



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

**A REQUEST FOR DESIGN REVIEW AND  
PROPERTY LINE ADJUSTMENT  
APPROVAL FOR A 30 UNIT  
RESIDENTIAL CONDOMINIUM  
DEVELOPMENT NORTH OF SE  
TOWNSHIP ROAD BETWEEN S KNOTT  
STREET AND S LOCUST STREET**

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**FINDINGS, CONCLUSION & FINAL ORDER  
DR 23-06 / PLA 23-05  
TIEVOLI COMMONS**

**NATURE OF THE APPLICATION**

The property owners, Jason, Jeanne and Linda Bristol, requested Planning Commission approval to consolidate three lots into one lot and to develop a 30-unit condominium complex on that lot. The development will include seven buildings with four attached dwelling units and one building with two attached dwelling units. Each dwelling unit shall have two parking spaces. The 30 condominium units will share the ownership and maintenance of the common areas.

**HEARINGS**

The Planning Commission considered applications **DR 23-06 / PLA 23-05** at the duly noticed hearing on January 22, 2024 and approved the project by a 4/1 vote, incorporating three additional Conditions 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 January 11, 2024 and presented at the January 22, 2024 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 both applications, 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.

Three Conditions of Approval were added to the 31 Conditions of Approval provided in the Staff Report. The three Conditions of Approval are included as part of the decision and are listed in the

Conditions of Approval section below as numbers 32, 33, and 34. The additional Conditions address no-parking areas, coordination with neighbors regarding perimeter fencing, and clarification regarding frontage improvements along both S Knott Street and SE Township Road.

### **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 **Tievoli Commons** project (**DR 23-06 / PLA 23-05**) 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 **Tievoli Commons** project (**DR 23-06 / PLA 23-05**) is approved, subject to the following conditions:

### **CONDITIONS OF APPROVAL**

1. 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. (Canby Planning)
2. 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)
3. 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)
4. All site development shall comply with all applicable City of Canby Public Works Design Standards and ADA standards, unless specifically stated otherwise. (Public Works)
5. A water main must be looped through to S Knott Street in order to support at least one fire hydrant. The applicant shall submit drawings for all project water lines to Canby Utility for review and approval. The submittal shall meet the requirements of Canby Utility as well as the State of Oregon's requirements. (Canby Utility Water)
6. Each unit shall have separate water and electricity meters if they are to be sold individually. (Canby Utility)
7. Canby Utility, in coordination with the applicant, will determine the electrical system layout to serve the development. This shall include required streetlight placement on both SE Township Road and S Knott Street, which shall be represented on a utility service page of the construction plans by the applicant. The developer shall provide all onsite trenching, staking, grading and backfill. Canby Utility shall determine compliance with this condition. (Canby Utility Electric)

8. 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).
9. Private fire hydrants shall be painted yellow and public hydrants shall be painted orange. Blue reflectors shall be installed in the street to indicate hydrant locations. No chains allowed on the hydrants. (Canby Fire Department)
10. The driveways and road need to be approved by the fire department truck before occupancy and the curblines on S Knott Street and SE Township Road adjacent to the driveway approached need to be painted red. (Appendix D, Oregon Fire Code 2022) (Canby Fire Department)
11. 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)
12. The applicant shall not place any DirectLink utilities in alleyways, backyards or back of lots.
13. 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)
14. 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)
15. 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)
16. 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)
17. The applicant shall guarantee or warranty all public improvement work with a one (1) year Maintenance Bond following written notice of acceptance by the city to the developer in accordance with Section 16.64.070(P) of the Ordinance. (Canby Planning)
18. 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. (Canby Planning)
19. 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)
20. The applicant shall obtain an Erosion Control permit from the City of Canby prior to any on-site disturbance. (Canby Public Works)

21. 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)
22. All public improvements or submittal of necessary performance security assurances shall be made prior to the signing and release of the final approved site plan. (Canby Planning)
23. 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)
24. The applicant shall submit an application for addressing. The City shall assign addresses for each newly created residential unit and distribute those addresses to the developer, and other applicable agencies accordingly prior to home permitting. (Canby Planning)
25. The applicant shall coordinate with USPS staff at Canby USPS for mailbox locations.
26. The developer shall apply for and submit a City of Canby Site Plan Permit application and Clackamas County Building permit for each building and satisfy the residential design standards of CMC 16.21 as specified in this report and the supporting plan set. (Canby Planning)
27. All residential construction shall be in accordance with applicable Public Works Design Standards. Public Works shall determine compliance with this condition. (Public Works)
28. 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)
29. 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)
30. 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).
31. The applicant shall submit a Sign Application for all signage proposed for the development. Proposed signs shall conform to provisions of Chapter 16.42 of the CMC and shall secure a building permit from Clackamas County Building Services prior to their installation if applicable. (Canby Planning)
32. The applicant shall paint curbs red to prohibit parking along the internal accessway. (Canby Planning/Canby Fire Department)
33. The applicant shall work with the adjacent property owners to either maintain or install a physical barrier (such as fencing or arbor vitae) along shared property lines. (Canby Planning)
34. Frontage improvements are required along both SE Township Road and S Knott Street where the property will access the streets. Configuration of improvements shall comply with current Public Works standards. (Canby Public Works)

I CERTIFY THAT THIS ORDER, DR 23-06 / PLA 23-05 Tievoli Commons, was presented to and **APPROVED** by the Planning Commission of the City of Canby on the 22<sup>nd</sup> of January 2024.

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Dan Ewert  
Planning Commission Vice Chair

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Don Hardy  
Planning Director

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Laney Fouse Lawrence, Attest  
Recording Secretary

**ORAL DECISION: January 22, 2024**

<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: February 12, 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>				