



City of Canby

STAFF REPORT DuNett 19-lot Subdivision SUB 23-01

HEARING DATE: December 11, 2023
STAFF REPORT DATE: December 1, 2023
TO: Planning Commission
STAFF: Brianna Addotta, AICP, Associate Planner

Applicant Proposal

The property owners, Blake DuPont and Ralph Netter, request Planning Commission approval to subdivide two adjacent tax lots into a 19-lot subdivision, with two existing homes to remain. The subdivision will include the dedication of right-of-way for S Fir Street as well as the extension of SW 15th Avenue to S Fir Street.

Staff Recommendation

Based on the application submitted and the facts, findings, and conclusions of this report, staff recommends that the Planning Commission **Approve** SUB 23-01 DuNett 19-lot Subdivision pursuant to the Conditions of Approval presented in Section VI at the end of this report.



Application Information

Location	1495 and 1547 S Fir Street
Tax Lot(s)	41E04CA 01400 & 01500
Property Size	3.31 acres (combined)
Comprehensive Plan	MDR – Medium Density Residential
Zoning	R-1.5 Medium Density Residential
Owner	Brian & Bridget DuPont (1495), Ralph Netter (1547)
Applicant	Pat Sisul, Sisul Engineering
Application Type	Subdivision - Type III Quasi-Judicial/Legislative
City File Number(s)	SUB 23-01

Attachments

- A. Application Package
 - I. Application Forms
 - II. Written Narrative
 - III. Pre-Application Meeting Information
 - IV. Neighborhood Meeting Information
 - V. Transportation Technical Memorandum
 - VI. SW Canby Development Concept Plan & Appeal APP 18-02
 - VII. Stormwater Report
 - VIII. General Maps
 - a. Vicinity Map
 - b. Aerial Map
 - c. Assessor Map
 - IX. Proposed Development Exhibits
 - a. Site Plan
 - b. Street & Storm Drainage Plan & Sections
 - c. Street Profiles
 - d. Sanitary Sewer Plan
 - e. Water Line & Franchise Utilities Plan
 - f. Fire Department Access Plan
 - g. Grading & Erosion Control Plan
- B. Utility Provider Comments

I. Existing Conditions:

The property is on the west side of S Fir Street, between SW 13th & 16th Avenues, across S Fir Street from the Hope Village Campus. To the north of the site are the Hope Village Cottages located on SW Pacific Crest Drive, west of the site is the Elmwood Mobile Home Community, and to the southwest and south is the Beck Pond subdivision. The main Hope Village campus carries R-1.5 zoning as does other properties along the west side of S Fir Street to the north and south. The Elmwood Mobile Home Community and the southern portion of the Beck Pond subdivision are zoned R-1, Low Density

Residential, while the Hope Village Southern Expansion area is primarily zoned high density R-2. Hope Village is a Planned Unit Development.

Tax Lot 1400 has one home and two outbuildings on it. The home is near S Fir Street and the outbuildings are behind the home. The outbuildings were used as part of a small farm that operated onsite through the summer of 2019. Existing landscaping includes lawn, shrubs, a hedge, and several trees in the vicinity of the home, however much of the site is devoid of trees and significant landscaping.

Tax Lot 1500 also has one home and two outbuildings. The home is situated on the western portion of the lot and the two outbuildings, both sheds, are west of the home. Several trees separate the existing home from S Fir Street and a fewer number of trees are between SW 15th Avenue and home on the western side of the lot. The predominant groundcover is lawn, but there is a garden in the SE quadrant of the property.

Vicinity Map



Public Utilities and Services

- Water and electric service – Canby Utility
- Wastewater and streets – City of Canby Public Works
- Solid waste disposal services – Canby Disposal

- Fire services – Canby Fire District
- Police services – City of Canby Police Department

Staff has provided conditions of approval at the end of this staff report (Section VI), written to ensure that the necessary public infrastructure is constructed and installed in accordance with all applicable city, county, state, and federal requirements.

II. Applicable Criteria

In addition to components of the City of Canby Comprehensive Plan, applicable criteria used in evaluating this application are listed in the following sections of the *City of Canby's Land Development and Planning Ordinance*:

- 16.08 General Provisions
- 16.10 Off-street Parking and Loading
- 16.18 R-1.5 Medium Density Residential Zone
- 16.46 Access Limitations on Project Density
- 16.56 Land Division Regulation – General Provisions
- 16.62 Subdivisions – Applications
- 16.64 Subdivisions – Design Standards
- 16.68 Subdivisions – Final Procedures and Recordation
- 16.86 Street Alignments
- 16.88 General Standards and Procedures
- 16.89 Application and Review Procedures
- 16.120 Parks, Open Space, and Recreation Land General Provisions

III. Findings

Consistency with the Canby Comprehensive Plan and Canby Municipal Code are required to gain Planning Commission approval for a residential subdivision. The request must also be consistent with applicable portions of the Oregon Statewide Planning Goals. Staff finds that the proposal is generally consistent with these standards. Detailed discussion is found below.

The code criteria below are presented in sequential order as a means of organization. Some sections of code under general chapter headings are purposely omitted as they are either not relevant to the analysis or do not require affirmative findings of fact.

Consistent with Section 16.04.600 of the Canby Land Development and Planning Ordinance (the Ordinance), Chapter 16 of the Municipal Code, the proposed application qualifies as a Subdivision, as it would divide the subject property into “four or more lots in a given calendar year for the purpose of transfer of ownership.”

Section 16.56 of the Ordinance identifies the purpose and scope of land divisions and sets forth regulations for dividing land within the City. Section 16.62.020 – Subdivisions, sets forth the standards and approval criteria for subdivisions which the applicant must respond to in their narrative within their submitted application materials. Staff incorporates the applicant's written response as findings in support of the criteria. Additional facts and findings are provided herein.

Chapter 16.08 General Provisions

Section 16.08.150: Traffic Impact Study

Finding: DKS & Associates conducted an initial scoping of the project and then completed the traffic analysis on behalf of the applicant and City. The Traffic Analysis Letter (TAL) in its entirety is included as Attachment A.V. to this staff report; the findings and conclusions in that analysis are incorporated herein by reference. The TAL generally indicated that the new subdivision would produce a traffic volume that was anticipated by the Transportation System Plan (TSP) and that no other measures beyond dedication / construction of right-of-way and payment of SDCs were needed. A summary of the principal findings and recommendations are discussed here.

Expected Net Change in Vehicle Trips:

- The proposed project will generate approximately 16 or fewer peak trips, and 160 daily trips.
- The adjacent local street (i.e., N Fir Street) will maintain a level of traffic volume that is consistent with its classification and planned growth from the TSP.

Site Access:

- Access to the site will be via two new and one existing connection to S Fir Street.¹
- The proposed connections to S Fir Street will comply with applicable spacing standards and a preliminary sight-distance evaluation suggests adequate sight distance.
 - If additional driveways are required to serve lots adjacent to S Fir Street, they would need to meet minimum spacing and sight distance requirements.

Proposed Circulation:

- The project proposes to extend SW 15th Avenue as a Local Street to form a new intersection with S Fir Street.
- A second proposed access to S Fir Street would be a private driveway serving the four lots at the north end of the site.

Transportation Approval Criteria and Livability Measures:

- The proposed development adequately addresses each transportation approval criteria and livability measure.

A. Adequate Street Drainage

Storm drainage will be accommodated onsite on each lot through infiltration into the underlying soils. Public storm drainage will be accommodated on the development site through installation of new catch basins, water quality manholes, and drywells. Private stormwater disposal for roof and driveway runoff will be accommodated for through the installation of underground storage chambers on each lot when homes are constructed. One private drywell is also planned that will collect shared accessway runoff from the two shared accessways and the 5 lots taking access through the shared accessways. This manner of stormwater discharge can be seen in other adjacent developments.

¹ These are the three vehicular accesses onto S Fir for which specific locations are identified at this time. Additional driveways on individual lots would load onto S Fir.

B. Safe Access and Clear Vision at Intersections

Access to the site is proposed via two new and one existing connection to S Fir Street². The proposed connections to S Fir Street would be at least 80 feet apart from the nearest accesses, complying with the spacing standard. If additional driveways are required to serve lots adjacent to S Fir Street, they would need to be spaced at least 10 feet from other accesses.

Prior to occupancy, sight distance at all proposed accesses will need to be verified, documented, and stamped by a registered professional Civil or Traffic Engineer licensed in the State of Oregon. Preliminary sight distance evaluation from the approximate location of the proposed accesses indicates that they would be expected to provide adequate sight distance.

C. Adequate Public Utilities

Public sanitary sewer and water are available to the site in S Fir Street and SW 15th Avenue, with stubs at the edge of the property in SW 15th Avenue. Other public utilities including communications, natural gas, and power are also available from both adjacent streets. A utility plan has been submitted showing intended connections to public utilities to serve the lots created by the subdivision.

D. Access onto a Public Street with the Minimum Paved Widths

The site includes a proposed extension of SW 15th Avenue to form a new intersection with S Fir Street. This street should be constructed as a Local Street, as defined in the TSP and Public Works Standards. The second proposed access to S Fir Street would be a private driveway serving the four lots at the north end of the site. It will be constructed with a 20-foot drive aisle and a 26-foot clear width. A proposed internal driveway would also connect to the SW 15th Avenue extension and provide access to two lots. It will be constructed with a 20-foot drive aisle and a 26-foot clear width.

The proposed subdivision will provide sidewalk improvements along the frontage of S Fir Street, and the SW 15th Avenue extension will include sidewalks on both sides. Bicyclists will share the roadways with motor vehicles along the internal local streets. The proposed internal site circulation and connections to external public streets meets City requirements and can adequately accommodate all users.

E. Adequate Frontage Improvements

The proposed development has frontage along S Fir Street. The existing paved width of S Fir Street varies between 30 and 34 feet adjacent to the proposed development, while the current standard requires a 34-foot paved width. The proposed development frontage also lacks a sidewalk. The applicant must provide for the additional paved width and construct a 6-foot sidewalk along the frontage. Sidewalks will be provided along the public right-of-way at the time of home construction. Completion of the sidewalks within the subdivision would support the Safe Routes to School Program, as it would complete the sidewalk system on the west side of S Fir Street and eliminate the current dead-end street that exists on SW 15th Avenue. SW 13th Avenue is a major route to schools to the east and west. Connectivity through the development site providing a safe connection to S Fir Street and SW 13th Avenue will be supportive of this program.

² These are the three vehicular accesses onto S Fir for which specific locations are identified at this time. Additional driveways on individual lots would load onto S Fir.

F. Compliance with Mobility Standards Identified in the TSP.

The proposed development is expected to result in 16 or fewer peak trips, and 160 daily trips and meet criteria for a TAL level of analysis. Peak hour intersection operations will not be degraded by proposed developments that generate fewer than 25 AM and/or PM peak trips since these trips are distributed system wide and do not all impact a single location, including intersections and roadway segments. Proposed developments that meet the TAL criteria are deemed consistent with this approval criteria (i.e., adopted intersection mobility standards). This proposed project will contribute its proportional share towards improvement projects funded by System Development Charges.

Chapter 16.10: Off-Street Parking and Loading

USE	PARKING REQUIREMENT
<i>Residential Uses:</i>	
a. Single-family dwellings	2.00 spaces per dwelling unit for new construction. (Existing single-family dwellings having only a single parking space shall not be considered to be nonconforming.)

Finding: This application is for a subdivision; no specific homes are currently proposed. The applicant has provided a draft subdivision plat with sufficient lot areas and dimensions to accommodate typical home configurations. Parking standards will be evaluated with site plan applications for future homes. The existing home on proposed lot 19 has an existing two-car garage that will remain, as well as a driveway available for parking. The existing home on proposed lot 3 will have the existing garage removed, which is required in order to extend SW 15th Avenue as intended. Parking for this home will be located on a driveway in front of the home.

Chapter 16.18: R-1.5 Medium Density Residential Zone

Standard		Proposal		Meets Code?
Allowed Use:	Single family dwelling	19 lots for single family dwellings		Yes
Lot Area Minimum/Maximum:	5,000 sq ft-6,500 sq ft	Lots 1, 2, 4-18:	5,007 sq ft to 6,284 sq ft	Yes
		Lots 3, 19:	8,333 sq ft, 9,757 sq ft	Yes, see below Section 16.18.030.B.4
Minimum Width/Frontage:	40'	Minimum proposed across 19 lots:	48.2'	Yes

Section 16.18.030.B. Lot Area Exceptions

1. The Planning Commission may approve an exception to the minimum and maximum lot area standards in subsection 16.18.030.A as part of a subdivision or partition application when all of the following standards are met:

- a. The average area of all lots and open space tracts created through the subject land division, excluding required public park land dedications, surface water management facilities and similar public use areas, shall be no less than five thousand square feet and no greater than six thousand five hundred square feet. Non-required significant natural resource areas shall be included in the average lot size calculation to enable a transfer of density onto buildable portions of the site. Required areas include identified parks, wetland areas, riparian corridors, and other areas in which buildings are not permitted under local, state, or federal laws or regulations.
- b. No lot shall be created that contains less than four thousand square feet, unless the alternative lot layout option provided in **Section 16.64.040** is used.

4. The maximum lot area standard does not apply to dwellings existing prior to subdivision or partition plan approval or to lots designated for open space.

Finding: Nineteen lots are proposed in the subdivision, ranging from a minimum lot area of 5,007 sq. ft. (Lot 18) to a maximum lot area of 9,757 sq. ft. (Lot 19). No lots are proposed to be less than the 5,000 sq. ft. minimum lot area.

Seven lots, Lots 3, 13 – 17, & 19 are proposed to exceed the maximum lot area of 6,500 sq. ft. Five of the seven lots (Lots 13 – 17) exceeding the maximum lot area will be panhandle or flag shaped lots where the home will not be adjacent to the roadway in front of the lot but will be set back away from the fronting roadway. Access to the lot will be through a shared accessway to the fronting street. These types of lots can be permitted in subdivisions through **Section 16.64.040**.

Two of the flag lots will share an accessway to SW 15th Avenue and three will share an accessway to S Fir Street. Per Section 16.64.040.I(6) "The area of a panhandle shaped or flag lot shall be considered to be the rear or buildable portion of the lot and shall not include the driveway or access strip." Using this criterion, the five flag lots will have areas measuring between 5,002 sq. ft. and 6,284 sq. ft.; all will be within the permitted minimum and maximum lot area requirements of this section. The other two oversized lots are proposed to accommodate the two existing homes. Per 16.18.030.B(4), "The maximum lot area standard does not apply to dwellings existing prior to subdivision". The minimum and maximum lot areas of this section will be met.

Section 16.18.030.D-F Minimum Yard Requirements, Building Height, Impervious Surface

Finding: Yard requirements, building height, and impervious surface coverage for the seventeen lots created through this subdivision will be reviewed at the time of site plan application for each individual lot.

The requirements for the homes to remain on newly created lots 3 and 19 are as follows:

Standard		Lot 3	Lot 19
Street yard (garage)	20 feet	26 feet	39 feet
Street yard (other)	15 feet	26 feet	39 feet

Rear yard	15 feet	40+ feet	17 feet
Interior yard (left)	7 feet	7 feet	18 feet
Interior yard (right)	7 feet	7 feet	8 feet
Maximum impervious surface	70%	45.5%	55%

As shown in the above table, proposed Lot 3 and proposed Lot 19 would both comply with applicable development standards.

Chapter 16.46 Access Limitations on Project Density

Section 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.

D. All turnaround systems shall meet or exceed the requirements of the parking provisions of Chapter 16.10.

E. All on-site private roads and drives shall be designed and constructed to provide safe intersections and travel surfaces which will not result in hazards for motorists, bicyclists or pedestrians.

Finding: Road widths are proposed to meet or exceed the 34-foot standard allowing for parking without restriction. The proposed subdivision would create 19 lots total from the two existing properties. Per the formulas above, one access would be sufficient to serve the 30 units. Three public points of access are available to serve the S Fir Street neighborhood. These include north on S Fir Street to SW 13th Avenue, west on SW 16th Avenue to S Elm Street, and east through the Ivy Ridge Estates subdivision to S Ivy Street. Development of the site will include the extension of SW 15th Avenue through the site which will provide additional connectivity for the nearby neighborhood. In an emergency, such as a fire, emergency services could also access S Fir Street through the Hope Village Campus. Two connections to S Fir Street from Hope Village are located on the east side of S Fir Street.

Finding: Public streets developed with the subdivision will be continuous roadways without turnarounds required. In addition to the public streets, two private shared access ways will be developed to serve the lots within the subdivision. The SW 15th Avenue shared accessway will serve two lots, Lots 13 & 14. The accessway will be constructed to the same structural section as SW 15th Avenue. Due to the length of the driveway (<150' in length)

and the configuration of the homes to the driveway, an emergency turnaround is not required. Vehicular spaces and potential turning areas for these two lots will be constructed with the two new homes on the lots.

The S Fir Street shared accessway will serve proposed Lots 15 – 17. An emergency turnaround is proposed in front of Lots 16 & 17 on this accessway. The turnaround area will be constructed using a separate material, such as concrete or paving stones, to better define it as a turnaround area. The concrete or paving stone area will be constructed to a standard that will support the required fire truck loading.

Finding: Both shared accessways are designed to intersect the public street at or near 90 degrees, which provides the most visibility. Grades throughout the subdivision will be less than 3% and will not impact vehicular, bicycle or pedestrian mobility. Two public roads will be used to access the subdivision, S Fir Street and SW 15th Avenue. Both roadways currently exceed a 24-foot paved width. With development of the subdivision, the applicants will extend SW 15th Avenue (a 34-foot-wide paved roadway) through the site to S Fir Street and will improve the western half of S Fir Street so that the roadway will be 36-feet wide and will match the curb lines to the north and south.

Section 16.46.020 Ingress and Egress

Ingress and egress to any lot or parcel, the creation of which has been approved by the Planning Commission, shall be taken along that portion fronting on a public street unless otherwise approved by the Planning Commission.

A. Vision Clearance: Vision clearance distance shall be ten feet from a street to an alley or a street to a driveway and thirty feet from a street to any other street.

B. Where an existing alley is 20 feet or less in width, the setback abutting the alley shall increase to provide a minimum of 24 feet for maneuvering and backing movements from garages, carports, or parking areas.

Finding: Access to all lots will be from the portion of the lot fronting the public streets. Vision clearance at driveways will exceed a 10-foot distance, as planter strips separating the curbs and sidewalks will create more than 10 feet between the back of sidewalk and the curb line. One new intersection will be created, at the intersection of S Fir Street with SW 15th Avenue. The 30-foot vision clearance area will be met at this intersection without having to restrict plantings and fencing within the yards adjacent to the intersection. Vision clearance areas are shown on the submitted site plan.

Chapter 16.62: Subdivisions – Applications

Section 16.62.020 Standards and Criteria

This section provides a summary of different standards applicable to Subdivision applications. These standards include utility connections, low impact development strategies, transportation related improvements, and the requirement for a traffic study.

Finding: The standards and criteria found in Chapter 16.62 are discussed in detail throughout the body of the application and in this report. Staff is confident that the standards and criteria in

this section have been met or will be met through the Conditions of Approval attached to this decision.

Chapter 16.64: Subdivisions – Design Standards

16.64.010 Streets

A. Generally. The location, width and grade of streets shall be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation pattern with intersection angles, grades, tangents, and curves appropriate for the traffic to be carried. Where location is not shown in a development plan, the arrangement of streets shall either:

1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
2. Conform to a plan for the neighborhood approved or adopted by the commission to meet a particular situation where topographical or other conditions make continuance of conformance to existing street patterns impractical;
3. Minimum right-of-way and roadway width shall follow the requirements of the Canby Public Works Design Standards;
4. Consider opportunities to incrementally extend and connect local streets to provide for safe and convenient bike and pedestrian circulation.

B. Permeable Surfaces. Permeable surfacing alternatives and on-site stormwater management facilities are encouraged for street improvements. Permeable surfacing and LID stormwater management facilities shall be constructed in accordance with the Canby Public Works Design Standards and the manufacturer's recommendations. Permeable surfacing includes, but is not limited to: paving blocks, turf block, pervious concrete, porous asphalt, and other similar approved materials. Alternative surfacing methods may be approved for public and private roads, road shoulders, pedestrian ways, driveways, and easement service roads unless site constraints make use of such materials detrimental to water quality. Use of permeable surfacing methods shall meet the imposed load requirements for fire apparatus and shall be subject to review and approval by the Canby Public Works Department.

D. Alignment. All streets other than minor streets or cul-de-sacs, shall, as far as possible, be in alignment with the existing streets by continuations of the center lines thereof. Jogs creating "T" intersections shall have centerline offsets of not less than one hundred fifty feet, unless it is found that community benefits of such an alignment outweigh its disadvantages.

E. Future Extension of Streets. Where a subdivision adjoins unplatted acreage, streets which in the opinion of the commission should be continued in the event of the subdivision of the acreage, will be required to be provided through to the boundary lines of the tract. Reserve strips, street plugs and temporary turnaround areas may be required to preserve the objectives of street extensions. Reserve strips and street plugs shall be deeded to the city prior to final plat approval. The Planning Commission may require that the costs of title insurance and recordation fees, if any, for such areas be borne by the subdivider. If, in the opinion of the city engineer, a traffic pedestrian, or safety hazard temporarily exists by the construction of a dead-end street, he may direct that a barricade of adequate design be installed at the developer's expense as one of the required improvement items for the subdivision.

F. Intersection Angles. Streets shall intersect one another at an angle as near to a right angle as possible, and no intersections of streets at angles of less than thirty degrees will be approved unless necessitated by topographic conditions. When intersections of other than ninety degrees are unavoidable, the right-of-way lines along the acute angle shall have a minimum corner radius of twelve feet. All right-of-way lines at intersections with arterial streets shall have a corner radius of not less than twelve feet.

G. Existing Streets. Whenever existing streets, adjacent to or within a tract, are of inadequate width, dedication of additional right-of-way shall be provided at the time of subdivision.

N. Grades and Curbs. Grades shall not exceed seven percent on arterials, ten percent on collector streets, or fifteen percent on any other street. In flat areas allowance shall be made for finished street grades having a minimum slope of .5 percent. The centerline radii of curves shall not be less than three hundred feet on major arterials, two hundred feet on secondary arterials, or one hundred feet on other streets, unless specifically approved by the City, and shall be to an even ten feet.

P. Private streets created within a new subdivision or partition shall be designated as a separate "tract" on the submitted plat map.

Finding: These properties are included in the Southwest Canby Development Concept Plan, but due to a citizen appeal, specifically did not have a pre-designated street connectivity plan. It was determined that the design for the two parcels would be decided at the time of proposed development. Staff refer to pages 25 through 35 of the Application Narrative (Attachment A.II) for a complete discussion of the history of the DCP and how the proposed configuration has been developed. Three potential site plans were analyzed before the proposed configuration was decided upon, and staff agree with the analysis. Proposed street improvements and right-of-way dedications are consistent with the requirements of the Canby Public Works design standards.

No public street improvements are proposed using permeable materials. Permeable materials, such as paving stones, may be used for the turnaround area on the S Fir Street Driveway. If permeable materials are used, a Condition of Approval has been included stating they will be capable of accommodating Fire Truck Apparatus loading.

Finding: The site is surrounded by developed properties, but not all the developed properties are platted. The Elmwood Mobile Home Community located west of the northern half of the property is a privately maintained mobile home community on large tax lots. Although the property is not platted, it is multi-family and is unlikely to be redeveloped. If it were to be re-developed, it would likely be re-developed having a street pattern similar to the existing street pattern, which is adequate for the number of units being served. Other properties to the north, including the Sequoia Place subdivision and the Hope Village cottages were developed with cul-de-sacs and did not extend street extensions through to the mobile home community. Due to the unlikeliness that the mobile home community would ever be platted, no public street connection to that tax lot is proposed.

Finding: The extension of SW 15th Avenue is proposed to intersect S Fir Street at a perpendicular angle. Additional right-of-way will be dedicated along S Fir Street. No street grades exceeding 3 percent are proposed. A minimum street grade of 0.5 percent is proposed, except where in the bottom of a sag curve where catch basins will be placed. The proposed centerline radii will comply with the minimum 165-foot centerline radius permitted by the Public Works Design Standards for Local Streets.

Two shared driveways are proposed, but they will be designed as flag lots with reciprocal access easement as is permitted by Section 16.64.040.I.(2). No private streets are proposed.

Section 16.64.015 Access

- B.** All proposed roads shall follow the natural topography and preserve natural features of the site as much as possible. Alignments shall be planned to minimize grading.
- C.** Access shall be properly placed in relation to sight distance, driveway spacing, and other related considerations, including opportunities for joint and cross access.
- D.** The road system shall provide adequate access to buildings for residents, visitors, deliveries, emergency vehicles, and garbage collection.
- E.** Streets shall have sidewalks on both sides. Pedestrian linkages should also be provided to the peripheral street system.
- F.** Access shall be consistent with the access management standards adopted in the Transportation System Plan.

Finding: The proposed road system plans to continue the public street terminated at the western boundary of the site and will make a logical extension of the roadway through to S. Fir Street. The extension of SW 15th Avenue will follow the natural topography, which is close to flat, and will create a new intersection on S Fir Street roughly midway in between SW Pacific Crest Drive and SW 16th Avenue and will meet the driveway spacing requirements on both sides of S Fir Street. The road network continues an extension of the existing street through this site, and it allows for convenient access for residents, visitors, deliveries, emergency vehicles, and garbage collection. Once all of the homes are constructed in the subdivision, the road system will provide sidewalks on both sides of the streets.

Section 16.64.020 Blocks

- A.** Generally. The lengths, widths and shapes of blocks shall be designed with due regard to providing adequate building sites suitable to the special needs of the type of use contemplated, needs for access, circulation, control and safety of street traffic and limitations and opportunities of topography.
- B.** Sizes. Block length shall be limited to 300 feet in the C-1 zone, 400 feet in residential zones, 600 feet in all other zones, except for 1,000 feet on arterials. Exceptions to this prescribed block standard shall be permitted where topography, barriers such as railroads or arterial roads, or environmental constraints prevent street extension. The block depth shall be sufficient to provide two lot depths appropriate to the sizes required by Division III.

Finding: Due to the two subject parcels being the final two properties in the vicinity to be developed, the street and block pattern for the neighborhood has already been established. The ability for this subdivision to create additional blocks is limited. The proposal will create a new block on the west side of S Fir Street between SW Pacific Crest Dr. and SW 16th Avenue. The block length from SW Pacific Crest Dr. to SW 15th Avenue will be 357 feet, while the block length from SW 15th Avenue to SW 16th Avenue will be 286 feet. These lengths are consistent with the requirements of subsection B.

On SW 15th Avenue, the existing block length along the inside of the curve radius is currently 398 feet, while the length around the outside curve radius is 480 feet, already exceeding the

recommended block length for a residential zone. However, due to the properties on all sides already being developed, there is no ability to create a street connection that would reduce the length of the block. With the extension of SW 15th Avenue to S Fir Street, the SW 15th Avenue block will become longer. The distance from SW 16th Avenue to S Fir Street along SW 15th Avenue will measure approximately 840 feet (along the centerline). Although this distance exceeds the Access Management Guidelines of Table 16.46.30, and the requirements of subsection B, the pattern of streets in this area has been established by the other existing approved developments and this subdivision cannot adjust the SW 15th Avenue block length.

Section 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 or 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.

Finding: Easements for utilities consistent with the provision of this section are proposed and can be seen on the submitted utility plan.

Section 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.

B. Minimum Lot Sizes:

1. Lot sizes shall conform with requirements of Division III unless the applicant chooses to use an alternative lot layout per subsection (3) below to accommodate interconnected and continuous open space and or other natural resources. In this case, the average minimum lot size may be reduced by 5,000 square feet after subtracting access tracts. Overall development densities shall comply with the underlying maximum density allowed by the zone.

C. Lot Frontage. All lots shall meet the requirements specified in Division III for frontage on a public street, except that the Planning Commission may allow the creation of flag lots, cul-de-sac lots and other such unique designs upon findings that access and building areas are adequate. Lots that front on more than one major street shall be required to locate motor vehicle accesses on the street with the lower functional classification.

E. Lot Side Lines. The side lines of lots shall run at right angles to the street upon which the lots face, or on curved streets they shall be radial to the curve, unless there is some recognizable advantage to a different design.

Finding: Lot sizes comply with dimensional requirements for the R-1.5 Zone, as previously discussed in this report and as shown on the submitted subdivision plan. Lot shapes are generally

rectangular to provide for desirable building lots. The lot sizes comply with the R-1.5 minimum lot area requirements. An alternative lot layout is not proposed, therefore alternative layout provisions are not applicable.

1. Flag Lots or Panhandle-shaped Lots. The commission may allow the creation of flag lots provided that the following standards are met:

1. Not more than one flag lot shall be created to the rear of any conventional lot and having frontage on the same street unless it is found that access will be adequate and that multiple flag lots are the only reasonable method to allow for development of the site. Every flag lot shall have access to a public street.
2. The access strip is to be a minimum of twenty feet in width and shall be paved to its full width from its connection with the public street to the main body of the lot. Except, however, that the width requirement may be reduced to twelve feet, for accessing a single flag lot, where the total length of the access strip does not exceed one hundred feet. Access strips not less than ten feet in width may be permitted where two such drives abut and are provided with reciprocal easements for use. For drives accessing more than two flag lots, the access strip shall be a minimum of twenty feet with reciprocal access and maintenance agreements for all lots.
3. For residential flag lots, a minimum building setback of five feet from the access strip shall be maintained where such buildings exist prior to the creation of the flag lot.
4. Design and locations of buildings on flag lots shall be such that normal traffic will have sufficient area to turn around, rather than necessitating backing motions down the access strip. The commission may establish special setback requirements at the time of approving the creation of flag lots.
5. Flag lots shall not be permitted when the result would be to increase the number of properties requiring direct and individual access connections to the State Highway System or other arterials.
6. The area of a panhandle shaped or flag lot shall be the rear or buildable portion of the lot and shall not include the driveway or access strip.
7. For the purposes of defining setbacks, flag lots shall have three side yards and one yard of 20 feet generally on the garage access side of the dwelling.

Finding: As discussed in detail in the application narrative, the applicants have looked at a wide variety of conceptual lot plans for this subdivision. After exploring many options, it became clear that the northwestern corner of this subdivision site would be very difficult to serve with a public street while also creating desirable building lots. The area can be served by a public street cul-de-sac, but due to the combination of the size of the cul-de-sac and the dimensions of the parent lot, the resulting lots were generally long and narrow, and having multiple such adjoining lots at the end of the cul-de-sac would not allow for street trees to be placed to break up the end of the street with some vegetation. A total of (5) flag lots are proposed in the northwest corner of the site with more than one lot created to the rear of the conventional lots. The applicant has submitted several site plans in the narrative to demonstrate to the Planning Staff and the Planning Commission that multiple flag lots are the only reasonable way to access this corner of the site. Two shared accessways are proposed, one on S Fir Street that will serve 3 lots and one on SW 15th Avenue that will serve two lots. Each shared accessway will be 20 feet paved, with a 26-foot-wide clear zone. The S Fir shared accessway would be constructed with an emergency vehicle turnaround. Lot areas of the 5 flag lots have

been calculated for the portion of the lots outside of the shared accessways and the reciprocal access easements. Each flag lot exceeds the minimum lot area and is less than the maximum permitted lot area. Conceptual building plans have been provided to demonstrate adequate fire access and to show how normal traffic may turnaround. The applicant requests that the Planning Commission allow the creation of multiple flag lots to the rear of the conventional lots as demonstrated on the applicant's submitted Site Plan.

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.

Finding: Infill standards are not anticipated to apply to any lot in this development. The development west of the site, the Elmwood Mobile Home Community, is a multifamily manufactured home park, the development north of the site, the Hope Village Cottages, is a newer multi-family development consisting of multiple duplex style cottages on a single property. To the south and southwest of the site is the Beck Pond subdivision. Homes in the Beck Pond subdivision adjacent to this site were completed in 2020. Therefore, as no lot in the subdivision will have pre-existing homes on two sides that have existed for five years, the site will not meet the definition of an infill lot.

Section 16.64.050 Parks and Recreation

Subdivisions shall meet the requirements for park, open space and recreation as specified in Division VI.

Finding: The size, location, and configuration of the property does not lend itself to dedication of park land. Fee-in-lieu payments will be made instead of park land dedication before site plan approvals are released.

Section 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.

Finding: Grading will be performed on the site as needed to properly drain new roadways and to create suitable building sites. Since the site is nearly flat, cuts and fills are anticipated to generally be two feet or less, although limited areas may see slightly higher amounts. Most grading will occur along the new street improvements where subgrades will be prepared. A Grading Plan detailing anticipated final grades for the development has been submitted with the subdivision application.

Section 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...procedures [found in this section].

Finding: Plans have been submitted which adhere to the improvements required in this section, including streets, sidewalks, public utilities and other improvements to provide for the

convenience, health and safety of future residents. These plans can be seen in Attachment A.IX, and Conditions of Approval have been included to assure conformance with this section.

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;
10. Where dedicated or undedicated open space is proposed or provided, it shall be the subdivider's responsibility to provide standard public improvements to and through that open space.
11. If fencing is being proposed as part of subdivision development, the subdivider shall be responsible for installing fencing along public streets and pedestrian ways. Fencing shall be constructed in accordance with the standards in Section 16.08.10.

Finding: Following approval of the submitted subdivision plan, more detailed construction plans will be submitted to the City for plan review and approval by Public Works Staff and service providers prior to construction. Construction plans will also be submitted to the private utility service providers, such as gas and communications companies, so that they may design their system improvements needed to serve the subdivision. The improvements required to construct this subdivision will be completed by the applicants as they will be required by the approving agencies.

C. Streets.

1. All streets, including alleys, within the subdivision and streets adjoining, but only partially within the subdivision shall be improved.
2. All public and private streets shall be constructed to city standards for permanent street and alley construction. LID alternatives, such as permeable surfacing and integrated stormwater management facilities, are required where site and soil conditions make it a feasible alternative. Upon completion of the street improvement, 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.
3. **Street Trees.** Street trees shall be provided consistent with the provisions of Chapter 12.32.
4. Prior to city approval of the final subdivision 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.

5. If any lot abuts a street right-of-way that does not conform to the design specifications of this ordinance, the owner may be required to dedicate up to one-half of the total right-of-way width required by this ordinance.

6. The proposed use shall not impose an undue burden on the transportation system. The City may require the applicant to provide adequate information, such as a traffic impact study, to demonstrate the level of impact to the surrounding street system. The developer shall be required to mitigate impacts attributable to the project.

7. The determination of impact or effect and the scope of the impact study should be coordinated with the provider of the affected transportation facility.

8. Dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or access ways shall be required where the existing transportation system will be impacted by or is inadequate to handle the additional burden caused by the proposed use.

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.

Finding: The local streets within the subdivision will be constructed to the City's standard structural section for local streets. S Fir Street, adjoining the subdivision, will be widened to the appropriate width to match adjacent improvements to the north and south. Streets will have concrete curbs and sidewalks installed, with the sidewalks and driveway approaches along local streets inside the subdivision being constructed on a lot-by-lot basis with the home construction. Street lighting, striping, signage, and curb ramps at intersections will be constructed at the time of street improvements. Street trees will either be installed by the developer or paid for by the developer and installed by the City per the City of Canby Street Tree and Maintenance Policy.

D. Surface Drainage and Storm Sewer System.

1. Drainage facilities shall be provided within the subdivision and to connect the subdivision to drainage ways or storm sewers outside the subdivision, if necessary, as determined by the City.

2. Stormwater Management through Low Impact Development (LID).

3. All new subdivisions in Canby are required to treat stormwater on site. Stormwater management using LID practices is required where feasible.

E. Sanitary Sewers. Sanitary sewers shall be installed to serve the subdivision and to connect the subdivision to existing mains.

Finding: Stormwater will be managed through the collection of stormwater runoff in catch basin inlets, with pipes leading from the catch basins to new water quality manholes installed for stormwater treatment. Following treatment, stormwater will be disposed of through underground injection into drywells. All onsite stormwater runoff will be injected into the ground using drywells or other injection system, such as infiltrators for roof drains. This process of stormwater disposal will be similar to what is done throughout the City and in other nearby subdivisions. Existing sanitary sewer mains are in S Fir Street and in SW 15th Avenue. Connections to both sanitary sewer mains will be used to serve the subdivision.

F. Water System. Water lines and fire hydrants serving the subdivision and connecting the subdivision to city mains shall be installed to the satisfaction of the supervisor of the water department and the Fire Marshal.

Finding: With a 12-inch water main in S Fir Street and an 8-inch water main in SW 15th Avenue, the neighborhood is well served by water. Two new fire hydrants are planned, one on S Fir Street and one on SW 15th Avenue. Planned improvements include looping of the water main in SW 15th Avenue that will improve water quality and the firefighting capacity of that water main.

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.

I. Street Name Signs. Street name signs shall be installed at all intersections according to city standards or deposit made with the city of an amount equal to the cost of installation.

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

K. Other Improvements.

Finding: Six foot wide sidewalks shall be constructed along all new curb improvements. Sidewalks will be separated from the curb by a planter strip with street trees. A stop sign and street name sign will be installed at the intersection of SW 15th Avenue and S Fir Street. The sign will either be manufactured for and installed by the developer or the City will be paid by the developer to manufacture and install the sign. Street lighting will be paid for by the applicant and installed by Canby Utility. Street trees will be paid for by the applicant and installed by Canby Public Works or their designee.

M. Survey Accuracy and Requirements

N. Agreement for Improvements

O. Performance Bond

P. Guarantee

Finding: Boundary surveys and the subdivision plat will be completed to the laws of the State of Oregon and the requirements of the Clackamas County Surveyor. Monumentation will include centerline monuments and iron rod property corners with plastic surveyor caps.

R. Fence/walls

Finding: No permanent fencing is proposed, that will wall the new subdivision off from the rest of the community.

Section 16.86.060 Street Connectivity

When developing the street network in Canby, the emphasis should be upon a connected continuous grid pattern of local, collector, and arterial streets rather than discontinuous curvilinear streets and cul-de-sacs. Deviation from this pattern of connected streets shall only be permitted in cases of extreme topographical challenges including excessive slopes (35 percent plus), hazard areas, steep drainage-ways and wetlands. In such cases, deviations may be allowed but the connected continuous pattern must be reestablished once the topographic challenge is passed.

Finding: As discussed in earlier sections, development of this subdivision will result in the extension of SW 15th Avenue, which currently terminates into the southwestern corner of the property, through the site to S Fir Street. S Fir Street will be improved along the eastern edge of the site by widening the pavement and the installation of curbs, planter strip, and sidewalks. Proposed street improvements will be designed to meet the requirements of the Transportation System Plan and the Public Works Design Standards. Sidewalks will typically be constructed with the new homes and these sidewalks will meet the Pedestrian Plan element of the Transportation System Plan and will promote Safe Routes to Schools. The Southwest Canby Development Concept Plan initially included this property but following an appeal of the Southwest Canby Development Concept Plan and the Beck Pond subdivision by the (former) owners of Tax Lot 1500, the property was removed from the DCP by a Finding of the City Council. Therefore, there is no guiding Concept Plan for how the street network for this subdivision should be developed. The applicant looked at many design alternatives and decided upon the submitted design as it allows both existing homes to remain, it creates desirable shaped building lots for new home construction, the street design meets the requirements of the Public Works Design Standards, and the new intersection on S Fir Street meets the Access Spacing Standards of the Transportation System Plan.

Chapter 16.88 Standards and Procedures

Section 16.89.050 Type III Decision

Finding: The applicants attended a Pre-Application Conference with City of Canby Planning Staff, Public Works Staff and utility service providers on June 29, 2023. A summary of the Pre-Application Conference is included in Attachment A.III.

A neighborhood meeting was held on October 2, 2023. The applicant held an in-person neighborhood meeting with a Zoom option for neighbors of the project at the Canby Adult Center on Monday, October 2, 2023. Approximately 370 letters with notice of the meeting were mailed to surrounding residents and property owners, including a list of resident addresses provided by Hope Village management for the entire Hope Village campus. Attendance at the meeting included eight nearby residents, five of whom live in Hope Village. Two neighbors from the Beck Pond subdivision also attended in person. Two people viewed the meeting using the Zoom option. A presentation was provided explaining the land division process, the R-1.5 zone requirements, and large site plans were provided. After 50 minutes of presentation, questions and answers, there were no additional questions and the meeting ended. A summary of the meeting including a list of questions asked and answered is provided in Attachment A.IV.

Public/Agency Comments

Notice of this application and opportunity to provide comment was mailed to owners and residents of lots within 500 feet of the subject properties and to public agencies expected to service the development. Consolidated comments were provided by Canby Public Works that contained feedback from the following agencies, which have been included as attachment B and which have been translated into Conditions of Approval included in Section VI of this report.

The following agencies have provided comments and Conditions of Approval:

- Canby Fire Department – Matt English
- Canby Utility Water – Lonnie Benham
- Canby Utility Electric – Josh Muravez
- DirectLink – Matt Downs
- Astound – Michael Barney
- Canby Public Works – Spencer Polack

If other agency comments and/or conditions of approval are received after staff report publication they will be provided at the public hearing.

No public comments have been received as of the publication of this report. If comments are received after staff report publication they will be provided at the public hearing.

V. Conclusion

Staff has reviewed the applicant's narrative and submitted application materials and finds that this Subdivision application conforms to the applicable review criteria and standards, subject to the conditions of approval noted in Section VI of this report.

VI. Conditions of Approval

1. The subdivision plat shall be submitted to the city and recorded within four years following original approval. The subdivider shall submit a Final Plat application and required supplementary materials including but not limited to the original drawing, and a Mylar copy, to the city. The Planning Director may approve a single one-year extension to the original approval upon a formal request for extension in writing to the Planning Director from the subdivider.
2. Any significant alterations to the proposed plans may require, at the discretion of the Planning Director, further analysis and land use applications, including additional hearings if needed.
3. Prior to the start of any public improvement work, the applicant shall provide preliminary construction plans to City of Canby Planning for initial redlines. A subsequent Pre-Construction Conference will only be allowed once plans are sufficiently reviewed and deemed acceptable for moving forward by the reviewing agencies. (Canby Planning)
4. A Type 1 Site Plan application showing substantial conformance to the approved project, including written responses to all Conditions of Approval, is required to be submitted by the applicant for each house before the City allows building permits to be released from Clackamas County. (Canby Planning)
5. The applicant shall pay Transportation System Development Charges to address citywide impacts. (Canby Planning)
6. The applicant shall design and reconstruct the frontage of S Fir Street to include a 34-foot paved width and a 6-foot sidewalk. (Public Works)

7. The applicant shall design and construct and extension of SW 15th Avenue as a Local Street to provide a new connection with S Fir Street. (Public Works)
8. Minimum spacing and sight distance requirements shall be met at all site accesses. Sight distances should be verified in the final engineering/construction stages of development. (City Engineer)
9. All site development shall comply with all applicable City of Canby Public Works Design Standards, unless where specifically stated otherwise. (Public Works)
10. The automatic flush station located at the end of SW 15th Avenue of the Beck Pond Subdivision will be removed. All water meter taps for the flag lots are to be located at the street of SW 15th Avenue and S Fir Street. Cross connection with any water wells will not be permitted. (Canby Utility Water)
11. All overhead power lines to the existing homes must be removed and placed underground. (Canby Utility Electric)
12. Canby Utility's electric service will be tied into SW 15th Avenue at the end of Beck Pond Subdivision and tied into SW 16th Avenue and S Fir Street looping the utility. At SW 15th Avenue and S Fir Street will be another tie into the primary vault. (Canby Utility Electric)
13. The existing homes will need to switch meter bases from overhead lines to underground meters. This will be at the developer's expense. (Canby Utility Electric)
14. The applicant shall submit drawings for all project water lines to Canby Utility for review and approval. Submittal shall meet the requirements of Canby Utility as well as the State of Oregon's requirements. (Canby Utility Water)
15. Canby Utility, in coordination with the applicant will determine the electrical system layout to serve the subdivision. This shall include required streetlight placement which shall be represented on a utility service page of the construction plans for the subdivision by the applicant. Canby Utility shall determine compliance with this condition. (Canby Utility Electric)
16. The applicant shall schedule all water and electric utility construction and inspections at least 15-days in advance. (Contact Canby Utility Operations Field Supervisor at 503-263-4331).
17. The applicant shall be required to provide 4-inch Schedule 40 PVC sleeves for all road crossings for DirectLink services where applicable. The applicant shall work with DirectLink for coordination of all sleeves and required open trenching scheduling for said communication facilities. DirectLink shall determine compliance with this condition. (Contact DirectLink at 503-266-8242)
18. The applicant shall not place any DirectLink utilities in alleyways, backyards or back of lots.
19. The existing house on newly created Lot 3 may need to relocate fiber facilities. Applicant must verify with DirectLink.

20. All private storm drainage discharge shall be disposed on-site, design methodology shall be in conformance with the City of Canby Public Works Design Standards. The City Engineer and Public Works shall determine compliance with this condition. (Public Works)
21. The applicant shall be required to submit a Storm Drainage Report that provides detailed analysis as part of the storm report. The developer's engineer shall demonstrate how the storm runoff generated from the new impervious surfaces will be disposed of. If drywells (UIC) are used as a means to discharge storm runoff from the private streets, they must meet the following criteria:
 - a. The UIC structures location shall meet at least one of two conditions:
 - i. The vertical separation distance between the UIC and seasonal high groundwater is more than 2.5 feet or;
 - ii. The horizontal separation distance between the UIC and any water well is a minimum of 267 feet in accordance with the City of Canby Stormwater master Plan, Appendix "C", Groundwater Protectiveness Demonstration and Risk Prioritization of Underground Injection Control (UIC) Devices.
22. The storm drainage report shall be in conformance with the requirements as stated in Chapter 4 of the City of Canby Public Works Design Standards, dated February 2020. The City Engineer and Public Works shall determine compliance with this condition. (Public Works)
23. The applicant shall be responsible for the abandonment of any existing on-site domestic or irrigation wells in conformance with OAR 690—220-0030. A copy of the Oregon Water Rights Department (OWRD) Certificate shall be submitted to the City. The City Engineer and Public Works shall determine compliance with this condition (Public Works)
24. The applicant shall be responsible for the abandonment of any existing on-site sewage disposal system, in conformance with DEQ and Clackamas County Water Environmental Services (WES) regulations. A copy of the septic tank removal certificate shall be submitted to the City. The City Engineer and Public Works shall determine compliance with this condition. (Public Works)
25. All public improvements, with the exception of sidewalks, are typically 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 125% of the cost of the remaining public improvements to be installed. (Planning)
26. 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 that:
 - 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. (Planning - BA)
 - c. The bond shall have a reasonable sunset date. Should the sunset date occur prior to completion of the subdivision, the developer shall complete the remaining public

improvements or the bond's value will be sought by the City. This date shall be agreed upon by City staff and the applicant.

27. The applicant shall guarantee or warranty all public improvement work with a one (1) year Subdivision Maintenance Bond following written notice of acceptance by the city to the developer in accordance with Section 16.64.070(P) of the Ordinance. (Planning)
28. The applicant must pay the appropriate Site Plan and Development Engineering Plan Review fee as applicable prior to the construction of public or private improvements. (Planning)
29. The applicant shall provide, and have approved, a truck haul route, with flaggers if deemed necessary, for all construction activity at said development site. The haul route shall be approved at the time of the pre-construction meeting by the Public Works Department. (Public Works)
30. The applicant shall obtain an Erosion Control permit from the City of Canby prior to any on-site disturbance. (Canby Public Works)
31. The applicant shall obtain a grading permit from Clackamas County prior to any on-site disturbance and provide the City proof of permit. (Clackamas County/Coordination with City Public Works)
32. A final plat application shall be accompanied with a complete and detailed narrative that demonstrates compliance with all conditions of approval. Accompanying diagrams, letters, communications and other objective evidence shall be provided to substantiate any claims that are not easily verified by the narrative itself. The narrative shall address:
 - a. How the condition is met;
 - b. Who is responsible for verifying the condition;
 - c. When it is met; or if not met at the time of final plat, an ETA on completion.
33. The applicant shall apply for final plat approval at the City and pay any applicable city fees associated with final plat review. Prior to the recordation of the final plat at Clackamas County, the plat must be approved by the City. If deemed necessary, the City will distribute the final plat to other applicable local service providers for comment prior to signing off on the final plat. (Canby Planning)
34. All public improvements or submittal of necessary performance security assurances shall be made prior to the signing and release of the final plat for filing of record. (Canby Planning)
35. The final plat shall conform to the necessary information and 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. (Canby Planning/City Engineer)
36. All public utility easements traversing the newly created residential lots related to water, sewer, electric, and gas service shall be noted on the final plat. (Canby Planning / City Engineer)
37. All "as-built plans" of City public improvements installed shall be filed with Canby Public Works within sixty (60) days of completion and acceptance of the improvements. (City Engineer/Public Works)

38. Clackamas County Surveying reviews pending subdivision plat documents for Oregon Revised 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 four years of approval of the tentative plat, or formally request an extension of up to 1-year with a finding of good cause. (Canby Planning)
39. The applicant shall record the final plat at Clackamas County within 6 months of the date of the signature of the Planning Director. (Canby Planning)
40. 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. (Canby Planning)
41. The City shall assign addresses for each newly created subdivision lot and distribute those addresses to the developer, and other applicable agencies accordingly prior to home permitting. (Canby Planning)
42. The developer shall pay the City \$250 per street tree for installation prior to home occupancy. The City shall be responsible for maintaining the trees for two years after they are planted. Property owners shall take over all responsibility of said street trees after the two (2) year period lapses. Canby Public Works in conjunction with Canby Planning shall determine compliance with this condition. (Public Works/Canby Planning)
43. The applicant shall coordinate with USPS staff at Canby USPS for mailbox locations.
44. Construction of all required public improvements and the recordation of the Final Plat shall be completed prior to the issuance of building permits and comply with all applicable City Public Works Design Standards. (City Engineer/ Public Works/Canby Planning)
45. The homebuilder shall apply for and submit a City of Canby Site Plan Permit application and Clackamas County Building permit for each home and satisfy the residential design standards of CMC 16.21. (Canby Planning)
46. All residential construction shall be in accordance with applicable Public Works Design Standards. Public Works shall determine compliance with this condition. (Public Works)
47. Clackamas County Building Codes division will provide structural, electrical, plumbing, and mechanical plan review and inspection services for all new home construction. The applicable county building permits are required prior to the construction of a new single-family residence. (Canby Planning)
48. 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 width shall be 24 feet, with an allowed exception of 28 feet for a home with 3 or more garages. (Canby Planning)
49. All usual System Development Charges (SDCs) shall be collected with each new home permit within this development before release of Site Plan approval. (Canby Planning)
50. Placement of residential fences along any front or street-adjacent side yard property line are permitted to be a maximum of 3-feet, 6-inches in height, and must not exceed 30-inches in

height when within the 30-foot Vision Clearance Triangle for all corner lots, and Vision Clearance Area of ten (10) feet from driveways to the street. Perimeter and rear yard fencing is not to exceed six (6) feet in maximum height. Please reference Section 16.08.110 of the Canby Land Development and Planning Ordinance, Chapter 16, of the Municipal Code. (Canby Planning).