

**PLANNING COMMISSION**  
**Meeting Agenda**  
**Monday – November 28, 2016**  
**7:00 PM**

**City Council Chambers – 222 NE 2<sup>nd</sup> Ave, 1<sup>st</sup> Floor**

**Commissioner John Savory (Chair)**

**Commissioner Larry Boatright (Vice Chair)**

**Commissioner John Serlet**

**Commissioner Derrick Mottern**

**Commissioner Kristene Rocha**

**Commissioner Tyler Hall**

**Commissioner (Vacant)**

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**1. CALL TO ORDER**

- Invocation and Pledge of Allegiance
- Introduction of new Planning Commissioners Tyler Hall

**2. CITIZEN INPUT ON NON-AGENDA ITEMS**

**3. MINUTES**

- August 22, 2016 and September 26, 2016 Planning Commission Minutes

**4. PUBLIC HEARING**

- Consider a request for a Conditional Use Permit and Major Variance at 1440 S Ivy St, to establish a home occupation to manufacture candy and baked goods (**CUP/VAR 15-02 – Scott & Teresa Sasse, Puddin River Chocolates**)
- Consider a request for a Subdivision for 105 lots with a park dedication on 21.74 acres, consistent with the SE 13<sup>th</sup> Ave Development Concept Plan and R-1.5 Medium Density Residential Zone. (**SUB 16-03 – Timber Park, LLC**)
- Consider a request for the designation of Canby City Hall, at 182 N Holly St, as a local historic landmark. (**HD 16-01 Canby City Hall**)

**5. NEW BUSINESS – None**

**6. FINAL DECISIONS (Note: These are final, written findings of previous oral decisions. No public testimony.)**

- SUB 16-03 – Timber Park, LLC
- HD 16-01 Canby City Hall Local Historic Landmark Designation

**6. ITEMS OF INTEREST/REPORT FROM STAFF**

- Next Regular Planning Commission meeting scheduled for Monday, December 12, 2016, 7:00 pm, City Council Chambers, 222 NE 2<sup>nd</sup> Ave, 1<sup>st</sup> Floor

**7. ITEMS OF INTEREST/DISCUSSION FROM PLANNING COMMISSION**

**9. ADJOURNMENT**

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

## PUBLIC HEARING FORMAT

The public hearing will be conducted as follows:

- **STAFF REPORT**
- **QUESTIONS** (If any, by the Planning Commission or staff)
- **OPEN PUBLIC HEARING FOR TESTIMONY:**
  - APPLICANT** (Not more than 15 minutes)
  - PROPONENTS** (Persons in favor of application) (Not more than 5 minutes per person)
  - OPPONENTS** (Persons opposed to application) (Not more than 5 minutes per person)
  - NEUTRAL** (Persons with no opinion) (Not more than 5 minutes per person)
  - REBUTTAL** (By applicant, not more than 10 minutes)
- **CLOSE PUBLIC HEARING** (No further public testimony allowed)
- **QUESTIONS** (If any by the Planning Commission)
- **DISCUSSION** (By the Planning Commission)
- **DECISION** (By the Planning Commission)

All interested persons in attendance shall be heard on the matter. If you wish to testify on this matter, please step forward when the Chair calls for Proponents if you favor the application; or Opponents if you are opposed to the application; to the microphone, state your name address, and interest in the matter. You will also need to sign the Testimony sheet and while at the microphone, please say your name and address prior to testifying. You may be limited by time for your statement, depending upon how many people wish to testify.

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

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

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

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

Before the conclusion of the initial evidentiary hearing, any participant may ask the hearings body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing. The Planning Commission shall grant such requests by continuing the public hearing or leaving the record open for additional written evidence or testimony. Any such continuance of 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.

**MINUTES**  
**CANBY PLANNING COMMISSION**  
7:00 PM – August 22, 2016  
City Council Chambers – 155 NW 2<sup>nd</sup> Avenue

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**PRESENT:** Commissioners John Savory, Kris Rocha, Larry Boatright, John Serlet, and Derrick Mottern

**ABSENT:** Shawn Hensley and Tyler Smith

**STAFF:** Bryan Brown, Planning Director, and Laney Fouse, Planning Staff

**OTHERS:** Carlene Fair, Cynthia May, Skie Barton, Keith Kimberlin, John & Linda Calvert, Darren Monen, Tom Thomsen, Pat Sisul, Nancy Crorey, Bill Crorey, Kim Villemeyer, and Alex Villemeyer

**1. CALL TO ORDER**

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

**2. CITIZEN INPUT** – None

**3. MINUTES** – None

**4. PUBLIC HEARING**

- a. Consider a request for a Site & Design Review and a Minor Partition to construct two triplex buildings – each on an individual lot at 431 S Township Road. (**DR 16-05/MLP 16-02 Monen Construction**)

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

Bryan Brown, Planning Director, entered the staff report into the record. This was a request for a partition to divide the existing tract into two flag lots and a site and design review for the proposed development of two triplexes. This was on the south side of Township near the intersection of Township and Locust. He explained the zoning map and said the property was zoned R-1.5 which allowed duplexes and triplexes. The existing home on the site would be demolished. There were two driveways and the traffic study indicated the driveway needed to be shifted to the west to provide greater site distance. He discussed the site plan for the development including the new lot lines. Each triplex would have a garage and there was an extra parking area. Two letters were received from citizens who were concerned this development did not fit in with the area of single family homes and issues with fencing, screening, setbacks, and impacts to adjacent properties. The triplexes would be two stories tall with three units in each building. They had porches, sidewalks, landscape screening from neighbors, an outdoor open space, stormwater detention facility, and extension of public sewer to the second unit.

Applicant: Darren Monen, resident of Canby, was a long time Canby resident. He had done many in-fill projects in the City and had purchased this property several years ago. The back part of the property was

unimproved and the current house had run its course. It was time to upgrade and do something different on the property. The triplexes were nothing like apartments and would be quality homes that would be well maintained. A property management company would be handling the rentals. They vetted all the applicants and did not have a high turn-over rate. They built a similar project on 4<sup>th</sup> and Fir. This would improve the neighborhood and a lot of time, money, and thought had gone into the proposal. He planned to build these and retain them. Because the road was being paved and the City did not want it to be torn up again, he had already put in the sewer and water lines.

Proponents: Pat Sisul of Sisul Engineering discussed the site plan. There was a central trash enclosure, there would be no parking in front of the garages, and there were 15 parking spaces, a paver patio gathering area, and an arborvitae hedge along the property line to screen headlights and arborvitae to screen the trash enclosure. The neighborhood meeting happened on June 1 and it was after that meeting the applicant found out the traffic study results for the driveway. The site distance wasn't adequate due to a wall and the site plan was flipped. The sewer line was put in with a new manhole in the street and a new water line was put in with the ability for a fire hydrant to be put in front of the property. All other utilities were available. The arborvitae would be six feet tall. They had explained in the neighborhood meeting that the meeting was required before the application was submitted and it was a work in progress and sometimes things changed. The traffic study took the most time to complete and in this case the study had a significant impact on the layout of the project. Everything was still the same, the layout was just flipped, and the applicant did not think it was necessary to hold another neighborhood meeting.

Opponents: Bill Crorey owned property in Canby in this area. He was concerned about the timeline of the neighborhood meeting and how at that meeting they were told one thing and it was changed. Neither he nor his tenant got notification of this hearing and the neighbors living on Lupine did not receive notification. He did not know about it until he went into the Planning Department. There should have been another neighborhood meeting as the plans were not anything like what had been presented at the previous neighborhood meeting. He was concerned about who would be responsible for maintaining the stormwater detention facility and who would assume the liability for it. The road oils from the cars would drain into it and the standing water would cause mosquito infestation. The driveway to the north was decreased in length and that would eliminate any parking in front. He was concerned about not having enough parking. Most people did not park their cars in their garages, but used the garages for storage. Cars would have to be parked on the street, possibly blocking mailboxes. The street yard requirements were not being met on the northern development.

Carlene Fair, resident of Canby, lived on Lupine. She was not notified of the neighborhood meeting and did not know about the project until the construction crew who were putting in the water and sewer lines told her. She was concerned that her property was two feet higher than this property and her fence was not high enough for privacy. There needed to be a two foot retention wall put in so a six foot fence could be installed. The existing fence was owned by the applicant and was falling down. The past tenants had been unruly and the police had been called on numerous occasions. The lot was consistently cluttered with garbage and broken down vehicles and the back lot was used as a mud bog for the tenant's four-wheelers. She was concerned about privacy and problems with tenants.

Keith Kimberlin, resident of Canby, also lived on Lupine. The applicant did not have a good tenant record. They had long term tenants, but they were not being good citizens. He also had issues with the



tenants numerous times. Other issues he had were car lights from the driveway shining into his house and the two story triplexes being able to look down on the neighbors' houses and yards. He also wondered where the street lighting would be placed.

John Calvert, resident of Canby, lived to the south of the development. He agreed with the concerns about the process and that there should have been an additional neighborhood meeting. He would like to see trees planted along the back side of the property so the two story triplexes could not look down on the neighbors' properties.

Cynthia May, resident of Canby, lived on Lupine. She was not notified of the neighborhood meeting. There was not a level elevation between the lots and privacy would be lost when the two story triplexes were built. She was concerned that the six units and the movement of cars and headlights in their windows would take away the quality of life in the neighborhood.

Nancy Crorey, resident of Canby, lived in the area. The applicant's other development on 4<sup>th</sup> and Fir were nice, but they were duplexes and in a neighborhood of lower valued houses than this property. She was concerned about the value of her home going down due to this development.

Neutral: None.

Rebuttal: Mr. Monen said the notices for the neighborhood meeting were sent out in a timely manner and most people in the neighborhood received them. There was no requirement to have a second neighborhood meeting. The traffic study came out after the neighborhood meeting and the plan had to be changed. The Code had been met for parking and stormwater retention. He did not think there had always been bad renters on the site. The last renters had been allowed to stay during the transition of putting this application together so it was not vacant for a long period of time and they had to follow all the laws in order to get the renters out which took time. He agreed they were not ideal renters, but in his other rentals they had good renters. Trees had been added for screening. If a retaining wall needed to be put in for the fence, he was willing to discuss it.

Mr. Sisul said regarding the stormwater detention area, it was incentivized in the Code as the developer received points for putting in bio retention. It was there to collect low flows and had catch basins in it that would send the flows to the drywell. It was also there to catch the oils and greases from the driveways which would be caught in the plants instead of going down into the groundwater. There would be enough room for the ingress and egress of cars in the driveway and garages. He explained how the street yard, which was a side yard facing the street, was 15 feet and met the requirements. Regarding lighting, it would meet Code. This was an area where R-1 was transitioning to R-1.5 and R-2. Duplexes and triplexes were outright permitted uses in R-1.5. It was different, but that didn't mean it was not compatible. The first thing that would happen on the site was the existing house would be demolished. He then described the landscape plan. The plan had been done after the neighborhood meeting and was developed based on the concerns of the neighbors.

Chair Savory closed the public hearing.

There was discussion regarding a garage being considered as a parking space, which the Code allowed. Mr. Brown suggested it could be added to the CC&Rs that the garage was intended for parking and tenants should avoid on street parking.

Commissioner Boatright thought parking would be an issue, although there was on street parking available on Township. If parking was an issue, it was the residents' responsibility. In every situation when homes were two stories high, people could look down into other people's yards. He thought the application met the Code and was in favor of the application.

Commissioner Rocha understood the stress of having unruly neighbors, but the Planning Commission only made sure the codes were being followed. It looked like it would be a nice complex and she hoped the tenants would be better controlled.

Commissioner Serlet said with land becoming more valuable and in small supply, buildings had to go higher. It was unfortunate for single level structures when two stories were built nearby, but it was a fact of life. As long as the zoning permitted it, there was no violation and they could not oppose it.

Commissioner Mottern thought it would be a good addition and met all the Code requirements.

Chair Savory agreed the application met all the codes and the Planning Commission's job was to make sure the codes were being followed. He encouraged holding another neighborhood meeting to discuss the concerns.

**Motion:** A motion was made by Commissioner Boatright and seconded by Commissioner Rocha to approve DR 16-05/MLP 16-02 Monen Construction, accepting the transportation impact analysis and striking Condition #1. Motion passed 5/0.

## **5. NEW BUSINESS – None**

## **6. FINAL DECISIONS**

- a. DR 16-05/MLP 16-02 Monen Construction

**Motion:** A motion was made by Commissioner Rocha and seconded by Commissioner Mottern to approve the final decisions for DR 16-05/MLP 16-02 Monen Construction. Motion passed 5/0.

## **7. ITEMS OF INTEREST / REPORT FROM STAFF**

- a. Next regular Planning Commission meeting scheduled for Monday, September 26, 2016

Mr. Brown discussed what would be on the agenda for September 26.

## **8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION – None**

## **9. ADJOURNMENT**

**Motion:** Commissioner Boatright moved for adjournment, Commissioner Serlet seconded. Motion passed 5/0. Meeting adjourned at 8:20 pm.

The undersigned certify the August 22, 2016 Planning Commission minutes were presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 28th day of November, 2016

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

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Laney Fouse, Meeting Recorder

Assisted with Preparation of Minutes – Susan Wood

**MINUTES**  
**CANBY PLANNING COMMISSION**  
7:00 PM – September 26, 2016  
City Council Chambers – 155 NW 2<sup>nd</sup> Avenue

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**PRESENT:** Commissioners John Savory, Tyler Smith, Larry Boatright, and John Serlet

**ABSENT:** Kris Rocha and Derrick Mottern

**STAFF:** Bryan Brown, Planning Director, and Laney Fouse, Planning Staff

**OTHERS:** Pat Sisul, and Clint Coleman, Council liaison

**1. CALL TO ORDER**

Chair Savory called the meeting to order at 7:05 pm.

a. Selection of Vice Chair

Chair Savory said Commissioner Hensley resigned from the Planning Commission. There was discussion regarding nominating Kris Rocha for Vice Chair, but she would not be renewing when her term ended in December, and Tyler Smith, who had submitted an application for the open City Council position.

***Motion:*** A motion was made by Commissioner Serlet and seconded by Commissioner Smith to nominate Larry Boatright as Vice Chair. Motion passed 4/0.

**2. CITIZEN INPUT – None**

**3. MINUTES**

a. May 23, 2016, July 11, 2016, and July 25, 2016 Planning Commission Minutes

***Motion:*** A motion was made by Commissioner Boatright and seconded by Commissioner Serlet to approve the May 23, 2016, Planning Commission Minutes. Motion passed 4/0.

***Motion:*** A motion was made by Commissioner Serlet and seconded by Commissioner Boatright to approve the July 11, 2016, Planning Commission Minutes. Motion passed 4/0.

***Motion:*** A motion was made by Commissioner Boatright and seconded by Commissioner Serlet to approve the July 25, 2016, Planning Commission Minutes. Motion passed 4/0.

**4. PUBLIC HEARING**

a. Consider a request for Annexation and Zone Change for property located on N Oak St. (**ANN 16-04/ZC 16-04 John Meredith**)

Chair Savory opened the public hearing and read the public hearing format. He asked if any Commissioner had a conflict of interest or ex parte contact to declare. Chair Savory drove by the site a couple times per day.

Bryan Brown, Planning Director, entered the staff report into the record. This was a request for annexation. Due to recent State legislation, annexations no longer went to a vote of the people. This was a recommendation to the City Council who would make the final decision. This was an annexation of 1.8 acres that included half of the adjacent right-of-way of Territorial Road. It was located on the southeast corner of Territorial and N Locust. It was surrounded by property in the City limits and he thought when there was an opportunity to get rid of islands surrounded by the City it was a good idea to do so. When property is annexed, a new zone is assigned that will be in conformance with the Comprehensive Plan. This site would be rezoned to R-1.5 – Medium Density Residential. There was a conceptual plan of a possible subdivision that showed how the property would most likely be developed into 9 lots for detached single-family homes and would extend NE 18<sup>th</sup> Avenue eastward from N Oak Street through the site. There would be adequate public facilities available, and the applicant would be responsible for some utility extensions. A traffic study was done which indicated there would be no significant traffic impacts and the application was in conformance with the Transportation Planning Rule as the anticipated traffic with the rezone conforms to what was anticipated in the TSP and the Comp Plan. The annexation ordinance had a map that defined areas that were required to have a development agreement and this area was included in that map. The City wanted to make sure NE 18<sup>th</sup> Avenue was extended to connect to the adjacent property when it was annexed in the future. This was the main item in the development agreement for this property. Also in the agreement was the dedication of right-of-way for N Oak and Territorial for future development.

There was discussion regarding increase in traffic and putting in speed bumps or a stop sign for mitigation. Mr. Brown said speed bumps could not be put on Territorial due to its higher classification and studies need to be done for the correct placement of stop signs. Eventually there would be a stop light warranted at N Redwood Street and Territorial Road.

Applicant: Pat Sisul, Sisul Engineering, was representing the applicant. This application would translate into 9 single family lots. There was one existing house on the property that would remain, so 8 new homes would be constructed. The lots would be zoned R-1.5, which was in short supply in the City and would help balance the available lots in all three residential zones of the City's inventory. Utilities were available in Territorial and N Oak. The traffic generation from eight new homes would be a minimal impact and was planned for in the adoption of the Transportation System Plan. He discussed the available platted lots in Canby as of July 25, 2016. For available lots in subdivisions, there were 55 lots remaining in the R-1 zone, 0 lots remaining in the R-1.5 zone, and 23 lots remaining in the R-2 zone. For available lots in minor land partitions, there were 6 lots remaining in the R-1 zone, 0 lots remaining in the R-1.5 zone, and 3 lots remaining in the R-2 zone. For the number of single family and multi-family permits that were pulled by month in 2015, there were 68 single family residential permits and 17 multi-family residential permits. The ten year historical average was 447 permits over ten years, or 44.7 per year, the three year historical average was 45.3 permits per year, and in 2015 the number of permits pulled was 85. This was more than double the three and ten year averages.

There was discussion regarding the inventory of land supply in Canby.

Mr. Sisul continued to discuss the buildable lot supply. If they used the ten year average, there was 1.95 years' worth of supply left, if they used the three year average, there was 1.92 years' worth of supply left, and if they used the 2015 building rate, there was slightly over a year left. They had projected out to the end of 2016 which included the subdivisions that were approved and were under development, but the plats had not been recorded yet. Using the ten year average, by the end of the year there would be 1.8 years' worth of supply left, using the three year average, there would be 1.77 years' worth, and using the 2015 rate, there would be 1.25 years' worth. Land had to be added at a reasonable rate and this development was not an unreasonable annexation request.

Proponents, Opponents, and Neutral: None.

Chair Savory closed the public hearing.

**Motion:** A motion was made by Commissioner Smith and seconded by Commissioner Serlet to approve ANN 16-04/ZC 16-04 John Meredith based on the need for additional property within the City, it was an island surrounded by City limits and existing services, there would be no traffic impacts, and it fit with the Comprehensive Plan designation. Motion passed 4/0.

## 5. NEW BUSINESS – None

## 6. FINAL DECISIONS

### a. ANN 16-04/ZC 16-04 John Meredith

**Motion:** A motion was made by Commissioner Boatright and seconded by Commissioner Smith to approve the final decisions for ANN 16-04/ZC 16-04 John Meredith. Motion passed 4/0.

## 7. ITEMS OF INTEREST / REPORT FROM STAFF

### a. Next regular Planning Commission meeting scheduled for Monday, October 10, 2016

Mr. Brown discussed a request to build a detached accessory dwelling unit at 12<sup>th</sup> and N Locust. Accessory dwellings were not to exceed 800 square feet and this application was for a dwelling of 790 square feet, but it was designed with a full basement. The basement would be used for heating/cooling and storage but could be considered living space. The question was if a basement could be excluded from the square feet requirement. This had never been proposed before.

Commissioner Smith thought D3 – containing the maximum size limit would not apply because it was detached requiring a Conditional Use Permit, and only D2 was indicated to apply in this situation, which did not restrict the unit to 800 square feet. Mr. Brown thought that reference was an error in the Code, but if that was how the Commission interpreted it, the unit would not be automatically restricted to 800 square feet if the applicant went through the Conditional Use Permit process.

### b. City of Canby New Library/Civic Center, 222 NE 2<sup>nd</sup> Ave

Mr. Brown discussed how staff was packing to move into the new library/civic center building on September 30. This would be the last Commission meeting in the old Council Chambers. He did not

expect to hold a meeting on October 10. The next possible meeting would be held on October 24.

**8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION – None**

**9. ADJOURNMENT**

***Motion:*** Commissioner Boatright moved for adjournment, Commissioner Smith seconded. Motion passed 4/0. Meeting adjourned at 7:58 pm.

The undersigned certify the September 26, 2016 Planning Commission minutes were presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 28<sup>th</sup> day of November, 2016

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

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Laney Fouse, Meeting Recorder

Assisted with Preparation of Minutes – Susan Wood

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# City of Canby

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## Planning and Developments Services

**DATE:** November 17, 2016

**TO:** Canby Planning Commission

**FROM:** Bryan Brown, Planning Director

**Re:** Memo To The File CUP/VAR 16-02

Staff recommends to the Planning Commission that the November 28, 2016 hearing for CUP/VAR 16-02 be postponed to January 9, 2017. This will give the applicants time to address access issues onto S. Ivy Street raised by Clackamas County. The County stated that the property does not currently meet County access standards.

Sincerely,

Bryan Brown,  
Planning Director

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# City of Canby

## CONDITIONAL USE STAFF REPORT

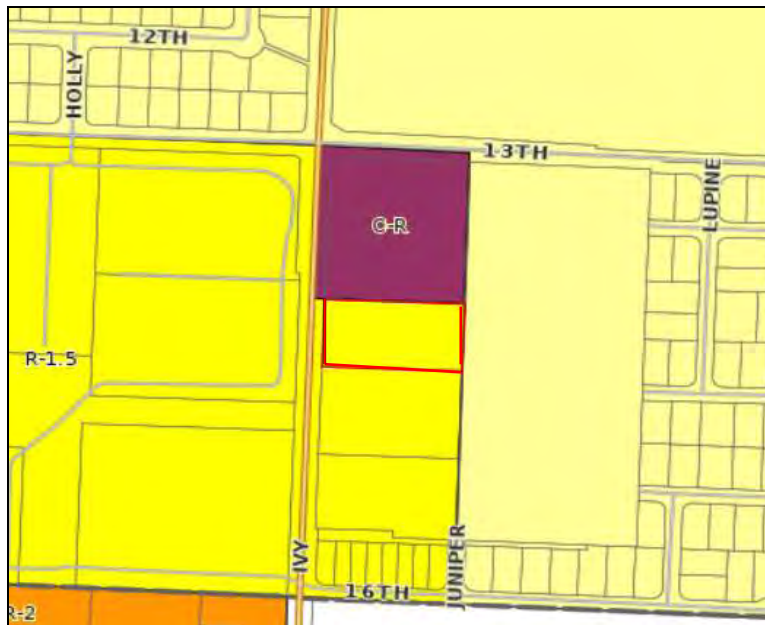
FILE #: CUP/VAR 16-02

Prepared for the November 28, 2016 Planning Commission Meeting

**LOCATION:** 1440 S. Ivy Street (Bordered area in map below)

**ZONING:** R-1.5 Medium Density Residential

**TAX LOT:** 41E04DA04900



**LOT SIZE:** 1.3 Acres

**OWNER:** Teresa and Scott Sasse

**APPLICANT:** Teresa and Scott Sasse

**APPLICATION TYPE:** Conditional Use Permit (Type III)/Major Variance (Type III)

**CITY FILE NUMBER:** CUP/VAR 16-02

### APPLICANT'S REQUEST:

To receive approval for this type of application, the applicant has the burden of proof and must provide enough information to determine that the request meets criteria to allow the use. The applicants are requesting conditional use approval to establish a candy and baked goods manufacturing business as a home occupation in a newly constructed 1800 square foot accessory building and are requesting a major variance to vary criteria for a home occupation in order to use an 1800 square foot building where a 600 square foot building is allowed under Section 16.04.240, CMC. The subject property is located at 1440 S. Ivy Street and situated on the east side of S. Ivy Street approximately 400 feet south of SE 13<sup>th</sup> Avenue and approximately 580 feet north of SE 16<sup>th</sup>

Avenue and is surrounded by developed residential neighborhoods of single-family homes to the west and east and single-family dwellings on large lots to the north and south. A lot bordering on the north is zoned C-R (Residential Commercial) and in residential use, and land to the south and west is within the R 1.5 (Medium Density Residential) zone, and properties to the east are zoned R-1 (Single-Family Residential).

**I. APPLICABLE CRITERIA:**

**1. 16.08.070. Illegally created lots**

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

**Findings: Based on available information, the subject property can be considered legally created for land use purposes.**

**2. 16.10 Off-Street Parking and Loading**

**Findings: Requirements listed in Table 16.10.050 for manufacturing state that 2 spaces are required per 1000 gross square feet of office space and 1 space per 1000 square feet of manufacturing space. However, parking information was not provided on the submitted site plan. At the Planning Commission hearing, the applicant should provide delineated parking showing correct measurements on each of the two spaces required for the proposal.**

**3. 16.18. R-1.5 Medium Density Residential Zone**

**Findings: In the R-1.5 zone, Section 16.18.020(A) refers to conditional uses listed in the R-1 zone, and under Section 16.16.020(I) of the R-1 zone, a conditional use Home Occupation is listed as follows:**

**“Home occupations which otherwise meet the strict definition of section 16.04.240, but which involve the manufacture of products, nonresidential storage of goods, or any activity which is likely to increase traffic”**

**Because the applicants are proposing the manufacturing of baked goods and confectionary products, conditional use approval is required by the Planning Commission under the Section noted above. The definition of a Home Occupation as listed Section 16.04.240 is stated as follows:**

**“Home occupation means a lawful activity commonly carried on within a dwelling by members of the family occupying the dwelling with not more than one non-resident employee being engaged, provided that:**

- A. The residential character of the building is maintained;**
- B. The activity occupies less than one-quarter of the ground floor area of the building;**
- C. The activity is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term nor infringe**

upon the rights of neighboring residents to enjoy the peaceful occupancy of their homes. Business visitors to the premises shall not exceed eight (8) per day and delivery trucks shall not exceed one (1) per day;

D. The occupation shall not be carried on in an accessory building of the residence where the building is larger than six hundred (600) square feet;

E. No signs are permitted, except for a single unilluminated nameplate not to exceed two (2) square feet in area;

F. All home occupations require a city business license. (Ord. 890 section 7, 1993; Ord. 830 section 1, 1989; Ord. 740 section 10.1.20(B) [part], 1984)”

**Findings:** The applicants did not respond to the criteria listed above. However, a Variance Application was filed to accompany this Conditional Use Application as a result of the proposal not meeting the maximum building size of 600 square feet stated in “D” above. In a previous meeting with City staff, the applicant mentioned that they will have more than one (1) non-resident employee, as limited by the definition, especially occurring during certain times of the year. The applicant should also address the floor area used for the business in (B) and the traffic limitations as to the number of trips and deliveries listed in (C) as part of the variance. Additionally, we do not know if there will be retail sales at the site. The applicants should provide additional information to the Planning Commission addressing each of the statements listed in the above definition and prove that the home occupation meets the definition criteria.

#### **4. 16.46. Access Standards**

**Findings:** Comments from Clackamas County indicated that the proposed property had existing access issues, such as two driveways, which need to be resolved prior to County approval for access onto S. Ivy Street.

#### **5. 16.50.010. Authorization to Grant or Deny Conditional Uses**

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

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

**FINDINGS:** The exterior siding and roofing of the proposed building must be similar in color, material and appearance to that used on the primary dwelling although different siding or roofing may be approved by the Planning Commission if they find that the proposed design is more compatible with surrounding residences. The site is surrounded by residential uses, and the applicant indicates the site is level and existing trees are able to be preserved. In this particular case, the proposed building will be located 30 feet from the from property line in the northwest corner of the parcel somewhat closer to the street than the residence. Although a calculation was not provided, it is clear to staff that the overall impervious surface on the property will not exceed the 60% maximum allowed. It appears that the applicant can provide additional parking spaces to accommodate the new use on the property.

Sewer, water, and electricity must be extended to the new accessory building and meet all Public Works and utility standards during the building permit process. Additionally, the applicant must meet required Building Code regulations for a bakery/candy manufacturing business in the proposed 1800 square foot building. The City Engineer stated that the City may want to consider charging SDS's if the water meter is upsized, and Canby Utility noted that any required electrical upgrade would be at the applicants' expense.

Based on the size of the subject property, the proposed accessory building itself should not alter the character of the surrounding area or impact uses permitted in the zone. However, it is the impact of the proposed manufacturing business that the Planning Commission should review. Once approved and built, the home occupation business will run with the land for a future owner of the property if not specifically restricted from doing so as a condition of the Conditional Use Permit. The number of employees, trips to the site, and deliveries, currently and with growth of the business, must be considered by the Commission. The large lot can easily accommodate the increased intensity of use without a significant loss of open space, air, and light which are typical components regulated by zoning. It appears that the development standards for an R-1.5 zone are met – including setbacks, height, and maximum impervious coverage. However, any changes in the plans submitted, such as appearance of the new pole building, must be submitted to the Planning Commission. Existing trees on the site will be preserved because of the location of the construction site.

**COMPREHENSIVE PLAN CONSISTENCY ANALYSIS FOR ITEM "A" ABOVE:**

***LAND USE ELEMENT***

**GOAL:** TO GUIDE THE DEVELOPMENT AND USES OF LAND SO THAT THEY ARE ORDERLY, EFFICIENT, AESTHETICALLY PLEASING AND SUITABLY RELATED TO ONE ANOTHER.

**Applicable Policies:**

**Policy #1:** Canby shall guide the course of growth and development so as to separate conflicting or incompatible uses, while grouping compatible uses.

**Analysis:** It does not appear that the proposed home occupation is a conflicting or incompatible use to the surrounding neighborhood. The large lot size and availability of access makes it suitable for a small business operation that can be

limited in growth with conditions of approval. The concern should be that if the business grows beyond the intended small residential oriented intent of a home occupation it would become increasingly incompatible in a residential neighborhood. A small home occupation could co-exist at the location without more crowding or density and possible impacts related to the loss of space, air, light, or traffic and noise to the surrounding properties. The subject property clearly has plenty of space for the building used for the home occupation.

Policy #2: Canby shall encourage a general increase in the intensity and density of permitted development as a means of minimizing urban sprawl.

**Analysis:** A small home occupation cannot be considered an increase in density.

Policy #3: Canby shall discourage any development which will result in overburdening any of the community's public facilities or services.

**Analysis:** The impact of a home occupation should be insignificant to public services. Based on available information, utility service connections can readily be made to the new structure. The applicant should discuss hookups for water and electricity with Canby Utility and the connections appear feasible. Extension of services from the existing home may be suitable, while separate metering and service lines are often better for billing or service flexibility in the future. Public facility and service providers were asked to comment on this application.

A typical home is expected to generate approximately 9 vehicle trips in a typical 24 hour weekday. These are of course spread out over the day. The definition of a home occupation in Section 16.04.240(C) limits business visitors to the site at eight trips per day and delivery trucks to one trip per day. It should be noted that S. Ivy Street is classified as an arterial. However, there is no evidence that the traffic increase resulting from the home occupation would significantly impact the capacity of the street or overburden traffic in the area.

Policy #4: Canby shall limit development in areas identified as having an unacceptable level of risk because of natural hazards.

**Analysis:** No natural hazards have been identified on the subject property.

Policy #5: Canby shall utilize the land use map as the basis of zoning and other planning or public facility decisions.

**Analysis:** The parcel is currently zoned Medium Density Residential (R-1.5) and is surrounded by other residential zoned properties.

Policy #6: Canby shall recognize the unique character of certain areas and will utilize the following special requirements, in conjunction with the requirements of the land development and planning ordinance, in guiding the use and development of these unique areas.

**Analysis:** The property is not located in an "area of special concern" designated in the Canby

**Comprehensive Plan.**

***ENVIRONMENTAL CONCERNS ELEMENT***

GOALS: TO PROTECT IDENTIFIED NATURAL AND HISTORICAL RESOURCES.  
TO PREVENT AIR, WATER, LAND, AND NOISE POLLUTION.  
TO PROTECT LIVES AND PROPERTY FROM NATURAL HAZARDS.

***Analysis:*** The subject property is considered to be urbanized and no environmental concerns have been identified.

***TRANSPORTATION ELEMENT***

GOAL: TO DEVELOP AND MAINTAIN A TRANSPORTATION SYSTEM WHICH IS SAFE, CONVENIENT AND ECONOMICAL.

***Applicable Policies:***

Policy #1: Canby shall provide the necessary improvements to City streets, and will encourage the County to make the same commitment to local County roads in an effort to keep pace with growth.

***Analysis:*** No improvement to the street or sidewalk system is necessary to serve the intensification of use associated with this proposal.

Policy #4: Canby shall work to provide an adequate sidewalk and pedestrian pathway system to serve all residents.

***Analysis:*** The subject property is accessed by a system of existing adequately paved streets and sidewalks are in place.

Policy #6: Canby shall continue in its efforts to assure that all new developments provide adequate access for emergency response vehicles and for the safety and convenience of the general public.

***Analysis:*** The proposal shall meet Canby Fire standards.

***PUBLIC FACILITIES AND SERVICES ELEMENT***

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

***Applicable Policies:***

Policy #1: Canby shall work closely and cooperate with all entities and agencies providing public facilities and services.

***Analysis:*** Based on available information, utility services and adequate access are available.

Policy #5: Canby shall assure that adequate sites are provided for public schools and recreation



facilities.

**Analysis: This policy is not applicable to this request.**

**CONCLUSION:**

Review of the goals, policies, and implementation measures of the Comprehensive Plan indicates that the proposed conditional use is consistent with Canby's Comprehensive Plan.

**IV. AGENCY AND PUBLIC COMMENTS:**

Comments were solicited from the public, City departments, and applicable reviewing agencies. Summary of comments are included in the staff report, and complete agency and public comments are part of the file. All comments from citizens and agencies received to date are attached to the file and will be presented to the Planning Commission.

The City Engineer commented that the City may want to consider SDC's based on the size of the proposed business. SDC's should be based on the size of the meter if upsized.

Canby Utility stated that if the upgrade of the electrical service is required, it will be at the applicants expense.

Clackamas County commented that the property does not meet access standards onto S. Ivy Street.

A neighbor submitted comments that indicated concerns for a commercial use being established in a residential zoned area.

Other agencies either had no comment or failed to respond at the time this report was completed. No public comments were received.

**MAJOR VARIANCE**

**16.53.020**

A. Authorization. The commission may authorize variances from the requirements of this title, other than Division VII, where it can be shown that, owing to **special and unusual circumstances** related to a specific piece of property, the literal interpretation of the regulations would cause an undue or unnecessary hardship, except that no variance shall be granted to allow the use of property for purposes not authorized within the district in which the proposed use would be located. In granting a variance, the commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and to otherwise achieve the purpose of this title.

B. Standards and Criteria. A variance may be granted only upon determination that all of the following conditions are present:

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the city and within the same zone. These exceptional or extraordinary circumstances result from tract size or shape, topography or other circumstances over which the owners of the property have no control. Actions of previous owners do not constitute other

exceptional or extraordinary circumstances; and

**Findings:** The applicants stated in their submitted narrative that no exceptional or extraordinary circumstances exist on this property. Subsequently, it is not clear how this criteria has been met.

2. The variance is necessary to assure that the applicant maintains substantially the same property rights as are possessed by the owners of other property in the city and within the same zone; and

**Findings:** The applicant stated that the structure will enhance the commercial nature of the area, due to the highway with a 40 mph speed limit. However, the proposal is not located in a commercial zone, but a residential zone, and the zone code is intended to protect the land use designation of each zone classification. The property rights in this particular area is to allow a home occupation in a residential community that remains within the parameters of the home occupation definition. Seeking a conditional use permit may allow a manufacturing business in a home subject to meeting conditions of approval.

3. Granting of this variance will not be materially detrimental to the intent or purposes of the city's Comprehensive Plan or the Land Development and Planning Ordinance; and

**Findings:** As discussed above the proposal does not appear to be in conflict with the Comprehensive Plan. But, the Planning Commission should consider the possibility that the use as proposed could set a precedent for the zone and compromise the Planning Ordinance if the use is large enough to be inconsistent with the intent of a home occupation. Limitations to the number of employees allowed or restrictions to time periods and size may be needed for the use.

4. Granting of this variance will not be materially detrimental to other property within the same vicinity; and

**Findings:** The property is a level rectangular shaped 1.3 acre parcel. The shape provides a long buffer from properties to the east of the business location in the northwest corner of the parcel. The property is bordered on the east by Dinsmore Estates Subdivision and on the west by the Hope Village development. Parcels immediately to the north and south remain in large lot configurations with residences in place. The Planning Commission should consider if the variance could be detrimental in relation to the size and activity of the business in a developed residential area.

5. The variance requested is the minimum variance which will alleviate the hardship; and

**Findings:** It appears that the applicants' hardship is that they need more than 600 square feet to operate their business, to use more than ¼ of the floor space, and more than one employee who does not reside on the premises, at least for certain times of the year. The minimum variance is relative to the applicants' business aspirations. The Planning Commission will have to decide if the proposal meets this criterion.

6. The exceptional or unique conditions of the property which necessitate the issuance of a variance were not caused by the applicant, or the applicant's employees or relatives.

**Findings:** The applicants stated that the proposal does not meet this criterion. They mentioned

**that there is a lack of affordable property elsewhere. Their argument is that their large parcel is more suitable for their business, and its location adjacent to a C-R (Residential Commercial) zone to the north is an extenuating circumstance that is unique to this residential zoned property.**

## **V. CONCLUSION**

1. Staff concludes that the conditional use is in conformance with the City's Comprehensive Plan and the Planning Commission should decide if the proposal meets the Land Development and Planning Ordinance subject to meeting Public Works and Building Code standards.
2. Staff concludes that the site is large enough to suitably accommodate the proposed use.
3. Staff concludes that public service and utility provision to the site is available or can be made available through agreed upon future lateral extensions from the existing home or from services at the street.

## **VI. RECOMMENDATION**

Based on the application submitted and the facts, findings and conclusions of this report, but without benefit of a public hearing, staff has determined that the criteria has not been adequately addressed and therefore has not made a recommendation to the Planning Commission for CUP/VAR 16-02. Additionally, Variance 16-02 must also be approved in order to approve CUP 16-02. The Planning Commission should consider the issues discussed in the staff report in particular the variance criteria and the home occupation definition parameters in Section 16.04.240 in relation to the nature of the business operation and whether suitable conditions are necessary prior to making a decision.

**If the Planning Commission approves CUP/VAR 16-02, staff recommends the following conditions:**

1. Necessary utility lateral or service extensions shall be installed at the applicant's expense. The location of the sewer and water lateral extensions shall be approved by Public Works and Canby Utility prior to issuance of building permits.
2. The applicant shall pave the designated parking spaces for the business.
3. No signs are permitted, except for a single unilluminated nameplate not to exceed two (2) square feet in area
4. The business shall employ no more than one (1) non-resident employee except as specifically specified by the Planning Commission.
5. Business visitors to the premises, other than employee trips, shall not exceed eight (8) per day and delivery trucks shall not exceed one (1) per day.
6. This Conditional Use Permit and associated variance to the definition for number of trips, number of employees allowed, and size of the business is applicable to this business operation and current property owners only and is not to be passed to other property owners or business operators.
7. No retail sales are permitted at the site unless otherwise specified by the Planning Commission.
8. The City may want to consider charging SDS's if the water meter is upsized, and any required electrical upgrade would be at the applicants' expense.

### **Attachments:**

1. Application and applicant narrative
2. Site Plan
3. Agency and citizen comments.



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

# LAND USE APPLICATION

## Conditional Use Process Type III

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

Applicant Name: Scott & Teresa Sasse Phone: 503-314-4238  
 Address: 1440 S. Ivy St Email: teresa@puddingriverchocolates.com  
 City/State: Canby Or Zip: 97013

Representative Name: T. Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_ Email: \_\_\_\_\_  
 City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

Property Owner Name: Scott Sasse Phone: 503-314-4605  
 Signature: [Signature]  
 Address: 1440 S. Ivy St Email: \_\_\_\_\_  
 City/State: Canby Or Zip: 97013

Property Owner Name: Teresa Sasse Phone: 503-314-4238  
 Signature: [Signature]  
 Address: 1440 S. Ivy St Email: Same as above  
 City/State: Canby Or Zip: 97013

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:**

1440 S. Ivy St 1.33AC 41E04DA04900  
 Street Address or Location of Subject Property Total Size of Property Assessor Tax Lot Numbers

10 x 10 Shop/Shed R1.5 UGB  
 Existing Use, Structures, Other Improvements on Site Zoning Comp Plan Designation

30 x 60 Shop/Building Storage  
 Describe the Proposed Development or Use of Subject Property

STAFF USE ONLY				
FILE #	DATE RECEIVED	RECEIVED BY	RECEIPT #	DATE APP COMPLETE
	<u>10.31.16</u>	<u>RM/BB</u>		

## **CONDITIONAL USE PERMIT – TYPE III: STANDARDS AND CRITERIA**

Under Section 16.50.010 of the Canby Municipal Code, an application for CONDITIONAL USE PERMIT approval shall be evaluated based on the following standards and criteria:

- A. The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of this title and other applicable policies of the city;**
  - This proposal shall be consistent with the policies of the comprehensive plan and the requirements of this title and other applicable policies of the city. We plan to develop a revised commercial kitchen to provide baked goods, confections and chocolates.
  
- B. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features;**
  - The site is a 1.32 acre flat lot with a residence and only one shed for storage of lawn equipment. The structure proposed will enhance the commercial nature of the area, due to the highway with a 40 mph speed limit.
  
- C. All required public facilities and services exist to adequately meet the needs of the proposed development;**
  - Public facilities currently existing or will be provided during this process, to provide adequate service to the proposed structure.
  
- D. The proposed use will not alter the character of the surrounding areas in a manner which substantially limits, or precludes the use of surrounding properties for the uses listed as permitted in the zone.**
  - The adjacent properties are zoned R/C, and this structure will retain the current zoning of this property and will not alter the character of the surrounding properties. The plans are to replace the current structure which will only improve the property.



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

# LAND USE APPLIACTION

## MAJOR VARIANCE Process Type III

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

Applicant Name: Teresa & Scott Sasse Phone: 503-314-4238  
 Address: 1440 S Ivy St Email: teresa@puddinriverchocolates.com  
 City/State: Canby OR Zip: 97013

Representative Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_ Email: \_\_\_\_\_  
 City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

Property Owner Name: Teresa Sasse Phone: 503-314-4238  
 Signature: Teresa Sasse  
 Address: 1440 S. Ivy St Email: SAME AS ABOVE  
 City/State: Canby OR Zip: 97013

Property Owner Name: Scott Sasse Phone: 503-314-4665  
 Signature: Scott Sasse  
 Address: 1440 S. Ivy St Email: N/A  
 City/State: Canby OR Zip: 97013

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:**

1440 S. Ivy St 1.33 Ac 41E09DA04900  
 Street Address or Location of Subject Property Total Size of Property Assessor Tax Lot Numbers

10x10 Shop/shed R1.5 UG-B  
 Existing Use, Structures, Other Improvements on Site Zoning Comp Plan Designation

30 x 60 Shop/Building Storage  
 Describe the Proposed Development or Use of Subject Property

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

## **MAJOR VARIANCE – TYPE III: STANDARDS AND CRITERIA**

Under Section 16.53.020 of the Canby Municipal Code, an application for MAJOR VARIANCE approval shall be evaluated based on the following standards and criteria:

- A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the City and within the same zone. These exceptional or extraordinary circumstances result from tract size or shape, topography or other circumstances over which the owners of the property have no control. Actions of previous owners do not constitute other exceptional or extraordinary circumstances;**
- No exceptional circumstances exist, this property is large enough and the zoning allows the building to be built and for a home occupation.
- B. The variance is necessary to assure that the applicant maintains substantially the same property rights as are possessed by the owners of other property in the city and within the same zone;**
- The site is a 1.32 acre flat lot with a residence and only one shed for storage of lawn equipment. The structure proposed will enhance the commercial nature of the area, due to the highway with a 40 mph speed limit.
- C. Granting this variance will not be materially detrimental to the intent or purposes of the city's Comprehensive Plan or the Land Development and Planning Ordinance;**
- This proposal shall be consistent with the policies of the comprehensive plan and the requirements of this title and other applicable policies of the city. The plan is to develop a revised Commercial kitchen to provide baked goods, confections and chocolates.
- D. Granting this variance will not be materially detrimental to other property within the same vicinity;**
- The adjacent properties are zoned R/C, and this structure will retain the current zoning of this property and will not alter the character of the surrounding properties.
- E. The variance requested is the minimum variance which will alleviate the hardship;**
- Yes, the building where the existing business is located, will no longer be available for lease due to it being sold, at a price the owner can't afford. The owner is having to downsize and relocate to home because no building exist in the city of Canby to fulfil the business requirements that is affordable.
- F. The exceptional or unique conditions of the property which necessitate the issuance of a variance were not caused by the applicant, or the applicant's employees or relatives.**
- No, The lack of affordable and adequate space in the city of Canby.

Dear Chairman and Commission,

After nine years in our current location, Scott and I have been faced with the fact that our building may be sold very soon. This has sparked the urgency of finding/building a new facility to continue our confection, bakery and specialty chocolate business in the City of Canby. The next couple of months are huge for our industry. As you can imagine, the loss of income at this time of year would be devastating to our business.

Since we moved into the space we have been investing our working capital on maintenance and minor improvements that should have been the responsibility of the landlord, including most recently, a \$3000 a/c unit.

We have worked around a leaky roof, barely functioning restrooms, and an outside wall that is crumbling. The roof needs to be replaced and the estimated cost is \$25,000. I offered to help fix the exterior walls and even started the façade improvement program for him, only to have him not finish the application. As you can imagine, it's very frustrating to work with a landlord that is vacant in fixing up his own building. It is painful to walk away after the time and money that we have invested in to this facility, which I have treated as my own.

Our landlord has always hoped we would purchase this building from him, however the price of the building and the many maintenance issues that have not been addressed by the landlord over the years, has made it out of our price range to do so.

Over the last couple of years our wholesale business has continued to grow. We have searched the city of Canby for a facility/property that would accommodate our needs at a price we could afford, but have been unsuccessful. After much consideration, we have decided to build a facility on our personal property that would accommodate our increased wholesale business.

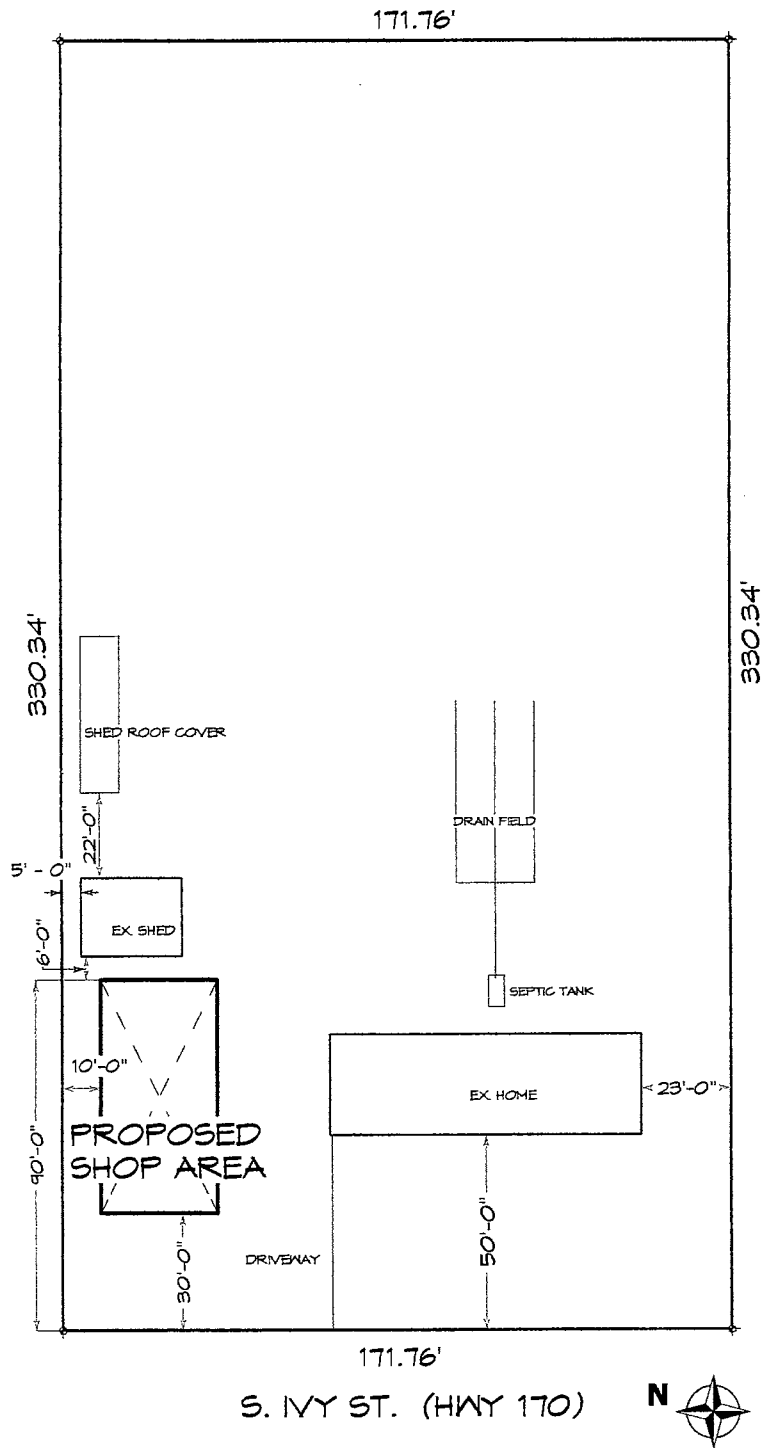
This facility would replace an existing structure, giving us the opportunity to redesign to fit our current production and storage needs. This proposed building doesn't infringe upon any neighbors or businesses in the area. Neighbors have been notified and no concerns have been brought to our attention, only positive feedback.

We have also delivered our proposed interior plans to the Department of Ag and they have given us their approval. The Department of Ag contact information is available upon request.

We **do not** want to move out of Canby to do business.

Thank you so much for your time and your consideration to making our dreams come true!





PLOT PLAN

SCOTT & TERESA SASSE  
 1440 S. IVY ST.  
 CANBY, OREGON 97013

Dear Chairman and Commission,

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Over the last couple of years our wholesale business has continued to grow. We have searched the city of Canby for a facility/property that would accommodate our needs at a price we could afford, but have been unsuccessful. After much consideration, we have decided to build a facility on our personal property that would accommodate our increased wholesale business.

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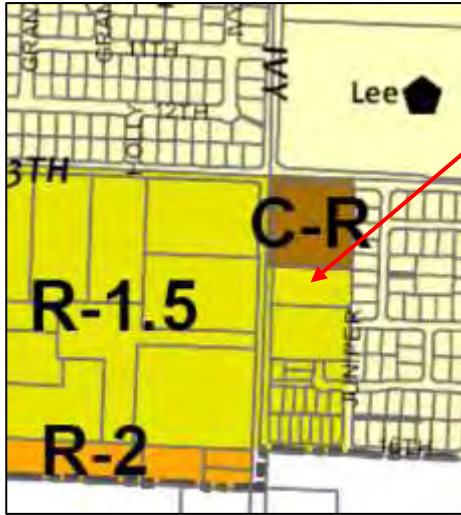
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# City of Canby

## NOTICE OF PUBLIC HEARING & REQUEST FOR COMMENTS

This Notice is to invite you to a Public Hearing at a Planning Commission meeting on Monday, November 28, 2016 at 7 pm in the new City Council Chambers, 222 NE 2<sup>nd</sup> Ave, 1<sup>st</sup> Floor, to review a Conditional Use Permit (Type III) and Major Variance (Type III) application and an opportunity to provide comments. The applicants are requesting a to establish a candy and baked goods manufacturing business as a home occupation in a newly constructed 1,800 sq. ft. accessory building next to their home.



**Comments due**– If you would like your comments to be incorporated into the City’s Staff Report, please return the Comment Form by Wednesday, Nov. 16, 2016

**Location:** [1440 S Ivy Street](#) (Property indicated by red arrow at left.)

**Tax Lot:** 41E04DA04900

**Lot Size and Zoning:** 1.32 acres, zoned R-1.5 Medium Density Residential

**Owners:** Scott & Teresa Sasse (Puddin’ River Chocolates)

**Applicants:** Scott & Teresa Sasse (Puddin’ River Chocolates)

**Application Type:** Conditional Use Permit, Type III & Major Variance (Type III)

**City File Number:** CUP 16-02 & VAR 16-02

**Contact:** David Epling, Associate Planner, 503-266-0686

**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 on Nov. 28, 2016, and may also be delivered in person to the Planning Commission during the Public Hearing. (Please see *Comment Form*). Comments can be mailed to the Canby Planning Department, P O Box 930, Canby, OR 97013; dropped off at 222 NE 2<sup>nd</sup> Ave, or emailed to [eplingd@canbyoregon.gov](mailto:eplingd@canbyoregon.gov).

**How can I review the documents and staff report?** Weekdays from 8 AM to 5 PM at the Canby Planning Department. The staff report to the Planning Commission will be available for inspection starting Friday, Nov. 18, 2016 and can be viewed on the City’s website: <http://www.canbyoregon.gov>. Copies are available at \$0.25 per page or can be emailed to you upon request.

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

- 16.08 General Provisions
- 16.10 Off-street Parking and Loading
- 16.18 R-1.5 Medium Density Residential
- 16.46 Access Standards
- 16.50 Conditional Uses
- 16.53 Variance
- 16.89 Application & Review Procedures

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

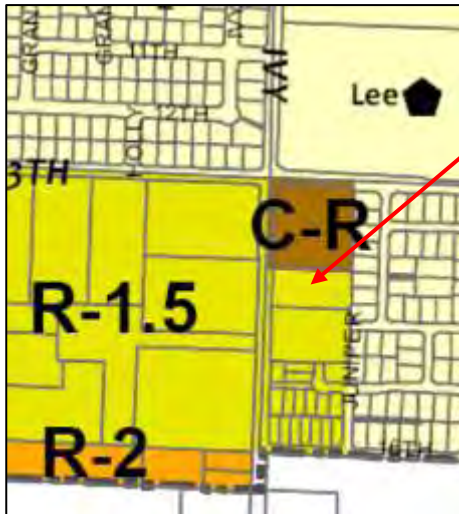




# City of Canby

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**Contact:** David Epling, Associate Planner, 503-266-0686

**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.

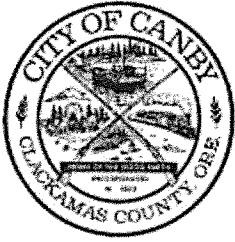
**Where can I send my comments?** Written comments can be submitted up to the time of the Public Hearing on Nov. 28, 2016, and may also be delivered in person to the Planning Commission during the Public Hearing. (Please see *Comment Form*). Comments can be mailed to the Canby Planning Department, P O Box 930, Canby, OR 97013; dropped off at 222 NE 2<sup>nd</sup> Ave, or emailed to [eplingd@canbyoregon.gov](mailto:eplingd@canbyoregon.gov).

**How can I review the documents and staff report?** Weekdays from 8 AM to 5 PM at the Canby Planning Department. The staff report to the Planning Commission will be available for inspection starting Friday, Nov. 18, 2016 and can be viewed on the City’s website: <http://www.canbyoregon.gov>. Copies are available at \$0.25 per page or can be emailed to you upon request.

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

- 16.08 General Provisions
- 16.10 Off-street Parking and Loading
- 16.18 R-1.5 Medium Density Residential
- 16.46 Access Standards
- 16.50 Conditional Uses
- 16.53 Variance
- 16.89 Application & Review Procedures

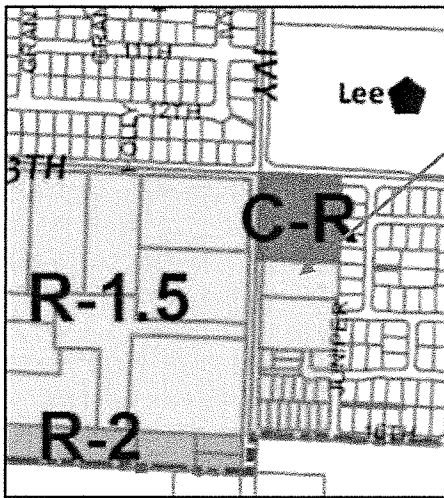
*Note: Failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the board based on that issue.*



# City of Canby

## NOTICE OF PUBLIC HEARING & REQUEST FOR COMMENTS

This Notice is to invite you to a Public Hearing at a Planning Commission meeting on Monday, November 28, 2016 at 7 pm in the new City Council Chambers, 222 NE 2<sup>nd</sup> Ave, 1<sup>st</sup> Floor, to review a Conditional Use Permit (Type III) and Major Variance (Type III) application and an opportunity to provide comments. The applicants are requesting a to establish a candy and baked goods manufacturing business as a home occupation in a newly constructed 1,800 sq. ft. accessory building next to their home.



**Comments due**– If you would like your comments to be incorporated into the City’s Staff Report, please return the Comment Form by Wednesday, Nov. 16, 2016

**Location:** 1440 S Ivy Street (Property indicated by red arrow at left.)

**Tax Lot:** 41E04DA04900

**Lot Size and Zoning:** 1.32 acres, zoned R-1.5 Medium Density Residential

**Owners:** Scott & Teresa Sasse (Puddin’ River Chocolates)

**Applicants:** Scott & Teresa Sasse (Puddin’ River Chocolates)

**Application Type:** Conditional Use Permit, Type III & Major Variance (Type III)

**City File Number:** CUP 16-02 & VAR 16-02

**Contact:** David Epling, Associate Planner, 503-266-0686

**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 on Nov. 28, 2016, and may also be delivered in person to the Planning Commission during the Public Hearing. (Please see *Comment Form*). Comments can be mailed to the Canby Planning Department, P O Box 930, Canby, OR 97013; dropped off at 222 NE 2<sup>nd</sup> Ave, or emailed to [epdingd@canbyoregon.gov](mailto:epdingd@canbyoregon.gov).

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# City of Canby

## TIMBER PARK SUBDIVISION PHASE 1, 2, STAFF REPORT

FILE #: SUB 16-03

Prepared for the November 28, 2016 Planning Commission Meeting

**LOCATION:** In the 2000 Block of SE 13<sup>th</sup> Avenue  
**ZONING:** R-1.5 Medium Density Residential  
**TAX LOTS:** 41E03 00400, 00500, 00600 (Highlighted Below)



**LOT SIZE:** 21.74 acres

**OWNERS:** Daniel and Mary Stoller (TL 400), Geraldine Marcum (TL 500), Jerry and Cynthia Rice (TL 600)

**APPLICANT:** Timber Park, LLC – Joe Schiewe

**APPLICATION TYPE:** Subdivision (Type III)

**CITY FILE NUMBER:** SUB 16-03 – Timber Park Subdivision Phase 1, 2

### I. **PROJECT OVERVIEW & EXISTING CONDITIONS**

The applicant proposes to divide properties existing of 21.74 total acres into a 105 lot subdivision for medium-density residential development. The parcels are currently in residential/agricultural use. The subject properties are situated on the north side of SE 13<sup>th</sup> Avenue and extend westward approximately 613 feet from a point approximately 175 feet

west of Sequoia Parkway and also extend north approximately 1300 feet. The subdivision will include two phases that consist of 69 lots in Phase 1 and 36 lots in Phase 2. A park consisting of 1.215 acres will be developed in the northeast corner of tax lot 400 and dedicated to the City with the development of Phase 1 of the subdivision. The properties were annexed in 2014 under a 32.10 acre annexation (ANN/ZC 14-02) and approved by voters and the Canby City Council. The parcels were included in the SE 13<sup>th</sup> Avenue Concept Plan that was approved by the City Council in 2014. The property is bordered by agriculture land to the east and Baker Middle School on the north. The recently approved Faist Addition Subdivision Phase 7, 8, 9 borders to the west, and land to the south across 13<sup>th</sup> Avenue is within Clackamas County. The adjacent subdivision development has stubbed SE 10<sup>th</sup> Place SE 11<sup>th</sup> Place, SE 11<sup>th</sup> Avenue, and SE 12<sup>th</sup> Avenue at the western property line of the subject properties, and these streets will be extended into the proposed subdivision. The subdivision will border Logging Road Trail on the east, and two connections are proposed to the trail, one located at the park and one in the southeast corner of the proposed subdivision and identified as "Tract A" on the preliminary plat.

## II. ATTACHMENTS

- A. Application form
- B. Application narrative
- C. SE 13<sup>th</sup> Avenue Annexation Traffic Study (by DKS – March 5, 2014)
- D. Pre-application meeting minutes
- E. Neighborhood meeting notice, notes, and attendance sheet
- F. Warranty Deeds
- 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 – Street Plan
- M. Sheet 4 – Water Line Plan
- N. Sheet 5 – Sanitary Plan
- O. Sheet 6 – Storm Plan
- P. Sheet 7 – Grading Plan
- Q. Sheet 8 – Park Plan
- R. Sheet 9 – Street and Sanitary Sewer Profiles
- S. Sheet 10 – Street and Sanitary Sewer Profiles
- T. Sheet 11 – Street and Sanitary Sewer Profiles
- U. Sheet 12 - Street Sections
- V. Sheet 13 - Shadow Plat
- W. Agency Comments
- X. Citizen Comments
- Y. 13<sup>th</sup> Avenue Development Concept Plan

## III. APPLICABLE CRITERIA & FINDINGS

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

- 16.08 General Provisions
- 16.10 Off-street Parking and Loading
- 16.18 R-1.5 Medium Density Residential Zone
- 16.43 Outdoor Lighting Standards
- 16.46 Access Limitations on Project Density
- 16.56 Land Division General Provisions
- 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 properties were included with six parcels that consisted of an annexation of 32 total acres in 2014. A Development Concept Plan for the properties was also approved by the City Council in 2014, and a Traffic Impact Study (TIS) for development resulting from the annexation was performed by DKS at that time. The development area extended south from Baker Middle School to SE 13<sup>th</sup> Avenue and east from S. Teakwood Street to Logging Road Trail and Sequoia Parkway. A traffic study was also performed for the adjacent Faist Phase 6 Subdivision that was approved in 2015. The applicant stated that because of recent traffic studies, an additional study is not necessary for this proposal. Based on information included in the file, staff concurs that an additional Traffic Impact Study is not necessary for the subdivision.

The applicant intends to subdivide the property in two phases. Public utilities are currently located at 13<sup>th</sup> Avenue and to the east and northeast of the proposed subdivision and can be extended as development occurs, and storm drainage is intended with newly installed drywells. However, sewer connections must be made to an existing north/south main adjacent to logging road trail. The applicant plans to complete Phase 1 construction in the fall of 2017, and Phase 2 could occur simultaneously or at a later date. Although the subdivision is zoned R-1.5, only single-family homes are proposed, and lot sizes range from 5,662 square feet to 8,119 square feet with most lots proposed over 6,000 square feet. A minimum lot size of 5000 square feet and a maximum of 6500 square feet is allowed under provisions in Section 16.18.030(A)(1) of the R-1.5 zone. The applicant states that ten lots are proposed to exceed the 6500 square foot maximum. However, under Section 16.18.030 the Planning Commission can approve lots above the maximum size if the average is less than 6500 square feet. The applicant calculated that the average lot size for the subdivision is 6223 square feet.

A new sanitary pump station at the intersection of Mulino Road and 13<sup>th</sup> Avenue is currently being designed by the City, and the applicant anticipates completion in July, 2017, prior to construction of new homes. The Canby City Council has authorized a new Advanced Finance

District (AFD) to recover the cost of an 8" gravity sewer line on SE 13<sup>th</sup> Avenue from Sequoia Parkway to Mulino Road to connect to the pump station. A proposed gravity-fed line improvement is not eligible for SDC funding. The facilities must be in place prior to the subdivision construction process.

Sidewalk easements are required along the frontage of the newly created private lots because the six foot wide sidewalk is located half in the right-of-way (R.O.W.) and half on private property. A dual PUE and sidewalk easement will be required for the subdivision.

The applicant shall construct DEQ approved drywells where required within the subdivision.

The Planning Director determined that the completed SE 13<sup>th</sup> Avenue Annexation Traffic Study was sufficient to address traffic concerns for this proposal. The Walnut Street connection to SE 13<sup>th</sup> Avenue was established by the Annexation Development Concept Plan and Traffic Study.

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

The applicant will dedicate a 1.215 acre park as part of the proposal, and the future park area is located entirely on property owned by the Stollers. Subsequently, park SDC fees will be waived for future lots located on the Stollers' property in proportion to the amount of acreage for the park. Details of the park SDC credit arrangement are currently being finalized in a Park Land Dedication and Improvement Agreement and will be available at a later date.

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

Twenty feet of additional R.O.W will be dedicated adjacent to the SE 13<sup>th</sup> Avenue frontage.

A brick wall is proposed along the rear of lots backing up to SE 13<sup>th</sup> Avenue with landscaping and street trees to be maintained by the HOA.

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 TESTIMONY/AGENCY COMMENTS**

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

V.

**CONCLUSION AND CONDITIONS OF APPROVAL**

Staff concludes that the application conforms to the applicable standards and criteria subject to the following conditions of approval:

**General Public Improvement Conditions:**

1. Prior to the start of any public improvement work, the applicant must schedule a pre-construction conference with the city and obtain construction plan sign-off from applicable agencies.
2. The development shall comply with all applicable City of Canby Public Works Design Standards.
3. The final construction design plans shall conform to the comments provided by the City Engineer in his memorandum dated November 2, 2016.
4. Public improvements such as sidewalk and street improvements on SE 13<sup>th</sup> Avenue are required during development.
5. Turnarounds may be required at the end of all interior streets as directed by the Canby Fire Department.

**Fees/Assurances:**

6. 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.
7. 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.
8. The applicant must guarantee or warranty all public improvement work with a 1 year subdivision maintenance bond in accordance with 16.64.070(P).
9. The applicant must pay the city Master Fee authorized engineering plan review fee equal to 0.4% of public improvement costs prior to the construction of public improvements (approval of construction plans) as each phase of development occurs.

**Streets, Signage & Striping:**

10. The street improvement plans for SE 13<sup>th</sup> Avenue frontage and the interior streets shall conform to the TSP and Public Works standards as indicated by the city engineer.
11. 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.
12. 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.
13. 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.

14. The County is expected to require an all-way stop at the nearby Sequoia Parkway and SE 13<sup>th</sup> Avenue intersection as a condition of approval of this subdivision. The cost of implementing this safety improvement shall be borne by the applicant.

**Sewer:**

15. 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:**

16. Stormwater systems shall be designed in compliance with the Canby Public Works Design Standards as determined by the City Engineer.
17. The applicant shall construct DEQ approved drywells within the subdivision.

**Grading/Erosion Control:**

18. 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.
19. The applicant shall grade all areas of the site, including the proposed lots, to minimize the amount of soil to be removed or brought in for home construction.

**Final plat conditions:**

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**General Final Plat Conditions:**

20. 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.
21. 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.
22. 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.
23. All "as-builts" of City public improvements installed shall be filed with Canby Public Works within sixty days of the completion of improvements.
24. Clackamas County Surveying reviews pending subdivision plat documents for Oregon Statutes and county requirements. A subdivision final plat for Phase 1 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.
25. The applicant shall record the final plat at Clackamas County within 6 months of the date of the signature of the Planning Director.
26. 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.
27. 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**

- 28. The applicant shall dedicate by separate instrument 20’ of ROW width for the full length of the subject property along SE 13<sup>th</sup> Avenue with the Phase 1 Final Plat.
- 29. The applicant shall dedicate 1.215 acres for a public park and construct improvements as indicated by the Park Plan and in the Park Land Dedication and Improvement Agreement.

**Easements**

- 30. A dual 12 foot utility and pedestrian easement along all of the lot street frontages shall be noted on the final plat. This easement may be combined with other easements and shall be measured from the property boundary.
- 31. 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**

- 32. A Street Tree Plan shall be submitted with the final plat, and street tree fees paid prior to release of the final plat. The plan will allow the city to establish street trees per the Tree Regulation standards in Chapter 12.32 of the Canby Municipal Code. The total per tree fee amount is calculated at one tree per 30 linear feet of total street frontage on both sides of all internal streets and the adjacent side of external streets or as determined by an approved Street Tree Plan on a per tree basis.
- 33. A HOA shall be established to maintain the brick wall, landscaping, and irrigation system adjacent to the SE 13<sup>th</sup> Avenue frontage.

**Monumentation/Survey Accuracy Conditions**

- 34. The Planning Commission must make a finding to approve the ten proposed lots above the maximum lot size.
- 35. The county surveyor and/or city engineer shall verify that the lot, street, and perimeter monumentation shall meet the requirements set forth in Oregon Revised Statutes and conform with the additional survey and monumentation standards of 16.64.070(M)(1-3) prior to recordation of the final plat.

**Residential Building Permits Conditions:**

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- 36. Construction of all required public improvements and recordation of the final subdivision plat must be completed prior to the construction of any homes.
- 37. The homebuilder shall apply for a City of Canby Site Plan Permit and County Building Permit for each home and satisfy the residential design standards of CMC 16.21.
- 38. The homebuilder shall apply for a City of Canby Erosion Control Permit.
- 39. All residential construction shall be in accordance with applicable Public Works Design Standards.
- 40. On-site stormwater management shall be designed in compliance with the Canby Public Works Design Standards.
- 41. 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.

**Application for 2 Phase Subdivision  
Timber Park Phases 1 & 2**

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**Applicant:  
Timber Park, LLC**

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**Owners:  
Tax Lot 400 Daniel J & Mary J Stoller  
Tax Lot 500 Geraldine K Marcum  
Tax Lot 600 Jerry R & Cynthia A Rice**

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**October, 2016**



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- VII. Level 1 Environmental Report
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  - b. Assessor Map
  - c. Record of Survey
  - d. Sheet 0 – Cover Sheet
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  - n. Sheet 10 – Street Profiles
  - o. Sheet 11 – Street Profiles
  - p. Sheet 12 – Typical Sections
  - q. Sheet 13 - Shadow Plat

Loose Mailing Labels



City of Canby  
 Planning Department  
 111 NW 2<sup>nd</sup> Avenue  
 PO Box 930  
 Canby, OR 97013  
 (503) 266-7001

# LAND USE APPLICATION

## SUBDIVISION Process Type III

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

Applicant Name: Timber Park, LLC Phone: Joe Schiewe, PM (503-710-8612)  
 Address: P.O. Box 61426 Email: joe@holtgroupinc.com  
 City/State: Vancouver, WA Zip: 98666

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: Daniel Stoller Phone: (503) 616-8031  
DocuSigned by:  
 Signature: Daniel J. Stoller  
 Address: 2220 SE 13th Avenue Email: dmstoller@canby.com  
 City/State: Canby, OR Zip: 97013

Property Owner Name: Mary Stoller Phone: (503) 680-7920  
DocuSigned by:  
 Signature: Mary J. Stoller  
 Address: 2220 SE 13th Avenue Email: dmstoller@canby.com  
 City/State: Canby, OR Zip: 97013

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>2220 SE 13th Avenue, Canby</u>	<u>10.86 Ac.</u>	<u>4 1E 03, Tax Lot 00400</u>
Street Address or Location of Subject Property	Total Size of Property	Assessor Tax Lot Numbers
<u>One home with multiple out-buildings. Farm.</u>	<u>R-1.5</u>	<u>MDR -Medium Density Residential</u>
Existing Use, Structures, Other Improvements on Site	Zoning	Comp Plan Designation

Residential subdivision.  
 Describe the Proposed Development or Use of Subject Property

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



City of Canby  
 Planning Department  
 111 NW 2<sup>nd</sup> Avenue  
 PO Box 930  
 Canby, OR 97013  
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 City/State: Vancouver, WA Zip: 98666

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: Geraldine K. Marcum Phone: (503) 266-6694  
 Signature: *Geraldine K. Marcum*  
 Address: 2192 SE 13th Avenue Email: gerrym@kinetictraining.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

- 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>2192 SE 13th Avenue, Canby</u>	<u>5.93 Ac.</u>	<u>4 1E 03, Tax Lot 00500</u>
Street Address or Location of Subject Property	Total Size of Property	Assessor Tax Lot Numbers
<u>One home with multiple out-buildings. Farm.</u>	<u>R-1.5</u>	<u>MDR -Medium Density Residential Comp Plan Designation</u>
Existing Use, Structures, Other Improvements on Site	Zoning	
<u>Residential subdivision.</u>		
Describe the Proposed Development or Use of Subject Property		

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



City of Canby  
 Planning Department  
 111 NW 2<sup>nd</sup> Avenue  
 PO Box 930  
 Canby, OR 97013  
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 Address: 375 Portland Avenue Email: patsisul@sisulengineering.com  
 City/State: Gladstone, OR Zip: 97027

Property Owner Name: Jerry R. Rice Phone: \_\_\_\_\_  
 Signature: [Signature] 9-20-16  
 Address: 2134 SE 13th Avenue Email: \_\_\_\_\_  
 City/State: Canby, OR Zip: 97013

Property Owner Name: Cynthia A. Rice Phone: (503) 475-2366  
 Signature: [Signature] 9-20-16  
 Address: 2134 SE 13th Avenue Email: cynthia.farrier.rice@gmail.com  
 City/State: Canby, OR Zip: 97013

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>2134 SE 13th Avenue, Canby</u>	<u>4.95 Ac.</u>	<u>4 1E 03, Tax Lot 00600</u>
Street Address or Location of Subject Property	Total Size of Property	Assessor Tax Lot Numbers
<u>One home with multiple out-buildings. Farm.</u>	<u>R-1.5</u>	<u>MDR -Medium Density Residential</u>
Existing Use, Structures, Other Improvements on Site	Zoning	Comp Plan Designation

Residential subdivision.  
 Describe the Proposed Development or Use of Subject Property

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

## SUBDIVISION APPLICATION – TYPE III

### Instructions to Applicants

**All required application submittals detailed below must also be submitted in electronic format on a CD, flash drive or via email. Required application submittals include the following:**

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

- Mailing labels (1" x 2-5/8") 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, a label for each unit on the site must also be prepared and addressed to "occupant."** A list of property owners may be obtained from a title insurance company or from the County Assessor.
- 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:

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NA

- 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.

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NA

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

### SUBDIVISION APPLICATION – TYPE III

- Ten (10) 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 and set of preliminary plans to the City Planner, and after receiving the Planner's initials, must then make and take 16 copies of the pre-application materials to the Canby Public Works Department to schedule the pre-application meeting. The City does not charge a fee for a 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. City Staff can provide you with information concerning application fees.
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 must be posted **by the applicant** 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 Multi-Phase Subdivision, Timber Park**

Applicant: Timber Park, LLC  
P.O. Box 61426  
Vancouver, WA 98666  
Joe Schiewe, Project Manager  
Telephone: (503) 710-8612  
Email: [joe@holtgroupinc.com](mailto:joe@holtgroupinc.com)

Property Owners: Tax Lot 400 Tax Lot 500  
Daniel & Mary Stoller Geraldine K. Marcum  
2220 SE 13<sup>th</sup> Avenue 2192 SE 13<sup>th</sup> Avenue  
Canby, OR 97013 Canby, OR 97013

Tax Lot 600  
Jerry & Cynthia Rice  
2134 SE 13<sup>th</sup> Avenue  
Canby, OR 97013

Representative Sisul Engineering  
375 Portland Avenue  
Gladstone, OR 97027  
Pat Sisul, Project Manager  
Telephone: (503) 657-0188  
Email: [patsisul@sisulengineering.com](mailto:patsisul@sisulengineering.com)

Location 2134, 2192 & 2220 SE 13<sup>th</sup> Avenue, Canby  
North side of 13th Ave, between S Teakwood & Sequoia Pkwy

Legal Description Tax Lots 400, 500 & 600, Sec. 03, T4S R1E WM  
(Assessor Map 4 1E 03)

Zoning R-1.5 (Medium Density Residential Zone)

Site Size Approximately 21.74 Acres

Proposal The proposal is to subdivide the property in two phases into a total of 105 lots consistent with the adopted SE 13<sup>th</sup> Avenue Development Concept Plan and R-1.5 zoning standards. Phase 1 would consist of 69 lots and Phase 2 would be 36 lots. A 1.2-acre park will be developed in the NE corner of the site and will be dedicated to the City of Canby with Phase 1.

## SITE DESCRIPTION

The development site is north of SE 13<sup>th</sup> Avenue, east of S Teakwood Street and east of the Faist Addition neighborhood. The development site includes Tax Lots 400, 500 & 600, three of the five properties that made up a 32.10-acre annexation approved by City of Canby voters in November, 2014 and three of the six parcels that were included in the SE 13<sup>th</sup> Avenue Development Concept Plan approved by the Canby City Council in 2014. Following annexation, the City of Canby zoned all three parcels as R-1.5, Medium Density Residential.

The property is irregularly shaped, with approximately 590 feet of frontage on SE 13<sup>th</sup> Avenue on the south and approximately 1,075 feet of frontage on the Logging Road Trail & Sequoia Parkway to the east. The north line of the property measures approximately 680 feet and abuts Baker Prairie Middle School. Two parcels are located to the west of the property. One is owned by Canby School District and the other is currently being developed as a multi-phase subdivision to be known as Faist Addition Phases 7, 8 & 9. The western line of the property measures approximately 1,300 feet.

The area of the three parcels that make up the development site are as follows: Tax Lot 400 – 10.86 acres, Tax Lot 500 – 5.93 acres and Tax Lot 600 – 4.95 acres. In total, the development site measures approximately 21.74 acres.

Existing through streets in the vicinity of the site include SE 13<sup>th</sup> Avenue, an east-west arterial located along the southern boundary, Sequoia Parkway, a north-south collector located just east of the Logging Road Trail along the site's eastern boundary, and S Teakwood Street, a north-south local street located 840 feet west of the site. Partially constructed streets include SE 11<sup>th</sup> Avenue and S Vine Street, two streets developed and platted in the Faist Addition Phase 7 subdivision that were also planned as a part of the SE 13<sup>th</sup> Avenue Development Concept Plan.

The three parcels that make up the development site each has a home and multiple outbuildings that aided with the agricultural/farm usage. The homes and outbuildings on Tax Lots 500 & 600 are located in the southern portion of the property, while the home and other buildings on Tax Lot 400 are more centrally located. Each home has a well and a septic system. Existing vegetation onsite is mostly pasture grass, but lawns and gardens are located near each home. There are several trees located on the property, most of which are located in the vicinity of the homes. Other significant tree clusters include a group along the property line common to Tax Lots 400 & 401, and a large cluster of firs located in the NE corner of Tax Lot 400. The cluster of firs in the NE corner of Tax Lot 400 will be located on the proposed 1.2-acre park. Other than the trees, the site has no identified natural resources and no identified physical hazards.

The site is very nearly flat with a slight fall to the northeast corner. The NW corner of the site is at elevation 175, the SW corner is at 176.5, the most southerly SE corner is at 174, the most easterly SE corner is at 176 and the NE corner is at 172.5. The lowest point of the site is the NE corner at 172.5 and the highest point of the development site is just offsite in 13<sup>th</sup> Avenue at the SW corner of the site where the grade is at elevation 177.

Although the actual terrain does not fall at a constant rate, the average fall from the SW corner to the NE corner calculated as 0.32 percent, 4.5 feet of fall over an approximate distance of 1,422 feet.

Public water, sewer, power gas and communications to the west of the site are located in SE 11<sup>th</sup> Avenue and SE 13<sup>th</sup> Avenue and can be extended to the property to serve the proposed development. Public water, sewer, power, and communications are also located east and northeast of the site in Sequoia Parkway and along the Logging Road Trail. Public storm drainage can be accommodated through installation of new drywells. Offsite, a sanitary sewer pump station at the Mulino Road intersection with SE 13<sup>th</sup> Avenue is currently being designed by the City of Canby. Construction of the pump station, its associated force main, and the associated gravity main in SE 13<sup>th</sup> Avenue is anticipated to begin in spring 2017 and be completed in July, 2017, prior to the completion of construction of any homes in this subdivision.

Surrounding properties include a variety of uses, including rural residential, urban residential, agricultural, a school, and a vacant parcel that is owned by the school district. Surrounding zoning and land uses are identified below:

- North – TL 1100, R-1, Owner: Canby School District, Baker Prairie Middle Sch.
- West – TL 900, R-1, Canby School District, property is vacant  
TL 700, R-1, Owner: Ralph Netter, being subdivided Faist Addition 7-9  
TL 800, R-1, Owner: Boyle, single family home on large lot  
TL 2900, R-1, Owner: Faist, single family home on large lot
- South - TL 401, County EFU, Owner: Herrod, single family home on large lot  
TL 2600, County EFU, Owner: Faist, agricultural use
- East - TL 301, Owner: City of Canby, Logging Road multi-purpose trail  
TL 102, M-1 Light Industrial, Owner: Weygandt, agricultural use

## PROPOSAL

The development proposes to use the name “Timber Park”. The proposal is to subdivide the property in 2 phases into a total of 105 lots consistent with the adopted SE 13<sup>th</sup> Avenue Development Concept Plan and R-1.5 zoning standards. Phase 1 of the development will include 69 lots and the development of a 1.215-acre park. The second phase of the development will include 36 additional lots. Development of Phase 1 would occur in early 2017, with the first homes being available in late summer or early fall of 2017. Phase 2 could be developed at the same time as Phase 1, or it could follow up to 2 years behind it, depending upon market conditions.

The street system will follow the plan developed with the SE 13<sup>th</sup> Avenue Development Concept Plan. A new north-south local street, S Walnut Avenue, will be created that runs from 13<sup>th</sup> Avenue at the southern end of the site to SE 10<sup>th</sup> Avenue at the northern end of the site. S Walnut Street will be the only new intersection with SE 13<sup>th</sup> Avenue. A second north-south street, SE Willow Street, will be developed in two-smaller segments along the eastern side of the property, but will not connect to SE 13<sup>th</sup> Avenue. In the east-west direction, streets will include SE 10<sup>th</sup> Avenue, SE 10<sup>th</sup> Place, SE 11<sup>th</sup> Avenue, SE 11<sup>th</sup> Place, and SE 12<sup>th</sup> Avenue, all of which will be extensions or new segments of existing streets located farther to the west in the Faist Addition neighborhood. SE 13<sup>th</sup> Avenue will border the development to the south. Phase 1 of the project will include development of two pedestrian connections between the public streets and the Logging Road trail, one in the park, and second located in Tract A in the southeast corner of the site. A pedestrian/bicycle pathway is located on the campus of Baker Prairie Middle School to the north of the site, but because that pathway is private, no direct connection from the subdivision to the pathway is proposed.

With development of this subdivision and the buildout of the approved Faist Addition subdivision to the west, Phases 7-9 of Faist Addition, there will be a total of 3 points of access into and out of the Development Concept Plan area. The three points of access will include SE 11<sup>th</sup> Avenue west to S Teakwood Street and S Vine Street and S Walnut Street south to SE 13<sup>th</sup> Avenue.

One hundred-five lots are proposed, with lot sizes ranging from 5,662 square feet to 8,119 square feet. The average lot size in Phase 1 will be 6,262 square feet, and 6,148 square feet in Phase 2. The overall average lot size will be 6,223 square feet. Most of the lots are smaller than the 7,000 square foot minimum lot sizes located in the R-1 zoning district to the west, but they are at the high end of the lot sizes permitted in the R-1.5 zoning district. Ten lots are proposed to exceed the maximum 6,500 square foot area permitted in the R-1.5 zone, less than 10 percent of the lots being created, which is allowed with Planning Commission approval. The oversized lots include two flag lots, three corner lots and an irregularly shaped parcel located along a long curve across the street from the planned park.

All necessary utilities to the subdivision are available in SE 11<sup>th</sup> Avenue or SE 13<sup>th</sup> Avenue to the west of the development or to the north and east of the property in the either the Logging Road Trail or Sequoia Parkway. Sanitary sewer from the proposed

development will flow east toward Sequoia Parkway, then south in Sequoia Parkway through an existing sewer main. The City of Canby is currently designing a sanitary sewer gravity main that will convey sanitary sewer flows east from Sequoia Parkway to a new sewer pump station along S Mulino Road via SE 13<sup>th</sup> Avenue. The pump station, the gravity main in SE 13<sup>th</sup> Avenue to the pump station, and the force main away from the pump station area anticipated to be completed in July 2017, prior to the first homes being completed in this subdivision.

Public water is available east and west of the site in 14-inch diameter water mains. These mains are located in SE 13<sup>th</sup> Avenue to the west of the site and in Sequoia Parkway to the east of the site. A 14-inch diameter water main improvement in SE 13<sup>th</sup> Avenue in front of this site will bring the lines closer together and the 14-inch diameter loop will eventually be closed with the completion of development in the SE 13<sup>th</sup> Avenue Development Concept Plan area. Public storm drainage will be accommodated through the construction of new catch basins, water quality treatment manholes and drywells. Homes on individual lots will drain to private infiltrator systems located within the yards of each lot as is common with nearly all subdivisions in the City.

Dedications proposed for new and existing roadways are consistent with adopted City of Canby standards and the approved SE 13<sup>th</sup> Avenue Development Concept Plan. Local street standards require 34 feet of paved street inside a 50 foot wide right-of-way. SE 13<sup>th</sup> Avenue is under the jurisdiction of Clackamas County, but it will be improved to City arterial street standards under an agreement between the City and the County. SE 13<sup>th</sup> Avenue will have a 22-foot width from centerline to curb line, a 6-inch curb, and a six-foot sidewalk in a 30-foot wide ½ right-of-way. Dedication of twenty feet of additional right-of-way adjacent to SE 13<sup>th</sup> Avenue will occur when Phase 1 is platted. The sidewalk adjacent to SE 13<sup>th</sup> Avenue is anticipated to meander within the planter area between the curb and the property line, the final details of which need to be worked out with the City Planning and Public Works Departments. At the edge of the right-of-way a brick wall with pillars is planned, similar to what was recently constructed along the Dinsmore Estates subdivision farther west on SE 13<sup>th</sup> Avenue. The City indicated during the pre-application meeting that maintenance of the SE 13<sup>th</sup> Avenue frontage shall be performed by a homeowners' association for the subdivision.

The pre-application conference occurred on May 17, 2016. A Neighborhood meeting was conducted at the Canby Adult Center on October 6, 2016. A traffic impact study for the entire 32-acre annexation and Concept Development Plan area was completed by the City's traffic engineer, DKS & Associates in 2014 for the annexation request. Because the proposed subdivision is consistent with the approved Development Concept Plan, no further traffic analysis is required with the application for subdivision.

## **APPLICABLE CRITERIA AND STANDARDS**

### **Identification of Applicable Criteria and Standards**

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

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

Code provisions of the Land Development and Planning Ordinance of the City of Canby are listed below, followed by the applicant's response in *italics*.

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

*Response: The proposed subdivision will create 105 new lots for detached single family dwellings in two phases. The proposed residential use is allowed outright in the zone (16.18.010.A). The 1.215-acre park and the improvements associated with the park are defined as a minor public facility, also allowed outright in the zone per (16.18.10A and 16.16.10.G).*

*New lots in the R-1.5 Zone are required to meet the development standards specified in Sec. 16.18.030. Development standards for structures can be verified when plans for building permits are submitted. The following table lists requirements and how the application proposes to satisfy each standard:*

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

Requirement	Proposed
<p>16.18.030.A Minimum and maximum lot area: 5,000 sq. ft. and 6,500 sq. ft.</p>	<p><i>Lots proposed = 105 Min. lot area = 5,658 sq. ft. Max. lot area = 8,126 sq. ft. Average lot area = 6,222 sq. ft.</i></p>
<p>16.18.030.B Lot area exceptions; 1) the Planning Commission may exceptions to the lot area standards when all of the following standards are met:  a) the average lot size is within the permitted range  b) no lot contains less than 4,000 square feet  c) re-division of oversized lots will not be permitted.  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  3) The Planning Commission may modify the maximum lot area requirements in subsection 16.18.030.B if these cannot be met due to existing lot dimensions, road patterns, or other site characteristics.  4) Lots of three thousand square feet each may be permitted by the Planning Commission for single family dwellings having common wall construction.  5) The maximum lot area standard does not apply to dwellings existing prior to subdivision or partition plan approval or to lots designated for open space.</p>	<p><i>The applicant proposes having 10 lots with lot areas exceeding the maximum permitted lot area of 6,500 square feet.</i></p> <p><i>a) The average lot area will be 6,222 sq. ft., within the permitted range. b) The smallest lot will be 5,658 sq. ft., larger than the minimum permitted. c) Re-division of oversized lots is not planned, deed restrictions will be completed as needed.</i></p> <p><i>2) 10 of the 105 lots will be oversized, slightly less than 10 percent. This requirement does not apply.</i></p> <p><i>3) 10 lots are proposed to exceed the 6,500 sq. ft. maximum permitted lot area in the R-1.5 zone. These include 2 flag lots, a lot on a knuckle, 3 corner lots and a lot located on a long curve across from the planned park.</i></p> <p><i>4) No lots are planned having common wall construction. This provision does not apply.</i></p> <p><i>5) No existing dwelling are proposed to remain on the oversized lots. All existing dwellings are being removed from the site. This provision does not apply.</i></p>
<p>16.18.030.C Minimum width and frontage: 40 feet</p>	<p><i>All lots are at least 40 feet wide at the building line. All lots will have at least 40 feet of frontage, except for Lots 29 and 49 which are flag lots and will meet the flag lot standards.</i></p>



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	<i>These requirements will be satisfied when building plans are submitted for structures on each proposed lot.</i>
16.18.030.E Maximum building height: 35 feet	<i>This requirement will be satisfied when building plans are submitted for the homes on each proposed lot.</i>
16.18.030.F Maximum amount of impervious surface: 70 percent	<i>This requirement will be satisfied when building plans are submitted for each proposed lot.</i>
16.18.30.G Other regulations.	<i>These requirements will be satisfied when building plans are submitted for the homes on each proposed lot.</i>

**Section 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.*

*Development of the proposed subdivision would create 105 lots. Per the formula in 16.46.010.A.2, 132 lots can be served by two points of access and up to 207 lots can be served from 3 point of access. Two points of access are adequate to serve the lots proposed with this application.*

*Three points of access are anticipated to be provided in the near term to serve the SE 13<sup>th</sup> Avenue DCP neighborhood. To the west of this development, a multi-phase subdivision, Faist Addition Phases 7, 8 & 9 has been approved by the Planning Commission. Faist Addition Phase 7 will be platted in fall 2017 and has constructed a westerly extension of SE 11<sup>th</sup> Avenue into the DCP area from S Teakwood Street, one of the three access points that will eventually serve the DCP neighborhood. The other two access points will be southerly connections from the neighborhood to SE 13<sup>th</sup> Avenue. The S Vine Street connection to SE 13<sup>th</sup> Avenue was approved by the Planning Commission and will be constructed with Faist Addition Phase 8, while the S Walnut Street connection to SE 13<sup>th</sup> Avenue is planned with the Timber Park subdivision.*

*When fully developed, Timber Park and Faist Addition Phases 6, 7 & 8 will total 145 lots and will share 3 points of access; SE 11<sup>th</sup> Avenue to S Teakwood Street, and S Vine Street and S Walnut Street to SE 13<sup>th</sup> Avenue. With these 3 access points, the number of access points will be adequate to serve the number of lots in the neighborhood.*

*If Timber Park is developed prior to Faist Addition Phase 8, a temporary condition may be created where access through the Faist Addition subdivision is not available. Under this scenario, all trips created in the Timber Park subdivision would have to enter*

*and leave the subdivision via the S Walnut Street to SE 13<sup>th</sup> Avenue intersection. Per Code, a single point of access can serve up to 30 homes, however, the Planning Commission may allow increases beyond the Code standard based on findings that emergency access is adequate and that no unwarranted problems for the public street system would be caused. The applicant has submitted a technical memorandum from traffic engineer Todd Mobley, PE of Lancaster Engineering, demonstrating that a single local street is capable of temporarily accommodating the anticipated number of trips without causing problems for the neighborhood. In addition, the applicant is submitting an email from Fire Marshal Todd Gary stating that the fire access for the neighborhood is acceptable.*

*Based upon the review of the Fire Marshall and the technical memorandum from Lancaster Engineering, emergency access to the subdivision is satisfactory while using one permanent access and one temporary emergency access and no unwarranted traffic problems are anticipated to occur within the subdivision. The applicant requests that the Planning Commission allow an increase beyond the 30 lots allowed by Code and permit up to 98 lots to be served by a single point of access.*

*All roadways within the development are proposed to be two-lane public roadways constructed to the City standard width of 34 feet of pavement. SE 13<sup>th</sup> Avenue is a County-owned/maintained roadway and is listed as an arterial roadway in the City's Transportation Plan. SE 13<sup>th</sup> Avenue will be improved to a 23-foot wide ½ street width along the frontage of the site, meeting City arterial roadway standards.*

### **Section 16.46.030 Access Connection**

*Response: The applicant proposes two new streets, S Walnut and S Willow Streets; and east-west extensions of five existing streets located farther west in the Faist Addition neighborhood; SE 10<sup>th</sup> Avenue, SE 10<sup>th</sup> Place, SE 11<sup>th</sup> Avenue, SE 11<sup>th</sup> Place and SE 12<sup>th</sup> Avenue. The layout of streets in the proposed subdivision is consistent with the Development Concept Plan approved by the City Council in 2014.*

*Other than SE 13<sup>th</sup> Avenue and S Sequoia Parkway that border the DCP area to the south and east, all streets within the DCP neighborhood will be local streets. S Sequoia Parkway is a City collector. Due to the limited distance between the bridge over the railway and the SE 13<sup>th</sup> Avenue intersection, no street connections to S Sequoia Parkway from the neighborhood are planned. SE 13<sup>th</sup> Avenue is classified as a minor arterial and is under the jurisdiction of Clackamas County. Clackamas County allows a minimum intersection spacing of between 300-400 feet on minor arterials. However, the City of Canby Transportation Plan identifies SE 13<sup>th</sup> Avenue as an arterial roadway having a minimum intersection spacing of 660 feet and a maximum spacing of 1,000 feet. Two new connections to SE 13<sup>th</sup> Avenue were identified in the Development Concept Plan, S Vine Street and S Walnut Street. The street layout in the adopted DCP included some necessary minor deviations from the Access Management Guidelines and intersection spacing standards identified in Table 16.46.30.*

*Per measurements taken from aerial photography, the distance from the center of S Teakwood Street to the yellow stripe on S Sequoia Parkway is approximately 1,705 feet. According to the street layout in the approved DCP, the centerline to centerline distance from S Teakwood to S Vine would be 618 feet, 626 feet from S Vine to S Walnut, and there would be 461 feet from S Walnut Street to the yellow stripe on S Sequoia Parkway. While the spacing of these intersections meets County requirements, the separations fall below City requirements. An exception to the standards for intersection spacing along SE 13<sup>th</sup> Avenue was reviewed and approved with the subdivision application for Faist Addition Phases 7, 8 & 9 and does not need to be reviewed with this application for subdivision.*

*Interior streets within the proposed subdivision will be local streets. Table 16.46.030 identifies intersection spacing for local streets to be between 150 feet minimum and 600 feet maximum. Proposed intersection spacing on S Walnut Street measures as follows:*

- 161 feet from SE 13<sup>th</sup> Avenue to SE 12<sup>th</sup> Avenue*
- 241.5 feet from SE 12<sup>th</sup> Avenue to SE 11<sup>th</sup> Place*
- 241.5 feet from SE 11<sup>th</sup> Place to SE 11<sup>th</sup> Avenue*
- 261.5 feet from SE 11<sup>th</sup> Avenue to SE 10<sup>th</sup> Place*
- 275 feet from SE 10<sup>th</sup> Place to SE 10<sup>th</sup> Avenue*

*These intersection spacings are within the accepted range of 150 feet to 600 feet.*

### **Section 16.46.070 Exception Standards**

*Response: Section 16.46.070 allows exceptions from the access spacing standards if the applicant can provide proof of unique or special conditions that make strict application of the provisions impractical. An exception to the access spacing standards is needed to allow the separation between S Vine Street, S Walnut Street and Sequoia Parkway along SE 13<sup>th</sup> Avenue to be less than the 660 feet required by Table 16.46.30.*

*As mentioned above in response to 16.46.030, the spacing of proposed intersections along this section of SE 13<sup>th</sup> were addressed in the Development Concept Plan for this area and an exception to the spacing standard was reviewed and approved by the Planning Commission with the approval of the subdivision application for Faist Addition Phases 7, 8 & 9 (SUB 16-01). Although this exception does not need to be heard and approved again, below we summarize the unique and/or special conditions that make strict application of the intersection spacing standards impractical in this instance:*

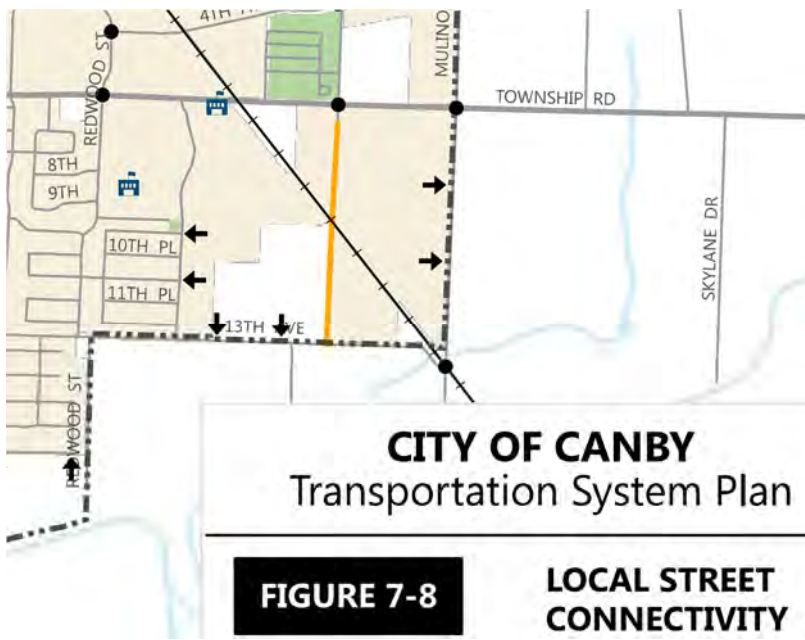
*Special Condition #1: Two points of access are needed to comply with Sect 16.46.010A*

*Two points of connection to SE 13<sup>th</sup> Avenue are needed in order for the DCP neighborhood to comply with the standards of Municipal Code Section 16.46.010A. Section 16.46.010A sets a relationship between density and the number of access points into a development area. Vehicular access plays a major factor in determining the appropriate density of residential development. In order to assure that sufficient access is provided for emergency response as well as the convenience of residents, Section*

16.46.010A establishes a relationship between the number of access points and the number of housing units.

Special Condition #2: The Transportation System Plan shows two connections to SE 13<sup>th</sup> Avenue from the Development Concept Plan area

The City Transportation Plan identifies two future local street connections to SE 13<sup>th</sup> Avenue between S Teakwood Street and S Sequoia Parkway. Per Figure 7-8 Local Street Connectivity (figure below), directional arrows indicate potential future local street connections.

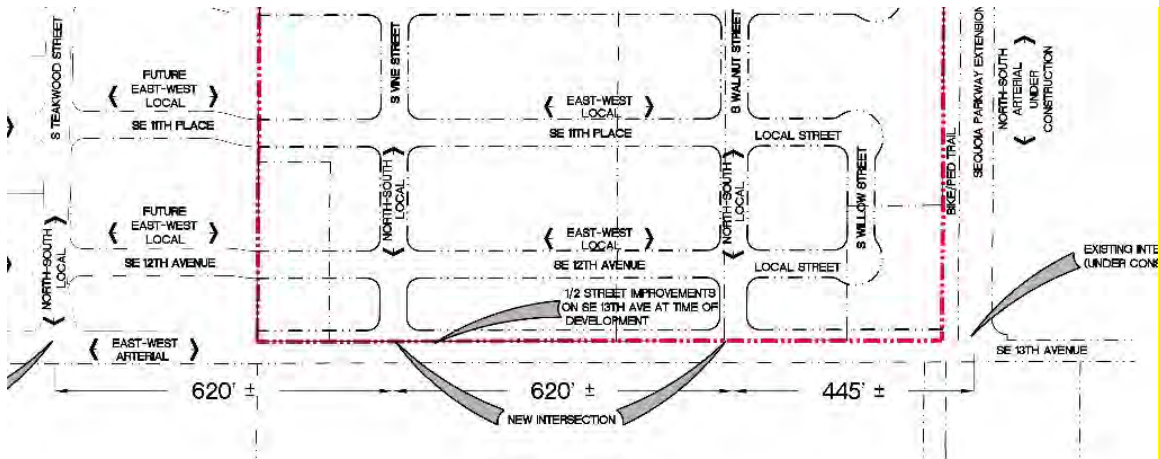


The text of the TSP indicates that one of the criteria for showing connections is that vehicle connections should be provided every 600 feet from centerline to centerline. The authors of the transportation plan failed to catch that a 600-foot spacing does not meet minimum intersection separation requirements on an arterial roadway, however, they did recognize that a second

point of access from the DCP area to SE 13<sup>th</sup> Avenue would be needed in order to provide an adequate number of access points for the neighborhood.

Special Condition #3: Earlier planning efforts already established a reduced spacing

Previous planning efforts already established that the distance between future intersections along SE 13<sup>th</sup> Avenue would be less than 660 feet. Sheet 4 of the Development Concept Plan (figure below) prepared for the SE 13<sup>th</sup> Avenue Annexation identified the anticipated spacing between the future intersections along SE 13<sup>th</sup> Avenue to be 620' +/- from S Teakwood Street to S Vine Street and from S Vine Street to S Walnut Street while the spacing from S Walnut Street to S Sequoia Parkway would be 445' +/- . The Development Concept Plan was approved by the City Planning Commission and the City Council with no concerns or objections being raised regarding the deviation from the adopted spacing requirements.



Special Condition #4: Nearly every other intersection spacing is below the standard

Where urban subdivisions have been developed along SE 13<sup>th</sup> Avenue, most separations between intersections do not comply with the recommended intersection separation standards of Table 16.46.30. SE 13<sup>th</sup> Avenue runs from S Ivy Street to S Mulino Road. It is fully developed on both the north and south sides of the street between Ivy Street and S Redwood Street. Beyond Redwood Street, subdivisions are developed on the north side of the street as far as S Teakwood Street. Distances separating existing intersections on SE 13<sup>th</sup> Avenue from S Ivy Street to S Teakwood Street are as follows:

S Ivy Street	→	S Larch Street	498 feet
S Larch Street	→	S Lupine Street	440 feet
S Lupine Street	→	S Pine Street	727 feet
S Pine Street	→	S Ponderosa Street	426 feet
S Ponderosa Street	→	S Redwood Street	411 feet
S Redwood Street	→	S Teakwood Street	1104 feet
Average Existing Spacing			601 feet

The average separation between existing intersections on SE 13<sup>th</sup> Avenue is 601 feet, less than the adopted minimum separation of 660 feet.

Summary: Due to the special conditions noted above, it was determined by the Planning Commission (in SUB 16-01) that strict application of the intersection spacing standards was impractical along SE 13<sup>th</sup> Avenue and that a lesser spacing should be permitted. These findings should also apply to this application.

**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). Therefore, the single family homes in

*the proposed subdivision will not require site and design review in order to obtain building permits.*

*The proposed park and amenities for the park are considered to be minor public facilities, and are exempt from Site and Design Review per Section 16.49.030.B.9. Although Site and Design Review for park amenities is not necessary, below, the applicant outlines the improvements and amenities that are planned to be constructed within the planned 1.2-acre park. The list of amenities below was determined in consultation with representatives of the City of Canby Parks and Public Works Departments:*

<i>Item</i>	<i>Number</i>	<i>Details</i>
<i>Restroom building</i>	<i>1</i>	<i>CXT Ozark 1 precast concrete structure with standard barnwood texture exterior and standard cedar shake roof texture. In standard color. With concrete pad.</i>
<i>6" deep concrete sidewalk</i>	<i>250 sf</i>	<i>Deep concrete section to accommodate Parks Department mower and possible Public Works vehicles.</i>
<i>4" deep concrete sidewalk</i>	<i>17,000 sf</i>	<i>Standard concrete sidewalk.</i>
<i>Additional street width</i>	<i>3 feet</i>	<i>Along the park frontage S Willow Street will be 3 feet wider on the park side of the street than a typical local street in order to more easily accommodate loading/unloading of passengers.</i>
<i>Wide curb ramp for mower</i>	<i>1</i>	<i>6' wide ramp with ADA conforming wings.</i>
<i>Electrical Service</i>	<i>1</i>	<i>Electric service for restroom building &amp; irrigation system.</i>
<i>Water Service</i>	<i>1 or 2</i>	<i>For restroom building and irrigation. Meter size(s) to be determined based on irrigation requirements.</i>
<i>Sanitary Sewer Service</i>	<i>1</i>	<i>One standard residential sewer lateral to serve the restroom building and drinking fountain. Onsite plumbing also required between the drinking fountain and restroom building.</i>
<i>Irrigation</i>	<i>1.2 Ac</i>	<i>Pipe to be Schedule 40 PVC, all valves to have threaded union on pipe &amp; valve side, 14 gage tracer wire on mains &amp; laterals. Rain Bird 6504 Falcon Rotary heads</i>
<i>Irrigation controller</i>	<i>1</i>	<i>To be located inside the mechanical room of the restroom building.</i>
<i>Picnic tables</i>	<i>3</i>	<i>DuMor, Inc., 8' long galvanized steel &amp; Douglas Fir Table. With concrete pad.</i>
<i>Benches</i>	<i>4</i>	<i>DuMor Inc. 8' Bench with back, black powder coat. Installed on concrete pad.</i>
<i>Drinking fountain</i>	<i>1</i>	<i>Most Dependable Fountains, Inc. Unit 440 SM with pet fountain &amp; recessed hose bib. With surrounding concrete pad.</i>

<i>Trash receptacle</i>	<i>2</i>	<i>DuMor, Inc. Trash Receptacle, with black power coat.</i>
<i>Pet waste bag dispensers</i>	<i>1</i>	<i>ProPet Distributors, DOGIPOT Junior Bag Dispenser &amp; 18" x 12" Aluminum Pet Sign</i>
<i>Park sign</i>	<i>1</i>	<i>Standard City of Canby Park sign &amp; foundation</i>
<i>Lawn seed</i>	<i>1.2 Ac</i>	<i>Seed &amp; mulch per City of Canby Parks Department</i>
<i>Shrubs</i>	<i>20+/-</i>	<i>To be located in landscape area near park sign &amp; on street side of restroom building as a screen.</i>
<i>Barkdust</i>	<i>5 CY</i>	<i>Medium Fir bark for landscape/shrubbery areas.</i>

*It is anticipated that park amenities will cost approximately \$125,000. These funds will be reimbursable to the developer as credit toward Park System Development charges as further discussed in response to Chapter 16.120.*

## **Division IV Land Division Regulations**

### **Chapter 16.60 Major or Minor Partitions**

*Response: The applicant is proposing a two-phase subdivision; no land partition is proposed. The large remainder parcels that will remain following platting of Phase 1 will not be buildable parcels, but will simply be remainder areas for subdivision with Phase 2. No utilities will be installed to these remainder areas with Phase 1, thereby insuring that they are not buildable properties. The provisions of Chapter 16.60 do not apply to the application.*

### **Chapter 16.62 Subdivisions-Applications**

*Response: An application satisfying the filing procedures and information required in Sec. 16.62.010 has been submitted. Applications are signed by each of the three property owners and are included with this application.*

*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 of the Land Development and Planning Ordinance.*

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 desirable and functional building sites. All lots meet or exceed the minimum lot area and dimensional standards for the R-1.5 Zone. Each lot has access to a local public street and has easy connectivity to a nearby arterial street (SE 13<sup>th</sup> Avenue). The proposed subdivision layout provides street connections for future developments to the west per the approved Developed Concept Plan for the area. Pedestrian and bicycle connectivity are provided through construction of new sidewalks within the development, improvements to SE 13<sup>th</sup> Avenue along the southern frontage of the subdivision, and through connections to the Logging Road Trail along the eastern property line. Public utilities, including sewer, water, communications, and power will be extended through the development site so that these services can be used by undeveloped neighboring properties to the west and future developments farther east along SE 13<sup>th</sup> Avenue. 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 lot area requirements and minimum width requirements for public streets, and requirements for planter strips and sidewalks to be located on both sides of public streets, make it difficult to achieve successful Low Impact Development techniques within residential subdivisions.*



*Subsurface injection of stormwater, retention of existing trees and installation of new trees that reduce impervious surfaces and heat are Low Impact Development techniques that typically can be utilized by low density residential subdivisions. Stormwater runoff from the streets and homes in this subdivision will be injected into the ground through the use of drywells for street runoff and underground chamber systems for roof runoff from individual homes within the subdivision. These systems will inject stormwater into the ground and recharge groundwater. In the northeast corner of the development, a 1.2-acre park is being dedicated to the City. Several large diameter fir trees are being retained on this park site. These large trees will provide shade, will reduce stormwater runoff and will remain as a visual amenity for the neighborhood. This subdivision will also pay for the installation of street trees along the frontage of all new lots consistent with the City of Canby Tree Planting and Maintenance Policy. In time, when street trees grow to maturity, they will provide for reduced stormwater runoff and will reduce summertime heating from streets within the development by providing shade for streets, driveways and sidewalks.*

*Because the site has been mostly used for agricultural purposes for many years, much of the site is void of trees. Other than the trees that are to remain in the park, few other existing trees are expected to remain on the property. However, the proposed layout will provide for lots that will allow adequate space to create additional vegetation after the homes are constructed, as has been done in other neighboring 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: Needed public facilities and services are available for the proposed development at the proposed R-1.5 zoning designation. A discussion of public facilities and services by phase is listed below. For both phases, police service will be provided by the City of Canby Police Department, fire protection will be provided by Canby Fire District, and garbage and recycling collection will be provided through Canby Disposal Company.*

*Sanitary sewer service is not currently available to the development site, but Curran-McLeod Engineers is currently working on the design of the Mulino Road Sanitary Sewer Pump Station for the City of Canby. The sanitary sewer pump station has been planned for many years and it will not only serve this DCP area, it will serve other residential land south of Tofte Farms and the industrial land located between Sequoia Parkway and Mulino Road. The pump station, the gravity main leading to the pump station, and the force main carrying flows away from the pump station are all anticipated to be completed in July, 2017. If this subdivision is approved by the Planning Commission in November or December 2016, it would be estimated that construction of infrastructure improvements would not begin prior to March 2017. At minimum, infrastructure improvements would take at least 90 days to complete, which would put subdivision completion and the beginning of home construction to occur no earlier than June 1,*

2017. Assuming 90 days to build a home, the first homes would be completed in late August, 2017, a month or more after the pump station is anticipated to be completed.

*The applicant would like a condition of approval along the lines of the following, "Building permits will be issued for Phase 1 prior to the completion of the offsite sanitary sewer improvements and the Mulino Road Sanitary Sewer Pump Station, however, no Certificates of Occupancy will be issued for any lot in the subdivision prior to the completion of the pump station and all offsite sanitary sewer improvements needed to serve this subdivision."*

*Phase 1: Public water is available in SE 13<sup>th</sup> Avenue and Sequoia Parkway in 14-inch diameter water mains. With Phase 1, a new 14-inch water main will be connected to the existing main in Sequoia Parkway and will be extended west across the frontage of the site. An 8" waterline will connect to the 14-inch water main at the S Walnut Street intersection and new 8-inch waterlines will be provided in every new street. Along the east end of the site, an 8" waterline will be connected between S Willow Street and a stub line provided during construction of Sequoia Parkway. Public sewer mains will be installed in each interior street and will drain to the existing sewer main in Sequoia Parkway. No sanitary sewer is needed in SE 13<sup>th</sup> Avenue. Franchise utility service will come from multiple directions. Some franchise utilities will come down SE 13<sup>th</sup> Avenue from the west, while power and other franchise utilities will come from near Baker Prairie Middle School, to the north of the site, and others may come from Sequoia Parkway to the east of the site. All utilities are available or can be made available through the extension of utility systems from other nearby facilities at the time of development.*

*Public storm drainage will be accommodated onsite through installation of new catch basins, water quality manholes, and drywells. Private stormwater disposal for roofs will be accommodated through the installation of underground storage chambers on each lot when homes are constructed, similar as has been done in nearly every other subdivision in Canby.*

*Several temporary emergency vehicle turnarounds will be provided with Phase 1. Temporary emergency turnarounds will be located on Lots 2, 19, 30, 68 and at the northern termination of S Willow Street, by the park, to allow emergency vehicles and other vehicles, to turn around at the temporary end of the street. A total of nineteen homes would be located on the SE 11<sup>th</sup> Avenue/SE Willow Street dead-end, less than the 30 homes allowed by the Fire Code to be served from a single point of access. The temporary turnarounds on Lots 2, 19 & 68 would be eliminated or removed with the extension of SE 12<sup>th</sup> Avenue, SE 11<sup>th</sup> Place and SE 11<sup>th</sup> Avenue, respectively, into the yet to be completed Faist Addition Phase 8 subdivision. The turnaround on Lot 30 is anticipated to remain until Tax Lot 401 is annexed into the City of Canby and developed. The turnaround at the park will be eliminated with construction of Phase 2.*

*Phase 2: Phase 2 of the project is anticipated to follow shortly after the completion of Phase 1. With Phase 2, SE 10<sup>th</sup> Place and SE 10<sup>th</sup> Avenue would be extended to the western property line of the site, S Walnut Street would be extended north to SE 10<sup>th</sup>*

*Avenue, and the connection from S Willow Street to SE 10<sup>th</sup> Avenue would be made, eliminating the temporary turnaround by the north end of the park. Public water, sanitary sewer, and franchise utilities will be extended with each street extension and new catch basins, water quality manholes, and drywells will be installed in the new streets for drainage of the public street. Temporary emergency turnarounds will be located on Lots 71 and 92 in Phase 2 until SE 10<sup>th</sup> Place and/or SE 10<sup>th</sup> Avenue are extended farther west.*

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: Sidewalks along SE 13<sup>th</sup> Avenue, in Tract A, and in the park will be constructed with development of Phase 1, while all other sidewalks in Phase 1 will be completed as new homes are constructed throughout the subdivision. All streets in the subdivision will have new sidewalks on both sides, as is common in newer neighborhoods in the City of Canby.*

*Baker Prairie Middle School and Trost Elementary School are located north and northwest of the proposed subdivision. Sidewalks in this neighborhood will connect with other sidewalks being constructed with new homes within the Faist Addition subdivision to the west. When the neighborhood is built out sidewalks will link from this development west to S. Teakwood Street. The sidewalk on the east side of S. Teakwood Street in Faist Addition Phase 6 will lead directly north to Baker Prairie Middle School and to a pathway on the school district property traveling in an east-west direction toward Trost Elementary.*

*On the east side of this subdivision two sidewalk connections are proposed between S Willow Street and the Logging Road Trail, one sidewalk is planned in Tract A, located in the SE corner of the property between Lots 26 and 27 while the other sidewalk will be located in the park in the NE corner of the site. The City owned Logging Road Trail is located adjacent to the east property line of the subdivision and this paved multi-purpose trail leads north/northwest from the site providing for a safe and convenient connection from the subdivision to Baker Prairie Middle School. At the northeast corner of the site, the Logging Road Trail connects to the school districts east-west pathway that leads to Trost Elementary School. The gridded network of streets together with the existing nearby trails and pathways will provide for many safe connections from this neighborhood to the nearby schools and will 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: A Traffic Impact Study was commissioned during the annexation of the property in 2014 by the property owners who were requesting annexation into the City of Canby. The study was performed by the City's traffic engineering firm of DKS Associates. Because this recent study of the site and surrounding intersections has already been performed, the proposed subdivision is consistent with the Development Concept Plan approved for the area, and no change in zoning is proposed, another traffic study is not required for the proposed subdivision.*

*The applicant is submitting a letter from Lancaster Engineering addressing the number of lots that could temporarily be served by a single access point into the subdivision from SE 13<sup>th</sup> Avenue. Although 105 lots are proposed within the development site, seven of these lots will temporarily serve as emergency vehicle access points or turnarounds until the neighborhood road system is completed to the west. A secondary emergency access road into the subdivision will be located on Lot 50 and will connect to the Logging Road Trail. This emergency access road will remain in place until such time that SE 10<sup>th</sup> Avenue, SE 10<sup>th</sup> Place, or SE 11<sup>th</sup> Avenue is constructed west to provide a second permanent access road in and out of the subdivision. Lancaster Engineering found that with the temporary provisions for emergency vehicle access that no unwanted problems for the public street system or emergency vehicle access would be created by the Timber Park subdivision.*

## **Chapter 16.64 Subdivisions Design Standards**

### **Section 16.64.010 Streets**

*Response: New local streets in the subdivision, S Walnut Street, S Willow Street, SE 10<sup>th</sup> Avenue, SE 10<sup>th</sup> Place, SE 11<sup>th</sup> Avenue, SE 11<sup>th</sup> Place and SE 12<sup>th</sup> Avenue will all generally have pavement widths of 34 feet from curb to curb, with street right-of-ways of 50 feet. Planter strips separating the curb from the sidewalk will measure 4.5 feet while sidewalks will be constructed to the City standard width of 6 feet. All of these dimensions are current City of Canby local street standards. With these dimensions, the sidewalk will be located ½ within the right-of-way and ½ within an easement on the lots. The only exception to this will be on the east side of S Willow Street in front of the park, where the planter strip will be eliminated and the street and sidewalk will be made wider to more easily accommodate the loading/unloading of passengers.*

*SE 13<sup>th</sup> Avenue is currently under the jurisdiction of Clackamas County and is listed as a minor arterial in the County Transportation System Plan. The City of Canby Transportation Plan identifies SE 13<sup>th</sup> Avenue as an arterial roadway. SE 13<sup>th</sup> Avenue is to be constructed with a centerline to curblin dimension of 23 feet (46 feet curb to curb) within a ½ right-of-way of 40 feet (80 feet ultimate r.o.w. width). The 23-foot wide ½ street will permit room for ½ of a 12-foot wide center turn median, an 11-foot wide travel lane, and a 6-foot wide bike lane. No parking will be permitted on SE 13<sup>th</sup> Avenue.*

*Two new street names are proposed. There is not currently a “Willow Street” in Canby, so “S Willow Street” will be a totally new street name for the City. “S Walnut Street” will also be the first segment on “Walnut Street” located on the southern side of town, although a “N Walnut Street” is located off of NE Territorial Road in northeast Canby and a “S Walnut Road” is located between SE 1<sup>st</sup> Avenue and Sequoia Parkway. “S Walnut Street” and “S Willow Street” are both consistent with the street naming identified in the Development Concept Plan and they follow the pattern of naming north-south roadways after trees or plants and having a “Street” suffix. Other proposed street names include “SE 10<sup>th</sup> Avenue”, “SE 10<sup>th</sup> Place”, “SE 11<sup>th</sup> Avenue” “SE 11<sup>th</sup> Place” and “SE 12<sup>th</sup> Avenue”, all of which are new segments of nearby roadways.*

### **Section 16.64.015 Access**

*Response: 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 proposed road system follows the road system identified in the Development Concept Plan approved by the City Council. The road system in the DCP area is a large gridded neighborhood having 5 east-west streets and 2 north south streets. The gridded street pattern continues extensions of existing streets from the west through this site. The proposed road network allows for convenient access for residents, visitors, deliveries, emergency vehicles, and garbage collection. The road network also allows for logical development patterns for other nearby properties not already developed.*

*Profiles of roadways in the subdivision are included with the application. The terrain of the site generally falls from the southwest to northeast, however the ground is not consistent and there are low spots and high spots in the street system as needed to provide for adequate drainage of roadways. All local streets will have sidewalks on both sides, constructed at the same time as the homes. Lot access and locations for driveways will be reviewed by the City Planning Department and Clackamas County Building Department 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.

*Response: Proposed blocks in the north-south direction will typically measure less than 240 feet. Exceptions to this in the north-south direction will occur between S Walnut Street and S Willow Street between SE 10<sup>th</sup> Avenue & SE 11<sup>th</sup> Avenue where the north-south block length will measure 486 feet. On the east side of S Willow Street, the block will be divided by a pedestrian pathway connecting S Willow Street to the Logging Road Trail.*

*In the east-west direction, the distance from the centerline of S Vine Street to the centerline of S Walnut Street will be 626 feet, and the block length will measure 576 feet (626 feet minus 25 feet of right of way on S Vine Street and 25 feet of right-of-way on S Walnut Street) on all east-west streets from SE 10<sup>th</sup> Avenue to SE 13<sup>th</sup> Avenue. Between S Walnut Street and S Willow Street, the block length will measure less than 240 feet.*

*All block lengths proposed are consistent with the adopted Development Concept Plan, which identified longer block lengths in the east-west direction between S Vine Street and S Walnut Street in order to match proposed intersection spacings along SE 13<sup>th</sup> Avenue.*

### **Section 16.64.030 Easements**

*Response: Easements for utility lines and sidewalks will be provided as necessary to satisfy requirements of the City.*

### **Section 16.64.040 Lots**

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

*(16.64.040.C) Response: The majority of the lots in the subdivision will have more than 40 feet of frontage, thereby complying with the minimum standards of the R-1.5 zone. Four lots will not have 40 feet of frontage, Lots 28-30 and 49. All of these lots are cul-de-sac lots and Lots 29 & 49 are also flag lots in addition to being located on a knuckle/cul-de-sac. The Planning Commission may allow for unique designs for cul-de-sac lots and flag lots while finding that access and building sites are adequate. All four of these lots are similar to designs used for other cul-de-sac layouts in the City of Canby. Although the frontage is less than 40 feet, these lots are oversized for the R-1.5 zone and allow for flexibility with the building footprint. The applicant has studied the allowable footprints for all lots in the subdivision and has home plans that fit every lot.*

*(16.64.040.D) Response: Double frontage lots are generally avoided, but they are being created along SE 13<sup>th</sup> Avenue and Sequoia Parkway in order to provide separation from these two main traffic arteries. Lots 1 through 8 will have frontage on both SE 12<sup>th</sup> Avenue and SE 13<sup>th</sup> Avenue, with access taken from SE 12<sup>th</sup> Avenue. Lot located along the eastern property line, near Sequoia Parkway, will take access internally from S Willow Street. Other than along these main traffic arteries, no double frontage lots are being created.*

*(16.64.040.E) Response: Lot side lines are generally at or near to right angles to fronting streets. Exceptions to this standard occurs at cul-de-sac knuckles and for Lot 55 which is located on the inside of a large radius curve across from the park. In these locations, lot side lines were held parallel to other nearby lot side lines in order to make for more consistent lot widths and building envelopes.*

(16.64.040.F) Response: *The subdivision is proposed to be developed in two phases. When Phase 1 is platted, remainder parcels will be left in the NW corner of the site where Phase 2 will eventually be located. Services won't be installed for remainder areas, however, so these remnant areas will not be buildable as lots. The park that will be dedicated to the City with Phase 1 will be 1.2 acres in size, however, it will become dedicated park land and will also not be sub-dividable. When Phase 2 is platted, no dividable lots will remain in the subdivision.*

(16.64.040.G) Response: *No special building setback lines are proposed.*

(16.64.040.H) Response: *No hazardous situation related to flooding or soil instability has been identified on the site.*

(16.64.040.I) Response: *Two flag lots, Lots 29 & 49, are proposed in the subdivision. Each lot will be constructed having a minimum width of 12-feet paved within a 15-foot wide access strip as is permitted by 16.64.040.I.2 for access strip of less than 100 feet in length serving a single lot. Each flag lot is located on a cul-de-sac and is not separated from the fronting street by more than a single lot.*

(16.64.040.J) Response: *Lots within the proposed development will not meet the "Infill" standards.*

#### **Section 16.64.050 Parks and Recreation.**

Response: *In 2014, the Canby City Council approved a Development Concept Plan for the 32-acre SE 13<sup>th</sup> Avenue Annexation. The DCP included provisions for a park on the Stoller property (Tax Lot 400) and indicated that the Stoller Park would be the only park in the DCP area. See additional response regarding Parks later in this narrative in response to Chapter 16.120.*

#### **Section 16.64.060 Grading of Building Sites**

Response: *Grading will be accomplished on the site and as needed to properly drain new roadways and to create suitable building sites. Most grading will occur along the street frontages of the lots, for the new public road and sidewalk improvements. Cuts and fills are anticipated to generally be two feet or less, although limited areas may see additional grading. A Grading Plan detailing anticipated grading for the development has been submitted with the application.*

#### **Section 16.64.070 Improvements**

Response: *Improvements for the subdivision will be accomplished as required by this section. Plans have been submitted with this application that show the arrangement of streets and sidewalks, public utilities, park amenities and other improvements necessary to provide for the convenience, health, and safety of future residents of this neighborhood and citizens of the City. Please refer to specific plans submitted with the application for additional details for streets, waterlines, sanitary sewers, storm drainage, and parks.*

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

*Local streets within the subdivision will be constructed to the City's standard structural section for local streets. SE 13<sup>th</sup> Avenue, currently under the jurisdiction of Clackamas County, will be widened by approximately 6 feet along the frontage of the site. The widened section of street will be constructed to a structural standard meeting the requirements of both Clackamas County Road Department and the City of Canby. The existing pavement section on SE 13<sup>th</sup> Avenue will likely be overlaid with additional pavement and restriped, rather than be rebuilt from the dirt up. All streets will have concrete curbs and sidewalks installed, with the sidewalks and driveway approaches along local streets inside the subdivision being constructed on a lot by lot basis with the home construction. Sidewalks on SE 13<sup>th</sup> Avenue, in Tract A, and in the park will be constructed together with the street improvements. Street lighting, striping, signage and curb ramps at intersections will also be constructed together with the street improvements. Street trees will be paid for by the developer and installed by the City per the City of Canby Street Tree and Maintenance Policy.*

*Stormwater will be managed through the collection of stormwater runoff in catch basin inlets, with pipes leading from the catch basins to new water quality manholes installed for stormwater treatment. Following treatment, stormwater will be disposed of through underground injection into drywells. This process is similar as to what is done throughout the City and in other nearby subdivisions.*

*LID stormwater approaches such as green roofs, pervious pavements and roadside swales are often not good fits for residential subdivisions. Green roofs tend to work best on flat roofed structures and do not work well on the pitched roof architecture common to today's residential subdivisions. Pervious pavements tend to function better in mature subdivisions where there is not a lot of ground disturbing activity taking place. The home building, landscaping, and fence building activities common in brand new subdivisions tends to deposit soil and other landscaping material onto the surface of roadways. This material would easily clog pervious pavements and prevent it from functioning as intended. Once this material works its way down inside the porous pavement, the pavement becomes nearly sealed, similar to standard pavements. Roadside swales can be problematic in residential subdivisions as the swales make it difficult for people to exit cars parked against the curblin, as the planter strip is often soggy or under a few inches of water. LID facilities could possibly have been installed with the boundaries of the park, however, the City of Canby Parks Department is currently having maintenance budget issues and Parks Department personnel were opposed to having these types of facilities located in a public park that would require additional maintenance time and dollars. The Parks Department wanted to simplify maintenance by having only grass within the park that would limit their normal maintenance to mowing. For these reasons, LID stormwater approaches are not planned within this subdivision.*



*Sanitary sewer will be extended into the subdivision through a connections provided from the existing sanitary sewer main in Sequoia Parkway. Sanitary sewer for this development, and other developments to the west, will flow east toward Sequoia Parkway, then south in Sequoia Parkway to SE 13<sup>th</sup> Avenue, and then east in SE 13<sup>th</sup> Avenue to S Mulino Road where the City of Canby is planning to construct a new pump station in 2017. A pump station has been planned at the intersection of SE 13<sup>th</sup> Avenue and S Mulino Road for quite some time. This pump station will not only serve this DCP area, but it will also serve many other residential and industrial properties located in the SE corner of Canby. According to estimates from the City Engineer, the pump station should be operational in July, 2017, prior to any homes being constructed within this subdivision.*

*Water in this area of Canby is provided through 14-inch diameter water mains in SE 13<sup>th</sup> Avenue and Sequoia Parkway and 8-inch diameter mains in all other local streets. As this development and the Faist Addition Phase 8 subdivision to the west of this development are constructed, the 14-inch diameter water mains in SE 13<sup>th</sup> Avenue and Sequoia Parkway will be connected together to form a large diameter waterline loop capable of serving future industrial development in this corner of Canby. Eight-inch water mains installed in neighborhood residential streets will create additional loops in the system that will provide for water quality and redundancy throughout the system and will also provide high fire flows to this area of the public water system. Along the east side of the subdivision, an 8-inch waterline was stubbed to the eastern property line of the site in the vicinity of Lot 50, at the time Sequoia Parkway was constructed. A waterline connection from S Willow Street will connect to this stub to provide an additional loop in the water system.*

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

*Response: 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.

*Response: The layout of the street system is consistent with the SE 13<sup>th</sup> Avenue Development Concept Plan that was approved by the City Council prior to annexation. Roadway pavement widths and right-of-way widths will conform to City of Canby standards. A 20-foot wide dedication will occur along the north side of SE 13<sup>th</sup> Avenue and the north side of the roadway will be constructed to its full width, with the south side of the street remaining in its current form. The extensions of SE 10<sup>th</sup> Avenue, SE 10<sup>th</sup> Place, SE 11<sup>th</sup> Avenue, SE 11<sup>th</sup> Place and SE 12<sup>th</sup> Avenue are proposed to be constructed to City local street standards, as are the two new north-south streets, S Walnut and S*

*Willow Streets. East-west streets in the subdivision are proposed to match the approved Development Concept Plan and streets approved by the Planning Commission for Faist Addition Phases 7, 8 & 9 (SUB16-01).*

### **Chapter 16.88 General Standards and Procedures**

The general standards and procedures set out in this chapter apply to the regulations of all sections of this title, except as may be specifically noted.

*Response: The application has been submitted to the City by applicant, with the land use application signed by 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.

*Response: This application is a Type III procedure. A pre-application meeting was held with City of Canby and utility company representatives on May 17, 2016 at the City of Canby Public Works Shop Complex. A neighborhood meeting was conducted at the Canby Adult Center on October 6, 2016. At both meetings, concerns were minimal. Summaries of both meetings are included with the submitted application materials.*

*A traffic impact study for the entire 32-acre annexation and Concept Development Plan area was completed by the City's traffic engineer, DKS Associates, in 2014. Because the proposed subdivision is consistent with the approved Development Concept Plan, no further traffic analysis of the offsite study area was required with the application for subdivision. A technical memorandum from Lancaster Engineering has been submitted to address access points and limitations on project density.*

### **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 approved Development Concept Plan identified one future park in the Development Concept Plan area, to be located on the Stoller property farther east. Lots in this subdivision will pay a park system development charge rather than dedicate park land.

#### **Section 16.120.020 Minimum standard for park, open space and recreation land**

*Response: A 1.215-acre park was indicated to be located in the NE corner of the Stoller property (Tax Lot 400) in the Development Concept Plan approved by the City. It was planned that a combination of park dedication, park improvements and payment of park SDC fees would be used to satisfy the park obligation. The park will take advantage*

*of a large stand of trees located in the northeast corner of the Stoller property to provide ample shade and passive recreational opportunities. Planned improvements include walkways, picnic tables, benches, landscaping, irrigation, trash receptacles and a restroom facility. Recreational opportunities will include picnicking, the ability to sit and enjoy a book in the shade, walking, and room to play catch, tag or Frisbee. The park will provide access to the nearby Logging Road Trail and an easy connection to the pathway located north of the subdivision on the adjacent Baker Prairie Middle School site. Access to the southern end of the Logging Road Trail will be greatly improved with construction of new streets in the DCP area and pathways through the new park to the trail. It is anticipated that the park will also become a destination for people from all over Canby when using the Logging Road Trail.*

*The total requirement of park, open space and recreational land for new development shall be 0.01 of an acre per person based on 2.7 persons per dwelling unit for single family residential development (Table 1, Persons per Dwelling Unit). The projected resident population is determined by the following formula:*

$$(Number\ of\ units) \times (persons/unit) = 105\ units \times 2.7\ persons/unit = 283.5\ persons$$

*The total acreage that must be dedicated is determined by multiplying the projected resident population by the requirement for park, open space and recreational land required per person:*

$$(population) \times (land\ area/person) = 283.5\ persons \times 0.01\ acres/person = 2.835\ acres$$

*The total acreage needing to be dedicated to completely satisfy the park dedication obligation is 2.835 acres. During the DCP process a larger park dedication was discussed with the City, however, City Staff felt that a larger park was not needed and that an approximately 1-acre park would be sufficient in this area.*

### **Section 16.120.030 Dedication procedures**

The City of Canby requires park land to be dedicated when the final plat is presented for approval. The developer must clear, or fill and grade all parkland to be dedicated to the satisfaction of the City and shall cause a Level I Environmental Assessment to be performed on the land being dedicated. In addition to the formal dedication on the plat, the City requires the subdivider to convey the land to the City by general warranty deed with no reservations or encumbrances.

*Response: The applicant has had a Level I Environmental Assessment of the land being dedicated to the City and that information has been submitted with this application. The applicant will dedicate the park land to the City on the plat and by general warranty deed as required by the City without reservations of encumbrances.*

**Section 16.120.040 Cash in lieu of dedication of land**

Formal acceptance of parks and recreational lands shall be by the City Council following any land use hearing and recommendations by the Planning Commission.

- A. Procedures for Land Dedication. – Development applications shall include a plan which identifies the proposed park land.

*Response: A 1.215-acre park located in the NE corner of the site is indicated on the plans submitted with this application. The size, shape and location of the park was established with the Development Concept Plan prepared for this are in 2014 and the proposed size, shape and location of the park submitted with this application is consistent with what was indicated in the approved DCP.*

- B. Options for Meeting System Development Charge Requirements. – Land proposed or required for parkland dedication, including improvements thereon, shall be appraised at its fair market value at the time it is dedicated to the City. The cost of the appraisal shall be divided equally between the developer and the City. The value of the property shall be credited toward the system development charge calculated for the development, with the difference being the amount owed the System Development Improvement Fund.

*Response: This section provides for the valuation of improvements and land associated with park land dedication. The applicant proposes to dedicate the amount of land that implements the park size described in the Development Concept Plan and to install public improvements on the park site. The amount of land to be dedicated does not meet the Code requirement for the total amount of land required nor does this section address how to value improvements to be constructed (the appraisal provision addresses only land and improvements to be dedicated thereon).*

*The City can find that consistent with the context of Section 16.120, an appraisal is not required to determine the value of the of the remaining dedication requirement and the public improvements to be installed. Instead, the City can rely on the formula for Park SDC fees to determine the amount of payment for the remaining land. Additionally, the Applicant can provide receipts for the public improvements that the City can find to be reasonable.*

*The City can find that this section is satisfied.*

**Section 16.120.050 Review procedure**

*Response: Dedication procedures will be made by the Planning Commission for this Type III subdivision application.*

**Section 16.120.060 Partial credit for private park, open space and recreational facilities/areas:**

*Response: The park will be a public facility, owned and maintained by the City of Canby. The provisions of this section do not apply.*

**Section 16.120.070 Minimum standards for open space**

- A. Purpose: Areas unsuitable or undesirable for development, including, but not limited to, areas containing drainageways, floodplains, identified steep slopes, significant natural features or other environmentally sensitive land may be set aside as permanent open space. No more than 25% of the required parkland dedication shall be within an identified flood plain or on an identified steep slope.

*Response: The parkland is suitable and desirable land for development and does not contain drainageways, floodplains, steep slopes or other significant natural features other than the large trees located on the site. The land will be dedicated as park land with no constraints and not as open space. The provisions of this section do not apply.*

**Section 16.130.090 Preservation and Maintenance**

*Response: This section applies to open space and not the parkland dedication that will occur with this proposed application. The parkland will be dedicated to the City of Canby and maintained by the City Parks Department. The provisions of this section do not apply.*

**CONCLUSION**

The foregoing narrative, accompanying plans and documents, together demonstrate that the proposed two-phase subdivision, Timber Park Phases 1 & 2, generally conforms to the applicable criteria and standards of the City of Canby's Land Development and Planning Ordinance. Therefore, the applicant requests that the Planning Commission approve the application for this two-phase subdivision.

Timber Park subdivision - Neighborhood Meeting  
Thursday, October 6, 2016, 6:30 pm @ Canby Adult Center

Five people attended the meeting plus the applicant's representative. A sign in sheet is attached.

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The meeting was scheduled to begin at 6:30, however, due to there not being many people present, we delayed the meeting for roughly 10 minutes. After nobody else showed, the meeting began at approximately 6:40 PM.

Pat Sisul, the applicant's representative ran the meeting. Several large maps were provided showing the proposed development together with surrounding properties in the vicinity of the development site. After discussing the proposal, the timing and how the land division process works, the floor was opened for comments. Four of the five guests were property owners who were heavily involved in the annexation of their property and creation of the Development Concept Plan for SE 13<sup>th</sup> Avenue. Because of this, most guests already had a lot of history of the property and were familiar with the proposal. Because of this, fewer questions were asked than is typical.

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

- *The project will be named Timber Park and it is currently anticipated that it will be developed in two phases; a 69 lot first phase and a 36 lot second phase. A 1.215-acre park will be dedicated to the City in the first phase. A name for the park hasn't been decided upon yet, and I'm not sure who gets to select the park name. The park will be improved by the developer and turned over to the City as a completed park. Improvements proposed to be completed in the park included benches, picnic tables, a drinking fountain, a restroom, garbage cans and pathways. The Parks Department has told us that they want irrigation installed throughout the park and for it to be fully grassed.*
- *Can the well be saved and the City use well water? The City was interested in using the well for irrigation, but it doesn't fall within the park boundary.*
- *I saw surveyors out on 13<sup>th</sup> Avenue last week, were they associated with this project or something that the City is doing? They could have been working on this project or they could have been involved with the City's sewer pump station project at the intersection of SE 13<sup>th</sup> Avenue and S Mulino Road.*
- *Where will the pump station be located? The pump station will be located on the north side of the railroad tracks at the Mulino Road / SE 13<sup>th</sup> Avenue intersection. A force main will likely go back up the north side of the railroad to a gravity main in Sequoia Parkway. A gravity main in 13<sup>th</sup> Avenue will also be constructed from Sequoia Parkway down to the pump station. The pump station is anticipated to be operational in July, 2017.*
- *How many roads will connect to 13<sup>th</sup> Avenue? One with this development, S Walnut Street. S Vine Street will be connected to 13<sup>th</sup> Avenue with development of Ralph Netter's next phase.*
- *The City mentioned during the pre-application meeting that they want a Homeowner's Association created in order to maintain the 13<sup>th</sup> Avenue frontage landscaping. The developer is considering installing a wrought iron fence along 13<sup>th</sup> Avenue with arborvitae on the backside of the fence. The plan is to have a meandering sidewalk within the wide*

*right-of-way along 13<sup>th</sup> Avenue, but the exact details of the meander have not been worked out.*

- *Kelly Herrod asked about whether he has to give up land along 13<sup>th</sup> Avenue. Nobody can force him to give up land. The plan is to work around his property. If he wanted to give up land or grant an easement that may be possible. Waterline improvements will be constructed in SE 13<sup>th</sup> Avenue, including in front of his property. The roadway will be widened, but not in front of his property. The developer will likely request that an Advanced Financing District be created to get reimbursed for the portion of the waterline that will be in front of his property, when his property develops. The City of Canby already has an Advanced Financing District in this area to reimburse them for improvements that were constructed in S Pine Street nearly 25 years ago. Some discussion between property owners continued on this topic.*
  - *What are the next steps and the timing? The plan is for the subdivision application to be submitted to the City in October and go to the Planning Commission in November. Construction plans would be developed through the winter with construction beginning in March. Infrastructure construction (utilities and roads) would be completed in July, with the first homes being constructed beginning in July. Occupancy of the first homes would likely occur in September or October, approximately one year from now.*
  - *Does the application have to go to City Council? No.*
- 

The meeting ended at approximately 7:45 PM.

Notes prepared by Pat Sisul, Sisul Engineering

Neighborhood Meeting Attendance Sheet

October 6, 2016

	Name	Address
1.	PAT SISUL	375 PORTLAND AVENUE ; GLADSTONE
2.	Ralph Netter	356 N.W. 14 <sup>th</sup> Ave. Canby
3.	Kelly Herndon	2284 SE 13 <sup>th</sup> Av Canby
4.	Gerry Marcum	2192 SE 13 <sup>th</sup> Ave. Canby
5.	Dan Stoller	2220 SE 13 <sup>th</sup> Canby
6.	Mary Stoller	2220 SE 13 <sup>th</sup> Canby OR
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**Timber Park, LLC**  
**P.O. Box 61426**  
**Vancouver, WA 98666**

September 21, 2016

RE: Neighborhood Meeting for future subdivision located at 2134, 2192 & 2220 SE 13<sup>th</sup> Avenue, Canby; Assessor Map 4 1E 03, Tax Lots 400, 500 & 600

Dear Neighbor,

Timber Park, LLC is proposing to develop a subdivision along SE 13<sup>th</sup> Avenue near your property. The addresses of parcels being subdivided are 2134, 2192 & 2220 SE 13<sup>th</sup> Avenue, Tax Lots 400, 500 & 600 of Clackamas County Assessor Map 4 1E 03. The site area is approximately 21.74 acres and the City of Canby zoning is R-1.5, Medium Density Residential.


A conceptual subdivision plan is included with this letter to give you the opportunity to see and understand our project. This area was master planned by the property owners prior to the property being annexed into the City of Canby in 2014. The subdivision is anticipated include 105 lots. Lot sizes will range in size from approximately 5,700 sq. ft. to approximately 8,100 sq. ft., with the average lot size being approximately 6,200 sq. ft. A 1.2 acre park in the NE corner of the site, near the Sequoia Parkway bridge over the railroad tracks, will be dedicated to the City.

Prior to submitting an application to the City of Canby, we wish to hold a neighborhood meeting to discuss this development plan with you. The purpose of this meeting is to provide a forum for the applicant, surrounding property owners and local residents to review the proposal together before the formal application is submitted to the City. This meeting gives you the opportunity to share any special information you know about the property, or ask questions about the development process. We will attempt to answer any questions that we can related to the proposed subdivision.

The neighborhood meeting will be held at 6:30 PM at the Canby Adult Center on Thursday, October 6, 2016. The Canby Adult Center is located at 1250 S Ivy Street. The meeting is anticipated to last between 30 and 60 minutes.

We look forward to seeing you there. If you are unable to attend but would like to discuss the development with me, please email me at [joe@holtgroupinc.com](mailto:joe@holtgroupinc.com).

Thank you,

  
Joe Schiewe  
Project Manager for Timber Park LLC

REVISIONS BY	

Timber Park Subdivision  
Timber Park, LLC

Site Plan

ISUL ENGINEERING  
3175 PORTLAND AVENUE  
GLADSTONE, OREGON 97027  
DATE: SEPT. 2016  
SCALE: 1" = 50'  
DRAWN: JDM  
JOB: SSC16-041A  
SHEET 1  
SHEETS 1



WEYGANDT LISA M TRUSTEE  
24401 S MULINO RD  
CANBY, OR 97013-9750

WEYGANDT LLC  
24401 S MULINO RD  
CANBY, OR 97013-9750

PARKER NORTHWEST PAVING  
24370 S HWY 99E  
CANBY, OR 97013-7505

CITY OF CANBY  
PO BOX 930  
CANBY, OR 97013-0930

HERROD KELLY  
P.O. Box 461  
CANBY, OR 97013-0461

FAIST LARRY TRUSTEE  
1866 SE 13TH AVE  
CANBY, OR 97013-7790

NETTER RALPH  
536 NW 14TH AVE  
CANBY, OR 97013-2859

BOYLE HUGH R & ROBERTA M  
1966 SE 13TH AVE  
CANBY, OR 97013-7789

CANBY SCH DIST #86  
1130 S IVY ST  
CANBY, OR 97013-4230

AMERICAN STEEL CORPORATION  
525 S SEQUOIA PKWY  
CANBY, OR 97013-1100

AMERICAN STEEL CORPORATION  
525 S SEQUOIA PKWY  
CANBY, OR 97013-1100

CANBY SCH DIST #86  
1130 S IVY ST  
CANBY, OR 97013-4230

BEALS JOYCE C TRUSTEE  
17480 HOLY NAMES DR UNIT 212  
LAKE OSWEGO, OR 97034-5151

CANBY ROD & GUN CLUB INC  
PO BOX 311  
CANBY, OR 97013-0311

CANBY ROD & GUN CLUB  
PO BOX 311  
CANBY, OR 97013-0311

CANBY ROD & GUN CLUB  
PO BOX 311  
CANBY, OR 97013-0311

UNION PACIFIC RAILROAD CO  
1400 DOUGLAS STOP 1640  
OMAHA, NE 68179-1001

NICK NETTER CONSTRUCTION & INC  
2045 N WALNUT ST  
CANBY, OR 97013-2579

OREGON DEVELOPMENT WEST LLC  
PO BOX 151  
CANBY, OR 97013-0151

OREGON DEVELOPMENT WEST LLC  
PO BOX 151  
CANBY, OR 97013-0151

OREGON DEVELOPMENT WEST LLC  
PO BOX 151  
CANBY, OR 97013-0151

OREGON DEVELOPMENT WEST LLC  
PO BOX 151  
CANBY, OR 97013-0151

NICK NETTER CONSTRUCTION INC  
2045 N WALNUT ST  
CANBY, OR 97013-2579

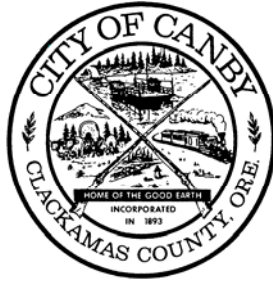
Jerry & Cynthia Rice  
2134 SE 13th Avenue  
CANBY, OR 97013

Geraldine Marcum  
2192 SE 13th Avenue  
CANBY, OR 97013

Dan & Mary Stoller  
2220 SE 13th Avenue  
CANBY, OR 97013

Brian D'Ambrosio  
8800 SE Sunnyside Rd., Ste. 211-S  
CLACKAMAS, OR 97015

Joe Schiewe  
P.O. Box 61426  
VANCOUVER, WA 98666



## **Pre-Application Meeting**

**SE 13<sup>th</sup> Avenue – 78 Lot Subdivision**  
**May 17, 2016**  
**10:30 am**

### **Attended by:**

Hassan Ibrahim, Curran McLeod Engineering, 503-684-3478  
Bill Winkenbach, Creative Endeavors, 503-780-7438  
Ken Daniels, Public Works, 503-422-2038  
Pat Sisul, Sisul Engineering, 503-657-0188  
Gary Stockwell, Canby Utility, Electric, 503-263-4307  
Dan Murphy, Canby Utility, 503-266-1156  
Bryan Brown, Planning Department, 503-266-0702

Brian D'Ambrosio, Developer, 503-758-3866  
Mark Gunter, Public Works, 503-266-0780  
Jerry Nelzen, Public Works, 971-253-9173  
Scott Miller, Holt, 360-907-3575  
Dan Mickelsen, Erosion Control, 503-266-0698  
Doug Quan, Canby Utility, Water, 971-563-6314

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

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

- The plan is to develop the Stoller and Marcum properties out of the 32 acres annexed 18 months ago. The open piece of property between Ralph Netter's and this development is the Rice's property and Brian is trying to get in touch with the Rice's to purchase part of their property. We are proposing a 78 lot subdivision zoned R-1.5 and these lots are towards the upper end of 6,500 sq ft for this zoning and we are also proposing a park dedication on the Stoller property, which was a part of the development concept plan. We were told during the annexation process they wanted a little wider street section in front of the park to give more room for people to get in and out of their cars and a wider sidewalk. Any feedback associated with this frontage would be great.
- The storm system will be the typical pollution control manholes and drywells.
- We will connect to the sanitary sewer stubs from the Sequoia Parkway extension.
- The water system will be connected from Sequoia Parkway.
- We have some concerns about getting franchise utilities down to this project, it will be a challenge on which direction everyone will be coming from and we would like everyone's feedback today.
- Neither of the existing houses on this subdivision will stay and Brian said they planned on doing it as one phase.
- We would like to discuss the emergency access and since we have more than 50 lots, we technically need two ways in and out. Our thoughts were until the Rice property develops is using the logging road trail or the concrete bump out at the bottom of bridge for the temporary emergency access into the development. Hassan said it was intended for the parks department to park there and Jerry said he did not think they could make the grade. Discussion ensued. The consensus was to ask the parks department if it will work for them to use the logging road temporary. Pat said as long as the fire and parks departments are

okay with this and Bryan said what lot would you drive through for this emergency access. Pat said that would be the fire department's call and we would temporarily lose one lot.

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

- As Pat mentioned on the sanitary sewer main there are two manholes with 8 inch stubs for this project, which you have shown on this drawing and will be connecting to those. You are aware this sanitary sewer goes nowhere right now and we want to try to build it to coincide with this development. Tentatively we are supposed to start the design on the pump station after July 1<sup>st</sup> and send it out to bid next spring and have the lift station done around summer time. Am I correct and Mark said that is what we talked about being pushed by the development or coinciding with it. Brian said we would probably start building next spring and be done in the summer and Hassan said we could push up the bid process to January and Brian asked if you anticipate a 1<sup>st</sup> of June completion on the pump station and Hassan said those dates are flexible and it was agreed the city will work with the developer on the timing of the pump station.
- All storm water for the lots will drain on site, however in the streets you are proposing to go with drywells and Pat said yes. Hassan said you will need to maintain the 267 ft radius from any wells and I see some houses having wells and Pat said we moved the drywells back away from the Rice and Harrod's houses. Brian asked the drywells are put in at the time of building the structures and Pat said the public drywells in the street are for only the street runoff and the homes will drain to their own infiltration systems. Brian said you will have a drywell on every site and Pat said they usually do infiltrate chambers.
- All of these streets will be local, which will be 34 ft wide curb to curb and Pat said with the exception of SE 13<sup>th</sup> Avenue and the park frontage and Hassan said yes. Pat said one of our questions to you was widening this section by the park by 3 ft, showing 20 ft on that half street giving people a little more room, is this what are you looking for. Hassan said the typical section for a local street and Pat said 34 ft curb to curb and a 50 ft wide right-of-way and Hassan said 4-1/2 ft planter strips with a 6 ft sidewalk. Hassan said his thoughts around the frontage of the park is possibly bump the street a total of 7 ft and give people enough space to park. Bryan said it is an option and technically you will have less park land unless you want to say the sidewalk is in the park. Pat said my thoughts were to hold the back of the sidewalk consistent across and the property line would be 3 ft off the back of the sidewalk all the way through, giving an extra 3 ft to the street and an extra 1.5 ft to the sidewalk making the sidewalk 7.5 ft wide. Dan said he knew the park employees would like to have an area big enough for a pick-up and trailer to be off the street. Pat said we could do that and Jerry asked if they had parking for the streets and Pat said yes, the local streets have parking on both sides and Jerry said it would benefit the parks department. Pat said we were told during the annexation for the entire subdivision they wanted a little more room for parking along the park frontage. Discussion ensued. Jerry said we would need to put in ADA ramps for the parks department to bring their lawnmowers in without have to go over the curb. Hassan asked if we need to run this by the parks department or are we good with the 3 ft width with the 8 ft sidewalk and Jerry said we will run it by the parks department.
- I see on the plans you have an access to the logging road between lots 19 and 20, do we need another one between lots 38 and 39 and Bryan said they have two accesses already and I

think it would be overkill to add another one. I do not know if the standards state we need more than what they are showing. Discussion ensued. The consensus was to leave it with the two accesses as designed.

- I want to make sure you understand SE 13<sup>th</sup> Avenue is under the county's jurisdiction from S Teakwood Street to S Mulino Road. It is my understanding SE 13<sup>th</sup> Avenue is to be 23 ft wide from the face of the curb to the center line and you are planning on dedicating 20 ft additional right-of-way and Pat said correct. Hassan said at the curb line it needs to be 23 ft from center line to accommodate (2) 6 ft bike lanes, (2) 11 ft travel lanes and a center lane making the ultimate width 46 ft wide. We talked about this initially and we need a street design showing 200 ft to the east and west of this project on SE 13<sup>th</sup> Avenue. Pat asked what this project would be responsible for on SE 13<sup>th</sup> Avenue are we expected to complete the frontage in front of Harrod's property and Hassan said you do not have the right-of-way. Pat said the curb line back towards the west is 20 ft from center line in Faist and Hassan thought it was 22 ft from center line. Jerry stated should this be a question for the county and Hassan said I think our plan will supersede them. Pat said if it is already built narrower in the sections of Tofte Farms, Faist Additions and Valley Farms would you want this street to get narrower or do you want it to be the same. Hassan said the sections of SE 13<sup>th</sup> Avenue were built under a different Transportation System Plan (TSP) and like Bryan was saying why there is not a planter strip when our TSP advocates for it. We need to adhere to our TSP, possibly the traffic study has answered that question on how wide or what they envisioned. Bryan said that is another question because I have not decided yet if they need to do a traffic study or not and I was going to look at it, but I could not find the study and Pat said he has it and can send it to Bryan. Bryan said I will review it again and make sure they completely studied the full impact of this entire annexation area and judged if there were no intersection level surface problems. We are trying to decide whether we are going to follow our TSP arterial street standard cross sections and Hassan said we can defer it to DKS Engineering to decide whether we can deviate from that or not.
- I did not see anything for streets lights and we will require street lights along SE 13<sup>th</sup> Avenue and the interior of the subdivision.
- Hassan asked what the spacing was between Sequoia Parkway and S Walnut Street and Pat said it is approximately 420 ft and we have already gone through a process with the Planning Commission about the spacing of these streets along SE 13<sup>th</sup> Avenue and it was noted that S Walnut Street is less than what the code calls for. We went through this with Faist 7, 8 and 9 and it meets the county's spacing requirements, it just does not meet the city's standards. Bryan said we wanted two access out of the entire area.
- If we can push the manholes a little more centered in the street for example in front of lot 55.

#### **PUBLIC WORKS DEPARTMENT, Jerry Nelzen**

- We have had numerous problems dealing with the large planter strips from S Pine to S Teakwood Streets. Tofte Farm's HOA maintains the south side, but on the north side there are no HOA's to maintain the planter strip and we have had code enforcement trying to deal with the landowners to maintain there sections of planter strips along SE 13<sup>th</sup> Avenue. I do not understand why we are doing this large planter strip behind their houses. We have had site distance issues, fire hazards, weeds, tree roots buckling the sidewalks and it is a mess. If

someone wanted to address it, now would be the time for us to look at something different. Bryan asked if we are asking for more right-of-way for the planter strips. Pat said right now there is about 12 to 14 ft behind the sidewalk to the edge of the right-of-way and that is the way it has been done along SE 13<sup>th</sup> Avenue. Bryan said I think we need to introduce our planter strips along an arterial street, which is the primary space you want to separate the pedestrians from the fast vehicles and follow the TSP. Dan said who will maintain the planter strip and Jerry said the homeowners and the problem we are facing is no one is maintaining it and we get constant calls on it, so the city crew has to deal with it. Discussion ensued. It was asked if there was going to be an HOA and Brian said he will have to look at what needs to be maintained and they try to stay away from costly HOA's. There will be an HOA to establish the Covenants, Conditions and Restrictions, (CC&R's) and to enforce them. We would keep the HOA until we sell the majority of the subdivision. Bryan asked if they had any other areas of maintenance since you are proposing a park dedication and there are no detention facilities because you are doing another drainage solution. If you build a fence you will have the HOA responsible for repairing and maintaining that common development fence. Brian said we do not plan on doing a brick wall and the type of houses we are planning on building are craftsman style houses. We can probably come up with a solution, the fences would be maintained by the homeowners and my preference is having the planter strip between the sidewalk and curb and planting trees with some sort of ground cover. Bryan explained the street trees cost will be an upfront cost to the developer and the city would maintain the trees for two years to establish them and after that the HOA or the adjacent homeowners would be responsible to maintain the trees and planter strips. Brian said we will work with the city on a solution. It was agreed to have a landscape plan including street tree plantings.

- Pat said we do have a plan for a one-seat bathroom in the park and it was a part of the development concept and it is a concrete structure, which is dropped on a foundation. Our sanitary sewer goes right up to the edge and we figured we would bring the service out of the manhole to the rest room building. Jerry said we would need a cleanout in the sidewalk or back of sidewalk with a brook box.
- What are the intentions between lots 38 and 39 and Pat said it is just an easement for utilities.

#### **CANBY UTILITY, ELECTRIC DEPARTMENT, Gary Stockwell**

- If it is any consultation from a utility stand point it is nice to have the huge space behind the sidewalk because somewhere along the frontage of SE 13<sup>th</sup> Avenue around Ralph Netter's property I need to set an 8 x 10 ft vault like the one we installed at Dinsmore Estates. It will make it easier for us and Jerry asked if he was okay with this design and Bryan stated he was not okay with a curb tight sidewalk. Pat asked if Bryan could let them know in an email what you want and we will do it and Gary, we will manage to make it work somehow. Ken said the larger planter strips are more desirable from a street tree point of view and when I drive down a street I want to see uniformity and Pat said there will be at least 17 ft from the face of curb to the property line, you could have a foot behind the curb, 6 ft sidewalk, and a 10 ft planter strip if you want it.
- The way this is not contiguous to other parts of our system the point of contact will be up the logging road by the middle school and it is roughly 700 ft. Pat said you will need a trench

provided and Gary said yes. We have a vault, conduit system and cable off of a solid source that serves the middle school. At this point we do not know yet where or how we will enter the subdivision and it will be determined when I lay out the plan. Pat asked if we could get an easement through the Rice property and connect into the Faist subdivisions and Gary said it will not get to all of the subdivision. The amount of lots depicted I would need the entire main ran down SE 13<sup>th</sup> Avenue and I do not think you will be getting the easements at this time. Pat said Ralph Netter will be coming in with his second phase when the pump station is available. Discussion ensued. Gary said the options are we will come from the north or we are going to come from the east on SE 13<sup>th</sup> Avenue and if we go east on SE 13<sup>th</sup> Avenue one of the things I want to avoid is doing 45's out into the street and 45's back into each of the properties where these properties are not developing at this time. Pat said the difficulty would be at the Boyle property with all of their trees on the frontage along SE 13<sup>th</sup> Avenue. Gary said we can continue this conversation later and Pat said we do have another option and Gary agreed.

- As the time gets closer to the project we can decide the best path and I will create a power plan when I know nothing will change the plat or layout of the lots.
- We supply and install vaults, conduits, transformers and you provide the trench, staking, grade and backfill.
- With the power plan I will also provide a street lighting plan. Pat asked about lighting in the park, even though it is the city's you can put it on a metered circuit and Gary said we no longer offer leased lighting and if the park wants a service I can draw a service into the park. What we have done in the past with the parks they provide me with a lockable commercial meter pedestal and they have their breakers inside it. I just need to know where in the park you want it. Pat said he did not know if parks want power to the restroom or not, we will have to discuss it with him.

#### **CITY OF CANBY, PUBLIC WORKS DEPARTMENT, Ken Daniels**

- Will there be planter strips on the interior of the subdivision and Pat said yes, it will be the standard 4-1/2 ft.
- Ken stated a planter strip would be great and it will give us a nice uniformity and continue on from Faist 6 to have trees planted with the plan provided to us for the placement of these trees. At Pine Meadow subdivision we had some problems with planting trees due to an irrigation pipe being placed down the center of the planter strip and our subcontractor had problems trying to plant the trees. I do not know if this is an individual contractor installing the irrigation system, but we had to move the irrigation system ourselves. Brian asked if we planted the individual street trees ourselves and the answer was no, the city has them planted. Brian said the last thing we do is the landscaping, which includes the irrigation at that time. Ken said we want to make sure the irrigation is either curb or sidewalk side not in the middle and Brian concurred.
- The utility layouts can be a problem on their placement and a great example is Faist 6. We have no issues on the frontage planter strip and they put the sewer cleanouts in the driveway area and the water is on either side of the property lines. Pat said on Faist 6 we did a tree planting plan and we can make that a standard and Jerry said it makes it a nice subdivision. Bryan said if you do a street tree planting plan you are likely to pay less for street trees



because it is so desirable for us to have a plan where you told us where the lateral connections are and we can see where you are proposing the tree and there is a place for the tree.

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

- All the water lines within the project will be installed by the developer and inspected by a fulltime Canby Utility inspector, which we will charge you for the inspector's time while they are on the project.
- The water main on SE 13<sup>th</sup> Avenue is a 14 inch line and at the end of Sequoia Parkway is also a 14 inch line with a gate valve on the south side, which is plugged at this time that you will be tying onto. Pat asked if you need a cross, "T" or 90? Doug said sooner or later we will be going past Sequoia Parkway and you will probably want to put in a cross.
- The water line coming through lot 38 into the subdivision, we would like to have it turned at the logging road going north to the park it will give us better flow and better circulation rather than down by SE 13<sup>th</sup> Avenue.
- If they decide they want water at the park, we could actually dig it up in the park and tap it. Pat said you want us to come up in the logging road right-of-way and Doug stated come up the logging road to the park and turn it at the park and go through the park.
- As far as the water main in SE 13<sup>th</sup> Avenue it is a 14 inch line it will come from Sequoia Parkway going to your most westerly property line and when the other properties develop they will continue the water main going towards S Teakwood Street. Pat asked if the water main was live and Doug said it was live. Pat asked if they needed a blow-off station at the west end and Doug said yes. Pat asked if we could shut the valve at the intersection and Doug said yes you could and Pat said then we could avoid the blow-off system. Doug said if you put gates on both sides of the intersection then yes.

**CITY OF CANBY, EROSION CONTROL, Dan Mickelsen**

- I am assuming the Stoller's existing well is located far enough away from proposed drywells and Pat said the Stoller's well will go away. Dan asked if there was an irrigation well in the proposed park area and Pat said there is, but it does not fall into the park property and on the original concept plan we submitted to the city we had all the wells depicted.
- I see you have a catch basin by lot 63 and then if you go around towards the park is that another catch basin crossing the street going into lot 75 and Pat said yes, these are just conceptual. We have catch basins at lots 39 and 40 and we figured there is a high point in between the two and we are running the water half the distance each way and Dan said the high point is around lot 72 and Pat said yes and this is just conceptual. Bryan said will these catch basins be a part of the 1.2 acre park dedication and if you are going to have them in the park and Pat said they will be in the street.
- Before ground works starts you will need to apply for grading and erosion control applications.
- If this whole subdivision is going to be planter strips and each house will be a craft style home the problem we have been faced with are the subcontractors washing out their tools in a non-designated concrete washout and you will need to have it signed properly.

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

- During the annexation plan I did not see anything about a drinking fountain in the park and we would like to have one. Pat said he thought it was mounted to the exterior wall of the restroom structure. The city will need to contact Canby Utility to have a water meter installed for the bathroom structure. Jerry asked if there was irrigation for the park and Pat said it would be up to the city if they want it. The design was only for a lawn in the front part of the park next to the road, but the rest of the park would be more natural grasses that would die out and Jerry said it would be nice if we could work with Doug and put a larger line and a smaller meter in, in case in the future if we need to upsize the meter. Doug said in the past we have done a 1-1/2 or 2 inch line depending on how much irrigation they might want to put in. Pat said who we need to talk to on these questions for this park and the answer was Jeff Snyder. Bryan said the park dedication and improvements you are proposing even if it includes irrigation probably will not equal the SDC's. Pat said we figured out the park dedication would roughly equal the Stoller's obligation and there are all these lots in the Marcum piece at \$5,000 each and Bryan stated \$5,000 plus for each lot. Pat said he did not think there would be more than \$100,000 worth of improvements to the park. We were told the wider sidewalk, wider street in front of the park is a reimbursement for the park because it is being widened for the park. Dan said he was sure Jeff would say he would want to go in and mow and take care of the bathroom and be on his way. He would not want the natural areas at all. Pat said the existing fir trees will be staying and there is grass under the firs and would look similar to the fairgrounds, it will be a little higher than a normal lawn. The idea was to let this area dry up and die out and have a nicer entrance to the park. Ken said it would look like Arenson's Gardens where it is not irrigated and the lawn dies out. The consensus was to have Pat talk to Jeff on the needs for the proposed park.
- Bryan asked why we are not planning for planter strips on SE 13<sup>th</sup> Avenue and Pat said it was matching everything else on SE 13<sup>th</sup> Avenue. Bryan said he thought we had planter strips and Jerry stated they were behind the sidewalk and Hassan said unless you want to make a change now. Discussion ensued. I want to reiterate that I am leaning towards a possible 10 ft planter strip along SE 13<sup>th</sup> Avenue. I do not know if it has to be 10 ft, but it is what I was thinking we should go with and it puts the sidewalk closer to the right-of-way and property line. It will take care of the full public realm and we are using it for the benefit of the community. Pat said I want to make sure the utilities will have the room they need and Gary said it sounds like what Bryan is saying is we would be on an easement and property line. Pat said can you go under the sidewalk and we can move the sidewalk out where you have your big vault, I was thinking about the placement of the utilities in the right-of-way and swing the sidewalk out when needed. Gary said he only has one of the large routes and for pulling purposes, I can have (3) pull vaults and try to run them every 500 ft and the smaller vaults are just a 6 x 4 x 4 and we can fit those in the planter strip. It is just having a straight conduit system. Pat said we will be planting trees in the planter strip and do you want us to swing the sidewalk out and put the utilities back so we are not in conflict and Gary said if you swing the sidewalk that would work as long as we are making sure all the ADA factors are kept. On your street light circuit you will need to have your street lights on your planter strip and it will be more expensive for you, but I can use a sidewalk set splice box and it would have to be traffic rated splice box. Hassan wanted to make sure there would not be

any room between the utility vaults and property line, we want the utilities next to the property line and the right-of-way where no grass or weeds can grow between the fence and utility vault. Brian said he will write in the HOA to maintain planter strip and also behind the fences and Bryan said we do not want any lapse of maintenance around the fence lines, unless someone is planting shrubs or the like.

- The quicker we get the traffic study resolved the better and if you can send me a copy of the annexation traffic study I can look it over and let you know if there will be any warrant of another traffic study.
- I did not have time to pull the ordinance for reference to the 12 ft wide pedestrian easement, it is chapter 16.08 for fencing. When you are doing a pedestrian path there are conditions on the type of fence you can have adjacent to the pathway. The intent is to basically have eyes on the pathway, which is against what the individual homeowner usually want, they want it blocked out. You need to be aware of this and as a developer you need to meet the ordinance requirement on visibility to that pathway. You cannot build a fence taller than 4 ft if it is solid or a 6 ft tall fence can see through, so they can see what is happening on the pathway. Brian said his favorite fence is the black vinyl chain link fence and we will control the CC&R's on fence.
- On the Parks SDC's it was supposed to be handling all the property owners and Pat said it was taken out. Bryan said Stoller and Marcum is the only section and undoubtedly your park dedication will need an appraised value and the contract estimate for what the park improvements you have planned. I know it is not going to equal the total SDC's, I still think each lot will pay a park SDC, but it will be lowered by the total amount of credit you will get. Brian asked if they were paid at the time for building permits and Bryan said yes. My thoughts are we will reduce the cost of 78 lots appropriately by the value of your dedication and improvements.

### **CREATIVE ENDEAVOURS, Brian D'Ambrosio**

- The last lift of asphalt, do you want it done upfront or can we bond it. We are doing work in Happy Valley and they want both lifts done before we even start construction on the houses. I personally would like to wait because during construction the road gets torn up and does not look good. Discussion ensued. Bryan said if we do postpone the 2<sup>nd</sup> lift of asphalt until after most of the home construction is complete we will need it bonded. We have had problems in the past with developers going bankrupt and the city was left with a horrible legal problems to get the final lift done. Brian said we can bond it and I just want to let you know I do not like to do the 2<sup>nd</sup> lift of asphalt until we are completed with building. Bryan said the other problem is the length of time a development is progressing and if there is a time limit and Brian said we can put a "not to exceed" time. The consensus was to talk to Jerry about his thoughts on when the 2<sup>nd</sup> lift of asphalt will be paved.
- Gary asked when Brian planned on starting the development and Brian stated his thoughts were to have the sewer lift station completed by June 2017 and we plan on breaking ground in March and be completed June 1. I would like to be prepared for next summer's market and I really do not want it to be the following winter. Bryan said he was told yesterday by our city administrator the absolutely earliest he would anticipate being done would be July 2017. Brian asked if we could record if they did not have the pump station completed and

Pat said you can record because it is not your improvement that you are waiting on it is the city's and my question would be, would the city issue a building permit. Discussion ensued. The consensus was no occupancy would be granted until the sewer lift station was operational.

**Creative Endeavors, LLC**  
**78 Lot R-1.5 Subdivision Pre-Application Meeting:**

Legal Description: Map 4 1E 03 Tax Lots 400 & 500 (Stoller & Marcum parcels)

Current use: 2 Single family homes & several agricultural outbuildings

Proposed Use: 78 lot R-1.5 subdivision, possibly in two phases & a 1.125 Ac City Park

Zoning: R-1.5 Medium Density Residential

Total Site Area – 16.79 Acres

Comments & Questions for Service Providers & Staff:

Overall: This proposed subdivision will be located on the Stoller and Marcum parcels in the SE 13<sup>th</sup> Avenue Development Concept Plan area on the north side of SE 13<sup>th</sup> Avenue. A total of 78 lots would be developed and a 1.125 Ac City Park would be dedicated. The layout of streets and the park are consistent with the approved DCP.

Per feedback that we had gotten earlier from the City, we've shown the street in front of the park transitioning to being 3 feet wider (20 feet from centerline to curb) with the expectation that this may be a congested area and a little extra room would be a good idea. We've shown the planter strip being eliminated in front of the park there being a 7.5 foot wide sidewalk behind the curb, 8 feet from face of curb. The intent is to make it easier for people getting in and out of cars. We would like feedback regarding these dimensions.

Planning: The proposal may be a single phase subdivision or a 2-phase subdivision. If developed in two-phases, the phases would likely be spaced a year apart. Are there any planning concerns regarding submittal of the application as a phased application?

When should the park be dedicated, with Phase 1? Could the park be dedicated with Phase 1 & improved with site amenities during Phase 2?

Is the existing traffic study adequate, or will another traffic study be required?

Fire: Fire Code allows up to 30 homes to be constructed with one point of access. Until the Rice property to the west develops, this site will have one way in and one way out, the proposed Walnut Street connection to SE 13<sup>th</sup> Avenue. We'd like to create an emergency access along the east side of the site & utilize the Logging Road Trail as an emergency access with a temporary road across one of the lots.

What lot(s) would be an appropriate location for the secondary access?

Near the south end of the Sequoia Parkway Bridge, there is a concrete bump out. Could this be converted into an Emergency Access that would cross the Logging Road Pathway? Or would should the emergency access come from the intersection of the Logging Road pathway at 13<sup>th</sup> Avenue & up the pathway into the subdivision?

Streets & Sidewalks: Proposed interior streets & right-of-ways would be consistent with current City standards, 34' curb to curb, 50 foot-wide right-of-ways, 4.5' planter strips & 6' wide sidewalks. SE 13<sup>th</sup> Avenue would have 20 feet of additional right-of-way dedicated, a ½ street improvement to 20 feet from centerline & a 6-foot wide curb tight sidewalk.

One pedestrian connection to the Logging Road Trail would be located in a tract between Lots 19 & 20, and another connection to the trail would be located in the park. The walkway between Lots 19 & 20 would be 12' wide with fences on both sides. Any concerns?

Storm Drain: Storm drainage is proposed to be typical catch basins, water quality manholes & drywells. Drywells would have to be positioned 265 feet or more away from existing water wells on the Rice and Herrod parcels.

Sanitary Sewer: Sanitary sewer would drain east to the two stubs located from Sequoia Parkway located by the Logging Road Trail. No sewer is proposed for SE 13<sup>th</sup> Avenue.

Water System: Interior waterlines would be 8 inch diameter. The waterline in 13<sup>th</sup> Avenue would be 14 inch diameter. Each dead end line would end with an automatic blow-off station. One connection is proposed across Lot 38 to the existing stub from Sequoia Parkway to create that loop.

How much of the 13<sup>th</sup> Avenue waterline has to be constructed with this subdivision? If this subdivision develops prior to Ralph Netters second phase, would this subdivision connect to the waterline at Sequoia Parkway & extend it west to the west end of the project; then Ralph extends the waterline from west to east across his frontage & the Rice's frontage? Or is it the responsibility of this subdivision to extend the waterline west across the frontage of the Rice property?

What fittings are located at the south end of the Sequoia Parkway waterline, is there a tee already there?

Franchise utilities: Where will Canby Telcom come from, the west or the east?

Where will NW Natural gas come from, the west or the east?

Where will Wave Broadband come from, the west or the east?

Pat Sisul  
Sisul Engineering  
(503) 657-0188  
[patsisul@sisulengineering.com](mailto:patsisul@sisulengineering.com)

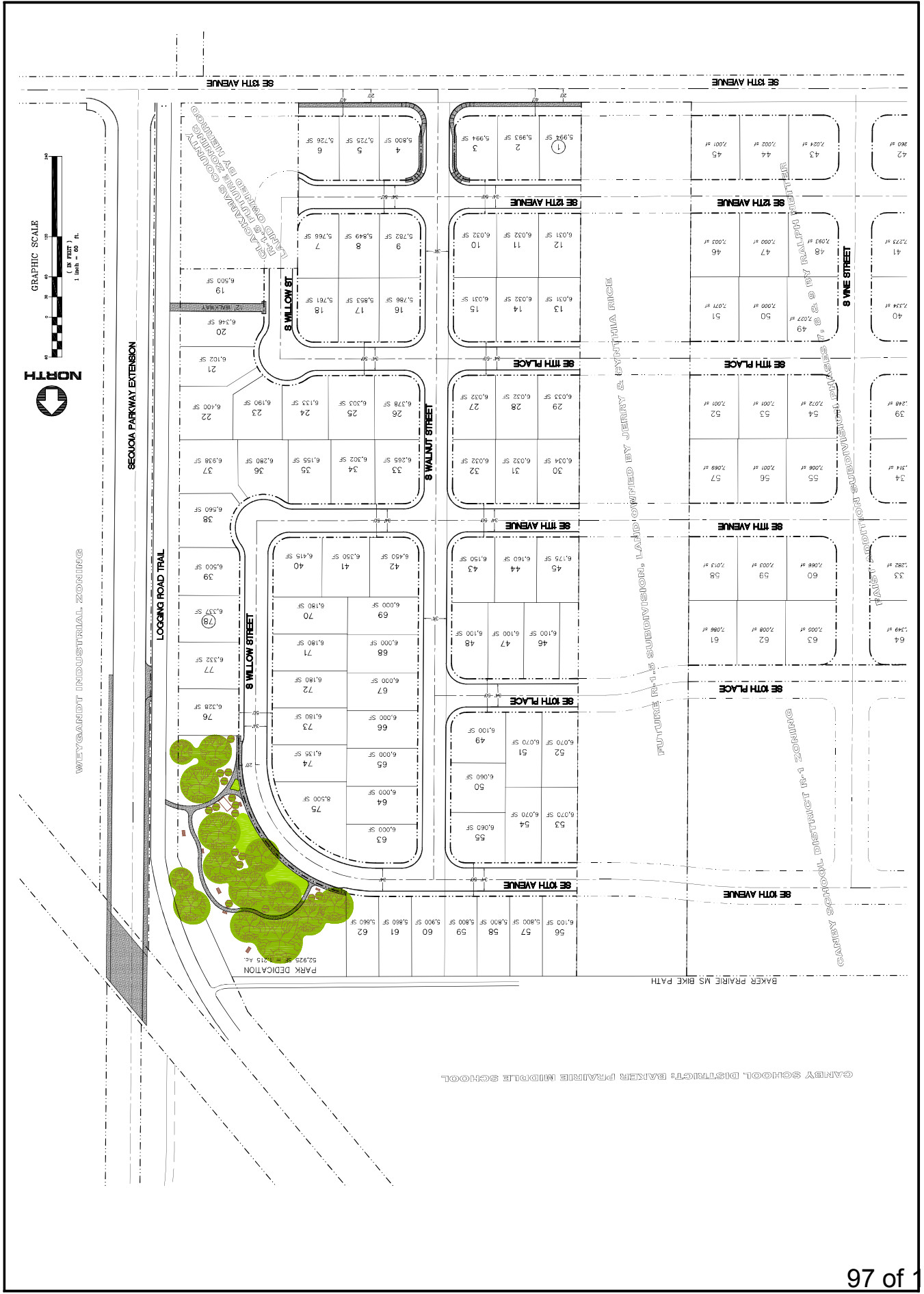
NO.	DATE	BY	REVISIONS

SE 13th Avenue Subdivision  
Creative Endavors

Pre-Application Site Plan

ISUL ENGINEERING  
3176 PORTLAND AVENUE  
GLADSTONE, OREGON 97027  
(503) 657-0188  
DATE: MAY, 2016  
SCALE: 1" = 60'  
DRAWN: PS  
APP: 55016-014

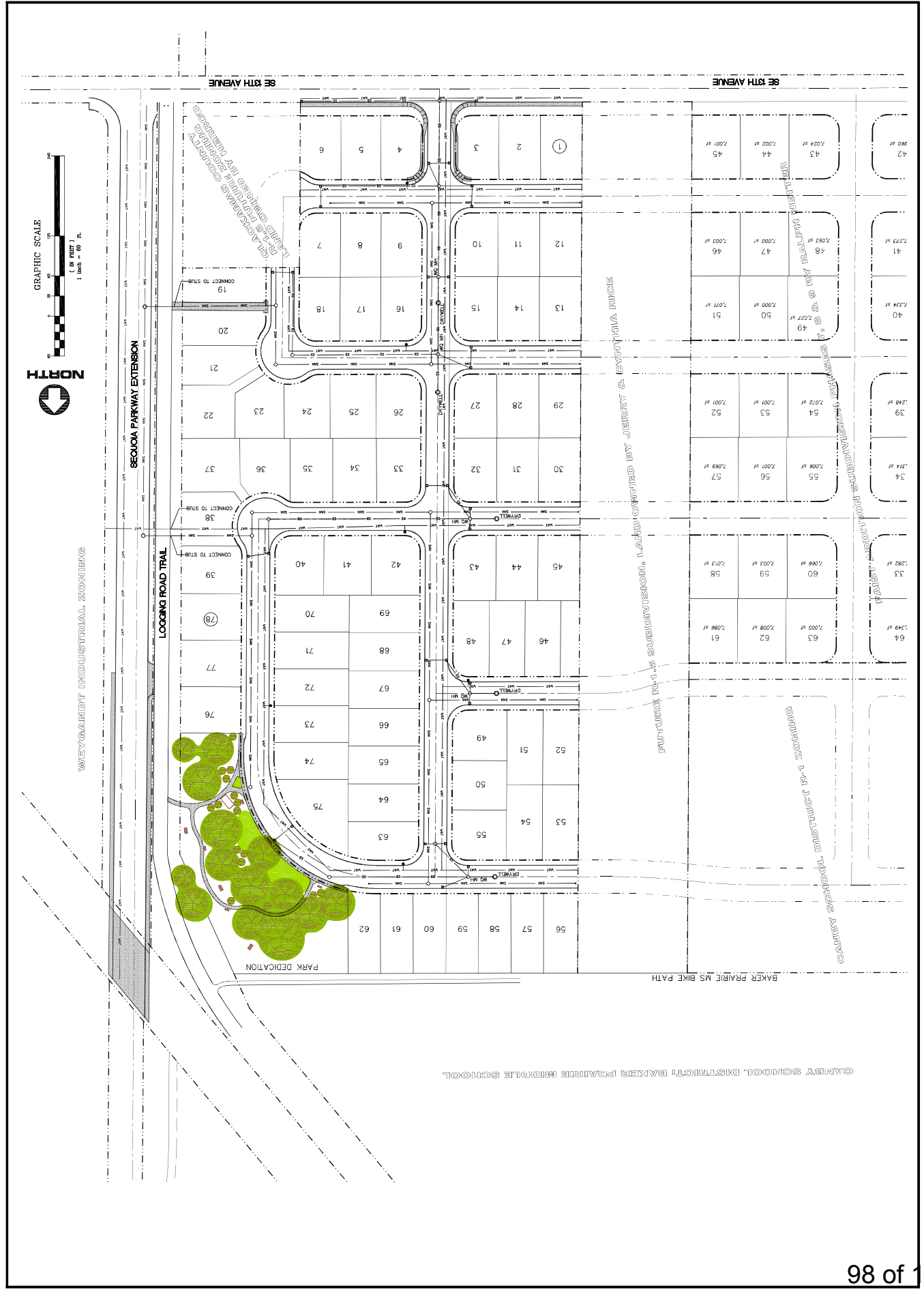
SHEET 1  
OF 2 SHEETS



**Pre-Application Utility Plan**

**SE 13th Avenue Subdivision**  
 Creative Endavors

NO.	DATE	BY	REVISIONS





# DRAFT MEMORANDUM

**DATE:** March 5, 2014

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

**FROM:** Chris Maciejewski, PE, PTOE  
Steve Boice, PE  
Kate Drennan

**SUBJECT:** Canby SE 13<sup>th</sup> Avenue Annexation Transportation Impact Analysis

P#11010-034-000

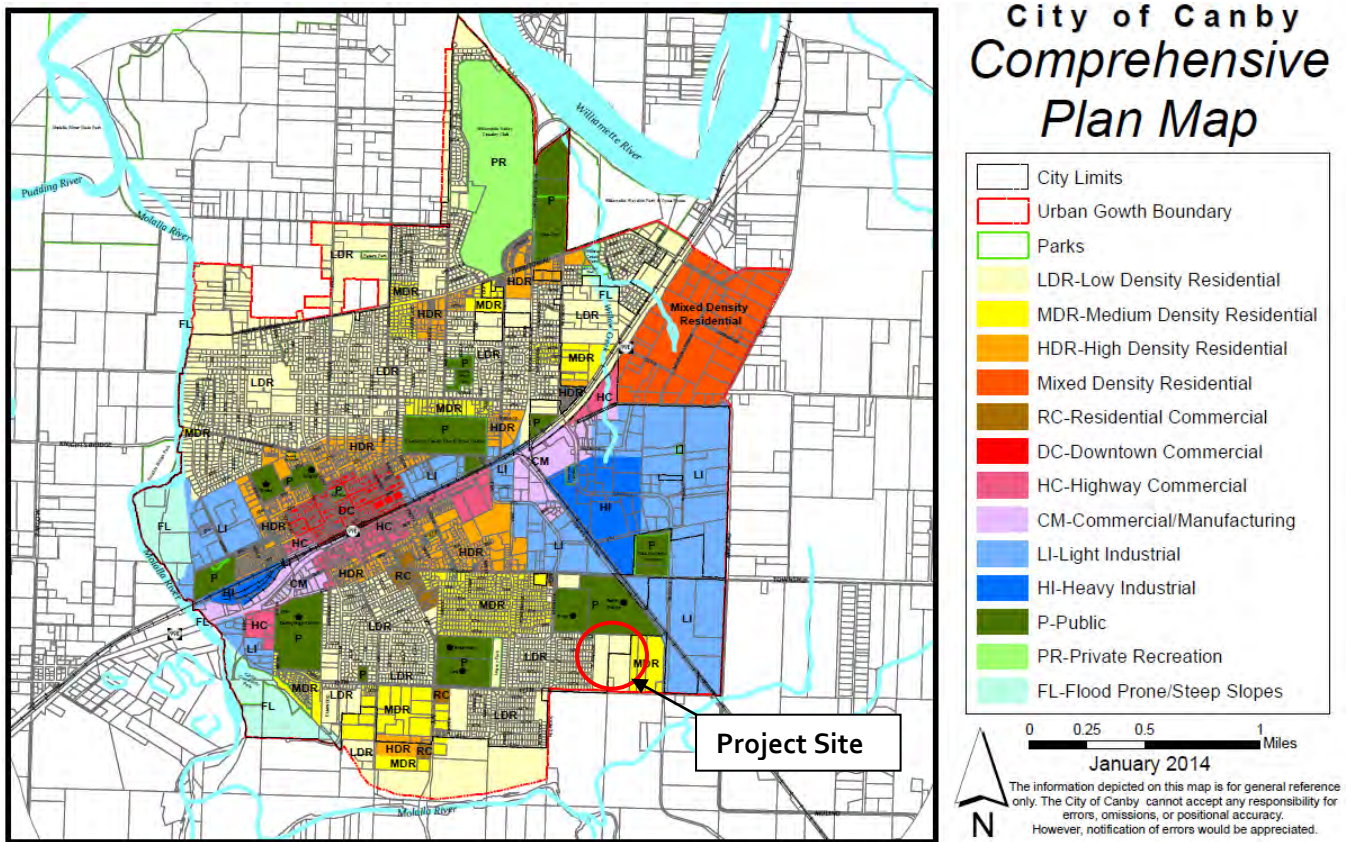
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This memorandum evaluates the transportation impacts associated with the proposed annexation and land use zoning change for six parcels along SE 13<sup>th</sup> Avenue in Canby, Oregon. The six parcels (tax lots 400, 401, 500, 600, 700, and 800) are located on the north side of SE 13<sup>th</sup> Avenue between S Teakwood Street and Logging County Road and combine to form 32-acres.

The parcels are located within the Canby Urban Growth Boundary (UGB), but are outside of the current Canby city limits. They are currently zoned EFU (Exclusive Farm Use) by Clackamas County. The proposed land use action is to annex the property into the City of Canby and rezone tax lots 700 and 800 from EFU to R-1 (Low Density Residential) and tax lots 400, 401, 500, and 600 from EFU to R-1.5 (Medium Density Residential). The proposed zoning (R-1 and R-1.5) is consistent with the City's Comprehensive Map designation for each respective parcel, as seen in Figure 1.

Per the City's Annexation Development Map<sup>1</sup> the site is located within the Development Concept Plan (DCP) area, which requires that a DCP be provided for infrastructure components, including water, sewer, storm water, access, internal circulation, street standards, fire department requirements, parks and open space. The developer has provided a site plan to satisfy the requirements of the DCP (see attached).

<sup>1</sup> Canby, OR Code or Ordinances, Figure 16.84.040



**Figure 1: City of Canby Comprehensive Map**

While the street connections shown in the site plan are intended to be permanent, with minor adjustments, the configuration of the lots is subject to future change. This Transportation Impact Analysis (TIA) therefore is focused on satisfying Oregon Transportation Planning Rule (TPR) requirements (OAR 660-12-0060) and approval of the DCP, which must demonstrate that the transportation system has available capacity to accommodate the change in zoning. Land use approval for a specific use would be addressed through subsequent applications and may require additional traffic impact evaluation depending on the proposed use and its unique site plan.

### **Project Site**

The site consists of six parcels along the north side of SE 13<sup>th</sup> Avenue, beginning just east of S Teakwood Street on the western frontage, and extending east to Logging County Road, a multiuse trail. The 32- acre combined parcel is within the Urban Growth Boundary (UGB) which is divided to the north and south by SE 13<sup>th</sup> Avenue. Currently, the site is being used for farming, with two residences and out buildings fronting SE 13<sup>th</sup> Avenue. The City of Canby Comprehensive Plan has planned the area for Low and Medium Density Residential. West of the site, across S Teakwood Street is a large gridded neighborhood. North of the site is the Baker Prairie Middle School. The northern edge of the parcel also features a ten foot paved path that serves as an edge to Baker Prairie Middle School's athletic fields and a non-motorized connection between S Teakwood Street and the Logging County Road.

## Site Access and Connectivity

The following sections summarize site access to the property, intersection sight distance, and multi-modal connectivity to the project site to determine the adequacy of public facilities serving the site.

### Site Access

The concept plan proposes two new north-south streets for circulation (S Vine Street and S Walnut Street), accessed off of SE 13<sup>th</sup> Avenue. SE 13<sup>th</sup> Avenue is under the jurisdiction of Clackamas County and classified as a minor arterial by the County (while the City of Canby classifies this facility as an arterial).<sup>2</sup> SE 13<sup>th</sup> Avenue is a two lane road with wide shoulders. The travel lanes are eleven feet, and the shoulder varies between seven to eleven feet, with a wider shoulder on the north side.

The proposed S Vine Street and S Walnut Street extending to the north would intersect with each of the five existing east-west streets from S Teakwood Street. S Vine Street is proposed to be located approximately 630 feet east of S Teakwood Street. S Walnut Street is proposed to be located approximately 600 feet east of S. Vine Street, where a private gravel drive currently exists. This would be approximately 420 feet west of Logging County Road and the proposed Sequoia Parkway extension currently under construction. These streets would meet the access spacing standards for the Clackamas County classification of a minor arterial (detailed in Table 1). However, if at a future time the City of Canby were to take jurisdiction of SE 13<sup>th</sup> Avenue and apply their standards for arterials, the proposed S Vine Street and S Walnut Street would not meet the City's arterial intersection spacing standards of 660 feet.

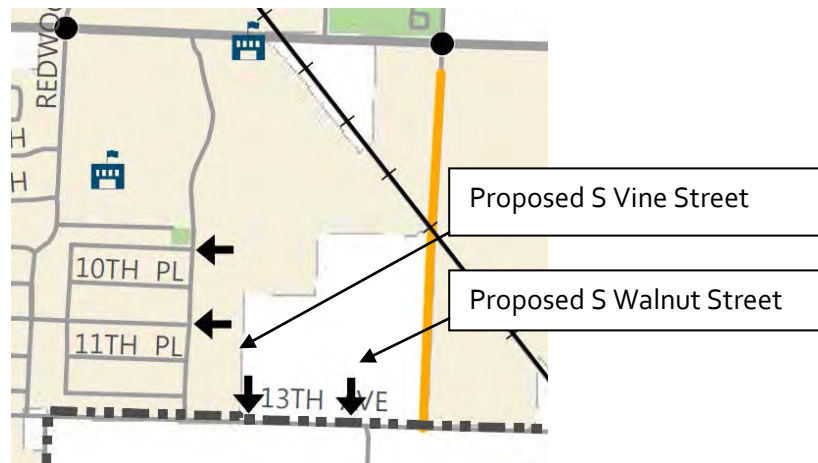
**Table 1: Access Spacing Standards for City Street Facilities<sup>3</sup>**

Street Facility	Minimum spacing of roadways		Minimum spacing of driveways	
	City of Canby	Clackamas County	City of Canby	Clackamas County
<b>Arterial</b>	660 feet	300-400 feet	330 feet or combine	300-400 feet
<b>Collector</b>	250 feet	150 feet	100 feet or combine	100-150 feet
<b>Neighborhood Route/Connector or Local</b>	150 feet	N/A	10 feet	N/A

<sup>2</sup> Clackamas County Transportation System Plan, Proposed Functional Classification Changes Map, approved December 11, 2013

<sup>3</sup> City of Canby TSP, 2010, Table 7-2

To meet City standards, a deviation would be required for S Vine Street or S Walnut Street. To meet the requirements of an exception to the access spacing standards, an alternatives analysis would be required that demonstrates that an alternative meeting City standards has operational, safety, or site development issues that could be improved with the proposed deviation. The conceptual plan for the site could be altered to consolidate access into the site into one single road, but this may undermine circulation and access. However, it should be noted that the two proposed streets have been identified in Figure 7-8 in the Canby TSP depicting “potential local street connection” as shown in Figure 2.



**Figure 2: Potential Local Street Connections (Canby TSP Figure 7-8)**

The site proposes a grid-like circulation system, with extensions of the existing streets of SE10<sup>th</sup> Avenue, SE 10<sup>th</sup> Place, SE 11<sup>th</sup> Avenue, SE 11<sup>th</sup> Place, SE 12<sup>th</sup> Avenue, and SE 13<sup>th</sup> Avenue running east-west through the neighboring property to S Teakwood Street. S Teakwood Street is classified as local road, is not striped, and has a width is about thirty feet curb to curb. There is a five and a half foot sidewalk and a three foot landscape strip on the west side of S Teakwood Street bordering the existing residential development. There is no curb or sidewalk on the east side of S Teakwood Street adjacent to the parcel. The access spacing of these street extensions would meet the standards associated with local streets.

### Intersection Sight Distance

Intersection sight distance was reviewed in the field to ensure adequate safety at site access points<sup>4</sup>. The measurements are provided in Table 2 and are compared to the American Association of State Highway and Transportation Officials (AASHTO) requirement based on the posted speed along SE 13<sup>th</sup> Avenue<sup>5</sup>. There is no posted speed limit along SE 13<sup>th</sup> Avenue within this location; however there is a 25 mph speed zone which begins at S Teakwood Street and continues to the west. Because the basic rule is in effect at this location, the 85<sup>th</sup> percentile speed has been used which was measured to be 45 mph.<sup>6</sup>

**Table 2: Intersection Sight Distance Summary for Proposed Access Points - S Vine Street and S Walnut Street**

Criteria	Intersection Sight Distance	
	Looking East	Looking West
Field Measurements (feet)	>550 ft.	>500 ft.
AASHTO Standard (feet)	500 ft.	430 ft.
Standard Met?	YES	YES

As indicated in the table and illustrated in Figure 3, intersection sight distance would be met at the proposed access points of S Vine Street and NE 13<sup>th</sup> Avenue, as well as S Walnut Street and NE 13<sup>th</sup> Avenue.



**Figure 3: Intersection Sight Distance (Looking East and West from Proposed S Pine Street and NE 13<sup>th</sup> Ave)**

<sup>4</sup> Site visit conducted by DKS Associates, February 20, 2014.

<sup>5</sup> *A Policy on Geometric Design of Highways and Streets*, American Association of State Highway and Transportation Officials, Table 9-6: Decision Intersection Sight Distance and Table 9-8: Design Intersection Sight Distance, 2011.

<sup>6</sup> Canby SE 13<sup>th</sup> Avenue Pedestrian Study, DKS Associates, June 2013.



**Multi-Modal Connectivity:**

Currently SE 13<sup>th</sup> Avenue does not have sidewalks, but does have wide shoulders for bicycling or walking. Clackamas County’s cross section for minor arterials includes a minimum 60 feet of right of way which is consistent with the City’s cross section standards for an arterial. Cross section elements include two 11-12 foot travel lanes, 6-8 foot sidewalks, 5 foot landscaping strips, 6 foot bike lanes, and optional turn lanes. The development should provide half-street roadway improvements according to Clackamas County local road roadway standards including curb, sidewalks, and possibly set-back for bike lanes in the future. These improvements should be coordinated with City staff. Internal connectivity should be provided when the site develops.

S Teakwood Street currently has a pleasant pedestrian environment with a sidewalk and landscaping strip on the west side of the street. The low traffic volumes and speeds also make the street viable for bicycling. Additionally, the site is bracketed on the north and east sides by paved, multi-use paths, providing safe connections to trails as shown in Figure 4.



**Figure 4: Multi-use trails surrounding development parcel**

**Potential Project Trip Generation**

The amount of new vehicle trips generated by the proposed subdivision was estimated using trip generation estimates published in the ITE Trip Generation Manual for Single-Family Detached Housing<sup>7</sup>. The project site is currently undeveloped; therefore all trips generated to the site were treated as new trips to the existing roadway network. The proposed site is expected to generate 117 (32 in, 85 out) a.m. peak hour trips, 156 (86 in, 70 out) p.m. peak hour trips. Table 3 summarizes the trip generation estimates for the proposed site based on

<sup>7</sup> Trip Generation Manual, Institute of Transportation Engineers, 9<sup>th</sup> Edition.

the development concept plan. Further analysis will be conducted when the applicant submits documentation for land use approval.

**Table 3: Trip Generation Summary for proposed Site Development**

Land Use (ITE Code)	Units	Time	Trip Generation	Peak Hour Trips		
		Period	Rate	In	Out	Total
Single Family Detached (210)	156	AM Peak	0.75 trips/unit	32	85	117
		PM Peak	1.0 trips/unit	86	70	156

During the 2010 TSP update, nearby intersections were observed and subsequently modeled to study operating conditions in 2030. The traffic analysis accounted for the proposed low and medium density residential development on this site. All of the nearby intersections would operate within the mobility standard and have excess capacity beyond 2030.

***Transportation Planning Rule***

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

*"If a proposed rezoning is consistent with the existing comprehensive plan map designation, and consistent with the acknowledged transportation system plan, then it can be approved without considering the effect on the transportation system. Special provisions in subsection (c) apply if the area was added to the urban growth boundary (UGB)."*

Since the site is already within the UGB, provisions from subsection (c) would not apply. The project parcels meet this allowance because the site was designated at low density residential in the City's Comprehensive Plan. In the most recent TSP, the traffic modeling forecasted growth to 2030 and the traffic analysis zone for this area assumed LDR and MDR land use and found the surrounding transportation system met operating standards.<sup>8</sup>

<sup>8</sup> Future Needs Report, Travel Demand and Land Use, Canby Transportation System Plan, 2010

## ***Findings***

Based upon the analysis presented in this memorandum, the following items are recommended for the annexation and land use zoning change for six parcels along SE 13<sup>th</sup> Avenue to ensure consistency with City standards.

- The site was designated as Low and Medium Density Residential in the Comprehensive Plan and the change in land use was assumed for trip modeling in the 2010 Canby Transportation System Plan. Therefore, TPR requirements are met.
- The proposed concept plan would meet current City standards along S Teakwood Street and would meet Clackamas County standards on SE 13<sup>th</sup> Avenue for access spacing and sight distance requirements. However, if the City takes ownership of SE 13<sup>th</sup> Avenue and applies an arterial classification, the developer would need to request a deviation to the standard for roadway spacing of 660 feet. It should be noted that the two proposed streets have been identified in Figure 7-8 in the Canby TSP depicting "potential local street connection".
- Any new trees, fences, or retaining walls should be set back to maintain adequate visibility at site access points. Prior to occupation of the site, sight distance at the new project access point will need to be verified, documented, and stamped by a registered professional Civil Engineer licensed in the State of Oregon.
- It is recommended that the site provide multimodal connectivity through the proposed park dedication to the County Logging Road multimodal trail.
- The development should provide frontage improvements, including recommended half street improvements along SE 13<sup>th</sup> Avenue to the County's minor arterial road standards. The developer should allocate proper setback on SE 13<sup>th</sup> Avenue to preserve right-of-way. Both the County's and City's arterial cross-section would require a minimum of 60 feet of right-of-way to include sidewalks and bike lanes.
- The proposed concept plan would have adequate internal circulation through the site. All proposed streets (S Vine Street, S Walnut Street, SE 10<sup>th</sup> Avenue, E 10<sup>th</sup> Place, SE 11<sup>th</sup> Avenue, SE 11<sup>th</sup> Place, and SE 12<sup>th</sup> Avenue) should be constructed to City local road standards, including required right-of-way, sidewalks, and appropriate intersection traffic control.
- Surrounding roadways and intersections would have sufficient capacity to accommodate the proposed annexation, zone change, and development concept plan.



## TECHNICAL MEMORANDUM

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**TO:** Bryan Brown, City of Canby Planning Director  
**FROM:** Todd E. Mobley, PE  
**DATE:** October 16, 2016  
**SUBJECT:** Timber Park Subdivision  
Transportation Analysis for Proposed Access

---



This memorandum discusses the proposed access configuration for the Timber Park subdivision in Canby, Oregon. Timber Park is a 105-lot residential subdivision in the northwest corner of the intersection of Sequoia Parkway and SE 13<sup>th</sup> Avenue. Near-term access to the site is constrained, since access to Sequoia Parkway is not allowed and only a single point of access is possible to SE 13<sup>th</sup> Avenue given the limited amount of site frontage. The subdivision does include five street stubs to the west, which will connect with adjacent development in the future, but in the interim, only the single access to SE 13<sup>th</sup> Avenue will be available to serve the site.

### ***City Code Requirements***

City of Canby Municipal Code section 16.46.010 contains requirements regarding the number of access points for residential development. Specifically, subsection A.2 states the following:

*The number of units permitted are as follows:*

*One access: 30 units  
Two accesses: 132 units  
Three accesses: 207 units*

However, section 16.46.010.C states:

*The Planning Commission may allow increases beyond the maximum number of units listed in subsections A and B. Such increases shall be based upon findings that no unwarranted problems for the public street system or emergency service provision will result.*

This analysis will serve as the necessary findings to address this code section. The desirable number of access points increases as the number of dwelling units increase for two primary reasons: 1) to avoid overloading residential streets, and 2) to provide adequate emergency vehicle access. These two items are addressed in the following sections.



### ***Trip Generation & Residential Street Traffic Loading***

Ensuring that residential streets are not overburdened ensures that safety and livability is maintained with a city's neighborhoods. The upper-bound traffic volume threshold for local residential streets is often not specified within an agency's Transportation System Plan, as is the case in Canby. This is due to the fact that an upper bound is not a hard-and-fast standard, but can vary based on the roadway and situation in question.

Generally, local residential streets are intended to carry up to 1,000-1,500 vehicles per day. The City of Sandy and the City of Happy Valley are two nearby agencies that give guidelines for local street loading. Both agencies provide a desirable upper bounds of 1,000 vehicles per day, but both are provided as a planning guideline, not a firm engineering standard.

In this case, only 98 lots can be developed in Timber Park until the street connections are in place to the west, since the necessary fire turnarounds and a temporary emergency vehicle access preclude development on a total of seven lots. The 98 lots will generate a total of 932 new trips, based on average weekday trip rates for detached single-family housing in the ITE Manual<sup>1</sup>. As such, the single point of access to SE 13<sup>th</sup> Avenue will not be overloaded, should the subdivision reach build-out before any of the five street stubs to the west are connected.

It is important to reiterate that the single point of access is a temporary condition. In fact, development to the west of the site is ongoing and it is very likely that additional street connections will be in place before Timber Park reaches full build out.

### ***Emergency Access***

As mentioned above, a total of seven lots will remain unbuilt and reserved for fire turnarounds or emergency vehicle access until additional connectivity is available to the west. Lot 50 will accommodate a temporary emergency-vehicle only access to the Logging Road Trail along the east boundary of the site. With these provisions in place, there will be adequate emergency access, with two points of vehicular access and sufficient turnarounds on all stubbed streets.

---

<sup>1</sup> Trip Generation, 9<sup>th</sup> Edition, published by the Institute of Transportation Engineers (ITE). Weekday average trip rate is 9.52 trips per dwelling unit.



Bryan Brown  
October 16, 2016  
Page 3 of 3

***Summary & Conclusion***

The proposed Timber Park subdivision, with the temporary provisions for emergency vehicle access, will not result in unwanted problems for the public street system or emergency service provisions. As such Canby Municipal Code section 16.46.010.C is satisfied.

It is recommended that the Planning Commission approve the proposed Timber Park subdivision with the street system and access as proposed.

## Patrick Sisul

---

**From:** Todd Gary <TGary@canbyfire.org>  
**Sent:** Friday, October 14, 2016 11:59 AM  
**To:** Patrick Sisul  
**Subject:** RE: Timber Park subdivision

All the turnarounds and access points look good. No combustible buildings will be built until all turnarounds, access and fire hydrants are installed and approved.

*Todd Gary*

Division Chief Community Risk Reduction

Canby Fire District

503-266-5851 / 503-969-7459

[www.Canbyfire.org](http://www.Canbyfire.org)



**Creekside Environmental Consulting, LLC** -----



October 3, 2016

City of Canby Oregon  
182 N Holly Street,  
Canby, OR 97013

RE: Phase I Environmental Site Assessment, September 2016  
Site Location: 2220, 2192, 2134 SE 13th Avenue, Canby, Oregon  
Creekside Project # THG-2016-21

To Whom it May Concern:

Creekside Environmental Consulting, LLC (Creekside) understands that a portion of the subject site referenced above will be retained and utilized as a City park (see Figures 1 and 2, attached). CEC recommended additional investigation of the subject property, limited to an area historically utilized as an orchard (southern portion of tax lot 500) and to ensure no underground storage tanks (i.e., heating oil tanks) are associated with any of the onsite residences and associated outbuildings. Since the area proposed to be developed with the City park is in the northern portion of tax lot 400, and is not associated with any of the onsite residences, no further investigation will be conducted in the proposed City park area.

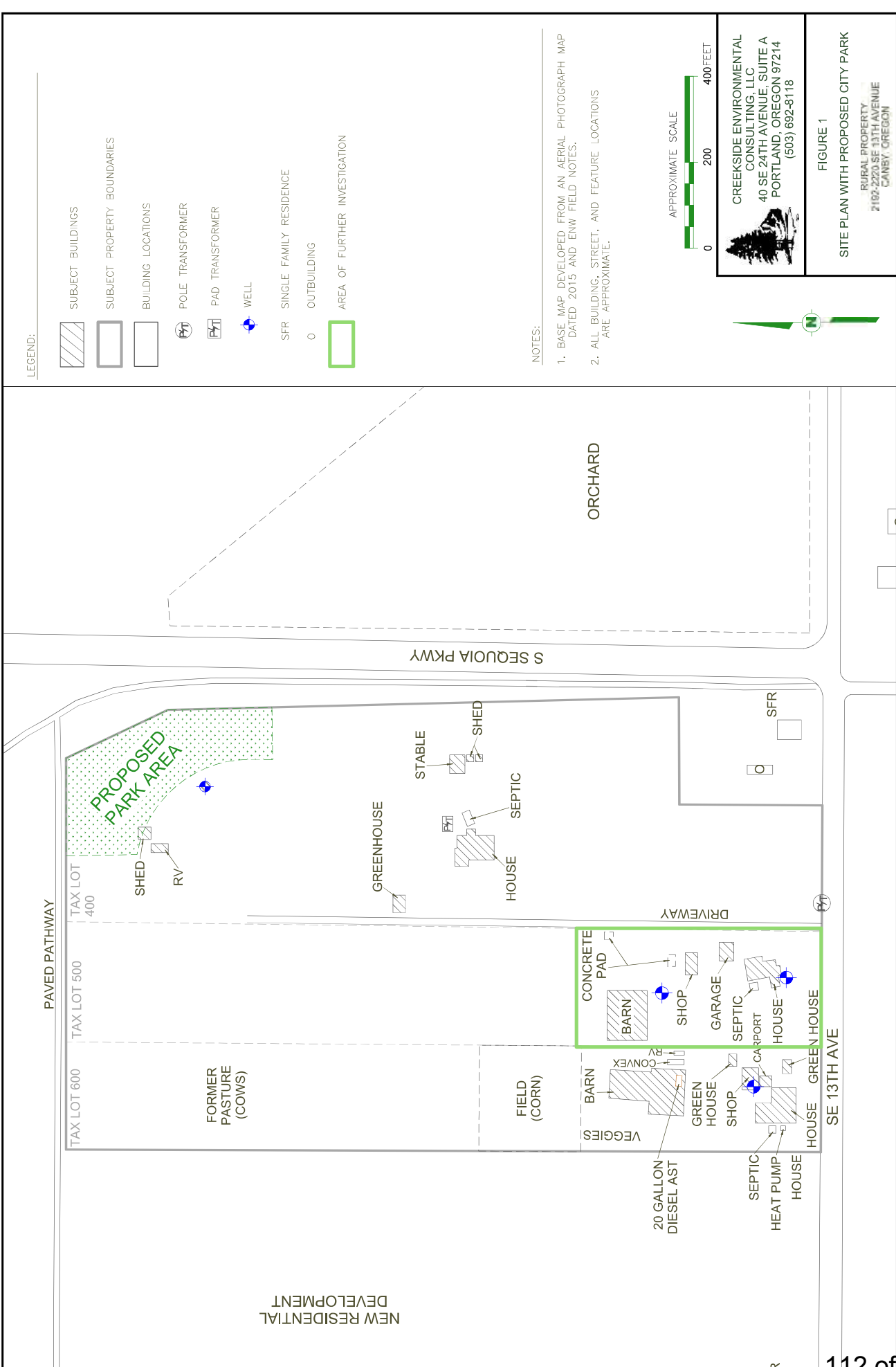
CEC acknowledges that the City may rely upon the above-referenced report prepared by CEC in September 2016 for the Holt Group (“Client”). We hereby agree that you may rely on the information, recommendations and conclusions set forth in said report, subject to the conditions and limitations contained in our Phase I ESA report and as set forth in our original contract developed for and accepted our Client. Your reliance is subject to the understanding that CEC’s liability on this is limited based on the same terms and conditions specified in our contract with The Holt Group. Our aforementioned Phase I ESA report provides information on the property only as specified in the scope of work and is based on the conditions at the time the report was prepared. Our work was conducted in accordance with the standard of care of our profession. No warranties, express or implied, are made. If you have any questions or comments about this letter or our aforementioned environmental report, please feel free to call me at (503) 692-8118.

**CREEKSIDE ENVIRONMENTAL CONSULTING, LLC**










A handwritten signature in black ink that reads "Brent Jorgensen". The signature is written in a cursive, slightly slanted style.

Brent Jorgensen, CHMM - Principal

-----  
Office Address: 40 SE 24<sup>th</sup> Avenue, Portland, Oregon 97214 Telephone: (503) 692-8118  
Email: [brent@creeksideenvironmental.com](mailto:brent@creeksideenvironmental.com) OR CCB: 150382 Web: [www.creeksideenvironmental.com](http://www.creeksideenvironmental.com)

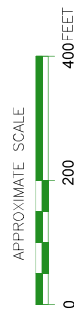


LEGEND:

-  SUBJECT BUILDINGS
-  SUBJECT PROPERTY BOUNDARIES
-  BUILDING LOCATIONS
-  POLE TRANSFORMER
-  PAD TRANSFORMER
-  WELL
-  SFR SINGLE FAMILY RESIDENCE
-  O OUTBUILDING
-  AREA OF FURTHER INVESTIGATION

NOTES:

1. BASE MAP DEVELOPED FROM AN AERIAL PHOTOGRAPH MAP DATED 2015 AND ENW FIELD NOTES.
2. ALL BUILDING, STREET, AND FEATURE LOCATIONS ARE APPROXIMATE.



CREEKSIDE ENVIRONMENTAL CONSULTING, LLC  
 40 SE 24TH AVENUE, SUITE A  
 PORTLAND, OREGON 97214  
 (503) 692-8118

FIGURE 1

SITE PLAN WITH PROPOSED CITY PARK  
 RURAL PROPERTY  
 2192-2220 SE 13TH AVENUE  
 CANBY, OREGON

NEW RESIDENTIAL DEVELOPMENT

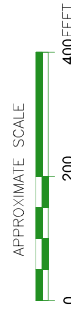


LEGEND:

- SUBJECT BUILDINGS
- SUBJECT PROPERTY BOUNDARIES
- BUILDING LOCATIONS
- POLE TRANSFORMER
- PAD TRANSFORMER
- WELL
- SFR SINGLE FAMILY RESIDENCE
- OUTBUILDING

NOTES:

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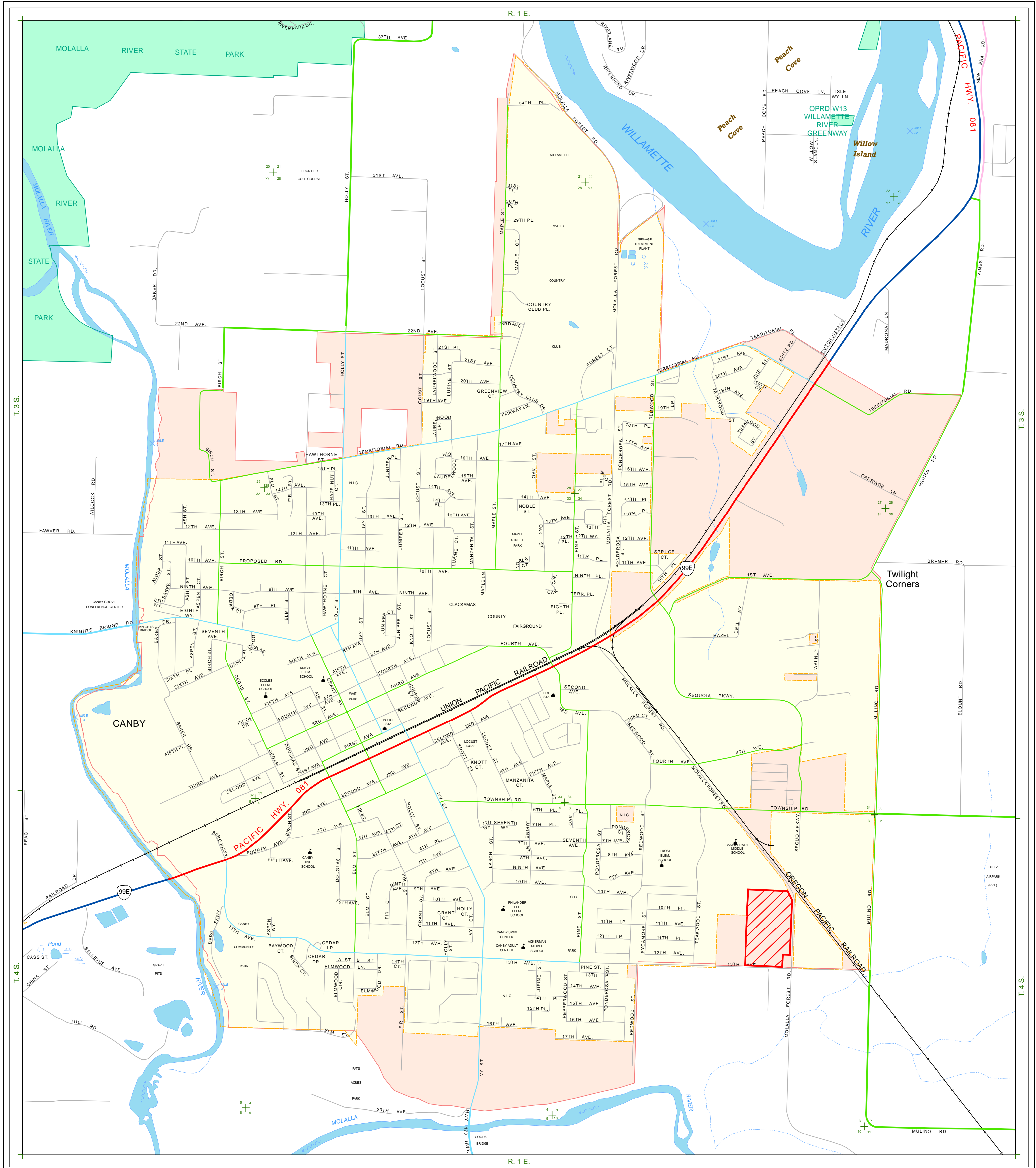


CREEKSIDE ENVIRONMENTAL CONSULTING, LLC  
 40 SE 24TH AVENUE, SUITE A  
 PORTLAND, OREGON 97214  
 (503) 692-8118

FIGURE 2

SITE PLAN with Proposed Development  
 RURAL PROPERTY  
 2192-2200 SE 13TH AVENUE  
 CANBY, OREGON





**LEGEND**

**FUNCTIONAL CLASSIFICATION**

STATE HWY OTHER JURISDICTION

- INTERSTATE
- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- URBAN COLLECTOR/RURAL MAJOR COLLECTOR
- MINOR COLLECTOR
- LOCAL ROAD

INTERSTATE - US ROUTE - ORE. ROUTE

- NATIONAL HIGHWAY SYSTEM ROUTE
- CITY LIMIT
- URBAN GROWTH BOUNDARY
- RAILROAD - AMTRAK PASSENGER STATION
- GRAVEL PIT - QUARRY - ODOT STOCKPILE
- ODOT MAINTENANCE STATION

**Published by**

**NORTH**

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

**Public Building**

- COURTHOUSE
- HOSPITAL
- CITY HALL
- ARMORY
- POST OFFICE
- SCHOOL
- LIBRARY
- SAFETY REST AREA
- WEIGH STATION
- PARK & RIDE LOCATION
- INTERCITY - CITY TRANSIT
- COMMERCIAL - GENERAL AVIATION
- PORT FACILITY

**SCALE**

0 650 1,300 2,600 Feet

0 195 390 780 Meters

**CANBY**  
POPULATION 15,910

T. 3-4 S. R. 1 E. W.M.

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

**OREGON TRANSPORTATION MAP**  
Showing Federal Functional Classification of Roads  
City of  
**CANBY**

**CLACKAMAS COUNTY**  
2013 Edition

**AVAILABLE TRANSPORTATION SERVICES SHOWN WITH YELLOW BACKGROUND**

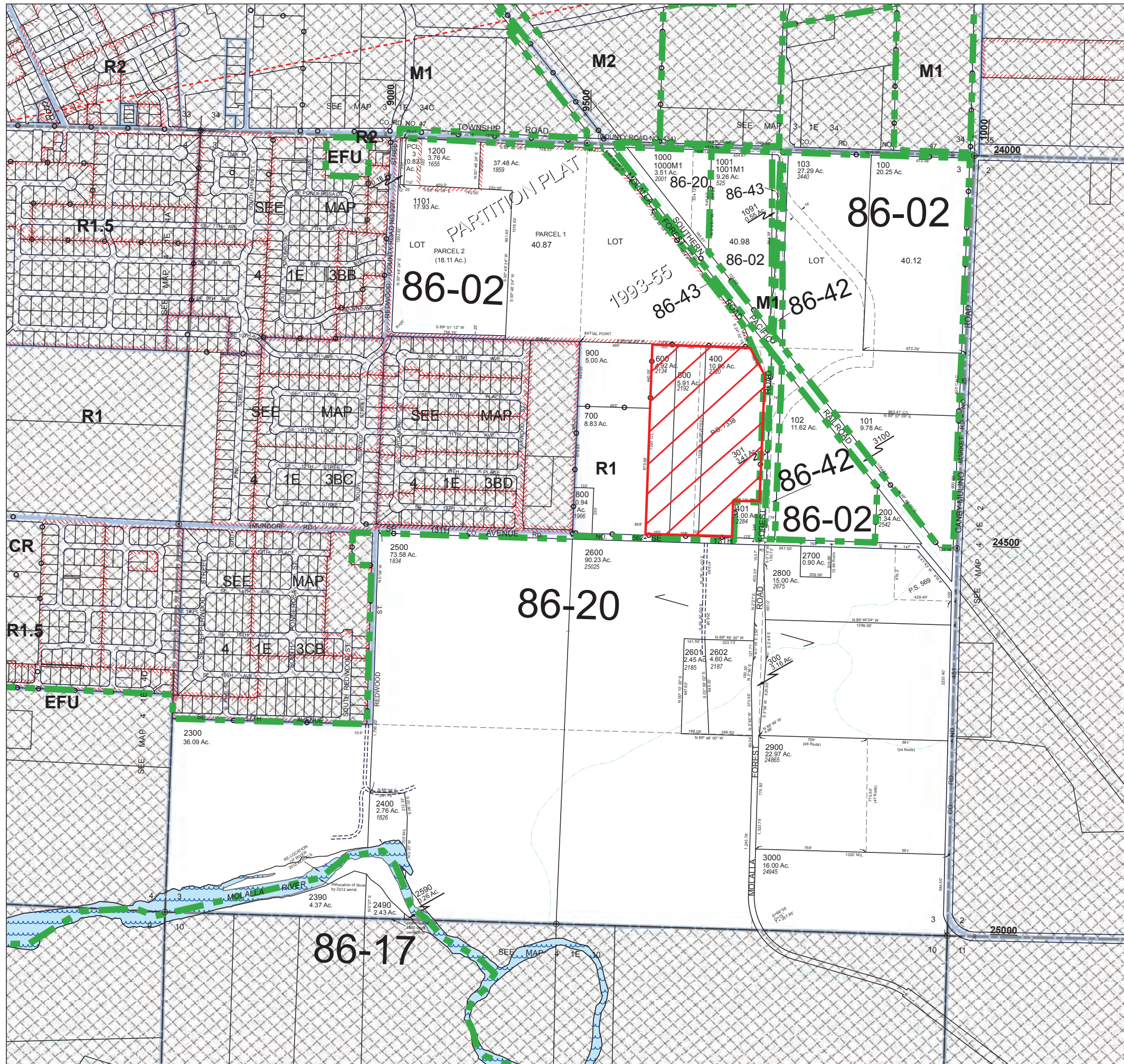
- PARK & RIDE
- INTERBUS
- AMTRAK
- PORT
- AIRPORT
- COMM. AIR



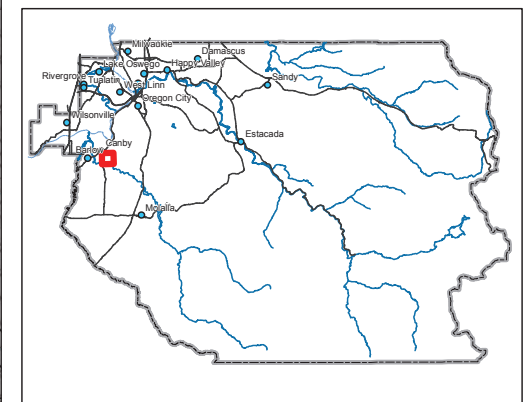
SECTION 3 T.4S. R.1E. W.M.  
CLACKAMAS COUNTY  
1" = 400'

Cancelled Taxlots

- 1300
- 1301
- 1400
- 1500
- 1600
- 1700
- 1701
- 180
- 1801
- 180
- 1190
- 1800
- 1900
- 2001
- 2100
- 2200
- 290
- 2000
- 2002
- 2003
- 1290
- 193
- 192



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



THIS MAP IS FOR ASSESSMENT PURPOSES ONLY



PARCEL 1  
PARTITION PLAT NO., 1993-55

CLACKAMAS COUNTY SURVEYOR

RECEIVED: \_\_\_\_\_

ACCEPTED FOR FILING: \_\_\_\_\_

SURVEY NUMBER: \_\_\_\_\_

# Record of Survey

SITUATED IN THE NORTHEAST 1/4 OF SECTION 3,  
TOWNSHIP 4 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN  
CLACKAMAS COUNTY, OREGON

FEBRUARY 28, 2014 SCALE: 1" = 100'

FOR: SE 13TH AVENUE PROPERTY OWNERS

### LEGEND:

- - DENOTES FOUND MONUMENT AS NOTED, STRAIGHT AND FLUSH WITH THE SURFACE, UNLESS NOTED OTHERWISE.
- YPC - YELLOW PLASTIC CAP (INSCRIBED AS NOTED)
- IP - INSIDE DIAMETER IRON PIPE
- IR - IRON ROD
- D1 - DEED 2013-052847
- D2 - DEED 85-10970
- D3 - DEED 2005-043347
- D4 - DEED 92-44429
- D5 - DEED 2009-051839
- P1 - PARTITION PLAT NO. 1993-55
- P2 - PLAT OF "FAIST ADDITION" (PLAT 3510)
- R1 - PS 7338
- R2 - PS 28130
- R3 - SN 2006-111
- M - MEASURED DISTANCE
- CL - CENTERLINE
- R/W - RIGHT OF WAY LINE

### NARRATIVE:

THE BASIS OF BEARINGS IS THE SOUTH LINE OF PARTITION PLAT NO. 1993-55. THIS SURVEY WAS PERFORMED TO SET OUT THE EXTERIOR BOUNDARIES OF THOSE TRACTS DESCRIBED IN DEEDS 85-10970 (D2), 2009-051839, 92-44429, 2011-016438 AND 76-18244 CLACKAMAS COUNTY RECORDS.

NORTH LINE: HELD THE MONUMENTS AT THE SE CORNER NE 1/4 OF THE NW 1/4 OF SECTION 3 AND THE SE CORNER OF PARTITION PLAT NO. 1993-55.

WEST LINE: HELD THE MONUMENTS AT THE SE CORNER NE 1/4 OF THE NW 1/4 OF SECTION 3 AND THE SE CORNER OF TRACT 'A' "FAIST ADDITION" AND EXTENDED THE LINE 40.00' TO ESTABLISH THE CENTER OF SECTION 3 PER SAID "FAIST ADDITION".

SOUTH LINE: HELD CENTER OF SECTION 3 (ESTABLISHED ABOVE) AND THE MONUMENT AT THE SE CORNER OF DEED 2013-052847 (D1) AS BEING 20' NORTHERLY OF THE CENTERLINE. ESTABLISHED THE NORTH RIGHT OF WAY LINE 20' FROM THE CENTERLINE.

EAST LINE: HELD THE MONUMENT AT THE SE CORNER OF PARTITION PLAT NO. 1993-55 AND THE MONUMENTS ALONG THE EAST LINES OF DEED (D1) AND (D2) AS SHOWN.

HERROD TRACT: HELD THE FOUND MONUMENTS PER (D1).

CANBY SCHOOL DISTRICT NO. 86 TRACT: HELD THE FOUND MONUMENTS PER SURVEY NO. 2006-111.

THIS SURVEY WAS PREPARED USING  
HEWLETT-PACKARD PRODUCT NO. 51645A  
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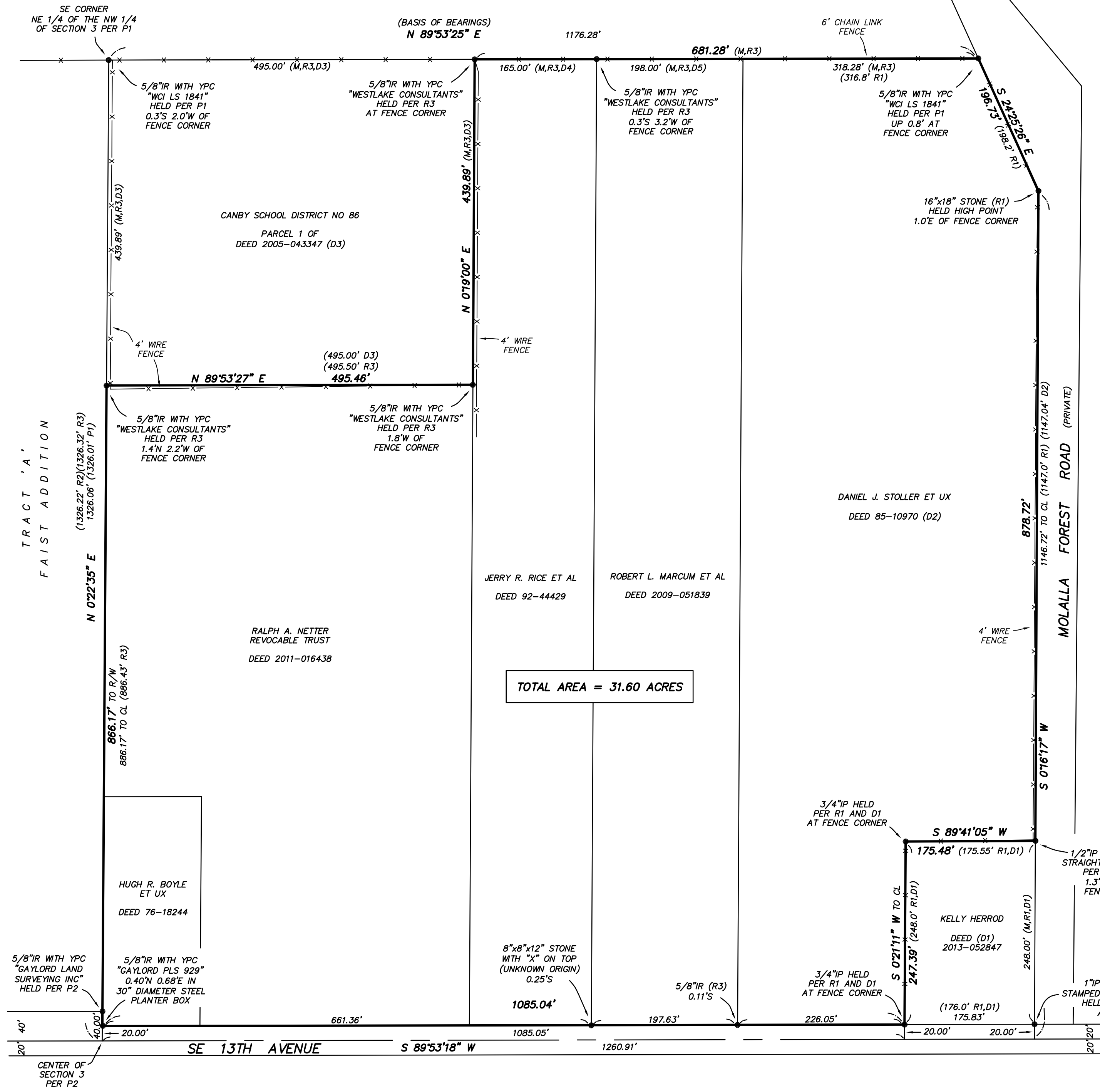
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Kenneth D. Griffin*

OREGON  
JULY 26, 1985  
KENNETH D. GRIFFIN  
2147

RENEWS: 6/30/15  
0533-RS

GRIFFIN LAND SURVEYING INC.  
6107 SW MURRAY BLVD. #409  
BEAVERTON, OR. 97008  
PHONE: (503)201-3116



TOTAL AREA = 31.60 ACRES

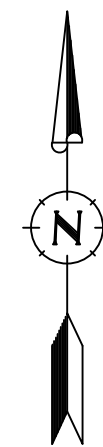
# TIMBER PARK SUBDIVISION

DEVELOPER:

**Timber Park, LLC**

Contact: Joe Schiewe  
 P.O. Box 61426  
 Vancouver, WA 98666  
 503-710-8612

OCTOBER 2016



VICINITY MAP  
 N.T.S.

## INDEX

SHEET	DESCRIPTION
1	SITE PLAN
2	EXISTING CONDITIONS
3	STREET/FIRE TURNAROUND PLAN
4	WATERLINE PLAN
5	SANITARY PLAN
6	STORM PLAN
7	GRADING PLAN
8	PARK PLAN
9	STREET & SANITARY PLAN & PROFILES
10	STREET & SANITARY PLAN & PROFILES
11	STREET & SANITARY PLAN & PROFILES
12	TYPICAL SECTIONS
13	SHADOW PLAT

MOST RECENT REVISION TO  
 THIS SET OF PLANS:

### SISUL ENGINEERING

375 PORTLAND AVE.  
 GLADSTONE, OR. 97027  
 (503) 657-0188

REVISIONS	BY

Timber Park Subdivision  
 Timber Park, LLC

Cover Sheet

**SISUL ENGINEERING**  
 375 PORTLAND AVENUE  
 GLADSTONE, OREGON 97027  
 (503) 657-0188  
DRAWING: PP-16-041-STREET.dwg

DATE	OCT. 2016
SCALE	N.T.S.
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JOB	SGL16-041
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OF 13 SHEETS	



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**Timber Park Subdivision**  
**Timber Park, LLC**

**Site Plan**

**SISUL ENGINEERING**  
 376 PORTLAND AVENUE  
 GLADSTONE, OREGON 97027  
 (503) 657-0188  
DRAWING: Base Map: JDM.dwg

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DF 13	SHEETS



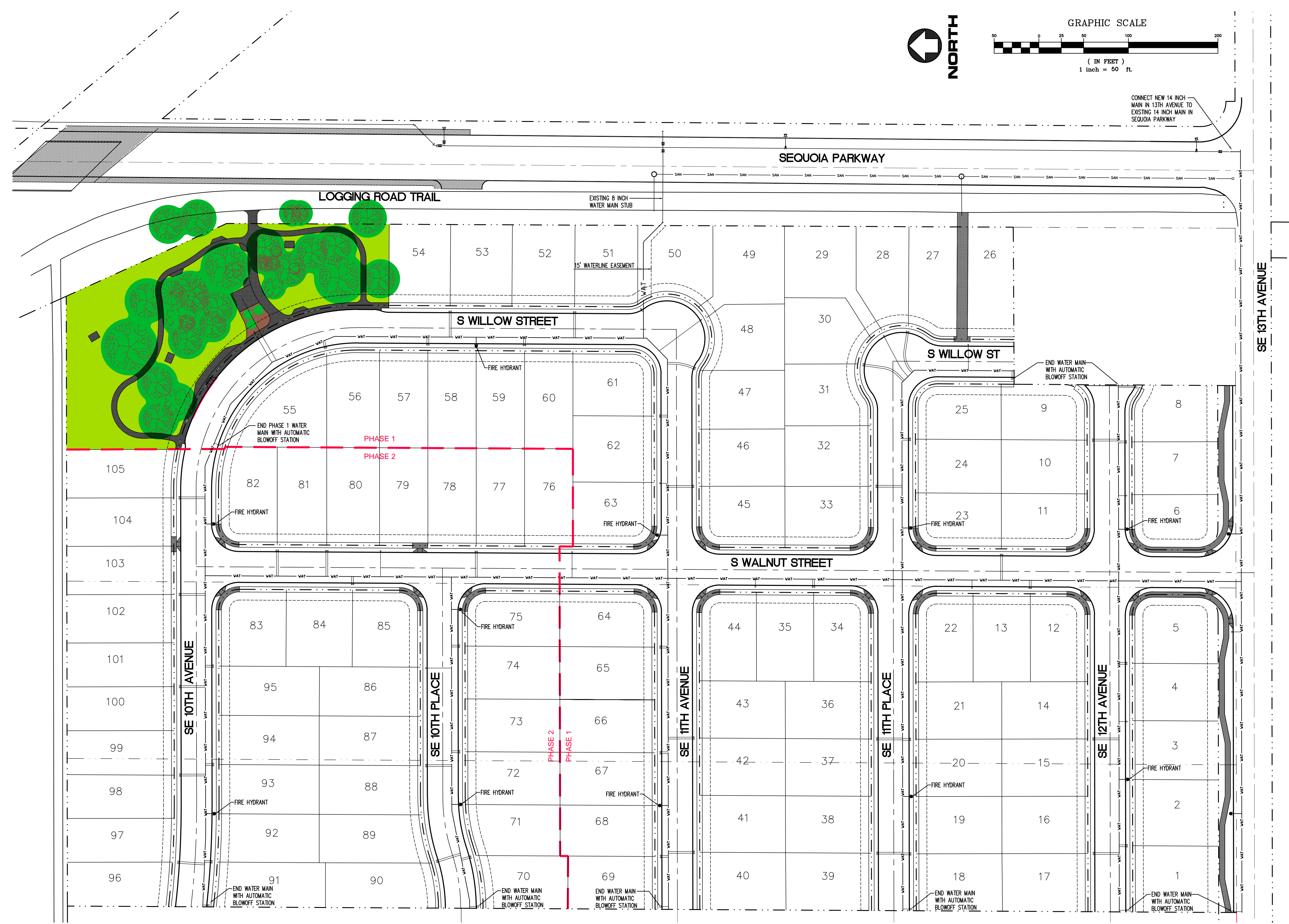








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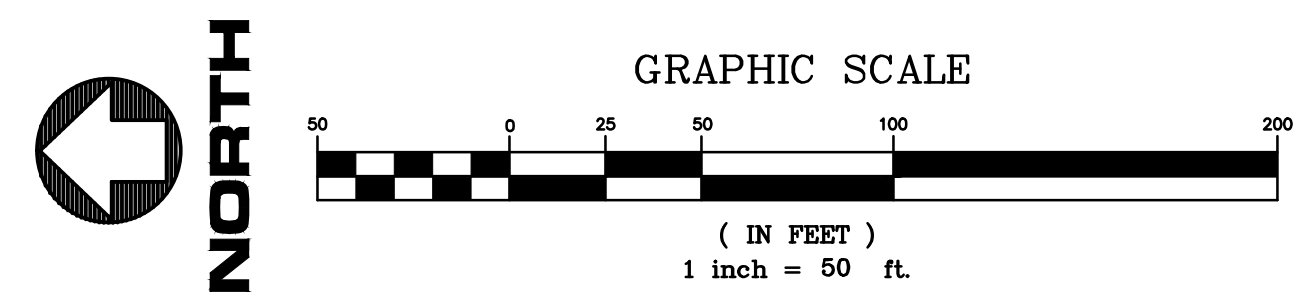
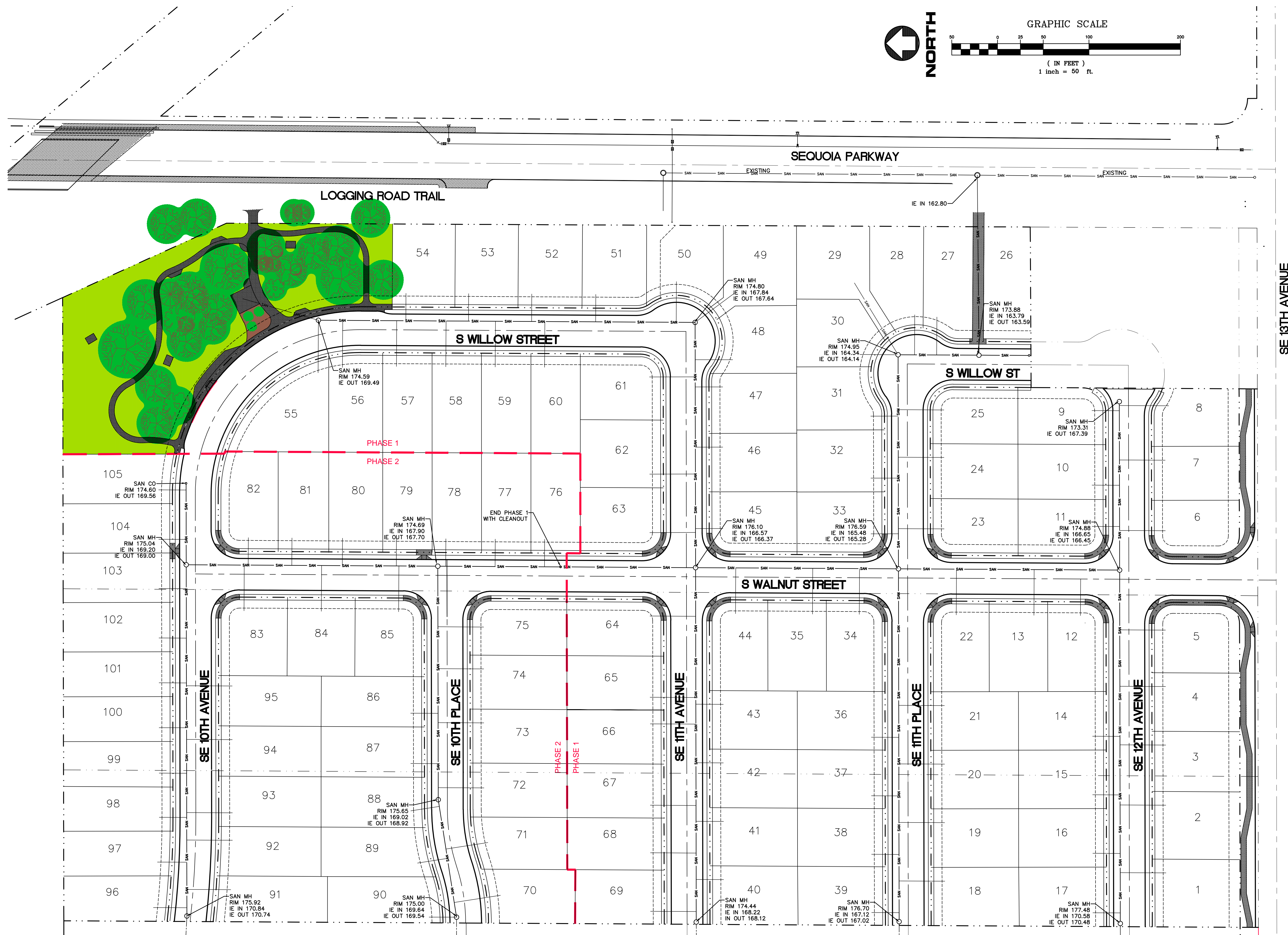
Timber Park Subdivision  
 Timber Park, LLC

Waterline Plan

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 GLADSTONE, OREGON 97027  
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Drawn: B. Bess, Msp., J. D. W.

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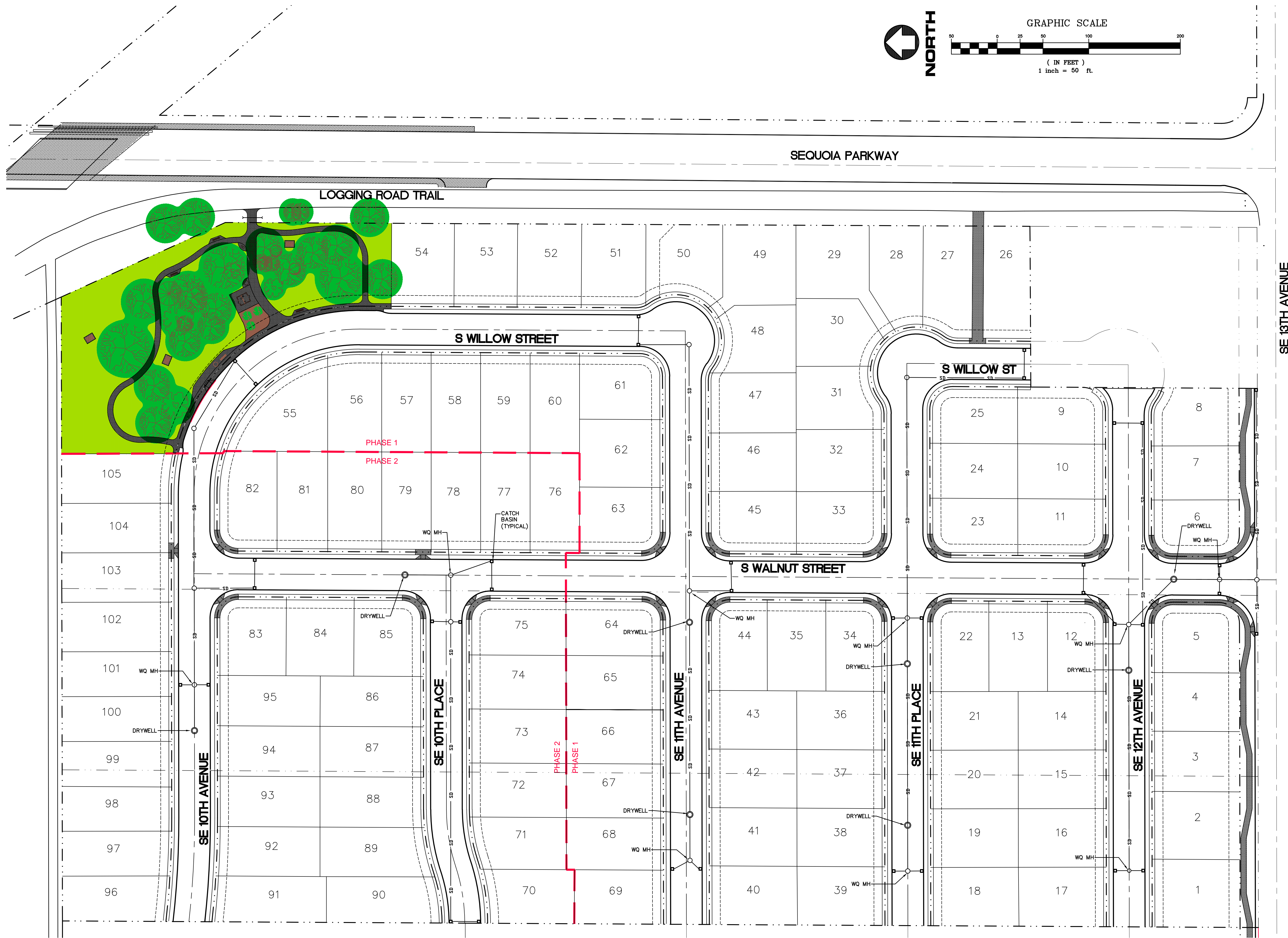
**Timber Park Subdivision**  
**Timber Park, LLC**

**Sanitary Plan**

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 GLADSTONE, OREGON 97027  
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 OF 13 SHEETS





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Timber Park Subdivision  
 Timber Park, LLC

Storm Plan

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 GLADSTONE, OREGON 97027  
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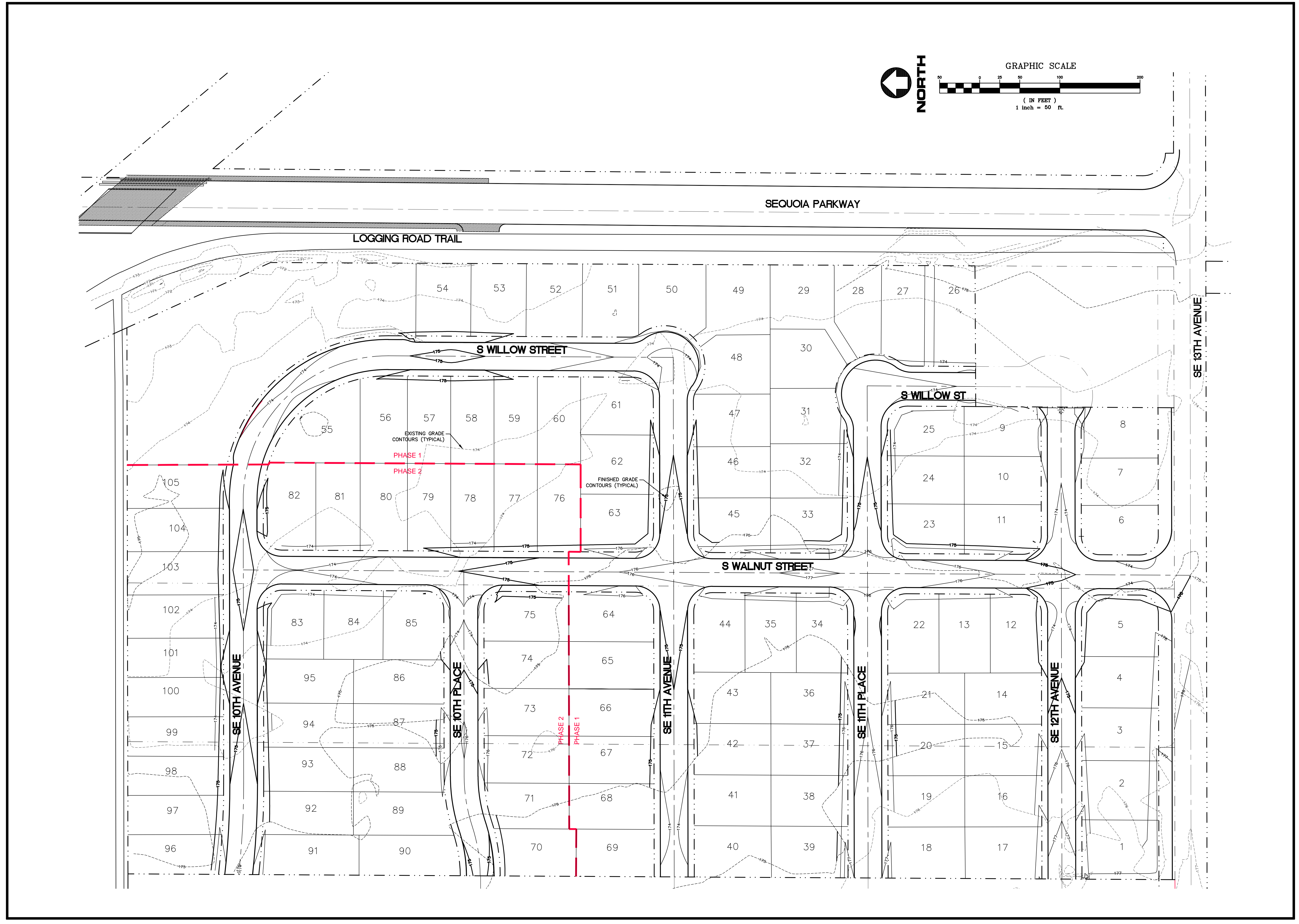
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Timber Park, LLC

Grading Plan

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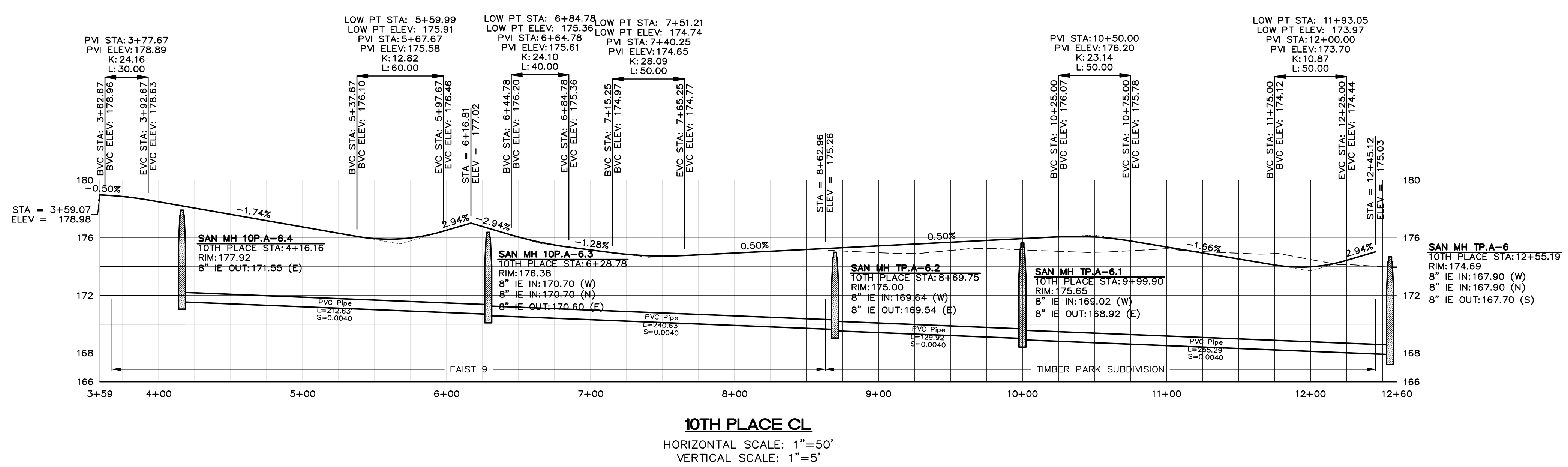
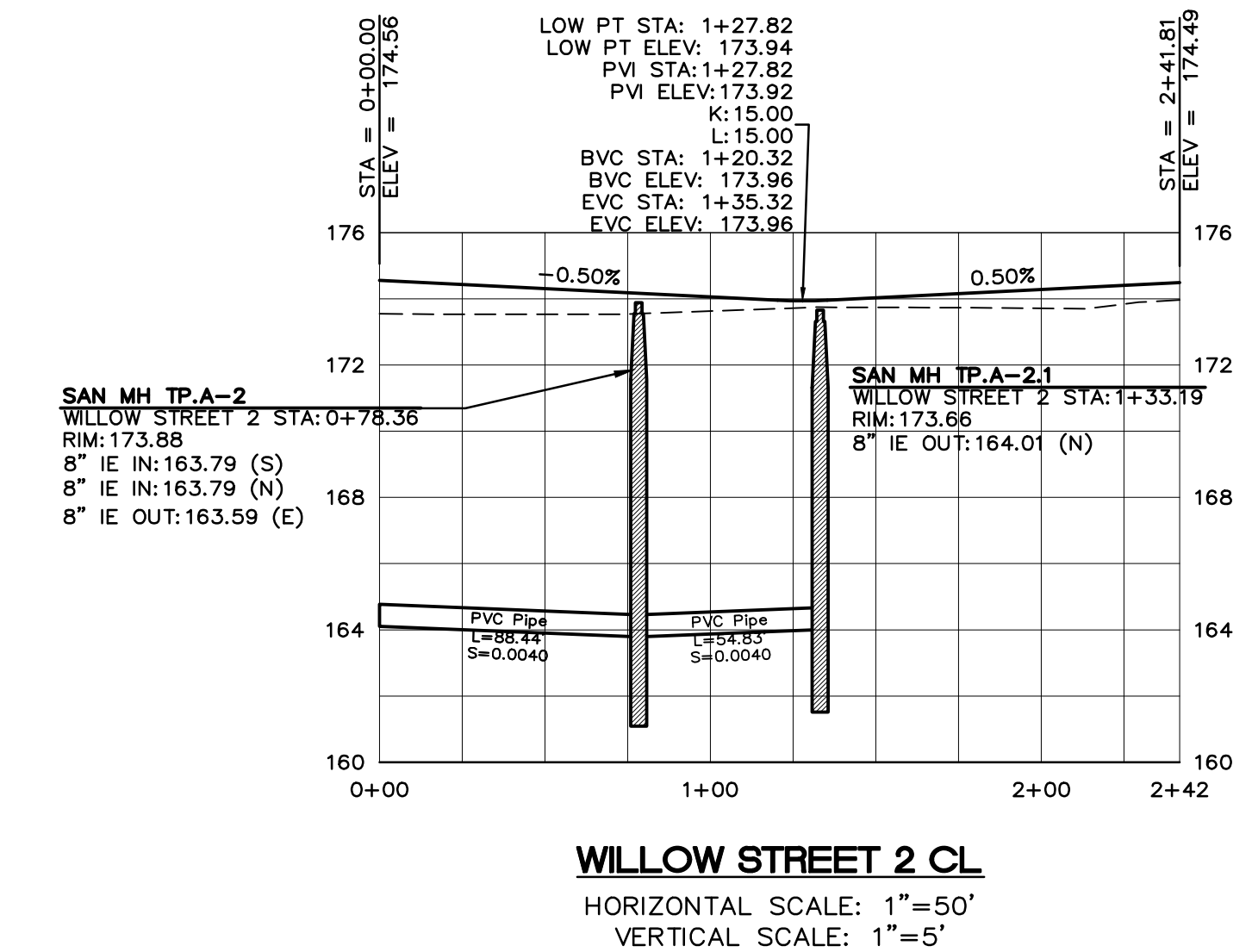
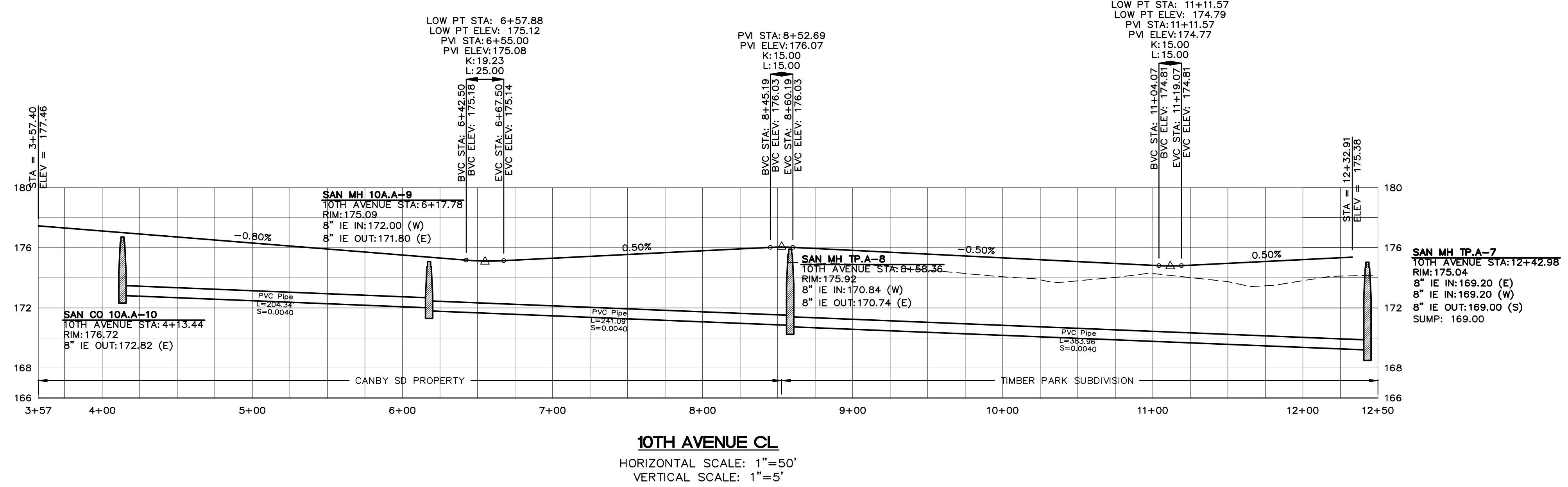
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Timber Park Subdivision  
Timber Park, LLC

Street + Sanitary Sewer  
Plan + Profiles

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GLADSTONE, OREGON 97027  
(503) 657-0188  
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OF 13	SHEETS



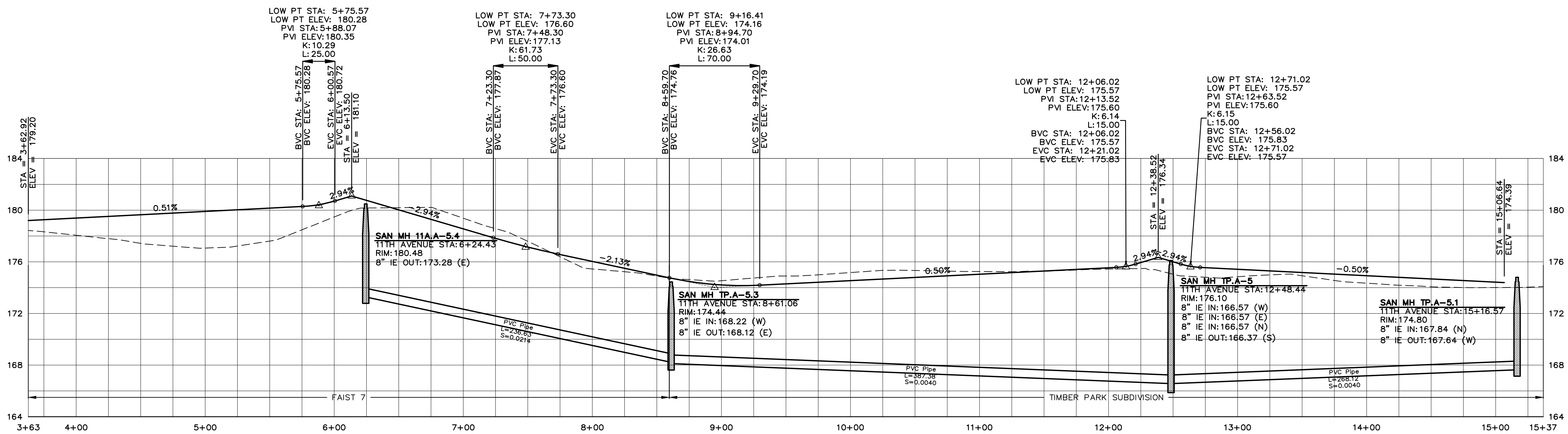
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Timber Park Subdivision  
Timber Park, LLC

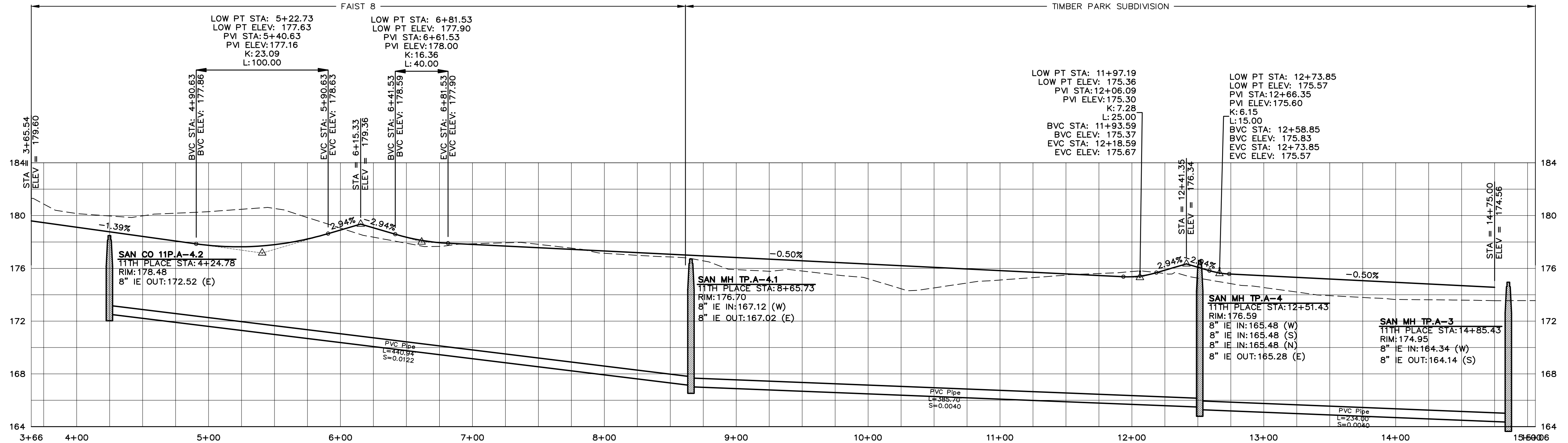
Street + Sanitary Sewer  
Plan + Profiles

**SISUL ENGINEERING**  
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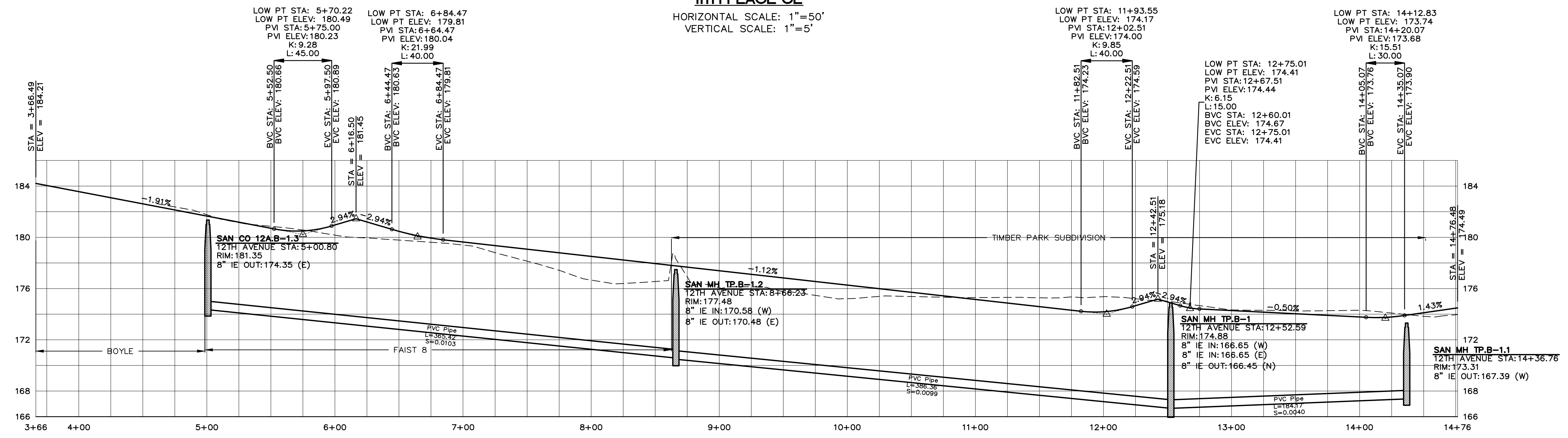
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JOB SGL16-041  
SHEET 10  
OF 13 SHEETS



**11TH AVENUE CL**  
HORIZONTAL SCALE: 1"=50'  
VERTICAL SCALE: 1"=5'



**11TH PLACE CL**  
HORIZONTAL SCALE: 1"=50'  
VERTICAL SCALE: 1"=5'



**12TH AVENUE CL**  
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VERTICAL SCALE: 1"=5'

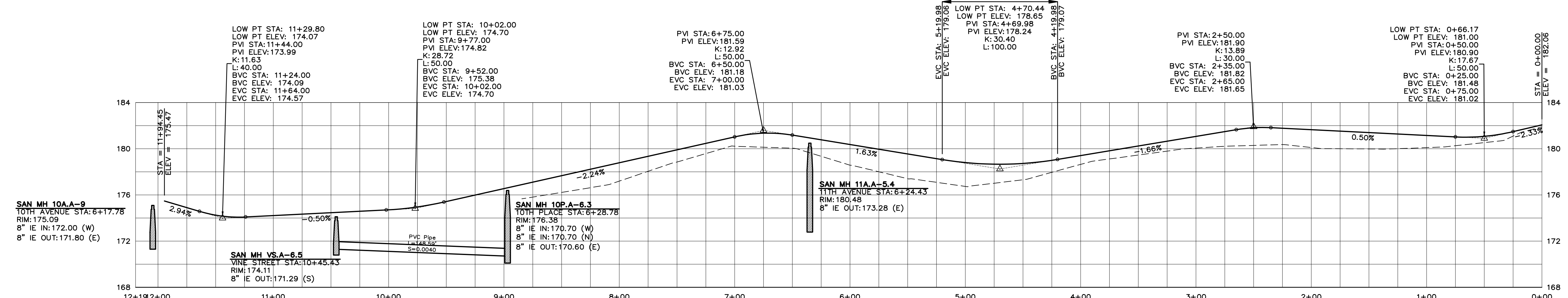
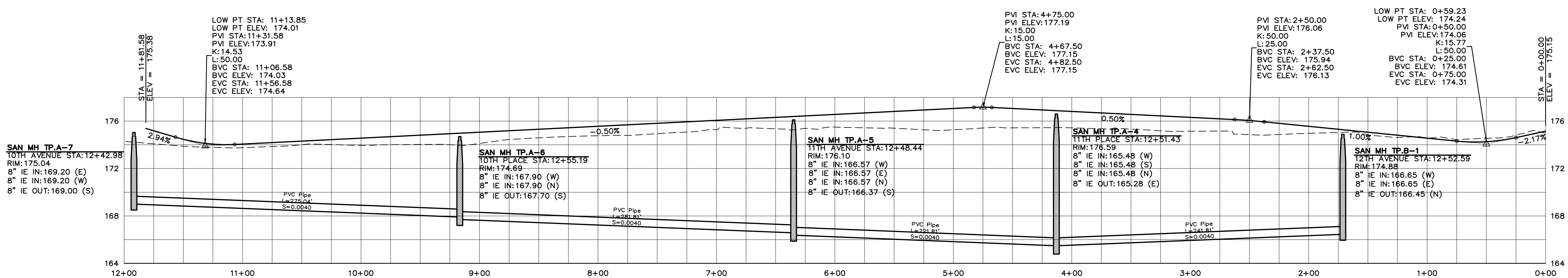
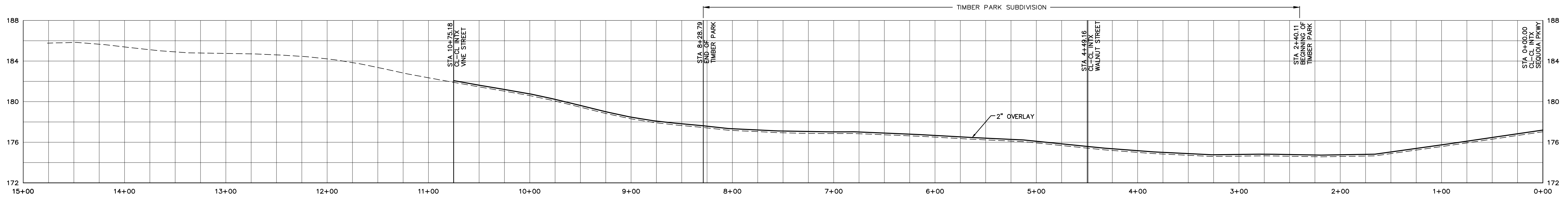
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Timber Park Subdivision  
Timber Park, LLC

Street + Sanitary Sewer  
Plan + Profiles

**SISUL ENGINEERING**  
375 PORTLAND AVENUE  
GLADSTONE, OREGON 97027  
(503) 657-0188  
DRAWING: PP-16-041-STREET.dwg

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OF 13 SHEETS

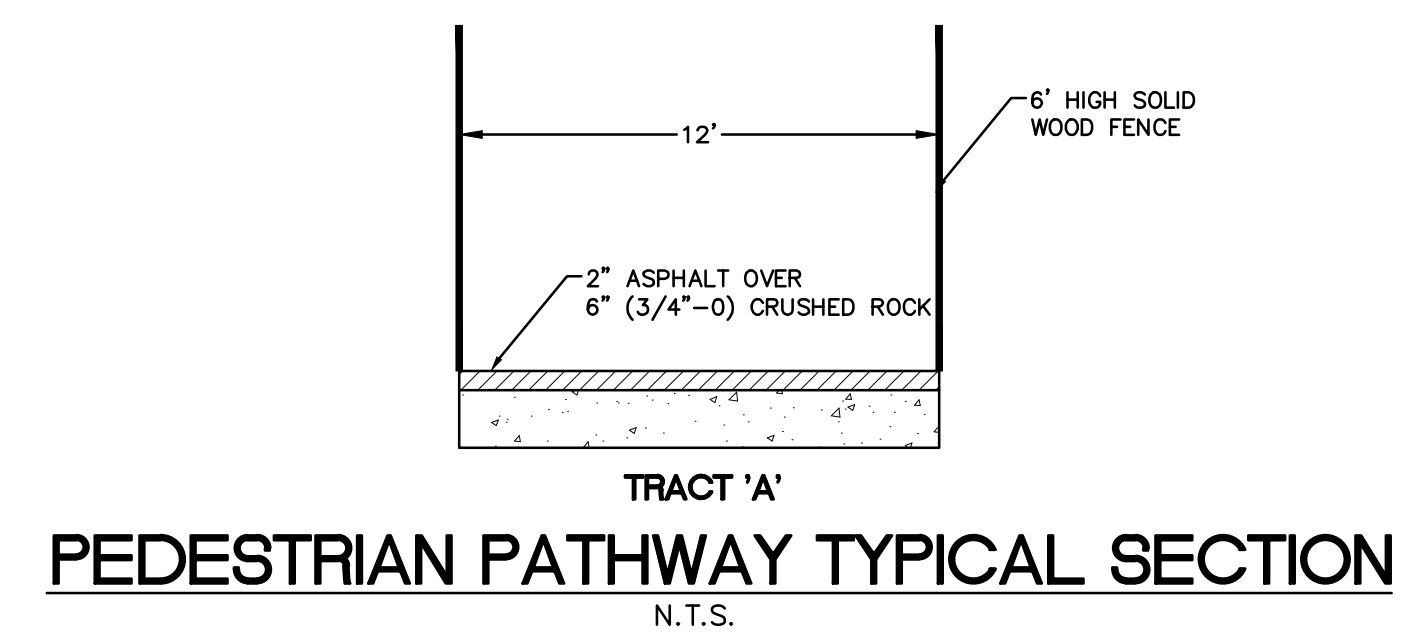
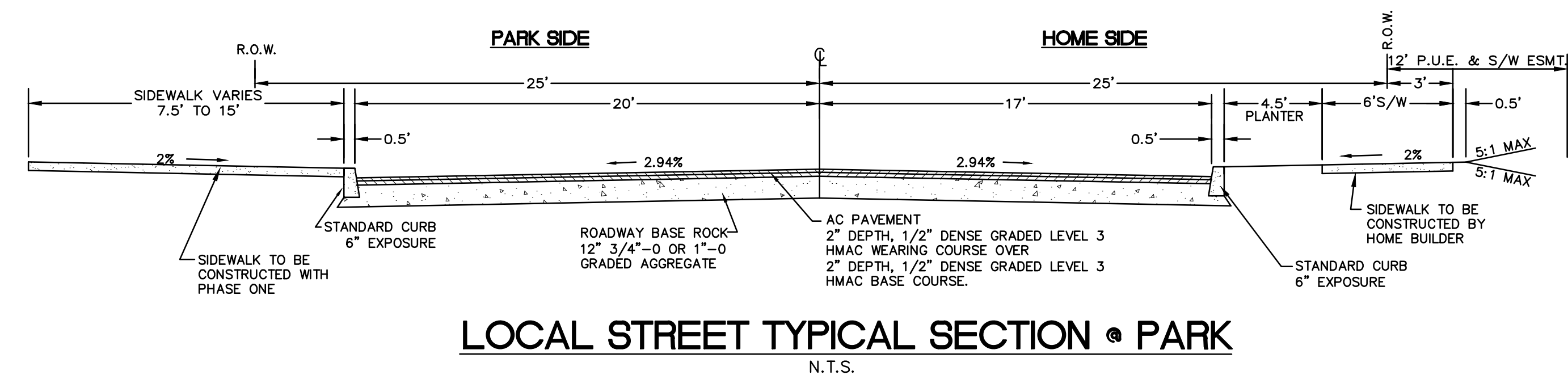
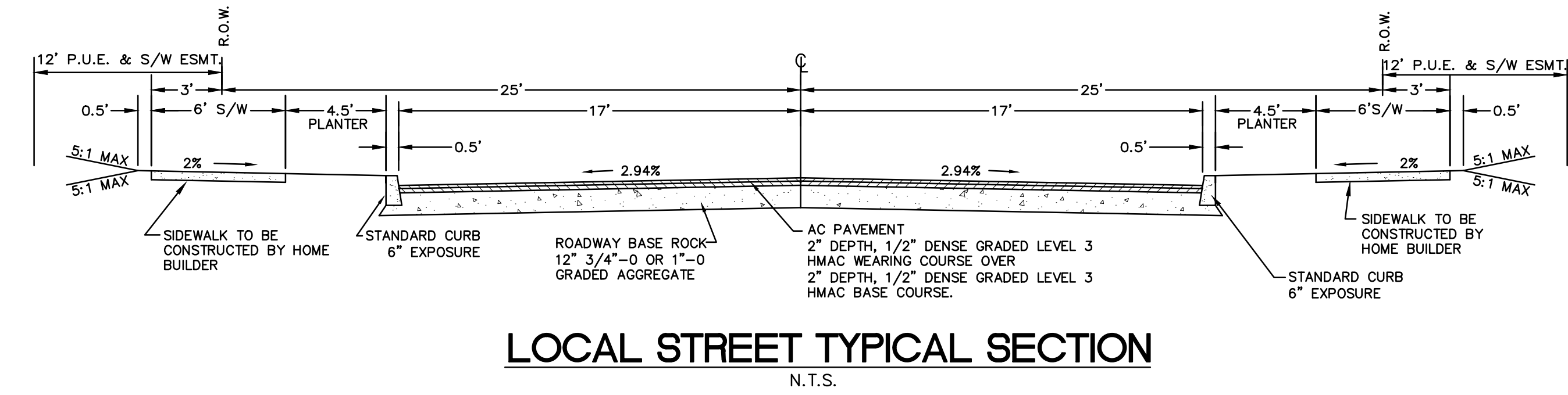
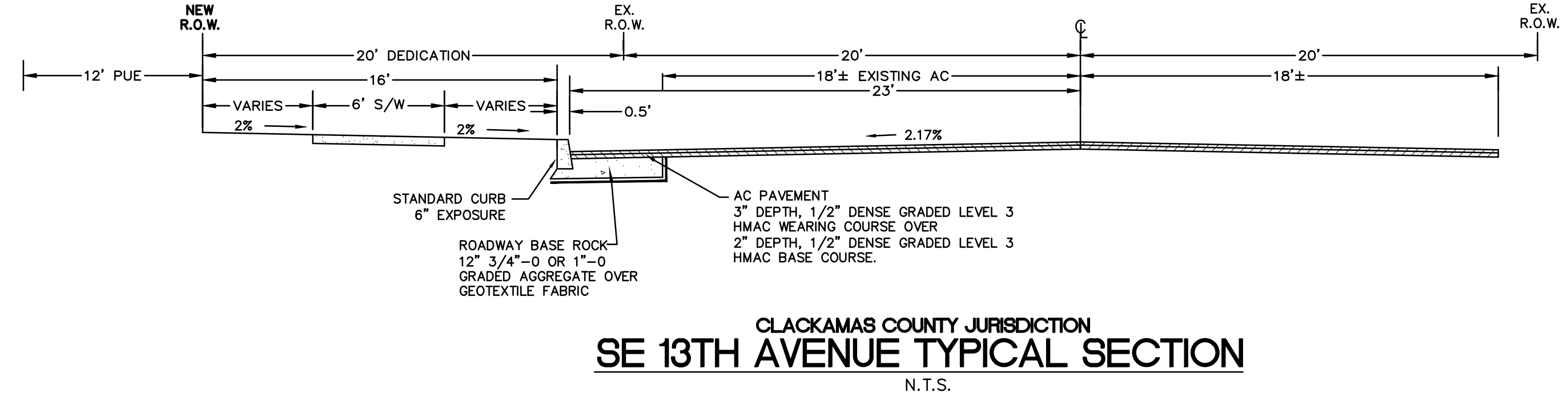






**SE 13TH AVENUE WALL**

THE WALL ABOVE IS LOCATED ALONG SE 13TH AVENUE IN FRONT OF THE DINSMORE ESTATES 2 SUBDIVISION. A SIMILAR WALL IS PROPOSED TO BE CONSTRUCTED ALONG THE SE 13TH AVENUE FRONTAGE OF THIS SUBDIVISION.



REVISIONS	BY

Timber Park Subdivision  
 Timber Park, LLC

Typical Sections

**SISUL ENGINEERING**  
 376 PORTLAND AVENUE  
 GLADSTONE, OREGON 97027  
 (503) 657-0186  
DRAWING: PP-16-041-STREET.dwg

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OF 13	SHEETS



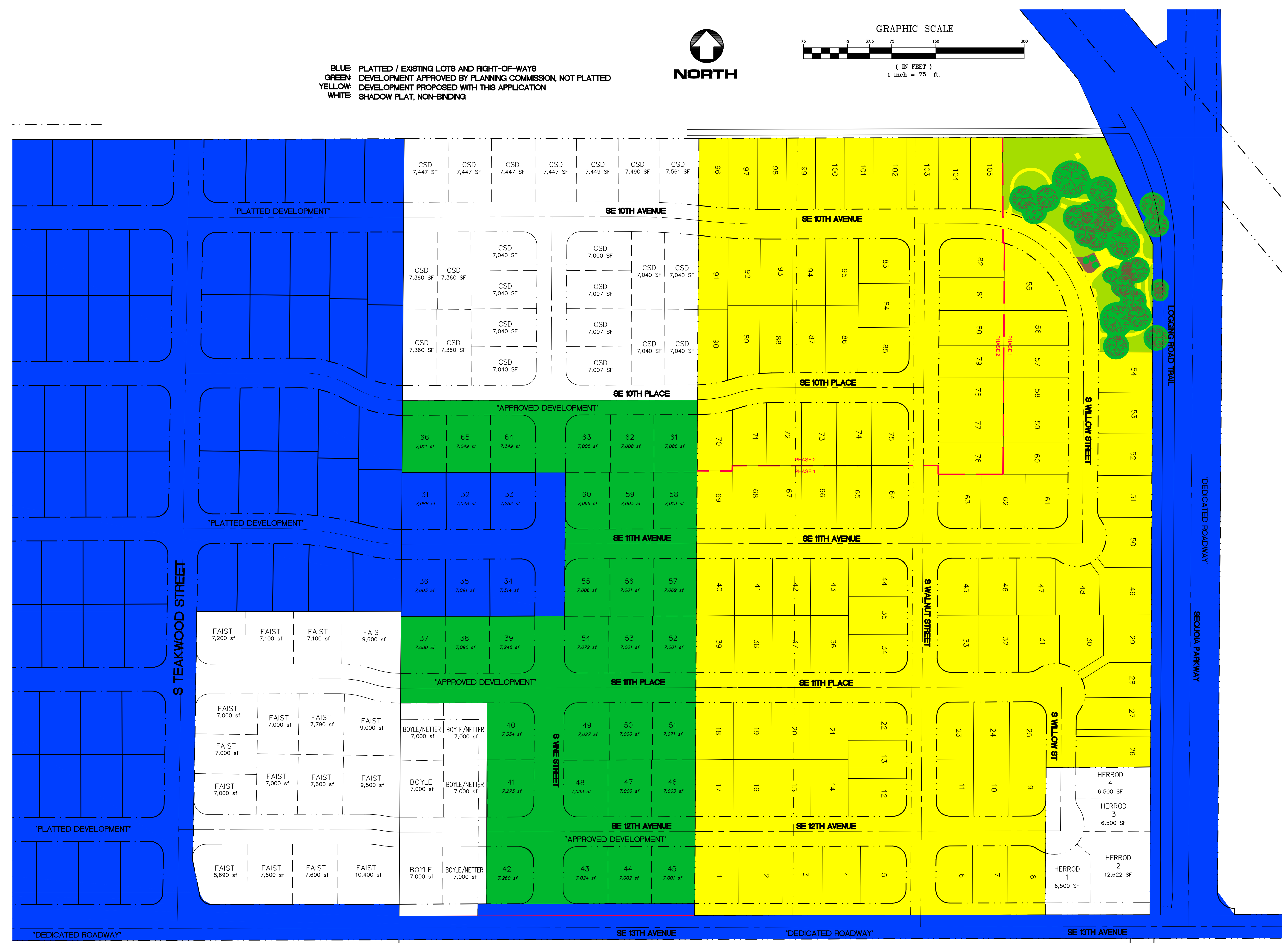
REVISIONS	BY

**Timber Park Subdivision**  
**Timber Park, LLC**

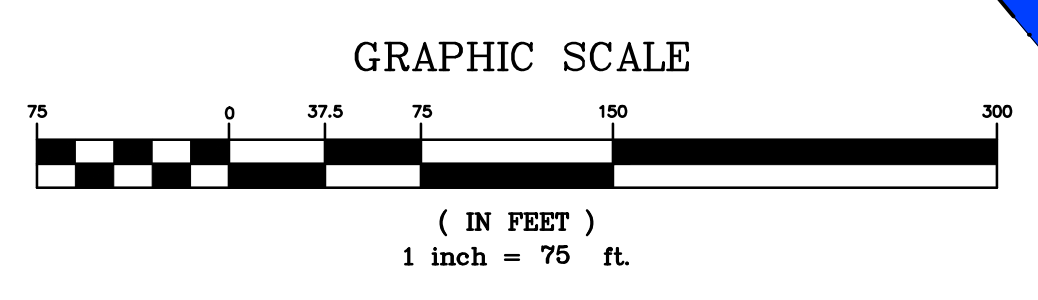
**Shadow Plat**

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GLADSTONE, OREGON 97027  
(503) 657-0188  
DRAWING: Base Map: JDM.dwg

DATE OCT. 2016  
SCALE 1" = 75'  
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JOB SGL16-041  
SHEET **13**  
OF 13 SHEETS



BLUE: PLATTED / EXISTING LOTS AND RIGHT-OF-WAYS  
GREEN: DEVELOPMENT APPROVED BY PLANNING COMMISSION, NOT PLATTED  
YELLOW: DEVELOPMENT PROPOSED WITH THIS APPLICATION  
WHITE: SHADOW PLAT, NON-BINDING



Labels on the plan include: "PLATTED DEVELOPMENT", "APPROVED DEVELOPMENT", "DEDICATED ROADWAY", "S TEAKWOOD STREET", "SE 10TH AVENUE", "SE 10TH PLACE", "SE 11TH AVENUE", "SE 11TH PLACE", "SE 12TH AVENUE", "SE 13TH AVENUE", "S WILLOW STREET", "S WALNUT STREET", "SEQUOIA PARKWAY", "LOGGING ROAD TRAIL", "PHASE 1", "PHASE 2", "PHASE 3", and lot numbers 1 through 105.



CURRAN-McLEOD, INC.  
CONSULTING ENGINEERS  
6655 SW HAMPTON, SUITE 210  
PORTLAND, OR 97223

November 2, 2016

**MEMORANDUM**

**TO:** Mr. David Epling  
City of Canby

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

**RE:** **CITY OF CANBY**  
**TIMBER PARK PHASES 1 & 2 (SUB 16-03)**

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

1. SE 13<sup>th</sup> Avenue is a County road and is classified by the County and the City Transportation System Plan (TSP) as an arterial road. Right-of-way dedications and public improvements must be in compliance with the Clackamas County Development requirements. The County may allow the development of SE 13<sup>th</sup> Avenue to City standards and requirements.

Based on the City TSP, the required ROW ranges between 60-foot and 80-foot, the existing right-of-way (ROW) width is 40 feet. A 20-foot wide right-of-way dedication as proposed by the developer along the entire site frontage to be consistent with the adjoining existing developments on the north side is acceptable to meet the minimum right-of-way width (60 feet) as required by the City TSP. The public improvements will include half street improvements along the entire site frontage in conformance with the City TSP, Arterial (Two-Way Traffic) section. The curb will be located at 23 feet measured from the right-of-way centerline with a 6-foot curb tight/ meandering concrete sidewalks, ADA ramps, street lights and utilities as needed. The public improvements shall be constructed in conformance with section 2.207 of the City of Canby Public Works Design Standards, dated June 2012.

2. All interior streets within the subdivision shall be designed to City local street standards with 34-foot paved width, curbs, 4.5' planters, 6' sidewalks, street lights and utilities in conformance with Chapter 2 of the City of Canby Public Works Design Standards, dated June 2012. Turnarounds may be required at the end of each street as directed by Canby Fire Department.
3. All ADA ramps and sidewalks along all the tracts and open spaces shall be constructed as part of this development.
4. The developer's design engineer will be required to submit as part of the construction plans a signing and striping plan. All street names and traffic signs shall be installed by the developer at his expense and as part of this development. The City may supply the required traffic and street name signs based on a mutually agreed cost.
5. As part of the final design, the developer's design engineer shall provide a minimum of 200-foot future centerline street profile design to assure future grades can be met. The centerline street profile shall also be extended to match the existing street extensions on Faist Addition 7 development.
6. Any existing domestic or irrigation wells shall be abandoned in conformance with OAR 690-220-0030. A copy of Oregon Water Rights Department (OWRD) abandonment certificate shall be submitted to the City.
7. Any existing on-site sewage disposal system shall be abandoned in conformance with Clackamas County Water Environmental Services (WES) regulations. A copy of the septic tank removal certificate shall be submitted to the City.
8. A demolition permit will be required from the City of Canby prior to demoing of the existing structures.
9. 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 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. Verify the existing well on TL 401 meets this requirement.
10. A storm drainage analysis shall be submitted to the City or 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.

Mr. David Epling  
November 2, 2016  
Page 3

11. An erosion control permit will be required from the City of Canby prior to any on-site disturbance.
12. The developer's design engineer shall ensure that the extended sanitary sewer to Faist Addition property to the west is deep enough to serve the entire site and must meet the water-sewer crossings requirements as per OAR 333-061-0050 (9).
13. Mulino sewage pump station is currently in the design process and should functional and operational by the summer of 2017.

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



## David Epling

---

**From:** Hixson, Robert <roberth@co.clackamas.or.us>  
**Sent:** Tuesday, November 15, 2016 10:18 AM  
**To:** David Epling  
**Subject:** SUB 16-03

Hello David,

This project was recently assigned to me. Clackamas County has concerns regarding the safety and operation of the intersection of Sequoia Parkway and 13<sup>th</sup> as the easterly leg of 13<sup>th</sup> is under the jurisdiction of Clackamas County.

County Engineering staff have been evaluating the intersection and due to its configuration an all-way stop is recommended to be considered for implementation. Issues associated with bicyclists, passenger vehicles and trucks (including turning radii) and the atypical configuration of the intersection present safety and operational concerns.

The materials provided for review did not include the DKS traffic impact analysis or subsequent work performed by Lancaster Engineering.

Please provide copies of those traffic reports for our review. Due to the short time period available between this request and the date comments are due, Clackamas County may not be able to provide comments until after the requested comment date of November 16, 2016. Comments will be provided shortly after we have had an opportunity to review the existing traffic reports. Based on our evaluation of those reports additional traffic analysis may or may not be requested.

Sincerely,

Robert

Robert Hixson  
Clackamas County, DTD Engineering  
150 Beaver Creek Road  
Oregon City, OR 97045  
503-742-4708 (phone)  
503-742-4659 (fax)  
[roberth@clackamas.us](mailto:roberth@clackamas.us)  
Office hours: 7:30 AM - 4:00 PM Monday - Friday





# City of Canby

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## STAFF REPORT

### FILE #: HD 16-01 DESIGNATION OF FORMER CITY HALL TO LOCAL REGISTER OF HISTORIC LANDMARKS

Prepared for the November 28, 2016 Planning Commission Meeting

**LOCATION:** 182 N Holly Street

**TAXLOT:** 31E33CA06000 (Bordered in blue on the map below)



**LOT SIZE:** 0.23 total acres

**ZONING:** C-1 Downtown Commercial

**OWNER:** City of Canby

**APPLICANT:** Historic Review Board

**APPLICATION TYPE:** Historic Designation

**CITY FILE NUMBER:** HD 16-01

**APPLICANT'S REQUEST:** The applicant is seeking approval for the former City Hall, located at 182 N Holly Street, to be nominated to the Local Register of Historic Landmarks and apply the Historical Protection Overlay Zone (A) to this property.

## SECTION I RECOMMENDATION

The Historic Review Board after holding a public hearing on November 7, 2016 has forwarded a recommendation for APPROVAL of the historic designation application to nominate the former City Hall to the Local Register of Historic Landmarks and apply the Historical Protection Overlay Zone (A) to this property.

## SECTION II APPLICABLE REVIEW CRITERIA:

**City of Canby Land Development and Planning Ordinance Chapters:**

**16.38 Historical Protection Overlay Zone (A)**

**16.110 Historic Preservation**

## SECTION III REVIEW FOR CONFORMANCE WITH APPLICABLE APPROVAL CRITERIA:

### 16.110.055 Criteria for Historic Landmark and Historic District Designation

1. In order to designate buildings, sites, objects, or structures as Historic Landmarks or Historic Districts, it shall be found that:

- a. The resource is about 50 years or older, or the resource is less than 50 years old but of exceptional importance with regard to its historical, architectural or environmental significance; and
- b. There is historical, architectural, or environmental significance.

**FINDINGS: Situated in the heart of the community's original twenty-four block town site, the Canby City Hall possesses both architectural and historical significance. Constructed as a Public Works Administration (PWA) project in the midst of the Great Depression, its distinctive design has made it a community icon. At a national level, the PWA recognized it as an ideal example of design serving function. From a historical perspective, the City Hall served as the focal point of municipal governance from 1937 to 2016.**

A. Historical Significance.

1. Association with the life or activities of a person, group, organization, or institution that has made a significant contribution to the city, county, state or nation.
2. Association with an event that has made a significant contribution to the city, county, state or nation.
3. Association with broad patterns of cultural, political, social, economic, industrial, or agricultural history.
4. Potential for providing information of a prehistoric or historic nature in the city, county, state, or nation.
5. Listed on the National Register of Historic Places.



**FINDINGS:** For almost eight decades, Canby's City Hall housed the community's elected officials and municipal services. It served as the center of policy and decision-making and the place where residents paid their utility bills and, for four decades, checked out and returned books to the city's library. Canby's City Hall was inextricably linked to the evolution of the community from a farm town to an urban/rural fringe suburb. (Please see submitted application for full explanation of historical significance and sources).

B. Architectural Significance.

1. Example of a particular architectural style, building type and/or convention.
2. Example of quality of composition, detailing and/or craftsmanship.
3. An example of a particular material and/or method of construction.
4. It retains original design features, materials and/or character.
5. The only remaining, or one of few remaining resources of a particular style, building type, design, material, or method of construction.
6. The work of a master architect.

**FINDINGS:** A prominent structure in the community, Canby's City Hall looks much as it did when erected in terms of design, character, and materials. Constructed of brick, the rectangular main section of the 1.5 story building rises from a concrete foundation and basement. It features two-sash vinyl windows with wood trim. The structure is capped by a tall, steep, hipped roof with dormers in the center of the north and west façades. A wing that is off-set to the south side of the main structure has two projecting bays separated by a recessed center entry. Constructed of horizontal boards, this façade features single pane picture windows. A tall hose drying tower with a stucco exterior and a square pyramid roof sits at the rear of this wing. The original jail projects out from the rear of the main building. It features a stucco exterior, two barred windows, and a metal door.

The structure retains its historical integrity in that the alterations to the original building are minor. The wood windows were replaced with vinyl, but the original wood trim remains. In the 1980s, the entrance door was changed to comply with the Americans with Disabilities Act. In 1961, the off-set south wing was converted from a fire station to a library. To accommodate its new function, the annex's garage doors were replaced with the dual bay window and center door façade. Unchanged since its construction, this section retains its historic integrity for that period.

The building's Colonial Revival style and site placement set it apart in a townscape dominated by low profile utilitarian structures. Set-back from the sidewalk and surrounded on its street-facing sides with attractive landscaping and decorative wrought iron fencing, the building projects significance and stability. Over the years, it has become a symbol of the town.

The City Hall was designed by architects George Howell Jones and Harold D. Marsh of the Portland architectural firm, Jones and Marsh. Portland natives, both Jones and Marsh trained in architecture at Oregon State College, then at the Massachusetts Institute of Technology, graduating in 1913. Jones worked in New York City before and after serving in World War I. He returned to Portland to become the district architect for Portland Public Schools. In the early 1930s, he went into private practice with his former classmate, Marsh. In addition to the Canby City Hall, the firm designed many public buildings across the state.

Canby's City Hall also possesses architectural significance from a national perspective. In 1939, the PWA conducted a review of the projects it funded in its first five years and published a two volume work that featured "the best examples of the different types of buildings and other structures which are the most interesting from architectural and engineering viewpoints." Of the over 10,000 projects funded by the PWA at the local or state level, 330 were identified as ideal examples of design serving function. Canby's City Hall was selected for this recognition, one of only seven in Oregon. Others included the Oregon State Capital and the State Library.

C. Environmental Significance.

1. A visual landmark in the neighborhood or community.
2. Existing land use surrounding the resource contributes to the integrity of the pertinent historic period.
3. It consists of a grouping of interrelated elements including historic structures, plant materials and landscapes, view sheds and natural features.
4. It contributes to the continuity or historic character of the street, neighborhood and/or community. (Ord. 905, 1994; renumb., mod. by Ord. 1061, 2000)

**FINDINGS: The former City Hall, located at 182 N Holly Street, was a Public Works Administration (PWA) project that began in 1936 and was completed in 1937. This iconic City Hall sits within the original 24 block area that made up Canby.**

In order to preserve the City Hall, the application for the Local Register of Historic Places was submitted by Carol Palmer on behalf of the City of Canby. The City of Canby is working with a developer who will purchase the building, redevelop the interior, and market it as a location for business. The application – provided it is approved – will aid in the effort to maintain the exterior charm and historic integrity, while finding a new owner and tenant. The developer is aware of the move to add City Hall to the Local Register and is a proponent for this work.

The Local Register of Historic Landmarks will add an overlay zone which would provide several checkpoints before allowing someone to drastically alter the exterior or demolish the building.

**Comments:**

Comments were solicited from the public, City departments, and applicable reviewing agencies. Summary of comments are included in the staff report, and complete agency and public comments are part of the file. All comments from citizens and agencies received to date are attached to the file and will be presented to the Planning Commission.

**Public Comments:**

No public comments were received at the time this staff report was written.

**Agency Comments:**

No agency comments were received at the time this staff report was written.

#### **SECTION IV CONCLUSION/RECOMMENDATION**

Based on the application submitted and the facts, findings and conclusions of this report, staff recommends that the Planning Commission support and concur with the recommendation from the Historic Review Board and recommend to the City Council that:

1. HD 16-01 application be approved so the former City Hall can be listed on the Local Register of Historic Landmarks, and
2. The Historical Overlay Zone be applied to the former City Hall property to lend protection offered by City code to designated local Landmarks.

#### **SECTION V CONDITIONS OF APPROVAL**

Approval of this application is based on submitted application materials. Approval is strictly limited to the submitted proposal and is not extended to any other development of the property. Major alteration of a Historic Landmark is subject to review by the Historic Review Board with consideration given to the Secretary of the Interior's Standards for Rehabilitation with the alteration permit as indicated in the Canby Municipal Code.

#### **Section VI Attachments/Exhibits:**

1. Application
2. Narrative with Architectural & Historical Significance



# City of Canby

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## LOCAL REGISTER OF HISTORIC RESOURCES APPLICATION

### **Form Submitted By:**

Name: **Carol Palmer**

Bus. Phone: **503.504.2638**

Address of Site: **182 N. Holly Street**

Home Phone: **503.504.2638**

City & Zip: **Canby, Oregon**

Email: [carolpalmer24@gmail.com](mailto:carolpalmer24@gmail.com)

Are you the owner of this property?  YES  NO

*If no, enter the contact information for the property owner below and attach letter signed by the owner(s) supporting the nomination.*

Name: **City of Canby (contact: Renate Mengelberg)**

Bus. Phone: **503.266. 0701**

Address: **222 NW 2<sup>nd</sup>**

Home Phone: \_\_\_\_\_

City & Zip: **Canby, Oregon 97013**

Email: **Mengelberg@CanbyOregon.gov**

### **Criteria**

1. In order to designate buildings, sites, objects, or structures as Historic Landmarks or Historic Districts, it shall be found that:
  - a. The resource is about 50 years or older, or the resource is less than 50 years old but of exceptional importance with regard to its historical, architectural or environmental significance; and
  - b. There is historical, architectural, or environmental significance.
2. The following factors shall be considered in determining whether the criteria found in subsection 1(b) of this section are satisfied:
  - A. Historical Significance.
    1. Association with the life or activities of a person, group, organization, or institution that has made a significant contribution to the city, county, state or nation.
    2. Association with an event that has made a significant contribution to the city, county, state or nation.
    3. Association with broad patterns of cultural, political, social, economic, industrial, or agricultural history.
    4. Potential for providing information of a prehistoric or historic nature in the city, county, state, or nation.
    5. Listed on the National Register of Historic Places.
  - B. Architectural Significance.
    1. Example of a particular architectural style, building type and/or convention.
    2. Example of quality of composition, detailing and/or craftsmanship.

3. An example of a particular material and/or method of construction.
4. It retains original design features, materials and/or character.
5. The only remaining, or one of few remaining resources of a particular style, building type, design, material, or method of construction.
6. The work of a master architect.

C. Environmental Significance.

1. A visual landmark in the neighborhood or community.
2. Existing land use surrounding the resource contributes to the integrity of the pertinent historic period.
3. It consists of a grouping of interrelated elements including historic structures, plant materials and landscapes, view sheds and natural features.
4. It contributes to the continuity or historic character of the street, neighborhood and/or community. (Ord. 905, 1994; renumb., mod. by Ord. 1061, 2000)

**PROPERTY OWNER RIGHTS:** ORS 197.772(3) states that “A local government shall allow a property owner to remove from the property a historic property designation that was imposed on the property by the local government.” This does not apply to properties listed on the National Register of Historic Places, or properties located within a National Register Historic District. It also does not apply to an application for Historic Designation initiated by the property owner as it is not “imposed” by the City.

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**HISTORIC INFORMATION:** Please attach a brief history and architectural description of the building or site requested for Historic Designation and state why this request should be approved. The City may be able to provide some historic technical assistance on your proposal.

**Additional Historic Information**

List any other inventories or sources of information with which you are familiar that relate to your historic site or structure.

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*See attached*

## *Summary*

Situated in the heart of the community's original twenty-four block town site, the Canby City Hall possesses both architectural and historical significance. Constructed as a Public Works Administration (PWA) project in the midst of the Great Depression, its distinctive design has made it a community icon. At a national level, the PWA recognized it as an ideal example of design serving function. From a historical perspective, the City Hall served as the focal point of municipal governance from 1937 to 2016.

## *Architectural Significance*

A prominent structure in the community, Canby's City Hall looks much as it did when erected in terms of design, character, and materials. Constructed of brick, the rectangular main section of the 1.5 story building rises from a concrete foundation and basement. It features two-sash vinyl windows with wood trim. The structure is capped by a tall, steep, hipped roof with dormers in the center of the north and west façades. A wing that is off-set to the south side of the main structure has two projecting bays separated by a recessed center entry. Constructed of horizontal boards, this façade features single pane picture windows. A tall hose drying tower with a stucco exterior and a square pyramid roof sits at the rear of this wing. The original jail projects out from the rear of the main building. It features a stucco exterior, two barred windows, and a metal door.

The structure retains its historical integrity in that the alterations to the original building are minor. The wood windows were replaced with vinyl, but the original wood trim remains. In the 1980s, the entrance door was changed to comply with the Americans with Disabilities Act. In 1961, the off-set south wing was converted from a fire station to a library. To accommodate

its new function, the annex's garage doors were replaced with the dual bay window and center door façade. Unchanged since its construction, this section retains its historic integrity for that period.

The building's Colonial Revival style and site placement set it apart in a townscape dominated by low profile utilitarian structures. Set-back from the sidewalk and surrounded on its street-facing sides with attractive landscaping and decorative wrought iron fencing, the building projects significance and stability. Over the years, it has become a symbol of the town.

The City Hall was designed by architects George Howell Jones and Harold D. Marsh of the Portland architectural firm, Jones and Marsh. Portland natives, both Jones and Marsh trained in architecture at Oregon State College, then at the Massachusetts Institute of Technology, graduating in 1913. Jones worked in New York City before and after serving in World War I. He returned to Portland to become the district architect for Portland Public Schools. In the early 1930s, he went into private practice with his former classmate, Marsh. In addition to the Canby City Hall, the firm designed many public buildings across the state.

Canby's City Hall also possesses architectural significance from a national perspective. In 1939, the PWA conducted a review of the projects it funded in its first five years and published a two volume work that featured "the best examples of the different types of buildings and other structures which are the most interesting from architectural and engineering viewpoints."<sup>1</sup> Of the over 10,000 projects funded by the PWA at the local or state level, 330 were identified as ideal examples of design serving function. Canby's City Hall was selected for this recognition, one of only seven in Oregon. Others included the Oregon State Capital and the State Library.

## *Historical Significance*

For almost eight decades, Canby's City Hall housed the community's elected officials and municipal services. It served as the center of policy and decision-making and the place where residents paid their utility bills and, for four decades, checked out and returned books to the city's library. Canby's City Hall was inextricably linked to the evolution of the community from a farm town to an urban/rural fringe suburb.

Settled by pioneer families in the mid-1840s, municipal governance arrived in Canby in 1893, when city leaders decided to incorporate their community. The first council was dominated by members of the Mack, Knight, and Lee families, some of the earliest to settle in the area. Heman Lee served as the first mayor and his brother Albert, also a member of the council, was appointed to the position of clerk/teller. Other council members included Joseph Knight, William Knight, and Oramel R. Mack.

The council held its first meeting on May 13, 1893 on the second floor of the Knight Hall Building on the corner of NW Fir Street and First Avenue. The city council used this site until 1901 when the first city-owned facility, a horizontal wood structure, was constructed in the middle of the block facing First Avenue. At the time, Canby had 372 residents. Three decades later, with a population approaching 900, this aging facility proved inadequate in terms of supporting city functions and meeting community needs.

In 1935, the city council began exploring options for constructing a new facility; the siting of the structure generated a community-wide debate. The council favored using the vacant property on Holly Street and Second Avenue that it had acquired in 1931 when the

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<sup>1</sup> C. W. Short and R. Stanley-Brown, *Public Buildings: Architecture under the Public Works Administration, 1933-39*, Vol. 1., (Washington: U.S. G.P.O., 1939) Reprinted with a new introduction by Richard G.



property owners failed to pay assessments for street improvements. Many residents and business owners favored rebuilding on the existing site, arguing that a modern city structure would improve the appearance of the main street and encourage other property owners to upgrade their buildings. Others expressed concern about a side street location that kept the building out of public view.

In January 1936, the council held a special election to authorize construction of a new city hall that would house the jail, fire equipment, and other city services at the Holly Street site. Despite strong opposition to the location, Canby voters approved the measure by a slim margin of nineteen votes. The council opted to finance a portion of the construction costs with New Deal funding, hiring the Jones and Marsh architectural firm to design the structure and prepare the funding request. When the PWA re-opened its grant program at mid-year, Canby's application came under consideration and, in July, city leaders learned they would receive a \$5,300 grant, which would cover a significant portion of the anticipated \$12,000 cost of construction. In September, the council opened the construction bids and awarded the project to the low bidder, Robinson, Robinson, and Scott of Portland, who hired Canby subcontractors for plumbing, painting, and other tasks.

The blueprints detail the layout and usage of the building's floors. An unfinished basement was to be the site of a furnace and storage. The first floor had rooms for city services, fire crews, a council chamber, storage, a jail facility, and a side annex for fire equipment. The jail doors from the existing jail site were to be reused. There are no detailed plans for the top floor, it is depicted as an open space between the ceiling and the roof.

Construction began in late in 1936 and completed in 1937. Led by Mayor Ray Vinyard, the city council held its first meeting at the new facility on March 23, 1937. At this special

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Wilson (New York: Da Capo Press, Inc., 1986), I.

session the council passed a resolution declaring the building had been completed as specified and accepted by the city. In April, the council authorized improvements not included in the original plans, including the construction of sidewalks, a rear driveway, and a hose tower for the fire department, as well as purchases of a fire siren, window blinds, floorcoverings, and shrubs for exterior landscaping.

During this period, Canby's elected officials were also responding to the need to expand existing services and to increase the scope of city administration. The decision to construct a new facility was prompted in part by the necessity of housing additional fire equipment needed to serve a growing population. During this period, the city council also took on new responsibilities. In 1937, the town's voters approved the transfer of Zion Cemetery to the city. Two months after moving into the new building, council members listened to a request from a representative of the Canby Women's Civic Club (CWCC), Mrs. C. P. Shewey. After years of relying on volunteers and make-shift arrangements, Shewey asked the council to establish a municipal library. Having obtained a Works Progress Administration (WPA) grant to pay a librarian, advocates needed a site for the facility. The council approved use of the council chambers and appointed five residents to a city library board. In 1939, the city became the overseer of parks when City Attorney Charles Wait donated the seven lots in the block that became Wait Park.

From 1937 until 2016, the Holly Street City Hall served as the focal point for city services, administration, and policy-making. As the city staff increased to accommodate a growing population, city leaders took a number of steps to keep the building functional. They added office space by remodeling the basement; they converted the fire annex into a library and built a second annex for the fire department; they moved some city functions off-site. By

1976 Canby had over 6,000 residents and the overcrowded conditions at City Hall, built for a population of 900, had become intolerable. On September 20<sup>th</sup>, Mayor Paul Roth appointed a citizen's committee to explore replacement options. Forty years later, after many failed attempts to replace the Holly Street City Hall, the city moved into a new facility, housing all of its administrative functions and library under one roof.

Sources:

City Canby Council Minutes, 1931-2, 1935-9, 1957, 1961-2, 1967-77.

*Canby Herald*, 1931-2, 1935-9, 1957, 1961-2, 1967-77.

Short, C. W. and Stanley-Brown, R., *Public Buildings: Architecture under the Public Works Administration, 1933-39*, Vol. 1. Washington: U.S. G.P.O, 1939. Reprinted with a new introduction by Richard G. Wilson. New York: Da Capo Press, Inc., 1986.

Canby City Hall Blueprints, Jones and March Architects, March, 1936, Revised September 12, 1936.

City of Canby Advertisement for Bids for City Hall Building, Revised June 17, 1936.

Canby City Hall: Downtown Canby Intensive Level Survey, SWCA Environmental Consultants, August 2014.

**BEFORE THE HISTORIC REVIEW BOARD  
OF THE  
CITY OF CANBY**

<b>A REQUEST FOR HISTORIC LANDMARK DESIGNATION OF THE FORMER CANBY CITY HALL AT 182 N HOLLY STREET</b>	)	<b>FINDINGS, CONCLUSION &amp; FINAL ORDER HD 16-01 ADDITION OF THE FORMER CITY HALL TO LOCAL REGISTER OF HISTORIC RESOURCES</b>
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**NATURE OF APPLICATION**

The applicant is seeking approval for Historic Landmark Designation to add the former Canby City Hall to the Local Register of Historic Resources.

**HEARINGS**

The Historic Review Board considered application HD 16-01 after the duly noticed hearing on November 7, 2016 during which the Historic Review Board approved HD 16-01. These findings are entered to document the approval.

**CRITERIA AND STANDARDS**

In judging whether or not the Historic Landmark Designation should be granted, the Historic Review Board and City Council shall consider whether:

1. The resource is about 50 years or older, or the resource is less than 50 years old but of exceptional importance with regard to its historical, architectural or environmental significance; and
2. There is historical, architectural, or environmental significance; or;
3. Through an Economic, Social, Environmental and Energy analysis (E.S.E.E.), the benefits of designating the proposed landmark outweigh the benefits of continuing any expected conflicting use or uses without the designation. (See OAR 660-16-005).

**DISCUSSION**

- 1.

**FINDINGS AND REASONS**

The Historic Review Board deliberated on all input presented at the November 7, 2016 meeting, and accepts the October 28, 2016 Staff Report and staff recommendations. The Historic Review Board accepted a motion to forward a recommendation of approval of the request for Historic Landmark Designation to the Planning Commission and City Council.

The Historic Review Board concludes that:

**CONCLUSION**

The Historic Review Board finds the application consistent with statewide planning goals and the criteria for approval set forth in the Land Use and Planning Ordinance and Comprehensive Plan of the City of Canby.

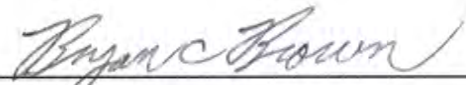
**ORDER**

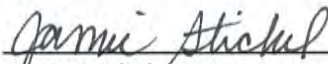
THE HISTORIC REVIEW BOARD OF THE CITY OF CANBY RECOMMENDS APPROVAL of application HD 16-01, an application for Historic Landmark Designation of the former Canby City Hall at 182 N. Holly Street. (Tax Lot 06000 of Tax Map 3-1E-33CA).

I CERTIFY THAT THIS ORDER approving HD 16-01 was presented to and APPROVED by the Historic Review Board of the City of Canby.

DATED this 7th day of November, 2016

  
 \_\_\_\_\_  
 Carol Palmer  
 Chair, Historic Review Board

  
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 Bryan Brown  
 Planning Director

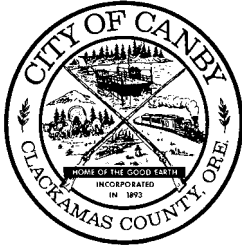
  
 \_\_\_\_\_  
 Jamie Stickel, Attest  
 Main Street Manager

**ORAL DECISION: November 7, 2016**

<i>Member Name</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
<i>John Baker</i>				↙
<i>Tony Crawford</i>	x			
<i>Rebekah Goodfellow</i>				↘
<i>Barbara Garber</i>	x			
<i>Pam Judy</i>				↙
<i>Carol Palmer</i>	x			
<i>John Serlet</i>	x			

**WRITTEN DECISION: November 7, 2016**

<i>Member Name</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
<i>John Baker</i>				↘
<i>Tony Crawford</i>	↘			
<i>Rebekah Goodfellow</i>				↘
<i>Barbara Garber</i>	x			
<i>Pam Judy</i>				↘
<i>Carol Palmer</i>	x			
<i>John Serlet</i>	x			



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

**A REQUEST FOR A SUBDIVISION )  
IN THE 2000 BLOCK OF SE 13<sup>TH</sup> AVENUE )  
ON THE NORTH SIDE OF SE 13<sup>TH</sup> AVENUE)**

**FINDINGS, CONCLUSION & FINAL ORDER  
SUB 16-03  
TIMBER PARK SUBDIVISION**

**NATURE OF THE APPLICATION**

The Applicant has sought approval for a Subdivision (SUB 16-03) of three lots consisting of 21.74 total acres to be divided into 105 lots for medium-density residential development. The subject properties are described as Tax Map/Lots: 41E03 00400, 41E03 00500, and 41E03 00600, Clackamas County, Oregon. The property is zoned Medium Density Residential (“R-1.5”) under the Canby Municipal Code (“CMC”).

**HEARINGS**

The Planning Commission considered application SUB 16-03 after the duly noticed hearing on November 28, 2016 during which the Planning Commission approved SUB 16-03. 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 November 28, 2016 and presented at the November 28, 2016 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 meets all applicable approval criteria, and recommending that File #SUB 16-03 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 Subdivision approval. Therefore, **IT IS ORDERED BY THE PLANNING COMMISSION** of the City of Canby that **SUB 16-03** 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 November 2, 2016.
4. Public improvements such as sidewalk and street improvements on SE 13<sup>th</sup> Avenue are required during development.
5. Turnarounds may be required at the end of all interior streets as directed by the Canby Fire Department.

### **Fees/Assurances:**

6. 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.
7. 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.



8. The applicant must guarantee or warranty all public improvement work with a 1 year subdivision maintenance bond in accordance with 16.64.070(P).
9. The applicant must pay the city Master Fee authorized engineering plan review fee equal to 0.4% of public improvement costs prior to the construction of public improvements (approval of construction plans) as each phase of development occurs.

**Streets, Signage & Striping:**

10. The street improvement plans for SE 13<sup>th</sup> Avenue frontage and the interior streets shall conform to the TSP and Public Works standards as indicated by the city engineer.
11. 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.
12. 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.
13. 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.
14. The County is expected to require an all-way stop at the nearby Sequoia Parkway and SE 13<sup>th</sup> Avenue intersection as a condition of approval of this subdivision. The cost of implementing this safety improvement shall be borne by the applicant.

**Sewer:**

15. 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:**

16. Stormwater systems shall be designed in compliance with the Canby Public Works Design Standards as determined by the City Engineer.
17. The applicant shall construct DEQ approved drywells within the subdivision.

**Grading/Erosion Control:**

18. 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.
19. The applicant shall grade all areas of the site, including the proposed lots, to minimize the amount of soil to be removed or brought in for home construction.

**Final plat conditions:**

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### **General Final Plat Conditions:**

20. 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.
21. 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.
22. 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.
23. All "as-builts" of City public improvements installed shall be filed with Canby Public Works within sixty days of the completion of improvements.
24. Clackamas County Surveying reviews **pending subdivision plat documents for Oregon Statutes and county requirements. A subdivision final plat for Phase 1 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.
25. The applicant shall record the final plat at Clackamas County within 6 months of the date of the signature of the Planning Director.
26. 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.
27. 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**

28. The applicant shall dedicate by separate instrument 20' of ROW width for the full length of the subject property along SE 13<sup>th</sup> Avenue with the Phase 1 Final Plat.
29. The applicant shall dedicate 1.215 acres for a public park and construct improvements as indicated by the Park Plan and in the Park Land Dedication and Improvement Agreement.

### **Easements**

30. A dual 12 foot utility and pedestrian easement along all of the lot street frontages shall be noted on the final plat. This easement may be combined with other easements and shall be measured from the property boundary.
31. 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**

32. A Street Tree Plan shall be submitted with the final plat, and street tree fees paid prior to release of the final plat. The plan will allow the city to

establish street trees per the Tree Regulation standards in Chapter 12.32 of the Canby Municipal Code. The total per tree fee amount is calculated at one tree per 30 linear feet of total street frontage on both sides of all internal streets and the adjacent side of external streets or as determined by an approved Street Tree Plan on a per tree basis.

33. A HOA shall be established to maintain the brick wall, landscaping, and irrigation system adjacent to the SE 13<sup>th</sup> Avenue frontage.

**Monumentation/Survey Accuracy Conditions**

34. The Planning Commission must make a finding to approve the ten proposed lots above the maximum lot size.
35. The county surveyor and/or city engineer shall verify that the lot, street, and perimeter monumentation shall meet the requirements set forth in Oregon Revised Statutes and conform with the additional survey and monumentation standards of 16.64.070(M)(1-3) prior to recordation of the final plat.

**Residential Building Permits Conditions:**

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36. Construction of all required public improvements and recordation of the final subdivision plat must be completed prior to the construction of any homes.
37. The homebuilder shall apply for a City of Canby Site Plan Permit and County Building Permit for each home and satisfy the residential design standards of CMC 16.21.
38. The homebuilder shall apply for a City of Canby Erosion Control Permit.
39. All residential construction shall be in accordance with applicable Public Works Design Standards.
40. On-site stormwater management shall be designed in compliance with the Canby Public Works Design Standards.
41. 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.
42. 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.
43. Sidewalks and planter strips shall be constructed by the homebuilder as shown on the approved tentative plat.
44. All usual system development fees shall be collected with each home within this development except as otherwise indicated within the Park Land Dedication and Improvement Agreement associated with this subdivision.

I CERTIFY THAT THIS ORDER approving SUB 16-03 Timber Park was presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 28th day of November, 2016

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

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

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

**ORAL DECISION: November 28, 2016**

<i>Name</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
<i>John Savory</i>				
<i>John Serlet</i>				
<i>Larry Boatright</i>				
<i>Kristene Rocha</i>				
<i>Derrick Mottern</i>				
<i>Tyler Hall</i>				
<i>Vacant</i>				

**WRITTEN DECISION: November 28, 2016**

<i>Name</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
<i>John Savory</i>				
<i>John Serlet</i>				
<i>Larry Boatright</i>				
<i>Kristene Rocha</i>				
<i>Derrick Mottern</i>				
<i>Tyler Hall</i>				
<i>Vacant</i>				

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

**A REQUEST FOR HISTORIC )  
LANDMARK DESIGNATION OF )  
THE FORMER CANBY CITY HALL )  
AT 182 N HOLLY STREET )**

**FINDINGS, CONCLUSION & FINAL ORDER  
HD 16-01  
ADDITION OF THE FORMER CITY HALL TO  
LOCAL REGISTER OF HISTORIC LANDMARKS**

**NATURE OF APPLICATION**

The applicant is seeking approval for Historic Landmark Designation to add the former Canby City Hall to the Local Register of Historic Landmarks.

**HEARINGS**

The Planning Commission considered application HD 16-01 after the duly noticed hearing on November 28, 2016 during which the Planning Commission made a recommended by a \_\_\_/\_\_\_ vote that the City Council approve HD 16-01 per the recommendation contained in the staff report. These Findings are entered to document the recommendation.

**CRITERIA AND STANDARDS**

In judging whether or not the Historic Landmark Designation should be granted, 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 criteria and standards were reviewed in the Planning Commission staff report dated November 28, 2016 and presented at the November 28, 2016 public hearing of the Planning Commission.

**FINDINGS AND REASONS**

The Planning Commission considered application HD 16-01, to add the Former City Hall to the Local Register of Historic Landmarks, at a public hearing held on November 28, 2016 during which the staff report was presented, including all attachments, where staff recommended that the Planning Commission forward a recommendation of approval to the City Council to add the former City Hall to the Local Register of Historic Places and apply the Historical Protection Overlay Zone (A) to this property.

After hearing public testimony, and closing the public hearing, the Planning Commission made no additional findings beyond those contained in the staff report to arrive at their decision and support their recommendation.

**CONCLUSION**

In summary, the Planning Commission finds the application consistent with statewide planning goals and the criteria for approval set forth in the Land Use and Planning Ordinance and Comprehensive Plan of the City of Canby.

## **ORDER**

Based on the application submitted and the facts, findings, and conclusions of the staff report and the supplemental findings from the public hearing, the Planning Commission recommended to the City Council Approval of application HD 16-01, as follows:

1. HD 16-01 application be approved,
2. Upon approval, add the former City Hall to the Local Register of Historic Landmarks, and apply the Historical Protection Overlay Zone (A) to this property.

I CERTIFY THAT THIS ORDER approving **HD 16-01 Former City Hall Addition to the Local Register of Historic Landmarks** was presented to and **APPROVED** by the Planning Commission of the City of Canby.

DATED this 28th day of November, 2016

\_\_\_\_\_  
 John Savory  
 Chair, Canby Planning Commission

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

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

**ORAL DECISION: November 28, 2016**

<i>Name</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
<i>John Savory</i>				
<i>John Serlet</i>				
<i>Larry Boatright</i>				
<i>Kristene Rocha</i>				
<i>Derrick Mottern</i>				
<i>Tyler Hall</i>				
<i>Vacant</i>				

**WRITTEN DECISION: November 28, 2016**

<i>Name</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
<i>John Savory</i>				
<i>John Serlet</i>				
<i>Larry Boatright</i>				
<i>Kristene Rocha</i>				
<i>Derrick Mottern</i>				
<i>Tyler Hall</i>				
<i>Vacant</i>				