

**PLANNING COMMISSION  
Meeting Agenda  
Monday – August 11, 2014  
7:00 PM**

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

**Commissioner Tyler Smith (Chair)**

**Commissioner John Savory  
Commissioner John Serlet  
Commissioner (Vacant)**

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

---

**1. CALL TO ORDER**

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

**3. MINUTES**

*a. Planning Commission Minutes, July 14, 2014*

**4. PUBLIC HEARING**

- a. Consider a request from Ed Netter for approval of a Minor Partition application proposing to partition three existing lots by splitting each equally to result in six lots suitable for single family attached homes in a R-2 zoned district located at 462 & 480 SW 3<sup>rd</sup> Avenue (**MLP 14-01**).*
- b. Consider a request from Stafford Land Company for approval of a Subdivision application proposing a 4.47 acre residential subdivision consisting of 19 lots in an R-1 zoned district located at 1732 N Pine Street (**SUB 14-04**).*

**5. NEW BUSINESS**

**6. FINAL DECISIONS**

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

- a. Beck (SUB 14-04)*
- b. Netter (MLP 14-01)*

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

*a. Next Regular Planning Commission meeting scheduled for Monday, August 25, 2014*

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

**9. ADJOURNMENT**

*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for person with disabilities should be made at least 48 hours before the meeting at 503-266-7001.*

*A copy of this agenda can be found on the City's web page at [www.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.*

## 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 at the microphone with your name and address. 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 criteria listed on the wall.

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 – July 14, 2014  
City Council Chambers – 155 NW 2<sup>nd</sup> Avenue

---

**PRESENT:** Commissioners Shawn Hensley, John Savory, John Serlet, and Larry Boatwright

**ABSENT:** Chair Tyler Smith

**STAFF:** Bryan Brown, Planning Director

**OTHERS:**

**1. CALL TO ORDER**

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

**2. CITIZEN INPUT** – None.

**3. MINUTES**

a. *Planning Commission Minutes, June 9, 2014*

**Motion:** A motion was made by Commissioner Serlet and seconded by Commissioner Boatwright to approve the June 9, 2014 minutes as written. Motion passed 4/0.

b. *Planning Commission Minutes, June 23, 2014*

**Motion:** A motion was made by Commissioner Serlet and seconded by Commissioner Boatwright to approve the June 23, 2014 minutes as written. Motion passed 4/0.

**4. PUBLIC HEARING** – None.

**5. FINAL DECISIONS**

a. *SUB 14-03 Eli Estates Subdivision*

**Motion:** A motion was made by Commissioner Serlet and seconded by Commissioner Boatwright to approve the findings for SUB 14-03, Eli Estates Subdivision. Motion passed 4/0.

**6. NEW BUSINESS** – None.

**7. OLD BUSINESS**

a. *Continued from the June 23, 2014 Planning Commission meeting. Applicant is requesting a Minor Modification for the sidewalk location along NW 10<sup>th</sup> Avenue (MOD 14-01)*

Bryan Brown, Planning Director, said this was postponed from the last Commission meeting for Chair Smith to see if there was any relevant information in the previous Phase 2 Northwood

subdivision approval. There was a statement in the minutes regarding the sidewalk location being changed for the 12<sup>th</sup> Avenue planter strip, but there was no discussion about doing the same on 10<sup>th</sup> Avenue. The construction plans showed a planter strip along 10<sup>th</sup> Avenue. The Planning Commission had approved the subdivision with the sidewalk and planter strip previously. He explained the purpose of the planter strips and why the applicant was proposing to eliminate them.

Commissioner Hensley thought there would be better continuity on 10<sup>th</sup> not to have the planter strips as there were no other planter strips on the rest of 10<sup>th</sup> Avenue.

**Motion:** A motion was made by Commissioner Hensley and seconded by Commissioner Boatwright to approve MOD 14-01. Motion passed 4/0.

## 8. ITEMS OF INTEREST FROM STAFF

a. Next Planning Commission meeting Monday, July 28, 2014

Mr. Brown said there was nothing currently scheduled for the July 28 agenda. The Commission could discuss the Tree Ordinance or cancel the meeting.

There was consensus to cancel the meeting.

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

Commissioner Serlet asked if there were future plans for putting sidewalks along 10<sup>th</sup>. Mr. Brown said there had been efforts to use Community Development Block Grants for the eastern section. However, the grant funding had not come through because easements still needed to be secured.

## 10. ADJOURNMENT

**Motion:** Commissioner Hensley moved for adjournment, Commissioner Serlet seconded. Motion passed 4/0. Meeting adjourned at 7:28 pm.

The undersigned certify the July 14, 2014 Planning Commission minutes were presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 11<sup>th</sup> day of August, 2014

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

\_\_\_\_\_  
Laney Fouse, Minutes Taker

Assisted with Preparation of Minutes – Susan Wood



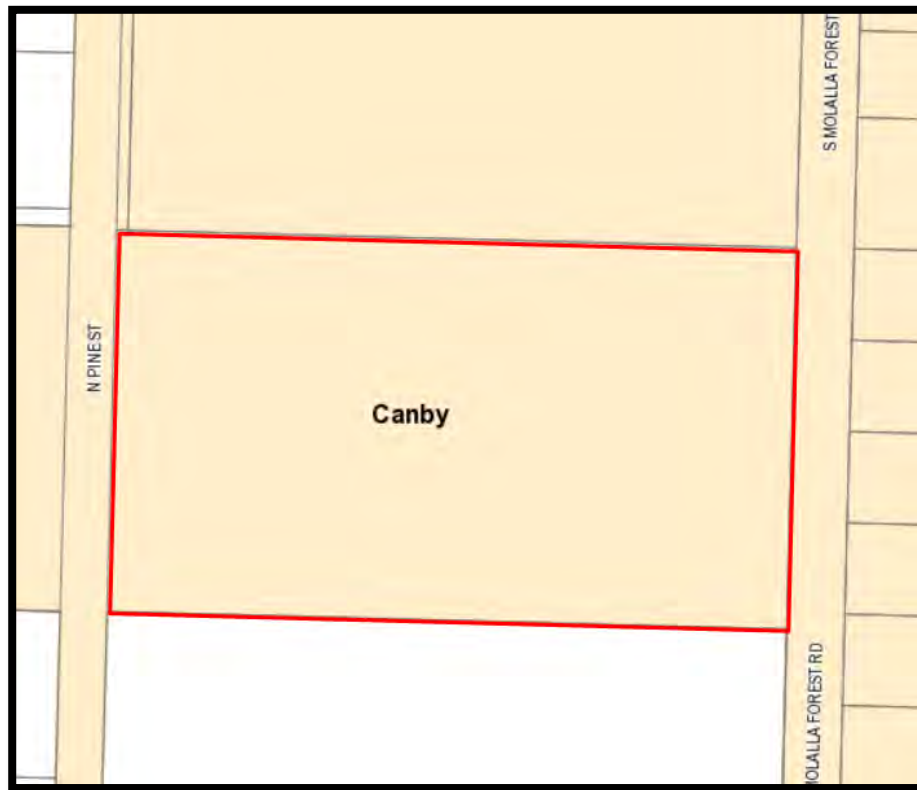
# City of Canby

## BECK SUBDIVISION STAFF REPORT

FILE #: SUB 14-04

Prepared for the August 11, 2014 Planning Commission Meeting

**LOCATION:** 1732 N Pine Street  
**ZONING:** R-1 Low Density Residential  
**TAX LOTS:** 31E27C02500 (Red-bordered property in map below)



**LOT SIZE:** 4.47 acres

**OWNER:** Norman & Jenny Beck

**APPLICANT:** Stafford Land Company, Morgan Will – Project Manager

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

**CITY FILE NUMBER:** SUB 14-04

**I. PROJECT OVERVIEW & EXISTING CONDITIONS**

The applicant's narrative states the following:

Applicant proposes to develop a 19 lot subdivision, with all lots suitable for detached single family dwellings, consistent with R-1 zoning standards.

The site area is 4.47 acres. Dedications for N Pine Street and interior streets will account for 0.86 acres, leaving 156,871 square feet available for development. The net density for the overall site is one dwelling for each 8,256 square feet or 5.27 dwellings per net acre.

N. Pine Street will be constructed to Collector street standards consisting of a 20-foot wide ½ street improvement from centerline to curb line and a 6-foot wide curb-tight sidewalk along the east side of the street. A 10-foot right-of-way dedication along the project frontage will make the eastern ½ right-of-way 30 feet wide, allowing for a total right-of-way of 60 feet when the west side of Pine Street is subdivided. The development proposes to create a new intersection of N Pine Street and NE 17th Avenue, a new local street. NE 17th Avenue will extend east from N Pine Street to where it will knuckle and turn south in general alignment with the current segment of N. Plum Court located within the North Pine Addition No. 2 subdivision. Internal streets will consist of 34-foot wide paved streets. The NE 17th Avenue right-of-way is proposed as 57 feet wide with 4.5-foot wide planter strips and 6-foot wide sidewalks on both sides. The N. Plum Court right-of way is proposed as 52.5 feet wide, with a 6-foot wide curb-tight sidewalk on the west side and a 4.5-foot wide planter strip and 6-foot wide sidewalk on the east side. A 15-foot wide paved public access way will connect the knuckle to the Logging Road multi-use trail. The access way will be placed in a public access and public utility easement on Lot 11.

Public sanitary sewer is available in N Pine Street and the Logging Road Trail. Due to the fall of the site from west to east, the project proposes to connect to the existing sewer line in the Logging Road Trail. Sewer would be extended to N Pine Street and south in N Plum Ct. to points of termination that could be extended with future development. Domestic water is available in N Pine Street. The project will install a new public water main in N. Pine Street (along the project frontage) and in the internal streets. The site is located in the North Redwood Storm Drain Advanced Financing District. Storm water will be collected in catch basins and piped into the North Redwood Storm Drain System in the Logging Road Trail and the development will pay the applicable fee to the City of Canby at the time of connection.

A pre application conference with the City occurred on October 2, 2013. No issues of concern were identified, beyond usual and expected considerations of Code compliance. A traffic impact study for the development was completed by Lancaster Engineering for the City of Canby when the property was annexed into the City. Because little has changed in this area of Canby since the annexation traffic study was performed, a new study was deemed unnecessary.

**II. ATTACHMENTS**

- A. Application form
- B. Application narrative
- C. Pre-application meeting minutes
- D. Neighborhood meeting notice, notes, and attendance sheet

- E. Traffic Study (by Lancaster Engineering in 2009)
- F. Record of Survey
- G. Storm Drainage Report
- H. Vicinity Map
- I. Assessor Map
- J. Sheet 1 – Site Plan (Tentative Plat)
- K. Sheet 2 – Topo Survey
- L. Sheet 3 – Waterline Plan
- M. Sheet 4 – Sanitary Sewer Plan
- N. Sheet 5 – Storm Drain Plan
- O. Sheet 6 – Grading Plan
- P. Sheet 7 – Street Profiles & Typical Sections
- Q. Sheet 8 – Shadow Plat (Suitability for Alignment of 17<sup>th</sup> Avenue across Pine Street)
- R. Beck Annexation Development Agreement (provision for NW 17<sup>th</sup> Avenue extension)
- S. Written comments submitted prior to printing of the Planning Commission packet:
  1. Written requirements from City Engineer dated 7.23.14
  2. Written comments from KaSandra Salinas, a day care provider, located at 1117 NE 19<sup>th</sup> Court

### III.

#### **MAJOR TOPICS FOR PLANNING COMMISSION CONSIDERATION**

The following is a list of staff interpretations and potential conditions of approval that the Planning Commission may want to discuss/comment on and/or use as a basis to apply additional conditions of approval:

- A. *Suitability of NW 17<sup>th</sup> Avenue alignment to facilitate future off-site development.*  
 One of the most important and major decisions when subdividing property is to not only provide a good design for the site being developed, but to do so in a manner that does not unduly hinder the use or future development of adjacent properties as required in 16.62.020 (B). This aspect of development for this property was looked at all the way back to when this property was annexed into the City. At that time, the annexation of this property was subject to a Development Agreement that required NW 17<sup>th</sup> Avenue to be extended through this property in general alignment with its location to the west. Staff worked with the applicant’s engineer prior to the pre-application conference to review at least 3 different possible alignments for NW 17<sup>th</sup> Avenue through the subject property and the property to the west to which it must eventually align. This needs to be done in a manner that does not hinder the development of either property. We must do this without knowing how development of the property to the west might actually happen. The only requirement is that NW 17<sup>th</sup> Avenue be extended through both properties. Staff believes that a reasonable location has been proposed in terms of meeting street intersection minimum and maximum spacing requirements along Pine Street while still enabling a relatively efficient subdivision layout on the subject property while providing reasonable opportunities for the future subdivision layout for the undeveloped property to the west which has the higher density R 1.5 zoning which likely will result in overall smaller lots or possibly some other higher density housing type or arrangement. The shadow plat (Sheet #8) for the adjacent property provided by the applicant is very helpful in assessing whether a decision on the location of NW 17<sup>th</sup> Avenue on this property may be “unduly hindered” development on the off-site property down the road. Staff notes that according to 16.64.040 (A) the depth of lots generally should not exceed 3 times the

width. A few of the lots as illustrated along the north side of NW 17<sup>th</sup> Avenue within the shadow plat would exceed this standard. The proposed alignment of 17<sup>th</sup> already jogs northward from its current alignment. Moving NW 17<sup>th</sup> Avenue intersection further north would help to correct the lot width to height ratio problem that might occur with the adjacent development but also adds to the deviation in alignment with the existing segment of NW 17<sup>th</sup> Avenue. Moving NW 17<sup>th</sup> Avenue southward to a straight alignment through both properties causes the maximum spacing of street intersections along Pine Street to be exceeded and significantly impacts the efficiency in the development design on the Beck Subdivision. Staff is satisfied that the proposed alignment adequately addresses the code and annexation development agreement requirements.

**B. *Street Tree Easement Needed***

The Beck Subdivision proposes street tree planter strips 4.5 feet wide between the street curb and sidewalk along all internal lot frontages except for Lot 13 on the west side of N Plum Street. The sidewalk is proposed to be curb tight along this one lot. The application indicates that this allows the sidewalks throughout the subdivision to remain within the public street right-of-way. A wider right-of-way along Plum Street equal to that provided on NW 17<sup>th</sup> Avenue (57') could accommodate a planter strip and keep the sidewalk within the right-of-way as done elsewhere. This extra right-of-way on N Plum Street would adversely impact the minimum required lot width needed for Lot 13. Without reducing the ROW width a lot would be lost in this subdivision. An alternative could be to place the sidewalk within the Public Utility Easement while still providing a planter strip for Lot 13 along Plum Street. This results in an aesthetic issue of placing the sidewalk closer to the house itself. Subdivision design and layout is always a trade-off between maximizing the desirability of the individual lots and that of the public domain which is the street scape in this case. Staff accepts the curb tight sidewalk for this lot and likely the next lot in the subdivision to the south when it develops, if a street tree easement is included with the PUE easement along Plum Street for Lot 13 to allow for the installation of a street trees on private property on this side of Plum Street. Moving the sidewalk into a sidewalk easement on private property would also be deemed an acceptable alternative which would maintain planter strips throughout the interior of the subdivision and provide for street trees. Any other solution that gives equal attention to the design features within the public realm (ROW) will result in the likely loss of a proposed lot. The planning commission has the option or flexibility to approve curb tight sidewalks. Staff recommends you only approve the curb tight sidewalk if also requiring a street tree easement on this lot, add a planter strip and move the sidewalk within an easement on the lot. As a point of information, there will be 4.5 feet available for street trees behind the sidewalk within the newly dedicated right-of-way along the Pine Street frontage of the subdivision.

**C. *Fencing adjacent to Pedestrian Pathway must meet CMC 16.08.110 (H)(2)(a or b)***

The cross section details for the Access way to Logging Road Trail indicates the erection of a solid wood screening fence on either edge of the 15 foot paved pathway. Solid fencing is restricted by the above code provision to be no more than 4 foot in height along pathways. A taller fence is allowed if constructed with black open wire material, wooden slats, or other material that allows visual access between the pathway and adjacent uses. With a condition to assure solid fencing does not exceed 4 foot in height this review



criterion is met. It would be best to include a requirement within the private CC&R's that limits solid fencing adjacent to the pathway to no taller than 4 feet in height.

#### **APPLICABLE CRITERIA & FINDINGS**

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

- 16.08 General Provisions
- 16.10 Off-street Parking and Loading
- 16.16 R-1 Low Density Residential Zone
- 16.43 Outdoor Lighting Standards
- 16.46 Access Limitations on Project Density
- 16.56 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

Staff has reviewed the applicant's narrative and accompanying plans and documents, and together with staff's supplemental findings discussed above in *Section III Major Issues* of this staff report and find 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 below.

#### **IV. PUBLIC TESTIMONY**

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

#### **V. CONDITIONS OF APPROVAL**

Staff concludes, with the following conditions of approval, that the application conforms to the applicable requirements for approval:

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 14-04, including all conditions of approval, shall first require an approved modification in conformance with the relevant sections of the *Canby Land Development and Planning Ordinance*. Approval of this application is based on the following:
  - a. Application form
  - b. Application narrative
  - c. Pre-application meeting minutes
  - d. Neighborhood meeting notice and notes

- e. Traffic Study (by Lancaster Engineering)
- f. Record of Survey
- g. Storm Drainage Report
- h. Vicinity Map
- i. Assessor Map
- j. Sheet 1 – Site Plan
- k. Sheet 2 – Topo Survey
- l. Sheet 3 – Waterline Plan
- m. Sheet 4 – Sanitary Sewer Plan
- n. Sheet 5 – Storm Drain Plan
- o. Sheet 6 – Grading Plan
- p. Sheet 7 – Street Profiles & Typical Sections
- q. Sheet 8 – Shadow Plat
- r. Other items submitted for SUB 14-04 application
- s. Written comments submitted and referenced in the staff report or included in the record at the Planning Commission public hearing

**Public Improvement Conditions:**

---

**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
  - b. City of Canby City Engineer
  - c. Canby Public Works
  - d. Canby Fire District
  - e. Canby Utility
  - f. Clackamas County
  - g. Northwest Natural Gas
  - h. Canby Telcom
  - i. Wave Broadband
  - j. 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. Stormwater system plans
  - g. Sewer system plans
  - h. Electric plans
  - i. Water/fire hydrants plans
- 4. The applicant shall address all comments made in the city engineer's memorandum dated July 23, 2014.
- 5. The development shall comply with all applicable City of Canby Public Works Design Standards.
- 6. If the applicant wishes to install curb cuts and driveways during the construction of

public improvements they must be identified on the construction drawings to verify compliance with city access spacing standards.

**Fees/Assurances:**

7. 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.
8. 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.
9. The applicant must guarantee or warranty all public improvement work with a 1 year subdivision maintenance bond in accordance with 16.64.070(P).
10. 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, Signage & Striping:**

11. The street improvement plans for Pine Street frontage and the interior streets shall conform to the TSP and Public Works standards as indicated in the memorandum from the city engineer dated 7.23.14.
12. 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.
13. 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.
14. The roadway signage plan shall show signage/reflectors, similar to other developments, at the termination of dead end street on S Plum Street.
15. The applicant shall be responsible for installing all required street signage and striping at the time of construction of public improvements.
16. The access way pathway to the logging road trail shall comply with a commercial driveway approach meeting ADA standards, minimum concrete thickness of 6' with reinforcements over 4' min of crushed rock base and paved to City local street standards.

**Sewer:**

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

**Stormwater:**

18. Stormwater systems shall be designed in compliance with the Canby Public Works Design Standards as determined by the City Engineer.
19. This subdivision is served by the North Redwood Storm Drain Advanced Financing District which requires the applicant to pay the applicable fee to the City at the time of connection.

**Grading/Erosion Control:**

20. 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.
21. The applicant shall grade all areas of the site, including the proposed lots, to minimize the amount of soil to be removed or brought in for home construction.

**Final plat conditions:**

---

**General Final Plat Conditions:**

22. 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. Applicable agencies may include:
  - a. City of Canby Planning
  - b. City Engineer
  - c. Canby Public Works
  - d. Canby Fire District
  - e. Canby Utility
  - f. Clackamas County
  - g. Northwest Natural Gas
  - h. Canby Telcom
  - i. Wave Broadband
  - j. Oregon Department of Environmental Quality (DEQ)
23. 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.
24. 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.
25. All "as-builts" of public improvements, including: curbing and sidewalks; planter strips; streets; street lighting; street signage; street striping; storm; sewer; electric; water/fire hydrants; cable; underground telephone lines; CATV lines; and natural gas lines, shall be filed at the Canby Public Works and the Canby Planning Department within sixty days of the completion of improvements and prior to the recordation of the final plat.
26. Clackamas County Surveying reviews pending subdivision plat documents for Oregon Statutes and county requirements. A subdivision final plat prepared in substantial conformance with the approved tentative plat must be submitted to the City for approval within one year of approval of the tentative plat or formally request an extension of up to 6-months with a finding of good cause.
27. The applicant shall record the final plat at Clackamas County within 6 months of the

date of the signature of the Planning Director.

28. 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.
29. 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**

30. A total of 30 feet of right-of-way from the centerline of Pine Street shall be dedicated on the final plat to city.

**Fences/Walls:**

31. The developer shall be responsible for the installation of a 15 foot wide paved pathway and erection of fencing on either side in a pathway easement across Lot 11 which complies with CMC Section 16.08.110 (H) fencing options with maintenance indicated within the CC&R's to be the owner of Lot 11's responsibility.

**Easements**

32. 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.
33. The N Plum Court lot frontage of Lot 13 shall provide a 12 foot wide street tree easement in conjunction with the 12 foot utility easement to accommodate street tree which is displaced from its normal location in a planter strip adjacent to the curb due to use of a curb tight sidewalk on this lot only.

**Street Trees**

34. The applicant shall pay the adopted city street tree fee to allow for city establishment of 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. The street tree fee shall be paid prior to the recordation of the final plat.

**Monumentation/Survey Accuracy Conditions**

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:**

---

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.
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.

## **VI. Decision**

Based on the application submitted and the facts, findings, and conclusions of this report, staff recommends that the Planning Commission **approve** Subdivision File #SUB 14-04 pursuant to the Conditions of Approval presented in this Staff Report in Section V.

**Sample motion:** I move to approve Subdivision File #SUB 14-04 pursuant to the Conditions of Approval presented in this Staff Report in Section V.

# **Application for Subdivision**

## **Beck Subdivision**

**Applicant:**

**Stafford Land Company**

# Table of Contents

- I. Application Form
- II. Written Narrative
- III. Pre-Application Meeting Minutes
- IV. Neighborhood Meeting Notes
- V. Traffic Study (by Lancaster Engineering)
- VI. Record of Survey
- VII. Storm Drainage Report
- VIII. Maps
  - a. Vicinity Map
  - b. Assessor Map
  - c. Sheet 1 – Site Plan
  - d. Sheet 2 – Topo Survey
  - e. Sheet 3 – Waterline Plan
  - f. Sheet 4 – Sanitary Sewer Plan
  - g. Sheet 5 – Storm Drain Plan
  - h. Sheet 6 – Grading Plan
  - i. Sheet 7 – Street Profiles and Typical Sections
  - j. Sheet 8 – Shadow Plat
  
- Loose
  - Mailing Labels
  - Large Plan Sheets



# I. Application Form



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: Stafford Land Company Phone: (503) 939-3902 (503) 305-7647  
 Address: 485 South State Street Email: Morgan Will, Project Manager  
 City/State: Lake Oswego, OR Zip: 97034 morgan@staffordlandcompany.com

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

Property Owner Name: Norman Beck Phone: (503) 936-4715  
 Signature: *Norman Beck*  
 Address: P.O. Box 638 NORMAN BECK Email: njbeck@hughes.net frontier.com  
 City/State: Wilsonville, OR Zip: 97070

Property Owner Name: Jenny Beck Phone: (503) 936-4715  
 Signature: *Jenny Beck*  
 Address: P.O. Box 638 Jenny Beck Email: \_\_\_\_\_  
 City/State: Wilsonville, OR Zip: 97070

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>1732 N. Pine Street</u>	<u>4.47 Acres</u>	<u>TL 2500, Map 3 1E 27C</u>
Street Address or Location of Subject Property	Total Size of Property	Assessor Tax Lot Numbers
<u>One house with several out buildings</u>	<u>R-1</u>	<u>Low Density Residential</u>
Existing Use, Structures, Other Improvements on Site	Zoning	Comp Plan Designation

Development into a 19 lot residential subdivision consistent with R-1 development standards  
 Describe the Proposed Development or Use of Subject Property

STAFF USE ONLY				
SUB 14-04	6-30-14	LF		
FILE #	DATE RECEIVED	RECEIVED BY	RECEIPT #	DATE APP COMPLETE

## II. Written Narrative

**Application for Subdivision**

Property Owner: Norman & Jenny Beck  
P.O. Box 638  
Wilsonville, OR 97070  
(503) 936-4715

Applicant: Stafford Land Company  
485 South State Street  
Lake Oswego, OR 97034  
Morgan Will, Project Manager  
Direct: (503) 939-3902  
Office: (503) 305-7647

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

Location 1732 N. Pine Street  
South of Territorial Road, east of N. Pine Street and west of the  
Logging Road Trail

Legal Description Tax Lot 2500, Sec. 27, T3S R1E WM  
(Assessor Map 3 1E 27C)

Zoning R-1 (Low Density Residential Zone)

Site Size 4.47 Acres

Proposal To develop a 19 lot subdivision, with all lots suitable for  
detached single family dwellings, consistent with R-1 zoning  
standards.

## SITE DESCRIPTION

The site is south of NE Territorial Road and east of N. Pine Street. It is part of a remnant of County land forming an island surrounded by the City of Canby.

The site has frontage on N. Pine Street and on the former Molalla Logging Road, which is now a multi-purpose use trail. To the north of the site is the Willamette Grove Apartment complex which is located within the City of Canby. To the east of the site, across the Logging Road Trail, are new homes located in the Postlewait Estates subdivision. To the south and west of the site are several large parcels of land that have yet to be developed as urban subdivisions. The large parcel west of the site, across N. Pine Street, was annexed by the voters in the November, 2008 general election. The parcel immediately to the south has submitted for annexation into the City of Canby, but is currently located outside the city limits in Clackamas County.

The site is occupied by a single residence and several outbuildings. The western one-half of the property is maintained yard and the eastern one-half is meadow/pasture. A vegetative screen of trees and hedge surrounds the home and makes the structures difficult to see from N Pine Street, the surrounding properties and the Logging Road Trail. Besides the vegetative screen, several other large and medium sized deciduous and coniferous trees are located on the property, most in the vicinity of the home.

Other than the existing trees, the site has no identified natural resources and there are no identified physical hazards. The site generally falls from west to east, from N. Pine Street toward the Logging Road Trail. A berm was built north of the existing home years ago to separate the existing home from the Willamette Grove Apartment Complex. The top of the berm is at elevation 120 feet MSL, the elevation of N Pine Street is 114 feet and the grade adjacent to the Logging Road Trail is at 98 feet. The 16-foot grade differential between N Pine Street and the Logging Road Trail occurs over approximately 577 feet, for an average grade of 2.4 percent. The Logging Road Trail pathway is approximately at elevation 103 MSL, a few feet above the land adjacent to it.

Public water is located in N. Pine Street at the northwest corner of the site and can be extended to serve the proposed development. Public sewer is available in N. Pine Street and in the Logging Road Trail. Public storm drainage is available through a connection to the North Redwood Storm Drain Advanced Financing District pipe located in the Logging Road Trail right of way. Power, gas and communications facilities are available to serve the site in N. Pine Street.

## PROPOSAL

A 19 lot subdivision, with all lots intended to be suitable for R-1 zoned, detached single family residences is proposed.

The site area is 4.47 acres. Dedications for N Pine Street and interior streets will account for 0.86 acres, leaving 156,871 square feet available for development. The net density for the overall site is one dwelling for each 8,256 square feet or 5.27 dwellings per net acre.

N. Pine Street will be constructed to Collector street standards consisting of a 20-foot wide  $\frac{1}{2}$  street improvement from centerline to curblin and a 6-foot wide curb-tight sidewalk along the east side of the street. A 10-foot right-of-way dedication along the project frontage will make the eastern  $\frac{1}{2}$  right-of-way 30 feet wide, allowing for a total right-of-way of 60 feet when the west side of Pine Street is subdivided. The development proposes to create a new intersection of N Pine Street and NE 17<sup>th</sup> Avenue, a new local street. NE 17<sup>th</sup> Avenue will extend east from N Pine Street to where it will knuckle and turn south in general alignment with the current segment of N. Plum Court located within the North Pine Addition No. 2 subdivision. Internal streets will consist of 34-foot wide paved streets. The NE 17<sup>th</sup> Avenue right-of-way is proposed as 57 feet wide with 4.5-foot wide planter strips and 6-foot wide sidewalks on both sides. The N. Plum Court right-of-way is proposed as 52.5 feet wide, with a 6-foot wide curb-tight sidewalk on the west side and a 4.5-foot wide planter strip and 6-foot wide sidewalk on the east side. A 15-foot wide paved public accessway will connect the knuckle to the Logging Road multi-use trail. The accessway will be placed in a public access and public utility easement on Lot 11.

Public sanitary sewer is available in N Pine Street and the Logging Road Trail. Due to the fall of the site from west to east, the project proposes to connect to the existing sewer line in the Logging Road Trail. Sewer would be extended to N Pine Street and south in N Plum Ct. to points of termination that could be extended with future development. Domestic water is available in N Pine Street. The project will install a new public water main in N. Pine Street (along the project frontage) and in the internal streets. The site is located in the North Redwood Storm Drain Advanced Financing District. Storm water will be collected in catch basins and piped into the North Redwood Storm Drain System in the Logging Road Trail and the development will pay the applicable fee to the City of Canby at the time of connection.

A pre application conference with the City occurred on October 2, 2013. No issues of concern were identified, beyond usual and expected considerations of Code compliance. A traffic impact study for the development was completed by Lancaster Engineering for the City of Canby when the property was annexed into the City. Because little has changed in this area of Canby since the annexation traffic study was performed, a new study was deemed not necessary.

**APPLICABLE CRITERIA AND STANDARDS**

**Identification of Applicable Criteria and Standards**

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

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

**LAND USE AND DEVELOPMENT ORDINANCE**

*Chapter 16.10 Off-Street Parking and Loading*

Response: The parking requirement for single family dwellings is two spaces per dwelling unit (Table 16.10.050). This requirement can be satisfied when building plans are submitted for each lot.

*Chapter 16.16 R-1 Low Density Residential Zone*

Response: The proposed subdivision will create 19 new lots for detached single family dwellings. The proposed residential use is allowed outright in the zone (16.16.010.A). New lots in the R-1 Zone are required to meet the development standards specified in Sec. 16.16.030. Development standards for structures can be verified when plans for building permits are submitted. The following table lists requirements and how the application proposes to satisfy each standard:

*Section 16.16.030 R-1 Zone Dimensional Standards*

Requirement	Proposed
16.16.030.A Minimum and maximum lot area: 7,000 sq. ft. and 10,000 sq. ft.	Lots proposed = 19 Min. lot area = 7,000 sq. ft. Max. lot area = 10,670 sq. ft. (flag lot) Average lot area = 8,270 sq. ft.
16.16.030.C Minimum width and frontage: 60 feet	All lots have at least the minimum width of 60 feet. Lots 8 & 9 have slightly over 15 feet of frontage due to their flag lot orientation. Lot 10 has 56 feet of frontage on the public street and

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

*16.46.010 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.

Until future development occurs to the south, one street will enter the subdivision, a new street from the east connecting with N. Pine Street which will be named NE 17<sup>th</sup> Avenue. Using the City’s formula in 16.46.010.A.2, one street connection would permit up to 30 residential units. Therefore, the one proposed access point will be sufficient for the 19 lots being proposed. When the property to the south is annexed and developed, a second point of access will be available from N. Plum Court.

The new segment of NE 17<sup>th</sup> Avenue is proposed to be located in close alignment with the existing segment of NE 17<sup>th</sup> Avenue that terminates approximately 880 feet west of N. Pine Street allowing for the two segments to intersect at N Pine Street with a minor jog in NE 17<sup>th</sup> Avenue in the 880-foot long segment west of N Pine Street. A Shadow Plat has been submitted to show how this offsite jog could occur. N. Plum Court will also terminate in close alignment with the existing segment of N. Plum Court to the south that will allow for a future connection to be made with slight horizontal curves. Creating local streets with slight horizontal curves is often preferred over straight alignments as horizontal curves can often act as traffic calming features that will reduce vehicular speeds in residential neighborhoods.

New interior streets are proposed as public streets with 34 feet of pavement. Sidewalks will comply with the current 6-foot wide sidewalk standard and planter strips will be 4.5 feet wide from back of curb to back of sidewalk. The sidewalk along N. Pine Street will be 6 feet wide and curb tight, as other sidewalks to the north and south along



N. Pine Street are located curb tight. The sidewalk on the west side of N. Plum Court is also proposed to be curb tight in order to keep all of the sidewalks along the local streets within the street right-of-way. A paved accessway will connect sidewalks along the local streets to the Logging Road multi-use trail to permit easy public access to the trail for residents of this development and other nearby properties. The paved public accessway will also be used by City crews to access and maintain infrastructure in the Logging Road Trail such as the sanitary sewer main and the storm drain main. The proposed measures are sufficient to satisfy the requirements in Sec. 16.46.010.A for roadway and pavement width, number of access points, and number of dwelling units.

#### *16.46.030 Access Connection*

Response: The applicant proposes one new street connection on the perimeter of the development, a connection of a new street, NE 17<sup>th</sup> Avenue, to N. Pine Street. N. Pine Street is a designated collector street in the City of Canby's Transportation Plan. Table 16.46.30 Access Management Guidelines for City Streets limits typical intersection spacing on collector roadways to between 250 and 600 feet. On the east side of N Pine Street, NE 17<sup>th</sup> Avenue will be located between NE 15<sup>th</sup> Avenue and NE 19<sup>th</sup> Court. South of NE 17<sup>th</sup> Avenue, the separation between NE 15<sup>th</sup> Avenue and the proposed NE 17<sup>th</sup> Avenue will be 694 feet. When the property south of the proposed subdivision is annexed and developed, NE 16<sup>th</sup> Avenue can be created in between NE 15<sup>th</sup> and NE 17<sup>th</sup> Avenues and the 694-foot spacing will allow for spacing of between 250 feet and 347 feet between NE 15<sup>th</sup> & 16<sup>th</sup> Avenues and NE 16<sup>th</sup> and 17<sup>th</sup> Avenues.

To the north of the site, the spacing from NE 17<sup>th</sup> Avenue to NE 19<sup>th</sup> Court is proposed to be 600 feet from centerline to centerline, the maximum separation permitted between roadways on a collector by the intersection spacing standards of Table 16.46.30. No street will be located in between NE 17<sup>th</sup> Avenue and NE 19<sup>th</sup> Court due to the Willamette Grove Apartment complex being located on the east side of N. Pine Street.

#### *16.46.070 Exception Standards*

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

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

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

Dwellings in the proposed subdivision will not require site and design review.

*Division IV Land Division Regulations*

*Chapter 16.62 Subdivisions-Applications*

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

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

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

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

*B. The overall design and arrangement of lots shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties;*

Response: The design and layout of the site provides for functional and desirable building sites. All lots meet or exceed the minimum lot area standards for the R-1 Zone and each lot has access to a public street and has easy connectivity to nearby collector and arterial streets. The proposed layout provides connections for future developments to the south and provides for pedestrian and bicycle connectivity with the creation of a new pedestrian/bicycle accessway to the Logging Road multi-use trail. Public utilities such as sewer, water, communications, and power will be extended through the development site so that these services can be used by undeveloped neighboring properties to the south and west. 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: The site is located in the North Redwood Storm Drain Advanced Financing District, one of the few areas in the City of Canby where the soils do not allow for underground stormwater injection. Through payment of the appropriate fee and accrued interest, the development can connect to the North Redwood Storm Drain System without onsite water quantity or water quality improvements. Although the Code encourages Low Impact Development techniques, other provisions of the Code, such as minimum width requirements for public streets and minimum lot size requirements, make it difficult to achieve Low Impact Development within a low density residential subdivision.

The proposed layout will provide large lots that will allow adequate space to create or preserve vegetation. The street system is double loaded, which provides for a more economical design and less impervious surfacing than single loaded streets. A combination utility cluster and pedestrian access is located between Lots 10 and 11, making for efficient use of the pedestrian accessway to the Logging Road Trail.

Although the streets are developed in a gridded pattern, the street lengths are short and therefore an extended pattern of linear development is avoided while providing a street system that fits with the existing street system and provides adequate and logical connections for future development of surrounding properties.

*D. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed land division.*

Response: Necessary facilities and services are available for the proposed development at the proposed R-1 zoning designation. Public water is located in N. Pine Street at the northwest corner of the site. Public sewer is available in N. Pine Street and in the Logging Road Trail right-of-way. Public storm drainage is available through a connection to the North Redwood Storm Drain Advanced Financing District system. Power, gas and communications facilities are available in N. Pine Street and garbage and recycling collection are available in the neighborhood.

Fire protection for the area is provided by Canby Fire District, which serves all of the City of Canby and the surrounding area. Service to this site would come from existing fire facilities within the City. Canby Fire has indicated that it can serve the property if the property is developed consistent with adopted standards. Police protection is provided by Canby Police Department. All public services are available or will become available for

the subdivision at the time of development. An emergency vehicle hammerhead turnaround will be located at the knuckle of NE 17<sup>th</sup> Avenue and N. Plum Court.

*E. The layout of subdivision streets, sidewalks, and pedestrian ways supports the objectives of the Safe Routes to Schools Program by providing safe and efficient walking and bicycling routes within the subdivision and between the subdivision and all schools within a one-mile radius. During review of a subdivision application, city staff will coordinate with the appropriate school district representative to ensure safe routes to schools are incorporated into the subdivision design to the greatest extent possible.*

*(Ord. 890 section 53, 1993; Ord. 740 section 10.4.40(B), 1984; Ord. 1338, 2010)*

Response: Although no schools are located near the proposed subdivision in northeast Canby, sidewalks on all new streets and a pedestrian connection to the Logging Road Trail will be provided that 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 by the property owners, through the City of Canby, when the property was annexed into the City of Canby in 2010. Because few changes have occurred in the NE Canby area in the intervening years, the City Development Services Department indicated that no further traffic study was needed for the subdivision application.

#### *Chapter 16.64 Subdivisions Design Standards*

##### *Section 16.64.010 Streets*

Response: The proposed interior street system will be designed and constructed with a pavement width of 34 feet from curb to curb, with a wider pavement section at the knuckle. Street right-of-way widths on NE 17<sup>th</sup> Avenue and N. Plum Court will be wider than normal in order to accommodate the entire public sidewalk inside the public street right-of-way, which was mentioned to be a goal of the City Development Services Department at the pre-application meeting for this subdivision. Where proposed, planter strips separating the curb from the sidewalk will measure 4.5 feet. Sidewalks will be constructed to the City standard width of 6 feet.

N. Pine Street is a designated collector. Ten feet of additional right-of-way dedication is proposed along the east side of N Pine Street in order to bring the east ½ right-of-way width to 30 feet from centerline. Collectors are required to have a right-of-way width of 50-80 feet and the dedication will bring the street into conformance with this right-of-way standard and will make the right-of-way consistent with the North Pine Addition 2 and T & J Meadows subdivisions to the south and north respectively.

Collectors are required to have pavement widths of between 34 and 50 feet. The pavement width of N. Pine Street is proposed as 20 feet from centerline to curbline which will provide a 40-foot wide street that is conformance with the standard when both sides of N. Pine Street are developed. The 20 foot width from centerline to curb will match other curb improvements to the north along the Willamette Grove Apartment complex and to the south along North Pine Addition 2.

Proposed street names include “NE 17<sup>th</sup> Avenue” and “N. Plum Court” which are extensions or new segments of existing streets.

*Section 16.64.015 Access*

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

The public road system is designed to continue extensions of existing streets through the site and to provide logical connections to neighboring properties for future development. The proposed road network allows for convenient access for residents, visitors, deliveries, emergency vehicles, and garbage collection.

New horizontal street alignments are proposed continue the gridded street pattern developed in this area. NE 17<sup>th</sup> Avenue will be constructed at a right angle to N. Pine Street. From N. Pine Street, NE 17<sup>th</sup> Avenue will head east toward the Logging Road Trail and as it nears the Logging Road Trail it will knuckle and turn south, becoming N. Plum Court. N. Plum Court will generally parallel the Logging Road Trail and it will temporarily terminate at the southern property line of this site. In the future, when the parcel to the south is annexed and developed, the two segments of N. Plum Court will be joined. NE 17<sup>th</sup> Avenue will have a vertical profile that will fall from N. Pine Street toward the Logging Road Trail while N. Plum Court will generally climb to the south, both consistent with the natural terrain.

New local streets will have sidewalks on both sides while N. Pine Street will be constructed with a sidewalk only along the east side of the street. Sidewalks along local streets will be constructed when homes and driveway aprons are constructed, while the sidewalk along N Pine Street and the accessway to the Logging Road Trail will be constructed with development of the subdivision. Lot access and driveway locations will be reviewed by the City at the time of building permits.

*Section 16.64.020 Blocks*

The City requires subdivisions to be designed to accommodate blocks that provide lots of suitable size and access in multiple directions. Generally, block lengths in residential zones are limited to 400 feet. This project builds upon the block widths and grid pattern established by previous subdivisions located between N. Pine Street and the Logging Road Trail. In the east-west direction, the NE 17<sup>th</sup> Avenue block will measure 420 feet from N. Pine Street to N. Plum Court, slightly over the standard limit. The extra

20 feet of length is necessary to accommodate seven (7) 60-foot wide lots while also aligning the new segment of N. Plum Ct. with the existing portion of N. Plum Ct. to the south to provide for future street connectivity. Along the eastern boundary of the property is the Logging Road Trail, a multi-use trail which is a barrier for all streets located between Highway 99E and NE Territorial Road. A pedestrian walkway is being provided to allow pedestrian and bicycle access to the Logging Road Trail.

In the north-south direction, the Willamette Grove Apartment complex hinders the ability to create blocks along N. Pine Street that meet the City's 400-foot block length standard, as the apartment complex was developed without creating interior public streets. The proposed location of NE 17<sup>th</sup> Avenue will create a block length of approximately 550 feet from NE 17<sup>th</sup> Avenue to NE 19<sup>th</sup> Court. To the south, the distance from the center of NE 17<sup>th</sup> Avenue to the center of NE 15<sup>th</sup> Avenue will measure 694 feet which will allow for two blocks of less than 400 feet to be created when the property to the south of the site is developed and NE 16<sup>th</sup> Avenue is created in between NE 15<sup>th</sup> and NE 17<sup>th</sup> Avenues.

#### *Section 16.64.030 Easements*

Easements for utility lines and pedestrian ways will be provided as necessary to satisfy requirements of the City. One 15-foot wide public access / public utility easement is proposed on the northern edge of Lot 11 to allow for pedestrian connectivity to the Logging Road Trail and to allow for public sanitary sewer and public storm drain to be installed under the accessway to serve the new lots from the existing public mains in the Logging Road Trail right-of-way.

#### *Section 16.64.040 Lots*

(16.64.040.A & B) Lot sizes and shapes comply with dimensional requirements for the R-1 Zone, as previously discussed in this narrative and as shown on the proposed site plan.

(16.64.040.C) All R-1 lots have at least 60 feet of frontage on the new interior streets, except for Lots 8 through 10. Lots 8 and 9 are flag lots with slightly more than 15 feet of frontage on the street knuckle, while Lot 10 has 56 feet of frontage on the knuckle and 19.9 feet of frontage on a shared driveway. All three of these lots will have sixty feet or more of width at the building lines. The Planning Commission may allow unique designs upon finding that access is adequate.

The proposed access to Lots 8 through 10 will be similar to other flag lots or shared driveway configurations located in the City of Canby. Lots 8 and 9 will share a private driveway that separates the two lots from Lot 7, while Lot 10 will take access off of the knuckle. While the frontage of Lot 10 is less than the standard 60 feet, the 56 feet of frontage provided is more than adequate to provide functional driveway given the shape and orientation of the lot.

(16.64.040.D) No double frontage lots are being created by this development. Lots 10 through 12 will front on N. Plum Court and back up to the Logging Road Trail, but because vehicular access is not permitted on the Logging Road Trail, these lots are not technically double frontage lots.

(16.64.040.E) Lot side lines all are at right angles to the fronting streets.

(16.64.040.F) No lots in the subdivision can be redivided.

(16.64.040.H) No hazardous situation related to flooding or soil instability has been identified on the site. The site will dispose of storm drain runoff through a connection to the North Redwood Storm Drain Advanced Financing Distract storm drain system.

(16.64.040.I) Lots 8 and 9 are proposed as flag lots, with the two lots being created to the side of Lot 10. The method proposed for development of this corner of the site is the only method in which two lots can be created, given the street location, the apartment complex to the north and the Logging Road Trail to the east. The two lots will have 15-foot wide stems extending to the knuckle and a shared, paved access drive will be constructed in the 30 foot wide “flag pole” area with reciprocal easements being created for the driveway, for utility access, and for emergency vehicle turnaround access.

Lots 8 and 9 are both very deep, with the shorter of the two lots, Lot 9, having over 127 feet of lot depth on the short side of the lot, plus 30 feet of shared driveway. Given the lot depth and the width of the shared access, there will be ample room for development of floor plans that will provide for adequate access, turning movements, and setbacks from adjoining properties.

Both Lot 8 and Lot 9 have more than 7,000 square feet of lot area not including the shared driveway portion of each lot.

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

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

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

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

Minor grading will be accomplished on the site to create suitable building sites. The berms that were created to the north and east of the existing buildings onsite will be removed and that portion of the site will generally be returned to native grades, with minor grading being accomplished as needed to match proposed street grades. Along the eastern edge of the site, where the site is located below the level of the adjacent Logging

Road Trail, Lots 8 through 12 will be raised with engineered fill closer to the level of the Logging Road Trail.

*Section 16.64.070 Improvements*

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

Streets within the development and the east side of N. Pine Street will be constructed to the City's standard structural section. N. Pine Street will be widened and curb and sidewalk will be installed on the east side of the street. Street lighting, street signage, the sidewalk along N. Pine Street, the emergency turnaround and the public accessway from the knuckle to the Logging Road Trail will be installed with the street improvements. Other driveway approaches, sidewalks, and street trees will be installed as homes are constructed in the development.

Stormwater will be managed through a connection to the North Redwood Storm Drain Advanced Finance District. The North Redwood/Willow Creek Storm Drain pipe was installed in NE Territorial Road, N. Redwood Street and in the Logging Road Trail right-of-way in the 1990's because the underlying soils in the area of N. Redwood Street and the Logging Road Trail were not suitable for injection of stormwater due to slow permeability and high ground water. In the 1990's the City of Canby created the North Redwood Storm Drain Advanced Financing District for the purpose of installing a storm drain conveyance system to serve this area of Canby. The proposed subdivision is one of the lots in the Advance Financing District and it will reimburse the City of Canby for its share of the cost of that storm drain system.

LID stormwater approaches such as green roofs, pervious pavements and roadside swale often are not good fits for residential subdivisions. Green roofs tend to work best on flat roofs and are not as good of a fit for the pitched roof architecture seen in residential subdivisions today. Pervious pavements tend to function better in mature subdivisions where there isn't a lot of ground disturbing activity taking place. The home building, landscaping, and fence building activities common in new subdivisions tend to deposit soil and other landscaping material onto the surface of the roadway, often clogging it, and preventing it from functioning as intended. Once material works its way down into the pores of the porous pavement, it becomes nearly sealed and it functions like standard pavement. Roadside swales can be problematic in residential subdivisions as the swales make it difficult to get out of cars parked against the curblin, as the planter strip is often soggy or under a few inches of water.



Because this property was included in the North Redwood Storm Drain Advanced Financing District by the City in the 1990's, the City identified this property as a property where infiltration was not appropriate. By payment of the pre-determined Advanced Financing District fee, plus the accrued interest, the project will be able to connect to the existing storm drain system and the project will utilize all LID stormwater devices on the public storm drain system downstream from the development.

Two methods of connection to the North Redwood Storm Drain system have been shown on the submitted plans. The preferred method of connection would be through an easement across Tax Lot 2600 to the south of the development site. This route would create the most efficient system for the City of Canby to maintain in the future. If an easement across Tax Lot 2600 cannot be obtained, then the applicant's alternative plan would be to connect to the North Redwood Storm Drain system via a new pipe system extending from the knuckle, east under the accessway to the Logging Road Trail, then south along the west side of the trail for several hundred feet prior to crossing the trail and connecting to the existing pipe on the east side of the trail.

Sanitary sewer will be provided through a connection to the sanitary sewer main in the Logging Road Trail. A new connection to the Logging Road Trail main will be made at the accessway to the Logging Road Trail and will be piped to the knuckle, where one line will extend south to the end of N. Plum Court. A second sewer line will be extended west to N. Pine Street and then south in N. Pine Street to the southern end of the property. Both lines will serve future development.

New public water mains and fire hydrants will be constructed in all new streets and will connect to the existing water mains terminated at the northern property boundary of N. Pine Street. Once the property to the south is annexed and developed, the water mains on the east side of N. Pine Street will be looped from NE 15<sup>th</sup> Avenue to NE 17<sup>th</sup> Avenue, improving water quality and increasing available fire flows.

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

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

#### *Chapter 16.86 Street Alignments*

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

N. Pine Street is proposed to be constructed to its full and final width on the east side of the street. Pine Street is a collector and an additional 10 feet of right-of-way will be dedicated by this project to bring the ½ street right-of-way to 30 feet. The 30 feet of width will allow for the street to be widened and a curb tight sidewalk to be installed in

the right-of-way that will align with other existing improvements on the east side of N. Pine Street to the north and south.

NE 17<sup>th</sup> Avenue is a new segment of an existing local street. The existing segment of NE 17<sup>th</sup> Avenue is located approximately 880 feet west of N. Pine Street and about 45 south of the new proposed segment. Creating local streets with slight horizontal curves is often preferred over straight alignments as horizontal curves can often act as traffic calming features that reduce vehicular speeds in residential neighborhoods. A Shadow Plat has been submitted to show how this offsite jog in NE 17<sup>th</sup> Avenue could occur.

N. Plum Court will also terminate in close alignment with the existing segment of N. Plum Court to the south that will allow for a future connection to be made across the intervening parcel with slight horizontal curves.

Street pavement widths are proposed to match existing City standards. Right-of-way widths for the local streets are proposed to be larger than current City standards in order to include the entire public sidewalk within the right-of-way.

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

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

#### *Chapter 16.89 Application and Review Procedures*

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

This application is a Type III procedure. A Pre-application meeting was held with City and utility company representatives on October 2, 2013. No issues of concern were identified, beyond usual and expected considerations of Code compliance. A Neighborhood meeting with the Northeast Canby Neighborhood Association was held on June 12, 2014. The neighborhood generally liked the proposed layout and concerns were minimal, but it was expressed by one neighbor that the local streets should not be any narrower than 34 feet. Based upon the feedback received at the meeting, the applicant decided to widen the proposed width of the N. Plum Court pavement from 32 feet to 34 feet.

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

The City of Canby shall require park land dedication or a fee in lieu of park land dedication in the form of a system development charge. The City has indicated that it

would prefer that lots in this subdivision pay a system development charge rather than dedicate park land.

### **CONCLUSION**

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

### III. Pre-application Meeting Minutes



## **Pre-Application Meeting**

**1732 N Pine Street  
October 2, 2013  
10:30 am**

### **Attended by:**

Pat Sisul, Sisul Engineering, 503-657-0188  
Joe Snyder, White River Homes, 503-341-+8079  
Doug Quan, Canby Utility Water Dept. 971-563-6314  
Hassan Ibrahim, Curran-McLeod Engineering 503-684-3478  
Jerry Nelzen, Public Works Department, 503-266-0759  
Angie Lehnert, Planning Department, 503-266-0686

Will Snyder, White River Homes, 503-833-2626  
Dave Michaud, Wave Broadband, 503-338-3273  
Dan Mickelsen, Erosion Control, 503-266-0698  
Jon Fox, White River Homes, 503-575-8756  
Bryan Brown, Planning Department, 503-266-0702

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

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

- We are looking at this property, which was annexed a few years ago on N Pine Street and we are proposing to extend NE 17<sup>th</sup> Avenue through the site. When the property annexed there was a development or annexation agreement prepared stating NE 17<sup>th</sup> Avenue basically had to extend through the site and may or may not connect to N Plum Street. We played with a couple of different layouts and we felt this was the best way to go. NE 17<sup>th</sup> Avenue at N Pine Street is approximately north of where it currently ends east of N Maple Street. We will place a knuckle and a short extension of N Plum Street to the south that would allow a future connection across the undeveloped property to the south to N Plum Court along with providing a connection to the pathway for the Logging Road trail.
- We are proposing a new roadway for NE 17<sup>th</sup> Avenue and Plum Street with a 34 foot curb to curb width within the 50 foot wide right-of-way. On N Pine Street we are proposing a 10 foot street dedication.
- One of my questions are all the curb lines up and down this side of N Pine Street appear to be 20 feet off the center line and the new standard is 19 feet. Do we want to stay at 20 feet or move it to 19 feet and we are assuming it will have to be a 6 foot sidewalk along N Pine Street.
- We are in the North Redwood Advanced Finance District for storm drainage and it is our intention to hook to it. Our questions are do we have to do anything before we hook to it. Do we have to do water quality or do we just connect.
- Regarding potable water, we are proposing a temporary dead end main and I would like to find out if Canby Utility is okay with a temporary dead end main, knowing it will be looped in the future.
- We are proposing to connect to the sanitary line in the Logging Road trail if there is capacity, there is a line in N Pine Street that terminates at the north end of the project. I would like to find out if there was anything we needed to do with that line if we are not going to be connected to it.

**WAVE BROADBRAND, Dave Michaud**

- All we would like is to have the conduit plan so we can design for the project.

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

- The water line is not drawn accurately on your plans. The water line in N Pine Street terminates at the north end of the property corner. The main would have to be extended the full length of your project on N Pine Street north to south. You currently have the main drawn in on the north side of NE 17<sup>th</sup> Avenue and the east of N Plum Street and we would like you to change that to the south side of NE 17<sup>th</sup> Avenue and the west side of N Plum Street so it will line up with the other main on the south end. This way when the next property develops it does not have to go across the street to connect to the main.
- Fire hydrant placement is fine.
- There will be a blow off at the end of the lines in N Pine Street and N Plum Street. Pat asked if Doug wanted the line to be an 8 inch main for the entire project. Doug stated 8 inch ductile iron, class 52 for all of it. Pat said you are okay with the temporary dead end. Doug said yes.
- Pat said he looked at Canby Utility's water main master plan and it looked like it extended all the way through N Pine Street. Doug explained if you go to N Pine Street you will see a series of three cans at the north property line that is the end gate and the blow off. You will be connecting to ductile iron.

**CURRAN-MCLEOD ENGINEERING, Hassan Ibrahim**

- We looked at your plans and N Pine Street is still a County roadway. I know the City has had us do an evaluation of what it will take for the City to take ownership of N Pine Street and nothing came out of it. At this point it is still a County roadway and I am surprised the County is not here today to make some suggestions, but according to Canby's Transportation System Plan (TSP) N Pine Street is a collector street, 34 to 50 feet paved surface and a 50 to 60 foot right-of-way. Bryan asked if that was our TSP and Hassan said yes. You are saying on the north end of N Pine Street it is 20 feet wide and Pat stated yes to the curb line. Hassan said we did not measure anything further down south on N Pine Street and should have. Pat said it looks like it is 20 feet further south on N Pine Street as well. When we did Pine Station on the north end of Pine we did 20 feet as well and it looks like it was the standard. Hassan said it makes more sense to leave it at 20 feet rather than neck it down 19 feet, just continue the 20 feet on down is my suggestion.
- I looked at the spacing versus extra spacing and it looks like you have met the minimum and maximum of spacing.
- The local street NE 17<sup>th</sup> Avenue meets the Canby TSP, 34 to 50 foot paved surface and the 50 to 60 foot right-of-way.
- You mentioned 6 foot sidewalk and it also checks with the standards.
- I do not know the intent of Tract A to the Logging Road trail, according to the TSP it shows 20 to 30 feet width, but the trail has been 10 to 14 feet wide and those are the limitations with 6 foot on each side with landscape strips. Pat said we showed the same thing we had done in Postlewait Estates and what we tend to see are those areas next to the trails never get

maintained. Hassan agreed and since the Parks are not here they do not intend to maintain it. Jerry said it would be us (Public Works). Hassan said as far as width it meets the paved section for a trail, but right-of-way does not. I am not sure if this will be an issue or not. Bryan asked if Hassan was talking about Tract A and Hassan said yes. They are making a connection to the Logging Road trail. Bryan said he was trying to remember what he had found when he looked this thing up, I determined that the 12 foot paved width that they are proposing was okay and you are saying the right-of-way needs to be larger. Hassan stated according to the TSP under the trail section it shows 20 to 30 feet wide with 12 foot landscaping, 6 feet on each side. Pat said does it show what type of landscaping and Hassan said it showed a nice picture with trees on both sides. Jerry said we want it paved with wood fences on each side of it. Hassan said he was just stating what the TSP showed. Bryan said he had more ordinance requirements that are fairly new too, which apply on how you are to fence this section. It is very specific on how you have to decide, either you are putting deep restrictions or private property owners adjacent to it so they have to build it exactly with what the ordinance reads or you guys take it on yourselves and to make sure it happens. Otherwise they are going to get themselves in trouble and not build what is required by ordinance, it is very specific on what goes next to the pedestrian trail. Joe asked in terms of material and height and Bryan said yes, where it is placed and the height, whether it is see through or not and it gives you a couple of options. You can either set it back away from the paved trail roadways and I will need to read more about them. Hassan said he did not think this Tract A would be considered a trail and Bryan said I think it would, I do not know what the TSP reads, but it is a pedestrian way and it is indicated in our ordinance in regards to fencing things. Pat said the landscaping standards that you are talking about apply to a trail. Bryan said it may not be a trail but a pedestrian connection. Hassan stated we see this everywhere, I do not think it has to follow the trail standard, in my opinion. The width is adequate and the only thing I would suggest is place a bollard on your end so people do not think it is a driveway.

- Pat asked would we widen N Pine Street and install a curb or does it have to be rebuilt. Hassan asked if we had a core test on the roadway and Jerry stated it would be Clackamas County's decision, Canby Utility has been through the process, especially if we are doing any utility installations. Pat said we would need to talk to the County and Jerry said yes. Bryan said the County will defer to our standards and our TSP and what we want because it is in City limits and also in our Urban Growth boundary and we should be applying our City standards. Will thought N Redwood was the cut-off for the County. Jerry said we did not go by our City standards when Canby Utility went down S Ivy Street. Doug agreed. Jerry said that is the only reason why I am saying that because Canby Utility had to go by the County's standards. Hassan said the County is more lenient because it is in the urban area and typically they will decide on it. Dan said we would have meet or exceed their requirements and Hassan agreed. Dan said when you do your 1/2 street improvement and do an entire overlay of 1-1/2 or 2 inches on the other side because the roadway is just an oil mat, no asphalt. Hassan said what would it take to do a core test and Jerry said he could cut a hole in the street and see what there. Hassan stated it has to meet the 17 inch CBE and Pat said to satisfy the City. We do not know off hand what it takes to satisfy the County. Jerry asked if he needed to do a coring of N Pine Street and the answer was yes. Hassan asked Pat to talk to the County about doing a core sample and seeing what their requirements are. Dan asked

for a 34 foot street is that only allowing a 7 foot parking and Hassan said yes, it is the new standards. Bryan said we had this discussion on our last subdivision meeting and I should bring it up again. They are showing a 50 foot right-of-way and half the sidewalk is outside of the right-of-way and Pat concurred. Which is kind of odd and in the Public Works design standards the statement reads “sidewalks continue to be placed in right-of-way and in special circumstances they may be outside of the right-of-way in an easement”. We approved the last subdivision because it was matching pre-existing streets and we agreed to follow the pattern of having the sidewalks outside of the right-of-way. This says in special circumstances we can put the sidewalk outside of the right-of-way in an easement. I am just saying these standards were adopted and it is the intent to moving towards putting sidewalks back in the right-of-ways. There is a lot of desire not to do that among the developers because it shrinks their square footage of their lots and this particular case if we were to force this issue you would be expanding the right-of-way by 6 feet and it will shrink your lots to 7,000 square feet. Pat said if you pull 3 feet out of a 60 foot wide lot you will lose 180 square feet and force us to shift NE 17<sup>th</sup> a little farther north. Bryan said I guess it does not really matter, we will have to have it on the plat a pedestrian easement on the private property to cover the sidewalk and it will have to reference it in the easement document. Hassan said it is pretty common on having a combined utility and sidewalk easements on the plans. The other option is to move the sidewalk to the curb without having a planter strip. Bryan said the other remaining question is it gives us a range of planter strip widths and I think you are proposing a 3 or 4 foot planter strip, can you tell by your drawings. Hassan said it looks like 4 feet and Pat agreed. Bryan said he thought the 4 foot planter strip width should be the absolute minimum we should accept. Ideally it should be 5 or 6 foot width and tonight at the Council meeting we will be adopting a new street tree list and it is based upon tree appropriate for 3, 4 and 6 foot planter strips and is limited on what you can plant. Hassan said if you look at N Plum Court it has curb tight sidewalks with a 40 foot right-of-way. Bryan said we are absolutely, definitively want a planter strip and not curb tight sidewalks, we need to transition to the planter strips. That is what the standards are and we cannot keep doing this pattern. Will asked is there needs to be an irrigation system put in these planter strips. Angie said it is covered in the new tree ordinance where the Arborist takes care of them and Jerry said the development secures money for us to plant and take care of the trees and warranty them for 3 years. Bryan said I do not know about an irrigation system because the maintenance of the trees who the City hires from the money you pay into. Will said we pay and you maintain and Bryan said yes, but I do not know about the grass or other landscape in the planter strips. I have thought about the irrigation in regards to that or whether it is clear in the code, I will have to look that up and let you know.

- Hassan said he, Jerry and Dan went to the site and looked at our options for sanitary sewer and it looks like there are a few properties not being developed. We looked at N Oak Street and it is pretty shallow and will not work for the parcels 3100 and 3200 and it looks like the ground drops off about 6 or 7 feet approximately from N Oak Street to N Pine Street. The sewer manhole in N Oak Street according to Dan’s recollection is probably not going to be a benefit to any of these two tax lots. What we have concluded unless you prove us wrong and you give us another way of serving those properties the only option would be to extend the sanitary service from the terminus of N Pine Street and would serve all of these properties. We measured from the surface, 12 foot and 1 inch to flow line. We know the ground on this



side drops off about 14 feet from N Pine Street to the Logging Trail road and we figured you would be 4 or 5 feet deep at the cul-de-sac. If you extend the sewer through the subdivision to this point you lose about 4 feet in elevation. Pat said I am assuming this cul-de-sac will come up some, but I think your design standards states you have to be 6 feet deep on the laterals and are we okay at 4 feet. Hassan said I think the reason I do not see another alternative is if you want to serve your subdivision from here, I do not think we have an issue but that line still has to come up. Pat asked if there was something in the code, which tells the developer they have to extend the sanitary sewer service along the frontage. Hassan said I think there is and Bryan agreed and asked if they planned on going down to Plum Street to the development to the south and thinking it would adequately serve the whole development with the evaluations. We have to serve the other areas and if they cannot be served by not coming down N Pine Street, then certainly he has to extend it down for future. Pat asked if they could come in from the Logging Trail road with the main and then head south and Hassan asked are you bringing your manhole to here. Pat said on N Pine Street. Dan said we would have a dead spot here on N Pine Street. Hassan said no we will not because if they come from the Logging Trail road straight through and put a manhole right at the intersection and then from the manhole serve the properties to the west. Discussion followed. Pat stated the reason they like accessing the Logging Trail for sewer is the ground generally falls that direction, we are not fighting it up hill and being real deep at one end and shallow at the other. It matches the terrain better and we will be right to here with the sewer anyway and we could install another 100 feet and be out in the intersection. Hassan agreed and asked how deep they would be there. Jerry asked at the Logging Trail and the answer was yes. The depth is around 5 feet and Hassan said we can make the depth anything we want here (N Pine & NE 17<sup>th</sup> Avenue intersection) because there is a 14 foot difference. Pat said we would like to know if it is an option and Hassan said yes it is an option. Pat said to bring the line to N Pine Street and Hassan said yes and then eventually go south to the property line on N Pine Street. When the properties to the south develop they can take it further south and run with it. Dan discussed the terrain of the land at the proposed lots 6 and 14, which goes shallower at you head west. Dan stated he never heard of the 6 foot depth requirement of the sewer laterals and Jerry said he had heard it before but never mandated it. Pat said it is in your new design standards and Will said for a residential excavators if you go more than 6 feet deep they will have a hard time tying into laterals. If they have problems we would have to get commercial excavators to come in and complete the job it will cost significantly more. Pat said he would like to know if they (developers) are responsible to bring the sewer main to the south property line or are they just responsible to N Pine Street. Jerry said I would like it to go down the length of N Pine Street and because we would not have to go on the Logging Trail to clean this line. Hassan asked if the sewer main line at the Logging Trail was in the asphalt and the answer was no it was in the ditch line and Jerry said you would need to provide some way for us to get our Vactor truck to it and we would need it in asphalt around the manhole. That is the problem we have with you accessing the Logging Trail is because we do not have a way to get to the manhole and clean it. We would need to see a design before we go further. Discussion followed. The discussion ended with two options of having the sewer main connect at the terminus at N Pine Street and continue down to the most southerly property line of this project and bring the sewer main into the project from N

Pine Street or bring the sewer main in from the Logging Trail road and bring the main to N Pine Street and NE 17<sup>th</sup> Avenue intersection and south to their property line.

- I looked into the storm AFD (Advanced Finance District) and this property has access to it and the Pat said yes. Hassan said it looks like you have a net amount of \$16,909.05 and gave them a copy of the ordinance. Bryan also handed them a copy from the Finance Department and they said this is the balance due \$19,000 approximately. The other thing I did not understand reading the ordinance said it was done in two phases and the one section of the storm line they were proposing to put in and I do not understand how this AFD works if that part has not been put in. Maybe the amount due is less because it has not been constructed and phase two is not in yet. We may have to get Curt involved in this to sort it out. Hassan said they did the main trunk and the way I read and understood it the main trunk was completed and the individual connections were let for the private developments. Bryan asked if that was not included in the final calculations and Hassan said no it was not. Pat said my question is do we just connect to the Redwood Storm System and Hassan said there was no mention as far as detention, no, it is designed to take a full 10-year storm. Pat said do we need to do a water quality, pollution control manhole or anything. Dan said yes we do have them and use them. Hassan said he talked to Curt and by EPA phase II Storm Water Standards we not required, we are exempt from water quality and do not ask me why but as the City of Canby we are exempt just for the record. That does not mean we cannot ask for BMP's (best management practices). We have done pollution control manholes on other projects and Pat said they were always baffled catch basins. Jerry stated DEQ changes their mind about what they want, has DEQ said anything about drywells. Hassan said it was a whole different story and Jerry said with this system nothing is required, they can place G-2 catch basins and pipe it down and Hassan concurred. Bryan asked if it was for the entire property or the streets. Hassan stated in the entire City is it not required and Bryan understood and said are they were going to drain to the North Redwood Storm System with all the storm water from the houses and also the street and Hassan said yes they can. This is what makes this subdivision unique because they are one of the few who can and Dan asked about Postlewait's subdivision and Pat said they had some private storm drain lines connected into the public storm system. Dan said there were no weep holes in the curb line and a lot of the homes have their storm held on their site. Jerry asked if their private storm is piped or run into the street and Dan said they are piped at Postlewait's. Pat said some of the homes fall back away from the street, they fall to the rear and we ran a storm drain line and piped to the street. My question is what do we do with N Pine Streets drainage, is the AFD sized for runoff from N Pine Street. Hassan said he ran some measurements with approximately 2,500 square feet and personally I am not too worried about it. Pat said with that being case we will have the storm drain line running up on NE 17<sup>th</sup> Avenue to N Pine Street to pick up the catch basins there and we would tie in or at least provide a lateral for every lot that if they do an onsite system it could at least overflow out into the public storm system. Discussion followed for onsite storm going into the public storm system. The consensus was to do a curb and gutter and the developer will discuss the options at a later date. Hassan said in the ordinance the N Redwood Storm system states the private property owners are required to extend the storm line. Jerry asked how do we located the storm lines and Hassan said they stamp "SD" on top of the curb. Jerry wanted to make sure the City was not responsible for any of the storm lateral piping to the main line and the answer was no, the

City is not responsible. Jerry said if any of the piping gets broke or plugged it is the homeowner's responsibility and the answer was yes, the City is only responsible for the storm line main. Hassan stated he wanted to check the new standards and see if there is a main line you have to do a laterals and you cannot drain into a gutter. I want to check to make sure and I will let you know. It may be a moot point at this time if you are doing the laterals. As far as capacity on that line you will need to take in consideration what you are draining and size it to your needs and we will take in consideration of the lots.

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

- I would like to discuss some problems we have been having in regards to running the sewer laterals into the site by putting a stick of pipe in past the easement because we are having a difficult time hooking to the houses. We would like to have a 6 inch cleanout in the middle of the sidewalk and stub them out passed the utility trench so you never have to dig in the utility trench to hook up the sewer lateral. Do a 6 inch "Y" sweep, stub the 6 inch out passed the utilities and glue a cap on it and run a 6 inch pipe up and glue a cap on it also. Do an air test and then we are done with our part of the inspections. Pass the 6 inch you and Clackamas County Plumbing can discuss that. Pat asked Jerry if they wanted a Brooks box and Jerry said yes in the middle of the sidewalk and with the 6 inch line heading towards the sewer main.
- The flag lots, 11 & 12 is there any reason we are not running an 8 inch sewer main up the driveway and then having the laterals attach to it. Hassan said they would be individual lines to those flag lots and Pat said he would put the clean outs in the driveway approach and or the sidewalk. Can those two lots tie into the main in the Logging Trail road and the answer was no. Jerry said if you are going into the Logging Trail road I will need to see some type of drawings for our vactor truck to maintain this line. Basically we need to nose our vactor truck up to the manhole and Bryan asked if they were planning on using the Tract A as an access. Jerry said no we would be driving down the Logging Trail from Territorial Road to the manhole. Hassan asked if the Tract A would be asphalt the answer was yes.
- Jerry asked what type of street lights they were planning on. LED? Pat said I would assume Gary would want to go that route. My anticipation would be we have a street light by the entrance of Tract A and would not need a light back on the pathway.
- Jerry said you will need to talk to Jeff Snyder, Parks Department on how you are proposing any closures for the Logging Trail roadway and if you disturb any part of the trail how you plan on putting it back. They are dealing with some issues on the Logging Trail road at SE 13<sup>th</sup> Avenue and they will have some concerns about pedestrian safety during construction. You will need to work and coordinate with Jeff.

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

- Dan asked when they planned on starting and the answer was next year.
- You will need an Erosion Control application and plan.
- Concrete washout plan.
- Pat said normally in Canby we do not drain to a drainage way, we do not have to go through DEQ or 1200c, but in this instance we do drain to a drainage way, then we would have to go through DEQ. The answer was yes.
- Dan asked if White River Homes were the builders also and the answer was yes.

- On the south property line are you going to save the row of trees and the developer said yes, we are going to keep as many trees as possible. We will have to take out the berm and I do not see why we cannot keep as many trees as possible. Hassan asked about the Laurel bush and they said they would remove it.

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

- You had some questions about the traffic study and I have determined you do not need to do any of them. The annexation traffic study has covered everything and there has not been enough development change to warrant it. We can move the June 2009 study and say it is sufficient. You do need to have Clackamas County to agree to it, since it is their road and they might for some unknown reason want another traffic study and from the City's stand point let's make sure the County agrees to it. The best way to do this is to share this traffic analysis of 2009, which is thorough and complete and it was anticipated three or four more lots were developing then what is in the study. It satisfies us that you will not have any more capacity than anticipated for this annexation.
- You asked about parks and they would definitely prefer you did the cash in lieu, which is basically paying SDC's for each house, rather than dedicating land. I calculated the amount of land if you wanted to dedicate land and it came to 0.52 acres or 22,346 square feet and I am thinking you did not want to do that and the developers agreed. They asked if you had a fee calculated and Bryan said the fees are standard for each home, \$4,725. It is due when you come in to get your building permits.
- The question about the flag lot is a little bit in the gray area in the code and I think it is fine. Section 16.64.010 (1)(2) implies when multiple flag lots utilize reciprocal access and maintenance agreements for a single 20-foot wide paved access drive or lot frontage strips may be as little as 10 foot wide for each lot. The proposed 15 foot wide access lot strip and proposed 20 foot wide paved driveway within a common access easement meets the standard. Pat said we left some rim on the edges for utilities. Bryan stated I think it is fine and you have met the basics for fire and the 20 foot wide paved common access road.
- I did mention and you need to make a note about the fence along Tract A and it is located in Chapter 16.08.110, pedestrian path proposed to connect to the Logging Trail road and the fencing along this public pedestrian pathway shall conform to the standards of 16.08.100 which provides options for either the developer or the individual home owner in building the fence adjacent to the pathway and you have to look at this section of the code and see the two to three options available because they want eyes on the path. If you build a fence right on the edge of the tract it can only be 4 feet tall or something. If you put it 3 feet back it can be taller but you have to be able to see through it. It also talks about illuminating the pathway with some sort of consistent lighting provision. The developer asked in addition to the street light and Bryan said yes and you might need to look at that a little more closely and it sure seemed to me it did not state a sight distance. It could be possible if the street light is close enough we might be able to make a case and point it out to the Planning Commission and see if they accept it. Pat asked who would maintain this lighting, because we have done pedestrian scale lighting on pathways and subdivisions before and Bryan said it is my understanding that Tract A is a responsibility of the home owners and that might be something which forces you to develop a home owners association to maintain Tract A. We are not going to let you get by if you create a tract on private property that is not somehow

maintained, especially if it is a pathway, you are required to maintain it. Pat asked if Tract A could be dedicated to the City and Bryan said he did not know, but he could check with the Parks Department and see what they say about it. We would probably prefer not to. Bryan said every subdivision adjacent to the Logging Trail in town is required to make a connection by ordinance and I do not think we are maintaining any of the others. Hassan said they have lighted bollards and Pat said they have put them in Sandy and typically the City maintained them. I assume this is not going to work here in Canby. Angie said typically these home owners association do not maintain them and they fail and we have no recourse.

## IV. Neighborhood Meeting Notes

**STAFFORD LAND COMPANY, INC**  
485 SOUTH STATE STREET  
LAKE OSWEGO, OREGON 97034

May 27, 2014

RE: Neighborhood Meeting for proposed subdivision  
1732 N Pine Street, Assessor Map 3 1E 27C, Tax Lot 02500

Dear Neighborhood Property Owner or Resident,

You are invited to attend a meeting of the Northeast Canby Neighborhood Association to discuss the proposed subdivision of one parcel along North Pine Street in Canby. The meeting will be held at 7:00 pm on Thursday, June 12<sup>th</sup>, 2014 at the Willamette Green community building located at 1200 NE Territorial Road, near the intersection of North Pine Street & Territorial Road.

The proposed subdivision is located at 1732 N Pine Street, on the east side of N Pine Street south of the Canby Grove Apartments. The 4.5 acre development being proposed will be a low density subdivision consistent with City of Canby R-1 development standards.

At the meeting we will have a Site Plan of the proposed development and we will be available to answer questions or discuss concerns or thoughts that you may have. We look forward to seeing you there.

If you are unable to attend but would like to discuss the development with me, please send me an email at [morgan@staffordlandcompany.com](mailto:morgan@staffordlandcompany.com).

Thank you,

Morgan Will

NE Canby Neighborhood Association

Neighborhood Meeting for Proposed 19-lot subdivision at 1732 N Pine Street  
June 12, 2014, 7:00 pm @ Willamette Green community building

Thirteen people attended the meeting including Gordon Root and Morgan Will representing the applicant, Stafford Land Company, and consultant Pat Sisul who attended on behalf of the applicant. Property owners Norm and Jenny Beck also attended. A sign in sheet is attached.

---

The meeting began at 7:00 PM.

NECNA Chair Dan Leischner began the meeting and introduced Pat Sisul to discuss the proposed development. Applicant Gordon Root suggested that everyone introduce themselves because the group was rather small. After a round of introductions, Pat Sisul provided large maps that showed the proposed development together with existing lots in the vicinity of the property.

Pat Sisul discussed how the application and notice process works and explained that the Neighborhood Meeting is the first opportunity for neighbors of the development site to have input on a project. A second opportunity occurs after application has been made when the City Staff requests comments from neighbors of the project. A third opportunity for input occurs when the project goes before the Planning Commission and neighbors have the opportunity to testify at the Planning Commission hearing.

The proposed project plan was discussed in significant detail. Lot area, widths, and depths were all discussed as were proposed right-of-way and street widths and proposed utilities. During discussion of street widths, Leonard Walker objected to the proposed 32-foot width of N Plum Court. He felt that this was too narrow and preferred that it be made wider. Much of the meeting discussion focused on the pro's and con's of wider local streets vs. narrower local streets, with nearly all meeting attendees having something to say on the topic. In the end, Gordon Root agreed to submit the application proposing to have N Plum Court 34 feet wide from curb to curb in order to address Mr. Walker's concerns.

Below is a summary of other topics that were discussed concerning the proposed project:

- 
- What size homes will be constructed? *Probably all two-story homes although some may be single story. Homes will be 2,400 sf minimum.*
  - What will the price point of the homes be? \$350,000 to \$450,000.
  - What is the width of Pine Street? *It will be improved on the east side to 20 feet from centerline. The west side is currently about 10 feet. Following development of this site, the street will be 30 feet wide. Ultimately, when both sides are developed, the street will be 40 feet from curb to curb.*
  - How wide is the existing section of N Plum Court? *36 feet curb to curb.*
  - With the three story apartments located to the north, will some of the trees stay? *Naturally, the trees on the apartment property will remain as a screen. Most of the trees on-site near the common property line with the apartments are on a berm that will be removed with lot grading. It is likely that new trees will be planted by the homebuilders and by the property*



owners as a screen. With the large lot depths, 144 feet on the north side of NE 17<sup>th</sup> Avenue, there is plenty of depth for rear yard plantings for screening.

- Will the berm be removed? *Yes.*
  - How far back onto the lots will the homes be constructed? *Gordon Root estimated that the homes would be constructed to the minimum 20 foot front yard setback and would probably be no more than 60 feet in depth. That would leave potentially 64 feet of buffer distance to the property line of the apartment complex. It was noted that the apartment structure adjacent to proposed Lot 8 is only a two-story apartment building.*
  - *It was also discussed that NE 17<sup>th</sup> Avenue is positioned to be 600 feet south of NE 19<sup>th</sup> Court which is the maximum intersection spacing allowed on a Collector by the City Development Code. So, the lots on the north side of NE 17<sup>th</sup> Avenue are as deep as they can be without the City approving an intersection spacing exception.*
  - When will this project go to Planning Commission? *The applicant is moving forward and intends to submit a development application to the City of Canby as soon as possible. It is likely that the project will go to the Planning Commission in August.*
  - What is the status on the annexation of the property to the south? *It was approved by the Planning Commission on Monday night and will go to the City Council in July. If approved by the City Council, it would go to the voters in November.*
  - When will the project be constructed? *There is a chance that it could be constructed in 2014. If not, then it is likely that it will develop in early 2015.*
  - How long does it take to build a project of this size? *About 60 days to get public improvements installed and lots ready for new homes construction.*
- 

With the exception of Leonard Walker's concerns regarding having a 32-foot wide local street on N Plum Court, feedback concerning the project was generally favorable.

The meeting ended at 8:00 PM.

Notes prepared by Pat Sisul, Sisul Engineering

NE Canby Neighborhood  
Meeting June 12, 2014

PAT SISOL 375 PORTLAND AVE, GADSDONE, OR  
~~Leonard McPhee 1526 N Plum~~  
Robin Greenawald 1802 N. Pine,  
Gretchen Jaworski 1802 N Pine  
Ray Franz 10921 Martin Lane NE, Aurora, OR 97002  
Kris Hettema 1802 N. Pine St (Wilamette Grove Apartments)  
Dan Leischner 1341 N. Maple St Canby  
Jim Simmitt 1531 N Plum Ct. Canby  
Jordan Ross 485 SOUTH STATE ST, LG  
Norm Beck 4440 SLOAP AVENUE RD. WIL.  
Jenny Beck " " "  
Connie Vicker 10921 MARTIN LN NE Aurora, OR  
Morgan Will 485 S State St, Lake Oswego, OR 97034

## V. Traffic Study (by Lancaster Engineering)

## TECHNICAL MEMORANDUM

**TO:** Melissa Hardy, City of Canby

**FROM:** Catriona Sumrain, TOPS *CS*

**DATE:** June 4, 2009

**SUBJECT:** Traffic Report  
Beck Annexation



321 SW 4th Ave., Suite 400  
Portland, Oregon 97204  
phone: 503.248.0313  
fax: 503.248.9251  
lancasterengineering.com

---

## INTRODUCTION

This memo is written to provide the results of a traffic analysis to examine the impacts of annexing a property into Canby City Limits. The property is located at 1732 N Pine Street, which is on the east side of N Pine Street and south of NE Territorial Road. A traffic study had been prepared by Lancaster Engineering on January 6, 2006 and examined the impacts of annexation.

The site is approximately 4.47 acres and is planned for R-1 (Low-Density Residential) zoning upon annexation. The site could be developed with up to 23 homes under the future zoning designation. Figure 1 in the technical appendix is the vicinity map of the site.

A development agreement is underway for the annexation. Although a final agreement has not yet been reached, it is likely the agreement will include the condition that future access to the site be located in alignment with the future extension of NE 17<sup>th</sup> Avenue.

## PREVIOUS TRAFFIC IMPACT STUDY

The results and conclusions of the previous traffic study showed that the operational impacts of the annexation were minimal. The level of service at N Pine Street and NE Territorial Road was projected to be A with the proposed annexation.

The previous study further concluded that access location was a greater concern, particularly with regard to possible access to the property opposite the site and existing access to the north.

## TRIP GENERATION

Annexation of the property would allow development to occur under the City's R-1 zoning designation. Since there is no development plan associated with an annexation, a reasonable worst-case scenario was assumed.

To estimate the number of trips that will be generated by proposed annexation, trip rates from *ITE TRIP GENERATION* were used. Land-use code 210, *Single-Family Detached Housing*,

Melissa Hardy  
June 4, 2009  
Page 2 of 3

was used. The trip rates are based on number of dwelling units and were calculated for a worst-case development of 23 homes.

The results of the trip generation calculations show that the proposed annexation will generate up to 17 trips during the morning peak hour. Of these, 4 trips will be entering the site and 13 trips will be exiting the site. During the evening peak hour, up to 23 trips will be generated, with 14 trips entering the site and 9 trips exiting the site. During the weekday, up to 220 trips are expected, with half entering and half exiting the site.

TRIP GENERATION SUMMARY											
LAND USE	SIZE	VAR	AM PEAK HOUR			PM PEAK HOUR			WEEKDAY		
			In	Out	Total	In	Out	Total	In	Out	Total
SFD	23	d.u.	4	13	17	14	9	23	110	110	220

Because a residential development is typically an origin or destination for trips, no reduction was taken for pass-by trips. Also, no reduction was made for transit use.

Figures 2 and 3 in the technical appendix show the expected trip distribution and assignment for the site.

#### SITE ACCESS

It is likely that the development agreement will stipulate site access located in alignment with the existing segment of NE 17<sup>th</sup> Avenue. This would place site access approximately 95 feet north of the southern property line. It was this location that was examined for safety and access. Figure 4 in the technical appendix shows the location of existing access points as well as the approximate spacing distance of future site access.

N Pine Street is classified as a Collector. Minimum access spacing for a Collector is 150 feet. If the site access is placed in alignment with NE 17<sup>th</sup> Avenue, there will be approximately 205 feet between the site access and the closest driveway to the north and about 315 feet to the closest driveway to the south. Both driveways are located on the west side of N Pine Street.

The closest driveway to the north serves a home located on a flagpole-shaped lot. If there will be any development on this lot, it is possible that access would still be to N Pine Street. Assuming a full-width access at this location leads to a future access spacing of about 185 feet.

It is unlikely that if the nearby properties are also annexed and developed future street access would be located at the current driveways. For this reason, measurements were also taken to the Willamette Grove apartment driveway and an assumed location for NE 16<sup>th</sup> Avenue. Aligning site access with NE 17<sup>th</sup> Avenue results in an access spacing of about 295 feet to the Willamette Grove apartment driveway to the north and about 235 feet to "NE 16<sup>th</sup> Avenue" to the south.

Melissa Hardy  
June 4, 2009  
Page 3 of 3

Placing site access in alignment with NE 17<sup>th</sup> Avenue conforms to the City's access spacing requirements if no additional access is allowed onto N Pine Street. In addition, this access location allows for further annexation of nearby properties without unduly restricting future development of those properties.

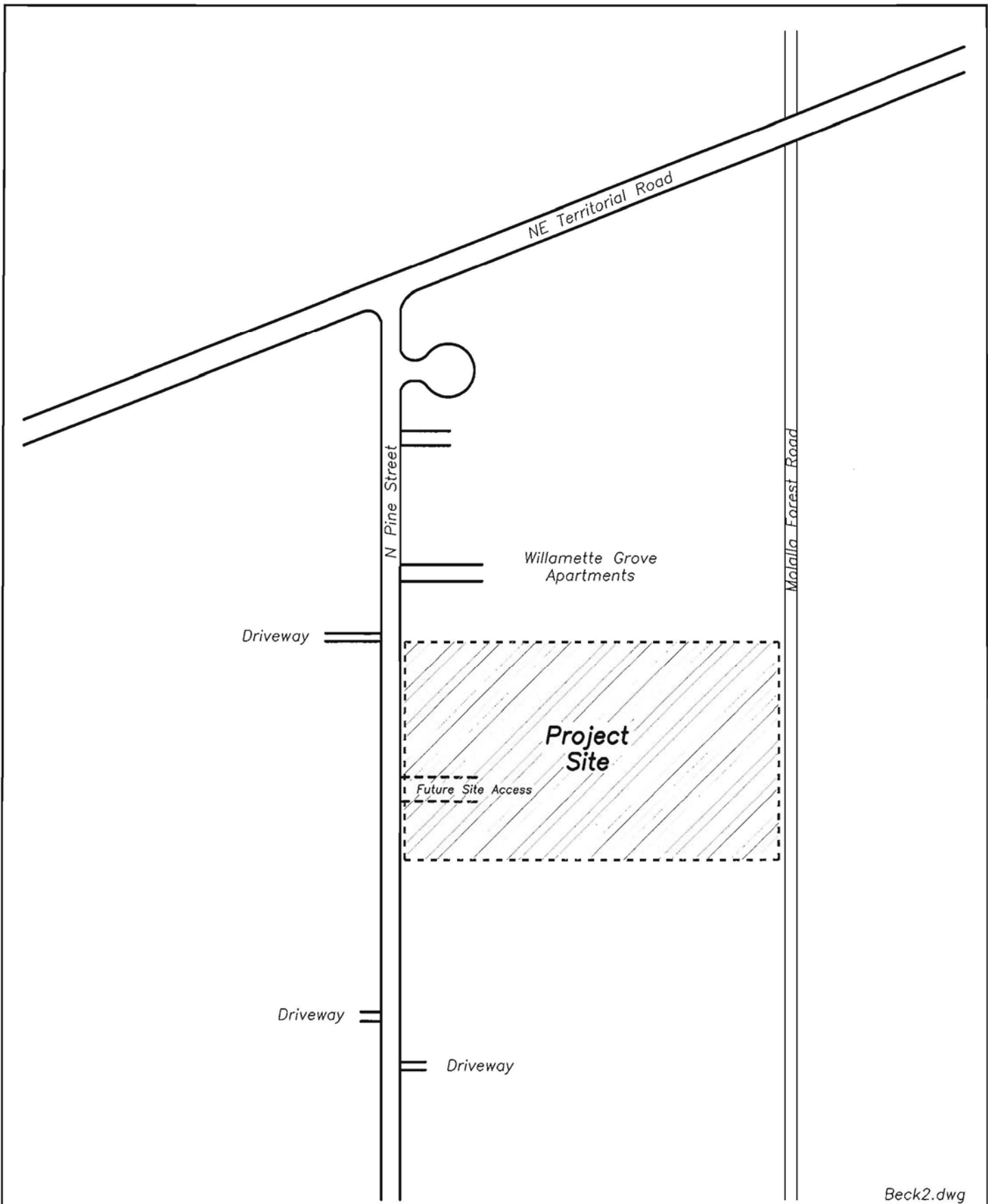
Sight distance was examined at the site access location. In accordance with guidelines in *A POLICY ON GEOMETRIC DESIGN OF HIGHWAYS AND STREETS*, published in 2004 by the American Association of State Highway and Transportation Officials (AASHTO), sight distance was examined at a point 15 from the edge of the roadway, assuming a 38-foot curb-to-curb width and based on a driver's eye height of 3.5 feet with an oncoming driver's eye height of 3.5 feet. The posted speed on N Pine Street is 25 mph, requiring a minimum of 280 feet of sight distance in either direction.

N Pine Street is straight and level and there are no obstructions to the sight distance in either direction. Sight distance will be adequate at an access location aligned with NE 17<sup>th</sup> Avenue.

#### **TRANSPORTATION PLANNING RULE**

Because the site is proposed for annexation, the provisions in the Transportation Planning Rule (OAR 660-012-0060) apply.

The previous traffic impact analysis showed that the annexation would not significantly affect the transportation system. Since traffic volumes have not changed substantially since the previous traffic study, a new analysis would report similar results. The annexation would not significantly affect the transportation system. The proposed annexation meets the requirements of the Transportation Planning Rule.



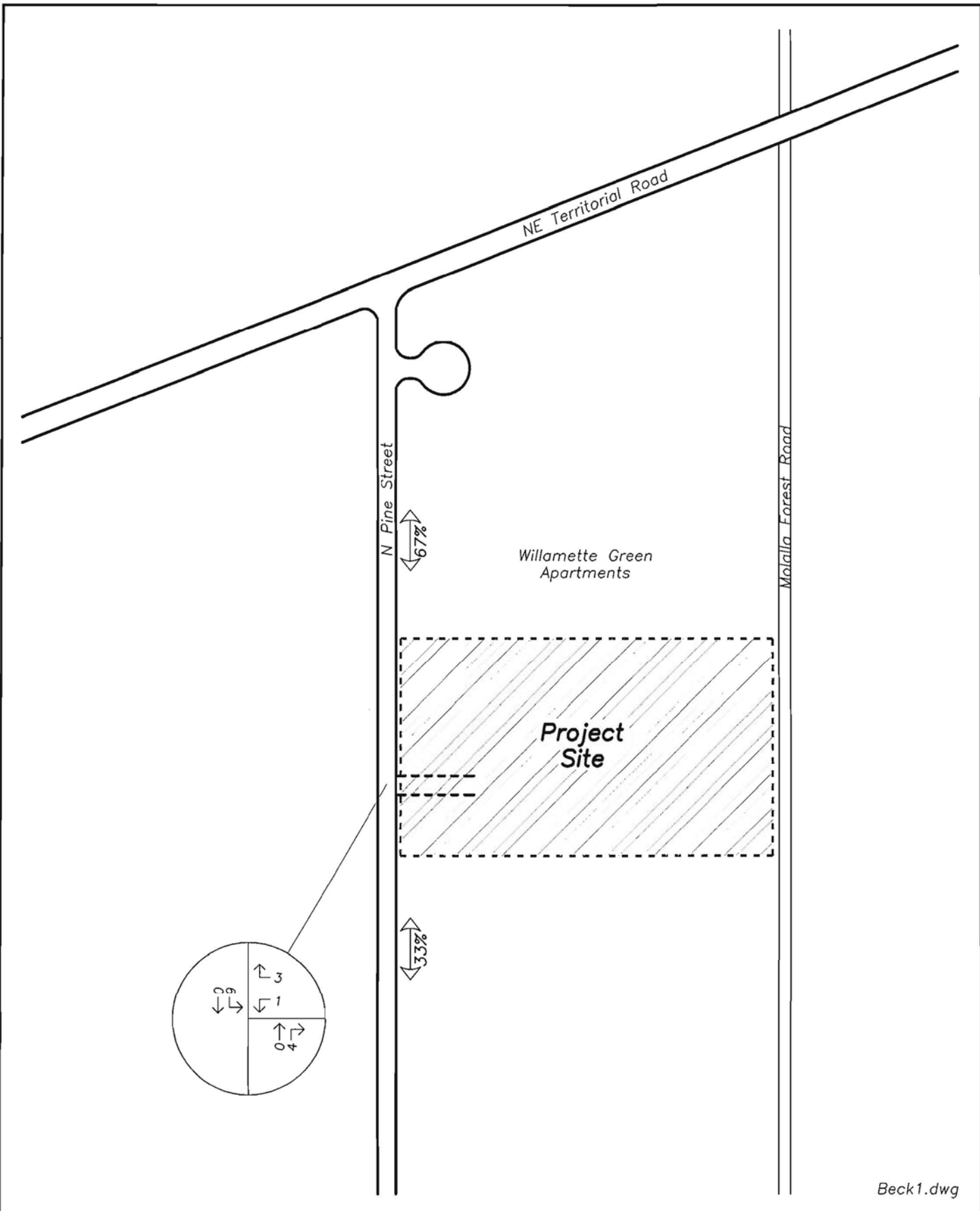
Beck2.dwg



VICINITY MAP



FIGURE  
1  
APPENDIX



Beck1.dwg

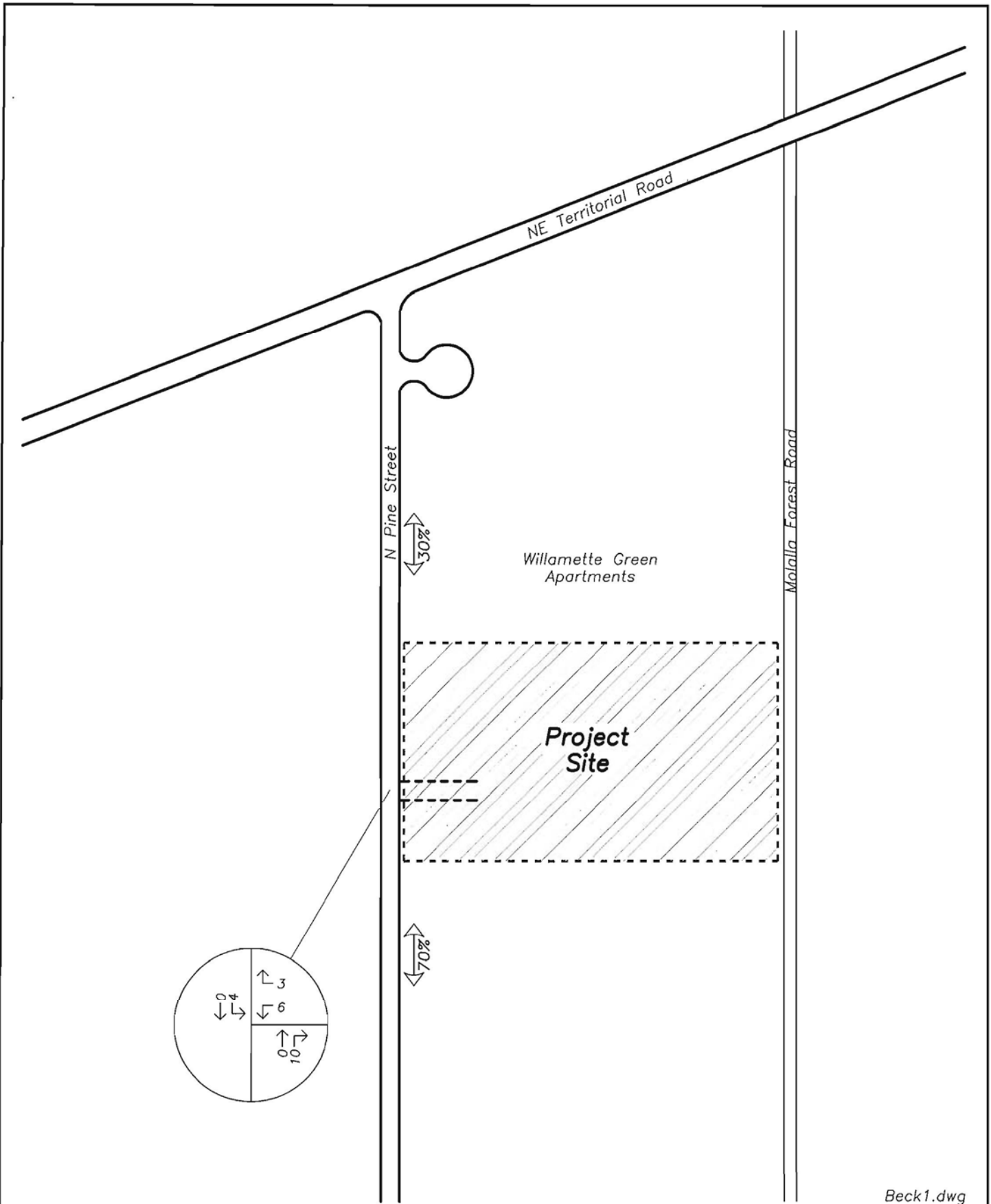


SITE-GENERATED TRAFFIC  
 Proposed Development Plan  
 AM Peak Hour



FIGURE  
 2  
 APPENDIX





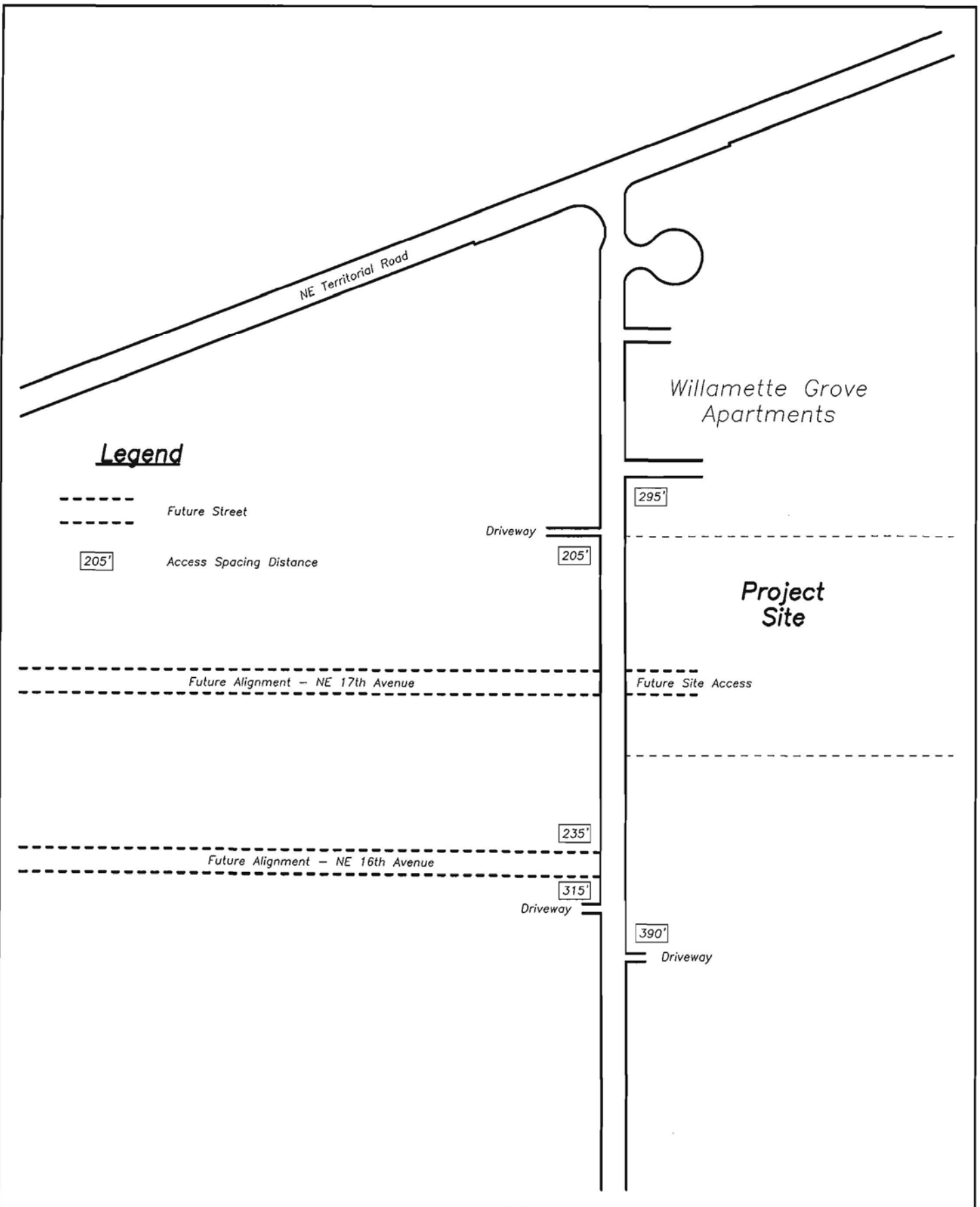
Beck1.dwg



SITE-GENERATED TRAFFIC  
 Proposed Development Plan  
 PM Peak Hour



FIGURE  
 3  
 APPENDIX



ACCESS SPACING  
 Year 2009 Background Conditions  
 AM Peak Hour



FIGURE  
 4  
 APPENDIX

## VI. Record of Survey

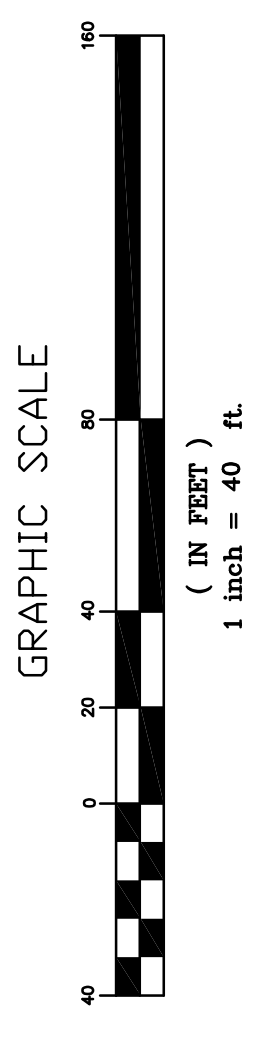
REVISIONS	BY

**PROPOSED ANNEXATION**  
**1732 N. PINE STREET**  
*Norman & Jenny Beck*

Survey

**SISUL ENGINEERING**  
 376 PORTLAND AVENUE  
 CLATSOP COUNTY, OREGON 97027  
 (503) 657-0188

DATE 10-28-05  
 SCALE 1"=40'  
 DRAWN RW  
 JOB 05-110  
 SHEET  
 OF 2 SHEETS



**SITE ADDRESS:** 1732 N. PINE STREET  
 CANBY, OR 97013

**APPLICANT/OWNER:** NORMAN & JENNY BECK  
 PO BOX 638  
 WILSONVILLE, OR 97070  
 (503)-936-4715

**LEGAL:** T3S, R1E, SECT 27C  
 TAX LOT 2500

**SITE SIZE:** 4.47 ACRES



SCALE 1" = 50'  
 OCTOBER 26, 2005  
 GAYLORD LAND SURVEYING, INC.  
 2910 S.E. OAK GROVE BLVD.  
 MILWAUKIE, OREGON 97267  
 (503)654-1492

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

OREGON  
 JULY 10, 1996  
 PATRICK R. GAYLORD  
 RENEWED THRU 06/30/07

**APPLICANT:** NORMAN BECK  
**PREPARED BY:** GAYLORD LAND SURVEYING, INC.  
**PROPERTY ADDRESS:** 1732 N. PINE STREET  
 CANBY, OR 97013

**LEGAL DESCRIPTION:** T3S, R1E, SECTION 27C  
 TAX LOT 2500

**WATER:** PUBLIC - CITY OF CANBY  
**SEWER:** PUBLIC - CITY OF CANBY  
**ELEVATION DATUM:** - CITY OF CANBY SANITARY  
 SEWER DATUM  
**ZONING:**

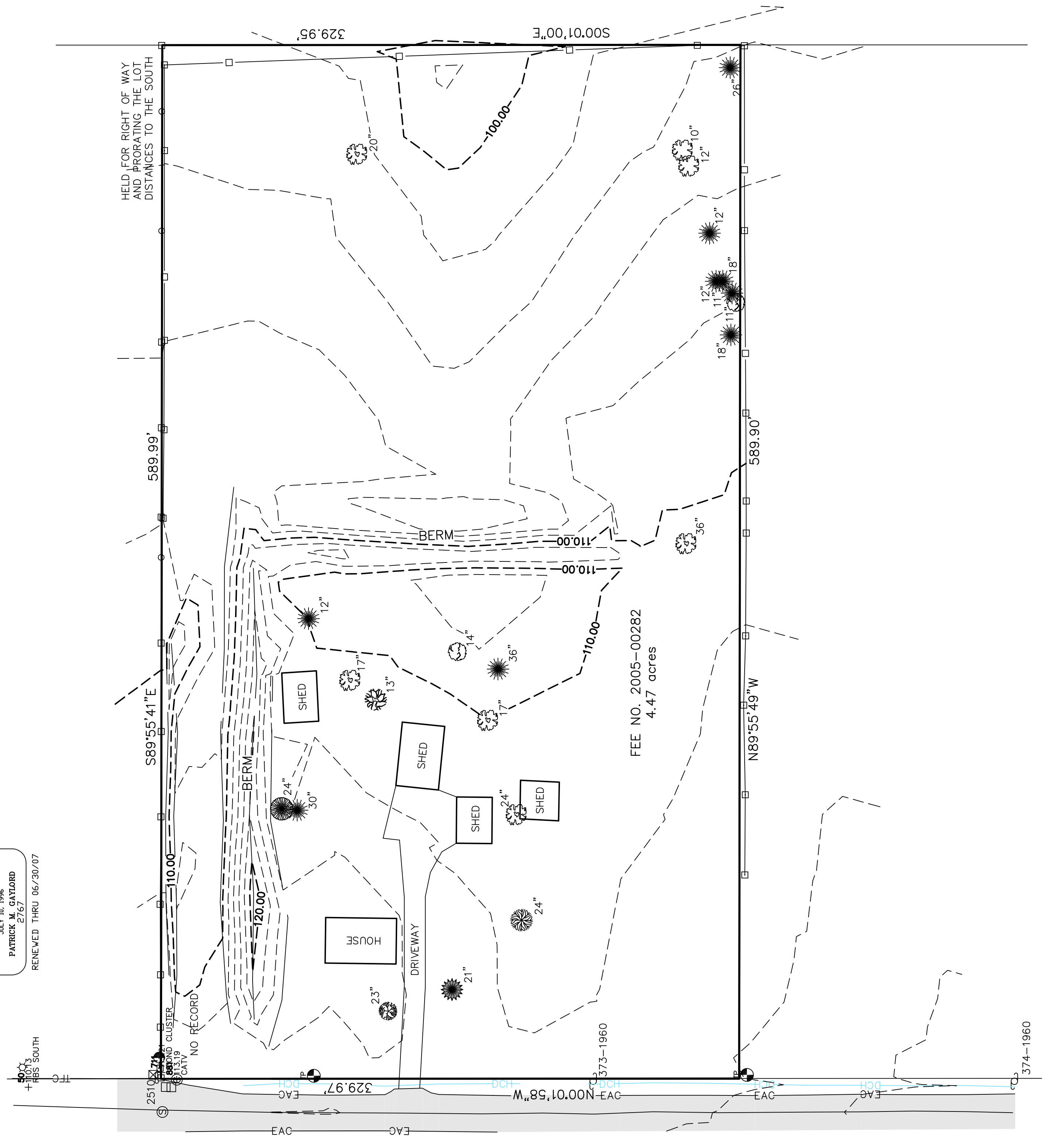
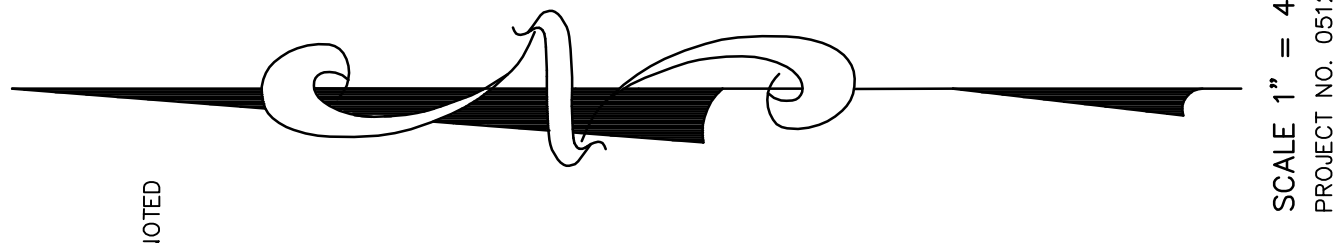
**NOTES**

UTILITIES SHOWN BY THIS SURVEY REPRESENT THOSE WHICH ARE VISIBLE ABOVE GROUND OR FOR WHICH THERE ARE RECORDS. THE LOCATION OF UNDERGROUND UTILITIES, OTHER UNDERGROUND UTILITIES MAY EXIST.

UTILITY CONNECTIONS AS DRAWN ARE FOR ILLUSTRATION PURPOSES EXACT CONNECTIONS SHOULD BE VERIFIED

= MONUMENT FOUND  
 NO MONUMENTS WERE SET DURING THIS SURVEY

- LEGEND**
- = WATER METER
  - = CATCH BASIN(UNLESS OTHERWISE NOTED) - INVERT DEPTH AS NOTED
  - ⊙ = COMMUNICATION / CABLE BOX
  - ⊙ = TELEPHONE COMMUNICATION
  - ⊙ = UTILITY POLE GUY ANCHOR
  - ⊙ = UTILITY POLE
  - ☆ = LIGHT POLE
  - EAC— = EXISTING EDGE OF ASPHALTIC CONCRETE
  - TFC— = TOP FACE OF CURB
  - DCL— = DITCH LINE
  - ⊙ = SANITARY SEWER MANHOLE
  - = STEEL FENCE
  - = WOOD FENCE
  - ⊙ = REDWOOD TREE
  - ⊙ = FIR TREE
  - ⊙ = CEDAR TREE
  - ⊙ = MAPLE TREE
  - ⊙ = BIRCH TREE
  - ⊙ = APPLE TREE
  - ⊙ = PINE TREE
  - ⊙ = CHERRY TREE
  - ⊙ = DOGWOOD TREE
  - ⊙ = PLUM TREE
- SIZE AS NOTED



## VII. Storm Drain Report

# Beck Subdivision

J.O. SGL 14-041

June 27, 2014

## STORM DRAINAGE REPORT FOR SUBDIVISION APPLICATION

### SISUL ENGINEERING

*A Division of Sisul Enterprises, Inc.*

375 PORTLAND AVE.

Gladstone, OR 97027

phone: (503) 657-0188

fax: (503) 657-5779



EXPIRES: 6/30/14

DATED: 6/27/14

**PRELIMINARY**

**Beck Subdivision:**

**THE SITE:** The Beck Subdivision is located in northeast Canby, east of N. Pine Street and west of the Logging Road Trail. Postlewait Estates is located to the east, the Willamette Grove Apartments are located to the north and farther north is NE Territorial Road. To the south is a 4.5 acre parcel, currently in the County, that is proposed for annexation into the City of Canby. This property is identified as Tax Lot 2600 (Franz).

The streets within the local subdivisions are owned by the City of Canby. N Pine Street is owned by Clackamas County and maintained jointly by Clackamas County and the City of Canby.

The subdivision is located approximately at elevation 110. The Willamette River is located approximately 3,600 feet northeast and Willow Creek is located approximately 1,650 feet to the east. The general contour of the terrain is a fall from west to east, toward the Logging Road Trail, with the Logging Road Trail located several feet above the lowest part of the site. Street grades are very nearly flat in most cases, with all surrounding streets having a grade of less than 5 percent.

The site is currently developed as a single family home with several other buildings. A large berm is located on the north side of the property and separates the homes on the property from the Willamette Grove Apartment Complex.

**STORM DRAINAGE SYSTEMS:** This property is located in the North Redwood Storm Drain Advanced Finance District. The end of the existing pipe is located south of the southeast corner of the site in the Logging Road Trail right-of-way where the walkway from N. Plum Court connects to the Logging Road Trail. The manhole in the Logging Road Trail has an 18” HDPE outlet pipe to the south and a 12” HDPE pipe in from the west (N Plum Court). The Beck subdivision will make a new connection to this manhole. When Tax Lot 2600, south of the Beck subdivision is annexed and developed, it will also drain into this same system.

**DESIGN STORM:** The table in Section 4.301.a of the City of Canby Public Works Design Standards (June 2012) identifies that the following facilities shall be designed using a design storm having the following recurrence intervals:

Minor: Streets, curbs, gutters, inlets, catch basin & connector drains	10 years
Major: Laterals (collectors) <250 tributary acres	10 years

1973 NOAA Atlas 2, Volume X and U.S. Department of Agriculture Isopluvials for 24 hour storms in Oregon identify the 10 year, 24 hour storm event for Canby as having less than 3.5 inches of precipitation. The Regional Precipitation-Frequency Analysis and Spatial Mapping of 24-Hour Precipitation for Oregon performed for the Oregon Department of Transportation Research Unit (Final Report dated January, 2008) identifies a 10 year storm for this area as having 24-hour precipitation totaling 3.0-3.5 inches. We will use a 10 year storm with total rainfall of 3.5 inches for our analysis.

**CALCULATING STORMWATER FLOWS:** Stormwater flows will be calculated using the Santa Barbara Urban Hydrograph (SBUH) method using a Type 1A SCS storm.

**SOIL:** Per the Soil Survey of Clackamas County Area, Oregon, prepared by the USDA, the soils underlying the property include Canderly sandy loam 12A, on the western ¾ of the site and Latourell loam, 53A, on the eastern ¼ of the site. Both soils are listed as hydrologic group “B”. The property to the south of the Beck subdivision also includes the same soils.

12A	Canderly sandy loam	83.5%	7.46 acres
53A	Latourell loam	16.5%	<u>1.47 acres</u>
			Total = 8.94 acres

**CONTRIBUTING AREA:** It is assumed that the entirety of both properties will drain to the North Redwood storm drain system. This area will include the eastern ½ of the Pine Street right-of-way.

Beck subdivision:

Paved streets (to back of curb)	29,216 sf
Sidewalks & accessway to Logging Road Trail	10,912 sf
Flag Lot Driveway	1,800 sf
Driveways area between sidewalks & curbs 17 * (4.5' x 25') =	1,913 sf
Impervious area per lot (2640 sf/lot * 19 lots) 19 * (2,640 sf) =	50,160 sf
<hr/>	
Total impervious area =	94,001 sf = 2.158 Ac

Lawn, good condition & Planter strip	107,270 sf
<hr/>	
Total pervious area =	107,270 sf = 2.463 Ac

TL 2600, Franz:

The Franz property is of identical size to the Beck property. Because the site has not yet been annexed into the City of Canby, a formal subdivision application has not yet been submitted and a layout has not yet been approved. A working layout has been prepared and that layout assumes that N Plum Court will extend through the property and connect the two segments of N Plum Court to the south and north. A new street, NE 16<sup>th</sup> Avenue, will extend east from N Pine Street and intersect with N Plum Court. The subdivision will tentatively include 18 lots, one less than the Beck subdivision. Because the two sites are of identical size and will likely have a similar number of lots, we will assume that the percentages of pervious and impervious area will be the same for the Franz subdivision as for the Beck subdivision.

We will double the Beck subdivision areas to determine the total contributing area from the two developments.

Total impervious area = 94,001 sf \* 2 = 188,002 sf = 4.316 Ac  
 Total pervious area = 107,270 sf \* 2 = 214,540 sf = 4.925 Ac

**RUNOFF CURVE NUMBERS:** Paved streets, Sidewalks, Driveway CN = 98  
 Planter strips, Tract B (lawn, good condition) CN = 80



**TIME OF CONCENTRATION:**

Slightly less than one-half of the drainage basin is impervious surface, the remainder is lawn. The time of concentration will be a combination of sheet flow across lawns, gutter flow and pipe flow. The hydraulically-most-distant point in the subdivision will occur in the SW corner of Lot 19, where the rainfall will sheet flow across the lot to NE 17<sup>th</sup> Avenue, then east along the gutter of NE 17<sup>th</sup> Avenue and into the storm drain inlet at the knuckle.

The fall across Lot 19 from the SW corner to the NE corner is 2 feet over 142 feet, or 1.42 percent. Sheet flow will follow this slope. The sheet flow length will be assumed the depth of the lot, 128 feet.

s = 0.0142  
n = 0.15 (lawns)  
L = 128 feet  
P2 (2-year, 24-hour rainfall) = 2.5 inches

$$T = \frac{0.42(n*L)^{0.8}}{(P2)^{0.5} * (s)^{0.4}} = \frac{4.466}{0.288} = 15.5 \text{ minutes}$$

Gutter fall to the east will be approximately 350 feet at an avg. slope of 0.02.

$V = k(\text{slope})^{0.5}$	V = velocity, s = 0.02, k = 27 (pavement)	V = 3.8 ft/sec
T = L / V	T = travel time, L = length = 350, V = velocity	T = 1.5 minutes

Pipe flow to the south end N Plum Court will be approximately 165 feet, at an assumed slope of 0.0035 (0.35 percent).

$V = k(\text{slope})^{0.5}$	V = velocity, s = 0.0035, k = 42 (concrete pipe)	V = 2.5 ft/sec
T = L / V	T = travel time, L = length = 165, V = velocity	T = 1.1 minutes

Time of Concentration = Sum of Travel times = (15.5 + 1.5 + 1.1) minutes = 18.1 minutes.

**KING COUNTY HYDROGRAPH PROGRAMS INPUT VALUES:**

Required data: Area (perv), CN (perv), Area (imperv), CN (imperv), time of concentration

For flow from the Beck subdivision only:

Pervious Area, Area (perv) = 2.463 Acres, CN (perv) = 80  
Impervious Area, Area (imperv) = 2.158, CN (perv) = 98  
Time of concentration = 18.1 minutes

For flow from Both Beck and Franz subdivisions:

Pervious Area, Area (perv) = 4.925 Acres, CN (perv) = 80  
Impervious Area, Area (imperv) = 4.316, CN (perv) = 98  
Time of concentration = 18.1 minutes

**KING COUNTY SBUH COMPUTATIONS FOR 10 YEAR, 24-HOUR STORM:**

**BECK SUBDIVISION ONLY**

Surface Water Management Division

HYDROGRAPH PROGRAMS  
Version 4.20

- 1 - INFO ON THIS PROGRAM
- 2 - SBUHYD
- 3 - ROUTE
- 4 - ROUTE2
- 5 - ADDHYD
- 6 - BASEFLOW
- 7 - PLOTHYD
- 8 - DATA
- 9 - RDFAC
- 10 - RETURN TO DOS

ENTER OPTION:

2

SBUH/SCS METHOD FOR COMPUTING RUNOFF HYDROGRAPH

STORM OPTIONS:

- 1 - S.C.S. TYPE-1A
- 2 - 7-DAY DESIGN STORM
- 3 - STORM DATA FILE

SPECIFY STORM OPTION:

1

S.C.S. TYPE-1A RAINFALL DISTRIBUTION

ENTER: FREQ(YEAR), DURATION(HOUR), PRECIP(INCHES)

10,24,3.5

-----  
\*\*\*\*\* S.C.S. TYPE-1A DISTRIBUTION \*\*\*\*\*  
\*\*\*\*\* 10-YEAR 24-HOUR STORM \*\*\*\*\* 3.50" TOTAL PRECIP. \*\*\*\*\*  
-----

ENTER: A(PERV), CN(PERV), A(IMPERV), CN(IMPERV), TC FOR BASIN NO. 1

2.463,80,2.158,98,18.1

DATA PRINT-OUT:

AREA (ACRES)	PERVIOUS		IMPERVIOUS		TC (MINUTES)
	A	CN	A	CN	
4.6	2.5	80.0	2.2	98.0	18.1

PEAK-Q (CFS)	T-PEAK (HRS)	VOL (CU-FT)
<b>2.35</b>	7.83	40096

**← 10 YR PEAK FLOW**

ENTER [d:][path]filename[.ext] FOR STORAGE OF COMPUTED HYDROGRAPH:

14-41B-10.hyd

SPECIFY: C - CONTINUE, N - NEWSTORM, P - PRINT, S - STOP

**KING COUNTY SBUH COMPUTATIONS FOR 10 YEAR, 24-HOUR STORM:**

**BECK SUBDIVISION & FRANZ SUBDIVISION**

STORM OPTIONS:

- 1 - S.C.S. TYPE-1A
- 2 - 7-DAY DESIGN STORM
- 3 - STORM DATA FILE

SPECIFY STORM OPTION:

1

S.C.S. TYPE-1A RAINFALL DISTRIBUTION

ENTER: FREQ(YEAR), DURATION(HOUR), PRECIP(INCHES)

10,24,3.5

-----  
\*\*\*\*\* S.C.S. TYPE-1A DISTRIBUTION \*\*\*\*\*  
\*\*\*\*\* 10-YEAR 24-HOUR STORM \*\*\*\* 3.50" TOTAL PRECIP. \*\*\*\*\*  
-----

ENTER: A(PERV), CN(PERV), A(IMPERV), CN(IMPERV), TC FOR BASIN NO. 1

4.925,80,4.316,98,18.1

DATA PRINT-OUT:

AREA (ACRES)	PERVIOUS		IMPERVIOUS		TC (MINUTES)
	A	CN	A	CN	
9.2	4.9	80.0	4.3	98.0	18.1

PEAK-Q (CFS)	T-PEAK (HRS)	VOL (CU-FT)
<b>4.69</b>	7.83	80188

**← 10 YR PEAK FLOW**

ENTER [d:][path]filename[.ext] FOR STORAGE OF COMPUTED HYDROGRAPH:

14-41C-10.hyd

**CONVEYANCE PIPING CALCULATIONS:**

Conveyance piping shall be able to carry the 10 year storm event without surcharge. Per Section 4.206 of the City of Canby Public Works Design Standards, the Santa Barbara Urban Hydrograph (SBUH) method will be acceptable for estimating the peak runoff rates to be used in sizing storm drainage conveyance improvements. As determined earlier, using the SBUH method, the peak 10-year flow for the Beck subdivision is 2.35 cfs and for the Beck and Franz subdivisions combined 4.69 cfs.

According to Section 4.301(b) of the City of Canby Public Works Design Standards: all storm drains shall be on a grade which produces a mean velocity, when flowing full, of at least three (3') feet per second.

Circular Channel: Manning's Equation - Beck Subdivision

Comment: Beck subdivision only

Solve For.....Actual Depth

Diameter.....	1.25 ft	Velocity.....	3.27 fps
Slope.....	0.0035 ft/ft	Flow Area.....	0.72 sf
Manning's n....	0.013	Critical Slope	0.0057 ft/ft
Discharge.....	2.35 cfs	Critical Depth	0.61 ft
Depth.....	0.71 ft	Percent Full..	56.69 %
		Froude Number.	0.76
		Full Capacity.	3.82 cfs
		QMAX @.94D....	4.11 cfs

A 15" pipe laid at 0.35 percent would produce a velocity of over 3.0 fps when flowing full or half full. The same pipe would produce a velocity of 3.27 fps for the anticipated 10 year peak flow of 2.35 cfs from the Beck subdivision.

Circular Channel: Manning's Equation - Beck Subdivision

Comment: Beck subdivision & Franz subdivision

Solve For.....Actual Depth

Diameter.....	1.50 ft	Velocity.....	3.86 fps
Slope.....	0.0035 ft/ft	Flow Area.....	1.21 sf
Manning's n....	0.013	Critical Slope	0.0057 ft/ft
Discharge.....	4.69 cfs	Critical Depth	0.83 ft
Depth.....	0.97 ft	Percent Full..	64.90 %
		Froude Number.	0.74
		Full Capacity.	6.21 cfs
		QMAX @.94D....	6.68 cfs

An 18" pipe laid at 0.35 percent would produce a velocity of over 3.0 fps when flowing full or half full. The same pipe would produce a velocity of 3.86 fps for the anticipated 10 year peak flow of 4.69 cfs from the Beck subdivision and Franz subdivisions combined.

**CONCLUSION:**

A 15" diameter pipe at 0.0035 ft/ft is adequate to carry the anticipated 10 year peak flow from the Beck subdivision & an 18-inch diameter pipe at 0.0035 ft/ft is adequate to carry the anticipated 10 year peak flow from the Beck subdivision and the Franz subdivision combined.

## VIII. Maps

- a. Vicinity Map
- b. Assessor Map
- c. Sheet 1 – Site Plan
- d. Sheet 2 – Topo Survey
- e. Sheet 3 – Waterline Plan
- f. Sheet 4 – Sanitary Sewer Plan
- g. Sheet 5 – Storm Drain Plan
- h. Sheet 6 – Grading Plan
- i. Sheet 7 – Street Profiles & Typical Sections
- j. Sheet 8 – Shadow Plat

# Beck Subdivision

1732 N. Pine Street, Canby, OR



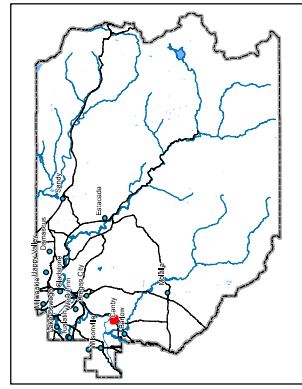
3 1 E 27C  
CANBY  
S.W. 1/4 SEC. 27 T. 3S. R. 1E. W.M.  
CLACKAMAS COUNTY  
1" = 200'

D. L. C.  
WALTER FISH NO. 45

Cancelled Taxlots

2000  
2001  
2002  
1800  
1801  
1802  
1803  
1804  
1805  
1806  
1807  
1808  
1809  
1810  
1811  
1812  
1813  
1814  
1815  
1816  
1817  
1818  
1819  
1820  
1821  
1822  
1823  
1824  
1825  
1826  
1827  
1828  
1829  
1830  
1831  
1832  
1833  
1834  
1835  
1836  
1837  
1838  
1839  
1840  
1841  
1842  
1843  
1844  
1845  
1846  
1847  
1848  
1849  
1850

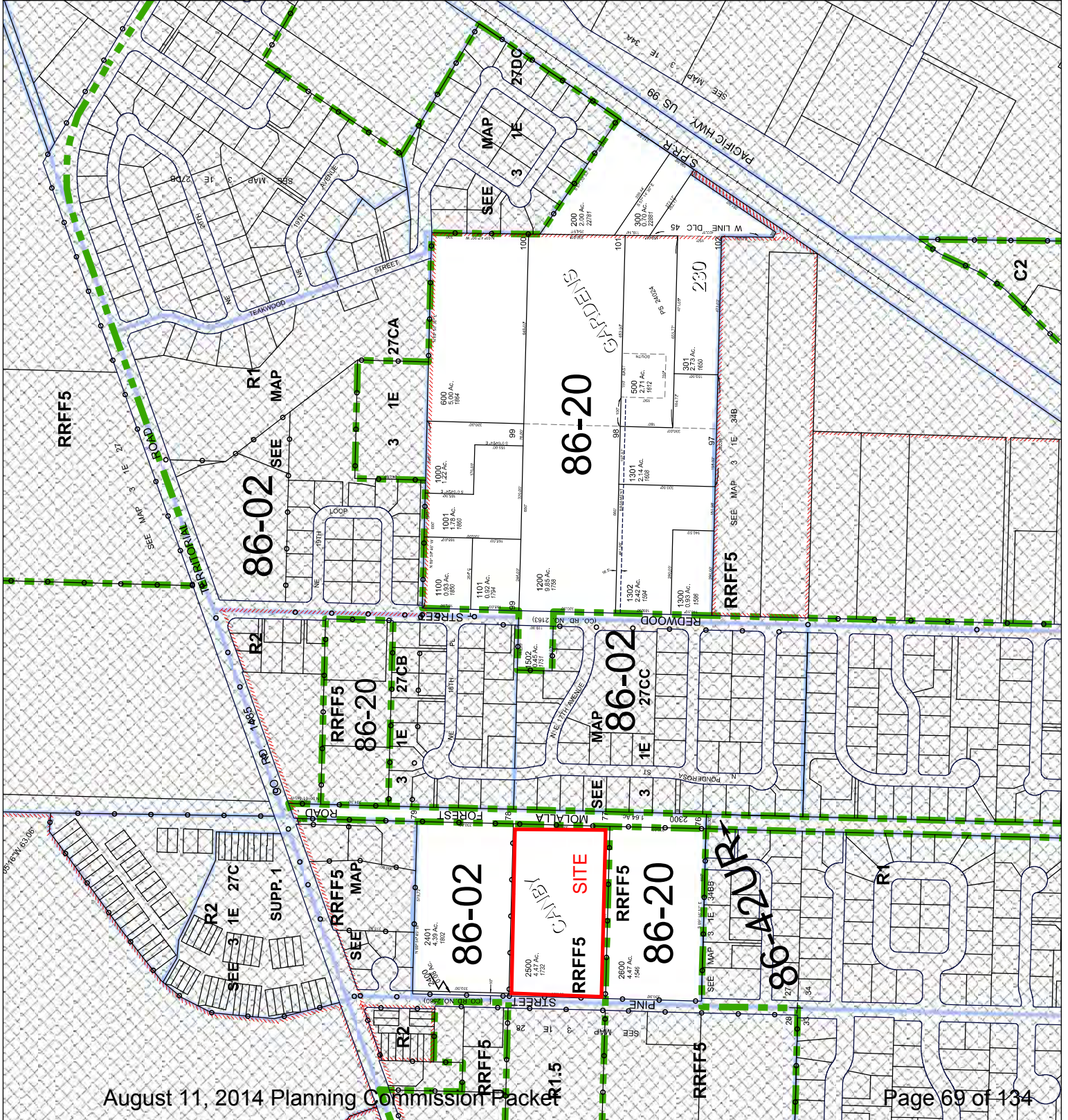
- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- TaxCodeLines
- Map Index
- WaterLines
- Land Use Zoning
- Plats
- Water
- Center
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor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



THIS MAP IS FOR ASSESSMENT  
PURPOSES ONLY

10/29/2013

3 1 E 27C  
CANBY



REVISIONS	BY

STAFFORD LAND COMPANY  
**BECK SUBDIVISION**

Site Plan

**SISUL ENGINEERING**  
 376 PORTLAND AVENUE  
 GLADSTONE, OREGON 97027  
 (503) 657-0188  
 DATE: JUNE, 2014  
 SCALE: 1"=40'  
 DRAWN: PS  
 JOB: SGL14-041  
 SHEET: **1**  
 OF 8 SHEETS



COUNTY ZONING: RRF-5  
 CITY COMP PLAN DESIGNATION: MDR  
 TL 1701  
 TL 1700

OWNER: NORMAN & JENNY BECK  
 P.O. BOX 638  
 WILSONVILLE, OR 97070  
 APPLICANT: STAFFORD LAND COMPANY  
 485 SOUTH STATE STREET  
 LAKE OSWEGO, OR 97034  
 LOCATION: 1732 N. PINE STREET  
 CANBY, OR 97013  
 LEGAL: TAX LOT 2500  
 SECTION 27, T3S, R1E, WM  
 ASSessor MAP 3 1E 27C  
 ZONING: R-1, LOW DENSITY RESIDENTIAL  
 SITE SIZE: 4.47 ACRES

TL 2190  
 CITY R-1.5 ZONING

TL 3200  
 COUNTY ZONING: RRF-5  
 CITY COMP PLAN DESIGNATION: LDR

TL 3201  
 COUNTY ZONING: RRF-5  
 CITY COMP PLAN DESIGNATION: LDR

TL 3100

TL 5900 R-1 ZONING  
 TL 5700  
 TL 5600  
 TL 5200  
 TL 5100 R-1 ZONING

NORTH PINE ADDITION NO. 2



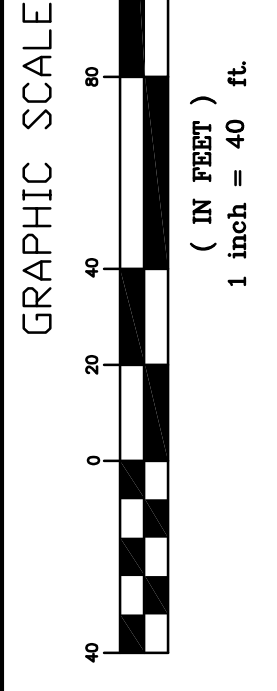
REVISIONS	BY

**STAFFORD LAND COMPANY**  
**BECK SUBDIVISION**

Topo Survey

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

DATE: JUNE, 2014  
SCALE: 1"=40'  
DRAWN: PS  
JOB: SGL14-041  
SHEET: 2  
OF: 8 SHEETS



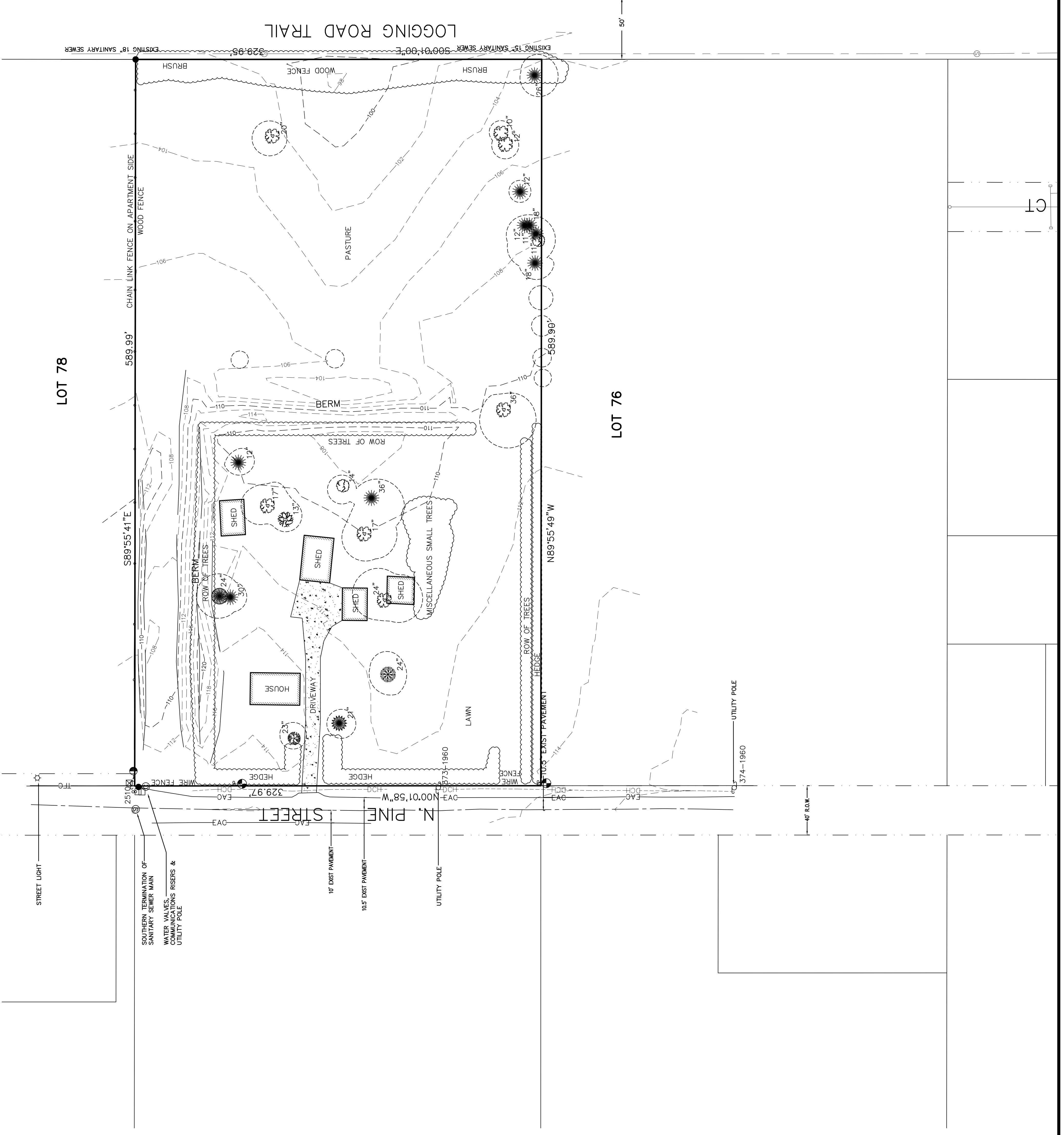
PREPARED BY: GAYLORD LAND SURVEYING, INC.  
PROPERTY ADDRESS: 1732 N. PINE STREET  
CANBY, OR 97013  
LEGAL DESCRIPTION: T3S, R1E, SECTION 27C  
TAX LOT 2500  
WATER: PUBLIC - CITY OF CANBY  
SEWER: PUBLIC - CITY OF CANBY  
ELEVATION DATUM - CITY OF CANBY SANITARY  
SEWER DATUM

**NOTES**  
UTILITIES SHOWN BY THIS SURVEY REPRESENT THOSE WHICH ARE VISIBLE ABOVE GROUND OR FOR WHICH SOME MARKING WAS FOUND INDICATING UNDERGROUND UTILITIES. OTHER UNDERGROUND UTILITIES MAY EXIST. UTILITY CONNECTIONS AS DRAWN ARE FOR ILLUSTRATION PURPOSES. EXACT CONNECTIONS SHOULD BE VERIFIED.  
● = MONUMENT FOUND  
NO MONUMENTS WERE SET DURING THIS SURVEY

**LEGEND**

- = WATER METER
- = CATCH BASIN (UNLESS OTHERWISE NOTED) - INVERT DEPTH AS NOTED
- ⊙ = COMMUNICATION / CABLE BOX
- ⊕ = TELEPHONE COMMUNICATION
- ⊕ = UTILITY POLE GUY ANCHOR
- ⊕ = UTILITY POLE
- ☆ = LIGHT POLE
- EAC— = EXISTING EDGE OF ASPHALTIC CONCRETE
- TC— = TOP FACE OF CURB
- DCH— = DITCH LINE
- ⊕ = SANITARY SEWER MANHOLE
- = STEEL FENCE
- = WOOD FENCE
- ⊕ = REDWOOD TREE
- ⊕ = FIR TREE
- ⊕ = CEDAR TREE
- ⊕ = MAPLE TREE
- ⊕ = BIRCH TREE
- ⊕ = APPLE TREE
- ⊕ = PINE TREE
- ⊕ = CHERRY TREE
- ⊕ = DOGWOOD TREE
- ⊕ = PLUM TREE

SCALE 1" = 40'  
PROJECT NO. 05120



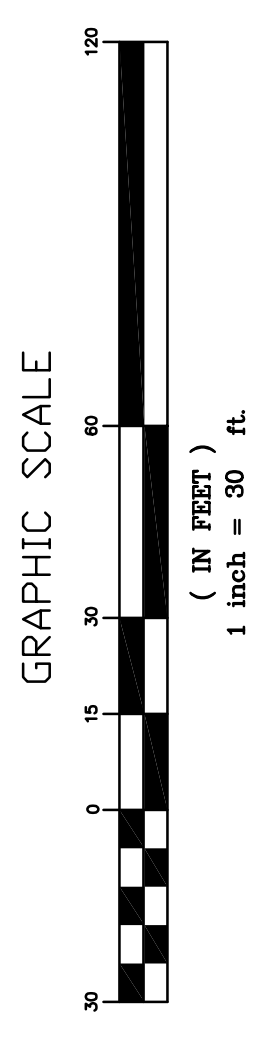
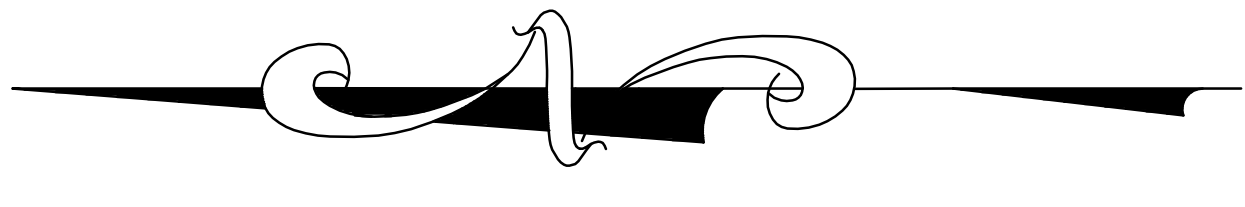
REVISIONS	BY

STARFORD LAND COMPANY  
**BECK SUBDIVISION**

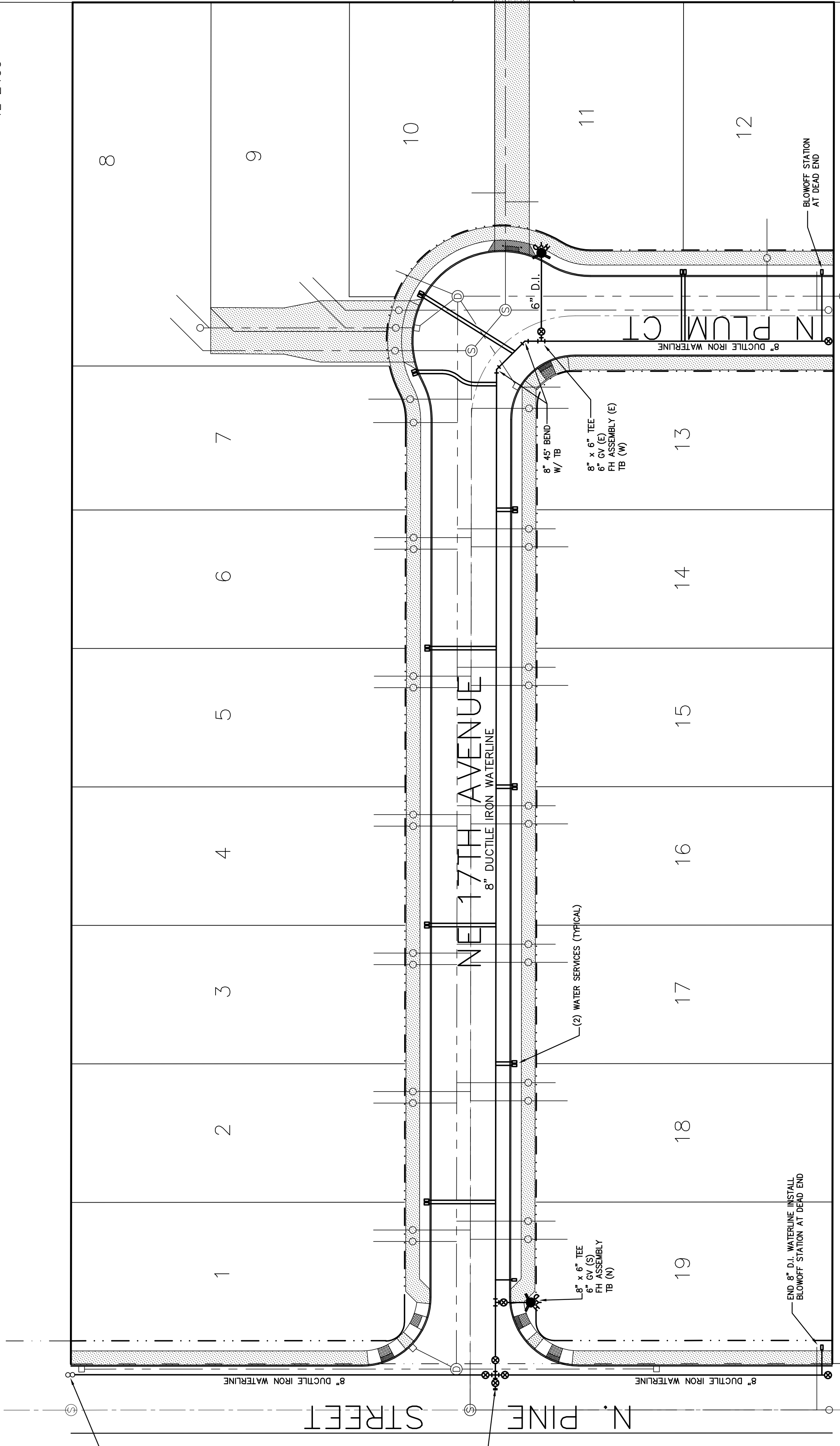
Waterline Plan

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

DATE: JUNE, 2014  
 SCALE: 1"=30'  
 DRAWN: PS  
 JOB: SGL14-041  
 SHEET: **3**  
 OF 8 SHEETS



**WILLAMETTE GROVE APARTMENTS**



TL 1701

TL 1700

SOUTHERN TERMINATION OF EXISTING WATER MAIN. REMOVE BLOWOFF ASSEMBLY & BEGIN 8" D.I. WATERLINE

INSTALL 8" GROSS 8" 6V (N-SE-W) 8" PLUG (W)

TL 2190

TL 3200

TL 3201

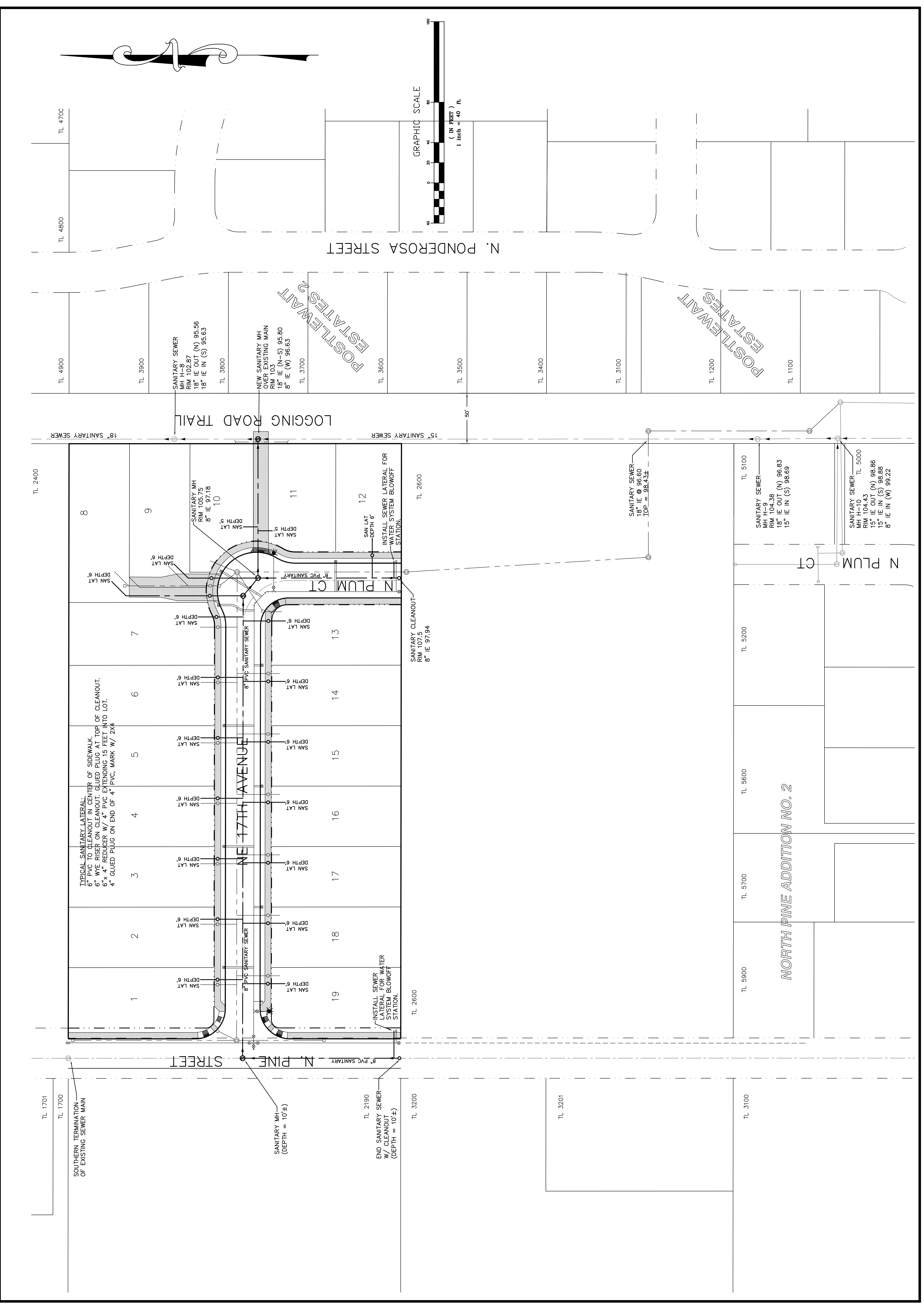
REVISIONS	BY

STAFFORD LAND COMPANY  
**BECK SUBDIVISION**

Sanitary Sewer Plan

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

DATE: JUNE, 2014  
 SCALE: 1"=40'  
 DRAWN: PS  
 JOB: SGL14-041  
 SHEET: 4  
 OF: 8 SHEETS



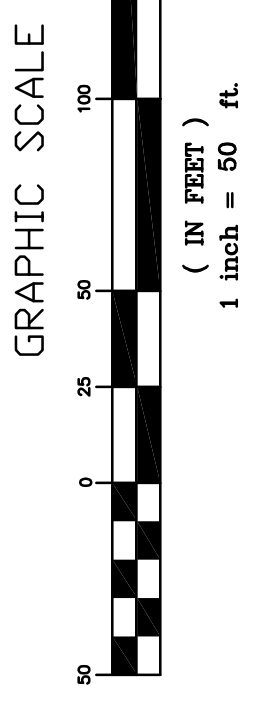
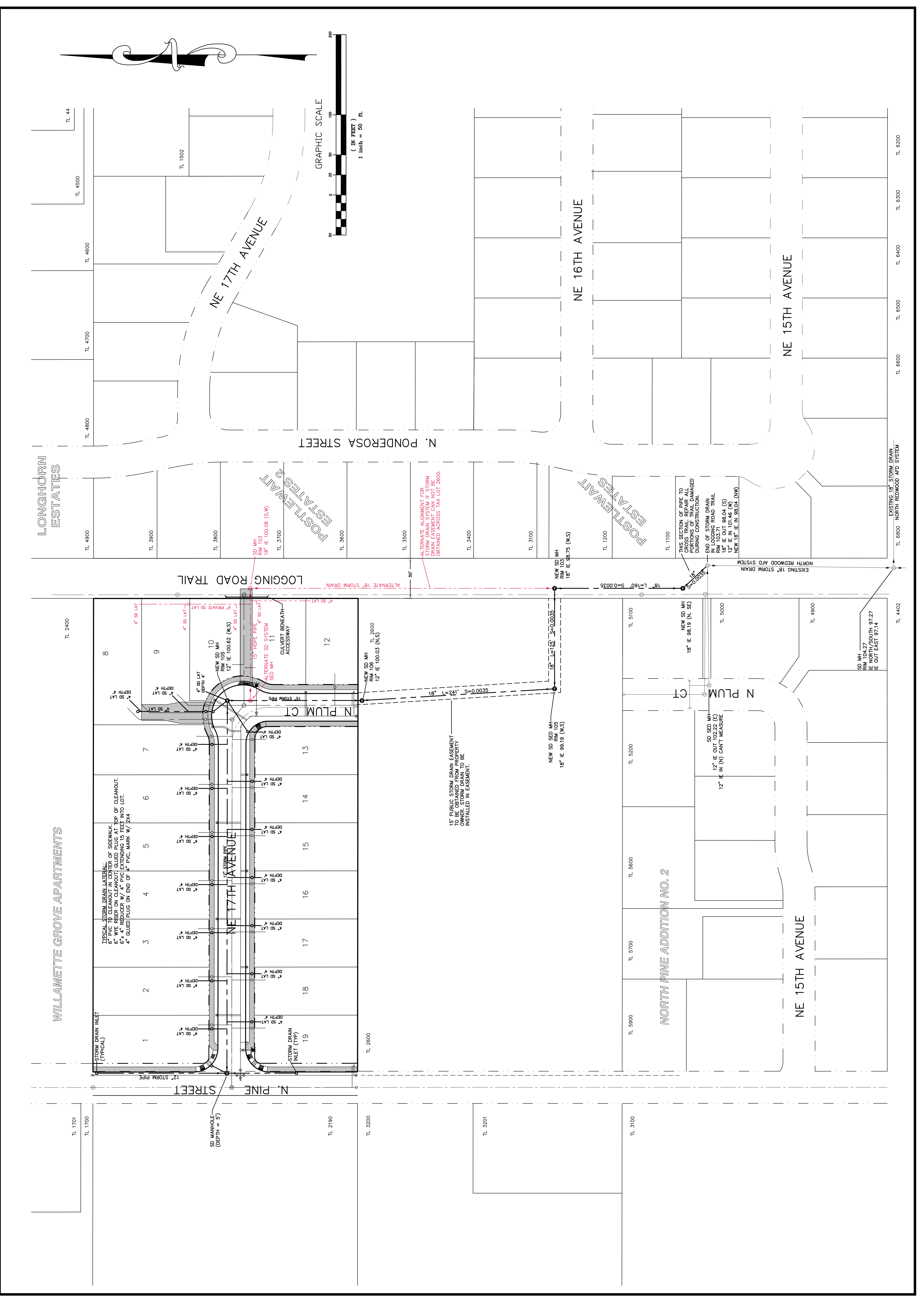
NO.	DATE	BY	REVISIONS

STAFFORD LAND COMPANY  
**BECK SUBDIVISION**

Storm Drain Plan

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

DATE: JUNE, 2014  
 SCALE: 1"=50'  
 DRAWN: PS  
 JOB: SGL14-041  
 SHEET: 5  
 OF: 8 SHEETS



REVISIONS	BY

STAFFORD LAND COMPANY  
**BECK SUBDIVISION**

Grading Plan

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

DATE: JUNE, 2014  
 SCALE: 1"=30'  
 DRAWN: PS  
 JOB: SGL14-041  
 SHEET: **9**  
 OF 8 SHEETS



REVISIONS	BY

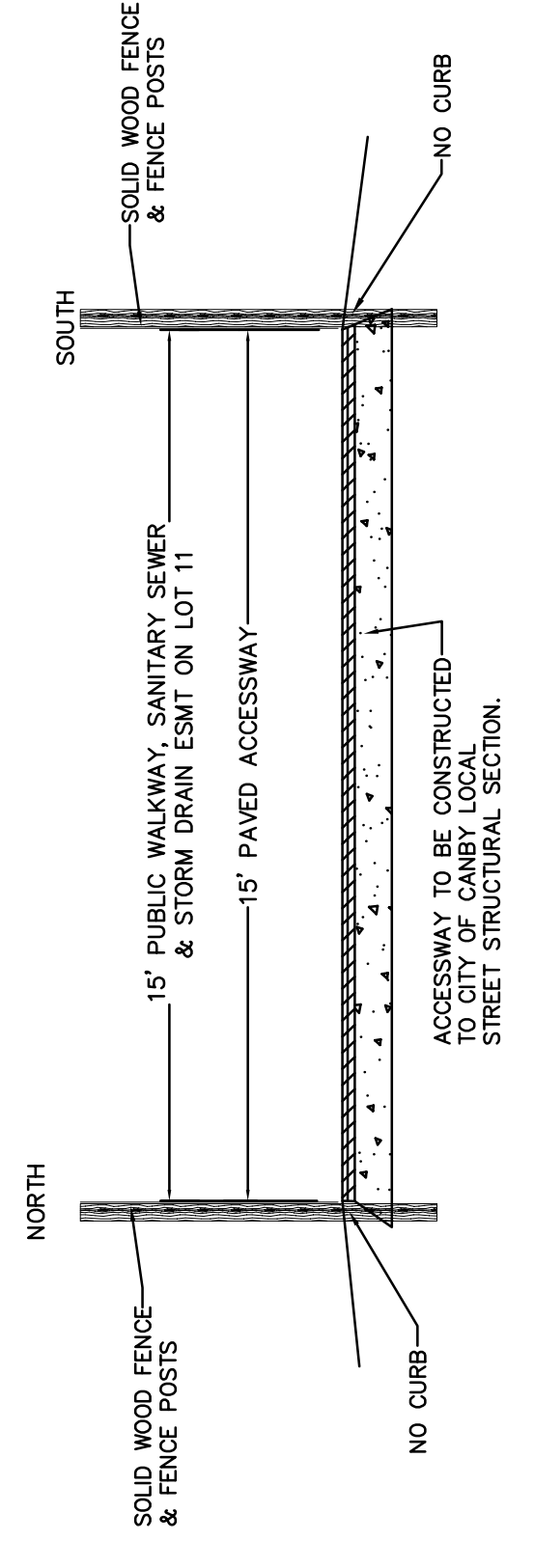
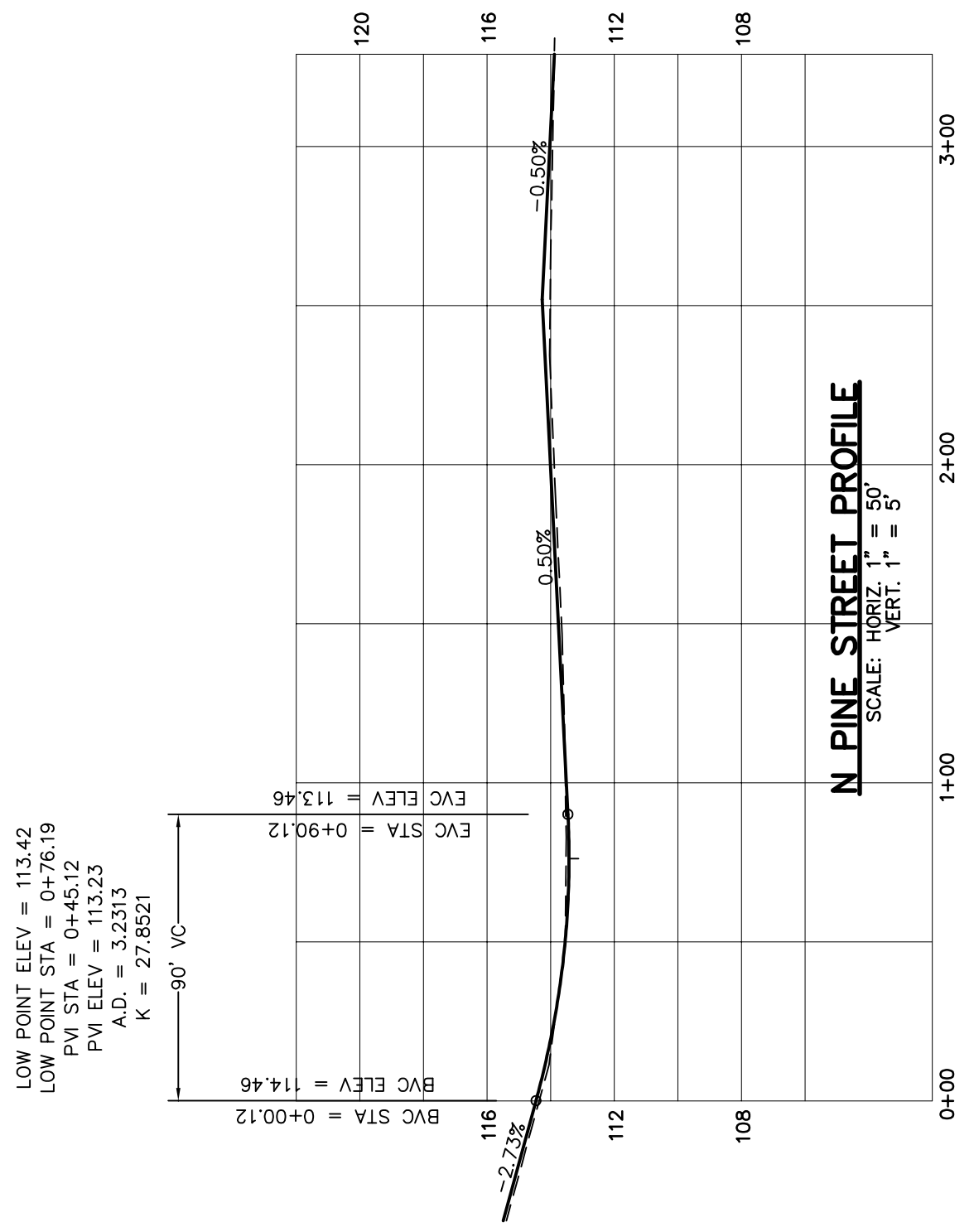
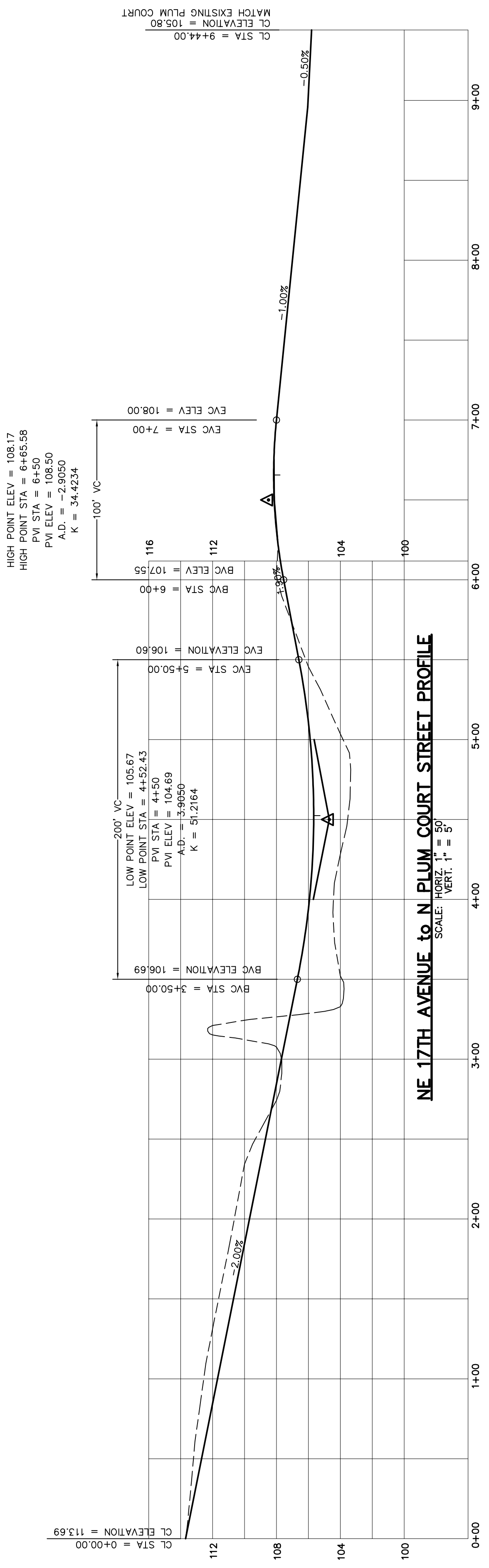
STAFFORD LAND COMPANY

# BECK SUBDIVISION

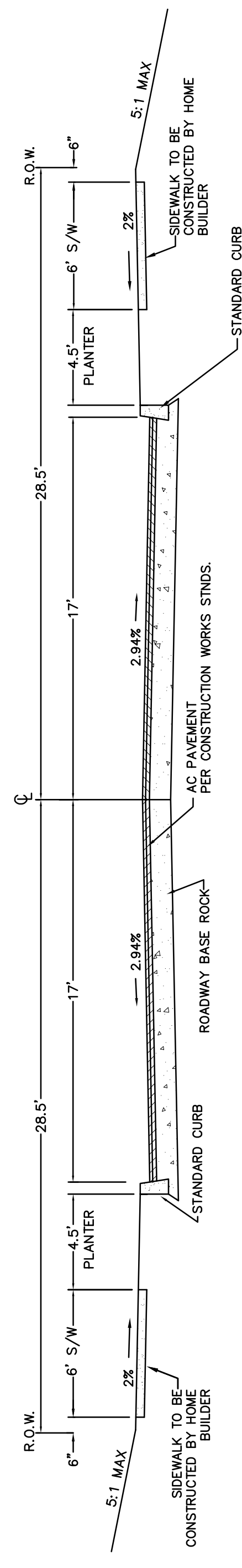
## Street Profile & Typical Sections

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

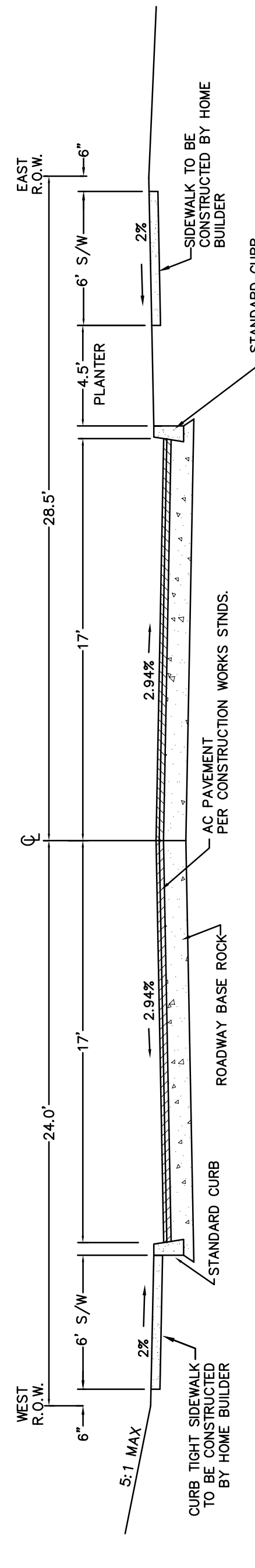
DATE: JUNE, 2014  
 SCALE: 1"=50'  
 DRAWN: PS  
 JOB: SGL14-041  
 SHEET: 7  
 OF: 8 SHEETS



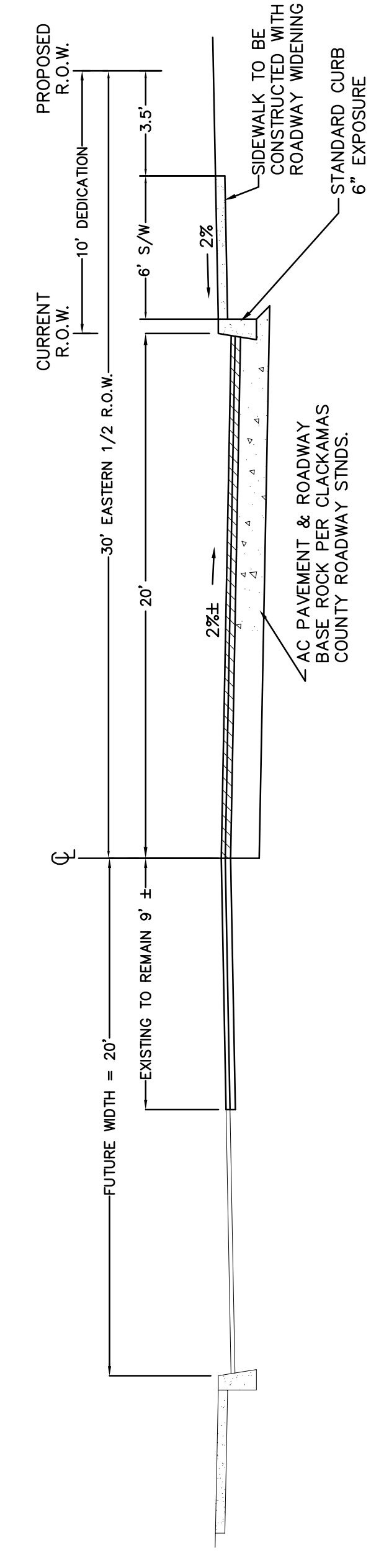
### NE 17TH AVENUE STREET SECTION



### N PLUM COURT STREET SECTION



### N PINE STREET SECTION



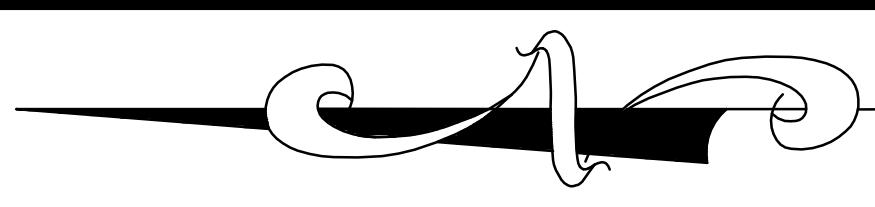
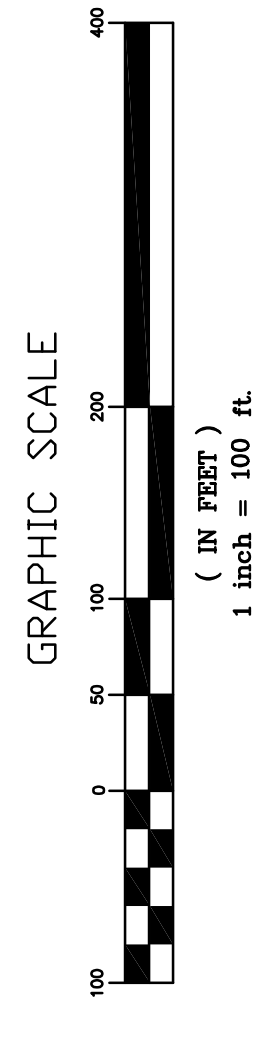
REVISIONS	BY

STAFFORD LAND COMPANY  
**BECK SUBDIVISION**

Shadow Plat  
of Offsite Properties

**SISUL ENGINEERING**  
2176 PORTLAND AVENUE  
GLADSTONE, OREGON 97027  
(503) 657-0188

DATE: JUNE, 2014  
SCALE: 1"=100'  
DRAWN: PS  
JOB: SGL14-041  
SHEET: 8  
OF 8 SHEETS



88

AFTER RECORDING RETURN TO:  
City of Canby, Attn: City Recorder  
P O Box 930  
Canby OR 97013  
*NORMAN E BECK*  
  
UNTIL REQUESTED OTHERWISE,  
SEND TAX STATEMENTS TO:  
Norman E. Beck  
P O Box 638  
Wilsonville OR 97070

Clackamas County Official Records  
Sherry Hall, County Clerk

2010-010668



\$82.00

01381673201000106680080087

02/18/2010 03:52:11 PM

D-DEVA      Cnt=1 Stn=1 JANISKEL  
\$40.00 \$16.00 \$16.00 \$10.00

**DEVELOPMENT AGREEMENT  
(ANNEXATION)**

**RECITALS:**

1. Norman E. Beck and Jenny L. Beck, husband and wife, hereinafter referred to as "BECK", own real property commonly described as 1732 N. Pine Street, Canby, OR 97013 and more particularly described in the attached Exhibit A.
2. The City of Canby, hereinafter referred to as "CANBY", is an Oregon municipal corporation.
3. The property described in Exhibit A is located within the boundaries of a designated annexation "Development Agreement Area" as shown on the City of Canby Annexation Development Map (Figure 16.84.040).
4. Canby procedures for annexation specify the Planning Commission shall conduct a public hearing to review any proposed annexations and determine the appropriate zoning designation upon annexation. The Planning Commission shall furnish its recommendation concerning annexation and assigned zoning to the City Council. The City Council will authorize an election for annexation when it is determined the applicable standards and criteria of Canby Municipal Code 16.84.040 are met and will determine appropriate zoning for the property based on the criteria set forth in the Canby Municipal Code 16.54.040. Thereafter the annexation may only be approved by a majority vote among the electorate of Canby.
5. The purpose of this Annexation Development Agreement is to satisfy the requirements of Canby Municipal Code 16.84.040 including providing adequate public information and information evaluating the physical, environmental, and related social effects of a proposed annexation. The proposed annexation does not require the statutory development agreement of ORS 94.504 et seq.

NOW, THEREFORE, it is hereby agreed:

- I. CANBY MUNICIPAL CODE 16.84.040 APPLICABLE PROVISIONS.

1 - DEVELOPMENT AGREEMENT (BECK/CITY OF CANBY)

**ATTACHMENT 2**



A. Timing of the submittal of an application for zoning. Concurrent with review of this Agreement, the Council shall consider BECK'S annexation application and request that, upon approval of the annexation by the voters, the property described in Exhibit A shall be zoned R-1. This approach will insure that the development agreement as well as the annexation and zone change approvals are consistent with City Code 16.84.

B. Scope of annexation request. In addition to the property described as Exhibit A, BECK's annexation application shall include the entire area of N. Pine Street, County Road No. 2580 adjacent to the Beck property as described in Exhibit B. One half of the area or twenty (20) feet of the area described in Exhibit B is owned by BECK. The other half is a portion of lot 61 of the plat of "Canby Gardens" (plat no. 230) located in the Southeast one-quarter of Section 28, Township 3 South, Range 1 East, of the Willamette Meridian, Clackamas County, Oregon, and owned by Thomas Holmes, hereinafter referred to as HOLMES. BECK agrees to join that portion of HOLMES property identified in Exhibit B within the annexation request. Upon annexation, BECK and HOLMES shall dedicate street right-of-way up to forty (40) feet for N. Pine Street to meet the standards of the City of Canby with future land use actions on the property as part of the development approval process.

C. Timing for Recording. BECK shall have seven (7) calendar days from the date the City Council takes final action approving this Agreement, the annexation and zone change requests to record this Agreement. Failure to record this agreement within the time specified will result in removal of the annexation application from the ballot for consideration by the electors. A condition of approval will be attached to the annexation and zone change approval imposing this same requirement.

D. Dedication of land for future public facilities including park and open space land. At the time of development, and at the discretion of the City of Canby, BECK agrees to satisfy CANBY's parkland dedication obligation based on the standards and regulations currently in place through:

1. Payment of City's park system development charge; or
2. Actual parkland dedication of land adjacent to other parkland and contiguous to the Molalla River Forest Road.

E. Construction of public improvements. At the time of development, City required public improvements will be built to Canby Municipal Code specifications by BECK. BECK agrees to provide an extension of 17<sup>th</sup> Avenue, in alignment with the existing segment west of Pine Street, east through the property and, if decided by the City at the time of tentative plat design approval, to provide a logical connection of the 17<sup>th</sup> Avenue extension to the south to connect with the extension of North Plum Court.

F. Utility availability. BECK agrees to ensure that utilities and infrastructure are available to serve the property described in Exhibit A at densities currently authorized in the R-1 zone. To the extent that additional utility or service infrastructure is required to serve the property when developed, BECK agrees to provide those utilities and services

in a way that is commensurate with the impacts from development and consistent with the City's Code. BECK also agrees to allow connection to BECK's constructed public facilities by adjacent property owners.

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

H. Rough proportionality of future exactions. To the extent that this agreement identifies specific park dedication, right-of-way dedication, utility or service obligations, these obligations are necessary and will be limited to an amount necessary to serve this development based on the proposed development application as well as on the uses and densities permitted in the R-1 zone.

I. Other commitments deemed valuable to the City of Canby. BECK agrees development will meet the requirements of the adopted CANBY Municipal Code in effect at the time of development.

## II. OTHER CONSIDERATIONS.

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

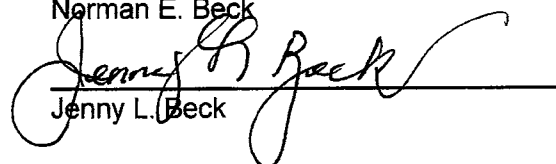
B. Recording. Within seven (7) calendar days after taking effect, BECK shall record this agreement with the Clackamas County Recorder's Office and provide a copy of the recorded agreement to the City Attorney.

C. Cancellation. In the event a majority of the city electorate denies the annexation, BECK may request the cancellation of this Development Agreement. BECK and CANBY agree to cooperate to prepare and record a mutually agreeable document to rescind this Development Agreement. Upon rescission, this Development Agreement shall be null and void without further legal effect.

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

Dated this 18<sup>th</sup> day of February, 2010.

  
Norman E. Beck

  
Jenny L. Beck

3 - DEVELOPMENT AGREEMENT (BECK/CITY OF CANBY)

CITY OF CANBY, OREGON

By: Amanda Klock  
Amanda Klock, Interim City Administrator  
Dated: 02/18/10

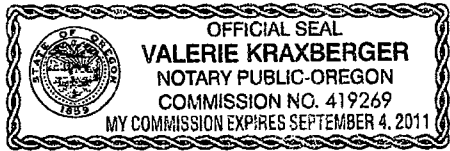
APPROVED AS TO FORM:

By: Caine Richter  
GARVEY SCHUBERT BARER  
Dated: 2/10/10

APPROVED BY ACTION OF CITY COUNCIL ON February 17, 2010.  
CITY COUNCIL RESOLUTION NO.: 1052

STATE OF OREGON            )  
  ) ss.  
County of Clackamas        ) February 18, 2010

Personally appeared before me, NORMAN E. BECK, and acknowledged the foregoing instrument to be his voluntary act and deed.



Valerie Kraxberger  
Notary Public for Oregon  
My Commission Expires: 9/4/11

STATE OF OREGON            )  
  ) ss.  
County of Clackamas        ) February 18, 2010

Personally appeared before me, JENNY L. BECK, and acknowledged the foregoing instrument to be her voluntary act and deed.



Valerie Kraxberger  
Notary Public for Oregon  
My Commission Expires: 9/4/11

4 - DEVELOPMENT AGREEMENT (BECK/CITY OF CANBY)

STATE OF OREGON     )  
                                  ) ss.  
County of Clackamas    )

February 18, 2010

Personally appeared before me, AMANDA KLOCK, as the Interim City Administrator of the City of Canby, Oregon.



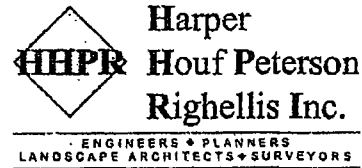
Kim Scheafer  
Notary Public for Oregon  
My Commission Expires: 12-2-10

PDX\_DOCS:437228.3 [36434-00200]  
09/4/09

5 - DEVELOPMENT AGREEMENT (BECK/CITY OF CANBY)

5

EXHIBIT A



LEGAL DESCRIPTION FOR DEVELOPMENT AGREEMENT (BECK)

April 30, 2009

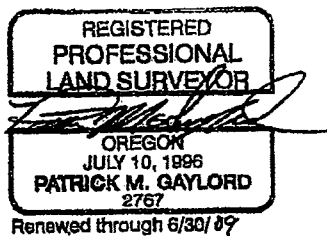
A PORTION OF LOT 77, CANBY GARDENS, PLAT NO. 230, IN THE SOUTHWEST ONE QUARTER OF SECTION 27, T3S, R1E, W.M., CITY OF CANBY, STATE OF OREGON MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT A POINT IN THE SOUTH LINE OF LOT 77, CANBY GARDENS AND THE WEST RIGHT-OF-WAY LINE OF THE MOLALLA FOREST ROAD, 50 FEET WEST OF THE SOUTHEAST CORNER OF SAID LOT 77; THENCE ALONG THE SOUTH LINE OF THE SAID LOT, NORTH 89°55'49" WEST 589.90 FEET TO A POINT IN THE EAST RIGHT OF WAY LINE OF NORTH PINE STREET, COUNTY ROAD NO. 2580; THENCE ALONG THE SAID RIGHT OF WAY LINE, NORTH 00°01'58" WEST 329.97 FEET TO A POINT IN THE NORTH LINE OF LOT 77; THENCE ALONG THE SAID NORTH LINE, SOUTH 89°55'41" EAST 589.99 FEET TO A POINT IN THE SAID WEST RIGHT-OF-WAY OF THE MOLALLA FOREST ROAD; THENCE ALONG THE SAID WEST RIGHT OF WAY LINE, SOUTH 00°01'00" EAST 329.95 FEET TO THE POINT OF BEGINNING. CONTAINING 4.47 ACRES MORE OR LESS.

TOGETHER WITH THE EAST ONE HALF OF NORTH PINE STREET, COUNTY ROAD NO. 2580, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTH LINE OF LOT 77, CANBY GARDENS AND THE WEST RIGHT-OF-WAY LINE OF THE MOLALLA FOREST ROAD, 50 FEET WEST OF THE SOUTHEAST CORNER OF SAID LOT 77; THENCE ALONG THE SOUTH LINE OF THE SAID LOT, NORTH 89°55'49" WEST 589.90 FEET TO A POINT IN THE EAST RIGHT OF WAY LINE OF NORTH PINE STREET, COUNTY ROAD NO. 2580 AND THE TRUE POINT OF BEGINNING; THENCE NORTH 89°55'49" WEST 20.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 77, BEING ALSO A POINT IN THE CENTERLINE OF NORTH PINE STREET; THENCE ALONG THE WEST LINE OF THE SAID LOT AND THE SAID STREET CENTERLINE, NORTH 00°01'58" WEST 329.97 FEET TO THE NORTHWEST CORNER OF THE SAID LOT; THENCE ALONG THE NORTH LINE OF SAID LOT 77, SOUTH 89°55'41" EAST 20.00 FEET TO THE NORTHWEST CORNER OF THE HEREIN ABOVE DESCRIBED TRACT OF LAND; THENCE LEAVING THE NORTH LINE OF LOT 77 ALONG THE EAST RIGHT-OF-WAY LINE OF NORTH PINE STREET SOUTH 00°01'58" EAST 329.97 FEET TO THE TRUE POINT OF BEGINNING. CONTAINING 0.15 ACRES MORE OR LESS.

THE COMBINED AREAS TALLING 4.62 ACRES MORE OR LESS.



205 SE Spokane Street ♦ Suite 200 ♦ Portland, OR 97202 ♦ www.hhpr.com ♦ 503.221.1131 ph ♦ 503.221.1171 fax

**ZTec Engineers, Inc.**

Civil ♦ Structural ♦ Surveying

John Middleton, P.E.

Ron Sellards, P.E.

Chris Fischborn, PLS

3737 SE 8<sup>th</sup> Ave.

Portland, OR 97202

(503)235-8795

fax. 233-7889

email [chris@zteccnengineers.com](mailto:chris@zteccnengineers.com)

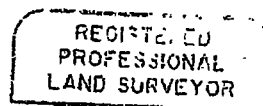
**LEGAL DESCRIPTION**

**PINE STREET IN FRONT OF LOT 77 OF "CANBY GARDENS"**

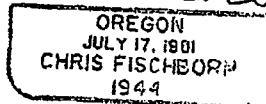
A tract of land being a portion of Pine street (County Road No. 2580), located in the Southeast one-quarter of Section 27, Township 3 South, Range 1 East, of the Willamette Meridian, Clackamas County, Oregon. Said tract of land being more particularly described as follows:

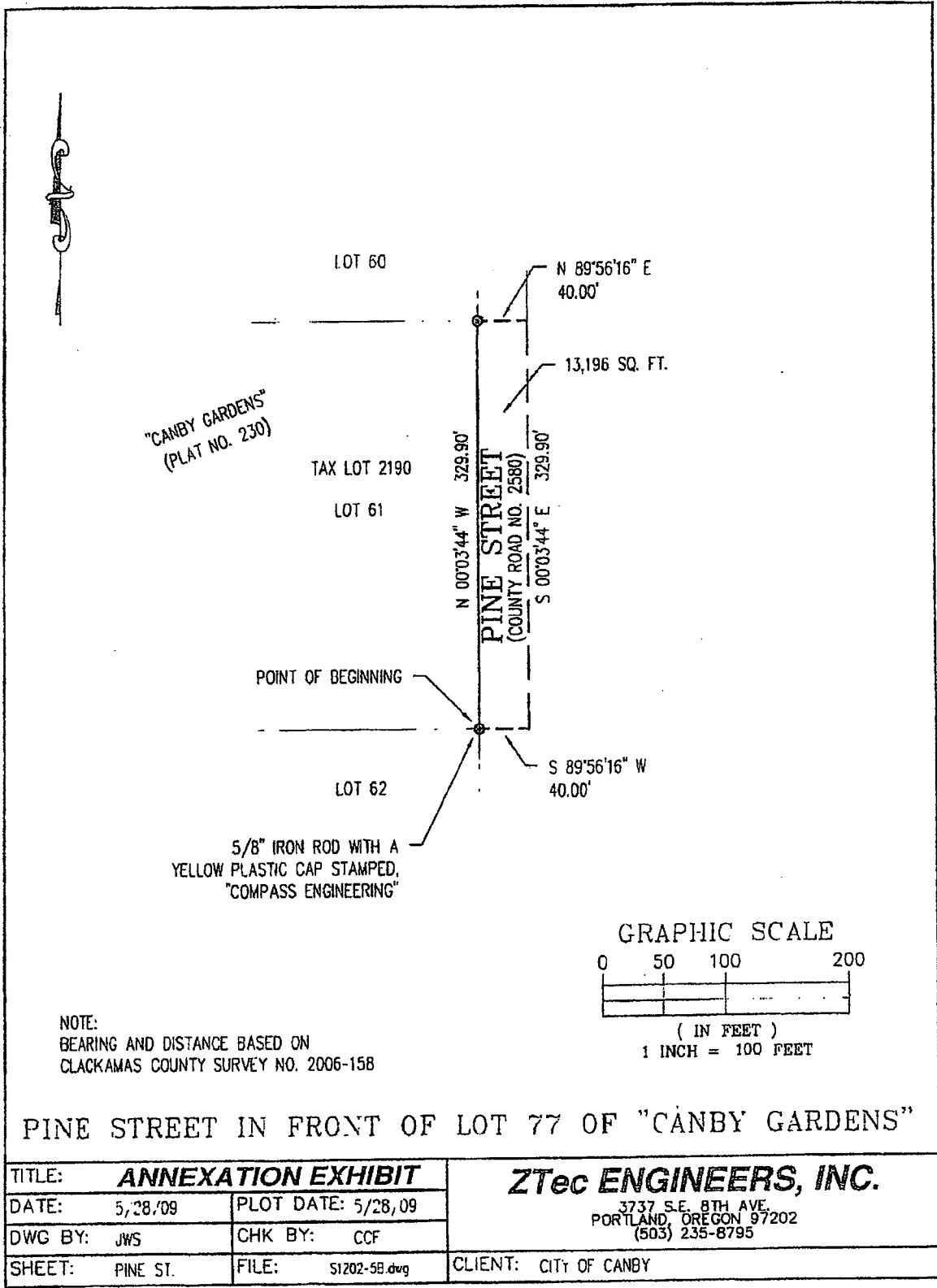
Beginning at a 5/8 inch iron rod with a yellow plastic cap stamped, "Compass Engineering," found at the intersection of the South line of said lot 61 with the West right-of-way line of said Pine street; thence North 00°03'44" West, along said West right-of-way line, a distance of 329.90 feet to a 5/8 inch iron rod with a yellow plastic cap stamped, "Compass Engineering," found at a point on the North line of said lot 61; thence North 89°56'16" East, at a right angle to said West right-of-way line, a distance of 40.00 feet to the point of the East right-of-way line of said Pine street; thence South 00°03'44" East, along said East right-of-way line, a distance of 329.90 feet to a point; thence South 89°56'16" West, at a right angle to said West right-of-way line, a distance of 40.00 feet to the true point of beginning of the tract of land herein described.

Said tract of land contains an area of 13.196 square feet more or less.

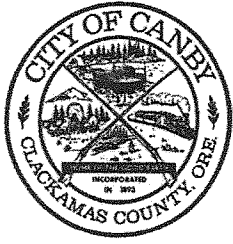


*Chris Fischborn*





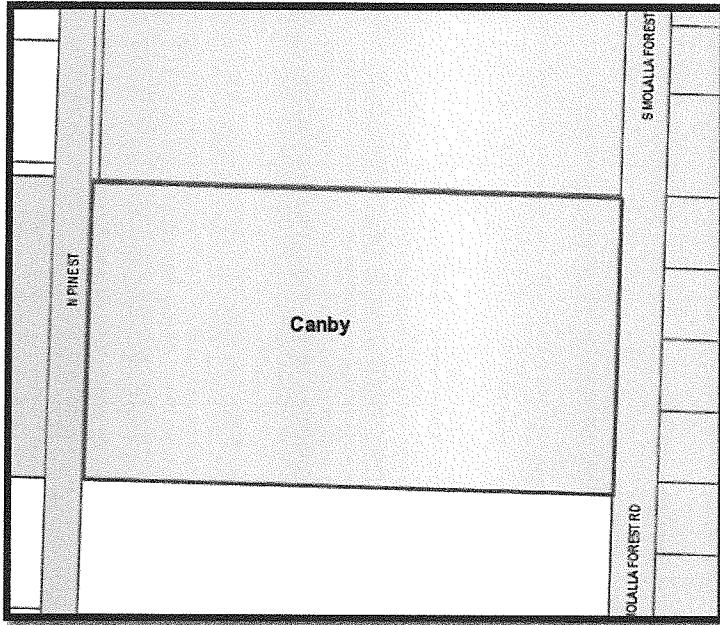
8



# City of Canby

## NOTICE OF PUBLIC HEARING & REQUEST FOR COMMENTS

The purpose of this Notice is to invite you to a Public Hearing for **City File# SUB 14-04** at a Planning Commission meeting on Monday, August 11 at 7 pm in the City Council Chambers, 155 NW 2<sup>nd</sup> Avenue and to comment on a proposed 19-lot residential subdivision located at 1732 N Pine Street.



**Comments due**– If you would like your comments to be incorporated into the City’s Staff Report, please return the Comment Form by Wednesday, July 30, 2014

**Location:** 1732 N Pine St (*outlined in red on the map at left*)

**Tax Lot:** 31E27C02500

**Lot Size and Zoning:** 4.47 acres in R-1 Low Density Residential Zone

**Owner:** Norman & Jenny Beck

**Applicant:** Stafford Land Company

**Application Type:** Subdivision

**City File Number:** SUB 14-04

**Contact:** Bryan Brown, Planning Director 503-266-0702.

**What is the Decision Process?** The Planning Commission will make a decision after the Public Hearing.

The Planning Commission’s decision may be appealed to the City Council.

**Where can I send my comments?** Written comments can be submitted up to the time of the Public Hearing and may also be delivered in person to the Planning Commission during the Public Hearing. (Please see *Comment Form*). Comments can be mailed to the Canby Planning Department, PO Box 930, Canby, OR 97013; provided in person at 111 NW Second Avenue; or emailed to [brownb@ci.canby.or.us](mailto:brownb@ci.canby.or.us)

**How can I review the documents and staff report?** Weekdays from 8 AM to 5 PM at the Canby Planning Department. The staff report to the Planning Commission will be available for inspection starting Friday, August 1, 2014 and can be viewed on the City’s website: <http://www.ci.canby.or.us> 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
- 16.16 R-1 Low Density Residential Zone
- 16.21 Residential Design Standards
- 16.43 Outdoor Lighting Standards
- 16.46 Access Standards
- 16.56 Land Division General Provisions
- 16.62 Subdivisions Applications
- 16.64 Subdivisions-Design Standards
- 16.86 Street Alignment Regulations
- 16.89 Application and Review Procedures
- 16.120 Parks, Open Space, and Recreation Land General Provisions

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



**CITY OF CANBY –COMMENT FORM**

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

**By mail:** Planning Department, PO Box 930, Canby, OR 97013  
**In person:** Planning Department at 111 NW Second Street  
**E-mail:** [brownb@ci.canby.or.us](mailto:brownb@ci.canby.or.us)

Written comments to be included in the Planning Commission’s meeting packet are due by Noon on Wednesday, July 30, 2014. Written comments can also be submitted up to the time of the Public Hearing on Monday, August 11, 2014 and may also be delivered in person to the Planning Commission during the Public Hearing at 7 pm in the City Council Chambers, 155 NW 2<sup>nd</sup> Avenue.

**Application: SUB 14-04 Beck Subdivision**

**COMMENTS:**

See comments on the attached memorandum dated July 23, 2014.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**YOUR NAME:** \_\_\_\_\_

**EMAIL:** \_\_\_\_\_

**ORGANIZATION or BUSINESS (if any):** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**PHONE # (optional):** \_\_\_\_\_

**DATE:** \_\_\_\_\_

Thank you!

July 23, 2014

## MEMORANDUM

**TO:** Mr. Bryan Brown  
City of Canby

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

**RE:** **CITY OF CANBY**  
**BECK SUBDIVISION (SUB 14-04)**

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

1. N Pine Street is a County road and classified in the City Transportation System Plan as a collector road, the total existing right-of-way (ROW) width is 40', the required ROW ranges between 50-foot and 60-foot. The developer proposes to dedicate an additional 10-foot of ROW on one side of the roadway meeting the required ROW width of 30 feet for the half street improvements. The half street improvements shall be built to City Standards with a 20-foot paved street width measured from the centerline ROW and matching the existing street width to the north. An asphalt tapers at the rate of 10:1 shall be constructed to match existing asphalt surface at the south end of the street. The improvements shall also include curbs, 6-foot curb tight concrete sidewalks, street lights and utilities in conformance with section 2.207 of the City of Canby Public Works Design Standards dated June 2012. Clackamas County approval will be needed for those improvements.
2. All interior streets shall be designed to City local street standards with 34-foot paved width, curbs, planters, 6' sidewalks, streets lights and utilities. Sidewalk and PUE shall be wide enough to encompass both facilities.
3. The access way to the Logging Road Trail shall have a commercial driveway approach with ADA compliance, the minimum concrete thickness shall be 6" with reinforcements over 4" min of crushed rock base and paved to City local street standards.
4. We recommend one (1) ADA ramp at each of the curb returns on N Pine Street and NE 17<sup>th</sup> Avenue intersection.

C:\H A \Projects\Canby\1009 Gen Eng\Beck Subdivision, SUB 14-04 Preliminary Comments.doc

Mr. Bryan Brown  
July 23, 2014  
Page 2

5. As requested during the pre-application meeting, the submitted plans show the sanitary sewer and waterline along N Pine Street being extended to the southerly limits of the development.
6. All street names and traffic signs shall be installed by the developer as part of this development.
7. An erosion control permit will be required from the City of Canby prior to any on-site disturbance.
8. A demolition permit will be required from the City of Canby prior to demoing of the existing house.
9. A storm drainage analysis shall be submitted to the City for review and approval during the final design phase. The analysis shall meet the City to meet Chapter 4 of the City of Canby Public Works Design Standards dated June 2012.
10. Advanced Financing District for North Redwood Storm Drainage Improvements was formed by the City and the City Council approved ordinance #688 on December 1, 1999. The developer will be required to pay their share of the cost prior to connecting to the existing storm drain system in the Logging Road Trail.
11. Any existing domestic or irrigation wells shall be abandoned in conformance with OAR 690-220-0030. A copy of WRD abandonment shall be submitted to the City.
12. Any existing on-site sewage disposal system shall be abandoned in conformance with Clackamas County WES regulations. A copy of the septic tank removal certificate shall be submitted to the City.

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

## CITY OF CANBY –COMMENT FORM

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

**By mail:** Planning Department, PO Box 930, Canby, OR 97013  
**In person:** Planning Department at 111 NW Second Street  
**E-mail:** [brownb@ci.canby.or.us](mailto:brownb@ci.canby.or.us)

Written comments to be included in the Planning Commission's meeting packet are due by Noon on Wednesday, July 30, 2014. Written comments can also be submitted up to the time of the Public Hearing on Monday, August 11, 2014 and may also be delivered in person to the Planning Commission during the Public Hearing at 7 pm in the City Council Chambers, 155 NW 2<sup>nd</sup> Avenue.

**Application: SUB 14-04 Beck Subdivision**

**COMMENTS:**

I lived next to this wooded area for almost 4 years. I think it would be a shame to do anything different with the land. The kids and I would go for walks and learn about the different plants growing, pick the blackberries. We would also enjoy watching the deer taking care of their young and eating in our backyard. The wild turkeys of Canby also lived in these woods. Privacy is so hard to find now days. Things are way over developed.

**YOUR NAME:** Ka Sandra Salinas  
**EMAIL:** ksalinas@gmail.com  
**ORGANIZATION or BUSINESS (if any):** skincare provider  
**ADDRESS:** 1787 N. Pine St (now) 1117 NE 19th Ct Canby OR 97013  
**PHONE # (optional):** (503) 901-2007  
**DATE:** 7/24/14

Thank you!



# City of Canby

## MINOR PARTITION STAFF REPORT

FILE #: MLP 14-01

Prepared for the August 11, 2014 Planning Commission Meeting

**LOCATION:** 462 & 480 SW 3<sup>rd</sup> Street

**ZONING:** R-2 High Density Residential

**TAX LOTS:** 31E33CC07200, 31E33CC07300, & 31E33CD04600 (bordered properties below)



**LOT SIZES:** Approximately 5,227 sf each/15,680 sf total

**OWNERS:** 31E33CC07200 & 31E33CC07300: Greenhead Properties LLC; 31E33CD04600: USA Regrowth Funds LLC

**APPLICANT:** Ed Netter

**APPLICATION TYPE:** Minor Partition (Type III)

**CITY FILE NUMBER:** MLP 14-01

### I. PROJECT OVERVIEW & EXISTING CONDITIONS

The applicant proposes to partition three existing lots by splitting each equally, resulting in six lots. The lots will be suitable for single family attached homes, a permitted use in the R-2 zone. The site is vacant and abuts existing paved streets, utility lines, and streetlights. The site is border by a paved 32-foot wide city street with curb, but no sidewalk on the partition side. One and two story single family homes neighbor the site.

### II. ATTACHMENTS

- A. Application form and supporting documents
- B. Application narrative
- C. Tentative partition drawing titled "Minor Partition Proposal SW 3<sup>rd</sup> St near intersection with S Elm", dated 5/19/2014 with City received date of 7/14/14
- D. Citizen and agency comments/written testimony

### **III. MAJOR TOPICS FOR PLANNING COMMISSION CONSIDERATION**

A. *General Lot width/depth ratio is not met.* To provide for proper site design and prevent the creation of irregularly shaped parcels, the depth of any lot or parcel shall not exceed three times its width unless there is a topographical or environmental constraint or an existing man-made feature preventing conformance. Once the existing 3 parcels are divided in half, the 98 foot lot depth will exceed 3 times the 26 foot wide typical resulting lot width. Staff considers this standard as a general guideline within the context it is written. The proposed lot widths/depths are considered appropriate for the location and type of development and use planned.

B. *Parallel Parking Restriction adjacent to partition.* The standard local street width allowing parallel parking on both sides is 34 feet wide. The existing street width is only 32 feet wide. A 28 foot wide local street is allowed, but parking is restricted on one side. A citizen has commented about the impact new on-street parking may have on use of the street. There will not be room for more than 2 parallel parking spaces between the new driveways. On-street parking can act as an appropriate traffic calming mechanism, helping to keep speeds down. If problems develop as a result of the new homes, a restriction could be considered later if necessary. Although the current street width is slightly deficient, there is still functional room for a full use of the street for 2 lanes of traffic to pass and parallel parking on both sides if traffic proceeds with appropriate caution. Requiring additional street width did not appear to be a practical solution, as only one additional foot would be obtained from this side of the street.

### **IV. APPLICABLE CRITERIA & FINDINGS**

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

- 16.08 General Provisions
- 16.10 Off-street Parking and Loading
- 16.20 R-2 Zone
- 16.21 Residential Design Standards
- 16.43 Outdoor Lighting Standards
- 16.46 Access Limitations on Project Density
- 16.56 Land Division General Provisions
- 16.60 Major or Minor Partitions
- 16.64 Subdivisions-Design Standards
- 16.86 Street Alignments
- 16.89 Application and Review Procedures
- 16.120 Parks, Open Space, and Recreation Land General Provisions

Applicable code criteria are highlighted below in **gray**, with findings and discussion after the citations; most full code citations are omitted for brevity. If not discussed below, other

standards from the code are either met fully, not applicable, and/or do not warrant discussion. Most met provisions have no discussion for brevity.

## ***Chapter 16.08 General Provisions***

---

### **16.08.090 Sidewalks required.**

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

**Findings:** Staff recommends requiring a 6 foot curb tight sidewalk, per the TSP. This has been made a condition of approval and states that the final partition plat shall depict any necessary sidewalk easements to accommodate a 6 foot sidewalk along the properties frontages. The adjacent right of way is 40 feet with 32 feet of paved street, leaving 4 feet on either side of the street for a sidewalk. Therefore, a 2 foot partial sidewalk easement is needed to accommodate a six foot sidewalk (4 feet of the sidewalk will be within the right of way and 2 feet of the sidewalk will be on private property).

### **16.08.150 Traffic Impact Study (TIS).**

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

**Findings:** A Traffic Impact Study was not required for this proposal because it was determined that this proposal did not meet the TIS requirements of 16.08.150.

### **16.08.160 Safety and Functionality Standards**

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

- A.** Adequate street drainage, as determined by the city.
- B.** Safe access and clear vision at intersections, as determined by the city.
- C.** Adequate public utilities, as determined by the city.
- D.** Access onto a public street with the minimum paved widths as stated in Subsection E below.
- E.** Adequate frontage improvements as follows:
  - 1.** For local streets and neighborhood connectors, a minimum paved width of 16 feet along the site's frontage.
  - 2.** For collector and arterial streets, a minimum paved width of 20 feet along the site's frontage.
  - 3.** For all streets, a minimum horizontal right-of-way clearance of 20 feet along the site's frontage.
  - 4.** Compliance with mobility standards identified in the TSP. If a mobility deficiency already exists, the development shall not create further deficiencies.

**Findings:**

- Stormwater will be required to be contained on site and stormwater plans must comply with the city’s Public Works Design Standards, a condition of approval.
- Vision clearances are reviewed during the building permit process.
- The site contains existing public utilities. We have not heard from Canby Utility to confirm if the typical frontage public utility easement is needed to serve these parcels. A condition of approval addresses any potential utility agency requirements, and would not be required if later confirmed it is not needed due to service having been previously established in this area.
- The site is located adjacent to an existing paved street; no new street improvements are proposed that would trigger the requirements of (D) and (E).

## ***Chapter 16.10 Off Street Parking & Loading***

**Table 16.10.050 Off-street Parking Provisions**

**Findings:** Two parking spaces are required per single family home; parking will be reviewed during the building permit process. A citizen comment expressed a concern over parking and subsequent vehicle maneuvering around parked autos. Two parking spaces are required per home, but this does not prevent on-street parking and subsequent vehicle maneuvering around these vehicles. However, on-street parking can effectively “narrow” streets and slow traffic; vehicles must also slow down to maneuver around parked vehicles. The units planned will have a single car garage with an additional parking space outside the garage in the driveway. Development of the six townhomes will result in 3 new side by side shared driveways. There will be approximately 28 feet between these driveways on SW 3<sup>rd</sup> Avenue leaving room for only one on-street parking space between driveways. The available 32 foot wide local street is two feet shy of the current standard local street but exceeds the 28 foot wide standard for a low-volume local street. The driving aisle widths will be 9 foot rather than 10 foot when parallel parking occurs on both sides of the street. Staff is comfortable with this street width considering the redevelopment nature and amount of traffic expected at this location.

### **16.10.070 Parking lots and access**

#### **B. Access**

6. To afford safe pedestrian access and egress for properties within the city, a sidewalk shall be constructed along all street frontages, prior to use or occupancy of the building or structure proposed for said property. The sidewalks required by this section shall be constructed to city standards...

**Findings:** The standard local street cross section requires a six-foot wide sidewalk. The current 40-foot right-of-way width will result in 2-foot of the 6 foot wide sidewalk being installed within a sidewalk easement on the private property. The applicant has provided a revised partition drawing that reflects the provision of a sidewalk easement for the necessary sidewalk. A condition of approval addresses the sidewalk requirement.

## **Minimum Access Requirements**



<b>16.10.070(B)(8): Minimum access requirements for residential uses - ingress and egress for residential uses shall not be less than the following (except that in the case of flag lots, section 16.64.0400) shall apply):</b>			
<i>Dwelling units</i>	<i>Minimum number of accesses required</i>	<i>Minimum access width</i>	<i>Sidewalks &amp; Curbs (in addition to driveways)</i>
3 - 19	1	20 feet	<i>Minimum of one sidewalk connection to residences and parking areas, curb required if sidewalk adjacent to driveway</i>

**Findings:** The partition will comply with the access spacing standards. The street width exceeds the minimum required and a curb tight sidewalk will be provided to each parcel.

9. Maximum driveway widths and other requirements except for single-family dwellings [see subsection (d) below]:
- d. The minimum distance between two driveways on one single-family residential lot shall be thirty (30) feet. There is no minimum setback distance between a driveway and the property line for driveways on single-family residential lots.

**Findings:** The above standard conflicts with Canby’s Public Works Design Standards’ driveway-to-driveway separation requirement; consistency between the two documents is a needed Code amendment. The Public Works Design Standards and Table 16.46.030 only require a 10 foot driveway-to-driveway separation with no specification for driveways on the same lot (Section 2.211(g)). Staff is currently utilizing the new 10-foot driveway separation standard, and will propose this uniformly with are next code amendment fix. The driveways in this partition will be 28 feet apart, easily conforming with the new Public Works Design Standard. A condition of approval specifies minimum and maximum driveway widths specified in the Public Works Design Standards.

10. Distance Between Driveways and Intersections- Except for single-family dwellings [see subsection (f) below] the minimum distance between driveways and intersections shall be as provided below. Distances listed shall be measured from the stop bar at the intersection:
- f. The minimum distance between driveways for single-family residential houses and an intersection shall be thirty (30) feet. The distance shall be measured from the curb intersection point [as measured for vision clearance area (16.04.670)].

**Findings:** Lot intersection-to-driveway spacing will be verified for compliance during the building permit process. Canby’s Public Works Design Standards require a more restrictive 50’ intersection-to-driveway separation; consistency between the two documents is a needed Code amendment. Staff proposes to address this at the building permit stage and/or with code amendments. The lots in the partition meet this standard whether at 30 feet or 50.

**B. Table 16.10.070 Minimum dimensional standard for parking**

**Findings:** Parking standards will be verified during the building permit process. The joint townhome driveways shall not exceed 24 feet in width as determined by the Public Works Design

Standards.

## ***16.20 R-2 High Density Residential Zone***

---

### **16.20.010 Uses permitted outright.**

Uses permitted outright in the R-2 zone shall be as follows:

- B. Single family dwellings having common wall construction;

**Findings:** The applicant proposes to build three single family dwellings having common wall construction, a permitted use in the R-2 Zone. This results in 6 total dwelling units.

### **16.20.030 Development standards.**

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

- A. Minimum residential density: New development shall achieve a minimum density of 14 units per acre. Density is calculated by dividing the number of dwelling units by the property area in acres (minus area required for street right-of-way and public park/open space areas). Decimals are rounded to the nearest whole number. The Planning Commission may modify the density standard if it cannot be met due to existing lot dimensions, road patterns, or other site characteristics.

**Findings:** Each property in this application is approximately 0.12 acres. Two dwelling units/0.12 acres=16.7 units/acre, meeting the above standard. Approval of this partition as designed will insure the density standard is met.

- B. Minimum width and frontage: Twenty feet except that the Planning Commission may require additional width to ensure that all applicable access standards are met.

**Findings:** Approval of this partition as designed will insure that the minimum lot width is met. The typical lot width is to be 26 feet wide as proposed.

- C. Minimum yard requirements  
D. Maximum building height and length  
E. The maximum amount of impervious surface  
F. Other regulations:  
1. Vision clearance distance

**Findings:** Setbacks, building height, building length, maximum impervious area, and vision clearance will be verified during the building permit process.

## ***16.21 Residential Design Standards***

---

### **16.21.020 Applicability and review procedure for single family and two family dwellings.**

The standards in sections 16.21.030 through 16.21.050 apply to single family dwellings, manufactured homes, and two family dwellings (duplexes)...

**16.21.030 Single family and two-family dwelling design menu.**

**16.21.040 Main entrances for single family and two family dwellings.**

**Findings:** The residential design standards of Chapter 16.21.020-040 are applicable to the proposed single family (attached) homes and will be verified for compliance during the building permit process. Condition XXX will insure the applicant is aware of the design standard.

**16.21.050 Infill Homes**

**B. Applicability.** These standards apply to all new infill homes as defined by 16.04.255.

**Findings:** Infill homes are defined in 16.04.255 as “existing and new single family dwellings, manufactured homes, two-family dwellings, duplexes and triplexes on lots that are located in an R-1 or R-1.5 zoning district, and that have existing homes on two adjacent sides. Each adjacent home must be within 25 feet of the common lot line with the infill homes and have pre-existed for at least 5 years (dated from the existing homes final building permit approval).”

The proposed lots are zoned R-2 and do not meet the above definition, therefore infill standards are not applicable. Chapter 16.64.040(J) gives the Planning Commission the authority to apply infill standards to any lot, however this is not recommended by staff.

## ***16.43 Outdoor Lighting Standards***

---

**16.43.030 Applicability**

The outdoor lighting standards in this section apply to the following:

**A. New uses, buildings, and major additions or modifications:**

1. For all proposed new land uses, developments, buildings, and structures that require a building permit, all outdoor lighting fixtures shall meet the requirements of this Code.

**16.43.060 Prohibited Light and Lighting.**

**A.** All outdoor light sources, except street lights, shall be shielded or installed so that there is no direct line of sight between the light source or its reflection at a point 3 feet or higher above the ground at the property line of the source. Light that does not meet this requirement constitutes light trespass. Streetlights shall be fully shielded. However, the applicant is permitted to have some unshielded lighting if lumens are within the limits of Table 16.43.070 below.

**Findings:** The Planning Commission has determined with recent applications that lighting standards are not applicable to street lights. Lighting standards in 16.43 are applicable to new homes. The applicant has stated and the preliminary plat drawing show that no new street lights are proposed.

## ***16.46 Access Limitations on Project Density***

---

**16.46.010 Number of units in residential development.**

A major factor in determining the appropriate density of residential development, particularly in higher density areas, is vehicular access. In order to assure that sufficient access is provided for emergency response as well as the convenience of residents, the following special limitations shall be placed on the allowable number of units in a residential development:

**A. Single-family residential access, public and private roads:**

1. Roads shall be a minimum of 28 feet in width with parking restricted to one side only, or a minimum of 34 feet in width with no parking restriction.

2. The number of units permitted are as follows:

One access: 30 units

Two accesses: 132 units

Three accesses: 207 units

For more than three accesses, use the following formula: # of units permitted = (60x (1 + (.05 x # of access points))) x (# of access points)

**Findings:** No new roads are proposed that would trigger the application of (1) above. There are approximately 40 units on SW 3<sup>rd</sup> from Elm to Ivy, which are accessed via Elm, Ivy, Grant, and S Fir, thus meeting (2) above.

**G. Public roads accessing any development shall be a minimum of two travel lanes (twenty-four (24) feet of paved width) to the nearest improved collector or arterial street...**

**Findings:** No new roads are proposed that would trigger the application of this provision.

**16.46.030 Access connection.**

**A. Spacing of accesses on City streets.** The number and spacing of accesses on City streets shall be as specified in Table 16.46.030. Proposed developments or land use actions that do not comply with these standards will be required to obtain an access spacing exception and address the joint and cross access requirements of this Chapter.

**TABLE 16.46.30**

**Access Management Guidelines for City Streets\***

Street Facility	Maximum spacing** of roadways	Minimum spacing** of roadways	Minimum spacing** of roadway to driveway***	Minimum Spacing** driveway to driveway***
Collector	600 feet	250 feet	100 feet	100 feet or combine
Neighborhood/Local	600 feet	150 feet	50 feet****	10 feet

\*\* Measured centerline on both sides of the street

\*\*\* Not applicable for single-family residential driveways; refer to section 16.10.070(B)(10) for single-family residential access standards

Note: Spacing shall be measured between access points on both sides of the street.

**Findings:** The typical 100 foot driveway separation distance to a collector street ( S Elm Street) in this case is not applicable to single-family residential. The 30 to 50 foot standard for residential

driveway separation – depending on which City source we use – is met.

**16.46.035 Restricted access.**

The City may allow an access to a City street that does not meet the spacing requirements of Table 16.46.030 if the proposed access is restricted (prevents certain turning movements). The City may require an applicant to provide an engineered traffic study, access management plan, or other information as needed to demonstrate that the roadway will operate within the acceptable standards with the restricted access in place. Access to OR 99E shall be regulated by ODOT through OAR 734.51.

**16.46.040 Joint and cross access.**

Any developments requiring site plan review that do not meet access spacing requirements are subject to these requirements. In these cases, the following information shall be shown on the site plan.

- B.** A system of joint use driveways and cross access easements shall be established wherever feasible and shall incorporate the following:
  - 1.** A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards;
  - 2.** A design speed of 10 mph and a minimum width of 20 feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles;
  - 3.** Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive;
  - 4.** A unified access and circulation system plan for coordinated or shared parking areas is encouraged.
- D.** Pursuant to this section, property owners shall:
  - 1.** Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;
  - 2.** Record an easement with the deed that remaining access rights along the roadway will be dedicated to the city and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;
  - 3.** Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.
- E.** The City may reduce required separation distance of access points where they prove impractical, provided all of the following requirements are met:
  - 1.** Joint access driveways and cross access easements are provided in accordance with this section.
  - 2.** The site plan incorporates a unified access and circulation system in accordance with this section.
  - 3.** The property owner enters into a written agreement with the city, recorded with the deed, that pre-existing connections on the site will be closed and eliminated after construction of each side of the joint use driveway.
- F.** The Planning Department may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make a development of a unified or shared access and circulation system impractical.

**16.46.070 Exception standards.**

- A.** An exception may be allowed from the access spacing standards if the applicant can provide proof of unique or special conditions that make strict application of the provisions impractical. Applicants shall include proof that:
1. Indirect or restricted access cannot be obtained;
  2. No engineering or construction solutions can be reasonably applied to mitigate the condition; and
  3. No alternative access is available from a street with a lower functional classification than the primary roadway.
- B.** Access Management Plan Required. An applicant requesting an access exception may be required to submit an access management plan. The access management plan shall explain the need for the modification and demonstrate that the modification maintains the classified function and integrity of the facility. An access management plan shall be prepared and certified by a traffic or civil engineer registered in the State of Oregon. An access management plan shall at minimum contain the following:
1. The minimum study area shall include the length of the site's frontage plus the distance of the applicable access spacing standard, measured from each property line or access point(s), whichever is greater. For example, a property with 500 feet of frontage on an arterial (required 660 foot access spacing standard) shall have a minimum study area which is 1,820 feet in length.
  2. The potential safety and operational problems associated with the proposed access point. The access management plan shall review both existing and future access for all properties within the study area as defined above.
  3. A comparison of all alternatives examined. At a minimum, the access management plan shall evaluate the proposed modification to the access spacing standard and the impacts of a plan utilizing the City standard for access spacing. Specifically, the access management plan shall identify any impacts on the operations and/or safety of the various alternatives.
  4. A list of improvements and recommendations necessary to implement the proposed access modification, specifically addressing all safety and operational concerns identified.
  5. References to standards or publications used to prepare the access management plan.
- C.** The granting of the exception shall be in harmony with the purpose and intent of these regulations and shall not be considered until every feasible option for meeting access standards is explored.
- D.** No exception shall be granted where such hardship is self-created.
- E.** Reasons for denying access spacing exception applications include, but are not limited to, traffic safety concerns, expected or planned traffic increases due to development or road construction, and emergency service provision issues.

**Findings: The standards above do not apply to residential driveways.**

***16.56 Land Division Regulation***

---

**Findings: Chapter 16.56 contains general language regarding land divisions and has no specific evaluation criteria.**

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

---

### **16.60.020 Standards and criteria.**

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

**Findings:** Per above, the standards of Chapter 16.64, Subdivision Design Standards, are applicable to this proposal. The above section also gives the Planning Commission the authority to be flexible with public improvement requirements.

### **16.60.040 Minor partitions.**

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

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

**Findings:** Per 16.04.470, a partition “means to divide an area or tract of land into two or three parcels within the calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. Partitioned land does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size.” A minor partition “means a partition that does not include the creation of a road or street.”

This application involves three partitions; each of the three taxlots is being divided into 2 parcels, resulting in the creation of three parcels. This partition does not propose to create a road or street and is therefore being processed as a minor partition. A condition of approval verifies that all requirements of applicable utility agencies, including easement requirements, are met prior the recordation of the partition plat.

The application, staff report, and conditions of approval ensure conformance with the above. Public facilities and services are presently available on the site.

**16.60.060 Final procedures and recordation.**

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

**Findings:** No public improvements are proposed except for the installation of sidewalks. Customarily, no assurances are collected for residential sidewalk installation and installation of sidewalks is not required until homes are built on their respective lots. A condition of approval states that all sidewalks shall be installed on their respective lots at the time of home construction.

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

**Findings:** A condition of approval states that a surveyed partition plat, prepared by a licensed surveyor or engineer, shall be prepared and recorded at Clackamas County after city review. Clackamas County Surveying reviews pending subdivision plat documents for Oregon Statutes and county requirements after city approval. A condition of approval states that the proposed final plat must be submitted to the city for review within one year of Planning Commission approval or the applicant must request that the Planning Director approve a one-year extension for submittal. A condition of approval states that the applicant or county shall provide the city with a copy of the final plat in a timely manner after it is recorded at Clackamas County.

## ***16.64 Subdivisions-Design Standards***

---

**16.64.010 Streets**

- M. Planting Easements. The Planning Commission may require additional easements for planting street trees or shrubs.

**Findings:** A condition of approval states that 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. All street tree fees shall be paid prior to the recordation of the final plat. Street trees will have to be placed within a street tree planting easement that may be shared with utilities and the sidewalk. A condition of approval states that the Planning Commission requires a street tree easement to allow planting of street trees on private property on the frontage of each lot.

- E. Streets shall have sidewalks on both sides. Pedestrian linkages should also be provided to the peripheral street system.

**Findings:** Conditions of approval address sidewalk requirement.

- F. Access shall be consistent with the access management standards adopted in the Transportation System Plan.

**Findings:** TSP access management standards match Table 16.46.30; accesses compliance has been determined to be able to comply and will be confirmed during the building permit process.

#### **16.64.030 Easements**

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

**Findings:** A condition of approval verifies that all requirements of applicable utility agencies are met prior to the recordation of the final plat – specifically whether a 12-foot public utility easement is necessary across the frontage of each lot.

- C. Pedestrian Ways. In any block over six hundred feet in length, a pedestrian way or combination pedestrian way and utility easement shall be provided through the middle of the block. If unusual conditions require blocks longer than one thousand two hundred feet, two pedestrian ways may be required. When essential for public convenience, such ways may be required to connect to cul-de-sacs, or between streets and other public or semipublic lands or through green way systems. Sidewalks to city standards may be required in easements where insufficient right-of-way exists for the full street surface and the sidewalk.

**Findings:** The existing blocks is over 600 feet, but this is already established by previous subdivision design. Putting in a pedestrian pathway is not possible at this time, due to existing surrounding lot pattern.

#### **16.64.040 Lots**

- A. Size and Shape. The lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated. To provide for proper site design and prevent the creation of irregularly shaped parcels, the depth of any lot or parcel shall

not exceed three times its width (or four times its width in rural areas) unless there is a topographical or environmental constraint or an existing man-made feature such as a railroad line.

**Findings:** The proposed lots are 26 feet wide and 98 feet deep. Therefore, the lot depths are more than three times the lot widths. This results from the increased density proposed by splitting the existing lots in half where they easily comply as they exist today. (See discussion under major issues).

**B. Minimum Lot Sizes:**

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

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

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

**Findings:** The above sections are met.

**J. Designation of Lots as 'Infill Home' Sites.** The Planning Commission may require that homes built on one or more lots adjacent to existing development be subject to any or all of the requirements of 16.21.050 - Infill Homes. Furthermore, for subdivisions where the parent parcel(s) is less than two acres in size, the Planning Commission may require that all homes built on lots in the subdivision be subject to any or all of the requirements of 16.21.050. These requirements are to be shown on the subdivision plat or included in the deed restrictions.

**Findings:** Designation of infill lots is not recommended by staff because the proposed homes do not meet the definition for infill homes per 16.04.255.

**16.64.060 Grading of building sites.**

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

**Findings:** Staff does not propose a grading bond because the site has flat topography with no steep slopes with little possibility for issues.

**16.64.070 Improvements**

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

1. Improvement work shall not be commenced until plans have been checked for adequacy and approved by the city. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the tentative plat of a subdivision or partition. No work shall commence until the developer has signed the necessary certificates and paid the subdivision development fees specified elsewhere in this division.

2. Improvement work shall not commence until after the city is notified, and if work is discontinued for any reason it shall not be resumed until after the city is notified.
3. Improvements shall be constructed under the inspection and to the satisfaction of the City. The city may require changes in typical sections and details in the public interest if unusual conditions arise during construction which warrant the change.

**Findings:** No improvements are being required except for the installation of sidewalks. Sidewalk installation will be done at the time of home construction and the city does not customarily collect assurances for residential sidewalk installation.

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

**Findings:** City does not generally seek "as-built" plans for residential sidewalk installation.

**B.** The following improvements shall be installed at the expense of the subdivider unless specifically exempted by the Planning Commission:

1. Streets, including drainage and street trees;
2. Complete sanitary sewer system;
3. Water distribution lines and fire hydrants;
4. Sidewalks and any special pedestrian ways;
5. Street name and traffic-control signs;
6. Streetlights;
7. Lot, street and perimeter monumentation;
8. Underground power lines and related facilities;
9. Underground telephone lines, CATV lines, natural gas lines, and related facilities;

**Findings:** No improvements are being required except for the installation of sidewalks; sidewalk installation will be done at the time of home construction. Monumentation requirements are addressed with conditions of approval. Conditions of approval addresses utility agency requirements.

**C. Streets**

2. ...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.

**Findings:** A condition of approval addresses monumentation requirements.

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

**Findings:** A condition of approval addresses street tree requirements.

4. Prior to city approval of the partition plat, all perimeter and back lot line monumentation shall be installed and the 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.

**Findings:** A condition of approval addresses monumentation requirements.

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

**Findings:** No improvements are being required except for the installation of sidewalks; sidewalk installation will be done at the time of home construction.

**D. Surface Drainage and Storm Sewer System.**

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

**Findings:** All residential stormwater must be retained onsite per the Canby Public Works Design Standards. Per the city engineer's memo dated 7.24.14, a storm drainage analysis shall be submitted for review and shall meet Chapter 4 of the Public Works Design Standards.

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

**Findings:** Customarily, no assurances are collected for residential sidewalk installation.

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

**Findings:** No new streetlights are proposed.

**K. Other Improvements.**

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

**Findings:** A condition of approval states that a city Street Opening Permit is required when curb cuts are proposed prior to home construction. Otherwise access spacing requirements will be

reviewed during the building permit process. A condition of approval addresses street trees. The existing overhead utility lines are not proposed to be undergrounded.

- M. Survey Accuracy and Requirements.** In addition to meeting the requirements as set forth in Oregon Revised Statutes relative to required lot, street and perimeter monumentation, the following shall be required:
1. An accuracy ratio of subdivision plat boundary line closure of one in ten thousand (.0001) feet as found in the field.
  2. Two primary perimeter monuments (one of which can be the initial point) having the same physical characteristics as the initial point. The monuments are to be on a common line visible, if possible, one to the other at time of approval and preferably at angle points in the perimeter. They shall be points as far apart as practicable. A survey monument witness sign of a design acceptable to the city engineer shall be placed within eighteen inches of both monuments. The position for the initial point and other primary perimeter monuments shall be selected with due consideration to possible damage during construction and desirability of witness sign location.
  3. Street centerline monumentation shall consist of a two-inch diameter brass cap set in a concrete base within and separate from a standard monument box with cover (standard city details applicable) at locations specified by the city engineer (generally at intersections with centerline of arterial or collector streets and within streets proposed to be greatly extended into adjacent future subdivisions). All other street centerline points (intersections, points of tangent intersections, cul-de-sac center lines, and cul-de-sac off-set points) shall be monumented with a five-eighths-inch diameter steel rod thirty inches long with an approved metal cap driven over the rod and set visible just below the finish surface of the street. If any points of tangent intersection fall outside of a paved section street, the above monumentation will be required at point of curvature and point of tangency of the curve. All centerline monuments are to be accurately placed after street construction is complete.

**Findings:** A condition of approval states that the City Engineer or County surveyor shall verify that the above standards are met prior to the recordation of the partition plat.

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

**O. Bond.**

1. The land divider shall file with the agreement, to assure his full and faithful performance thereof, one of the following:
  - a. A surety bond executed by a surety company authorized to transact business in the state in a form approved by the City Attorney;

- b. A personal bond cosigned by at least one additional person, together with evidence of financial responsibility and resources of those signing the bond, sufficient to provide reasonable assurance of ability to proceed in accordance with the agreement;
  - c. Cash.
  - 2. Such assurance of full and faithful performance shall be for a sum approved by the city engineer as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses, and to cover the cost of the city inspection.
  - 3. If the land divider fails to carry out provisions of the agreement and the city has unreimbursed costs or expenses resulting from such failure, the city shall call on the bond or cash deposit for reimbursement. If the cost of expense incurred by the city exceeds the amount of the bond or cash deposit, the land divider shall be liable to the city for the difference.
- P. Guarantee. All improvements installed by the subdivider shall be guaranteed as to workmanship and materials for a period of one year following written notice of acceptance by the city to the developer.

**Findings:** No public improvements are proposed or indicated to be required except for the 6-foot wide sidewalk.

## ***16.86 Street Alignments***

---

### **16.86.020 General provisions.**

- F. Bikeways and bike lanes shall be provided consistent with the Bicycle Plan element of the Transportation System Plan.
- G. Pedestrian facilities shall be provided consistent with the Pedestrian Plan element of the Transportation System Plan.

**Findings:** No bicycle or pedestrian facilities are listed in the TSP for SW 3<sup>rd</sup>.

### **16.86.040 Recommended Roadway Standards**

Specific standards for roadway design are located in the Transportation System Plan and Canby Public Works Design Standards

**Findings:** No new streets are proposed or are being required for this proposed partition.

## ***16.89 Application and Review Procedures***

---

**Findings:** This application is being processed in accordance with Chapter 16.89. Notice of the public hearing was mailed to owners and residents of lots within 200 feet of the subject development and to applicable agencies. Notice of the meeting was posted at the Development Services Building and City Hall and was published in the *Canby Herald*. This chapter requires a Type III process for minor partitions. A neighborhood meeting is not required for minor partitions and a pre-application conference was not required for this application.

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

---

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

- A. Parkland Dedication: All new residential, commercial and industrial developments shall be required to provide park, open space and recreation sites to serve existing and future residents and employees of those developments.
1. The required parkland shall be dedicated as a condition of approval for:
    - a. Approval of a tentative plat of a subdivision or partition.
  2. The City shall require land dedication or payment of the system development charge (SDC) in lieu of land dedication (Section 4.20.170). In addition, the City may credit private on-site park, open space and recreation area(s) and facilities (Section 16.120.060). The City may approve any combination of these elements. Prior to parkland dedication, a Level I Environmental Assessment of the lands proposed for dedication shall be performed by the applicant as part of the site plan approval for the project.

**Findings:** System Development Charges (SDCs) will be collected at the time of construction of any future new homes to meet the requirements of 16.120.

### **V. PUBLIC TESTIMONY**

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

### **VI. CONDITIONS OF APPROVAL**

Staff concludes, with conditions, that the application will meet the requirements for approval. Staff has concluded the following conditions of approval:

#### **General 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 property. Any modification of development plans not in conformance with the approval of application file #MLP 14-01, 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 submissions:
  - a. Application form and supporting documents
  - b. Application narrative
  - c. Tentative partition drawing titled "Minor Partition Proposal SW 3<sup>rd</sup> St near intersection with S Elm", dated 5/19/2014 (Received on 7.14.14)
  - d. Citizen and agency comments/written testimony

2. The development shall comply with all applicable City of Canby Public Works Design Standards.
3. The applicant must obtain a city Street Opening Permit if the applicant wishes to install curb cuts and driveways prior to home construction so that the city may verify compliance with city access spacing standards.
4. The applicant shall address all comments made in the city engineer's memorandum dated 7.24.14.
5. Stormwater will be required to be contained on site and stormwater plans must comply with the city's Public Works Design Standards.
6. 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.

**Final Plat Conditions:**

---

7. A final surveyed partition plat shall be prepared by a licensed surveyor or engineer.
8. The applicant shall apply for a final plat at the city and pay any applicable city fees to gain approval of the final partition 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
  - b. City Engineer
  - c. Canby Public Works
  - d. Canby Fire District
  - e. Canby Utility
  - f. Clackamas County
  - g. Northwest Natural Gas
  - h. Canby Telcom
  - i. Wave Broadband
  - j. Oregon Department of Environmental Quality (DEQ)
9. The proposed final plat must be submitted to the city for review within one year of Planning Commission approval or the applicant must request that the Planning Director approve a one-year extension for submittal.
10. The proposed final plat must be recorded at Clackamas County after city approval.
11. The applicant or county shall provide the city with a copy of the final plat in a timely manner after is recorded at Clackamas County.
12. The final partition plat shall depict any necessary sidewalk easements to accommodate a 6 foot sidewalk along the property frontages.
13. A 12 foot utility easement along all of the lot's street frontages shall be noted on the partition plat unless confirmed to be unnecessary by utility representatives. This easement may be combined with other easements and shall be measured from the property boundary.
14. 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. All street tree fees shall be paid prior to the recordation of the partition plat.



15. A street tree easement 12 feet wide measured from the front property line shall be provided along the frontage of all lots to allow street trees on private property to be planted behind the sidewalk. This easement may be shared with utilities and the sidewalk.

Monumentation/Survey Accuracy Conditions

16. Lot and perimeter monumentation shall be approved by the county surveyor and/or the city engineer.
17. The county surveyor and/or the city engineer shall verify that the standards of 16.64.070(M) are met prior to the recordation of the final plat.
18. 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 or county surveyor shall verify compliance with this condition prior to the recordation of the final plat.
19. 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 or county surveyor shall confirm required monuments prior to the recordation of the subdivision plat.

**Residential Building Permits Conditions:**

---

20. Prior to the issuance of a City Site Plan Review permit, final construction plans must be approved by the city and all other utility/service providers. This includes, but is not limited to, approval by:
  - a. City of Canby Planning: Reviews construction plans for depiction of the conditions of approval determined by the Planning Commission
  - b. City of Canby Engineering/Canby Public Works: Review stormwater, sanitary sewer/wastewater, grading/erosion control, street trees, and other applicable items.
  - c. Canby Fire District
  - d. Canby Utility – water and electric service
  - e. Northwest Natural Gas
  - f. Canby Telcom
  - g. Wave Broadband
21. Construction of all required public improvements except the public sidewalk and recordation of the partition plat must be completed prior to the construction of any homes.
22. Six foot sidewalks shall be constructed by the homebuilder and shall be depicted all proposed home construction plans.
23. The homebuilder shall apply for a City of Canby Site Plan Permit and County Building Permit for each home.
24. The homebuilder shall apply for a City of Canby Erosion Control Permit.
25. On-site stormwater management shall be designed in compliance with the Canby Public Works Design Standards.
26. Construction shall comply with all applicable City of Canby Public Works Design

Standards.

27. Clackamas County Building Codes Division will provide structural, electrical, plumbing, and mechanical plan review and inspection services for home construction. The applicable county building permits are required prior to construction of each home.
28. 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.

## **VII.** Decision

Based on the application submitted and the facts, findings, and conclusions of this report, staff recommends that the Planning Commission **approve** Minor Land Partition File #MLP 14-01 pursuant to the Conditions of Approval presented in this Staff Report in Section V.

***Sample motion:*** I move to approve Minor Land Partition File #MLP 14-01 pursuant to the Conditions of Approval presented in this Staff Report in Section VI.



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

# LAND USE APPLICATION

## MINOR/MAJOR PARTITION

### Process Type II/III

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

Applicant Name: Ed Netter Phone: 503-314-8381  
 Address: 1847 S. Fir St Email: netterhomes@hotmail.com  
 City/State: Canby OR Zip: 97013

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

Property Owner Name: Greenhead Properties LLC Phone: 503-936-3743  
 Signature: Andrew A. Kahut, Member: Andrew A. Kahut  
 Address: 30906 S. Needy Rd Email: Andy.Kahut@gmail.com  
 City/State: Canby OR Zip: 97013

Property Owner Name: USA Regrowth Fund LLC Phone: 503-789-2451  
 Signature: Jay Hinrichs, member - Jay Hinrichs  
 Address: 22582 SW Main St. #309 Email: JAYHINRICH@AOL.COM  
 City/State: Shenwood OR Zip: 97140

NOTE: Property owners or contract purchasers are required to authorize the filing of this application and must sign above

- All property owners represent they have full legal capacity to and hereby do authorize the filing of this application and certify that the information and exhibits herewith submitted are true and correct.
- All property owners understand that they must meet all applicable Canby Municipal Code (CMC) regulations, including but not limited to CMC Chapter 16.49 Site and Design Review standards.
- All property owners hereby grant consent to the City of Canby and its officers, agents, employees, and/or independent contractors to enter the property identified herein to conduct any and all inspections that are considered appropriate by the City to process this application.

**PROPERTY & PROJECT INFORMATION:**

462,900 SW 3<sup>1/2</sup> ST Canby 0.354 ac. T3SR1E Sec 33 CD TL 4600  
 Street Address or Location of Subject Property Total Size of Property Assessor Tax Lot Numbers

No structures R-2 HDR  
 Existing Use, Structures, Other Improvements on Site Zoning Comp Plan Designation

Six new town homes  
 Describe the Proposed Development or Use of Subject Property

STAFF USE ONLY				
FILE #	DATE RECEIVED	RECEIVED BY	RECEIPT #	DATE APP COMPLETE
MLP 14-01	7/14/14	Rev. BCB		

## Minor Partition Proposal

Owner: Greenhead Properties, LLC

Applicant: Ed Netter

1847 S. Fir Street

Canby, OR 97013

Phone: 503-314-8381

Subject Property: T3S R1E Sec 33CC TLs 7200 & 7300

T3S R1E Sec 33CD TL 4600

Project summary: Partition three existing high density zoned lots by splitting each equally resulting in six lots suitable for town home construction, an outright use in the R-2 zone.

This proposed minor partition is located near the intersection of S. Elm Street and SW Third Avenue in Canby, Oregon. This site formerly was developed with single family homes. Having outlived their economic usefulness the homes were demolished some years ago.

Access to the area is good off Highway 99-E going south on S. Elm to SW Third Street. The area has curbs and sidewalks, paved streets and street lighting. All required utilities are in the street and some on-site connections remain from prior development and use.

The zone for this area is R-2 and the comprehensive plan designation is HDR. The requirement of a minimum of 14 units per acres is met. The project total is 0.354 acres having a minimum requirement of five units. The proposed project is for six units. The units will be built in pairs with each home having an end wall and a common wall.

Likewise the lot minimum width requirement of 20 feet is exceeded with the subject project having a minimum lot width of 26 feet. Front and rear yard setbacks for two story town homes will be maintained at 20 feet meeting the code requirement. The side yard setback of 7 feet will be maintained for the end units with the interior walls being common and meeting the code for a common wall structure.

The total impermeable surface area for the proposed lots with town homes is well within the code requirement of not more than 70%. Using code setbacks the allowable foot print for one unit with a single garage is 1100 sf. The driveway apron will be an additional 260 sf of impermeable surface. The total impermeable surface will be 1360 sf or about 55% of the total lot area of 2531 sf.

Neighboring structures are a mix of one and two storey older homes. The subject property is totally surrounded by R-2 zoning so step development of set-back is not in issue. By the same consideration no special buffer area need be required between the subject project and existing single family homes in the R-2 zone. The project is further not subject to single family in-fill requirements because it is in the R-2 zone and completely surrounded by the same zone.

One the advice of staff no traffic impact study is being used, no pre-application meeting is being held and no neighborhood meeting is being held.

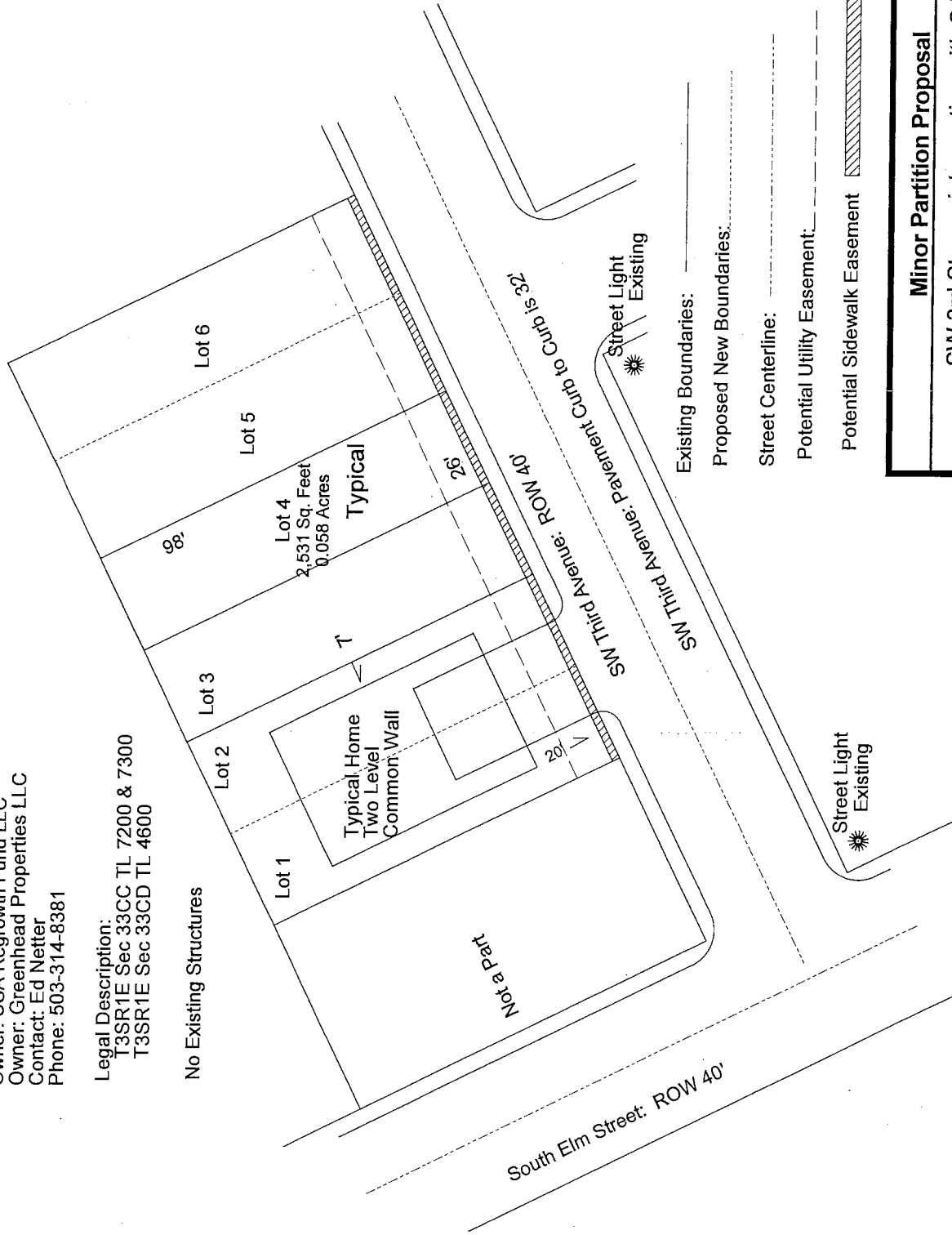
# Vicinity Map: SW 3rd Ave Minor Partition



Owner: USA Regrowth Fund LLC  
 Owner: Greenhead Properties LLC  
 Contact: Ed Netter  
 Phone: 503-314-8381

Legal Description:  
 T3SR1E Sec 33CC TL 7200 & 7300  
 T3SR1E Sec 33CD TL 4600

No Existing Structures



Existing Boundaries: \_\_\_\_\_  
 Proposed New Boundaries: - - - - -  
 Street Centerline: \_\_\_\_\_  
 Potential Utility Easement: \_\_\_\_\_  
 Potential Sidewalk Easement: [hatched pattern]

<b>Minor Partition Proposal</b>	
SW 3rd St near intersection with S Elm	
DATE: 5/19/2014	SCALE: 1" = 40'
DRAWN BY: A Manuel	

**CITY OF CANBY –COMMENT FORM**

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

**By mail:** Planning Department, PO Box 930, Canby, OR 97013  
**In person:** Planning Department at 111 NW Second Street  
**E-mail:** [brownb@ci.canby.or.us](mailto:brownb@ci.canby.or.us)

Written comments to be included in the Planning Commission’s meeting packet are due by noon on Wednesday, July 30, 2014. Written comments can also be submitted up to the time of the Public Hearing on Monday, August 11, 2014 and may also be delivered in person to the Planning Commission during the Public Hearing at 7 pm.

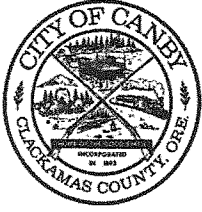
**Application: Minor Land Partition: MLP 14-01/Applicant: Ed Netter**

**COMMENTS:**

I would be very concerned about parking for 6 attached houses. It is already congested on 3rd avenue when driving down it. Cars are having to weave in and out when traveling on it. The same is true on 2nd ave. Are they going to allow parking on their lots?

**YOUR NAME:** Louetta Smith  
**EMAIL:**  
**ORGANIZATION or BUSINESS (if any):**  
**ADDRESS:** 301 S.W. 3rd Canby OR  
**PHONE # (optional):**  
**DATE:** 7-23-14

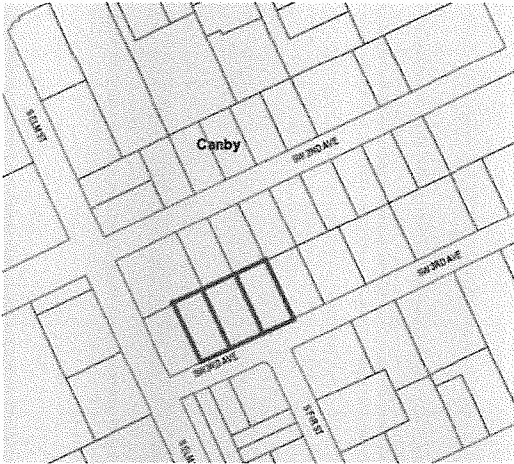
Thank you!



# City of Canby

## NOTICE OF PUBLIC HEARING & REQUEST FOR COMMENTS

The purpose of this Notice is to invite you to a Public Hearing at a Planning Commission meeting on Monday, August 11, 2014 at 7 pm in the City Council Chambers, 155 NW 2<sup>nd</sup> Avenue and to comment on a proposed Minor Land Partition (MLP 14-04) from Ed Netter to partition three existing lots by splitting each equally to result in six lots. The existing three lots totaling 15,680 square feet are located at 462 & 480 SW 3<sup>rd</sup> Street. The lots will be suitable for single family attached homes, a permitted use in the R-2 zone. The site is vacant and abuts existing paved streets, utility lines, and streetlights. The site is bordered with curbs, but no sidewalks. One and two-story single family homes surround the site.



**Comments due**– If you would like your comments to be incorporated into the City’s Staff Report, please return the Comment Form by Wednesday, July 30, 2014  
**Location:** 462 & 480 SW 3<sup>rd</sup> Street (Bordered in red on map)  
**Tax Lot:** 31E33CC07200; 31E33CC07300 & 31E33CD04600  
**Lot Size and Zoning:** 15,680 Sq. Ft., R-2 Medium Density Residential  
**Owners:** Greenhead Properties, LLC & USA Regrowth Funds, LLC  
**Applicant:** Ed Netter  
**Application Type:** Minor Land Partition  
**City File Number:** MLP 14-01  
**Contact:** Bryan Brown at 503-266-0702

**What is the Decision Process?** The Planning Commission will make a decision after the Public Hearing. The Planning Commission’s decision may be appealed to the City Council.

**Where can I send my comments?** Written comments can be submitted up to the time of the Public Hearing and may also be delivered in person to the Planning Commission during the Public Hearing. (Please see *Comment Form*). Comments can be mailed to the Canby Planning Department, P O Box 930, Canby, OR 97013; delivered in person at 111 NW Second Avenue; or emailed to [brownb@ci.canby.or.us](mailto:brownb@ci.canby.or.us).

**How can I review the documents and staff report?** Weekdays from 8 AM to 5 PM at the Canby Planning Department. The staff report to the Planning Commission will be available for inspection starting Friday, August 1, 2014 and can be viewed on the City’s website: <http://www.ci.canby.or.us> 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
- 16.20 R-2 Medium Density Residential Zone
- 16.21 Residential Design Standards
- 16.43 Outdoor Lighting Standards
- 16.46 Access Standards
- 16.56 Land Division General Provisions
- 16.60 Major or Minor Partitions
- 16.64 Subdivisions-Design Standards
- 16.86 Street Alignments
- 16.89 Application and Review Procedures
- 16.120 Parks, Open Space, and Recreation Land General Provisions

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



### CITY OF CANBY –COMMENT FORM

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

**By mail:** Planning Department, PO Box 930, Canby, OR 97013  
**In person:** Planning Department at 111 NW Second Street  
**E-mail:** [brownb@ci.canby.or.us](mailto:brownb@ci.canby.or.us)

Written comments to be included in the Planning Commission's meeting packet are due by *noon on Wednesday, July 30, 2014*. Written comments can also be submitted up to the time of the **Public Hearing on Monday, August 11, 2014** and may also be delivered in person to the Planning Commission during the **Public Hearing at 7 pm**.

---

**Application: Minor Land Partition: MLP 14-01/Applicant: Ed Netter**

**COMMENTS:**

See comments on the attached Memorandum dated July 24, 2014.

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---


**YOUR NAME:** HASSAN IBRAHIM  
**EMAIL:** haid@curran-mcleod.com  
**ORGANIZATION or BUSINESS (if any):** Curran-McLeod, Inc  
**ADDRESS:** 6655 SW HAMPTON ST, SUITE 210 PORTLAND, OR 97223  
**PHONE # (optional):** 503 684 3478  
**DATE:** July 24, 2014

Thank you!

July 24, 2014

**MEMORANDUM**

**TO:** Mr. Bryan Brown  
City of Canby

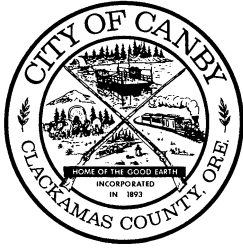
**FROM:** Hassan Ibrahim, P.E.   
Curran-McLeod, Inc.

**RE:** **CITY OF CANBY**  
**NETTER MINOR LAND PARTITION (MLP 14-01)**

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

1. SW 3<sup>rd</sup> Avenue was overlaid in the summer of 2013. The limits of repaving as a result of the driveways and utility extensions will be determined in the field by the City.
2. All driveways shall be constructed to comply with the current Public Right-of-way Accessibility Guidelines.
3. A 6-foot concrete sidewalk shall be constructed along the entire site frontage with SW 3<sup>rd</sup> Avenue.
4. An erosion control permit will be required from the City of Canby prior to any on-site disturbance.
5. A storm drainage analysis shall be submitted to the City for review and approval during the final design phase. The analysis shall meet Chapter 4 of the City of Canby Public Works Design Standards dated June 2012.

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



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

**A REQUEST FOR A SUBDIVISION )  
AT 1732 N Pine Street )**

**FINDINGS, CONCLUSION & FINAL ORDER  
SUB 14-04 BECK SUBDIVISION  
STAFFORD LAND COMPANY**

**NATURE OF THE APPLICATION**

The Applicant has sought an approval for a Subdivision application #SUB 14-04 consisting of a 4.47 acre subdivision for 19 lots for detached single family homes on property described as Tax Lot 2500 of Tax Map 31E27C, Clackamas County, Oregon. The property is zoned R-1 Low Density Residential under the Canby Municipal Code (“CMC”).

**HEARINGS**

The Planning Commission considered application SUB 14-04 after the duly noticed hearing on August 11, 2014 during which the Planning Commission by a \_\_\_\_ vote approved SUB 14-04. 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 August 11, 2014 and presented at the August 11, 2014 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 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:

---

---

---

---

---

---

---

---

---

---

---

---

---

**CONCLUSION**

In summary, the Planning Commission adopted the findings contained in the Staff Report with modifications and additional findings as noted herein above, concluded that the Subdivision application meets all applicable approval criteria, and recommended that File #SUB 14-04 be approved with the Conditions of Approval stated in the written order below.

**ORDER**

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 14-04** 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 property. Any modification of development plans not in conformance with the approval of application file #SUB 14-04, 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. Application form
  - b. Application narrative
  - c. Pre-application meeting minutes
  - d. Neighborhood meeting notice, notes, and attendance sheet
  - e. Traffic Study (by Lancaster Engineering in 2009)
  - f. Record of Survey
  - g. Storm Drainage Report
  - h. Vicinity Map
  - i. Assessor Map
  - j. Sheet 1 – Site Plan (Tentative Plat)

- k. Sheet 2 – Topo Survey
- l. Sheet 3 – Waterline Plan
- m. Sheet 4 – Sanitary Sewer Plan
- n. Sheet 5 – Storm Drain Plan
- o. Sheet 6 – Grading Plan
- p. Sheet 7 – Street Profiles & Typical Sections
- q. Sheet 8 – Shadow Plat (Suitability for Alignment of 17<sup>th</sup> Avenue across Pine Street)
- r. Beck Annexation Development Agreement (provision for NW 17<sup>th</sup> Avenue extension)
- s. Written comments submitted prior to printing of the Planning Commission packet:
  - 1. Written requirements from City Engineer dated 7.23.14
  - 2. Written comments from KaSandra Salinas, a day care provider, located at 1117 NE 19<sup>th</sup> Court

**Public Improvement Conditions:**

---

**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
  - b. City of Canby City Engineer
  - c. Canby Public Works
  - d. Canby Fire District
  - e. Canby Utility
  - f. Clackamas County
  - g. Northwest Natural Gas
  - h. Canby Telcom
  - i. Wave Broadband
  - j. 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. Stormwater system plans
  - g. Sewer system plans
  - h. Electric plans
  - i. Water/fire hydrants plans
- 4. The applicant shall address all comments made in the city engineer's memorandum dated July 23, 2014.
- 5. The development shall comply with all applicable City of Canby Public Works Design Standards.
- 6. If the applicant wishes to install curb cuts and driveways during the construction of public improvements they must be identified on the construction drawings to verify compliance with city access spacing standards.

**Fees/Assurances:**

7. 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.
8. 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.
9. The applicant must guarantee or warranty all public improvement work with a 1 year subdivision maintenance bond in accordance with 16.64.070(P).
10. 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, Signage & Striping:**

11. The street improvement plans for Pine Street frontage and the interior streets shall conform to the TSP and Public Works standards as indicated in the memorandum from the city engineer dated 7.23.14.
12. 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.
13. 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.
14. The roadway signage plan shall show signage/reflectors, similar to other developments, at the termination of dead end street on S Plum Street.
15. The applicant shall be responsible for installing all required street signage and striping at the time of construction of public improvements.
16. The access way pathway to the logging road trail shall comply with a commercial driveway approach meeting ADA standards, minimum concrete thickness of 6' with reinforcements over 4' min of crushed rock base and paved to City local street standards.

**Sewer:**

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

**Stormwater:**

18. Stormwater systems shall be designed in compliance with the Canby Public Works Design Standards as determined by the City Engineer.
19. This subdivision is served by the North Redwood Storm Drain Advanced Financing District which requires the applicant to pay the applicable fee to the City at the time of connection.

**Grading/Erosion Control:**

20. 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.
21. The applicant shall grade all areas of the site, including the proposed lots, to minimize the amount of soil to be removed or brought in for home construction.

**Final plat conditions:**

---

**General Final Plat Conditions:**

22. 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. Applicable agencies may include:
  - a. City of Canby Planning
  - b. City Engineer
  - c. Canby Public Works
  - d. Canby Fire District
  - e. Canby Utility
  - f. Clackamas County
  - g. Northwest Natural Gas
  - h. Canby Telcom
  - i. Wave Broadband
  - j. Oregon Department of Environmental Quality (DEQ)
23. 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.
24. 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.
25. All "as-builts" of public improvements, including: curbing and sidewalks; planter strips; streets; street lighting; street signage; street striping; storm; sewer; electric; water/fire hydrants; cable; underground telephone lines; CATV lines; and natural gas lines, shall be filed at the Canby Public Works and the Canby Planning Department within sixty days of the completion of improvements and prior to the recordation of the final plat.
26. Clackamas County Surveying reviews pending subdivision plat documents for Oregon Statutes and county requirements. A subdivision final plat prepared in substantial conformance with the approved tentative plat must be submitted to the City for approval

within one year of approval of the tentative plat or formally request an extension of up to 6-months with a finding of good cause.

27. The applicant shall record the final plat at Clackamas County within 6 months of the date of the signature of the Planning Director.
28. 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.
29. 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**

30. A total of 30 feet of right-of-way from the centerline of Pine Street shall be dedicated on the final plat to city.

**Fences/Walls:**

31. The developer shall be responsible for the installation of a 15 foot wide paved pathway and erection of fencing on either side in a pathway easement across Lot 11 which complies with CMC Section 16.08.110 (H) fencing options with maintenance indicated within the CC&R's to be the owner of Lot 11's responsibility.

**Easements**

32. 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.
33. The N Plum Court lot frontage of Lot 13 shall provide a 12 foot wide street tree easement in conjunction with the 12 foot utility easement to accommodate street tree which is displaced from its normal location in a planter strip adjacent to the curb due to use of a curb tight sidewalk on this lot only.

**Street Trees**

34. The applicant shall pay the adopted city street tree fee to allow for city establishment of 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. The street tree fee shall be paid prior to the recordation of the final plat.

**Monumentation/Survey Accuracy Conditions**

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:**

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.
  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 driveway 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.

I CERTIFY THAT THIS ORDER approving **SUB 14-04 Beck Subdivision** was presented to and **APPROVED** by the Planning Commission of the City of Canby.

DATED this 11<sup>th</sup> day of August, 2014

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

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

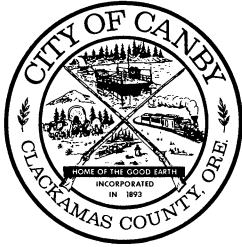
\_\_\_\_\_  
 Attest

**ORAL DECISION: August 11, 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>Vacant</i>				
<i>Vacant</i>				

**WRITTEN DECISION: August 11, 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>Vacant</i>				
<i>Vacant</i>				



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

**A REQUEST FOR A MINOR LAND PARTITION AT 462 & 480 SW 3<sup>RD</sup> Avenue ) ) )**  
**FINDINGS, CONCLUSION & FINAL ORDER**  
**MLP 14-01**  
**ED NETTER**

**NATURE OF THE APPLICATION**

The Applicant has sought an approval for a Minor Land Partition #MLP 14-01 resulting in six (6) total parcels from 3 existing lots, each to be divided in half for the development of attached single-family homes on properties described as Tax Lots 31E33CC07200, 31E33CC07300, & 31E33CD04600, Clackamas County, Oregon. The property is zoned High Density Residential (“R-2”) under the Canby Municipal Code (“CMC”).

**HEARINGS**

The Planning Commission considered application MLP 14-01 after the duly noticed hearing on August 11, 2014 during which the Planning Commission approved by a \_\_\_ vote to approve MLP 14-01. These findings are entered to document the approval.

**CRITERIA AND STANDARDS**

In judging whether or not a Minor Land Partition application shall be approved, the Planning Commission determines whether criteria from the *City of Canby Land Development and Planning Ordinance* are met, or can be met by observance of conditions. Other applicable code criteria and standards were reviewed in the Staff Report dated August 11, 2014 and presented at the August 11, 2014 meeting of the Canby Planning Commission.

**FINDINGS AND REASONS**

The Staff Report was presented, and written and oral testimony was received at the public hearing. Staff recommended approval of the Minor Partition application 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:

---

---

---

---

---

---

---

---

**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, concluded that the Minor Land Partition application meets all applicable approval criteria, and recommended that File #MLP 14-01 be approved with the Conditions of Approval 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 #MLP 14-01, 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 Minor Land Partition approval. Therefore, **IT IS ORDERED BY THE PLANNING COMMISSION** of the City of Canby that **MLP 14-01** is approved, subject to the following conditions:

- A. Application form and supporting documents
- B. Application narrative
- C. Tentative partition drawing titled "Minor Partition Proposal SW 3<sup>rd</sup> St near intersection with S Elm", dated 5/19/2014 with City received date of 7/14/14
- D. Citizen and agency comments/written testimony

**I. CONDITIONS OF APPROVAL**

Staff concludes, with conditions, that the application will meet the requirements for approval. Staff has concluded the following conditions of approval:

**General 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 property. Any modification of development plans not in

conformance with the approval of application file #MLP 14-01, 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 submissions:

- a. Application form and supporting documents
  - b. Application narrative
  - c. Tentative partition drawing titled "Minor Partition Proposal SW 3<sup>rd</sup> St near intersection with S Elm", dated 5/19/2014 (Received on 7.14.14)
  - d. Citizen and agency comments/written testimony
2. The development shall comply with all applicable City of Canby Public Works Design Standards.
  3. The applicant must obtain a city Street Opening Permit if the applicant wishes to install curb cuts and driveways prior to home construction so that the city may verify compliance with city access spacing standards.
  4. The applicant shall address all comments made in the city engineer's memorandum dated 7.24.14.
  5. Stormwater will be required to be contained on site and stormwater plans must comply with the city's Public Works Design Standards.
  6. 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.

**Final Plat Conditions:**

---

7. A final surveyed partition plat shall be prepared by a licensed surveyor or engineer.
8. The applicant shall apply for a final plat at the city and pay any applicable city fees to gain approval of the final partition 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
  - b. City Engineer
  - c. Canby Public Works
  - d. Canby Fire District
  - e. Canby Utility
  - f. Clackamas County
  - g. Northwest Natural Gas
  - h. Canby Telcom
  - i. Wave Broadband
  - j. Oregon Department of Environmental Quality (DEQ)
9. The proposed final plat must be submitted to the city for review within one year of Planning Commission approval or the applicant must request that the Planning Director approve a one-year extension for submittal.
10. The proposed final plat must be recorded at Clackamas County after city approval.
11. The applicant or county shall provide the city with a copy of the final plat in a timely manner after is recorded at Clackamas County.
12. The final partition plat shall depict any necessary sidewalk easements to accommodate a 6 foot sidewalk along the property frontages.
13. A 12 foot utility easement along all of the lot's street frontages shall be noted on the partition plat unless confirmed to be unnecessary by utility

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

14. 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. All street tree fees shall be paid prior to the recordation of the partition plat.
15. A street tree easement 12 feet wide measured from the front property line shall be provided along the frontage of all lots to allow street trees on private property to be planted behind the sidewalk. This easement may be shared with utilities and the sidewalk.

#### Monumentation/Survey Accuracy Conditions

16. Lot and perimeter monumentation shall be approved by the county surveyor and/or the city engineer.
17. The county surveyor and/or the city engineer shall verify that the standards of 16.64.070(M) are met prior to the recordation of the final plat.
18. 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 or county surveyor shall verify compliance with this condition prior to the recordation of the final plat.
19. 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 or county surveyor shall confirm required monuments prior to the recordation of the subdivision plat.

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

---

20. Prior to the issuance of a City Site Plan Review permit, final construction plans must be approved by the city and all other utility/service providers. This includes, but is not limited to, approval by:
  - a. City of Canby Planning: Reviews construction plans for depiction of the conditions of approval determined by the Planning Commission
  - b. City of Canby Engineering/Canby Public Works: Review stormwater, sanitary sewer/wastewater, grading/erosion control, street trees, and other applicable items.
  - c. Canby Fire District
  - d. Canby Utility – water and electric service
  - e. Northwest Natural Gas
  - f. Canby Telcom
  - g. Wave Broadband
21. Construction of all required public improvements except the public sidewalk and recordation of the partition plat must be completed prior to the construction of any homes.
22. Six foot sidewalks shall be constructed by the homebuilder and shall be depicted all proposed home construction plans.
23. The homebuilder shall apply for a City of Canby Site Plan Permit and County Building Permit for each home.

- 24.** The homebuilder shall apply for a City of Canby Erosion Control Permit.
- 25.** On-site stormwater management shall be designed in compliance with the Canby Public Works Design Standards.
- 26.** Construction shall comply with all applicable City of Canby Public Works Design Standards.
- 27.** Clackamas County Building Codes Division will provide structural, electrical, plumbing, and mechanical plan review and inspection services for home construction. The applicable county building permits are required prior to construction of each home.
- 28.** 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.

I CERTIFY THAT THIS ORDER approving MLP 14-01 was presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 11<sup>th</sup> day of August, 2014

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

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

\_\_\_\_\_  
 Attest

**ORAL DECISION: August 11, 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>Vacant</i>				
<i>Vacant</i>				

**WRITTEN DECISION: August 11, 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>Vacant</i>				
<i>Vacant</i>				