



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

**A REQUEST FOR SUBDIVISION
APPROVAL IN ORDER TO DIVIDE TWO
LOTS INTO 19 LOTS FOR INDIVIDUAL
RESIDENTIAL DEVELOPMENT. TWO
EXISTING HOMES WILL REMAIN. SW
15TH AVENUE WILL BE EXTENDED
EAST TO CONNECT TO S FIR STREET.**

**FINDINGS, CONCLUSION & FINAL ORDER
SUB 23-01
DUNETT 19-LOT SUBDIVISION**

NATURE OF THE APPLICATION

The property owners, Blake DuPont and Ralph Netter, requested 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.

HEARINGS

The Planning Commission considered application **SUB 23-01** at the duly noticed hearing on December 11, 2023 and approved the project by a 6/0 vote, incorporating one modified Condition of Approval. These Findings are entered to document the approval.

CRITERIA AND STANDARDS

In judging whether or not the aforementioned applications shall be approved, the Planning Commission determines whether criteria from the City of Canby Land Development and Planning Ordinance are met or can be met by observance of conditions. Applicable code criteria and standards were reviewed in the Staff Report dated December 1, 2023 and presented at the December 11, 2023 meeting of the Canby Planning Commission.

FINDINGS AND REASONS

The Staff Report was presented and oral testimony was received at the public hearing. Staff recommended approval of the Subdivision application, and applied Conditions of Approval in order to ensure that the proposed project will meet all required City of Canby Land Development and Planning Ordinance approval criteria.

One Condition of Approval was modified by Planning Staff and presented to Planning Commission at the hearing via supplemental memo dated December 11, 2023 and during the Staff presentation. The modified condition (Condition #42) was approved and is included in the list

below. This Condition requires the developer to plant street trees instead of paying the street tree fee to the Public Works Department.

CONCLUSION

In summary, the Planning Commission adopted the findings contained in the Staff Report, concluding that the application met all applicable approval criteria to the extent feasible, and voted that the **DuNett 19-lot Subdivision (SUB 23-01)** be approved with the Conditions of Approval reflected in the written Order below.

ORDER

The Planning Commission concludes that, with the following conditions, the application meets the requirements for Subdivision approval. Therefore, IT IS ORDERED BY THE PLANNING COMMISSION of the City of Canby that the DuNett 19-lot Subdivision project (**SUB 23-01**) is approved, subject to the following conditions:

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 by 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 submit a street tree plan with their submittal of Pre-Construction documents to be reviewed by Planning and Public Works for compliance with planting

spacing standards. The developer is responsible for planting the trees within 1 year of the recordation of the final plat. It will be the responsibility of the individual property owners to maintain these trees. 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)

I CERTIFY THAT THIS ORDER, SUB 23-01 DuNett 19-lot Subdivision, was presented to and APPROVED, incorporating modified Condition of Approval #42, by the Planning Commission of the City of Canby on the 11th of December, 2023.

Matt Ellison
Planning Commission Chair

Don Hardy
Planning Director

Laney Fouse Lawrence, Attest
Recording Secretary

ORAL DECISION: December 11, 2023

<i>Name</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
<i>Matt Ellison, Chair</i>	<i>x</i>			
<i>Dan Ewert, Vice-Chair</i>	<i>x</i>			
<i>Michael Hutchinson</i>	<i>x</i>			
<i>Jennifer Driskill</i>	<i>x</i>			
<i>Judi Jarosh</i>	<i>x</i>			
<i>Hannah Ellison</i>	<i>x</i>			
<i>Craig Lewelling</i>	<i>x</i>			

WRITTEN DECISION: January 8, 2024

<i>Name</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
<i>Matt Ellison, Chair</i>				
<i>Dan Ewert, Vice-Chair</i>				
<i>Michael Hutchinson</i>				
<i>Jennifer Driskill</i>				
<i>Judi Jarosh</i>				
<i>Hannah Ellison</i>				
<i>Craig Lewelling</i>				