Easements for utility lines and pedestrian walkways will be provided as necessary to satisfy requirements of the City.

Section 16.64.040 Lots

(16.64.040.A & B) Lot sizes and shapes generally comply with dimensional requirements for the R-1 Zone, as previously discussed in this narrative and as shown on the submitted site plan. Two lots, Lots 14 & 18, are proposed to be smaller than the minimum permitted lot size of 7,000 square feet. A lot area exception request is submitted for the Planning Commission to review and all relevant exception criteria have been addressed and met.

Just east of this site, the Timber Park subdivision, was recently platted. Timber Park is a R-1.5 zoned subdivision and permitted lot sizes in the R-1.5 zone range between 5,000 square feet and 6,500 square feet. The average lot size in Timber Park is 6,222 square feet, which is approximately the same size as proposed Lots 14 and 18.

Having two lots smaller than 7,000 square feet will not feel out of place, as this subdivision represents the transition between the larger R-1 lots to west and the smaller R-1.5 lots to the east. As both of these lots meet the minimum width requirement for the R-1 zone and the average lot size is more than 7,000 square feet, the lot area exception request should be approved.

(16.64.040.C) All R-1 lots have at least 60 feet of frontage.

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

(16.64.040.E) Side lines are generally at or near to right angles to the fronting 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 injection of storm water into a drywell as has been done in the neighboring subdivisions.

(16.64.040.I) No flag lots or pan-handle shaped lots are proposed.

(16.64.040.J) The proposed development does not meet the "Infill" standards.

Section 16.64.050 Parks and Recreation.

Due to there being other existing parks in this neighborhood, the City Development Services Department has indicated that they would prefer that fee in lieu payments for Parks and Recreation be provided at the time of building permit submittals. Therefore, no area is proposed for dedication as public open space.

Section 16.64.060 Grading of Building Sites

Minor grading will be accomplished on the site to create suitable building sites and to blend the new street elevations to the terrain of the neighboring lots.

Section 16.64.070 Improvements

Improvements for the subdivision will be performed as required by this section. Tentative 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 additional information.

Following approval of the preliminary plan, more detailed construction plans will be submitted to the City for plan review and approval prior to construction. These construction plans will also be submitted to the private utility service providers, such as the gas and communications companies, so that they may design their system improvements needed to serve the subdivision.

Streets within the development will be constructed to the City's standard width and structural section. Utilities, street lighting, street signage, and striping will all be installed prior to homes being constructed. Sidewalks, driveways and street trees will be installed as homes are constructed throughout the subdivision, as these improvements are typically constructed at the same time as the homes.

Stormwater will be managed through collection of stormwater in new and existing catch basins and underground injection into drywells. 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 a good fit for the pitched roof architecture seen in residential subdivisions today. Porous 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 tends to deposit soil and other landscaping material onto the surface of the roadway, often clogging porous pavements, and preventing the porous pavements from functioning as intended. When material works its way down into the pores of the porous pavement, it becomes nearly sealed and it functions much 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.

Sanitary sewer will be provided to this development through extensions of the existing sanitary sewer mains located east of this site in SE 10th Avenue and SE 10th Place. The sanitary sewer is of adequate depth to serve this site.

New public water mains and fire hydrants will be constructed in all new streets and will connect to existing water mains installed by neighboring subdivisions. This will loop the water system and will lead to better water quality and higher fire flows.

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.

Proposed streets in this subdivision will all be extensions of existing public streets that were planned with the approved SE 13th Avenue Development Concept Plan. Right-of-ways, pavement width, planter strip width and sidewalk width will all meet City standards. On the south side of SE 10th Place, the applicant and/or developer of this site will need to work with the developer of the adjacent subdivision to ensure that there is adequate right-of-way to install the full roadway and utility improvements. This will likely require the dedication of right-of-way by one party or the other, prior to the first of the two subdivision plats being recorded.

SE 10th Avenue, SE 10th Place and S Vine Street are proposed to match existing roadways at the property boundaries and will be extended through the subdivision using horizontal and vertical curves consistent with City of Canby Street Standards. Existing emergency vehicle turnaround easements onsite and in other developments adjacent to this site should be vacated by the City of Canby as they will no longer be necessary.

The City of Canby may want to consider creation of an all-way stop intersection at the new intersection of SE 10th Avenue and S Vine Street in order to alleviate concerns of the neighbors who live on SE 10th Avenue who fear that their street may become a raceway for people accessing Baker Prairie Middle School.

Chapter 16.88 General Standards and Procedures

The general standards and procedures set forth 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 applicant, with the land use application signed by a representative of the property owner, and the appropriate fees 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.

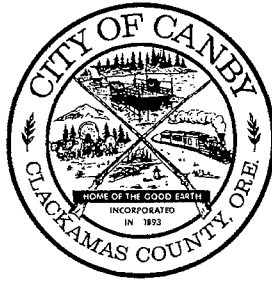
This application is a Type III procedure. A Pre-application meeting was held with City and utility company representatives on April 24, 2018. No issues of concern were identified, beyond usual and expected considerations of Code compliance. A neighborhood meeting was held at school district offices on May 21, 2018 where the applicant and the applicant's representative met with several neighbors of the site. The neighbors expressed a few concerns, mainly with how the continuation of the roadways will impact their neighborhood. As noted earlier in this narrative, the City may want to consider creation of an all-way stop at the intersection of SE 10th Avenue and S Vine Street in order to reduce vehicular speeds on SE 10th Avenue and to possibly discourage some cut-through traffic.

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, accompanying plans, and documents together demonstrate that the proposed subdivision generally conforms with the applicable criteria and standards of the City's Land Development and Planning Ordinance and is consistent with the SE 13th Avenue Development Concept Plan that was approved by the City Council. Therefore, the applicant requests that the Planning Commission approve the application for subdivision.



Pre-Application Meeting

Canby School District

April 24, 2018

10:30 am

Attended by:

Denise Lapp, Canby School District, 503-266-0020
Pat Sisul, Sisul Engineering, 503-657-0188
Shane Hester, Erosion Control, 503-266-0698
Jim Stuart, Canby Utility, 503-263-4322
Doug Quan, CU Water, 971-563-6314

Tom Scott, Canby School District, 503-266-5488
Jennifer Cline, Public Works, 503-266-0780
Gary Stockwell, CU Electric, 503-263-4307
Bryan Brown, Planning Department, 503-266-0702

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

SISUL ENGINEERING, Pat Sisul

- This property is owned by the Canby School District just south of Baker Prairie Middle School and adjacent to the Faist Addition and Timber Park Subdivisions. This was planned along with the 13th Avenue development concept plan but is not a part of it. This is the last section of land to be developed and SE 10th Avenue and SE 10th Place are constructed to the west and the east of the development connecting all the subdivisions together. S Vine Street will be extended north to 10th Avenue as per the development concept plan.
- The utilities would be connected at both ends of SE 10 Ave and SE 10th Place. The sanitary sewer would drain east into the Timber Park Subdivision and the storm drainage would be located centrally in the development.
- Some grading on this site was done by Timber Park Subdivision and a little bit more grading will be necessary.
- There will have to be some cooperation taking place on the southern property line to build SE 10th Place and as the concept plan was set up, Ralph Netter owns to the middle of SE 10th Place and the Canby School District owns to the middle of SE 10th Place. The cooperation between the two will need to happen to build either side of the roadway. Sanitary sewer will be on one side of the street and the water will be on the other. Faist Addition phase 9 is approved and Ralph can build it at any time and I think he is very interested in doing so and will have to talk to the school district.

CANBY UTILITY, ELECTRIC DEPARTMENT, Gary Stockwell

- Unless any of the lots have changed, you should have a copy of the electrical design, but just in case here is a copy of the electric design. Gary said as you can see from the design it will take cooperation on Ralph's side of the street for the transformers, etc.
- Scott said if for some reason Ralph is not ready to go will there be a problem and Gary said no it will not stop your project, it would be nice to keep everything as it is, but if I had to

redesign it we can certainly work it out. Tom asked if Gary had completed a fee estimate and Gary said not at this time, but Pat could look at the numbers from Timber Park subdivision and the newer Faist Additions and could come up with a budgetary number per lot.

- The design includes street lighting, which will fall right into the pattern around it.
- Same rules apply and the only exception is our fee structure changed slightly and from the estimate, I produce you will pay half the costs and we bill you the rest upon completion.

CANBY UTILITY, WATER DEPARTMENT, Doug Quan

- The question I have is the water changing sides on the street and Pat said yes, the reason it is on the north side here is that there was a cross put in years ago and we continued it knowing we would need to have it jogged to the other side of the street. Doug said when they built Timber Park they put the water on the south side and Pat said there is no sewer here and it is a good location to make the jog across the street. Doug said the sewer stops at the last lot and Pat said yes. Doug said we have worked together long enough to know there will not be any issues, are there any elevation conflicts with this project. Pat said we believe we will keep the sanitary sewer low enough to where the laterals will be deep enough below the water and that was the reason for the fill and we might have to bring it up a little by the time we get the final design. Doug said it will be nice to have the system looped together. Pat said this may be one of the first projects where we actually get rid of an automatic blow off and who does it go to and Doug said Canby Utility and will be put in our inventory. Technically they become part of the system when they get installed. We have been letting the developers move them from phase to phase.
- Pat said Timber Park Subdivision put in this temporary water line here and Doug said it can be abandoned as long as the property owner does not have any issues with it. Pat asked if they could abandon it in the street and fill it with concrete on both ends and Doug said yes.

CITY OF CANBY, PUBLIC WORKS DEPARTMENT, Jennifer Cline

- I have reviewed Hassan's comments and they are pretty general. I do want talk about SE 10th Place and the 10 ft plus half street improvements, which gets you about 27 ft out. I do not know if that will work and you also have storm drainage showing, if you are not going the full pavement width of course your storm drainage will not function on that side of the street. I do not know if you guys can work something out to where there is a possible reimbursement for building the full street to the curb. Pat said when I first mentioned this development to Ralph Netter I think he is interested in getting this done and he wanted to know if the city would have any issues with his side of the street being part of the same set of plans and that is something for you guys to work out. He would be interested in the whole street being complete and Bryan said he did not know if it would cause a problem since we have his cooperation and we know what the design would be for that side of the street. As long as you are following both designs and Pat said if the parties could come to an agreement the city would be fine with everything being done that way even though it is two different plots. Tom said if they were working at the same time it would take a dedication and Bryan said you will need to have a separate legal street dedication filed of record on his property. Tom said they would not have to both be platted they would just have to be dedicated and Bryan said it would be a separate instrument to get recorded for the rest of the street. You will probably duplicate it when the plat gets filed for Ralph Netter's property and you do not

have to worry about the other document as long as they correspond. Pat said to clarify, you are wanting curb to curb improvements and Jennifer said yes if you get either developer to do the entire street they can reimburse the other for their share. Pat said if necessary we can move the storm system also.

- Jennifer said we need a storm drainage analysis report and Pat said the drywell just to the south of this project took 2,400 gallons per minute and only filled up 36 inches. I am sure one will handle it, but we will prepare the report.
- Match the horizontal and vertical street alignments and show them matching.
- The services to the Netter property shall be extended past the paved section to avoid multiple street cuts to the new street in the future. We will need to talk about the size of the cuts and Pat said no problem we can discuss it and I am assuming we will need to cut back all four corners.
- Depending on who goes first we need to have the dead end signs established on the parcel that will not be developed yet.

CITY OF CANBY, PLANNING DEPARTMENT, Bryan Brown

- It looks like every single lot meets our standards at 60 ft lot widths and Pat said lots 14 and 18 are under 7,000 sq ft but that is less than 10%. Bryan said it makes it simple and the circulation is great, typical grid and the block sizes are fine. It sounds like you are following our local street standard and connecting to the same width streets and Pat said yes.
- There is no need for a traffic study.
- I know you are familiar with the Land Use application and what sections of the code you need, but if anyone needs a refresher I can send the information to you on the exact sections you usually review in the narrative.
- Tom wanted to confirm you are not asking for a park dedication and Bryan said no park.
- There are no plans for a home owner's association and Tom said we probably will talk to Ralph and see if it makes sense to combine. Bryan said there is no common area and there is no need for one.
- Tom asked if the city has a code for planter strips and Bryan said you are responsible for everything out to the curb, even though it is in the city's right-of-way for maintenance. If it has anything to do with a tree you will need to get approval from Public Works. We still have our standard street tree requirement in the planter strips and you do need to consider a street tree planting plan and it could come out in your favor to do one. Just a bit of information as of July 1st the City of Canby will be doing a new fee structure and it will be \$500.00 per tree now because you will also be placing root barriers and Jennifer said we are doing an RFI to hire a landscaping firm to install the root barriers, plant the trees, water and guarantee the maintenance for two years.

CITY OF CANBY, EROSION CONTROL, Shane Hester

- On the erosion control aspect it a little premature, but when we get closer in the summer months we have to be aware of the dust control especially with so many houses under construction in the area. Pat said they did not know when they plan on starting the project and Tom said all we are doing now is getting the site platted. Pat said Canby School District is not necessarily interested in building it, they are interested in getting approved, platted and selling it.

Canby School District Subdivision on SE 10th Avenue - Neighborhood Meeting
May 22, 2018, 5:30 pm @ Canby School District Offices, Meridian Room

Eleven people attended the meeting. Seven were neighbors of the site, 3 were school district representatives, and the other was the applicant's representative. A sign in sheet is attached, although not everyone in attendance signed in.

The meeting began at 5:30 PM.

Large maps were provided that showed the proposed subdivision together with existing lots surrounding it in the vicinity. An aerial map was also provided.

Pat Sisul began the meeting by discussing how the land use process works and that the Neighborhood meeting is the first opportunity for neighbors of the development site to have input on a project. Other opportunities for input would be after application is made and the City Staff requests comments from neighbors and if they chose to testify at the Planning Commission hearing.

After a brief explanation of the process, discussion moved to the actual subdivision plan and the proposal of the school district. After the discussion of the proposed development plan, the meeting was opened up for questions.

Below is a summary of topics that were discussed concerning the project and the general area:

- What types of homes can be constructed, can there be apartments? *The area is zoned for R-1 development which means that the homes will have to be detached single family residences. No apartments can be constructed.*
- Traffic is a concern, Teakwood can be very busy at certain times of the week, and the driveway into the school district property is often used as cut through to the neighborhood. Can the driveway to the school district site have a gate? *A gate at the Baker Prairie Middle School entrance at the north end of Teakwood Street is likely not an option due to fire department accessibility needs. The development will provide easy connections to SE 13th Avenue via S Vine Street and S Walnut Street that shouldn't add greatly to the traffic cutting through the school district property.*
- We're afraid that SE 10th Avenue will become a raceway. Kids are out in the Timber Park subdivision at night squealing their tires. *A possible solution to slow down and deter traffic from cutting through this area would be an all-way stop at the intersection of SE 10th Avenue and SE Vine Street. Neighbors should make this suggestion in their letters to the Planning Commission.*
- I heard through the grapevine that the site can only be built with school facilities, not used for anything else. *There was a restriction on the property bought for Trost Elementary School that the land couldn't be used for anything other than a school. We researched the title report for this site and didn't find any such restriction that applied to this site.*
- What will the homes be like? *The homes will be of similar size and likely similar style to the rest of the neighborhood. Although the builder isn't known, the homes that will be*

constructed need to be within a certain range. The land is too expensive, and the lots will be too large to build starter homes in the subdivision, while the neighborhood won't support million-dollar homes. There is an appropriate range and builders know what that range is, it is similar to the other homes currently being constructed.

- *When will this project go to the Planning Commission? Likely July or August.*
- *Who will build the subdivision? After the City has approved the subdivision, the School Board will meet and decide what they want to do. The District could end up selling all 23 lots or it could keep a number of lots for the Construction class to build homes on. The School District does not know who the lots will be sold to. That must be decided by the full school board. The Board will likely meet in September or October to discuss it.*
- *We would prefer that the property is sold to local builders.*
- *Where will the money from the land sale go? The money will go into an account that is used to purchase new land. It can't be used for any other purpose.*
- *That should be changed so that the money can go to fixing schools. Although the current policy may be able to be changed by the school board, that is the current policy. It's not known what this site is worth, it depends upon how the deal is structured and how many lots the District retains for the Construction class. Let's hypothetically say that it will sell for one million dollars, one million dollars will not fund significant improvements to a school.*
- *When will construction begin? Likely around this time next year. The site will be too wet in the winter to construct the improvements.*
- *If the high school construction class builds several of the homes, those homes should be spaced throughout the subdivision so that there aren't several homes of similar style adjacent to each other.*
- *I think there should be a park on this site. It is up to the City of Canby as to whether they want park land in a subdivision or money in lieu of park land. If the City wanted park land, it would reduce the size of the development by 3 lots. However, the City has two parks on SE 10th Avenue all ready and has indicated that they would prefer to collect the fee in lieu payment for this subdivision.*
- *A playground north of the intersection of 10th Avenue and Vine Street would be nice. Right now the closest park for little kids is Legacy Park. It is up to the City of Canby on whether they want park land within a development site. Maintenance of park facilities has been an on-going problem. More parks means more stops for the Parks Maintenance crew. There are two other nearby parks that could have play ground equipment added to them, if desired.*
- *The park in Timber Park has nothing but table benches and a restroom, it is a park for the homeless. The idea for the park in the Timber Park subdivision is that because it is located near the southern termination of the Logging Road bike trail that it would serve as a destination where people throughout the City could ride to and stop for a picnic under the trees, use the restroom, then ride back home, as well as be used by neighborhood residents as a place to throw a frisbee or play catch.*
- *I think a pathway should be extended north to the school district property, as it will be a long way around to the existing walkways. That idea was brought up several years ago when the neighborhood was being master planned. At the time, the school district was not in favor of additional walkways into the school grounds due to safety concerns. The district preferred to keep access limited, and the City agreed. If this site were along the Logging Road Trail then a walkway would certainly be required, however, since it is along a private pathway, it is not planned.*

- There will be a lot of kids in this neighborhood, is it certain that the land isn't needed for school facilities? *The reality is that there won't be a lot of school kids in this neighborhood, as school enrollment figures continue to decline. Although you would think that there would be a lot of kids in a neighborhood such as this, the number don't bear it out. Canby has decreasing enrollment and other nearby districts are experiencing the same. The number of kids from this subdivision will not have a significant impact on enrollment. This site is small and difficult to use for a school, and it is zoned for residential use. The Board has discussed it and feels that it's best to sell the land and use the funds to acquire other land.*
-

The meeting ended at 6:45 PM, although informal discussion did continue for several minutes.

Notes prepared by Pat Sisul, Sisul Engineering

SISUL ENGINEERING

A Division of Sisul Enterprises, Inc.

375 PORTLAND AVENUE, GLADSTONE, OREGON 97027

(503) 657-0188

FAX (503) 657-5779

May 1, 2018

RE: Neighborhood Meeting for proposed subdivision
Assessor Map 41E03 Tax Lot 00900, No site address
South of Baker Prairie Middle School

Dear Neighborhood Property Owner or Resident,

You are invited to attend a neighborhood meeting to discuss a proposed application for a 23-lot low density subdivision on a parcel within the City of Canby. The property does not have an address. It is located south of Baker Prairie Middle School, north of SE 13th Ave, and east of S Teakwood Street. The property is located at the end of SE 10th Ave and SE 10th Place, in between the Faist Addition and Timber Park subdivisions (see attached map).

A Site Plan for the proposed subdivision is also attached. The configuration of this 5-acre site was master planned along with the SE 13th Avenue Development Concept Plan in 2014 and it will continue the gridded street pattern established for the neighborhood. The applicant for the subdivision will be the Canby School District.

The meeting will be at 5:30 pm on Monday, May 21st, 2018 in the Meridian Room at the Canby School District Administrative Offices, 1130 S. Ivy St. At the meeting we will discuss the master plan, the proposed site plan, and the City approval process. We will also be available to answer questions that you may have. We look forward to seeing you there.

Thank you,



Patrick A. Sisul, P.E.

Project Manager

Neighborhood Meeting Attendance Sheet

May 21, 2018

| | Name | Address |
|-----|--------------------|------------------------|
| 1. | Pat Sisul | 375 PORTLAND AVE. |
| 2. | Gayle Bushnell | 1848 SE 10th Ave Canby |
| 3. | Tom Scott | 130 SW 2nd Ave, CANBY |
| 4. | Amy Peck | 1838 Se 10th |
| 5. | Holly Pastore | 1827 SE 10th |
| 6. | Denise Lapp | District office |
| 7. | Donald Hall Massey | 1828 SE 10th |
| 8. | Debbie Vaughn | 1847 SE 10th Ave |
| 9. | Ed Netter | 1847 S Fir Canby |
| 10. | | |
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| 29. | | |



SCALE: 1"=100'

FOUND 5/8" IR W/YPC FLUSH "GAYLORD LAND SURVEYING INC" PER PLAT OF "FAIST ADDITION"

S89°50'41"W 340.04' [S89°50'41"W] 340.04' [S4]

MONUMENT DOWN 0.1'

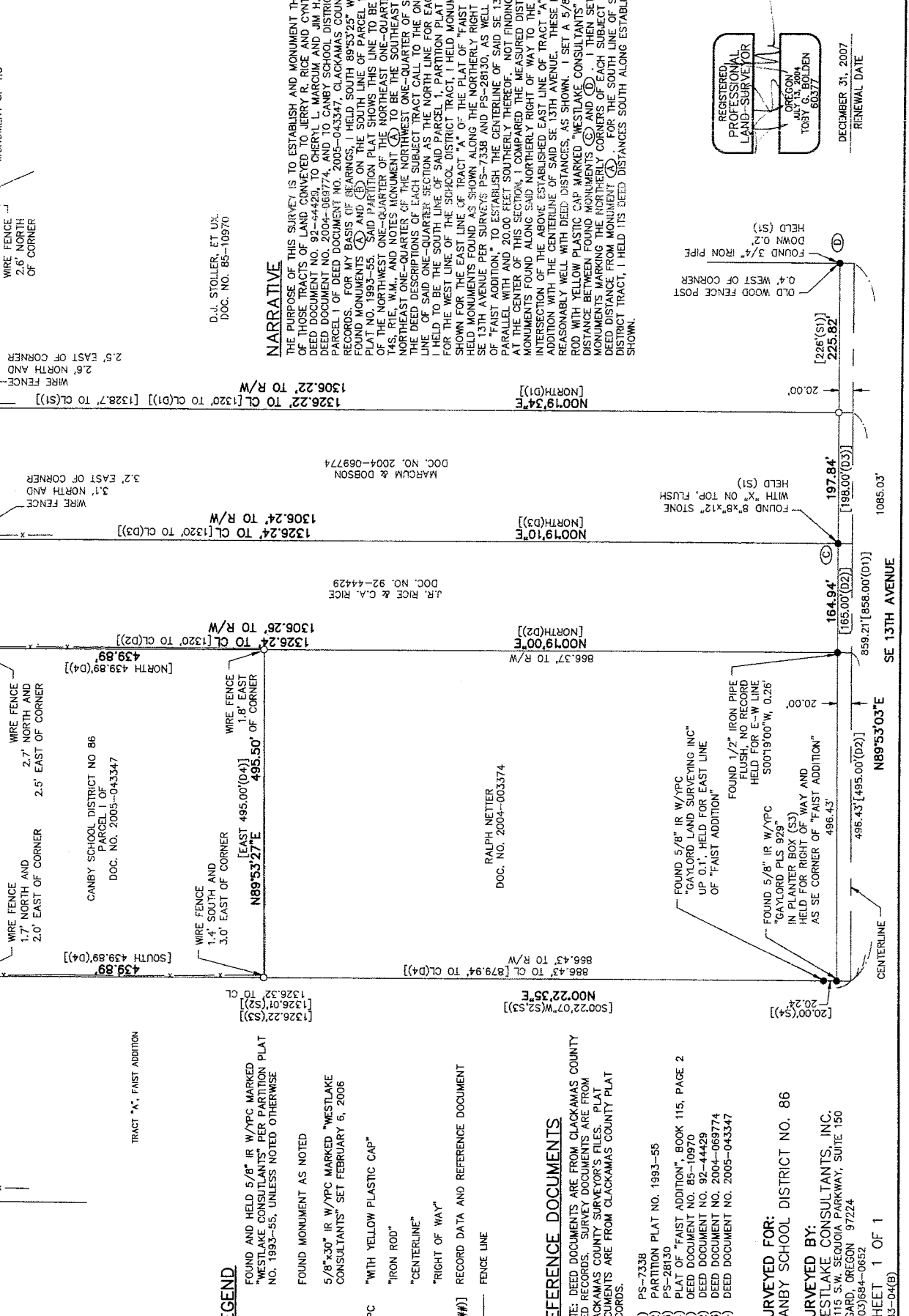
WIRE FENCE 1.7' NORTH AND 2.0' EAST OF CORNER

WIRE FENCE 1.4' SOUTH AND 3.0' EAST OF CORNER

WIRE FENCE 2.5' EAST OF CORNER

WIRE FENCE 2.6' NORTH AND 2.5' EAST OF CORNER

MONUMENT UP 1.3'



LEGEND

- FOUND AND HELD 5/8" IR W/YPC MARKED "WESTLAKE CONSULTANTS" PER PARTITION PLAT NO. 1993-55, UNLESS NOTED OTHERWISE
- FOUND MONUMENT AS NOTED
- 5/8"x30" IR W/YPC MARKED "WESTLAKE CONSULTANTS" SET FEBRUARY 6, 2006
- W/YPC "WITH YELLOW PLASTIC CAP"
- IR "IRON ROD"
- CL "CENTERLINE"
- R/W "RIGHT OF WAY"
- [##(##)] RECORD DATA AND REFERENCE DOCUMENT
- X- FENCE LINE

REFERENCE DOCUMENTS

- NOTE: DEED DOCUMENTS ARE FROM CLACKAMAS COUNTY DEED RECORDS. SURVEY DOCUMENTS ARE FROM CLACKAMAS COUNTY SURVEYOR'S FILES. PLAT DOCUMENTS ARE FROM CLACKAMAS COUNTY PLAT RECORDS.
- (S1) PS-7338
 - (S2) PARTITION PLAT NO. 1993-55
 - (S3) PS-28130
 - (S4) PLAT OF "FAIST ADDITION", BOOK 115, PAGE 2
 - (D1) DEED DOCUMENT NO. 85-10970
 - (D2) DEED DOCUMENT NO. 92-44429
 - (D3) DEED DOCUMENT NO. 2004-068774
 - (D4) DEED DOCUMENT NO. 2005-043347

SURVEYED FOR: CANBY SCHOOL DISTRICT NO. 86

SURVEYED BY: WESTLAKE CONSULTANTS, INC. 15115 S.W. SECUIA PARKWAY, SUITE 150 TIGARD, OREGON 97224 503/684-0652

SHEET 1 OF 1 883-04(B)

RECORD OF SURVEY

IN THE NORTHEAST ONE-QUARTER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON, FEBRUARY 14, 2006

SOUTH LINE OF PARCEL 1, PARTITION PLAT NO. 1993-55

1176.28' [198.00'(D3)]

198.00' [198.00'(D3)]

165.00' [165.00'(D2)]

1326.24' TO R/W [1320' TO CL(D3)]

1306.24' TO R/W [1320' TO CL(D3)]

1326.24' TO R/W [1320' TO CL(D3)]

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1326.24' TO R/W [1320' TO CL(D3)]

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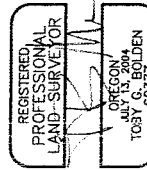
1326.24' TO R/W [1320' TO CL(D3)]

1326.24' TO R/W [1320' TO CL(D3)]

D.J. STOLLER, ET UX.
DOC. NO. 85-10970

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO ESTABLISH AND MONUMENT THE BOUNDARIES OF THOSE TRACTS OF LAND CONVEYED TO JERRY R. RICE AND CYNTHIA A. RICE BY DEED DOCUMENT NO. 92-44429, TO CHERYL L. MAROUJ AND JIM H. DOBSON BY DEED DOCUMENT NO. 2004-068774, AND TO CANBY SCHOOL DISTRICT NO. 86 AS PARCEL OF DEED DOCUMENT NO. 2005-043347, CLACKAMAS COUNTY DEED RECORDS. FOR MAP CLARIFICATIONS, I HELD SOUTH 89°53'25" WEST BETWEEN FOUND MONUMENTS (S1) AND (S2) ON THE SOUTH LINE OF PARCEL 1 OF PARTITION PLAT NO. 1993-55. SAID PARTITION PLAT SHOWS THE SOUTH LINE TO BE THE SOUTH LINE OF THE NORTHWEST ONE-QUARTER OF THE SUBJECT TRACT. THE SOUTH LINE OF THE NORTHWEST ONE-QUARTER OF THE SUBJECT TRACT IS THE SOUTH LINE OF SAID TRACT. THE DEED DESCRIPTIONS OF EACH SUBJECT TRACT CALL TO THE ONE-SIXTEENTH LINE OF SAID ONE-QUARTER SECTION AS THE NORTH LINE FOR EACH TRACT WHICH I HELD TO BE THE SOUTH LINE OF SAID TRACT. I HELD MONUMENTS FOUND AS SHOWN FOR THE EAST LINE OF TRACT "A" OF THE PLAT OF "FAIST ADDITION". I HELD MONUMENTS FOUND AS SHOWN ALONG THE NORTHERLY RIGHT OF WAY LINE OF SE 13TH AVENUE PER SURVEYS PS-7338 AND PS-28130, AS WELL AS SAID PLAT OF "FAIST ADDITION" TO ESTABLISH THE CENTERLINE OF SAID SE 13TH AVENUE AS PARALLEL WITH AND 20.00 FEET SOUTHERLY THEREOF. NOT FINDING THE MONUMENTS FOUND ALONG SAID NORTHERLY RIGHT OF WAY TO THE CALCULATED INTERSECTION WITH THE CENTERLINE OF SAID SE 13TH AVENUE, THESE MONUMENTS FIT REASONABLY WELL WITH DEED DISTANCES, AS SHOWN. I SET A 5/8" x 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "WESTLAKE CONSULTANTS" AT A PRORATED DISTANCE BETWEEN FOUND MONUMENTS (C) AND (D). I THEN SET SIMILAR MONUMENTS MARKING THE NORTHERLY CORNERS OF EACH SUBJECT TRACT, EACH AT DEED DISTANCE FROM MONUMENT (A). FOR THE SOUTH LINE OF SAID SCHOOL DISTRICT TRACT, I HELD ITS DEED DISTANCES SOUTH ALONG ESTABLISHED LINES AS SHOWN.



DECEMBER 31, 2007
RENEWAL DATE



First American

First American Title Company of Oregon

121 SW Morrison Street, Suite 300
Portland, OR 97204
Phn - (503)222-3651 (800)929-3651
Fax - (877)242-3513

**PUBLIC RECORD REPORT
FOR NEW SUBDIVISION OR LAND PARTITION**

Supplemental

THIS REPORT IS ISSUED BY THE ABOVE-NAMED COMPANY ("THE COMPANY") FOR THE EXCLUSIVE USE OF:

Canby School District
1130 S Ivy Street
Canby, OR 97013
Phone: (503)266-0020
Fax:

Date Prepared : May 03, 2018
Effective Date : 8:00 A.M on April 30, 2018
Order No. : 7019-3030139
Reference :

The information contained in this report is furnished by First American Title Company of Oregon (the "Company") as an information service based on the records and indices maintained by the Company for the county identified below. This report is not title insurance, is not a preliminary title report for title insurance, and is not a commitment for title insurance. No examination has been made of the Company's records, other than as specifically set forth in this report. Liability for any loss arising from errors and/or omissions is limited to the lesser of the fee paid or the actual loss to the Customer, and the Company will have no greater liability by reason of this report. This report is subject to the Definitions, Conditions and Stipulations contained in it.

REPORT

- A. The Land referred to in this report is located in the County of Clackamas, State of Oregon, and is described as follows:

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

- B. As of the Effective Date, the tax account and map references pertinent to the Land are as follows:

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

- C. As of the Effective Date and according to the Public Records, we find title to the land apparently vested in:

As fully set forth on Exhibit "B" attached hereto and by this reference made a part hereof

- D. As of the Effective Date and according to the Public Records, the Land is subject to the following liens and encumbrances, which are not necessarily shown in the order of priority:

As fully set forth on Exhibit "C" attached hereto and by this reference made a part hereof.

EXHIBIT "A"
(Land Description Map Tax and Account)

A portion of the southwest one-quarter of the northeast one-quarter of Section 3, Township 4 South, Range 1 East of the Willamette Meridian in the City of Canby, County of Clackamas and State of Oregon, more particularly described as follows:

Commencing at a point which is the center of said Section 3, running thence north 53.33 rods along the one-quarter section line to the northwest corner of that tract of land conveyed to Thomas Maklum and wife by deed recorded in Book 172, page 30, Deed Records, and the true point of beginning of the tract herein to be described, from said point of beginning running thence east along the north line of said Maklum tract a distance of 30 rods; thence north a distance of 26.66 rods to the north line of said southwest one-quarter of Section 3; thence west along said north line a distance of 30 rods to the one-quarter section line; thence south along the one quarter section line a distance of 26.66 rods to the place of beginning.

NOTE: This legal description was created prior to January 1, 2008.

Map No.: 41E03 00900

Tax Account No.: 00996319

EXHIBIT "C"
(Liens and Encumbrances)

1. Subject property is under public ownership and is tax exempt. Any change in ownership before delivery of assessment roll may result in tax liability. Account No. 00996319.
2. City liens, if any, of the City of Canby.
3. Covenants, conditions, restrictions and/or easements; but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, family status, or national origin to the extent such covenants, conditions or restrictions violate Title 42, Section 3604(c), of the United States Codes:
Recording Information: July 08, 1992 as Fee No. 92041950
4. Easement, including terms and provisions contained therein:

Recording Information: October 27, 2015 as Fee No. 2015 072229
In Favor of: City of Canby, an Oregon Municipal Corporation
For: emergency access
5. Unrecorded leases or periodic tenancies, if any.

NOTE: This Fixtures does not include a search for Financing Statements filed in the Office of the Secretary of State, or in a county other than the county wherein the premises are situated, and no liability is assumed if a Financing Statement is filed in the Office of the County Clerk covering Public Record Report-Subdivision on the premises wherein the lands are described other than by metes and bounds or under the rectangular survey system or by recorded lot and block.

DEFINITIONS, CONDITIONS AND STIPULATIONS

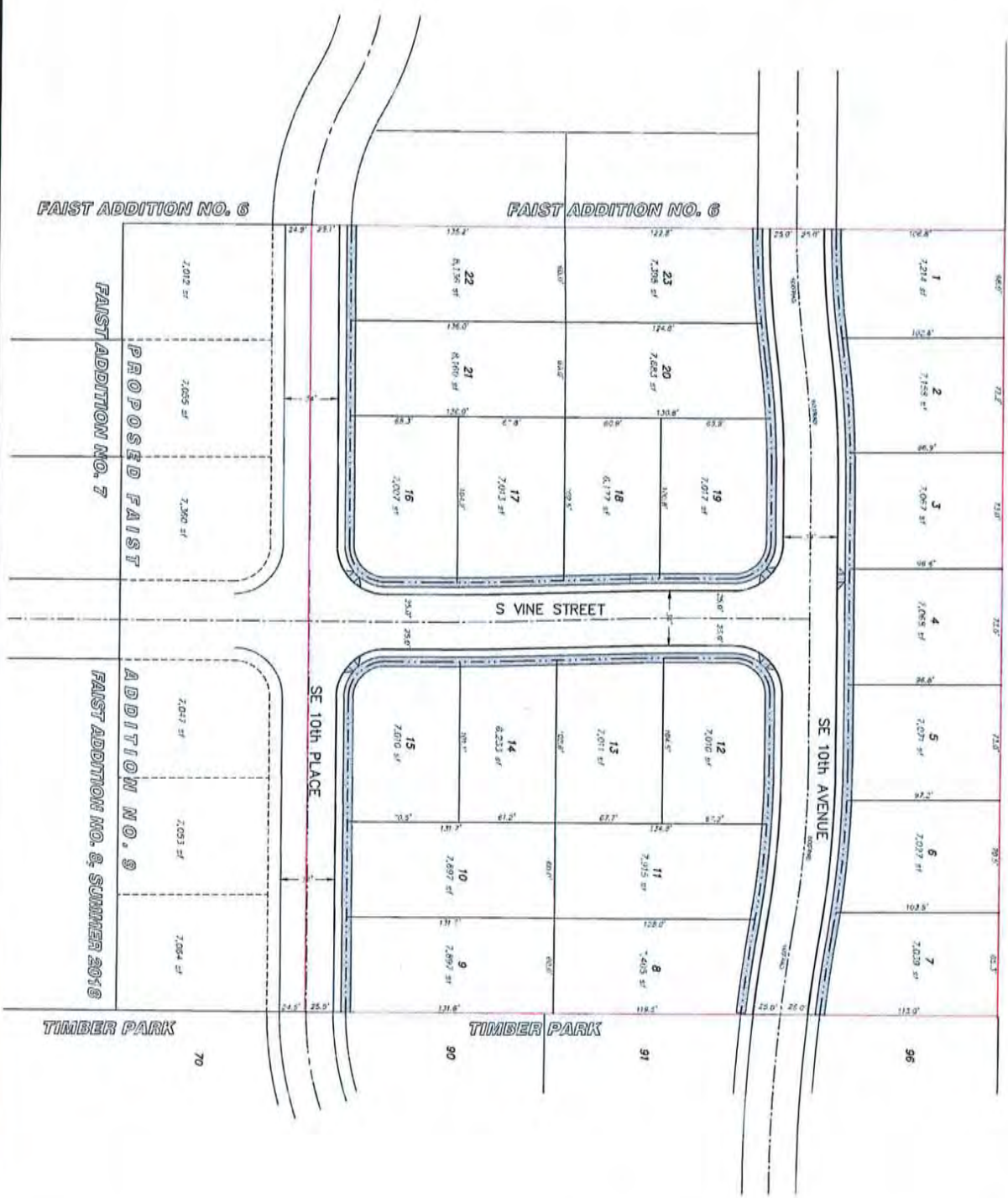
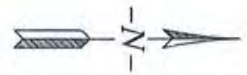
1. **Definitions.** The following terms have the stated meaning when used in this report:
 - (a) "Customer": The person or persons named or shown as the addressee of this report.
 - (b) "Effective Date": The effective date stated in this report.
 - (c) "Land": The land specifically described in this report and improvements affixed thereto which by law constitute real property.
 - (d) "Public Records": Those records which by the laws of the state of Oregon impart constructive notice of matters relating to the Land.

2. **Liability of the Company.**
 - (a) This is not a commitment to issue title insurance and does not constitute a policy of title insurance.
 - (b) The liability of the Company for errors or omissions in this public record report is limited to the amount of the charge paid by the Customer, provided, however, that the Company has no liability in the event of no actual loss to the Customer.
 - (c) No costs (including, without limitation attorney fees and other expenses) of defense, or prosecution of any action, is afforded to the Customer.
 - (d) In any event, the Company assumes no liability for loss or damage by reason of the following:
 - (1) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records.
 - (2) Any facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
 - (3) Easements, liens or encumbrances, or claims thereof, which are not shown by the Public Records.
 - (4) Discrepancies, encroachments, shortage in area, conflicts in boundary lines or any other facts which a survey would disclose.
 - (5) (i) Unpatented mining claims; (ii) reservations or exceptions in patents or in Acts authorizing the issuance thereof, (iii) water rights or claims or title to water.
 - (6) Any right, title, interest, estate or easement in land beyond the lines of the area specifically described or referred to in this report, or in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
 - (7) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use or enjoyment on the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
 - (8) Any governmental police power not excluded by 2(d)(7) above, except to the extent that notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
 - (9) Defects, liens, encumbrances, adverse claims or other matters created, suffered, assumed, agreed to or actually known by the Customer.

3. **Report Entire Contract.** Any right or action or right of action that the Customer may have or may bring against the Company arising out of the subject matter of this report must be based on the provisions of this report. No provision or condition of this report can be waived or changed except by a writing signed by an authorized officer of the Company. By accepting this form report, the Customer acknowledges and agrees that the Customer has elected to utilize this form of public record report and accepts the limitation of liability of the Company as set forth herein.

4. **Charge.** The charge for this report does not include supplemental reports, updates or other additional services of the Company.

BANKER FRANKIE MIDDLE SCHOOL, CANBY SCHOOL DISTRICT



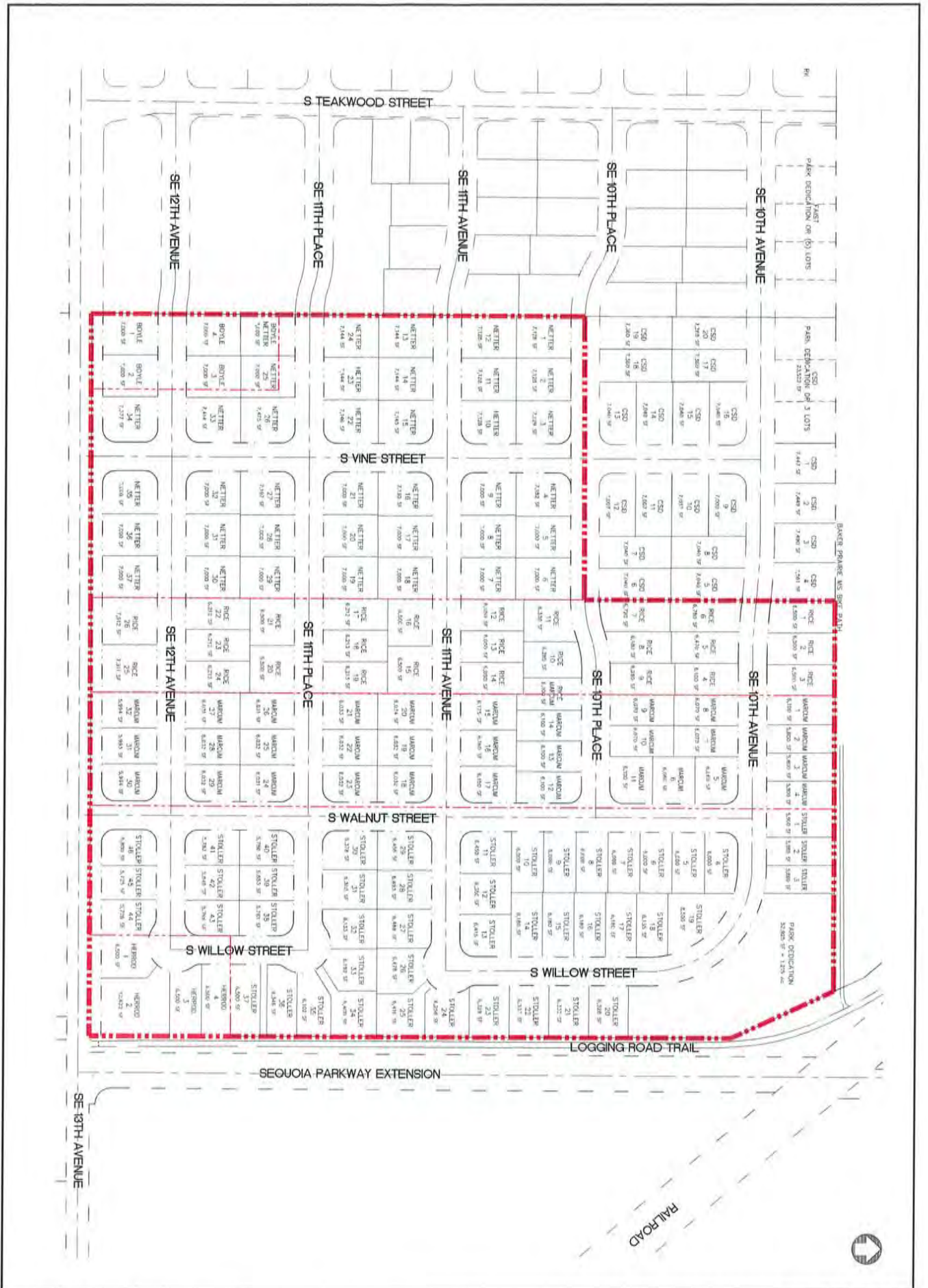
REVISIONS

23 Lot Subdivision
Canby School District

Pre-App Site Plan

SISUL ENGINEERING
575 PORTLAND AVENUE
GLADSTONE, OREGON 97027
(503) 697-0188

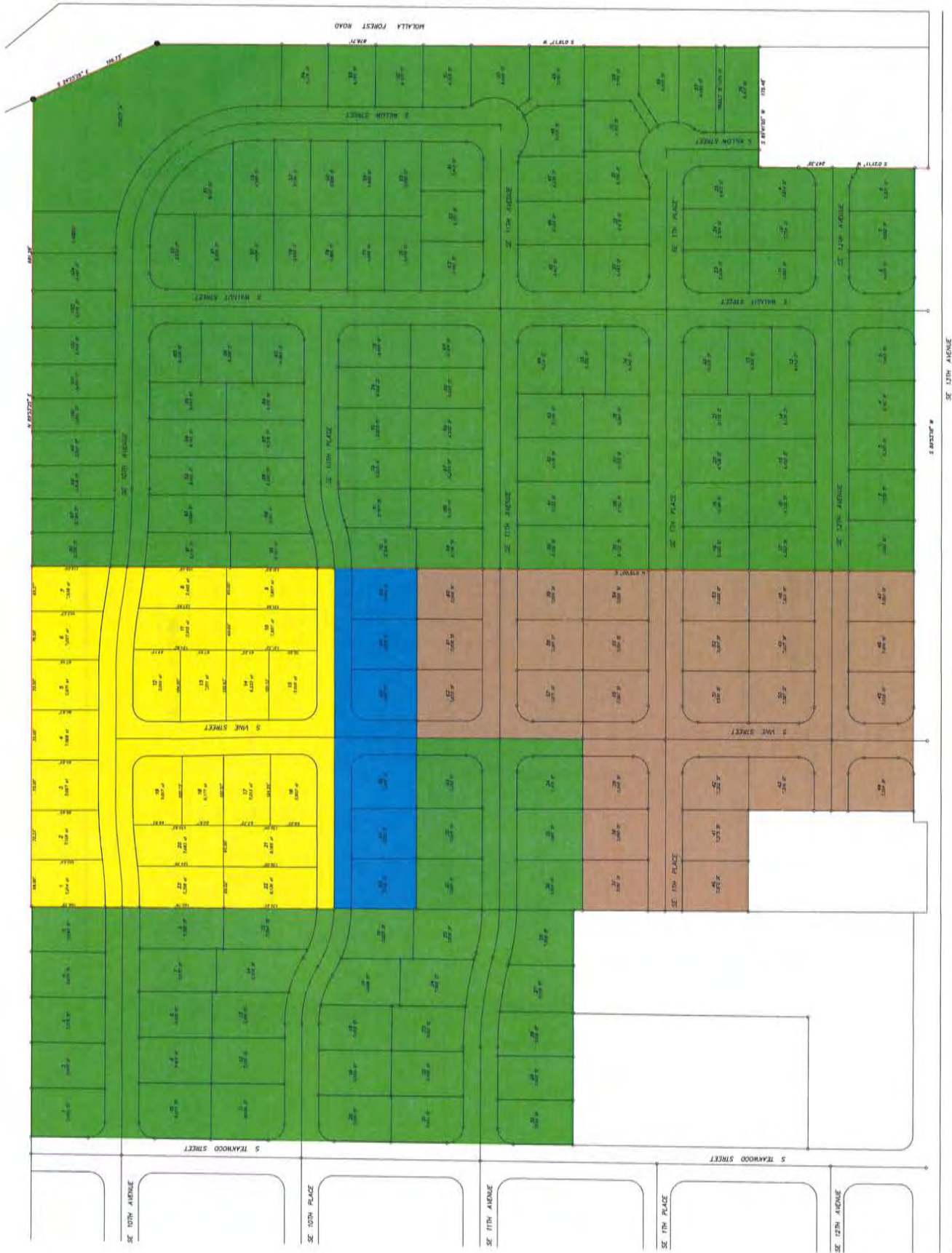
DRAWN BY: ASBLL, 2018
SCALE: 1" = 40'
DATE: 05-18-2018
SHEET 1 OF 2



SISUL ENGINEERING
 375 PORTLAND AVENUE
 GLADSTONE, OREGON 97027
 503.659.4559
 DATE: APRIL, 2018
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 SHEET: 1
 OF: 1
 SHEETS:

Lot Plan

SE 13th Avenue Concept Plan
SE 13th Avenue Property Owners
 BOYLE, MARCUM, NETTER, RICE & STOLLER





LEGEND

| | |
|--|---------------------------------------|
| | INTERSTATE |
| | PRINCIPAL ARTERIAL |
| | MINOR ARTERIAL |
| | URBAN COLLECTOR/RURAL MAJOR COLLECTOR |
| | MINOR COLLECTOR |
| | LOCAL ROAD |
| | INTERSTATE - US ROUTE - OR ROUTE |
| | NATIONAL HIGHWAY SYSTEM ROUTE |
| | CITY LIMIT |
| | URBAN GROWTH BOUNDARY |
| | RAILROAD - AMTRAK PASSENGER STATION |
| | RAILROAD - QUARRY - ODOT STOCKPILE |
| | ODOT MAINTENANCE STATION |
| | PUBLIC BUILDING |
| | COURTHOUSE |
| | HOSPITAL |
| | CITY HALL |
| | ARMORY |
| | POST OFFICE |
| | SCHOOL |
| | LIBRARY |
| | SAFETY REST AREA |
| | WEIGH STATION |
| | PARK AND RIDE LOCATION |
| | INTERCITY - CITY TRANSIT |
| | COMMERCIAL - GENERAL AVIATION |
| | PORT FACILITY |

Published by

PREPARED DIGITALLY BY THE OREGON DEPARTMENT OF TRANSPORTATION IN COOPERATION WITH THE U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION

SCALE

0 650 1,300 2,600 Feet

0 195 390 780 Meters

CANBY
POPULATION 15,910

T.3-S. R.1-E. W.M.

OREGON TRANSPORTATION MAP
Showing Federal Functional Classification of Roads
City of

CANBY

CLACKAMAS COUNTY
2013 Edition

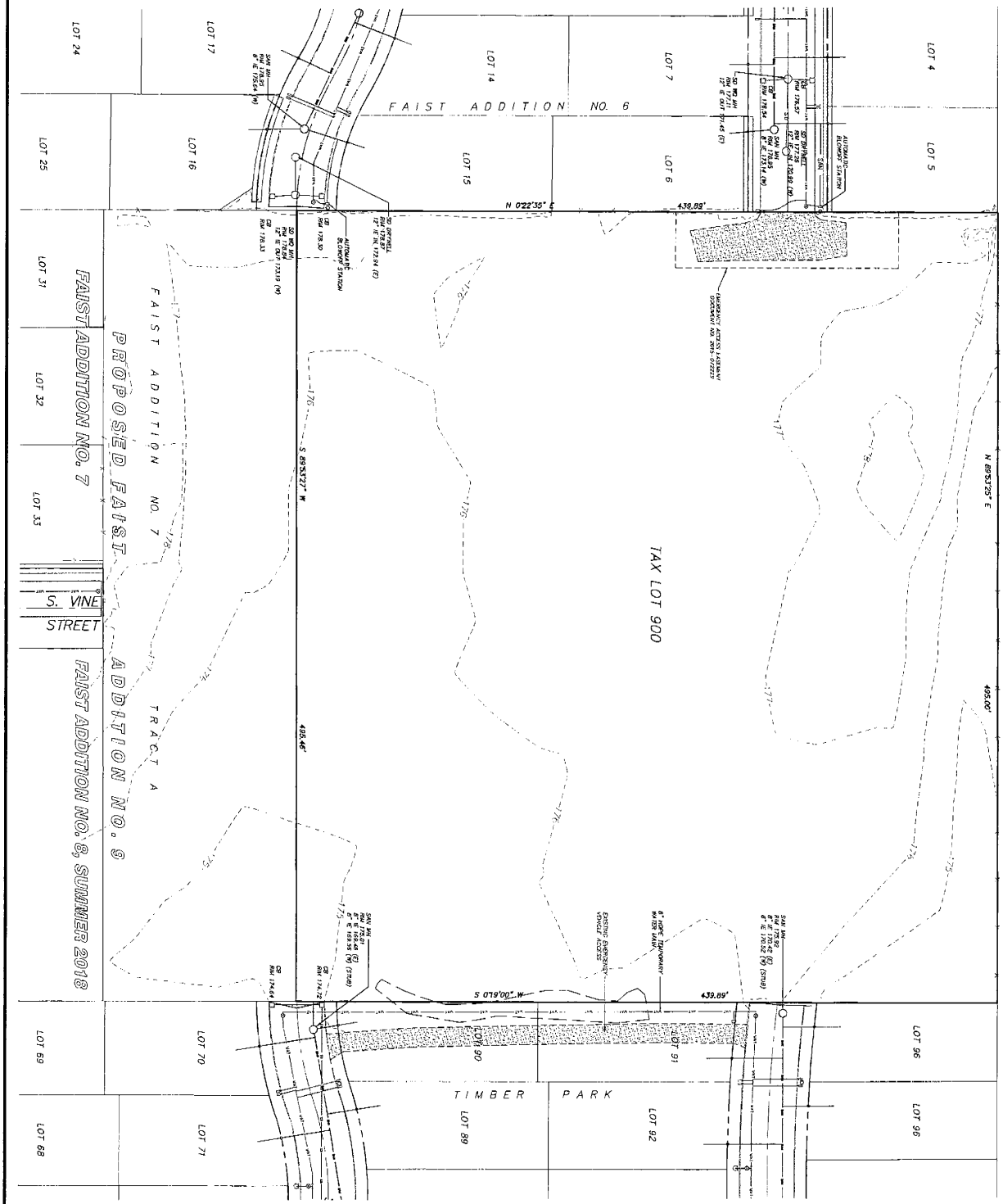
710188

Map Available from the Oregon Department of Transportation, Oregon State Information Services Unit, 400 Cook Office Building, 825 12th St. NE, Salem, Oregon 97301, (503) 586-1194. Map: <http://www.oregon.gov/ODOT/REGDATA/Pages/013-004-0000.aspx>

PARCEL 1
 PARTITION PLAT NO. 1993-055
 BAKER PRINCE MIDDLE SCHOOL, CANBY SCHOOL DISTRICT



PARCEL 1
 PARTITION PLAT NO. 1993-055
 BAKER PRairie MIDDLE SCHOOL, CANBY SCHOOL DISTRICT



SISUL ENGINEERING
 376 PORTLAND AVENUE
 GLADSTONE, OREGON 97027
 (503) 657-0188

DATE: MAY, 2018
 SCALE: 1" = 30'
 DRAWN: FS
 CHECKED: SBL-B-105

SHEET: 2
 OF 6 SHEETS

Existing Conditions Map

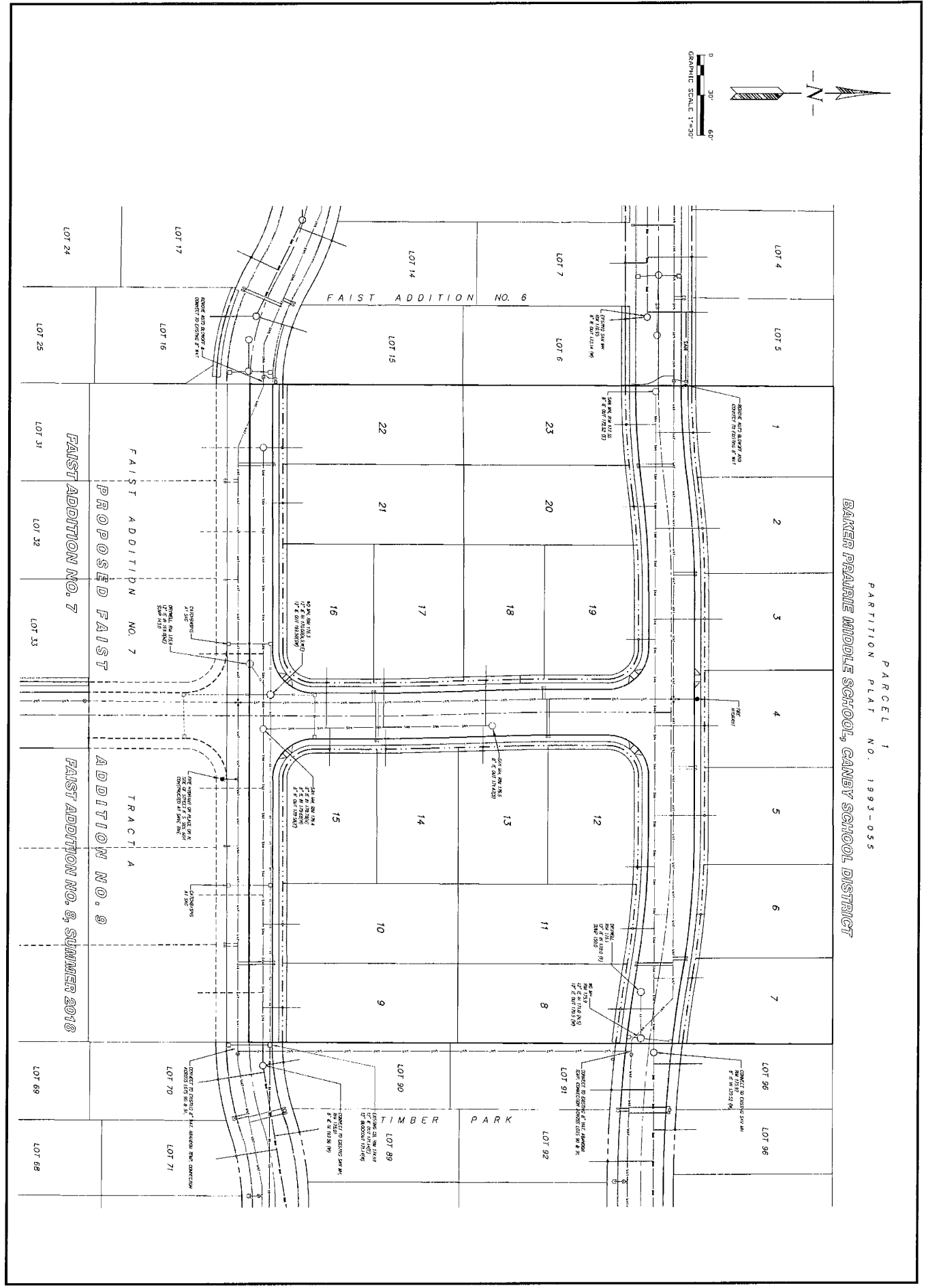
Cougar Run subdivision
 Canby School District

| | |
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| REVISIONS | 34 |
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BAKER PRAIRIE MIDDLE SCHOOL, CANBY SCHOOL DISTRICT

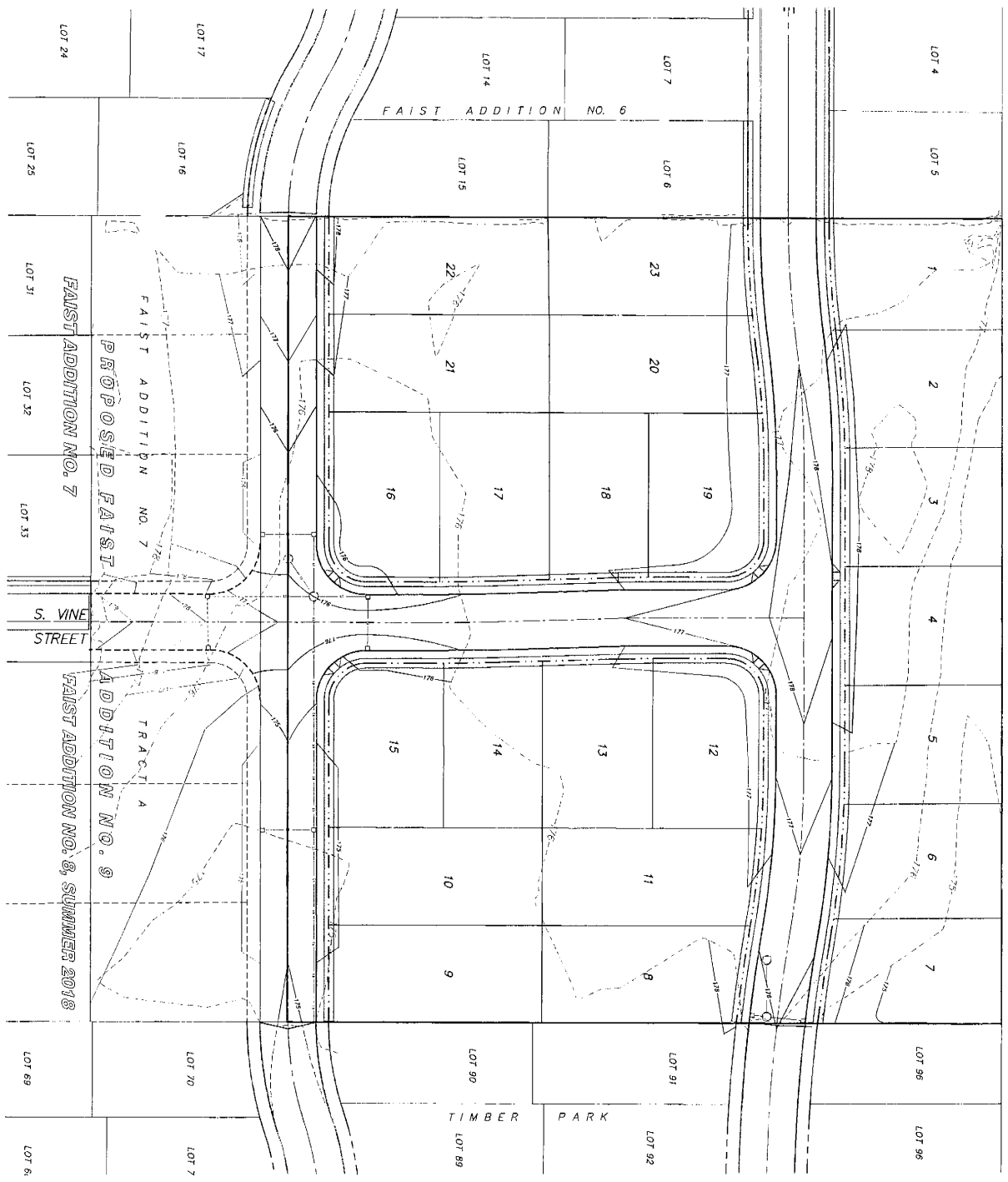
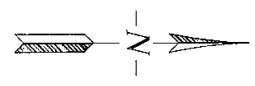
PARCEL 1
PARTITION PLAT NO. 1993-055

PARCEL 1



BAKER PRAIRIE MIDDLE SCHOOL, CANBY SCHOOL DISTRICT

PARCEL 1
PARTITION PLAT NO. 1993-055



| REVISIONS | DATE | BY |
|-----------|------|----|
| | | |
| | | |
| | | |

Cougar Run subdivision
Canby School District

Grading Plan

SISUL ENGINEERING
375 PORTLAND AVENUE
CLATSOP COUNTY, OREGON 97027
(503) 957-0188

DATE: MAY, 2018
SCALE: 1" = 30'
DRAWN BY: JES
CHECKED BY: JES
SHEET: 4
OF 6 SHEETS



SHEET
6
 OF 6 SHEETS

SISUL ENGINEERING
 376 PORTLAND AVENUE
 GLADSTONE, OREGON 97027
 (503) 657-0188
 DATE: MAY, 2018
 DRAWN BY: JSC
 SCALE: 1" = 20'
 SHEET NO: 2018-039

Approved Development
 Concept Plan

Cougar Run subdivision
 Canby School District

| | |
|---------------|-----------|
| NO. OF SHEETS | 6 |
| DATE | MAY, 2018 |
| DRAWN BY | JSC |
| CHECKED BY | |
| SCALE | 1" = 20' |
| SHEET NO. | 2018-039 |

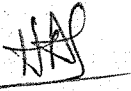
CURRAN-McLEOD, INC.
CONSULTING ENGINEERS

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

July 30, 2018

MEMORANDUM

TO: Public Comments
City of Canby

FROM: Hassan Ibrahim, P.E. 
Curran-McLeod, Inc.

**RE: CITY OF CANBY
COUGAR RUN SUBDIVISION REVIEW COMMENTS
CITY FILE # (SUB 18-02)**

We have reviewed the submitted preliminary plans on the above mentioned project and have the following comments:

1. SE 10th Avenue and S Vine Street shall be extended and constructed to City local street standards with 34-foot wide paved section, 4.5' planter strip, street lights and 6' wide concrete sidewalks to match the existing adjoining street configuration.
2. Half street improvements will be required on SE 10th Place to match the existing half street constructed as part of Faist Addition 7 and 8.
3. All ADA ramps shall comply with the current Public Right-of-way Accessibility Guidelines.
4. An erosion control permit will be required from the City of Canby prior to any on-site disturbance.
5. The vertical alignments on SE 10th Ave, S Vine St and SE 10th Pl shall be designed to meet the adjoining existing street grades.
6. A storm drainage analysis shall be submitted to the City for review and approval during the final design phase. The analysis shall meet Chapter 4 of the City of Canby Public Works Design Standards dated June 2012.
7. The UIC structures location shall meet at least one of the two conditions: (1) the vertical separation distance between the UIC and seasonal high groundwater is more than 2.5 feet

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or (2) the horizontal separation distance between the UIC and any water well is a minimum of 267 feet in accordance of the City of Canby Stormwater Master Plan, Appendix "C", Groundwater Protectiveness Demonstration and Risk Prioritization for Underground Injection Control (UIC) Devices.

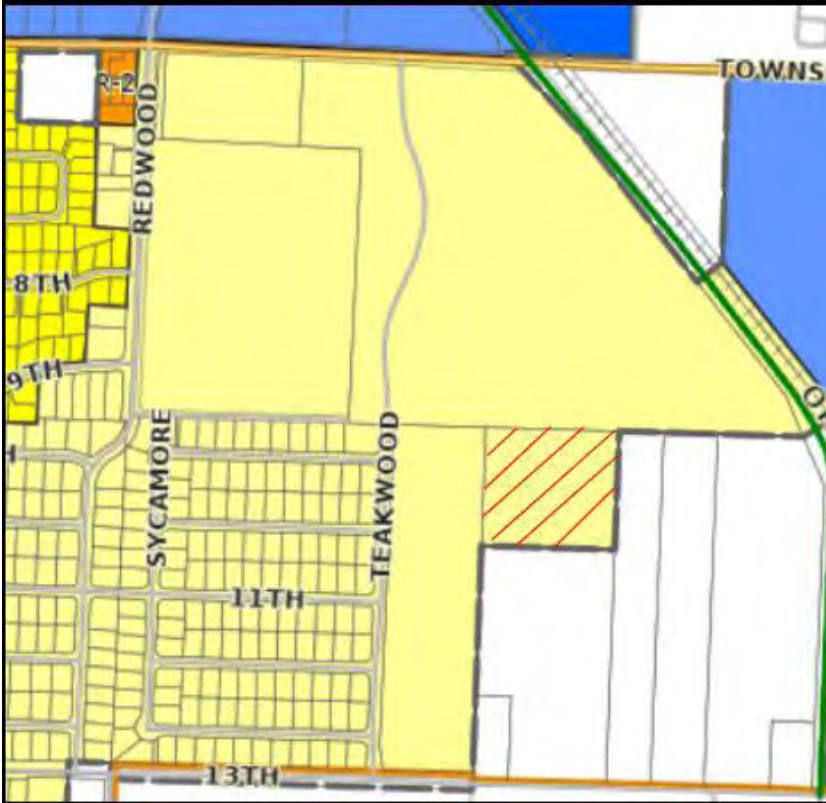
8. All private storm drainage generated from the lots shall be discharged on-site as per Chapter 4-4.113 of the City of Canby Public Works Design Standards dated June 2012.
9. Sanitary sewer shall be extended from the adjoining existing system to serve this phase of the development.
10. The City should be able to relinquish the Emergency Access Easement recording # 2015-07229 upon SE 10th Street is extended and platted.

Should you have any questions or need additional information, please let me know.



NOTICE OF PUBLIC HEARING & REQUEST FOR COMMENTS

The purpose of this Notice is to invite you to Public Hearing at a Planning Commission meeting on Monday, August 13, 2018 at 7 pm, City Council Chambers, 222 NE 2nd Ave to review a Subdivision application (SUB 18-02) for approval of a 23-lot subdivision, with all lots suitable for detached single family dwellings, consistent with R-1 zoning standards.



Comments due– If you would like your comments to be incorporated into the City’s Staff Report, please return the Comment Form by Wednesday, August 1, 2018.

Location: No Site Address. Located south of Baker Prairie Middle School & north of the Faist Addition No. 7 Subdivision. West of the Timber Park Subdivision and east of Faist Addition Phase 6. (See hatched property on left)

Tax Lots: 41E0300900

Lot Size and Zoning: 5 acres, R-1 Low Density Residential

Owners: Canby School District

Applicant: Canby School District, Denise Lapp

Representative: Pat Sisul, Sisul Engineering

Application Type: Subdivision (Type III)

City File Number: SUB 18-02

Contact: David Epling at 503-266-0686 or email 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.

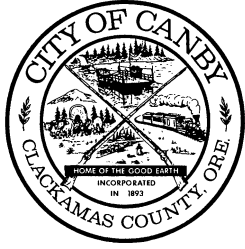
Where can I send my comments? Written comments can be submitted up to the time of the Public Hearing and may also be delivered in person to the Planning Commission during the Public Hearing on Monday, August 13, 2018. (Please see *Comment Form*). Comments can be mailed to the Canby Planning Department, PO Box 930, Canby, OR 97013; dropped off at 222 NE 2nd Ave; or emailed to PublicComments@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, August 3, 2018 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: City of Canby Comprehensive Plan, and Canby Municipal Code Chapters:

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

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.



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

**A REQUEST FOR A MINOR LAND)
PARTITION)
1295 S MULINO RD)**

**FINDINGS, CONCLUSION & FINAL ORDER
MLP 18-03
MULINO PUMP STATION**

NATURE OF THE APPLICATION

The City of Canby recently completed the construction of a sanitary sewer pumping station which is now in service near the southeast corner of the existing 10 acre industrial zoned tract. An easement was provided to the City to construct the pump station and force main paralleling the railroad. One of the conditions requested by the owner and agreed to by the City in exchange for the easement was to create a separate lot for the pump station site.

The minor partition application is intended to separate a 8,642 square foot parcel from the 10 care property for future ownership by the City while the remaining 9.8 acre parcel remains under ownership by the Weygandts.

HEARINGS

The Planning Commission considered application MLP 18-03 after the duly noticed hearing on July 23, 2018 during which the Planning Commission by a ___/___ vote approved MLP 18-03. These Findings are entered to document the approval.

CRITERIA AND STANDARDS

In judging whether or not a Minor Land Partition 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 23, 2018 and presented at the July 23, 2018 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 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.

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

application meets all applicable approval criteria, and recommending that File #MLP 18-03 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 approval. Therefore, **IT IS ORDERED BY THE PLANNING COMMISSION** of the City of Canby that **MLP 18-03** is approved, subject to the following conditions:

CONDITIONS OF APPROVAL

I. CONDITIONS OF APPROVAL

Minor Partition Conditions Unique to This Request:

1. Six feet of additional public right-of-way adjacent to the Mulino Road frontage shall be dedicated to bring this side up to the ultimate 72' minimum street cross section requirements indicated to be required in the adopted Transportation System Plan for property fronting on an industrial collector street classification and shall be shown on the Partition Plat to be recorded of record.
2. A 12' Public Utility Easement adjacent to the inside edge of the adjacent Mulino street ROW, or less if approved by all utility service providers, shall be provided and designated on the Partition Plat.
3. A non-remonstrant agreement shall be recorded with the Partition Plat applicable to Parcel 2 to place a public record that the City shall be required to install comparable street and sidewalk improvements to the Mulino Road frontage of Parcel 2 when improvements are made to the adjacent parcel or agree to participation in a Local Improvement District if established for which Parcel 2 is a part.

Final Partition Plat Conditions:

1. A surveyed partition plat prepared by a licensed surveyor shall be recorded with Clackamas County after application and review of a Final Partition Plat by the City. The partition plat must be submitted to the city within one year of Planning Commission approval of the partition or the applicant must request, in writing, a one year extension from the Planning Commission. The applicant or county shall provide the city with a recorded copy of the plat in a timely manner.
2. The applicant shall bear full responsibility for compliance with applicable State or county regulations regarding the recordation of deed documents and subsequent transfer of ownership related to the newly established lot(s).
3. All provisions of applicable utility agencies shall be met prior to the recordation of the partition plat.
4. Construction of all required public improvements and the recordation of the partition plat must be completed prior to the issuance of building permits and comply with all applicable City of Canby Public Works Design Standards.

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

**A REQUEST FOR A SUBDIVISION)
APPROXIMATELY 360 EAST OF S.)
TEAKWOOD STREET AT THE EASTERN)
TERMINUS OF SE 10TH AVENUE)**

**FINDINGS, CONCLUSION & FINAL ORDER
SUB 18-02 COUGAR RUN
CANBY SCHOOL DISTRICT**

NATURE OF THE APPLICATION

The Applicant has sought approval for a Subdivision (SUB 18-02) to divide a 5.0 acre parcel into an 23 lot subdivision on property located approximately 360 feet east of S. Teakwood Street and at the eastern terminus of SE 10th Avenue and described as Tax Map/Lot 41E0300900 Clackamas County, Oregon. The property is zoned Low Density Residential (R-1) under the Canby Municipal Code (CMC).

HEARINGS

The Planning Commission considered application SUB 18-02 after the duly noticed hearing on August 13, 2018 during which the Planning Commission approved SUB 18-02. These findings are entered to document the approval.

CRITERIA AND STANDARDS

In judging whether or not a 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 August 13, 2018 and presented at the August 13, 2018 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 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 residential Subdivision Application met all applicable approval criteria, and recommending that File SUB 18-02 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 Subdivision approval. Therefore, **IT IS ORDERED BY THE PLANNING COMMISSION** of the City of Canby that **SUB 18-02 Cougar Run Subdivision** 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. The final construction design plans shall conform to the comments provided by the City Engineer in his memorandum dated July 30, 2018.
4. Public improvements such as sidewalk and street improvements are required during development.

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 appropriate city Master Fee authorized Engineering Plan Review fees prior to construction (approval of construction plans) as each phase of development occurs.

Streets, Signage & Striping:

9. The street improvement plans for and the interior streets shall conform to 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 with each phase of development.

Stormwater:

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

Grading/Erosion Control:

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

Final plat conditions:

General Final Plat Conditions:

17. The applicant shall apply for final plat approval at the city and pay any applicable city fees to gain approval of the final subdivision plat. Prior to the recordation of the final plat at Clackamas County, it must be approved by the city and all other applicable agencies. The city will distribute the final plat to applicable agencies for comment prior to signing off on the final plat if deemed necessary.
18. 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.
19. 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.
20. All "as-builts" of City public improvements installed shall be filed with Canby Public Works within sixty days of the completion of improvements.
21. 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.
22. The applicant shall record the final plat at Clackamas County within 6 months of the date of the signature of the Planning Director.
23. 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.

24. 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

25. The applicant shall dedicate public streets shown on the Tentative Platt and on the Final Plat.

Easements

26. 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.
27. Sidewalk easements are required along the frontage of the newly created private lots for any portion of the 6' public sidewalk that will lie on private property.

Street Trees

28. 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 determined by an approved Street Tree Plan on a per tree basis.

Monumentation/Survey Accuracy Conditions

29. 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:

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