

**PLANNING COMMISSION  
Meeting Agenda  
Monday – March 10, 2014  
7:00 PM**

**City Council Chambers – 155 NW 2<sup>nd</sup> Avenue**

**Commissioner Tyler Smith (Chair)**

**Commissioner John Savory (Vice-Chair)  
Commissioner John Serlet  
Commissioner John Proctor**

**Commissioner Shawn Hensley  
Commissioner Larry Boatright  
Commissioner (Vacant)**

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**1. CALL TO ORDER**

- a. *Welcome and introduction of newly appointed Planning Commissioner Larry Boatright*

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

**3. NEW BUSINESS**

- a. *Proposed Text Amendment (TA 14-01) – Consider an expedited development review option within the Canby Industrial Master Plan area.*

**4. PUBLIC HEARING - None**

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

**6. FINAL DECISIONS**

- a. *SUB 13-01 Northwood Estates Phase II Findings, Conclusions and Final Order*

**7. MINUTES**

- a. *Planning Commission Minutes, January 27, 2014*  
b. *Planning Commission Minutes, February 10, 2014*  
c. *Planning Commission Minutes, February 24, 2014*

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

- a. *New applications: Emerald Garden Townhomes Subdivision and PUD; N. Pine Street Annexation; 13<sup>th</sup> St Avenue Annexation; Dinsmore Estates Ph II Subdivision*

**9. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION**

**10. 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.ci.canby.or.us](http://www.ci.canby.or.us)  
City Council and Planning Commission Meetings are broadcast live and can be viewed on OCTS Channel 5.  
For a schedule of the playback times, please call 503-263-6287.*





# City of Canby

## Planning Department

**TO:** *Chair Tyler Smith and Planning Commission*  
**FROM:** *Bryan Brown, Planning Director*  
*Renate Mengelberg, Economic Development Director*  
**DATE:** *March 10, 2014*  
**ISSUE:** *Proposed Process and Text Changes for Canby Pioneer Industrial Park Overlay Zone*

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**Location:** All industrially zoned sites in the Canby Pioneer Industrial Park – see Map on next page  
**Zoning:** M1- Light Industrial (Chapter 16.32), M-2 Heavy Industrial land (Chapter 16.34) in the Canby industrial area overlay zone (Chapter 16.35) and C- M (Chapter 16.30)

**Tax lots:** Many

**Lot Size:** Multiple – about 200 acres

**Owners:** Lewelling, Zimmer, Dewar, Borg, Sprague, Parsons, Rover, Weygandt, City of Canby, Fitzpatrick, Bold Ideas, Trend Business Center, Shimadzu USA, Canby Industrial Ventures, Pioneer Pump, Gardeners and Ranchers, JBS Estates, Dragonberry Produce, Ladin, LaRusso, Anderson Quality Springs, Bowco Company, Kendall Floral, Columbia State Bank, Wilco Farm Stores and Vata.

**Applicant:** Initiated by City Staff

**Application Type:** Proposed Text Amendment – providing a Type II Review Process for I-O Zone

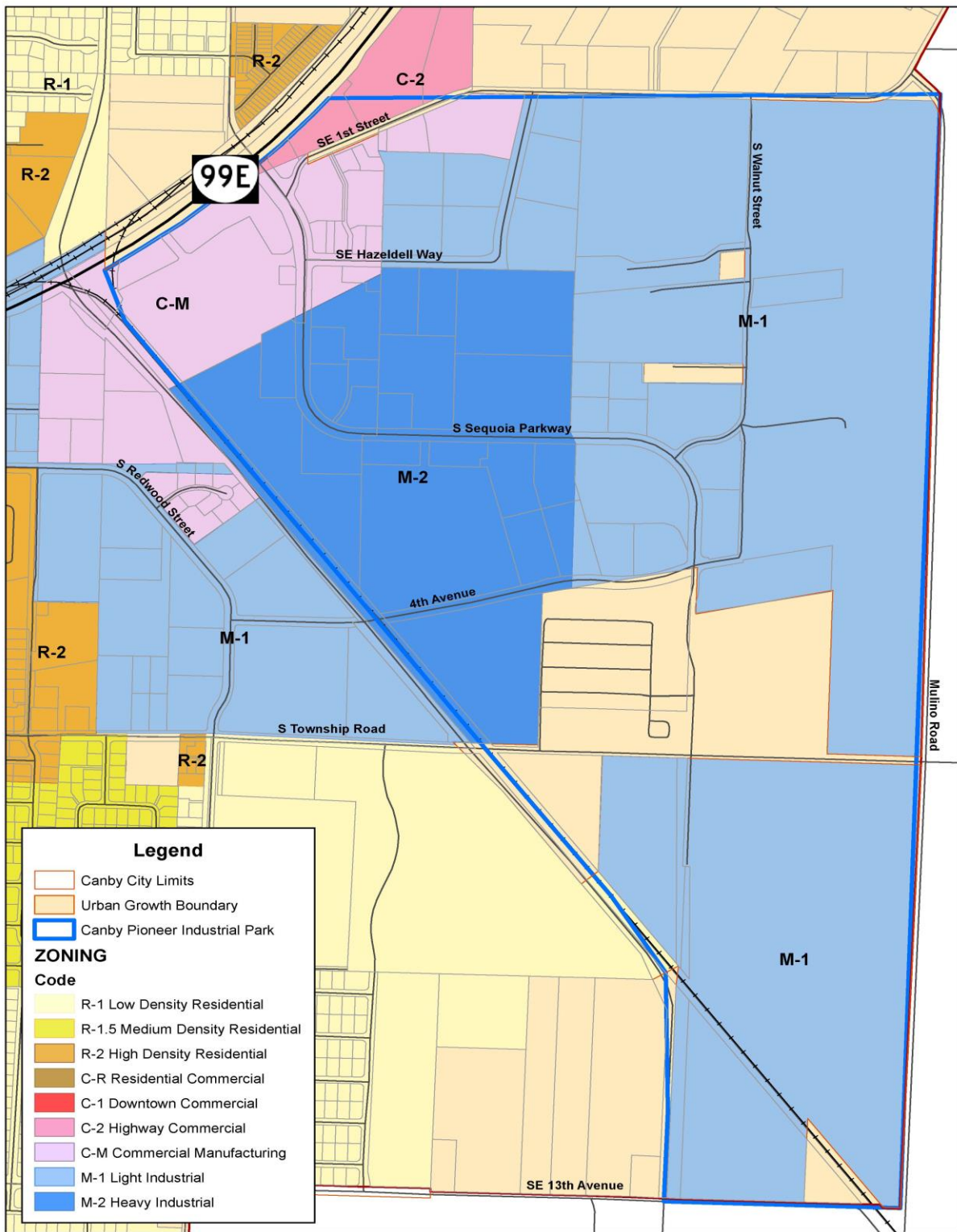
**City File Number:** TA 14-01 (Informal Proposal: Not an official noticed application yet)

### **Project Overview and Existing Conditions:**

City Staff is requesting consideration of a text and process amendment to streamline, clarify and update the development review process for industrially zoned land in the Canby Pioneer Industrial Park. This would extend the existing procedures already in place in the Canby Downtown Overlay District to the Industrial Park. Currently all Industrial projects must come to the Planning Commission for approval – a process that can take several months if meetings are full with other projects.

- The Canby Pioneer Industrial Park is the economic engine of the community, providing well-paying jobs, high assessed value and locations for traded sector companies that bring back wealth and investment to Canby. It now is home to thirteen companies, providing 750 jobs and over \$78 million in investment. As the economy picks up and more activity will be coming staff is looking for ways to have the development review process be business friendly, predictable and expeditious. We know that industrial siting decisions are very competitive between communities and states. They tell us that certainty and speed can make a dramatic difference in their choosing Canby over other sites.

- After reviewing existing processes and best practices, staff recommends that the development review process for developments in the Canby Pioneer Industrial Park offer an option for a Type II Review process. This would allow projects that clearly meet the zoning code and overlay requirements to apply for approval by decision of the Planning Director. This simple change has the potential to save significant process time and staff resources for approving projects. Any development proposals that do not fully meet code standards or that desire to present alternative standards considered equal to or that would otherwise meet the intent of the city standards would continue to be reviewed by the Planning Commission. This process allows the Planning Commission to use their judgment in approving alternative solutions for projects that meet the intent of the code without forcing the applicant to use the expensive, time consuming and staff intensive variance process. Staff is suggesting expanding the use of this approach as it is already being used successfully in the Canby Downtown Overlay District.



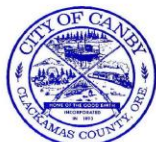
**Legend**

- Canby City Limits
- Urban Growth Boundary
- Canby Pioneer Industrial Park

**ZONING**

**Code**

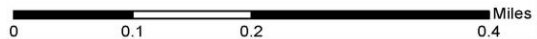
- R-1 Low Density Residential
- R-1.5 Medium Density Residential
- R-2 High Density Residential
- C-R Residential Commercial
- C-1 Downtown Commercial
- C-2 Highway Commercial
- C-M Commercial Manufacturing
- M-1 Light Industrial
- M-2 Heavy Industrial



## City of Canby Taxlots and Zoning - Canby Pioneer Industrial Park Vicinity



The information depicted on this map is for general reference only.  
The City of Canby cannot accept any responsibility for errors, omissions, or positional accuracy.



## Summary of Proposed Changes:

- **Section 16.49.35 – Application for Site and Design Review** - Add the Canby Industrial Area Overlay to this process.
- **Section 16.49.040 Criteria and Standards** – Rearrange sections to improve logical flow.
- **Chapter 16.35 Canby Industrial Area Overlay (I-O) Zone** – Clarify location of zone, reduce job creation requirements, make freestanding warehouses a conditional use process, allow planning director approval of metal elements, allow for xeriscaping plants, labeling the design review matrix, adding possible additional low impact design criteria to the point matrix and minor text cleanup.
- **Chapter 16.32 M-1 Light industrial Zone** – tighter outside storage screening requirements along public roads.
- **Chapter 16.34 M-2 Heavy Industrial Zone** - tighter outside storage screening requirements along public roads, and possible additional low impact design elements to the Design Review Matrix.
- **Chapter 16.30 C-M Heavy Commercial Manufacturing Zone** – no changes needed

## APPLICABLE CRITERIA & FINDINGS

Major approval criteria used in evaluating this application were the following Chapters from the *City of Canby's Land Development and Planning Ordinance* (Zoning Code):

- 16.88 General Standards & Procedures
- 16.89 Application and Review Procedures

Excerpts from the code are highlighted below in **gray**, with findings and discussion after the citations in **red**. If not discussed below, other standards from the Code are either met fully, not applicable, and/or do not warrant discussion.

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

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#### **16.88.160 Amendments to text of title.**

**A. Authorization to Initiate Amendments.** *An amendment to the text of this title may be initiated by the City Council, by the Planning Commission or by the application of a property owner or his authorized agent. The Planning Commission shall, within forty days after closing the hearing, recommend to the City Council, approval, disapproval, or modification of the proposed amendment.*

**Findings:** City staff has initiated amendments to the text of the *Canby Land Development and Planning Ordinance*. The intent of the proposed amendment is to implement and expedited development review option for new development within the Canby Industrial Master Plan area. This proposal is considered to be a viable means to assist in meeting a City Council and adopted City Vision aspiration goal to “Promote Industrial and Business Growth Affording Economic Prosperity and Quality Job Creation While Maintaining Quality of Life and Improving the Overall

Tax Base for the Community". The Canby Planning Commission is requested to make an informal evaluation of this staff proposal, and if supportive, staff will make a formal application on the Commission's behalf with all required notices necessary when proposing a text amendment to the Land Development and Planning Ordinance. The Planning Commission shall make a recommendation to approve or deny this subsequent application to the Canby City Council after holding a public hearing. The City Council shall also conduct a public hearing before making a final decision on these proposed Text Amendments.

**D. Standards and Criteria.** In judging whether or not this title should be amended or changed, the Planning Commission and City Council shall consider:

1. The Comprehensive Plan of the city, and the plans and policies of the county, state, and local districts, in order to preserve functions and local aspects of land conservation and development;

**Applicable Comprehensive plan Elements and goals:**

Urban Growth Element

Goals:

- 1) To preserve and maintain designated agricultural and forest lands by protecting them from urbanization.
- 2) To provide adequate urbanizable area for the growth of the city, within the framework of an efficient system for the transition from rural to urban land use.

**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.

**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.

**Transportation element**

Goal: To develop and maintain a transportation system which is safe, convenient and economical.

Public facilities and services element

Like other cities, Canby must be able to provide adequate public facilities and services to support the community's growth and quality of life

Economic element

Goal: to diversify and improve the economy of the city of Canby

Housing element

Goal: to provide for the housing needs of the citizens of Canby

Energy conservation element

Goal: to conserve energy and encourage the use of renewable resources in place of non-renewable resources.

**Findings:** The proposed text amendment does not conflict with the policies of the Comprehensive Plan, including the elements and goals listed above.

2. A public need for the change;
3. Whether the proposed change will serve the public need better than any other change which might be expected to be made;

4. *Whether the change will preserve and protect the health, safety and general welfare of the residents in the community;*

**Findings:** The proposed edits are considered to be a viable and desirable option toward improving the development process in the Canby Industrial Master Plan area and will clarify additional provisions and requirements of the Code within the industrial zoned districts. The proposed changes therefore serve the public need and do not affect the Code's protection of Canby's health, safety, and general welfare.

5. *Statewide planning goals.*

**Findings:** This proposal is not in conflict with statewide planning goals. The Oregon Department of Land Conservation and Development (DLCD) will be notified of this proposal if the Planning Commission chooses to sponsor this text amendment and more a formal application forward. Staff will report any possible comments or suggestions that may come from DLCD staff.

**16.88.190 Conformance with Transportation System Plan and Transportation Planning Rule**

A. *A proposed comprehensive plan amendment, zone change or land use regulation change, whether initiated by the city or by a private interest, shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with the Transportation Planning Rule (OAR 660-012-0060). A plan or land use regulation amendment significantly affects a transportation facility if it:*

1. *Changes the functional classification of an existing or planned transportation facility;*
2. *Changes standards implementing a functional classification system;*
3. *As measured at the end of the planning period identified in the adopted plan:*
  - a. *Allows types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or*
  - b. *Would reduce the performance of the facility below the minimum acceptable performance standard identified in the Transportation System Plan;*
  - c. *Would worsen the performance of a facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the Transportation System Plan.*

**Findings:** The proposed text amendment does not conflict with the above standards.

**16.89 Application and Review Procedures**

**Findings:** This proposal is to gain support from the Planning Commission to pursue a formal Text Amendment application which is a Type IV process, with final approval required by City Council by Ordinance. Therefore, the Planning Commission will make a recommendation to City Council on their recommendation (approval or denial) of this application. Notice of such an application when made will be given to interested parties. Notice of public hearing will also be posted at the Development Services Building, City Hall, and published in the *Canby Herald*. All public hearing, application requirements, and Type IV application procedures will be met.



**Specific Text Changes Proposed:** Additions are underlined while deletions are crossed out.

## Chapter 16.49 SITE AND DESIGN REVIEW

### 16.49.035 Application for Site and Design Review

A. For site and design review projects in the Downtown Canby Overlay Zone (DCO) or in the Canby Industrial Area Overlay Zone (CIAO), applicants may choose one of the following two processes:

1. Type II – If the applicant meets all applicable site and design review standards set forth in Chapters 16.41 (Downtown Canby Overlay Zone) or 16.35 (Canby Industrial Area Overlay Zone) and 16.49; the applicant shall submit a Type II application for approval pursuant to the approval criteria set forth in 16.49.040 A; or
2. Type III – If the applicant proposes the use of alternative methods or materials to meet the intent of the site and design review standards set forth in Chapter 16.41.070, the applicant shall submit a Type III application for approval pursuant to the approval criteria set forth in 16.49.040 B. The applicant must still meet all applicable requirements of Chapter 16.49.

### 16.49.040 Criteria and standards.

Now A – was B. In review of a Type II Site and Design Review Application described in Section 16.49.035.A.1, the Planning Director shall, in exercising his powers, duties or functions, determine whether there is compliance with the DCO, and CIAO site and design review standards.

**Now B – was A.** In review of a Type III Site and Design Review Application, the Board shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the following:

1. The proposed site development, including the site plan, architecture, landscaping and graphic design, is in conformance with the standards of this and other applicable city ordinances insofar as the location, height and appearance of the proposed development are involved; and
2. The proposed design of the development is compatible with the design of other developments in the same general vicinity; and
3. The location, design, size, color and materials of the exterior of all structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity.

4. The proposed development incorporates the use of LID best management practices whenever feasible based on site and soil conditions. LID best management practices include, but are not limited to, minimizing impervious surfaces, designing on-site LID stormwater management facilities, and retaining native vegetation.

5. The Board shall, in making its determination of compliance with this Ordinance, shall use the matrix in Table 16.49.040 to determine compatibility unless this matrix is superseded by another matrix applicable to a specific zone or zones under this title. An application is considered to be compatible with the standards of Table 16.49.040 if the following conditions are met:

a. The development accumulates a minimum of 60 percent of the total possible number of points from the list of design criteria in Table 16.49.040; and

b. At least 10 percent of the points used to comply with (a) above must be from the list of LID Elements in Table 16.49.040. (Ord. 1338, 2010).

## Chapter 16.35 CANBY INDUSTRIAL AREA OVERLAY (I-O) ZONE

### 16.35.020 Applicability.

It is the policy of the City of Canby to apply the I-O zone to all lands within the Canby Pioneer Industrial Park Master Plan area and other areas determined by the City, ~~upon annexation or prior to application for development permit as defined in the Industrial Area~~ Master plan. The Master Plan area generally includes the area bound by Highway 99E and 1<sup>st</sup> Avenue to the north, Mulino Road to the east, SE 13<sup>th</sup> Avenue to the south, and ~~Molalla Western Railroad~~ the Molalla Forest Logging Road Trail to the west. The I-O zone has the following affect with regard to other chapters of this ordinance:

### 16.35.040 Conditional uses.

Unless limited by subsection A below or section 16.35.045, conditional uses permitted in the C-M zone, M-1 zone, and M-2 zone are permitted as conditional uses in the I-O zone, subject to the respective zone district boundaries.

**A.** Any proposed site development, change in use, land division, or other action that results in any of the following requires conditional use approval in the I-O zone:

1. Less than ~~12-6~~ employees per developed acre. For the purposes of this section only, “developed” means all areas used for buildings, landscaping, vehicle maneuvering and parking areas, outdoor storage, and other areas occupied by the use. For the purposes of this section only, employees means full-time equivalents unless the City specifically allows other interpretations;
7. In any M-1 or M-2 zoning overlain by I-O zoning, retail areas occupying more than 15% of the building footprint ~~or more than 3,000 square feet.~~

- (New) 8. In the Canby Pioneer Industrial Park, a proposed freestanding warehouse that is not associated with an outright permitted use on the same property must go through the conditional use process.

**16.35.050 Development standards.**

The following subsections indicate the required development standards of the I-O zone. These standards replace the standards of the C-M zone, M-1 zone, and M-2 zone, as follows:

**J.** Metal building exteriors are prohibited, except that the Planning ~~Commission~~ Director may approve architectural metal elements that accent and enhance the aesthetics of building entrances and office areas when approving a Type II Application and the Planning Commission when approving a Type III Application.

**M.** All landscaped areas shall be irrigated unless xeriscape plants are installed and watered until well established and replaced in event of failure.

**16.35.060 Design guidelines.**

The Industrial Area Master Plan provides design guidelines for reviewing development applications. The guidelines, which are incorporated into Table 16.35.000040, encourage:

- A. Flexibility to align local streets based on parcelization and development requirements;

**Industrial Overlay Design Review Matrix**

**Table 16.35.040**

**CRITERIA**

**Possible Scores**

<u>Transportation/Circulation</u>	<b>0</b>	<b>1</b>	<b>2</b>
Proposed local street alignments: Street not proposed = 0; Street(s) proposed with some modification to master plane = 1; proposed street(s) approximate recommended alignments = 2. <i>Note: the Planned Parkway and collector streets are required elements, except as indicated by the Industrial Area Master Plan</i>	<b>0</b>	<b>1</b>	<b>2</b>
<u>Low Impact Design</u>			
<u>Consider adding points for xeriscaping or LID sustainable measures</u>	<u><b>0</b></u>	<u><b>1</b></u>	<u><b>2</b></u>

**Chapter 16.32  
M-1 LIGHT INDUSTRIAL ZONE**

**16.32.030 Development standards.**

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

F2. Outside storage abutting or facing a lot in a residential zone or abutting a public road, shall be enclosed by a site-blocking fence, landscaping or berm. The fence, landscaping or berm shall be so designed as to screen the storage from view from the residential zone or road and shall be of such material and design as will not detract from adjacent residences.

**Chapter 16.34**  
**M-2 HEAVY INDUSTRIAL ZONE**

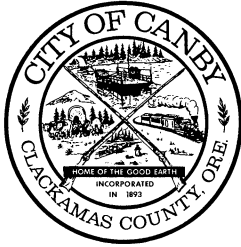
**16.34.030 Development standards.**

The following subsections indicate the required development standards of the M-2 zone:

F2. Outside storage abutting or facing a lot in a residential zone or abutting a public road, shall be enclosed by a site-blocking fence, landscaping or berm. The fence, landscaping or berm shall be so designed as to screen the storage from view from the residential zone or road and shall be of such material and design as will not detract from adjacent residences. (Ord. 890 section 34, 1993; Ord. 740 section 10.3.33(C), 1984; Ord. 1237, 2007)

**Heavy Industrial Design Review Matrix**  
**Table 16.34.020**

CRITERIA	POINTS
Reliance <del>on industry</del> on locally produced resources and locally processed materials	0 - +10
<b><u>Low Impact Design and sustainability Features</u></b>	
	<u>0 - +10</u>
	<u>0 - +10</u>



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

<b>A REQUEST FOR A SUBDIVISION</b>	)	<b>FINDINGS, CONCLUSION &amp; FINAL ORDER</b>
<b>AT NW 10<sup>TH</sup> AVE. FROM</b>	)	<b>SUB 13-01</b>
<b>GRANT TO BIRCH;</b>	)	<b>NORTHWOODS PHASE II</b>
<b>N. ELM FROM NW 10<sup>TH</sup> TO NW 13<sup>TH</sup></b>	)	<b>NORTHWOODS INVESTMENTS/RON TATONE</b>

**NATURE OF THE APPLICATION**

The Applicant has sought an approval for a Subdivision application #SUB 13-01 of a 10.3 acre subdivision for 33 single family home lots on property described as Tax Lots 31E32AD01700, 31E32AD00100, 31E32AD00200, 31E33BB00501, & 31E33BC06600, Clackamas County, Oregon. This is the second phase of the four phase development of the Northwood Estates subdivision The property is zoned Low Density Residential (“R-1”) under the Canby Municipal Code (“CMC”).

**HEARINGS**

The Planning Commission considered application SUB 13-01 after the duly noticed hearing on February 24, 2014 during which the Planning Commission approved by a 4-0 vote to approve SUB 13-01. 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. Other applicable code criteria and standards were reviewed in the Staff Report dated February 24, 2014 and presented at the February 24, 2014 meeting of the Canby Planning Commission.

**FINDINGS AND REASONS**

The Planning Commission considered application SUB 13-01 after the duly noticed hearing on February 24, 2014 during which the Planning Commission approved by a 4-0 vote to approve SUB 13-01. These findings are entered to document the approval.

The Staff Report was presented, and written and oral testimony was received at the public hearing. Staff recommended approval of the Subdivision application with 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 hearing public testimony, and closing the public hearing, the Planning Commission 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:

- Parking should be allowed along the one-way portions of Elm but should not be allowed abutting the park. Condition #22 should be re-worded accordingly.

- Lot 52 should be removed from the infill lot list contained in condition #53 because it abuts two-story homes; lot 54 should remain.
- The lighting standards in Chapter 16.43 are not applicable to streetlights.
- The Planning Commission should not require the formation of a Homeowner’s Association.
- Six foot sidewalks are not required. Consistency in width utilized in phase I should be provided.
- Lot 67 should be removed from Condition #75 so that the builder has the option of orienting the lot to NW 10<sup>th</sup> Avenue.
- The proposed cul-de-sac on “B” street to be named 11<sup>th</sup> Place is permitted with the less than standard radius proposed in conjunction with fire sprinkler requirements of Condition #74.

**CONCLUSION**

In summary, the Planning Commission adopted the findings contained in the Staff Report, concluded that the Subdivision application meets all applicable approval criteria, and recommended that File #SUB 13-01 be approved with the Conditions of Approval stated below. The Planning Commission decision is reflected in the written Order below.

**ORDER**

Approval of this application is based on submitted application materials and all written and oral public testimony. Approval is strictly limited to the submitted proposal and is not extended to any other development of the property. Any modification of development plans not in conformance with the approval of application file #SUB 13-01, including all conditions of approval, shall first require an approved modification in conformance with the relevant sections of the Canby Municipal Code. The Planning Commission concludes that, with the following conditions, the application will meet the requirements for Subdivision approval. Therefore, **IT IS ORDERED BY THE PLANNING COMMISSION** of the City of Canby that **SUB 13-01** is approved, subject to the following conditions:

1. Approval of this application is based on submitted application materials and public testimony. Approval is strictly limited to the submitted proposal and is not extended to any other development of the properties. Any modification of development plans not in conformance with the approval of application file #SUB 13-01, including all conditions of approval, shall first require an approved modification in conformance with the relevant sections of this *Canby Land Development and Planning Ordinance*. Approval of this application is based on the following:
  - a. Subdivision Land Use Application and narrative
  - b. Subdivision plan pages 1-8, titled “Northwoods Estates Phase II” and dated February 2010.
  - c. Park plans titled “Landscape Plan, North Elm Street Park” and “Irrigation Plan, North Elm Street Park”, dated November 2013
  - d. “Northwoods Estates Conceptual Plat Phases I, II, III & IV”, dated December 2005
  - e. “Northwoods Estates, Canby OR. Conceptual Development Plan”, dated December 29, 2005
  - f. Findings, Conclusions & Final Order SUB 05-12, signed and approved March 27, 2006
  - g. Northwoods Estates Development Agreement, dated January 11, 2007
  - h. All other materials and public comments submitted in conjunction with the SUB 13-01 application

**Public Improvement Conditions:**

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**General Public Improvement Conditions:**

2. 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:

- a. City of Canby Planning: Reviews plans for depiction of the conditions of approval determined by the Planning Commission
  - b. City of Canby Engineer assigned to review this proposal
  - c. Canby Public Works
  - d. Canby Fire District
  - e. Canby Utility
  - f. Northwest Natural Gas
  - g. Canby Telcom
  - h. Wave Broadband
  - i. Oregon Department of Environmental Quality (DEQ)
3. The applicant shall submit engineered plans of all public improvements for review at the pre-construction conference, including:
    - a. Curbing, sidewalk, and planter plans
    - b. Streets plans
    - c. Street lighting plans
    - d. Street signage plans
    - e. Street striping plans
    - f. Park improvement plans
    - g. Stormwater system plans, including pervious pavement plans
    - h. Sewer system plans
    - i. Electric plans
    - j. Water/fire hydrants plans
    - k. Cable/broadband plans
    - l. Underground telephone plans
    - m. CATV plans
    - n. Natural gas plans
  4. The applicant shall address all comments made in the consulting engineer review of this proposal (Gordon Monroe) memorandum dated 2.6.14 prior to the construction of public improvements.
  5. The development shall comply with all applicable City of Canby Public Works Design Standards.
  6. "NW 11<sup>th</sup> Place", currently noted as "B Street", shall be named on the final plat and on all final construction plans.
  7. The applicant shall submit grading and erosion control plans for approval by Canby Public Works prior to the construction of public improvements. Grading of all proposed roads shall follow the natural topography and shall preserve the natural features of the site as much as possible.
  8. A 1200c erosion control permit shall be obtained by DEQ; if DEQ does not require a 1200c permit the applicant shall submit documentation from DEQ stating that a 1200c permit is not required.
  9. The applicant shall grade all areas of the site, including the proposed lots, to a height within one foot of the planned house foundation ground elevation.
  10. The applicant shall negotiate any possible Transportation SDC credit exchange and determination of its suitability for a voluntary offer for the installation of traffic calming measures on N Birch Street or W Territorial Road with the City Council.
  11. The applicant must obtain a city Street Opening Permit if the applicant wishes to install curb cuts and driveways during the construction of public improvements so that the city may verify compliance with city access spacing standards.

**Fees/Assurances:**

12. All public improvements must be installed prior to the recordation of the final plat. If the

applicant wishes to forgo construction of public improvements until after the recordation of the final plat, then the applicant shall pay a bond in accordance with 16.64.070(N-P) to the city as assurance for their later installation.

13. If the applicant chooses to pay a bond for some or all of the required public improvements, then the applicant shall obtain a certificate from the designated city engineer for this proposal 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 first approved by the designated city engineer for this proposal.
14. The applicant must guarantee all public improvement work with a maintenance bond in accordance with 16.64.070(P).
15. 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.

#### **Streets & Sidewalks:**

16. A roadway striping plan shall be submitted by the applicant and shall be approved by the contract city engineer for this project and by the Public Works street department prior to the construction of public improvements.
17. Roadway striping plans shall be reviewed by the contract city engineer for this project for the one way portions of N. Elm to ensure that differentiation of one way travel is clear.
18. Roadway striping shall be in accordance with the MUTCD.
19. A roadway signage plan shall be submitted by the applicant and shall be approved by the contract city engineer for this project and by the Public Works street department prior to the construction of public improvements.
20. The applicant shall be responsible for installing all required street signage at the time of construction of public improvements.
21. Roadway signage shall be in accordance with the MUTCD.
22. Parking is restricted to one side along the one-way portions of Elm and is only permitted only along lot frontages and not abutting the park. The restricted parking area adjacent to the Park shall be indicated by no parking signs and/or painted curbs; this shall be shown on the roadway striping and street signage plans.
23. The traffic control "triangles" at each end of the park strip shall be paved with stamped concrete and have mountable curbs.
24. The bulb-out areas at Elm and NW 10<sup>th</sup> Avenue and Douglas and NW 10<sup>th</sup> Avenue shall be paved with stamped concrete.
25. The final street plans shall show that the right-of-way lines at the SW corner of 11<sup>th</sup> at Elm have a minimum corner radius of 12 feet.
26. All landscaping shall follow the vision clearance standards of 16.16.030(G) (1).
27. Relevant *Condition #32* from SUB 05-12 Findings, Conclusions & Final Order: For NW 10<sup>th</sup> Avenue the curves on the bump-outs must be designed to facilitate street sweeping.
28. Relevant *Condition #10* from SUB 05-12 Findings, Conclusions & Final Order: The following design parameters shall be met:
  - c. *Removed because a smaller cul-de-sac is permitted.*
  - d. The "K" values for vertical curves shall meet AASHTO requirements.
29. Relevant *Condition #33* from SUB 05-12 Findings, Conclusions & Final Order: Per the



Transportation System Plan shared bike lanes (not striped) are required on NW 10<sup>th</sup> Avenue and NW Territorial Road.

**Park Improvements:**

30. The Canby Parks and Recreation Board and the Canby Parks Department shall approve all park improvement plans prior to the start of construction of park improvements.
31. The Canby City Council shall be required to formally accept the proposed park dedication prior to the start of the construction of park improvements. The applicant shall obtain approval of park improvement plans from the Canby Parks Department and the Canby Parks and Recreation Board prior to City Council acceptance of the proposed dedication.

**Water:**

32. Relevant *Condition #15* from SUB 05-12 Findings, Conclusions & Final Order: Private water lines (irrigation) will not be allowed to be constructed in the public right-of-way. Private water lines may cross streets if they are in casings.
33. The applicant shall address all water comments stated in Gordon Munro's memorandum dated 2.6.14

**Sewer:**

34. Sanitary sewer system plans shall be approved by DEQ prior to the construction of public improvements; the applicant shall provide the city with a letter from DEQ stating their approval of sanitary sewer system plans.
35. Relevant *Condition #18* from SUB 05-12 Findings, Conclusions & Final Order: The sanitary sewer shown in an easement crossing lot 67 on the site plan shall be located in the street or as required by the Public Works supervisor.
36. Relevant *Condition #19* from SUB 05-12 Findings, Conclusions & Final Order: The end of the sanitary sewer lines on NW 12<sup>th</sup> Avenue and N Douglas Street shall have manholes to facilitate maintenance of the system.
37. Relevant *Condition #22* from SUB 05-12 Findings, Conclusions & Final Order: The sanitary sewer shall be extended to the phase line and a temporary clean out installed. This shall be done for each phase in order to facilitate the subsequent phase of the development.
38. The applicant shall address all sanitary sewer comments stated in Gordon Munro's memorandum dated 2.6.14

**Stormwater:**

39. Stormwater systems shall be designed in compliance with the Canby Public Works Design Standards.
40. Storm drainage plans shall be approved by DEQ prior to the construction of public improvements; the applicant shall provide the city with a letter from DEQ stating their approval of stormwater system plans. (Revisions in the storm water management plan may increase flow to previously rule authorized UIC's).
41. The applicant shall submit revised storm plans and a revised storm report that includes any proposed stormwater design changes. These plans and reports shall be reviewed and approved by the consulting engineer assigned to this project and by DEQ.
42. The applicant shall submit plans detailing permeable pavement areas; these plans shall be inspected and approved by Canby Public Works and the consulting city engineer reviewing this project prior to the installation of public improvements.
43. The applicant shall address all stormwater comments stated in Gordon Munro's memorandum

dated 2.6.14

44. Relevant *Condition #20* from SUB 05-12 Findings, Conclusions & Final Order: Subsurface evaluations in the vicinity of the proposed drainage improvements shall be conducted by a licensed hydrologist, soil scientist, geologist, or engineer.

#### **Final plat conditions:**

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

45. The applicant shall apply for a final plat 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. Applicable agencies may include:
- a. City of Canby Planning: Reviews plans for depiction of the conditions of approval determined by the Planning Commission
  - b. City of Canby Engineer assigned to review this proposal
  - c. Canby Public Works
  - d. Canby Fire District
  - e. Canby Utility
  - f. Northwest Natural Gas
  - g. Canby Telcom
  - h. Wave Broadband
  - i. Oregon Department of Environmental Quality (DEQ)
46. All public improvements or assurances shall be made prior to the approval of the final plat.
47. The final plat must contain the information required in 16.68.030, 16.68.040(B), and 16.68.050. The city engineer assigned to review this subdivision or county surveyor shall verify that these standards are met prior to the recordation of the subdivision plat.
48. "NW 11<sup>th</sup> Place", currently noted as "B Street", shall be named on the final plat and on all final construction plans.
49. All "as built" of public improvements, including: curbing and sidewalks; planter strips; streets; street lighting; street signage; street striping; park improvements; storm; sewer; electric; water/fire hydrants; cable; underground telephone lines; CATV lines; and natural gas lines, shall be filed at the Canby Public Works and the Canby Planning Department within sixty days of the completion of improvements and prior to the recordation of the final plat.
50. The applicant shall record the final plat at the county within 6 months after the final plat is approved by the city.
51. Clackamas County Surveying reviews **pending subdivision plat documents for Oregon Statutes and county requirements. The subdivision plat must be recorded at Clackamas County** within one year of approval of the tentative plat or the applicant must request that the Planning Director approve a six-month extension for recordation of the approved final plat.
52. The applicant or County if they agree shall provide the city with a copy of the final plat in a timely manner after is recorded at Clackamas County.

##### **Infill Lots**

53. Lots 42, 54, 59, 60, and 74 shall be noted as "Infill lots subject to the infill lot standards of 16.21" on the final plat.

##### **Easements**

54. A 12 foot utility easement along all of the lot's street frontages shall be noted on the final

plat. This easement may be combined with other easements and shall be measured from the property boundary.

55. The applicant shall note any additional water line easements as required by Canby Utility on the final plat.
56. The proposed sidewalks along Elm (not adjacent to the park) are partially on private property. These areas where sidewalks are partially located on private property shall be noted with a sidewalk easement on the final plat. This easement may be combined with other easements and shall be measured from the property boundary.

#### **Street Trees**

57. The final plat shall show a 12 foot tree easement along all street frontages of all proposed parcels. This easement may be combined with other utility and sidewalk easements and shall be measured from the property boundary.
58. The applicant shall pay the city fee for city establishment of street trees per the Tree Regulation standards in Chapter 12.32 of the Canby Municipal Code. This fee shall include trees to be planted along the planter strips along NW 10<sup>th</sup> Avenue. All street tree fees shall be paid prior to the recordation of the final plat.

#### **Park Dedication**

59. The final plat shall note that the park tract is conveyed to the City of Canby for public park use.
60. The applicant shall convey the proposed park dedication through the plat recordation and by general warranty deed if the City deems it necessary.

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

61. Lot and perimeter monumentation shall be approved by the County Surveyor and/or the city engineer assigned to review this project.
62. The County Surveyor and/or the city engineer assigned to review this project shall verify that the standards of 16.64.070(M) are met prior to the recordation of the final plat.
63. Monuments shall be reestablished and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street centerlines as required by Oregon Revised Statutes Chapter 92. The city engineer assigned to review this subdivision or county surveyor prior to the recordation of the subdivision plat.
64. Installation of the front lot monumentation (along and within street rights-of-way) shall be guaranteed. Any monuments destroyed during improvement installation shall be replaced at the developer's expense. The city engineer assigned to review this subdivision or county surveyor shall confirm required monuments prior to the recordation of the subdivision plat.

#### **Residential Building Permits Conditions:**

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

Design Standards.

70. Prior to the issuance of a City Site Plan Review permit, final construction plans must be approved by the city. This includes, but is not limited to, approval by:
  - a. City of Canby Planning: Reviews plans for depiction of the conditions of approval determined by the Planning Commission and for setback, height, etc. requirements
  - b. City of Canby Engineer assigned to review this proposal
  - c. Canby Public Works
71. Clackamas County Building Codes Division will provide structural, electrical, plumbing, and mechanical plan review and inspection services for home construction. The applicable building permits are required prior to construction of each home.
72. 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.
73. Lots 42, 54, 59, 60, and 74 are subject to the infill standards of 16.21.050; building permit applications for these lots shall include the distances from lot lines to neighboring residences as well as existing heights and setbacks of the neighboring buildings.
74. Lots 52, 53, and 54 shall have fire sprinklers installed per IFC and IBC standards.
75. Relevant *Condition #13* from SUB 05-12 Findings, Conclusions & Final Order: The building plans for the following lots shall show front yard and dwelling orientation towards N Elm St: Lots 44, 45, 46, 47, 48, 49, 62, 63, 64, 65, and 66.
76. Relevant *Condition #14* from SUB 05-12 Findings, Conclusions & Final Order: The following access restrictions shall apply to certain lots: Lots 45, 47, 48 and 62 shall access 12<sup>th</sup> Avenue only. Lots 63 and 64 shall access 11<sup>th</sup> Avenue only. Lots 57 and 67 shall access 10<sup>th</sup> Avenue only. Lots 56 and 57 shall access the cul-de-sac labeled "B" street only.
77. Relevant *Condition #29* from SUB 05-12 Findings, Conclusions & Final Order: Five (5) foot sidewalks inclusive of curb shall be constructed along all street frontages. Where mailboxes, fire hydrants or other obstructions must be located at the curb, sidewalks shall swing away from the curb such that the walkway remains unobstructed for a full five-foot width. Sidewalks shall as shown on the approved site plans.

I CERTIFY THAT THIS ORDER approving **SUB 13-01** was presented to and **APPROVED** by the Planning Commission of the City of Canby.

DATED this 10<sup>th</sup> day of March, 2014

\_\_\_\_\_  
Tyler Smith  
Planning Commission Chair

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Bryan Brown  
Planning Director

\_\_\_\_\_  
Attest

**ORAL DECISION: February 24, 2014**

<i>Name</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
<i>Tyler Smith</i>				
<i>John Savory</i>				
<i>Shawn Hensley</i>				
<i>John Serlet</i>				
<i>John Proctor</i>				
<i>Vacant</i>				

**WRITTEN DECISION: March 10, 2014**

<i>Name</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
<i>Tyler Smith</i>				
<i>John Savory</i>				
<i>Shawn Hensley</i>				
<i>John Serlet</i>				
<i>Larry Boatright</i>				
<i>John Proctor</i>				