

PLANNING COMMISSION MEETING
April 26, 2021

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AGENDA
CANBY PLANNING COMMISSION
*Meetings can be viewed on CTV Channel 5
or Canby YouTube*

<https://www.youtube.com/channel/UCn8dRr3QzZYXoPUEF40TP-A/videos>

Monday, April 26, 2021
7:00 PM (Virtual Zoom Meeting)

Commissioner John Savory, Chair

Commissioner Larry Boatright, Vice Chair

Commissioner Jennifer Trundy

Commissioner Jeff Mills

Commissioner Michael Hutchinson

Commissioner Jason Padden

Commissioner James Hieb

1. CALL TO ORDER

- a. Invocation
- b. Pledge of Allegiance

2. CITIZEN INPUT ON NON-AGENDA ITEMS

This is an opportunity for audience members to address the Planning Commission on items not on the agenda. Each person will be given 3 minutes to speak. Staff and the Planning Commission will make every effort to respond to questions raised during citizens input before the meeting ends or as quickly as possible thereafter. ***If you would like to speak on non-agenda items, please send an email to PublicComments@canbyoregon.gov no later than 3:00 pm on April 26, 2021, and **provide your name, the topic you'd like to speak on, your phone number and your email address**. Once your information is received, you will be sent instructions for signing into Zoom. Commissioners and Staff will be attending this meeting virtually.

3. MINUTES – Planning Commission Minutes for March 8, 2021

4. NEW BUSINESS – None

5. PUBLIC HEARING To testify, please send **your name, phone number and email address** to PublicComments@canbyoregon.gov no later than 3:00 pm on the April 26, 2021. Once your information is received, you will be sent instructions for signing into Zoom. Commissioners and Staff will be attending this meeting virtually.

- a. To consider a proposal to subdivide a 4.45 acre parcel into 15 single family lots for Phase 4 of Northwood Estates Subdivision (SUB 21-01).

6. FINAL DECISIONS –

- a. Northwood Estates Subdivision (SUB 21-01).

7. ITEMS OF INTEREST/REPORT FROM PLANNING STAFF–

- a. Next regularly scheduled Planning Commission meeting – Monday, May 10, 2021.

8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION

9. ADJOURNMENT

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for person with disabilities should be made at least 48 hours before the meeting at 503-266-7001. A copy of this agenda can be found on the City's web page www.canbyoregon.gov. City Council and Planning Commission Meetings are broadcast live and can be viewed on CTV Channel 5. For a schedule of the playback times, please call 503-263-6287.

MINUTES
CANBY PLANNING COMMISSION
Monday, March 8, 2021

PRESENT: Commissioners John Savory, Larry Boatright, Jennifer Trundy, and Jeff Mills

ABSENT: Commissioner Michael Hutchinson

STAFF: Don Hardy, Planning Director, Erik Forsell, Associate Planner, Associate Planner, and Laney Fouse Lawrence, Recording Secretary

OTHERS: Jim Davis, Todd Gary, Rick Givens, Bruce Goldson, Darren Gusdorf, Harlon Borow, and Donna Traaen

CALL TO ORDER

Chair Savory called the meeting to order at 7:00 p.m.

CITIZEN INPUT ON NON-AGENDA ITEMS – None

MINUTES

- a. Approval of Planning Commission Minutes for February 8, 2021.

Motion: A motion was made by Commissioner Boatright and seconded by Commissioner Mills to approve the February 8, 2021 Planning Commission minutes as presented. Motion approved 4/0.

NEW BUSINESS - None

PUBLIC HEARING

- a. To consider a request to construct an emergency fire and medical station at 1460 NE Territorial Road (subject property) on a 1-acre site (project site) adjacent to the City of Canby's Public Works shops complex. The station would allow the agency to better serve the north side of Canby with emergency services. (**DR 20-06/CUP 20-04 Canby Fire Emergency Fire and Medical Station**).

Chair Savory opened the public hearing and read the hearing statement. He asked if any Commissioner had ex parte contacts or conflicts of interest to declare. Chair Savory and Commissioner Mills both said they had driven or ridden by the site numerous times.

Staff Report: Ryan Potter, Senior Planner, entered his staff report into the record. This was a request to construct an emergency fire and medical station at 1460 NE Territorial Road on a one acre site adjacent to the City of Canby's Public Works shops complex. He discussed the applicable criteria and existing conditions. The proposed project was a 3,600 square foot emergency fire and medical station, staffed 24 hours a day/365 days a year with 2 firefighters and 3 intern student firefighters. It would allow Canby Fire to better serve the north side of Canby which was currently separated from the main fire station by Union Pacific Railroad. Access would be on NE Territorial Road. He discussed the proposed site plan and renderings. Staff found that the application was

consistent with the criteria. No traffic study was required. The project would provide the required off-street parking. The property was zoned for residential uses, so a Conditional Use Permit was required. Because of the subject property's existing uses and those of the surrounding parcels, the proposed project would not be out of character with its immediate surroundings. In the Comprehensive Plan, Canby Public Works and Wastewater Treatment Plant were designated for public uses. However, the project site was designated for park uses. The conditions of approval included the standard conditions as well as conditions for the design of the driveway surface, extension of utility infrastructure, and submission of additional materials. There were comments received from the City Engineer regarding utility connections, drainage analysis, and the design of driving surfaces. A public comment was received regarding the location of the project site. Staff recommended approval of the application with conditions.

Applicant: Jim Davis, Fire Chief, said in 2017 Canby Fire did a survey before the capital improvement bond issue. The number one project that came back was the need for an EMS station on the north side of the railroad tracks. The bond issue was passed in 2018 which included the remodel of the main fire station which had been completed and the north EMS fire station. They had looked at several different scenarios for the EMS station and entered into an agreement with the City for a 50 year lease on the property next to the Public Works site. The lease agreement allowed them to increase the amount that was allotted in the bond issue budget. The Fire Board approved the budget for the construction of this facility. If approved by the Planning Commission, construction would begin in either May or June 2020.

Todd Gary, Battalion Chief/Fire Marshal and Project Manager, said this would be a 3,600 square foot building with five bedrooms to house two career fire fighters and three interns. It would be next to Eco Park and they had worked hard to fit in with the park. The landscaping included fire safe plants and a path across the property.

Chief Davis noted having the facility staffed 24 hours per day would allow them to connect the gate to their power and add security to the area.

Commissioner Mills asked about the number of parking spaces that would be provided. Chief Gary said there were four parking spaces in the front and more in the back.

Proponents: None

Opponents: None

Chair Savory closed the public hearing.

Motion: A motion was made by Commissioner Trundy and seconded by Commissioner Boatright to approve DR 20-06/CUP 20-04 Canby Fire Emergency Fire and Medical Station. Motion approved 4/0.

- b. To consider a request to subdivide a 6.68-acre parcel located at N Pine Street between NE 16th and NE 18th Avenues into 42 separate legal lots. (**SUB 20-03/VAR 20-01 Beckwood Place Subdivision**).

Chair Savory opened the public hearing and read the hearing statement. He asked if any Commissioner had ex parte contacts or conflicts of interest to declare.

Commissioner Trundy disclosed she was friends with the Beck Pond site agent.

Staff Report: Mr. Potter entered his staff report into the record. This was a request to subdivide a 6.68-acre parcel located at N Pine Street between NE 16th and NE 18th Avenues into 42 separate legal lots. He reviewed the applicable criteria and existing conditions. The property was currently undeveloped, was zoned R-1.5, medium density residential, and had access from Pine and four existing street stubs. The proposed project was to subdivide the property into 42 lots for single family residential homes. The lots would range from 5,000 to 5,347 square feet. There would be 33 standard lots and 9 flag lots with access from shared driveways. The project would include extensions of four existing street stubs on NE 17th Avenue, N Oak Street, and N Persimmon Street. A variance was required for street spacing closer than City standard. The traffic study identified a nearby intersection (N Pine Street/NE 4th Avenue/Hwy 99E) that would operate at an unacceptable level with or without the project. The subdivision would provide the required off-street parking, was consistent with the zone, and complied with related development standards. The street spacing/street offset was considered a major variance from the standards, but the proposed street pattern was dictated by surrounding streets and block layouts. There were numerous standard conditions of approval as well as public improvements including streets, shared driveways, and coordination with Clackamas County regarding N Pine Street. He explained how the applicant submitted a revised plat which was consistent with Chapter 16.18. The number of lots would not change, the average lot size would remain above 5,000 square feet, no lot would be under 4,000 square feet, only 7.1% of lots would be below 5,000 square feet, each lot would have 40 feet or more lot width/frontage, and Condition #40 was no longer necessary with the revised layout. The agency comments received from the City Engineer were regarding utility connections, public improvements, drainage analysis, etc., Canby Fire regarding fire code and requesting 26 foot shared driveways for the flag lots, and DirectLink identifying requirements for serving the subdivision. Public comments were received and included concerns about traffic congestion on N Pine Street and area intersections, inquiry about tree removal, and concerns about the 50 year old Douglas fir trees not being preserved. Staff recommended approval with conditions and revised site plan.

Commissioner Boatright asked if they needed to add a condition for the 26 foot shared driveways for the flag lots. Mr. Potter said it was not a City requirement as City Code only required 20 feet.

Commissioner Mills thought the City Code should be changed to be consistent with Fire Code.

Don Hardy, Planning Director, said they working on updating the code and website as well as letting applicants know early on in the process.

Applicant: Rick Givens, applicant's representative, said the project was designed to comply with City code standards. He had talked to the Fire Department about the 26 foot width and how they could accommodate it by an additional three foot easement alongside the flag stems which would total 26 feet. They had to get Fire Department approval and he did not think it needed to be added to the conditions. There were a lot of questions raised at the neighborhood meeting. Several neighbors did not want Oak Street extended south to 17th Avenue due to concerns about thru-traffic

and safety. However, it was part of the City's Transportation System Plan and they were doing what City Code told them they had to do to tie the streets together. They tried to make the Oak Street intersection conform as much as possible with the existing streets and there would not be much traffic on Persimmon. The last minute change to the configuration of Lots 9-15 was done because of the difficulty of coordinating with the County for access onto Pine. All the access would be on local streets. Regarding the intersection of Pine and 4th, it was not something they could control, however they would be contributing funds through SDCs that would help pay for the improvements the City would need. There were also other access options and that intersection could be avoided during peak times.

Proponents: None

Opponents: Donna Traaen, Canby resident, discussed the traffic issues that would occur when this subdivision was built. She was also disappointed that the old trees would be removed. Her street flooded and there were sewer problems. She did not think the City's infrastructure could support all of the new development. For this neighborhood, it would affect the quality of life. She thought there were too many homes being proposed.

Rebuttal: Mr. Givens understood the concerns about traffic congestion and development. The property was zoned for this and had been in the City's plans for development as proposed. They were following City codes and zoning for the property.

Chair Savory closed the public hearing.

Questions:

Commissioner Mills noted a correction to the staff report. He agreed that this development would exacerbate the traffic congestion, but they were taking steps to address it in the long term.

Commissioner Trundy understood Ms. Traaen's concerns, but the Commission had to follow the City code and State laws.

Commissioner Boatright was also frustrated about the density, sizes of the lots, and traffic, but they had to follow the higher authority.

Motion: A motion was made by Commissioner Boatright and seconded by Commissioner Trundy to approve SUB 20-03/VAR 20-01 Beckwood Place Subdivision with the proposed conditions except striking Condition #40. Motion approved 4/0.

FINAL DECISIONS

- a. DR 20-06/CUP 20-04 Canby Fire Emergency Fire and Medical Station

Motion: A motion was made by Commissioner Trundy and seconded by Commissioner Boatright to approve the final findings for DR 20-06/CUP 20-04 Canby Fire Emergency Fire and Medical Station. Motion approved 4/0.

- b. SUB 20-03/VAR 20-01 Beckwood Place Subdivision

Motion: A motion was made by Commissioner Trundy and seconded by Commissioner Boatright to approve the final findings for SUB 20-03/VAR 20-01 Beckwood Place Subdivision. Motion approved 4/0.

ITEMS OF INTEREST FROM STAFF

- a. Next Planning Commission meeting scheduled for Monday, March 22, 2021. On the agenda was a design review for Western RV Storage. They would also introduce the two newest Planning Commissioners.

ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION – Commissioner

Trundy discussed the idea of a food cart pod which the Code did not currently allow.

Mr. Hardy said that would be a Work Session item for the City Council.

There was discussion regarding past decisions on this topic and why it had not been allowed.

ADJOURNMENT

Motion: A motion was made by Commissioner Trundy and seconded by Commissioner Mills to adjourn the meeting. Motion approved 4/0.

Meeting was adjourned at 8:24 PM.



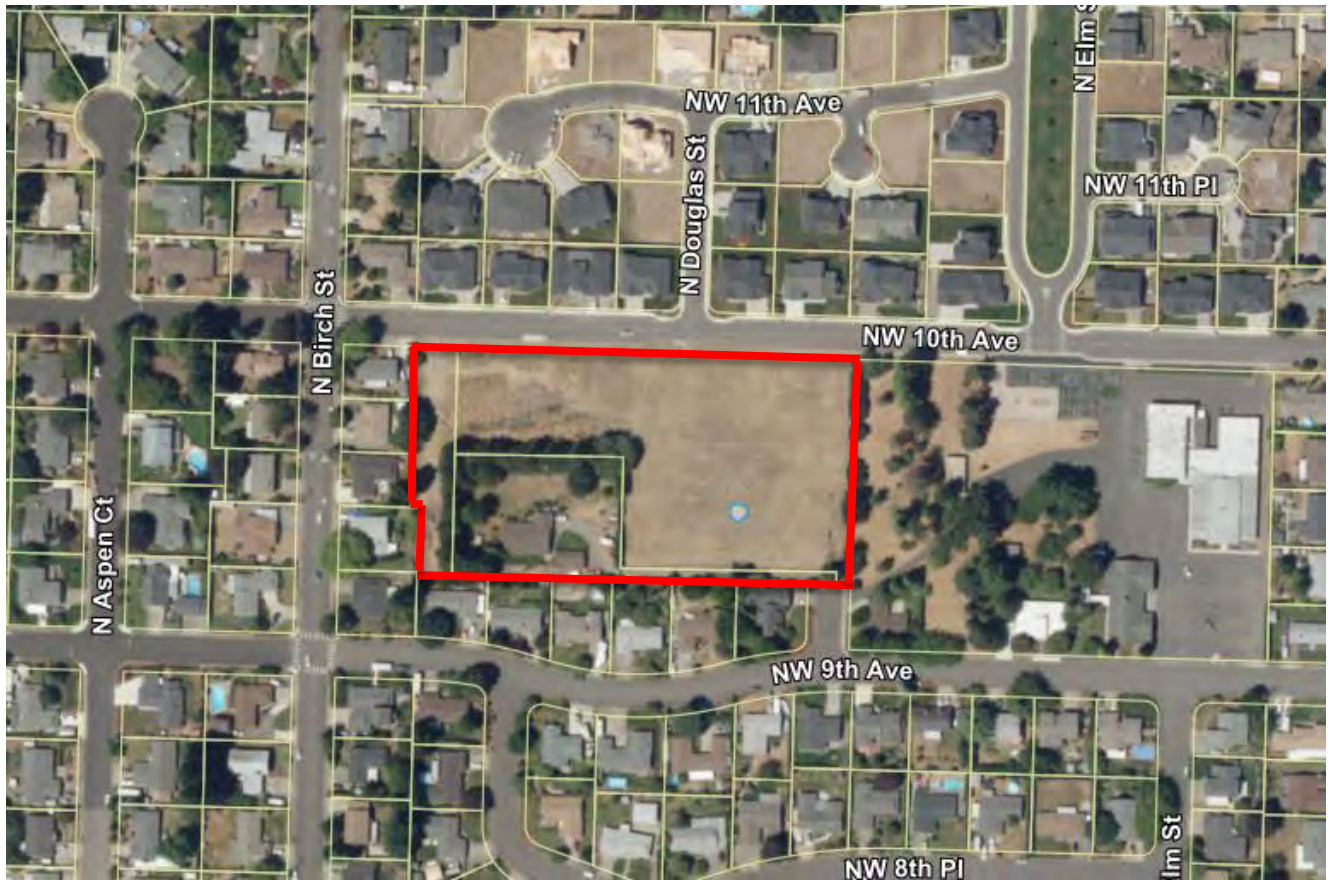
City of Canby

STAFF REPORT NORTHWOOD ESTATES PHASE 4 SUB 21-01

HEARING DATE: April 26, 2021
STAFF REPORT DATE: April 16, 2021
TO: Planning Commission
STAFF: Brianna Addotta, Associate Planner

Applicant Request

The applicant requests approval to subdivide 4.45 acres into 15 single family home lots as Phase 4 of the Northwood Estates Phased Subdivision.



Staff Recommendation

Based on the application submitted and the facts, findings, and conclusions of this report, staff recommends that the Planning Commission **Approve** SUB 21-01 Northwood Estates Phase 4 Subdivision pursuant to the Conditions of Approval presented in Section VI at the end of this report.

Project Overview

The Northwood Estates Subdivision was approved by the City of Canby under SUB 05-12 on March 29, 2006. As a component of the original subdivision application in 2005 a Master Plan for the entire 31.57-acre, four-phase development, was approved by the Planning Commission with conditions of approval documented in a Development Agreement executed on January 11, 2007 and recorded under fee number 2007-007387 Clackamas County Deed Records. The development agreement required an application for each phase at the time of development.

The effective period of the Development Agreement has been extended annually by the Planning Commission. Most recently it was set to expire February 24, 2021. The applicant submitted this application on February 3, 2021. This subdivision application is within the approved time frame and scope of the Master Plan and Development.

Prior land use actions CPA 03-02 and ZC 03-02 on this property have confirmed compliance of this property with the requirements of the Comprehensive Plan criteria for urbanization, land use and housing elements, resulting in this property being included within the Canby Urban Growth Boundary and Zoned as R1 for single family residences.

The first phase of the development included 41 lots and was constructed in 2007 under SUB 05-12. Phase 2 for 33 lots was approved under SUB 13-01 on March 10, 2014 and constructed that same year. Phase 3 for 21 lots was approved under SUB 17-02 on February 28, 2017 and constructed the same year. This application is for Phase 4 of the Master Planned development.

All conditions contained in the Development Agreement have been satisfied for Phases 1, 2 and 3. The only requirement listed in the development agreement for Phase 4 is to complete a traffic study to address internal circulation and future street connections, which is discussed later in this application.

The 4.45 acre proposed 15-lot Northwood Estates Phase 4 encompasses three tax lots as shown on the plat. The original properties owned by the partnership of Northwood Investments include Tax Lot 200 and 1700. This year Tax Lot 300 was purchased by the development group to add to the 4th phase. The total number of lots is unchanged from the original development agreement, with 15 lots in Phase 4, which makes the entire Northwood Estates development total 110 lots. With purchase of Tax Lot 300, all street connections can now be completed between NW 9th Avenue and NW 10th Avenue, and there are no dead-ended interim streets.

These three tax lots are all located within the City Limits and UGB, and are zoned R-1 Single Family Residential, similar to all surrounding properties. The site is vacant except for a single family residence on Tax Lot 300 that is in the planning stage to be relocated, however, if that does not materialize, the house will be demolished.

This phase of development abuts NW 10th Avenue on the north, which was fully developed as a component of Northwood Phase 2. The south line of Phase 4 abuts the back lot lines of six homes along NW 9th Avenue, and the west line of Phase 4 abuts the back lot lines of four homes on N Birch Street. Phase 4 abuts the Catholic Church property to the east. None of the lots in Phase 4 were designated as infill lots in the development agreement.

Property/Owner Information

Location	Located at 930 N. Douglas St., east of N Birch Street in between NW 9 th and 10 th Avenues.
Tax Lot(s)	3S1E32AD 200, 300, 1700
Property Size	4.45 acres
Comprehensive Plan	LDR – Low Density Residential
Zoning	R-1 Low Density Residential
Owner	1KRMT Inc., Attn: Ron Tatone
Applicant	Northwood Investments, Attn: Hassan Ibrahim
Application Type	Subdivision - Type III Quasi-Judicial/Legislative
City File Number(s)	SUB 21-01

Attachments

- A. Engineering Conditions of Approval, provided by Sisul Engineering
- B. Applicant Materials
- C. Transportation Analysis Letter
- D. Northwood Estates DCP and Extension Approval
- E. Public Comments

I. Existing Conditions:

The subject site is currently three parcels comprising 4.45 acres total, east of N. Birch Street and west of St. Patrick Catholic Church, in between NW 9th and 10th Avenue. There is an existing single family home on one of the parcels (tax lot 300), which will either be moved or demolished. The property is surrounded by single family homes to the north, south and west, and by St. Patrick Catholic Church to the east. The subject property and all surrounding properties are zoned R-1, low density residential.

Utilities/Sewer/Disposal/Fire/Police:

- 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 the necessary public infrastructure is constructed and installed in accordance with all applicable city, county, state, and federal requirements.

II. Applicable Criteria & Findings

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
- 16.16 R-1 Low Density Residential Zone
- 16.46 Access Limitations on Project Density
- 16.62 Subdivisions-Applications
- 16.64 Subdivisions – Design Standards
- 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. **Summary of Findings**

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.

Section 16.08.150: Traffic Impact Study

This section of the CMC outlines requirements for studying the transportation impacts of a proposed project. The Northwood Estates Development Concept Plan requires a traffic impact study for each phase of the development.

Facts and Findings: City traffic consultant DKS Associates has provided a transportation analysis letter stating a full traffic impact study is not necessary. A Traffic Impact Study (TIS) was completed in 2009 for the entire 110 lot development that indicated no concerns on-site or on the impacted intersections. Impacted intersections studied included 1) Territorial & Holly St, 2) Knights Bridge & Birch St, 3) Knights Bridge & Grant Street, and 4) Hwy 99E and Grant St. The proposed development will not result in a significant increase in additional trips (defined as fewer than 400 daily trips). Further, the specific reasons for requiring a traffic study for Phase 4 of Northwood Estates were to address circulation concerns that would be caused by a stub street, previously included in the Northwood Estates Development Concept Plan (DCP). Subsequent acquisition of tax lot 300 has eliminated that speculative stub street, replaced with a through street providing access onto NW 10th Avenue. The transportation analysis letter is included as Attachment B.

For the above reasons, Planning Staff finds this request is consistent with applicable provisions of the CMC.

Chapter 16.10: Off-Street Parking and Loading

Section 16.10.050 of the Municipal Code requires that each single-family dwelling provide two off-street parking spaces.

Facts and Findings: This application is for subdivision, no home are currently proposed. The applicant has provided a site plan with sufficient frontage to accommodate typical home configurations. Parking standards will be evaluated with site plan applications for future homes.

For the above reasons, Planning Staff finds this request is consistent with applicable provisions of the CMC.

Chapter 16.16: R-1 Low Density Residential Zone

This section of the CMC provides development standards for R-1 lots, including lot width and depth, square footage, frontage length, setbacks, etc. Section 16.16.030.B states the Planning Commission may make an exception to the minimum and maximum lot area standards when the following standards are met: The average area of all lots 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 seven thousand square feet and no greater than ten thousand square feet. No lot shall be created that contains less than six thousand square feet. As a condition of granting the exception, the city will require the owner to record a deed restriction with the final plat that prevents the re-division of oversized lots (e.g., ten thousand square feet and larger), when such re-division would violate the average lot area provision in subsection 16.16.030.B.1.a.

Facts and Findings: Staff find 14 of the 15 proposed lots meet dimensional standards for the R-1 zone. Lot 110 is oversized, proposed to be 12,640 square feet. The applicant states this is necessary for the lot to have the 60' minimum street frontage required by the zone, and that the average area of all 15 lots created through this land division would be 9,870 square feet, within the 7,000 to 10,000 square foot requirement. The applicant states a restriction will be placed on lot 110 through a deed restriction recorded with the Final Plat and included in the Covenants, Conditions, and Restrictions for the subdivision. Staff has included the prohibition of further subdividing lot 110 in the Conditions of Approval.

For the above reasons, Planning Staff finds this request is consistent with applicable provisions of the CMC.

Chapter 16.21: Residential Design Standards

This chapter of the CMC identifies design standards designed to create an attractive, safe, and context-sensitive built environment, with a special focus on the visual environment along public rights-of-way. Provisions in this chapter aim to ensure that there are clear visual connections between homes and the street, and prevent homes from having street-facing facades that are dominated by garages.

Facts and Findings: While the design standards for single-family homes found in Chapter 16.21 would apply to homes constructed in the proposed subdivision, no specific home designs are proposed at this time. Upon approval of the subdivision, consistency with applicable design standards will be evaluated at the time of site plan approval for each individual lot.

Planning Staff consider the proposed layout of the subdivision, which is dominated by standard single-family residential lots that are generally rectangular and front directly onto public streets in an orthogonal fashion, to be conducive to the construction of homes that are consistent with Chapter 16.21.

For the above reasons, Planning Staff finds this request is consistent with applicable provisions of the CMC.

Section 16.46 Access Limitations on Project Density

This chapter addresses the appropriate number of project access points relative to the size and scale of a proposed development. It also addresses access onto state highways.

Facts and Findings: The standards in Table 16.46.30 for Neighborhood and Local Streets require a minimum of 150 feet separation of roadways. All streets and lots comply with these access standards.

For the above reasons, Planning Staff finds this request is consistent with applicable provisions of the CMC.

Chapter 16.62: Subdivisions – Applications

This chapter requires that subdivision applications demonstrate that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed land division.

Facts and Findings: As discussed in the pre-application conference for this project, the subject property and its surrounding vicinity are already served by water, sewer, and electric service. Although extensions of existing public streets would be required to serve the interior of the subject property, these existing public streets already abut—and provide access to—the perimeter of the property.

For the above reasons, Planning Staff finds this request is consistent with applicable provisions of the CMC.

Sections 16.64.010 Streets and 16.64.015 Access

These sections provide regulations for connecting to the existing road network in a safe and efficient manner.

Facts and Findings: All street configurations were designed in compliance with the concept provided in the DCP, as well as City Public Works Standards. The centerline radius of the street in front of lot 102 is proposed to be 50 feet as opposed to the 100 foot standard. City Public Works staff has determined this will meet safety standards for sight distance and stopping distance, and is present elsewhere in the city on low density local residential streets.

Staff has provided condition(s) of approval to ensure all new streets are constructed in compliance with the roadway design standards provided in Chapter 7 of the Transportation System Plan (TSP), and in accordance with the requirements of the Public Works Design Standards in consultation with the City Traffic Engineer and Clackamas County Transportation.

For the above reasons, Planning Staff finds this request is consistent with applicable provisions of the CMC.

Section 16.62.020 Subdivision Standards and Criteria

Applications for a subdivision shall be evaluated based upon the following standards and criteria:

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

Facts and Findings: The applicant has indicated in the narrative consistency with all applicable standards of the *Canby Land Development and Planning Ordinance* as addressed within the submitted application materials and plan set. Staff finds this request is consistent with the applicable standards of the *Ordinance*. Therefore, staff finds this criterion has been met.

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

Facts and Findings: According to the applicant the proposed lots are consistent with the requirements of the *Canby Land Development and Planning Ordinance* as well as the Northwood Estates DCP. Staff finds the applicant will meet the requirements of adequately providing building sites, utility easements, and access facilities necessary without unduly hindering the use of adjacent properties. Staff finds this request is consistent with the applicable standards of the *Ordinance*. Therefore, staff finds this criterion has been met.

C. Subdivision design and layout shall incorporate Low Impact Development techniques where possible to achieve the following:

1. **Manage stormwater through a strategy that emphasizes conservation and use of onsite natural features...to more closely mimic predevelopment hydrologic conditions.**
2. **Encourage...the conservation of natural conditions and features, appropriate use of technologies and techniques, efficient layout of open space, streets, utility networks and other public improvements.**
3. **Minimize impervious surfaces.**
4. **Encourage the creation or preservation of native vegetation and permanent open space.**
5. **Clustering of dwellings where appropriate to achieve 1-4 above. Arrangement of clustered dwellings shall be designed to avoid linear development patterns.**

Facts and Findings: According to the applicant the above criteria have been considered as part of layout of the Northwood Estates DCP and has been carried through Phase 4 of the Northwood Estates Subdivision as the last phase of the project. Staff has provided conditions of approval requiring all stormwater management and other public improvements be constructed in compliance with all applicable Department of Environmental Quality (DEQ) requirements, Canby Public Works Design Standards, Clackamas County Water Environmental Services (WES) requirements, and State of Oregon requirements. Therefore, staff finds, as conditioned, this criterion has been met.

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

Facts and Findings: The applicant has stated that necessary public infrastructure will be installed as part of the subdivision including street improvements, street lighting, sewer and water lines,

power, cable, gas and telephone service. Staff has reviewed the plan set, and has provided conditions of approval requiring that the necessary public facilities be constructed to adequately meet the needs of the proposed land division. Therefore, staff finds, as conditioned, this criterion has been met.

E. The layout of subdivision streets, and pedestrian ways supports the objects of the Safe Routes to School Program by providing safe and efficient walking and bicycling routes within the subdivision...and all schools within a one-mile radius.

Facts and Findings: The applicant has requested an exemption to the standard sidewalk installation, instead intending sidewalks to be installed lot by lot as homes are built. Staff has provided conditions of approval requiring all necessary street and sidewalk construction, including planter strips, and street trees, to be in compliance with the applicable Public Works Design Standards, and the *Planning Ordinance*. Therefore, staff finds, as conditioned, this criterion has been met.

F. A Traffic Impact Study (TIS) may be required in accordance with Section 16.08.150.

Facts and Findings: Traffic Studies have been completed for the first three phases of the Northwood Estates Subdivision; the applicant has requested that a full traffic study not be required as stipulated in the original subdivision approval in March 2006. The applicant states thusly:

The first traffic impact study was prepared in 2003 by Lancaster Engineers for the entire 30-acre development. In 2006, Lancaster again published a TIS for the entire property. Subsequently Lancaster Engineering completed a Traffic Impact Study specifically for phases II & III of the development in March 2007. In April of 2009 Lancaster Engineering again completed a Traffic Impact Study for all four phases of the Northwood development. No unresolved concerns on the entire 110-lot development were raised in any of these earlier studies.

In 2013, the City retained DKS Engineers to complete an internal circulation study of the roadways in Phase 2 and 3 of the development. Due to the previous master planning and the Lancaster Traffic Impact Studies of the entire four-phase development, the scope of the 2013 DKS Engineers Traffic Assessment was limited to internal street configuration, site circulation and impacted intersection safety.

The 2013 DKS Assessment concluded the Phase 2 and 3 designs were adequate. The Traffic Assessment Study only recommended that traffic calming devices, such as speed cushions or driver speed feedback signs, be provided on North Birch Street, although these were a result of a speed study on N Birch Street and not a result of the impacts generated by the proposed Northwood development.

The Development Agreement required an additional traffic study for Phase 4 to address internal circulation and future external street connections, presumably due to the dead end connections in the original plan. With the purchase of Tax Lot 300, the proposed project will no longer include the dead ended streets as shown on the 2005 Master Plan. The street system will be complete between NW 9th Avenue and NW 10th Avenue.

City staff requested DKS to craft a Transportation Analysis Letter for the proposal to determine whether a full Traffic Study is still necessary, particularly in consideration of the acquisition of the third tax lot (300), which allows the internal street to access NW 10th Ave directly and eliminates the specific concerns referenced in the Development Agreement, namely internal circulation and future street connections.

DKS found that the subdivision will create 11 peak am trips and 15 peak pm trips, and 142 daily trips total. Access spacing standards for local roads have been met, adequate circulation internally and on to the surrounding existing roadway network has been provided, and preliminary sight distance evaluation indicated that adequate sight lines will be provided for the roadway access but shall be verified, documented and stamped by a registered professional Civil or Traffic engineer before occupancy. Staff assert and DKS agrees, further traffic study is not necessary due to the low trip count and proposed circulation through two connections to NW 10th Avenue. Therefore, staff finds this criterion has been met.

Section 16.64 Subdivisions – Design Standards

16.64.10 Streets

All street configurations were designed to comply with the Master Plan concept contained in the Development Agreement and the City's Public Works Standards. With the purchase of Tax Lot 300, the roadways will now be continuous as opposed to an interim dead end as was shown in the original Master Plan.

6.64.020 Blocks

The *Planning Ordinance* sets forth standards for the length, width and shape of blocks within a subdivision, specifically, block length shall be limited to 400 feet maximum length within residential zones. There are exceptions when topography, railroads, arterial roads, and environmental constraints are present on a project site which will then present challenges with keeping block length from exceeding the standard 400-foot length. The configuration of the subdivision as proposed does not create any blocks that exceed 400 feet in length. Therefore, staff finds, the criterion has been met.

16.64.030 Easements

The *Ordinance* states all public utility easements shall be twelve-feet in width and be required along all street lot lines adjacent to the public right-of-way, unless specifically waived. The applicant has indicated there will be twelve-foot wide public utility easements along all street frontages of the newly created residential lots. The applicant shall comply with all Public Works Design Standards in coordination with the City Engineer for the final placement of all easements throughout the subdivision. Staff finds, as conditions, the criterion has been met.

16.64.040 Lots

The R-1 Low Density Residential zoning district requires minimum lot sizes of 7,000 square feet, and maximum lot sizes of 10,000 square feet. The proposed lots are consistent with the standards of the zone, including area, dimensions, and street frontages. One of the 15 proposed lots (lot 110) is 12,640 square feet, larger than the 10,000 square foot maximum. The applicant states that this is necessary in order to fit into the corner of the development while still providing the necessary 60' frontage width required in the zone. Section 16.16.030.B: Lot Area Exceptions in the Canby Municipal Code states "The average area of all lots 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 seven thousand square feet and no greater than ten thousand square feet." The average area of the lots in Phase 4 of the subdivision is 9,870 square feet. Therefore, staff finds this criterion has been met.

Street Trees

As a condition of approval, a Street Tree Plan shall be submitted with the Final Subdivision Plat. All street trees shall be paid for prior to the recordation of the Final Subdivision Plat.

16.64.050 & 16.120.020 Parks, Open Space and Recreation Land

These two sections of the *Ordinance* set forth regulations for the creation of parks, open space and recreation in the city. For example, parkland dedication is required for all new residential subdivision project approvals. The Northwood Estates Subdivision is a phased subdivision with a Development Concept Plan which stipulated park dedication would occur during phases 1 and 2 of the subdivision. Approximately three acres of parkland and open space were dedicated during these phases of the subdivision, no additional dedication or fee in lieu is required.

16.64.060 Grading of Building Sites

The subject site is relatively flat and mostly undeveloped; a single family home on tax lot 300 will either be moved or demolished. A final grading plan will be reviewed and approved by the city Engineer and Clackamas County as applicable, prior to any ground disturbing activities. Staff has provided conditions of approval to ensure all site grading meets the requirements of the city Engineer in conjunction with the Public Works Design Standards and in coordination with Clackamas County.

16.64.070 Improvements

The applicant states that all necessary infrastructure to serve the residential lots will be installed in conjunction with the development of the subdivision, to include: sanitary sewer and storm water lines, water lines, fire hydrants, sidewalks, streets and streetlights, and all underground utilities in accordance with the requirements of the applicable regulations found within the *Ordinance*, the Public Works Design Standards, and other applicable regulations as deemed necessary by the city Engineer. Construction plans shall be reviewed and approved by the City prior to the installation of all required infrastructure. All proposed streets and utilities have been illustrated on the submitted plan set. Staff has provided conditions of approval to ensure all infrastructure is provided and installed in accordance with all applicable city and state regulations, to include those of the city Engineer, Canby Utility, Canby Fire District, and Public Works.

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 all applicable public agencies. Staff has received conditions of approval from Public Works and Engineer Pat Sisul, which are provided herein. Other agency comments and/or conditions of approval received after staff report publication will be provided at the public hearing.

The following comments from the public were submitted and are summarized here and staff has provided response. Each public comment submitted may be read in their entirety in Attachment E. Members of the public who wish to comment may also do so during the public hearing.

Comment from Sara Sloss of 820 N. Birch St.:

Ms. Sloss is concerned about traffic speed and volume on Birch Street as a result of this 15 lot subdivision. She notes there are speed bumps on North Birch between Territorial and 9th Avenue, but none between NW Knightsbridge Road and 9th Avenue and would like to see traffic safety improvements on Birch Street north of the site before homes are built, such as additional speed bumps or stop signs.

Comment from Nicola Pederson of 790 NW. 10th Ave.:

Ms. Pederson is concerned about traffic speed and volume at NW 10th Avenue and N Birch Street, and suggests it become a 4-way stop.

Comment from Thomas Parker and Joanne Parker of 685 NW 9th Ave.:

Mr. Parker is concerned the connection of N. Douglas Street will increase traffic through the neighborhood. He has observed commercial vehicles and cars travelling at 35 miles per hour travelling down NW 9th Avenue. Mr. Parker also states the neighborhood has drainage issues, stormwater runoff has flooded yards. Lastly, Mr. Parker expresses the neighborhood has electrical issues and is worried the additional homes will exacerbate the issue.

Ms. Parker is concerned about the traffic on NW 9th Avenue. She has observed trucks and semi-trucks travelling down NW 9th Avenue despite weight limits signs having recently been installed. She believe connecting Douglas Street to NW 10th Ave will increase traffic. She concurs with Mr. Parker's concerns regarding drainage and electric power. Finally, Ms. Parker states her concern the development will have a negative impact on noise, privacy, and property taxes.

Staff provide the following responses to address these concerns:

- 1) Traffic Speed and Volume: Consulting Transportation Planner Kevin Chewuk, PTP, has reviewed the applicant materials and has provided a Transportation Analysis Letter addressing trip generation, access spacing, and site distance. All traffic studies in the City must consider the Canby Neighborhood Traffic Management thresholds when preparing the scope. The threshold used to determine if this additional analysis is needed is if the proposed project is expected to increase volumes on a residential street (classified as either local or neighborhood route) by more than 30 vehicles in a peak hour or 300 vehicles per day. The site is expected to produce only 15 trips in the evening peak hour and 142 daily trips, therefore no additional analysis is required, as defined by the Canby Neighborhood Traffic Management thresholds. Less than 10 trips a day are expected to travel to the north, and even less are expected on Birch street (>5). The spacing between the newly created local streets within the subdivision accessing onto NW 9th and 10th Avenues is sufficient and considered safe because there is over 200' between accesses points, the minimum required for local neighborhood routes. The posted speed limit is 25 miles per hour on Birch, which is typical for neighborhood residential developments. Preliminary sight distance evaluation indicated that adequate sight lines will be provided for the proposed roadway accesses. However, sight distance will be reviewed for individual site plans within the subdivision prior to Building Permit issuance. Staff note that Douglas St. does not provide a straight passage between NW 9th and 10th Avenues but rather jogs to the east as it travels north. This will discourage through traffic as there is not a line of sight between the two avenues.
- 2) Storm Drainage: A stormwater drainage plan was prepared in 2006 with a design to utilize drywells for all stormwater disposal and was approved by DEQ as Rule Authorized. Consulting Engineer Pat Sisul has explained that each new lot will have on site storm drainage and infiltration. New homes in the subdivision will not drain into the public street. Runoff from the roofs will be required to drain into onsite private infiltration systems, as is typical for new subdivision in Canby. Street runoff will drain into one or more new drywells as is indicated on the Composite Utility Plan provided by the applicant. The submitted plan indicates new catch basin inlets at the low point in the street system, by proposed Lots 102 & 109, so the street runoff is shown draining to the center of the project and not to the exterior corners. Public Works staff have provided comment that the previous phases of the

Northwood Estates subdivision have followed the same drainage requirements as are applicable here, and there have not been flooding issues within the subdivision. Rather it seems a pre-existing issue, particularly on NW 9th Avenue. Mr. Sisul asserts this development will not exacerbate any existing storm drainage situation on NW 9th Avenue, and that this will be verified again during engineering plan review.

- 3) Electric Utility: The City of Canby does not provide electrical utility service to residents. Canby Utility is a third party service provider and should be contacted directly regarding service issues and outages. Should they need to perform work in the public right of way, the City shall work with them to ensure they acquire the correct permits and follow City development standards. The new subdivision will be served from new transformers within the development and the development of new homes with new transformers should not negatively impact the power on NW 9th Avenue.
- 4) Quality of Life: Staff understand that with any new development, current residents of the area have valid concerns their quality of life will be negatively impacted through increased noise, less privacy, or impact on property taxes. The Northwood Estates Subdivision has been under development since original approval in 2007, and while phase four has acquired an additional lot since that decision, the number of lots will remain the same as originally approved. The acquisition of the third lot will improve traffic circulation by eliminating the need for a stub street. The size and configuration of each of the newly created lots will be substantially similar to the surrounding residential development, and staff note each lot exceeds the minimum lot size, which was done intentionally to respect the configuration of the neighborhood with existing larger lots. It is expected this phase of the subdivision will largely resemble the first three phases of the subdivision. While homes are not yet proposed for development, when they are they will be required to meet the same R-1 dimensional development standards applied to the properties surrounding the site, which include setbacks, height limit, and maximum lot coverage requirements.

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

Public Improvements:

1. Prior to the start of any public improvements work, the applicant shall schedule a pre-construction conference with the City Of Canby and obtain construction plans sign-off from all applicable reviewing agencies. (Canby Planning – BA)
2. All site development shall comply with all applicable City of Canby Public Works Design Standards, except where specifically stated otherwise. (Engineer – PS/Public Works – JN)

Fees/Assurances:

3. All public improvements, with the exception of sidewalks, are normally installed prior to the recordation of the final plat. If the applicant wishes to forgo construction of any portion of the public improvements until after the recordation of the final plat, then the applicant shall provide the City with appropriate performance security (subdivision performance bond or cash escrow)

in the amount of 110% of the cost of the remaining public improvements to be installed. (Planning – BA)

4. 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)
5. The applicant must guarantee or warranty all public improvement work with a one year subdivision maintenance bond in accordance with CMC Subsection 16.64.070(P), except for sidewalks. (Planning – BA)
6. The applicant must pay the appropriate City fees authorized public improvement and a Site Plan Development Engineering Plan Review fee as applicable prior to the construction of public or private improvements. (Planning – BA)

Streets, Easements, Signage & Striping:

7. Conditions of Approval provided by Pat Sisul, Sisul Engineering, in the memo dated April 15, 2021 and Labelled as Attachment A of this staff report, are hereby incorporated into the required Conditions of Approval. (Engineer – PS) (Planning – BA)
8. 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 – JN)

Grading and Erosion Control/Demolition:

9. The applicant shall obtain an Erosion Control permit from the City of Canby prior to any on-site disturbance. (Canby Public Works – JN)
10. The applicant shall obtain a demolition permit from Clackamas County, (with a release for permit from Canby Planning) prior to demolition of on-site existing structures. (Canby Planning – BA)
11. 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 – JN)

Street Trees:

12. Street trees are required, and shall be selected from the City approved tree list. The street tree ordinance requires the developer to pay the City \$250 per tree for installation and two (2) year period maintenance. Property owners will take over responsibilities following the 2 year period. If street trees are required, the public utility and street signage easement shall then also be a street tree easement. (Public Works – JN / Canby Planning – BA)

Sewer and Storm Drainage:

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, February 2020. The City

Engineer and Public Works shall determine compliance with this condition. (Engineer – PS/Public Works – JN)

14. 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.

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. (Engineer –PS/Public Works JN)

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 (Engineer – BA/Public Works – JN)
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. (Engineer – PS/Public Works – JN)

Water & Electric Utility Services

17. Water services shall be constructed in conformance with Canby Utility's standards and specifications. Canby Utility, in conjunction with the City Engineer shall determine compliance with this condition. (City Engineer – PS/Canby Utility – JS)
18. 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 shall determine compliance with this condition. (Canby Utility – JS)
19. Canby Utility, in coordination with the applicant will determine the electrical system layout to serve the subdivision. This shall include required street light 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 – JS)
20. 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.
21. The applicant shall work with DirectLink for coordination of all sleeves and required open trenching scheduling for communication facilities. DirectLink shall determine compliance with this condition. (Contact DirectLink at 503-266-8242)

Fire Protection

22. All fire protection apparatus's such as fire hydrants placement and location shall be placed in accordance with the requirements of the Canby Fire District codes and regulations (Oregon Fire Code 2019, Chapter 33). Canby Fire District shall determine compliance with all fire regulations. (Canby Fire District – ME)
23. The applicant shall contact the Canby Fire District for review and inspection of placement of all fire hydrants, and placement of any and all flammable construction materials on-site, prior to placement of said materials. Canby Fire District shall determine compliance with all fire regulations. (Canby Fire District – ME)
24. Building Address shall be marked at the beginning of construction with a lot marker if needed for each lot under construction. Canby Fire District shall determine compliance with all fire regulations. (Canby Fire District – ME)
25. All fire hydrants shall all have Storz quick adapter couplings on the steamer port as required by Canby Utility. A Blue reflector will be in the center of the road to indicate the hydrant is in the vicinity. Canby Fire District shall determine compliance with all fire regulations. (Canby Fire District – ME)
26. Landscaping shall be low growing vegetation so as not to block visibility of hydrants, or addressing. Canby Fire District shall determine compliance with all fire regulations. (Canby Fire District – ME)
27. The applicant shall provide a PDF of approved prints for the Canby Fire District Pre-Fire Plan program of the development. Canby Fire District shall determine compliance with all fire regulations. (Canby Fire District – ME)
28. All Fire Lanes shall be painted red on curb with – “No Parking Fire Lane” in white - and signage, in accordance with the Oregon Fire Code 2019. Fire Lanes will be determined while on site for any access issues with Canby Fire and the builder. Canby Fire District shall determine compliance with all fire regulations. (Canby Fire District – ME)
29. Fire access shall always be part of the construction plan for the development. Canby Fire District shall determine compliance with all fire regulations. (Canby Fire District – ME)

Post Office (mailbox locations)

30. The applicant will provide a mailbox plan for the subdivision before the Final Plat is recorded. (Planning – BA)

Final Plat:

31. 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 shall determine compliance with this condition. (Canby Planning – BA)
32. 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 shall determine compliance with this condition. (Canby Planning – BA)
33. 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 shall verify that these standards are met prior to the recordation of the subdivision plat. (Canby Planning – BA/Engineer – PS)

34. 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 – PS/Public Works – JN)
35. 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 two years of approval of the tentative plat, or formally request an extension of up to 6-months with a finding of good cause. Canby Planning shall determine compliance with this condition. (Canby Planning – BA)
36. 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 shall determine compliance with this condition. (Canby Planning – BA)
37. 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 shall determine compliance with this condition. (Canby Planning – BA)
38. 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 shall determine compliance with this condition. (Canby Planning – BA)

Easements

39. 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 in conjunction with the City Engineer shall determine compliance with this condition. (Canby Planning – BA / City Engineer – PS)

Residential Building Permit(s):

40. 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. The City Engineer and Public Works shall determine compliance with this condition. (City Engineer – PS / Public Works – JN/Canby Planning – BA)
41. 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 shall determine compliance with this condition. (Canby Planning – BA)
42. All residential construction shall be in accordance with applicable Public Works Design Standards. Public Works shall determine compliance with this condition. (Public Works – JN)
43. 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 – BA)
44. 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 shall determine compliance with this condition. (Canby Planning – BA)

45. System Development Charges (SDC) shall be collected with each new home permit within this development. Canby Planning shall determine compliance with this condition. (Canby Planning – BA)

April 15, 2021

MEMORANDUM

TO: Public Comments, City of Canby

FROM: Patrick A. Sisul, P.E., Sisul Engineering

RE: **CITY OF CANBY**
NORTHWOOD ESTATES NO. 4 SUBDIVISION

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

1. NW 10th Avenue is classified in the City Transportation System Plan as a neighborhood route roadway. The total existing right-of-way (ROW) width is 60', the required ROW ranges between 40-feet and 64-feet. The existing 60-foot width matches the right-of-way width on each side of the development; therefore, no additional right-of-way dedication is required. The southern side of NW 10th Avenue is improved with half street improvements along the entire frontage of the site, including asphalt pavement surfacing and a curb along the southern side of the street. Street improvements for NW 10th Avenue will be required to construct radiused corners at the two new intersections and ADA ramps. Other improvements will include minimum 5-foot curb tight concrete sidewalks, streetlights, and utilities in conformance with Section 2.200 of the City of Canby Public Works Design Standards dated December 2019. A 12-foot public utility easement abutting the right-of-way will also be required.
2. Interior local streets within the subdivision include a northerly extension of N Douglas Street in the SE corner of the site, a southerly extension of N Douglas Street south of the NW 10th Avenue/N Douglas Street intersection, and a new local street that will intersect with NW 10th Avenue and then turn easterly and terminate at the Catholic Church property along the eastern property line. We recommend the street name of N Cedar Loop for the new local street. All three local streets shall be designed to City of Canby local street standards.
 - a. The right-of-way width for the northern section of N Douglas Street and N Cedar Loop is proposed to be 50 feet, while the right-of-way proposed for the extension of N Douglas Street in the SE corner of the site is 55 feet. The proposed right-of-way widths are adequate.
 - b. Pavement widths are proposed to be 34 feet, except for the northern portion of N Douglas Street, which is proposed as 28 feet. The 28-foot pavement width for the portion of N Douglas Street between NW 10th Avenue and N Cedar Loop complies with the Low-Volume Local Street (<500 Vehicles Per Day) Cross Section of

Figure 7-6 Local Street/Alley: Standard Cross Sections, within the Canby Transportation System Plan, December 2010. It also complies with the Alternative Requirements within Section 2.201.b of the City of Canby Public Works Design Standards. As this phase is infill development in an otherwise fully developed neighborhood, Alternative Requirement Case 3 is applicable. The proposed 28-foot width will be an extension of the existing portion of N Douglas Street to the north of NW 10th Avenue having the same dimensions. The 34-foot pavement width for the other two streets complies with the standard requirements. The proposed pavement widths are adequate.

- c. Sidewalks are proposed to be 5 feet wide and curb tight on all streets. These sidewalk widths will match the pattern established in earlier phases of Northwood Estates, including the existing sidewalk constructed opposite of this subdivision on the north side of NW 10th Avenue. The 5-foot curb tight sidewalks will also match the existing sidewalk located on the east side of N Douglas Street in the SE corner of the subdivision. With this subdivision being an infill project in an area that predominately has 5-foot wide curb tight sidewalks, the proposed design complies with the Alternative Requirement Case 3 listed in Section 2.201.b of the City of Canby Public Works Design Standards. Sidewalks shall be a minimum 5-foot wide and curb tight on all streets and shall comply with Section 2.209 of the City of Canby Public Works Design Standards dated December 2019.
- d. The applicant has proposed a centerline radius for N Cedar Loop in front of Lot 102 of 50 feet which is less than the guidelines listed in Section 2.203 of the City of Canby Public Works Design Standards. This design is similar to other knuckle or eyebrow type street configurations in many modern subdivisions in Canby. Using the American Association of State Highway and Transportation Officials (AASHTO) Guidelines for Geometric Design of Very Low-Volume Local Roads ($ADT \leq 400$), 2001, which is applicable to this roadway, the applicant has demonstrated to the Public Works Department that the required stopping site distance on the inside of the curve will meet the stopping site distance required for the safe operating speed of the horizontal curve. It has been concluded that the proposed horizontal curve meets all safety standards for sight distance and stopping distance for very low volume local streets.
- e. ADA ramps will be required at all street corners. All ADA ramps shall be designed and inspected to meet the current Public Right of Way Accessibility Guidelines (PROWAG).
- f. Curb and gutter shall be designed and installed per Section 2.210 of the City of Canby Public Works Design Standards dated December 2019.
- g. Any pavement transitions on the northerly extension of N Douglas Street in the SE corner of the site shall be designed and installed per Section 2.208 of the City of Canby Public Works Design Standards dated December 2019.
- h. Streetlights and franchise utilities shall be installed in all new local streets per Section 2.200 of the City of Canby Public Works Design Standards, dated

December 2019. A 12-foot-wide public utility and street signage easement abutting the right-of-way will be required.

- i. Where N Cedar Loop intersects the Catholic Church property end of street markers shall be installed at the termination of the street. Where any sidewalks terminate into property lacking sidewalks, end of sidewalk markers shall be installed. End of street and sidewalk marker shall be as detailed in the City of Canby Public Works Design Standards, dated December 2019.
3. The applicant shall submit engineered plans for review and approval by the City of Canby. The plans shall be sealed by an engineer licensed to perform engineering in the State of Oregon. Prior to beginning construction, construction plans shall be reviewed and approved by the City of Canby, Canby Fire District, Canby Utility, and other service providers, a pre-construction meeting shall be held, and appropriate fees shall be paid.
4. All interior street name signs, traffic signs, traffic markings and curb painting shall be installed by the developer as part of this development. The developer's design engineer will be required to submit a signing and striping plan as part of the construction plans.
5. As part of the final design, the developer's design engineer shall provide a minimum of 200-foot future centerline street profile extension for N Cedar Loop onto the Catholic Church property.
6. Driveway approaches not installed by the developer shall be installed by at the time of home construction. Driveway shall be designed and installed per Section 2.211 of the City of Canby Public Works Design Standards dated December 2019. Driveway drops may be diamond ground from existing curb and gutter, if approved by the Public Works Director. All driveways shall be designed and inspected to meet the current Public Right-of-Way Accessibility Guidelines (PROWAG).
7. Street trees, if required, shall be selected from the City approved tree list. The street tree ordinance requires the developer to pay the City \$250 per tree for installation and two (2) year period maintenance. Property owners will take over responsibilities following the 2-year period. If street trees are required, the public utility and street signage easement shall then also be a street tree easement.
8. Sanitary sewer improvements shall comply with Chapter 3 of the City of Canby Public Works Design Standards dated December 2019. Sanitary sewer improvements are required to be reviewed and approved by Oregon DEQ. A copy of the DEQ approval shall be forwarded to the Public Works Department prior to construction plan approval.
9. Sanitary sewer laterals shall be installed at 90 degrees to the main line. Sewer lateral connections to new main lines shall be made with a fabricated tee.
10. Storm drainage improvements shall comply with Chapter 4 of the City of Canby Public Works Design Standards dated December 2019. Storm drain inlets shall be curb inlets.
11. All private storm drainage runoff generated from the lots shall be discharged on-site as per Section 4.112 of the City of Canby Public Works Design Standards dated December 2019.

12. Drywells are proposed as the means of discharging the storm runoff from the public streets. The proposed drywells (UIC) must meet the following criteria:
 - a. The drywells must connect via a conveyance system, as required by the Public Works Department.
 - b. UIC structure locations shall meet at least one of the 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 for Underground Injection Control (UIC) Devices.
13. A storm drainage report in conformance with the requirements of Chapter 4 of the City of Canby Public Works Design Standards dated December 2019 shall be submitted to the Public Works Department for review and approval.
14. Water and electrical system improvements shall be constructed in conformance with Canby Utility requirements and standards.
15. Fire hydrant locations and installation shall be as required by Canby Utility and Canby Fire District.
16. Any existing domestic or irrigation wells that are to be abandoned, shall be abandoned in conformance with OAR 690-220-0030. A copy of Oregon Water Rights Department (OWRD) abandonment certificate shall be submitted to the Public Works Department for any water wells that are abandoned.
17. Any existing on-site sewage disposal systems shall be abandoned in conformance with Oregon DEQ and Clackamas County Water Environmental Services (WES) regulations. A copy of the septic tank removal certificate shall be submitted to the Public Works Department for any septic tanks that are removed.
18. Prior to any on-site disturbance:
 - a. An erosion control permit will be required from the City of Canby, and
 - b. A grading permit will be required from Clackamas County.
19. A demolition permit will be required from Clackamas County prior to removal of the existing house.

Should you have any questions or need additional information, please feel free to contact me.



Patrick A. Sisul, P.E.

Attachment B



City of Canby
 Planning Department
 222 NE 2nd Avenue
 PO Box 930
 Canby, OR 97013
 (503) 266-7001

LAND USE APPLICATION

SUBDIVISION

Process Type III

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

Applicant Name: NORTHWOOD INVESTMENTS / 2KRMT Phone: (503) 475-0431
 Address: 1120 NW 12TH AVE Email: CJM@CURRAN-MCLEOD.COM
 City/State: CANBY, OR Zip: 97013

Representative Name: HASSAN IBRAHIM Phone: (503) 807-2737
 Address: 6655 SW HAMPTON, STE 210 Email: HAI@CURRAN-MCLEOD.COM
 City/State: PORTLAND, OR Zip: 97223

Property Owner Name: NORTHWOOD INVESTMENTS Phone: (503) 475-0431
 Signature: _____
 Address: RON TADONE, MANAGING PARTNER Email: RONTADONE@ICLOUD.COM
1127 NW 12TH AVE
 City/State: CANBY, OR Zip: 97013

Property Owner Name: 2KRMT, INC. Phone: (503) 475-0431
 Signature: _____
 Address: RON TADONE, PRESIDENT Email: RONTADONE@ICLOUD.COM
1127 NW 12TH AVE
 City/State: CANBY, OR Zip: 97013

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

- ① All property owners represent they have full legal capacity to and hereby do authorize the filing of this application and certify that the information and exhibits herewith submitted are true and correct.
- ② All property owners understand that they must meet all applicable Canby Municipal Code (CMC) regulations, including but not limited to CMC Chapter 16.49 Site and Design Review standards.
- ③ All property owners hereby grant consent to the City of Canby and its officers, agents, employees, and/or independent contractors to enter the property identified herein to conduct any and all inspections that are considered appropriate by the City to process this application.

PROPERTY & PROJECT INFORMATION:

NW 10TH AVENUE 4.45 AC 31E32AD 200, 300, 1700
 Street Address or Location of Subject Property Total Size of Property Assessor Tax Lot Numbers

EXISTING SINGLE FAMILY HOME R1 LDR
 Existing Use, Structures, Other Improvements on Site Zoning Comp Plan Designation

SUBDIVIDE INTO 15 SINGLE FAMILY RESIDENTIAL LOTS
 Describe the Proposed Development or Use of Subject Property

STAFF USE ONLY				
FILE #	DATE RECEIVED	RECEIVED BY	RECEIPT #	DATE APP COMPLETE

City of Canby

NORTHWOOD ESTATES

PHASE 4

Date: February 2, 2021

Applicant: Northwood Investments/2KRMT, Inc.
C/o Ron Tatone, President
1127 NW 12th Avenue
Canby, OR 97013

Engineer: Curran-McLeod, Inc.
Consulting Engineers
6655 SW Hampton, Suite 210
Portland, OR 97223

Site: Tax lots 3S1E32AD 200, 300, and 1700

Comprehensive Plan Designation: LRD Low Density Residential

Planning Zone: R-1 Single Family Residential

Total Area: 4.45 acres

PROJECT OVERVIEW:

The Northwood Estates Subdivision was approved by the City of Canby under SUB 05-12 on March 29, 2006. As a component of the original subdivision application in 2005 a Master Plan for the entire 31.57-acre, four-phase development, was approved by the Planning Commission with conditions of approval documented in a Development Agreement executed on January 11, 2007 and recorded under fee number 2007-007387 Clackamas County Deed Records (attached in the support material). The development agreement required an application for each phase at the time of development.

The effective period of the Development Agreement has been extended annually by the Planning Commission, with the most recent extension set to expire on February 24, 2021, and a new application has been submitted to extend this another year. This subdivision application is within the approved time frame and scope of the Master Plan and Development.

Prior land use actions CPA 03-02 and ZC 03-02 on this property have confirmed compliance of this property with the requirements of the Comprehensive Plan criteria for urbanization, land use and housing elements, resulting in this property being included within the Canby Urban Growth Boundary and Zoned as R1 for single family residences.

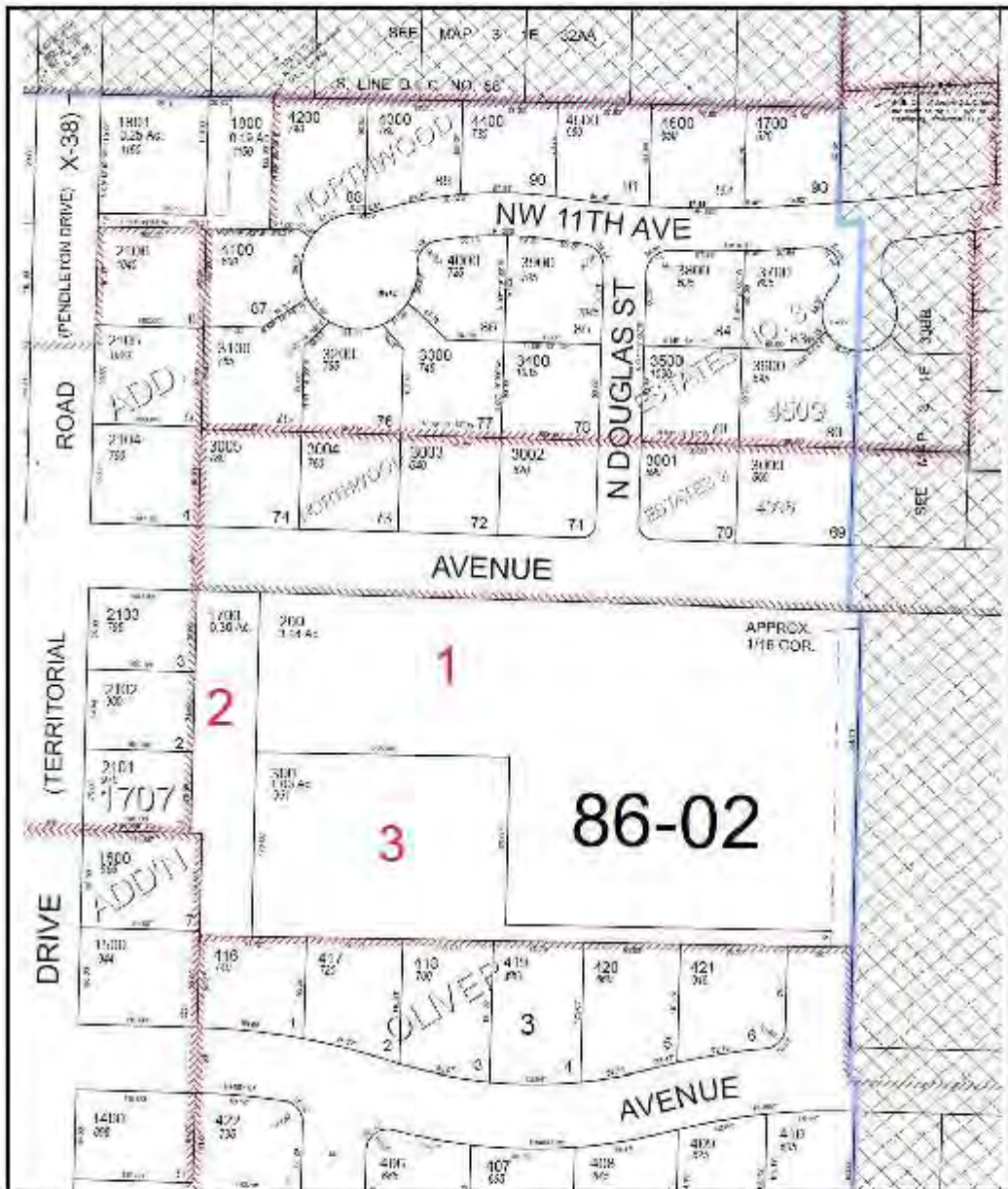
The first phase of the development included 41 lots and was constructed in 2007 under SUB 05-12. Phase 2 for 33 lots was approved under SUB 13-01 on March 10, 2014 and constructed that same year. Phase 3 for 21 lots was approved under SUB 17-02 on February 28, 2017 and constructed the same year. This application is for Phase 4 of the Master Planned development.

All conditions contained in the Development Agreement have been satisfied for Phases 1, 2 and 3. The only requirement listed in the development agreement for Phase 4 is to complete a traffic study to address internal circulation and future street connections, which is discussed later in this application.

The 4.45 acre proposed 15-lot Northwood Estates Phase 4 encompasses three tax lots as shown on the following plat. The original properties owned by the partnership of Northwood Investments include Tax Lot 200 and 1700. This year Tax Lot 300 was purchased by the development group to add to the 4th phase. The total number of lots is unchanged from the original development agreement, with 15 lots in Phase 4, which makes the entire Northwood Estates development total 110 lots. With purchase of Tax Lot 300, all street connections can now be completed between NW 9th Avenue and NW 10th Avenue, and there are no dead-ended interim streets.

These three tax lots are all located within the City Limits and UGB, and are zoned R-1 Single Family Residential, similar to all surrounding properties. The site is vacant except for a single family residence on Tax Lot 300 that is in the planning stage to be relocated, however, if that does not materialize, the house will be demolished.

This phase of development abuts NW 10th Avenue on the north, which was fully developed as a component of Northwood Phase 2. The south line of Phase 4 abuts the back lot lines of six homes along NW 9th Avenue, and the west line of Phase 4 abuts the back lot lines of four homes on N Birch Street. Phase 4 abuts the Catholic Church property to the east. None of the lots in Phase 4 were designated as infill lots in the development agreement.



This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

This application information is to confirm the development can comply with all development requirements for a single family residential subdivision, with two minor exceptions requested.

General design comments include:

Lot size: This property is an infill project with limited area that was allocated into 15 lots in general conformance with the approved development agreement. As a result, the average lot size is 9,870 SF with one lot that exceeds the 10,000 SF maximum. We are requesting approval of this exception to the lot size for this single lot number 110. A deed restriction will be added to the plat and CC&Rs to prevent re-division of lot 110 or any lot in this development. This one large lot does not materially impact the average lot size of the entire 110 lot development.

Street Network: The primary street alignment is proposed to be a 34-foot street in a 50-foot local right-of-way. The short 180-foot north-south street is proposed to be a 28-foot wide street in a 40-foot right of way to connect to the existing Douglas Street intersection at NW 10th Avenue. The project will include 5 foot curb-tight sidewalk and concrete curb & gutter.

Phase 2 of the development included construction of the NW 10th Avenue Neighborhood Route along the north boundary of this development. All streets in Phase 4 are classified as locals.

At the time the development agreement was approved, tax lot 300 was not included in the development. As a result, the Development Agreement required a Traffic Study of Phase 4 to address "...internal circulation and future external street connections." With the inclusion of tax lot 300, the streets will all be continuous and no interim dead end streets are needed and the new roads will connect to the adjoining streets.

Sanitary Sewer: Phase 2 of the development provided a sanitary sewer main in NW 10th Avenue with stub outs to serve Phase 4. The system will provide 8" gravity service to all lots in this phase of the development. Additionally, the sewer design, if feasible, will provide a gravity overflow route on Douglas Street for the Knights Bridge Road Pump Station, to assist in the event of a pump station failure.

Water System: Phase 2 of the development provided a water main in 10th Avenue with stub outs to Phase 4. An 8" waterline will connect the existing line in NW 9th Avenue to the line in NW 10th Avenue. Fire hydrants will be placed in accordance with direction from the Fire Department.

Storm Drainage: A stormwater drainage plan was prepared in 2006 with a design to utilize drywells for all stormwater disposal and was approved by DEQ as Rule Authorized. The report and DEQ approval letter are in the City's files and will be included with the construction plan submittal to the City.

Parks & Recreation: The Master Plan for the four-phase development required approximately three acres to be set aside to provide park and open space. This area was dedicated to the City in Phases 1 and 2. No additional park dedication is proposed in Phase 4.

Electric, Gas
Cable, Phone All utilities will be provided as required by each utility providers, to fully serve each lot.

PRE-APPLICATION CONFERENCE:

A Pre-Application conference was held for this phase of the development on December 10, 2020, and a summary of the information from that meeting is attached with this application. Each utility provider has previously provided clear direction for all improvements in this phase of development that will be incorporated into the plans. No concerns were raised at the pre-application meeting.

NEIGHBORHOOD MEETING:

A Zoom neighborhood meeting was held on January 5th, 2021, and the notes, list of attendees, and list of all properties within 500 feet are included in the attachments to this application. No opposition or specific concerns were raised at the neighborhood meeting.

DESIGN EXCEPTIONS:

The developers are asking for two requirement exceptions:

1. First is to allow lot number 110 to exceed the maximum 10,000 SF area limitation listed in CMC 16.16.30(a). This is to fit the infill configuration and does not violate the average area requirements identified in the Municipal Code.
2. Second is a request to eliminate the Development Agreement requirement for a traffic study to study internal circulation and future external street connections for Phase 4. This request is as a result of eliminating the source of concern from the dead end roadways that were proposed in the 2005 Master Plan. Many traffic studies have been completed for this project and no concerns have been identified.

APPLICABLE CRITERIA AND STANDARDS

The following sections provide a narrative to demonstrate compliance with the applicable sections of Title 16. Land Development and Planning Ordinance of the Canby Municipal Code. A list of applicable Canby Municipal Code requirements was provided by the City Planning Department after the Pre-Application meeting to include the following:

- 16.08.080 - Area and Yard Reductions
- 16.08.110 - Fences
- 16.08.150 - Traffic Impact Study
- 16.08.160 - Safety and Functionality Standards
- 16.10.050 - Parking Standards Designated
- 16.10.070 - Parking Lots and Access
- 16.10.080 - Street Tree Plan
- 16.16.030 - Development Standards
- 16.21.050 - Infill Dwellings and Lots
- 16.46.030 - Access Connection
- 16.46.070 - Exception Standards
- 16.62.010 - Filing Procedures
- 16.62.020 - Standards and Criteria
- 16.64.010 - Streets
- 16.64.015 - Access
- 16.64.020 - Blocks
- 16.64.030 - Easements
- 16.64.040 - Lots
- 16.64.050 - Parks and Recreation
- 16.64.060 - Grading of Building Sites
- 16.64.080 - Low Impact Development Incentives

CANBY MUNICIPAL CODE COMPLIANCE:

16.08.080 Area and yard reductions.

All lots in Phase 4 will comply with all setback requirements without any reduction. Only one lot will abut an existing residential home site, and that existing adjacent site also complies with the required setback for an R1 zoned property.

Chapter 16.08.110 Fences

No fencing to define the subdivision is proposed as part of the subdivision development. Any individual fence improvements between individual lots and adjoining properties will comply with the development standards without exception.

Chapter 16.08.150 - Traffic Impact Study

The first traffic impact study was prepared in 2003 by Lancaster Engineers for the entire 30-acre development. In 2006, Lancaster again published a TIS for the entire property. Subsequently Lancaster Engineering completed a Traffic Impact Study specifically for phases II & III of the development in March 2007. In April of 2009 Lancaster Engineering again completed a Traffic Impact Study for all four phases of the Northwood development. No unresolved concerns on the entire 110-lot development were raised in any of these earlier studies.

In 2013, the City retained DKS Engineers to complete an internal circulation study of the roadways in Phase 2 and 3 of the development. Due to the previous master planning and the Lancaster Traffic Impact Studies of the entire four-phase development, the scope of the 2013 DKS Engineers Traffic Assessment was limited to internal street configuration, site circulation and impacted intersection safety.

The 2013 DKS Assessment concluded the Phase 2 and 3 designs were adequate. The Traffic Assessment Study only recommended that traffic calming devices, such as speed cushions or driver speed feedback signs, be provided on North Birch Street, although these were a result of a speed study on N Birch Street and not a result of the impacts generated by the proposed Northwood development.

The Development Agreement required an additional traffic study for Phase 4 to address internal circulation and future external street connections, presumably due to the dead end connections in the original plan. With the purchase of Tax Lot 300, the proposed project will no longer include the dead ended streets as shown on the 2005 Master Plan. The street system will be complete between NW 9th Avenue and NW 10th Avenue.

The 15 lots identified in Phase 4 will generate a total of approximately 145 average weekday vehicle trips, including 15 peak hour trips, divided up into the three new street connections. With street connectivity and the elimination of the dead end streets, the low volume of traffic, connection to the 10th Avenue neighborhood connector, and the previous traffic studies, a traffic study should no longer be necessary.

Chapter 16.08.160 - Safety and Functionality Standards

Phase 4 of the Northwood Development will comply with all requirements in the Municipal Code for Safety and drainage functionality Standards:

- A. Adequate street drainage will be provided by curb & gutter construction and slope to curb inlet catch basins and drywells.
- B. Safe access and clear vision at all intersections was discussed at the pre-application meeting and the preliminary plat design was concluded to meet all standards.
- C. All public utilities will be constructed to fully serve each lot. The City of Canby and Canby Utility each have adequate capacity to serve these additional homes.

- D. Full local street improvements will be provided with the development, with the main roadway exceeding the minimum paved widths required in this code section.
- E. The street and sidewalk connections with the local NW 9th Avenue and the Neighborhood Connector NW 10th Avenue will ensure all mobility standards of the TSP are met with no limitations.

Chapter 16.10.050 - Parking Standards Designated

As per Table 16.10.050, the parking requirement for a single family residential dwelling is two spaces per dwelling unit for new construction. The Northwood CC&Rs will require a minimum of two spaces in the garage and two spaces in the driveway, for a minimum of 4 off-street spaces to park per lot. A three car garage will be required to have a three car capacity for parking in the driveway.

Chapter 16.10.070 - Parking Lots and Access

The development of each lot will comply with the width and separation requirements for 1-2 dwelling units as published in Table 16.10.070(B)(8). Continuous curb-tight sidewalks will be required to be constructed by each home builder in the CC&Rs. Access to driveways is proposed to be ground into the continuous curb & gutter at the desired driveway locations as opposed to removing the curb and replacing with a driveway apron.

Chapter 16.10.080 - Street Tree Plan

A street tree plan will be submitted for approval with the construction plans. The developers intend to plant the street trees along NW 10th Avenue, and each property owner will be required in the CC&Rs to plant the trees on their frontage within the development.

Chapter 16.16.30 Development Standards

Phase 4 includes 15 single-family detached housing units with an average square footage of 9,900 SF per lot. One lot is proposed to be larger than 10,000 SF to include the remnant area.

The Phase 4 development, with approved exceptions, will accommodate compliance with all standards, including:

Minimum Lot Size	7,000 SF
Maximum Lot Size	12,640 SF (will require Planning Commission approval)
Minimum Frontage Width	60'
Front Yard Setbacks	20' on driveway frontage/ 15' on other street frontage
Side Yard Setbacks	7'
Rear Yard Setbacks	15'/20' for single/two story, Corner lots 10'/15'
Maximum Building Height	35'
Maximum Impervious Area	60%

Development standards for on-site structures can be verified when plans for building permits are submitted by individual lot owners.

16.21.050 - Infill Homes

No lots meet the definition of Infill Homes per CMC 16.04.255. Corner Lot 110 abuts two existing single family homes, a single story and a two story, however, both abutting homes are on the rear abutting property lines and not side lot lines. The abutting homes front on adjacent streets and are not on the same street as Lot 110.

16.46.030 - Access Connection

The standards in Table 16.46.30 for Neighborhood and Local Streets require a minimum of 150 feet separation of roadways. All streets and lots comply with these access standards.

16.46.070 - Exception Standards

No access spacing standard exception is requested for this development.

16.62.010 - Filing Procedures

The subdivision application process will follow all requirements of CMC 16.62.010, which are defined in CMC 16.89.050 for a Type III decision process. A preapplication meeting was held on December 10, 2020. A neighborhood meeting was held on January 5, 2021.

16.62.020 - Standards and Criteria

The subdivision is designed to comply with all standards and criteria in this CMC 16.62.020 with the exceptions noted herein:

- A. The subdivision design, with the excess size exception to lot 110, conforms to the requirements of the Land Development and Planning Ordinance.
- B. The overall design and arrangement of the lots are larger than typical with proportions that can adequately provide efficient building sites, utility easements, and access driveways without hindering the use or development of adjacent properties. The street configuration was designed into the approved Master Plan to efficiently serve this phase of development.
- C. Subdivision design and lot layout can accommodate Low Impact Development techniques to:
 - 1. Manage stormwater through containment and on-site disposal.

2. Encourage creative home site planning as a result of efficient street configuration, larger than typical lots and full utility improvements. Although, the subdivision site development has limited creative options due to the relatively small parcel size and given street connection requirements.
 3. The development will minimize impervious surfaces and dispose of all stormwater on-site.
 4. Northwood Estates has set aside park space in Phases 1 and 2 of the development to provide open space to the neighborhood.
 5. Clustering of residential dwellings is not applicable to this phase of development. The curved roadway design is intended to help avoid linear home front alignments.
- D. All public facilities and services will be provided through development of the project. This includes street improvements, street lighting, sewer and water lines, power, cable, gas, and telephone service. Sidewalks will be required to be installed at the time of home construction as opposed to installation as part of the street improvements.
- E. The streets in the development will provide continuous sidewalks to connect to NW 9th and NW 10th Avenues. All streets in the development will have continuous sidewalk built at the time of home construction. Both NW 9th and 10th Avenues only have connecting sidewalk along the church frontage to the east of the site, and do not provide a continuous connection to N Grant Street or to N Birch Street.
- F. A Traffic Impact Study (TIS) was completed in 2009 for the entire 110 lot development that indicated no concerns on-site or on the impacted intersections. Impacted intersections studied included 1) Territorial & Holly St, 2) Knights Bridge & Birch St, 3) Knights Bridge & Grant Street, and 4) Hwy 99E and Grant St. In addition to the 2009 TIS, multiple traffic studies have been completed by the City at the developer's expense that all demonstrate no concerns with the traffic impacts.

16.64.010 - Streets

All street configurations were designed to comply with the Master Plan concept contained in the Development Agreement, and the City's Public Works Standards. With the purchase of Tax Lot 300, the roadways will now be continuous as opposed to an interim dead end as was shown in the original Master Plan.

The topography is flat, and the street configuration will comply with all safe design requirements. The centerline radius of the street in front of lot 102 is proposed to be 50 feet as opposed to 100 feet as listed in the Canby Public Works Standards. This was discussed at the pre-application meeting and concluded it meets all safety standards for sight distance and stopping distance and is a typical configuration on many existing low density residential local streets.

The structural section of all streets will be 4" of ACP over 12" of crushed rock base to comply with the current Public Works Design Standards. Five foot curb-tight sidewalks will be required in the CC&Rs to be built by the home builder. A 12' Public Utility and planting easement will also be provided along all street lines.

Street lighting on all streets will use Canby Utility's standard aluminum pole with roadway arm similar to that used in earlier phases, with the Canby Utility LED cobra head fixture. The CU standard pole is 20 feet tall with 4 feet of bury, and an additional 2' rise in the road arm so the fixture is set at 18 feet. The fixture will be approximately 70 watt and the poles are anticipated to be set at approximately every other lot line, on one side of the roadway.

16.64.015 – Access

All of the lots in Phase 4 will be able to locate their access driveways without any conflict with the site distance or separation requirements. All streets and driveways can follow the relatively flat natural grade. All streets will have 5 foot curb tight sidewalks on each side.

16.64.020 - Blocks

The design of the 15 lots in Phase 4 complies with the block length requirements.

16.64.030 – Easements

A 12 foot utility and planting easement will be created on the plat on all street frontages. Additionally, easements will be provided as needed for all utility service providers.

16.64.040 – Lots

- A. Size & Shape: All lot configurations comply with the width to depth ratio requirements.
- B. Minimum Lot Size: All lots meet the minimum lot size requirements. This application is requesting an exception for one lot that exceeds the maximum lot size of 10,000 SF. This lot number 110 is larger to fit the outside corner of the road, align with an existing lot line, and provide a minimum of 60 foot of frontage. This lot does not cause the development to violate the overall lot size averages as required in CMC 16.16.030.
- C. Lot Frontage: All lots meet or exceed the minimum lot frontage requirement of 60 feet.
- D. Double Frontage: There are no double frontage lots proposed.
- E. Side Lot Lines: Side lot lines are not all perpendicular to the streets due to the street curvature but are not at substantial angles.
- F. Re-subdivision: Re-subdivision will not be permitted for any lot in this development. A deed restriction will be included in the CC&Rs and plat as appropriate to prevent redivision.
- G. Building Lines: There is no need to define any special building lines.
- H. Potentially Hazardous Lots: There are no potentially hazardous conditions that would affect this development.

- I. Flag Lots: There are no flag lots or panhandle lots in this development.
- J. Designation as Infill Lots: There are no lots that meet the requirement for designation as an infill lot.

16.64.050 - Parks and Recreation

Per the Development Agreement, park land dedication to satisfy Division XI of the Municipal Code was completed as part of Phase 1 and 2 of Northwood Estates. No additional parkland or park SDC fees are required for this phase of development.

16.64.060 - Grading of Building Sites

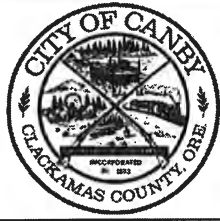
The topography is relatively flat and only minimal grading will be proposed to better match the adjoining property lines.

16.64.080 - Low Impact Development Incentives

Development incentives are not requested as a part of this development.

SUMMARY AND CONCLUSIONS

The information submitted with this application and accompanying plans and documents together demonstrate that the subdivision follows the standards and criteria listed in the Canby Municipal Code. Upon approval, detailed construction plans will be submitted for approval.



City of Canby
Planning Department
222 NE 2nd Avenue
P.O. Box 930
Canby, OR 97013
Ph: 503-266-7001
Fax: 503-266-1574

PRE-APPLICATION SUMMARY

December 18, 2020

Curran McLeod
c/o Hassan Ibrahim, PE
6655 SW Hampton, Ste 210
Portland, OR 97223

Subject: Pre-Application Conference Summary for Northwood Estates Phase 4, located south of NW 10th Ave between N Birch St. and N Grant St.

Dear Mr. Ibrahim,

Thank you for attending the Pre-Application (Pre-App) conference held on September 15, 2020. We are pleased to provide you with the following summary notes prepared in response to your proposal.

Comments prepared by staff are reflective of the proposal as discussed at the Pre-App conference. A copy of your proposal was also sent to other members of staff who did not attend the Pre-App conference, but may provide comments separate from this summary. Please feel free to contact anyone who provided comments. Contact names, telephone numbers and e-mail addresses are listed herein.

Following every Pre-App conference, staff understands that there may be changes to the plan or use considered. If these changes effectively re-design the site plan or involve a change to a use not discussed, please be advised that such a change could require different land use application(s) than were identified by staff at the Pre-App. It is also possible that different issues or concerns may arise from such change. In these cases, we encourage applicants to request a second Pre-App conference for staff to consider the change and provide revised comments accordingly.

In part, the Pre-App conference is intended to assist you in preparing plans and materials for staff to determine your application(s) to be deemed "complete" as described in Section 16.89.080 of the Canby Land & Development Planning Ordinance. For your application to be deemed complete on the first review, you must provide everything required as identified on the Application Checklist(s) found within the appropriate Land Use Application, in addition to any materials or special studies identified in the summary notes hereto. If you have questions as to the applicability of any item on the Application Checklist(s), or within this summary, please contact me directly.

Sincerely,

Brianna Addotta
Associate Planner
(503) 266-0686

PRE-APPLICATION CONFERENCE

SUMMARY NOTES

Prepared for

Northwood Estates Phase 4

PRA 20-10

The following pre-application summary notes have been prepared by Planning staff in order to assist you with the application submittal process. All applicable standards, guidelines and policies of the Canby Land Development & Planning Ordinance, Comprehensive Plan, Transportation System Plan, and the Public Works Design Standards identified herein are available for review on the City's web site at: <https://canbyoregon.gov/>. Copies of these documents are also available for review at the City's Development Services Department. The following is intended to identify applicable code sections, requirements and key issues for your proposed development application.

PRE-APPLICATION CONFERENCE DATE: December 10, 2020

PROJECT INFORMATION:

Project Name: Northwood Estates Phase 4

Project Description: The applicant seeks to develop 15 buildable lots on 4.5 acres in the R-1 zone.

Property Owner(s): 2KRMT Inc. / Northwood Investments
Ronald Tatone
1127 NW 12th Ave
Canby, OR 97013

Project Site Address: 931 N Douglas St.

Tax Lot Number(s): 31E32AD 00300, 00200, 01700

Site Size: 4.5 acres

Zoning: R-1 Low Density Residential Zone (CMC 16.16)

Overlay: None

Comp. Plan Designation: LDR Low Density Residential

APPLICANT INFORMATION:

Applicant(s): Curran-McLeod
Hassan Ibrahim, PE
6655 SW Hampton, Ste 210
Portland, OR 97223

Phone/Email: (503) 2684-3489; HIA@Curran-McLeod.com

SECTION 16.89.080 (APPLICATION REQUIREMENTS AND COMPLETENESS):

The completeness process is governed by Section 16.89 of the Canby Land Development and Planning Ordinance. The applicant is encouraged to contact staff to ask any questions or request clarification of any items found on the land use application checklists related to the proposed project.

LAND USE APPLICATION(S) AND FEES:

Based on the plans and materials provided, the applications identified below are the applicable applications.

Subdivision – Type III	
Base fee	\$1,735
+ \$115 per lot (15)	\$1,725
Demolition Permit	\$30
Total	\$3,490

Note: Applicable fees are those in effect at the time a complete application is received. The City’s Master Fee Schedule is available at https://canbyoregon.gov/updated_docs/MasterFeeSchedule.pdf

CLASSIFICATION OF APPLICATIONS:

Applications are subject to the procedure (Type) specified in Table 16.89.020 *Land Use and Development Application Procedures*. When an applicant submits more than one complete application for a given proposal, and the applications are subject to different procedure types, all the applications will be subject to the procedure type which requires the broadest notice and opportunity for public participation.

SECTION 16.89.070 (NEIGHBORHOOD MEETINGS):

A neighborhood meeting must be conducted by the project applicants for Type 3 applications. At this time (December 2020 through January 2021), applicants may hold meetings virtually through a platform that is free for the public to access. Noticing must include detailed instructions on how to attend the virtual meeting.

At least two weeks prior to the neighborhood meeting, the applicant shall mail notice of the meeting to:

1. The appointed chair of any neighborhood association in whose boundaries the application lies (if applicable)
2. Property owners and tenants within 500 feet of the subject property.

In order for an application to be complete, after the meeting applicants shall submit to the City:

1. A copy of the mailed notice and addresses within 500 feet of the subject property.
2. A copy of the attendance sheet.
3. A written summary of pertinent issues raised and a detailed response to each issue.

Applicants or attendees may make audio or video recordings of the neighborhood meeting if desired. A sample notice letter has been included with this summary.

<u>Project Site:</u> NW 10 th Ave, Elm to Douglas
<u>Neighborhood Association:</u> Riverside Neighborhood Association

APPLICATION SUBMITTAL:

Your application narrative will need to explain how and why the proposed application(s) will meet each of the approval standards and criteria for the proposed project. Approval standards and criteria in effect at the time an application is received will control and are subject to change.

In order for your application(s) to be deemed “complete”, a written response is necessary, supported by substantial evidence in response to all applicable approval standards and criteria. **Please note: Applicant’s written response should address each criterion.** If response to criterion is “Not Applicable”, please explain why the criterion is not applicable.

The proposed project is subject to the following sections of the *Canby Land Development and Planning Ordinance* are subject to your proposed development project. Please review when preparing your land use application(s) written and plan information, as well as application narrative for the formal application submittal.

APPLICABLE CODE SECTIONS / PLANNING DOCUMENTS:

Chapter	Section
16.08 General Provisions	16.08.080 – <i>Area and Yard Reductions</i>
	16.08.110 – <i>Fences</i>
	16.08.150 – <i>Traffic Impact Study</i>
	16.08.160 – <i>Safety and Functionality Standards</i>
16.10 Off-Street Parking and Loading	16.10.050 – <i>Parking Standards Designated</i>
	16.10.070 – <i>Parking Lots and Access</i>
	16.10.080 – <i>Street Tree Plan</i>
16.16 R-1 Low Density Residential Zone	16.16.030 – <i>Development Standards</i>
16.21 Residential Design Standards	16.21.050 – <i>Infill Dwellings and Lots</i>
16.46 Access Limitations	16.46.030 – <i>Access Connection</i>
	16.46.070 – <i>Exception standards</i>
16.62 Subdivisions Applications	16.62.010 – <i>Filing Procedures</i>
	16.62.020 – <i>Standards and Criteria</i>
16.64 Subdivisions Design Standards	16.64.010 – <i>Streets</i>
	16.64.015 – <i>Access</i>
	16.64.020 – <i>Blocks</i>
	16.64.030 – <i>Easements</i>
	16.64.040 – <i>Lots</i>
	16.64.050 – <i>Parks and Recreation</i>
	16.64.060 – <i>Grading of building sites</i>
16.64.080 – <i>Low Impact Development Incentives</i>	

KEY ISSUES/CONSIDERATIONS:

Staff has identified the following key development and/or procedural issues that you should be aware of as you prepare your formal application for submittal. The identification of these issues or considerations here does not preclude the future identification of other key issues or considerations:

1. **Fire Safety:** Be sure to contact Canby Fire District for all fire safety requirements applicable to the development.
2. **Postal Service:** Postmaster Sheila Laney has provided the following comments regarding mailbox placement: "Mail box needs to be installed somewhere between lots 99-105".
3. **Street Names:** "Douglas St" and "Douglas Loop" are provided as street names on the preliminary plans; these names may need to change for clarity's sake consistent with citywide street naming conventions.
4. **Church Connection:** Exact configuration of the stub street abutting the church property to the east needs to be determined. End of road markers may be required. A stop sign may be required on Douglas St northbound.
5. **ADA Compliance:** ADA compliance is required for sidewalks. It was discussed that the applicant will install up to curb and gutter in order to delay the second lift for a year. Grinding for driveways will be required. Gutter inlets required with cleanout in sidewalk.

Included below is the contact information for key members of City and agency staff should you have any questions.

Jerry Nelzen, Interim Public Works Director: nelzenj@canbyoregon.gov 503-266-0759

Daryll Hughes, City Wastewater Pretreatment Coordinator: hughesd@canbyoregon.gov 503-266-1248

Matt English, Division Chief, Canby Fire: menglish@canbyfire.org 503-266-5851

We thank you for your interest in developing in the City of Canby, we look forward to working with you.

Sincerely,

Brianna Addotta
Associate Planner
(503) 266-0686
addottab@CanbyOregon.gov

Northwood Estates

January 6, 2021

MEMORANDUM

FROM: Curt McLeod
Partner, Northwood Investments



**RE: NORTHWOOD ESTATES PHASE 4
NEIGHBORHOOD MEETING**

A notice of a zoom neighborhood meeting for development of Northwood Estates Phase 4 was sent on December 17th to 135 neighbors within 500 feet of the development (see attached list). Only one notice was returned undeliverable.

The zoom meeting was held on January 5th at 7:00 PM. Zoom call attendees included:

Florence Ball	John Kazmar
Craig Coddington	Susan Myers
Sonia Daciuk	David Riener
Jerry Geiger	Jeff Taucher
Todd Hansen	Adam & Michelle Tyler
Kathern Huserik	

Curt McLeod hosted the zoom call and provided an overview of the history and plans for Phase 4 of Northwood Estates (see attached notes) and then opened meeting to questions. Some items discussed included:

Disposition of the Parson's house – We are currently working with a person interested in moving the house. Will be addressed in the next 3 months or so. If unable to move, the home will be taken down. The shop will be demolished.

Sidewalk Construction – All sidewalks will be the responsibility of the builders and not part of the subdivision construction.

There are currently no sidewalks on 9th Street or Douglas except along the Catholic Church. Adam Tyler asked about the potential of installing walks along his property (NW Corner 9th and Douglas) to connect 9th Street to the new development. Northwood does not intend to construct walks off site, but we will coordinate with the City to see if that is something they may want to do. Because there are no sidewalks on the 9th Avenue, it is unlikely the City will want to build one lot frontage.

Property Encroachments & Fences – Discussed the process of identifying and resolving encroachments. In the 80's Times Mirror typically set their fence lines 1 foot in from their property lines. We will identify any encroachments and work with each property owner to resolve by new fence construction or relocating any building encroachments. Discussed my desire to pay to reconstruct fences but was not yet able to commit the partnership to covering all costs.

Noted we did not intend to reconstruct the fence along the Catholic Church property as there is no development on their site. There is a substantial grade difference that we may want to address in construction.

HOA and CC&R Requirements – Northwood Estates will not have an HOA but will have some requirements in the CC&Rs. Solar panels were discussed and determined that they were desirable. Satellite dishes will be prohibited from being placed in view of the street. Other requirements are anticipated to include lighting requirements, architectural requirements like size and materials, and timelines for completion.

Street Trees – Only one lot needs 10th street access, so we intend to plant street trees along 10th Street as part of the subdivision construction. One attendee indicated they liked the paper bark maples along Territorial Road.

Lot Pricing – Question was asked about lot pricing. Pricing is not known but will be posted on the website in the spring. Lots will not be reserved and are hoped to be ready for sale by summer of 2021.

Construction Access – construction conflicts with the adjacent homes and kids was a concern. We anticipate requiring all construction to access the site from 10th Street and not access from 9th Street. Douglas can be barricaded off to avoid conflict with the neighborhood.

As an overview, there were no objections to the proposed Phase 4 development. We committed to coordinate with each property owner to ensure any conflicts are resolved.

Enclosures: Notice of Neighborhood Meeting
Outline of meeting discussion
List of property owners within 500 feet

Northwood Estates

December 17, 2020

TO: RIVERSIDE NEIGHBORHOOD RESIDENTS

FROM: DEVELOPERS OF NORTHWOOD ESTATES

**RE: NORTHWOOD ESTATES PHASE 4
NEIGHBORHOOD MEETING**

The developers of Northwood Estates are proposing to develop the final phase of Northwood Estates in 2021. The first step in developing this final phase of Northwood Estates is to hold a neighborhood meeting to share the development plans and listen to any concerns from the neighbors.

Due to the current health concerns, we will be hosting a Zoom virtual meeting instead of meeting in-person. The meeting will be on **Tuesday, January 5th, 2021, at 7:00 PM.** Anyone desiring to attend the Zoom meeting should email Curt McLeod at cjm@curran-mcleod.com for instruction on logging in to the meeting.

The development property is the vacant lot abutting NW 10th Avenue, west of the Catholic Church. We are proposing to create 15 single family residential lots, each approximately 10,000 square feet. The project will complete the roadway connection between NW 9th avenue and NW 10th Avenue at N Douglas Street.

We understand Zoom meetings are not the best way to share information. Also, in order to comply with the City's development code, we were required to invite 175 families to the meeting. As a result, we wanted to present as much information as possible in this letter, thus the extreme length of this letter, and to encourage anyone with questions, comments or concerns to either email or call us directly, prior to the meeting, if you prefer instead of attending the Zoom meeting.

Curt McLeod's contact information is:

Email: cjm@curran-mcleod.com Phone: (503) 475-0431

Any questions, comments, concerns or suggestions will be documented and included in our subdivision application submittal to the City for the Planning Commission's consideration.

Northwood Estates, Phase 4 Canby, Oregon

Site Location:

The development property includes Tax lots 3S 1E 32AD 200, 300, and 1700.

The project site is 4.48 acres in total and abuts NW 10th Avenue west of the Catholic Church. Northwood Investments originally owned 3.4 acres of the site which is the vacant land south of NW 10th Avenue. The remaining 1.03 acres includes the existing single-family residence that was surrounded on three sides by the original Northwood property. Northwood purchased that property in 2020 and as a result was able to propose larger lots in Phase 4. The existing home on this site hopefully can be relocated to a property off-site and the existing shop building will be demolished.

Neighborhood Characteristics:

The property is inside the Urban Growth Boundary and zoned R1 for single family residential development. All surrounding properties are single family residential homes. The surrounding homes are mostly single story; however, there are also 2 story homes adjacent to the development property. The new homes can be single or two story.

Development Overview:

The project will create 15 residential lots, each with frontage on the internal roadways, as shown on the attached preliminary plat. No driveways, excepting Lot 96, will be permitted to access NW 10th Avenue, so a continuous row of street trees will be planted on 10th Avenue as part of the development.

The intent is to sell lots to custom home builders so each home will be a unique design, similar to the intent in the first three phases of the project. Each lot will be sold fully serviced and ready for home construction.

This development is compatible with the Development Agreement executed by the City of Canby in 2007 for all phases of the Northwood development. With the 1.03 additional acres added to the site this year, each lot was able to be made larger. The total number of lots was not increased from the 110 lots approved in the 2007 agreement.

Public / Open Space Design:

Northwood Estates dedicated 2.94 acres of park land to the City of Canby and developed Northwood Park. This dedication was made in the earlier phases of development and no additional land is anticipated to be dedicated with this Phase 4 project.

Infrastructure / Utilities:

Sanitary Sewer Service will be all gravity and connect to the existing lines in all three of the adjacent streets. The existing sanitary sewer service easement to NW 9th Avenue currently serving the existing residence, will be vacated.

The sewer connection proposed to NW 9th Avenue will be provided as an overflow connection for the Knights Bridge Pump Station. In the event the pump station is out of service, flows may be able to be diverted to the gravity lines in this development to prevent any overflows in the area.

Water service will be provided by looping the existing 8" waterlines between NW 9th Avenue and NW 10th Avenue. Additional hydrants will be provided within the development as needed.

All public storm water will be collected and disposed of on-site with dry wells, similar to the facilities throughout Canby. All stormwater runoff from the private properties will be required to be captured and disposed of on-site through percolation trenches.

All private utilities including phone, cable, gas, and power will be extended into each building site as part of the street development.

Public roadways will include a 34' wide continuation of Douglas Street from NW 9th Avenue and connect to a new intersection with NW 10th Avenue. This intersection will align with the garages on the existing homes on the north side of NW 10th Avenue to avoid headlights shining into the living spaces. A second 28' wide roadway will connect from the new 34' road to the existing Douglas Street intersection at NW 10th Avenue. The shorter 28' roadway aligns with and is the same size as the existing Douglas Street continuing north from NW 10th Avenue. All street construction will have concrete curb & gutters and all sidewalks will be 5 foot wide abutting the curb lines.

The street design will have provisions to extend east to provide frontage to potential lots on the Catholic Church property to provide access if they were to elect to develop one or more lots in the future.

Residential Buffer Issues:

There will not be any restrictions to the number of single-story homes in this development phase. The development agreement identified 18 lots in earlier phases that were required to comply with the infill requirement in the Canby Municipal Code, which typically requires a single-story home. Although only 18 lots were required to be single story, a much higher number of homeowners elected to build single story on the 95 lots built in the earlier phases of this development.

Adjacent fencing and building encroachments are always an issue to be addressed. The property lines will be located during the site design and the developers will coordinate with all adjacent property owners to resolve any fence or building encroachment issues. The developers will cover the cost of any relocations needed depending upon the extent of the encroachments. We do anticipate constructing additional fencing as part of the development where required.

Please feel free to email Curt McLeod (cjm@curran-mcleod.com) or call (503) 475-0431 if you have comments, concerns, suggestions or simply have questions, or if you would like instructions on connecting to the Zoom meeting. The Zoom meeting will be presenting the same information contained in this letter.

Enclosure: Northwood Estates Phase 4 Preliminary Plat

CITY OF CANBY NORTHWOOD ESTATES PHASE 4

PRELIMINARY PLAT



Neighborhood Meeting
January 5, 2021 7:00 PM
NORTHWOOD ESTATES PHASE 4

INTRODUCTION AND HISTORY

- This entire 30-acre parcel was on the market for two years prior to our partnership purchasing the land in 1989. Northwood Investments partnership included Canby residents Lyle Read, Dr Kadwell, Fred Kahut, Ron Tatone, Curt McLeod (45 yrs).
- We later created a development corporation called 2KRMT, Inc. with same partners
- Originally outside of the UGB but inside the city limits, this property was an island surrounded by residential properties.
- City approved the annexation to the City Limits in 2003 and developed first phase in 2005.
- Developed Phase 1 in 2005, phase 2 in 2013 and phase 3 in 2016.
- We have a development agreement with the City that has approved all four phases of the development with a total of 110 lots but still requires submittal of each phase for City approval.
- Phase 4 is the final 15 lots of the project.

SITE LOCATION:

- Phase 4 was 3.45 acres south of 10th Street between the catholic church and Birch Street.
- Added 1 acre to the project after purchase of the Parsons property in 2020, and are currently working to relocate the house.

NEIGHBORHOOD CHARACTERISTICS:

- Land is in the UGB and City Limits, and zoned for single family residential development. All surrounding areas are similarly zoned and developed.
- New homes will be comparable to the surrounding homes and similar to the 95 homes previously constructed.

DEVELOPMENT PLAN:

- Plan to submit for subdivision approval this winter and construct in the spring/summer of 2021. Lots would be available by summer or fall.
- All lots are larger than current typical development, averaging 9,900 square feet with larger than minimum public right-of-way. Entire 110 lot development has averaged 8,800 square foot per lot.
- Improvements will include connecting Douglas Street to 10th Avenue as shown on preliminary plat provided.
- All utility services will be provided to all lots. Home builders will place sidewalks.

PUBLIC / OPEN SPACE:

- No additional parkland this phase – previously dedicated & developed 2.94 acres in phases 1 & 2. This was the equivalent of 10 residential lots for which we received a Park SDC credit of approximately \$500,000.

COMMUNITY ISSUES:

- Multiple traffic studies have been completed for the development with the only safety concern resulting in placing speed humps in Birch Street.
- Wastewater and water treatment facilities have capacity to serve this property.
- There are a substantial number of fences that may be impacted. Times Mirror typically set their wire fence 1 foot from the property line. Our surveys will identify all property corners and we will work individually with each property owner to resolve any encroachment or fencing issues.

HOUSING UNIT DESIGNS:

- We only sell the land and require custom homes. We require home buyers submit plans for our review and approval. We believe this provides a better variety of styles and character to the neighborhood.

Benjamin & Robyn Lindley
585 NW 8th Pl
Canby, OR 97013-2701

Timothy Roelandt
555 NW 8th Pl
Canby, OR 97013-2701

Gary Chandler
545 NW 8th Pl
Canby, OR 97013-2701

Brian Gayner
525 NW 8th Pl
Canby, OR 97013-2701

Jennifer Brands
585 NW 9th Ave
Canby, OR 97013-2710

Richardo Sandoval Zapata
555 NW 9th Ave
Canby, OR 97013-2710

Jeffrey Jennings
545 NW 9th Ave
Canby, OR 97013-2710

Seth & Jennie Steyskal
525 NW 9th Ave
Canby, OR 97013-2710

David & Melissa Lennon
505 NW 9th Ave
Canby, OR 97013-2710

Terrence & Theresa Prince
875 N Elm St
Canby, OR 97013-2728

Stan Volk
4126 SE 12th St
Gresham, OR 97080-9147

Jason & Darlene Larue
540 NW 8th Pl
Canby, OR 97013-2702

Thomas Kent Mitchell
13501 SW Airstrip Ln
Culver, OR 97734-9535

Craig & Jan Woodworth
580 NW 8th Pl
Canby, OR 97013-2702

St Patrick Catholic Church
Po Box 730
Canby, OR 97013-0730

Lan Nguyen
480 NW 10th Ave
Canby, OR 97013-2806

Doug & Faydra Finch
460 NW 10th Ave
Canby, OR 97013-2806

Dennis Elvey
Po Box 134
Canby, OR 97013-0134

Michael Nordlum
520 NW 10th Ave
Canby, OR 97013-2862

Charles Johnson Robert
540 NW 10th Ave
Canby, OR 97013-2862

LIST 1
3 1E 33BC

List 2
3 1E 33BB

Pearl Herkamp
1140 N Elm St
Canby, OR 97013-3552

Dianne & John Alfieri
1120 N Elm St
Canby, OR 97013-3552

Dianne & John Alfieri
1120 N Elm St
Canby, OR 97013-3552

John Eric Kazmar
475 NW 11th Pl
Canby, OR 97013-3554

Irene Lisac
485 NW 11th Pl
Canby, OR 97013-3554

Michael & Michele Dollar
597 NW 12th Ave
Canby, OR 97013-2861

Sheena Millison
565 NW 12th Ave
Canby, OR 97013-2861

Christina Cooper
1175 N Elm St
Canby, OR 97013-3557

Diana Webb
1095 N Elm St
Canby, OR 97013-3555

Dorin Fachiol
1492 Pacific Ave #11
San Francisco, CA 94109-0715

Raymond & Karen Rivelli
575 NW 11th Ave
Canby, OR 97013-3383

Kreutz-Mcgowan
565 NW 11th Ave
Canby, OR 97013-3383

Roger Toth
590 NW 11th Ave
Canby, OR 97013-3382

Paul Daciuk
570 NW 11th Ave
Canby, OR 97013-3382

3 1E 33BB

List 3
3 1E 32AA

Rose Judge
1185 N Birch St
Canby, OR 97013-2637

Richard Sattler
765 NW 12th Ave
Canby, OR 97013-2720

Charles Hammack
747 NW 12th Ave
Canby, OR 97013-2720

T & T Properties LLC
3600 SW Advance Rd
Wilsonville, OR 97070-9711

Matthew Dryer
683 NW 12th Ave
Canby, OR 97013-2718

Reginald & Shirley Thompson
667 NW 12th Ave
Canby, OR 97013-2718

Steve & Cheryl Grantom
615 NW 12th Ave
Canby, OR 97013-2718

Nathan Fanno
607 NW 12th Ave
Canby, OR 97013-2718

3 1E 32AA

List 4

Vicki Spitznogle
645 NW 8th Pl
Canby, OR 97013-2703

Sayles
635 NW 8th Pl
Canby, OR 97013-2703

Matthew & Kristen Davis
605 NW 8th Pl
Canby, OR 97013-2703

Thomas & Joanne Parker
685 NW 9th Ave
Canby, OR 97013-2712

Scott & Tracy Carlson
665 NW 9th Ave
Canby, OR 97013-2712

Scott & Tracy Carlson
665 NW 9th Ave
Canby, OR 97013-2712

Robert & Marie Maxwell
645 NW 9th Ave
Canby, OR 97013-2712

Bernard & Debbie Soff
625 NW 9th Ave
Canby, OR 97013-2712

Lisa Marshall Goodloe
605 NW 9th Ave
Canby, OR 97013-2712

Michael & Lucia Kelsay
606 NW 8th Pl
Canby, OR 97013-2704

Kalynn Naulty
640 NW 8th Pl
Canby, OR 97013-2704

Sandra Eddy
660 NW 8th Pl
Canby, OR 97013-2704

Carl Sellon
820 N Cedar Ct
Canby, OR 97013-2727

Richard & Judith Holmes
830 N Cedar Ct
Canby, OR 97013-2727

Shawn & Laura Zimmerman
740 NW 9th Ave
Canby, OR 97013-2715

Margarito Santos
720 NW 9th Ave
Canby, OR 97013-2715

Jeffrey Lillie
700 NW 9th Ave
Canby, OR 97013-2715

Bonnie Pichette
680 NW 9th Ave
Canby, OR 97013-2713

Jeffery & Michelle Goddard
660 NW 9th Ave
Canby, OR 97013-2713

Adam Christopher &
Michelle Tyler
915 N Douglas St
Canby, OR 97013-2740

Shawna Holder
Francisco Padilla
735 NW 9th Ave
Canby, OR 97013-2714

Leroy & Johanna Trost II
855 N Cedar Ct
Canby, OR 97013-2726

Colleen & Kenneth Stogsdill
698 N Knights Bridge Rd
Canby, OR 97013-3341

Sara & Jered Sloss
820 N Birch St
Canby, OR 97013-2632

Douglas & Adrienne Kersey
840 N Birch St
Canby, OR 97013-2632

Jennifer Parker
850 N Birch St
Canby, OR 97013-2632

Roy Josi
880 N Birch St
Canby, OR 97013-2632

Larry & Debra Jackson
898 N Birch St
Canby, OR 97013-2632

Roger & Suzanne Miller
944 N Birch St
Canby, OR 97013-2634

List 4 Page 2
3 1E 32AD

George & Gretchen Raney
966 N Birch St
Canby, OR 97013

Alvin & Margaret Rohrscheib
1150 N Birch St
Canby, OR 97013-2638

Alvin Rohrscheib Jr.
1160 N Birch St
Canby, OR 97013-2638

William Scott Co-E Briggs
18516 NW 47th Ave
Ridgefield, WA 98642-9033

Susan Baranowski
1037 N Birch St
Canby, OR 97013-2635

Zerbina Properties LLC
1590 N Ponderosa St
Canby, OR 97013-2581

Chase & Brynn Unger
980 N Birch St
Canby, OR 97013-2634

David Buell
195 NW 10th Ave
Canby, OR 97013-3005

Joshua & Nicola Pedersen
790 NW 10th Ave
Canby, OR 97013-2717

William & Linda Kinman
Po Box 1185
Canby, OR 97013-1185

Jason Padden
1040 N Birch St
Canby, OR 97013-2636

Jordan & Grace Reed
1025 N Birch St
Canby, OR 97013-2635

Shawn Martin
810 NW 10th Ave
Canby, OR 97013-2603

Rex & Debora Samples
805 NW 10th Ave
Canby, OR 97013-2602

Michael & Codie Wilson
973 N Birch St
Canby, OR 97013-2633

Kathryn & James Hieb
969 N Birch St
Canby, OR 97013-2633

Bradley & Deborah Snodgrass
870 N Aspen Ct
Canby, OR 97013-2624

Jeffery Schwalm
890 N Aspen Ct
Canby, OR 97013-2624

Kenneth & Barbara Kirwan
920 N Aspen Ct
Canby, OR 97013-2626

John Edward Moody
940 N Aspen Ct
Canby, OR 97013-2626

Jason Andersen
960 N Aspen Ct
Canby, OR 97013-2626

Tamsen Magley
865 NW 10th Ave
Canby, OR 97013-2602

Lowell Leckband
860 NW 10th Ave
Canby, OR 97013-2603

Zachery Michael Woodruff
1050 N Aspen Ct
Canby, OR 97013-2628

Debra & Kelly Wolfe
1080 N Aspen Ct
Canby, OR 97013-2628

Kyla & Joseph Davies
1110 N Aspen Ct
Canby, OR 97013-2630

Corey & Clara Kallstrom
1045 N Aspen Ct
Canby, OR 97013-2627

Mark & Ashley Smith
910 NW 10th Ave
Canby, OR 97013-2604

John & Debra Smith
915 N Aspen Ct
Canby, OR 97013-2625

List 4 Page 3
3 1E 32AD

Kim Johnson Woodring
935 N Aspen Ct
Canby, OR 97013-2625

Jack & Helen Hollenbeck
955 N Aspen Ct
Canby, OR 97013-2625

Javid & Sonja Yamin
975 N Aspen Ct
Canby, OR 97013-2625

Thomas & Merdine Renne
885 N Aspen Ct
Canby, OR 97013-2623

Sean Kirwan
947 N Birch St
Canby, OR 97013-2633

David Zenthoefer
Po Box 1114
Mulino, OR 97042-1114

Kurt & Kristie Beiser
895 N Birch St
Canby, OR 97013-2631

Patricia Wright
875 N Birch St
Canby, OR 97013-2631

Theodore Evertz
860 N Aspen Ct
Canby, OR 97013-2624

Michael Daniels
855 N Birch St
Canby, OR 97013-2631

Curtis Gagner
842 N Aspen Ct
Canby, OR 97013-2624

Martin & Cindy Monsey
845 N Birch St
Canby, OR 97013-2631

Florence Ball
560 NW 10th Ave
Canby, OR 97013-2862

Christine Alice Garrick
387 Highland Meadow Loop
Redmond, OR 97756-7407

Todd & Donita Hansen
620 NW 10th Ave
Canby, OR 97013-2863

Christopher & Allison Etzel
640 NW 10th Ave
Canby, OR 97013-2863

Kenneth Potter
760 NW 10th Ave
Canby, OR 97013-2717

Clifford & Kelly Bates
780 NW 10th Ave
Canby, OR 97013-2717

Elizabeth Feller
785 NW 11th Ave
Canby, OR 97013-3384

Jeff & Noel Taucher
765 NW 11th Ave
Canby, OR 97013-3384

Craig Co-E Coddington
745 NW 11th Ave
Canby, OR 97013-3384

Sharonl Schneider
1035 N Douglas St
Canby, OR 97013-3385

Shawn Malikowski
1030 N Douglas St
Canby, OR 97013-3385

Garrett James McLeod
595 NW 11th Ave
Canby, OR 97013-3383

Ed & Barbara Preston
605 NW 11th Ave
Canby, OR 97013-3383

Donald Creek
635 NW 11th Ave
Canby, OR 97013-3383

Jason Olson
13963 Westside Ln S
Jefferson, OR 97352-9635

Mark Duane Johnson
725 NW 11th Ave
Canby, OR 97013-3384

Eric Albert Laufer
570 NW 11th Ave
Canby, OR 97013-3382

List 4 Page 4
3 1E 32AD

Raymond Kahut
Po Box 1215
Canby, OR 97013-1215

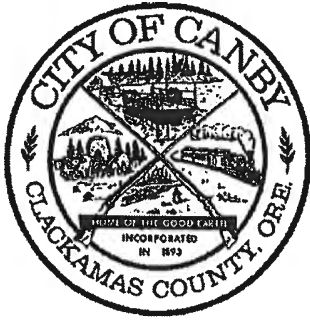
Gareth & Lynette Duggan
760 NW 11th Ave
Canby, OR 97013-3381

Randell & Myra Renner
730 NW 11th Ave
Canby, OR 97013-3381

Brent & Kathy Jones
Po Box 422
Wilsonville, OR 97070-0422

Derek & Nicole Delozier
650 NW 11th Ave
Canby, OR 97013-3382

Kevin & Shauna Hormann
620 NW 11th Ave
Canby, OR 97013-3382



City of Canby

DEVELOPMENT SERVICES

January 14, 2020

Sent Via Email

Hassan Ibrahim hai@curran-mcleod.com

Curran-McLeod, Inc.
c/o Hassan A. Ibrahim, P.E.
6655 SW Hampton St, Suite 210
Portland, OR 97223

RE: Approval of Request from Northwood Investment Partnership to Extend Northwood Estates (SUB 05-12) Phase 4

Dear Hassan,

At their regular meeting on January 13, 2020, the Canby Planning Commission approved a one-year extension of the following documents associated with the Northwood Estates Subdivision:

- Northwood Estates Development Agreement, dated January 11, 2007 recorded between the City of Canby and Northwood Investment Partnership (Clackamas County Record No. 2007-007387).
- "Northwood Estates, Canby, OR Conceptual Development Plan," dated December 29, 2005.

The extension will now expire on February 24, 2021. Please notify the City prior to this expiration date if you wish to have the approval of the above documents considered for extension an additional year or if you have any questions concerning this matter.

Sincerely,

Bryan Brown
Planning Director

cc: File SUB 05-12

**NORTHWOOD ESTATES
DEVELOPMENT AGREEMENT**

Clackamas County Official Records
Sherry Hall, County Clerk

2007-007387

After recording return to:

Northwood Investments,
Attn: Mr. Ron Tatone, Partner
1127 NW 12th Avenue
Canby, OR 97013



\$76.00

01065045200700073870110113

01/26/2007 03:38:12 PM

D-DEVA Cnt=1 Stn=2 TIFFANYCLA
\$55.00 \$11.00 \$10.00

Witness my hand and seal of County
affixed.

Name Title

By: _____ Deputy.

THIS AGREEMENT is made as of the 11 day of Jan, 2007, by and between the City of Canby, Oregon, with a mailing address of 182 North Holly Street, Canby, Oregon 97013, (the "City") and Northwood Investment Partnership together with Archie & Lois McLeod (the "Applicant"). NOW THEREFORE, the parties agree as follows:

I. AFFECTED PROPERTY

This Agreement shall be recorded upon the deed of that tract of land conveyed in 1990 to Northwood Investments, a general partnership consisting of Ronald G. Tatone, Lynn Kadwell, Curt McLeod, Fred Kahut and Bresco, Inc. as recorded in Deed Number 90-20689, Clackamas County Records and attached herein as Exhibit "A"; and additionally that tract of land conveyed to 2KRMT, INC. as recorded in Deed Number 2006-070258, Clackamas County Records and attached herein as Exhibit "B".

II. MASTER PLAN

The design of Phase 1 and all future phases of the Northwood Estates master plan is binding as submitted by the Applicant (Exhibit 1) in all details except as modified by the City as noted in the Findings of Fact and Conclusions of Law for City file SUB 05-12 (Exhibit 3). No modifications to this approved plan may be made except as approved by the City. The Agreement shall be considered valid for a period of one-thousand-ninety-five (1095) days to commence upon the date of recordation. If this Agreement expires prior to the City approval of the subdivision application for any particular phase, the Applicant shall be required to apply for master plan approval prior to the approval of any remaining phases. Agreement may be extended and/or modified only upon approval by the City. Each extension request may be granted for a period of three-hundred-sixty-five (365) days beyond the expiration date; upon approval by the City. This Agreement shall not conflict with the current Canby Municipal Code, Comprehensive Plan, or any other relevant laws and/or regulations in effect at the time of development.

subject to the same limitations of infill lots per the CMC. Private water lines (for irrigation) will not be allowed to be constructed within any public right-of-way except for street crossings provided the lines will be enclosed within casings; such crossings shall be subject to review and approval by the City.

Phase II:

Phase II shall include the dedication of Tract B (1.12 acres of gross area resulting in a net 0.85 acres of park land) to be donated to the City at the time of the signing of the final subdivision plat. The subdivision application for Phase II shall require a traffic study that shall address, at a minimum, the design of the proposed boulevard as it may relate to any vehicle conflicts particularly at the southern terminus. Lots 42, 59, 60, and 74 shall be subject to the same limitations of infill lots per the CMC.

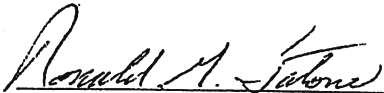
Phase III:

The subdivision application for Phase III shall require a traffic study that shall address, at a minimum, internal circulation. The traffic study for Phase III may be combined with a traffic study for either Phase II or Phase IV. Lots 75, 87, 88, 89, 90, 91, 92, 93, and 94 shall be limited to one story (22 feet) in height.

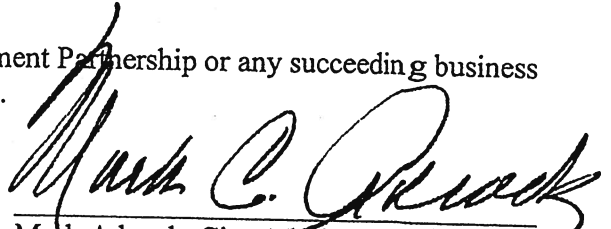
Phase IV:

The subdivision application for Phase IV shall require a traffic study that shall address, at a minimum, internal circulation and future external street connections.

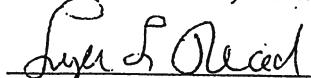
This agreement shall be binding upon the Northwood Investment Partnership or any succeeding business entity created for the development of the subject tract of land.



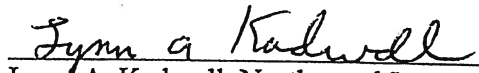
Ronald G. Tatone, Northwood Investments



Mark Adcock, City Administrator



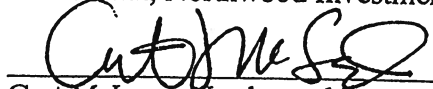
Lyle L. Read, President Bresco Inc,



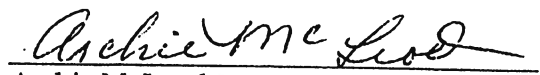
Lynn A. Kadwell, Northwood Investment



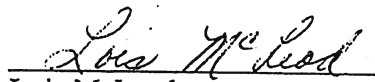
Fred Kahut, Northwood Investments



Curt McLeod, Northwood Investments



Archie McLeod



Lois McLeod

State of Oregon, County of Clackamas:

Personally appeared the above named Fred Kahut before me on Jan 11, 200 7 and acknowledged the foregoing instrument to be (HIS)(HER)(THEIR) voluntary act and deed.

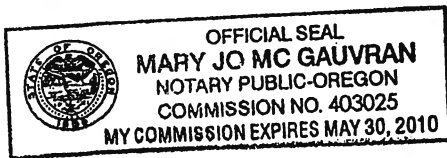


Before Me: [Signature]
Notary Public for Oregon

My Commission Expires: 5-30-10

State of Oregon, County of Clackamas:

Personally appeared the above named Curt McLeod before me on Jan 11, 200 7 and acknowledged the foregoing instrument to be (HIS)(HER)(THEIR) voluntary act and deed.

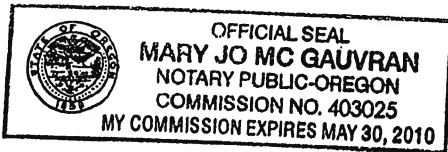


Before Me: [Signature]
Notary Public for Oregon

My Commission Expires: 5-30-10

State of Oregon, County of Clackamas:

Personally appeared the above named Archie McLeod before me on Jan 19, 200 7 and acknowledged the foregoing instrument to be (HIS)(HER)(THEIR) voluntary act and deed.

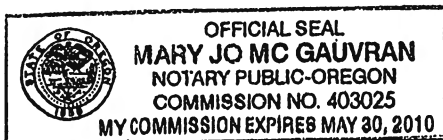


Before Me: [Signature]
Notary Public for Oregon

My Commission Expires: 5-30-10

State of Oregon, County of Clackamas:

Personally appeared the above named Lois McLeod before me on Jan 11, 200 7 and acknowledged the foregoing instrument to be (HIS)(HER)(THEIR) voluntary act and deed.



Before Me: [Signature]
Notary Public for Oregon

My Commission Expires: 5-30-10

NORTHWOOD INVESTMENTS LEGAL DESCRIPTION
FEE NUMBER 90-20689
CLACKAMAS COUNTY, OREGON

IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON

PARCEL I:

A tract of land situated in the Champing Pendleton D.L.C. No. 58, in Sections 28, 29, 32 and 33, Township 3 South, Range 1 East, of the W.M., described as follows:

Beginning at an iron pipe on the Southerly boundary of Territorial Road at the northeast corner of that tract of land conveyed to Earl Oliver and Sabina Oliver, husband and wife, by Deed recorded November 16, 1951, in Book 450, page 696, Deed Records, said iron pipe being North 8.47 chains, South 89° 29' West 16.35 chains and North 12° 00' West 9.036 chains, from the southeast corner of the Champing Pendleton D.L.C., in Township 3 South, Range 1 East, of the W.M.; thence South 78° 04' West along the southerly line of Territorial Road 187.57 feet to an iron pipe, said point being the northeast corner of a tract of land conveyed to Richard T. Mosier, et ux, by Warranty Deed recorded June 15, 1976, Fee No. 76 19823; thence South 12° 09' East 558.2 feet to the southeast corner of a tract described in Contract of Sale recorded February 28, 1975, Fee No. 75 5066; thence South 89° 29' East to the southeast corner of said Oliver tract; thence North 12° 09' West along the easterly line of said Oliver tract to the point of beginning.

PARCEL II:

Part of the southeast one-quarter of the northeast one-quarter of Section 32, Township 3 South, Range 1 East, of the W.M., described as follows:

Beginning at the southeast corner of a tract of land conveyed to John Mickelsen, et ux, by Warranty Deed recorded January 28, 1957, in Book 521, page 348, Deed Records, said point also being West 1320 feet and South 393.6 feet from the northeast corner of the Wesley Joslin D.L.C.; thence West 166.00 feet; thence North 100.00 feet; thence West 25.00 feet; thence South 100.00 feet; thence West 368.7 feet; thence South 214.7 feet to the northwest corner of a tract of land conveyed to Edward N. Cole, et ux, by Warranty Deed recorded April 24, 1956, in Book 510, page 19, Deed Records; thence East 235.00 feet to the most northerly northeast corner of said Cole tract; thence South 155.00 feet to an interior angle of said Cole tract; thence East to the most easterly northeast corner of said Cole tract; thence South 15 feet to the southerly line of a tract of land conveyed to Earl Oliver, et ux, by Warranty Deed recorded September 26, 1947, in Book 397, page 28, Deed Records; thence East along the south line of said Oliver tract 20 feet to the southeast corner thereof; thence North along the east line of said Oliver tract, 384.7 feet to the place of beginning.

PARCEL VI:

Beginning at the most easterly southeast corner of the Champing Pendleton D.L.C. No. 58, in Township 3 South, Range 1 East, of the W.M.; thence South $89^{\circ} 39'$ West along the south boundary of said claim, 1332.55 feet to the southeast corner of that certain tract conveyed to John P. Tatone, et ux, by deed recorded April 25, 1935, in Book 227, page 162, Deed Records; thence North 559.02 feet to an iron pipe at the northeast corner of said Tatone tract; thence North $89^{\circ} 39'$ East along the north boundary of the land conveyed to Arndt Boe by deed recorded in Book 102, page 116, Deed Records to a stone 20 x 6 x 4 inches marked "X" on top, set on the west boundary of the tract conveyed to J. Lee Eckerson by deed recorded January 19, 1921, in Book 161, page 387, Deed Records; thence South 5.05 chains to the southwest corner of the tract conveyed to Peter Kyllö by deed recorded September 2, 1923, in Book 172, page 229, Deed Records; thence North $89^{\circ} 39'$ East, 10.90 chains to the east boundary of claim; thence South along the east boundary 3.42 chains to the place of beginning.

ALSO beginning at the northeast corner of the Wesley Joslin D.L.C. in Section 33, Township 3 South, Range 1 East, of the W.M.; thence West 80 rods; thence South 20 rods; thence East 40 rods; thence North 310 feet; thence East 40 rods to the east line of said claim; thence North 20 feet to the place of beginning.

EXCEPT that portion lying east of the west line of Lot 6, Eastwood Annex No. 2 extended South.

ALSO EXCEPT those portions within the boundaries of Eastwood Estates, Eastwood Estates Annex No. 1 and Eastwood Estates Annex.

PARCEL VII:

Part of the Champing Pendleton D.L.C. No. 58, in Township 3 South, Range 1 East, of the W.M., described as follows:

Beginning at a point 8.47 chains North and 10.90 chains South $89^{\circ} 29'$ West from the most easterly southeast corner of the Champing Pendleton D.L.C.; thence continuing South $89^{\circ} 29'$ West, 5.45 chains to the southeast corner of that tract conveyed to Earl Oliver and wife by Deed recorded November 16, 1951 in Book 450, page 696, Deed Records; thence Northwesterly along the easterly line of said Oliver tract and an extension thereof, 9.03 chains to the center of the Territorial Road; thence North $79^{\circ} 15'$ East along the center of said road, 7.52 chains to a point due North of the point of beginning; thence South 10.4 chains to the point of beginning.

EXCEPT the following described tract:

Part of the Champing Pendleton D.L.C. No. 58, Township 3 South, Range 1 East, of the W.M., in the City of Canby, described as follows:

**2KRMT, INC. LEGAL DESCRIPTION
FEE NUMBER 2006-070258
CLACKAMAS COUNTY, OREGON**

LEGAL DESCRIPTION

Part of the Champing Pendleton Donation Land Claim No. 58, Township 3 South, Range 1 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at a point 8.47 chains North and 10.90 chains South $89^{\circ}29'$ West from the most Easterly Southeast corner of said Pendleton Donation Land Claim; thence continuing South $89^{\circ}29'$ West 5.45 chains to the Southeast corner of that tract conveyed to Earl Oliver, et ux, by Deed recorded November 16, 1951, in Book 450, Page 696, Clackamas County Deed Records; thence Northwesterly along the Easterly line of said Oliver Tract to a point which is 320 feet 6 inches Southeasterly from the Northeasterly line of Territorial Road, when measured along said Easterly line and the true point of beginning; thence continuing Northwesterly on said Easterly line to the center of the Territorial Road; thence North $79^{\circ}15'$ East along the center of said road, 140 feet; thence Southeasterly, parallel with said Easterly line to a point North $79^{\circ}15'$ East of the true point of beginning; thence South $79^{\circ}15'$ West to the true point of beginning.

11



Chicago Title

Company of Oregon

5300 SW Meadows Rd. , Ste 100, Lake Oswego, OR 97035
(503)973-7500 FAX (866)530-5883

PRELIMINARY REPORT

ESCROW OFFICER: MaryJo McGauvran
MaryJo.McGauvran@CTT.com
503-973-7491

ORDER NO.: 472521000536

TITLE OFFICER: Mollie Rowe

TO: Chicago Title Company of Oregon
5300 SW Meadows Rd. , Ste 100
Lake Oswego, OR 97035

ESCROW LICENSE NO.: 201004072

OWNER/SELLER: Northwood Investments and 2KRMT, Inc.

BUYER/BORROWER: TBD

PROPERTY ADDRESS: 3 parcels-Tax Lots 200, 300 and 1700, Canby, OR 97013

EFFECTIVE DATE: January 20, 2021, 08:00 AM

1. THE POLICY AND ENDORSEMENTS TO BE ISSUED AND THE RELATED CHARGES ARE:

	<u>AMOUNT</u>	<u>PREMIUM</u>
ALTA Owner's Policy 2006	\$ TBD	\$ TBD
ALTA Loan Policy 2006	\$ TBD	\$ TBD
OTIRO 209.10-06 - Restrictions, Encroachments, Minerals - Current Violations (ALTA 9.10-06)		\$ 100.00
OTIRO 222-06 - Location (ALTA 22-06)		\$ 0.00
OTIRO 208.1-06 - Environmental Protection Lien (ALTA 8.1-06)		\$ 0.00
Government Lien Search		\$ 30.00

2. THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

A Fee

3. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:

Northwood Investments, a general partnership, as to Parcels 1 and 2, and 2KRMT, Inc., an Oregon corporation, as to Parcel 3

4. THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE CITY OF CANBY, COUNTY OF CLACKAMAS, STATE OF OREGON, AND IS DESCRIBED AS FOLLOWS:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

EXHIBIT "A"
Legal Description

PARCEL 1: Part of the Southeast one-quarter of the Northeast one-quarter of Section 32, Township 3 South, Range 1 East of the Willamette Meridian, in the City of Canby, Clackamas County, Oregon, described as follows:

Beginning at the Southeast corner of a tract of land conveyed to John Mickelsen, et ux, by Warranty Deed recorded January 28, 1957, in Book 521, Page 348, Deed Records, said point also being West 1320 feet and South 393.6 feet from the Northeast corner of the Wesley Joslin D.L.C.; thence West 166.00 feet; thence North 100.00 feet; thence West 25.00 feet; thence South 100.00 feet; thence West 368.7 feet; thence South 214.7 feet to the Northwest corner of a tract of land conveyed to Edward N. Cole, et us, by Warranty Deed recorded April 24, 1956, in Book 510, Page 19, Deed Records; thence East 235.00 feet to the most Northerly Northeast corner of said Cole tract; thence South 155.00 feet to an interior angle of said Cole tract; thence East to the most Easterly Northeast corner of said Cole tract; thence South 15 feet to the Southerly line of a tract to the Southerly line of a tract of land conveyed to Earl Oliver, et ux, by Warranty Deed recorded September 26, 1947, in Book 3907, Page 28, Deed Records; thence East along the South line of said Oliver tract 20 feet to the Southeast corner thereof; thence North along the East line of said Oliver tract, 384.7 feet to the place of beginning.

EXCEPTING THEREFROM all that portion thereof lying within 10th Avenue.

ALSO EXCEPTING THEREFROM all those portions lying within NORTHWOOD ESTATES NO. 2 and NORTHWOOD ESTATES NO. 3.

PARCEL 2: Part of the Southeast one-quarter of the Northeast one-quarter of Section 32, Township 3 South, Range 1 East, of the Willamette Meridian, in the City of Canby, Clackamas County, Oregon, described as follows:

Beginning at the Northeast corner of Lot 6, OLIVER ADDITION NO. 6; thence North 89°39' East, 59.21 feet to the East line of a tract of land conveyed to Earl Oliver, et ux, by Warranty Deed recorded December 4, 1961, in Book 596, Page 3, Deed Records; thence South 0°09' West along the East line of said Oliver tract to the North line of Lot 1, Block 3, OLIVER ADDITION NO. 8; thence West along the North line of said Lot 1 to the East line of Lot 6, OLIVER ADDITION NO. 5; thence North along the East line of Lots 6 and 7, OLIVER ADDITION NO. 5, to the Northeast corner of said Lot 7; thence West along the North line of said Lot 7, a distance of 10 feet to the Southeast corner of the Plat of OLIVER ADDITION NO. 6; thence North along the East line of said OLIVER ADDITION NO. 6, a distance of 560.73 feet to the place of beginning.

EXCEPTING THEREFROM all that portion thereof lying within 10th Avenue.

ALSO EXCEPTING THEREFROM all those portions lying within NORTHWOOD ESTATES NO. 2 and NORTHWOOD ESTATES NO. 3.

PARCEL 3: Part of the East one-half of the Northeast one-quarter of Section 32, Township 3 South, Range 1 East of the Willamette Meridian, City of Canby, Clackamas County, Oregon, described as follows:

Beginning at a point 1320.00 feet West of the Northeast corner of the Wesley Joslyn Donation Land Claim; thence continue West 552.7 feet; thence South 778.3 feet to the True Point of Beginning, which is the Southwest corner of land conveyed to Earl Oliver and Savina Oliver, his wife, by Deed recorded September 26, 1947, in Book 397, Page 28, Deed Records; thence North 170.00 feet; thence East 235.00 feet; thence South 170.00 feet; thence West 235.00 feet to the true point of beginning.

ALSO a strip of land 15 feet in width along the entire South side of the remaining part of said Oliver land; running from the Southeast corner of the above described tract, East to a point 20 feet West of the East line of said Oliver land.

AS OF THE DATE OF THIS REPORT, ITEMS TO BE CONSIDERED AND EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN THE POLICY FORM WOULD BE AS FOLLOWS:

GENERAL EXCEPTIONS:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests or claims, which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, which are not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the Land onto adjoining land or of existing improvements located on adjoining land onto the subject Land), encumbrance, violation, variation or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the subject Land.
5. Any lien or right to a lien for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the Public Records.

SPECIFIC ITEMS AND EXCEPTIONS:

6. City Liens, if any, in favor of the City of Canby. None found as of January 30, 2021.

The City reflects a Sewer/Park/Street Maintenance Fee
Affects: Parcel 3 (31E32AD00300)

7. City liens, if any of the City of Canby. (This property is located within the city limits, but currently is not listed in Conduits. An inquiry call to the City should be made by the Escrow Officer.)
Affects: Parcels 1 & 2 (31E32AD00200 & 32E32AD01700)

8. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Lynn J. Ricksgers and Edna L. Ricksgers
Purpose: Right of way for the benefit of Parcel 3
Recording Date: November 10, 1947
Recording No: Book 399, Page 214
Affects: Southeast corner of Parcel 1 - Reference is hereby made to said document for location

9. Please be advised that our search did not disclose any open Deeds of Trust of record. If you should have knowledge of any outstanding obligation, please contact the Title Department immediately for further review prior to closing.

10. The Company will require the following documents for review prior to the issuance of any title insurance predicated upon a conveyance or encumbrance from:

Name: Northwood Investments, a general partnership

- a) The Company has on file a copy of the General Partnership Agreement for Northwood Investments, dated August 24, 1989. A copy of any amendments subsequent to the date of said General Partnership Agreement should be furnished for review prior to closing
- b) If less than all partners are executing documents, furnish evidence of the signing partners' authority, unless the authority is granted in the agreements referred to above.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

11. We find numerous recorded conveyances that appear to create discrepancies in the interests of partners in Northwood Investments, a general partnership. Any conveyance from the partnership will need to be executed by the current partners pursuant to the terms of the partnership agreement and resolve any interests that may be outstanding.
12. If requested to issue an extended coverage ALTA loan policy, the following matters must be addressed:
- a) The rights of tenants holding under unrecorded leases or tenancies
 - b) Matters disclosed by a statement as to parties in possession and as to any construction, alterations or repairs to the Land within the last 75 days. The Company must be notified in the event that any funds are to be used for construction, alterations or repairs.
 - c) Any facts which would be disclosed by an accurate survey of the Land

ADDITIONAL REQUIREMENTS/NOTES:

- A. Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2020-2021
Amount: \$870.31
Levy Code: 086-002
Account No.: 00781167
Map No.: 31E32AD00200
Affects: Parcel 1

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

- B. Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2020-2021
Amount: \$202.92
Levy Code: 086-002
Account No.: 00781577
Map No.: 31E32AD01700
Affects: Parcel 2

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

- C. Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2020-2021
 Amount: \$4,811.92
 Levy Code: 086-002
 Account No.: 00781176
 Map No.: 31E32AD00300
 Affects: Parcel 3

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

- D. Recording Charge (Per Document) is the following:

County	First Page	Each Additional Page
Clackamas	\$93.00	\$5.00

Note: When possible the company will record electronically. An additional charge of \$5.00 applies to each document that is recorded electronically.

Note: Please send any documents for recording to the following address:

Portland Title Group
 Attn: Recorder
 1433 SW 6th Ave.
 Portland, OR. 97201

- E. In addition to the standard policy exceptions, the exceptions enumerated above shall appear on the final 2006 ALTA Policy unless removed prior to issuance.
- F. Note: No utility search has been made or will be made for water, sewer or storm drainage charges unless the City/Service District claims them as liens (i.e. foreclosable) and reflects them on its lien docket as of the date of closing. Buyers should check with the appropriate city bureau or water service district and obtain a billing cutoff. Such charges must be adjusted outside of escrow.
- G. Note: The only conveyance(s) affecting said Land, which recorded within 24 months of the date of this report, are as follows:
- Grantor: Diana L. Parsons and Stephen K. Parsons, as tenants by the entirety
 Grantee: 2KRMT, INC., an Oregon corporation
 Recording Date: September 2, 2020
 Recording No.: 2020-072211
 Affects: Parcel 3
- H. Note: The name(s) of the proposed insured(s) furnished with this application for title insurance is/are:
- No names were furnished with the application. Please provide the name(s) of the buyers as soon as possible.
- I. Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.
- J. Note: Effective January 1, 2008, Oregon law (ORS 314.258) mandates withholding of Oregon income taxes from sellers who do not continue to be Oregon residents or qualify for an exemption. Please contact your Escrow Closer for further information.

K. THE FOLLOWING NOTICE IS REQUIRED BY STATE LAW: YOU WILL BE REVIEWING, APPROVING AND SIGNING IMPORTANT DOCUMENTS AT CLOSING. LEGAL CONSEQUENCES FOLLOW FROM THE SELECTION AND USE OF THESE DOCUMENTS. YOU MAY CONSULT AN ATTORNEY ABOUT THESE DOCUMENTS. YOU SHOULD CONSULT AN ATTORNEY IF YOU HAVE QUESTIONS OR CONCERNS ABOUT THE TRANSACTION OR ABOUT THE DOCUMENTS. IF YOU WISH TO REVIEW TRANSACTION DOCUMENTS THAT YOU HAVE NOT SEEN, PLEASE CONTACT THE ESCROW AGENT.

L. Note: This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances or acreage shown thereon.

M. NOTE: IMPORTANT INFORMATION REGARDING PROPERTY TAX PAYMENTS

Fiscal Year:	July 1 st through June 30 th
Taxes become a lien on real property, but are not yet payable:	July 1 st
Taxes become certified and payable (approximately on this date):	October 15 th
First one third payment of taxes is due:	November 15 th
Second one third payment of taxes is due:	February 15 th
Final payment of taxes is due:	May 15 th

Discounts: If two thirds are paid by November 15th, a 2% discount will apply.
If the full amount of the taxes are paid by November 15th, a 3% discount will apply.

Interest: Interest accrues as of the 15th of each month based on any amount that is unpaid by the due date. No interest is charged if the minimum amount is paid according to the above mentioned payment schedule.

EXHIBIT ONE

2006 AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (06-17-06) EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses that arise by reason of:

- (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning) restricting, regulating, prohibiting or relating to
 - the occupancy, use, or enjoyment of the Land;
 - the character, dimensions or location of any improvement erected on the land;
 - the subdivision of land; or
 - environmental protection;or the effect of any violation of these laws, ordinances or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
- Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
- Defects, liens, encumbrances, adverse claims, or other matters
 - created, suffered, assumed or agreed to by the Insured Claimant;
 - not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;

- resulting in no loss or damage to the Insured Claimant;
 - attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
 - resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
- Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with the applicable doing-business laws of the state where the Land is situated.
 - Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
 - Any claim, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - a fraudulent conveyance or fraudulent transfer, or
 - a preferential transfer for any reason not stated in the Covered Risk 13(b) of this policy.
 - Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

- Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
- Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
- Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
- Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
- Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

2006 AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (06-17-06) EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses that arise by reason of:

- (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning) restricting, regulating, prohibiting or relating to
 - the occupancy, use, or enjoyment of the Land;
 - the character, dimensions or location of any improvement erected on the land;
 - the subdivision of land; or
 - environmental protection;or the effect of any violation of these laws, ordinances or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
- Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
- Defects, liens, encumbrances, adverse claims, or other matters
 - created, suffered, assumed or agreed to by the Insured Claimant;

- not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - resulting in no loss or damage to the Insured Claimant;
 - attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
 - resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
- Any claim, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - a fraudulent conveyance or fraudulent transfer, or
 - a preferential transfer for any reason not stated in the Covered Risk 9 of this policy.
 - Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

- Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
- Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
- Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
- Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
- Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.



Inquire before you wire!

WIRE FRAUD ALERT

This Notice is not intended to provide legal or professional advice.
If you have any questions, please consult with a lawyer.

All parties to a real estate transaction are targets for wire fraud and many have lost hundreds of thousands of dollars because they simply relied on the wire instructions received via email, without further verification. **If funds are to be wired in conjunction with this real estate transaction, we strongly recommend verbal verification of wire instructions through a known, trusted phone number prior to sending funds.**

In addition, the following non-exclusive self-protection strategies are recommended to minimize exposure to possible wire fraud.

- **NEVER RELY** on emails purporting to change wire instructions. Parties to a transaction rarely change wire instructions in the course of a transaction.
- **ALWAYS VERIFY** wire instructions, specifically the ABA routing number and account number, by calling the party who sent the instructions to you. **DO NOT** use the phone number provided in the email containing the instructions, use phone numbers you have called before or can otherwise verify. **Obtain the number of relevant parties to the transaction as soon as an escrow account is opened.** **DO NOT** send an email to verify as the email address may be incorrect or the email may be intercepted by the fraudster.
- **USE COMPLEX EMAIL PASSWORDS** that employ a combination of mixed case, numbers, and symbols. Make your passwords greater than eight (8) characters. Also, change your password often and **DO NOT** reuse the same password for other online accounts.
- **USE MULTI-FACTOR AUTHENTICATION** for email accounts. Your email provider or IT staff may have specific instructions on how to implement this feature.

For more information on wire-fraud scams or to report an incident, please refer to the following links:

Federal Bureau of Investigation:
<http://www.fbi.gov>

Internet Crime Complaint Center:
<http://www.ic3.gov>

FIDELITY NATIONAL FINANCIAL PRIVACY NOTICE

Effective April 9, 2020

Fidelity National Financial, Inc. and its majority-owned subsidiary companies (collectively, "FNF," "our," or "we") respect and are committed to protecting your privacy. This Privacy Notice explains how we collect, use, and protect personal information, when and to whom we disclose such information, and the choices you have about the use and disclosure of that information.

A limited number of FNF subsidiaries have their own privacy notices. If a subsidiary has its own privacy notice, the privacy notice will be available on the subsidiary's website and this Privacy Notice does not apply.

Collection of Personal Information

FNF may collect the following categories of Personal Information:

- contact information (e.g., name, address, phone number, email address);
- demographic information (e.g., date of birth, gender, marital status);
- identity information (e.g. Social Security Number, driver's license, passport, or other government ID number);
- financial account information (e.g. loan or bank account information); and
- other personal information necessary to provide products or services to you.

We may collect Personal Information about you from:

- information we receive from you or your agent;
- information about your transactions with FNF, our affiliates, or others; and
- information we receive from consumer reporting agencies and/or governmental entities, either directly from these entities or through others.

Collection of Browsing Information

FNF automatically collects the following types of Browsing Information when you access an FNF website, online service, or application (each an "FNF Website") from your Internet browser, computer, and/or device:

- Internet Protocol (IP) address and operating system;
- browser version, language, and type;
- domain name system requests; and
- browsing history on the FNF Website, such as date and time of your visit to the FNF Website and visits to the pages within the FNF Website.

Like most websites, our servers automatically log each visitor to the FNF Website and may collect the Browsing Information described above. We use Browsing Information for system administration, troubleshooting, fraud investigation, and to improve our websites. Browsing Information generally does not reveal anything personal about you, though if you have created a user account for an FNF Website and are logged into that account, the FNF Website may be able to link certain browsing activity to your user account.

Other Online Specifics

Cookies. When you visit an FNF Website, a "cookie" may be sent to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer's hard drive. Information gathered using cookies helps us improve your user experience. For example, a cookie can help the website load properly or can customize the display page based on your browser type and user preferences. You can choose whether or not to accept cookies by changing your Internet browser settings. Be aware that doing so may impair or limit some functionality of the FNF Website.

Web Beacons. We use web beacons to determine when and how many times a page has been viewed. This information is used to improve our websites.

Do Not Track. Currently our FNF Websites do not respond to "Do Not Track" features enabled through your browser.

Links to Other Sites. FNF Websites may contain links to unaffiliated third-party websites. FNF is not responsible for the privacy practices or content of those websites. We recommend that you read the privacy policy of every website you visit.

Use of Personal Information

FNF uses Personal Information for three main purposes:

- To provide products and services to you or in connection with a transaction involving you.
- To improve our products and services.
- To communicate with you about our, our affiliates', and others' products and services, jointly or independently.

When Information Is Disclosed

We may disclose your Personal Information and Browsing Information in the following circumstances:

- to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure;
- to nonaffiliated service providers who provide or perform services or functions on our behalf and who agree to use the information only to provide such services or functions;
- to nonaffiliated third party service providers with whom we perform joint marketing, pursuant to an agreement with them to jointly market financial products or services to you;
- to law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order; or
- in the good-faith belief that such disclosure is necessary to comply with legal process or applicable laws, or to protect the rights, property, or safety of FNF, its customers, or the public.

The law does not require your prior authorization and does not allow you to restrict the disclosures described above. Additionally, we may disclose your information to third parties for whom you have given us authorization or consent to make such disclosure. We do not otherwise share your Personal Information or Browsing Information with nonaffiliated third parties, except as required or permitted by law. We may share your Personal Information with affiliates (other companies owned by FNF) to directly market to you. Please see "Choices with Your Information" to learn how to restrict that sharing.

We reserve the right to transfer your Personal Information, Browsing Information, and any other information, in connection with the sale or other disposition of all or part of the FNF business and/or assets, or in the event of bankruptcy, reorganization, insolvency, receivership, or an assignment for the benefit of creditors. By submitting Personal Information and/or Browsing Information to FNF, you expressly agree and consent to the use and/or transfer of the foregoing information in connection with any of the above described proceedings.

Security of Your Information

We maintain physical, electronic, and procedural safeguards to protect your Personal Information.

Choices With Your Information

If you do not want FNF to share your information among our affiliates to directly market to you, you may send an "opt out" request by email, phone, or physical mail as directed at the end of this Privacy Notice. We do not share your Personal Information with nonaffiliates for their use to direct market to you without your consent.

Whether you submit Personal Information or Browsing Information to FNF is entirely up to you. If you decide not to submit Personal Information or Browsing Information, FNF may not be able to provide certain services or products to you.

For California Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties, except as permitted by California law. For additional information about your California privacy rights, please visit the "California Privacy" link on our website (<https://fnf.com/pages/californiaprivacy.aspx>) or call (888) 413-1748.

For Nevada Residents: You may be placed on our internal Do Not Call List by calling (888) 934-3354 or by contacting us via the information set forth at the end of this Privacy Notice. Nevada law requires that we also provide you with the following contact information: Bureau of Consumer Protection, Office of the Nevada Attorney General, 555 E. Washington St., Suite 3900, Las Vegas, NV 89101; Phone number: (702) 486-3132; email: BCPINFO@ag.state.nv.us.

For Oregon Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties for marketing purposes, except after you have been informed by us of such sharing and had an opportunity to indicate that you do not want a disclosure made for marketing purposes.

For Vermont Residents: We will not disclose information about your creditworthiness to our affiliates and will not disclose your personal information, financial information, credit report, or health information to nonaffiliated third parties to market to you, other than as permitted by Vermont law, unless you authorize us to make those disclosures.

Information From Children

The FNF Websites are not intended or designed to attract persons under the age of eighteen (18). We do not collect Personal Information from any person that we know to be under the age of thirteen (13) without permission from a parent or guardian.

International Users

FNF's headquarters is located within the United States. If you reside outside the United States and choose to provide Personal Information or Browsing Information to us, please note that we may transfer that information outside of your country of residence. By providing FNF with your Personal Information and/or Browsing Information, you consent to our collection, transfer, and use of such information in accordance with this Privacy Notice.

FNF Website Services for Mortgage Loans

Certain FNF companies provide services to mortgage loan servicers, including hosting websites that collect customer information on behalf of mortgage loan servicers (the "Service Websites"). The Service Websites may contain links to both this Privacy Notice and the mortgage loan servicer or lender's privacy notice. The sections of this Privacy Notice titled When Information is Disclosed, Choices with Your Information, and Accessing and Correcting Information do not apply to the Service Websites. The mortgage loan servicer or lender's privacy notice governs use, disclosure, and access to your Personal Information. FNF does not share Personal Information collected through the Service Websites, except as required or authorized by contract with the mortgage loan servicer or lender, or as required by law or in the good-faith belief that such disclosure is necessary: to comply with a legal process or applicable law, to enforce this Privacy Notice, or to protect the rights, property, or safety of FNF or the public.

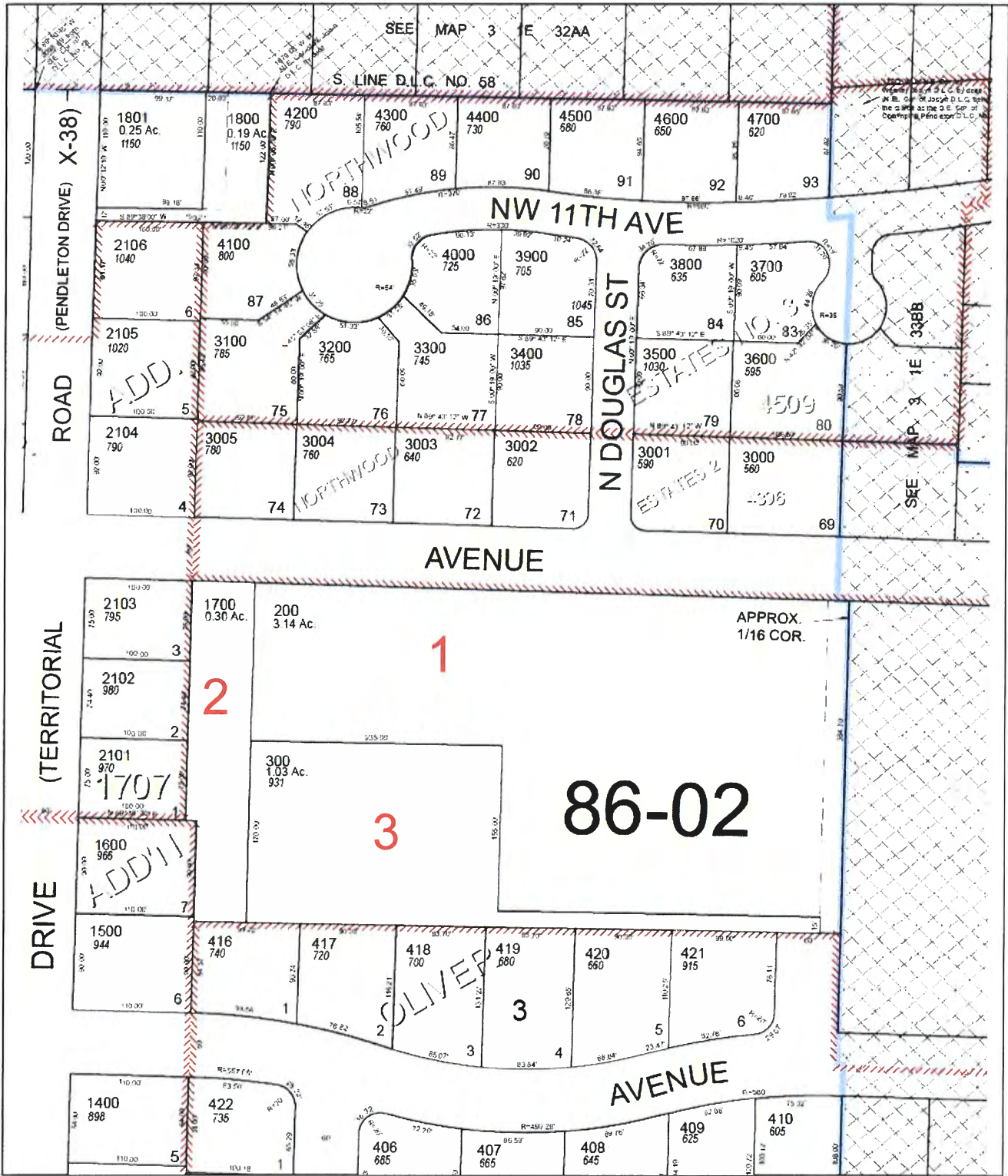
Your Consent To This Privacy Notice; Notice Changes; Use of Comments or Feedback

By submitting Personal Information and/or Browsing Information to FNF, you consent to the collection and use of the information in accordance with this Privacy Notice. We may change this Privacy Notice at any time. The Privacy Notice's effective date will show the last date changes were made. If you provide information to us following any change of the Privacy Notice, that signifies your assent to and acceptance of the changes to the Privacy Notice. We may use comments or feedback that you submit to us in any manner without notice or compensation to you.

Accessing and Correcting Information: Contact Us

If you have questions, would like to correct your Personal Information, or want to opt-out of information sharing for affiliate marketing, send your requests to privacy@fnf.com, by phone to (888) 934-3354, or by mail to:

Fidelity National Financial, Inc.
601 Riverside Avenue,
Jacksonville, Florida 32204
Attn: Chief Privacy Officer



This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

CHICAGO TITLE 47250006722-42

RECORDING REQUESTED BY:



1433 SW 6th Avenue
Portland, OR 97201

AFTER RECORDING RETURN TO:

Order No.: 472520006722-MJM
Curt McLeod
2KRMT, INC.
1120 NW 12th Avenue
Canby, OR 97013

SEND TAX STATEMENTS TO:

2KRMT, INC.
1120 NW 12th Avenue
Canby, OR 97013

931 N Douglas Street, Canby, OR 97013

Clackamas County Official Records 2020-072211
Sherry Hall, County Clerk 09/02/2020 09:41:01 AM
D-D Cnt=1 Str=9 COUNTER1
\$10.00 \$16.00 \$10.00 \$62.00 \$98.00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Diana L Parsons and Stephen K Parsons, as tenants by the entirety,

Grantor, conveys and warrants to 2KRMT, INC., an Oregon Corporation,

Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Clackamas, State of Oregon:

Part of the East one-half of the Northeast one-quarter of Section 32, Township 3 South, Range 1 East of the Willamette Meridian, City of Canby, Clackamas County, Oregon, described as follows:

Beginning at a point 1320.00 feet West of the Northeast corner of the Wesley Joslyn Donation Land Claim; thence continue West 552.7 feet; thence South 778.3 feet to the true point of beginning, which is the Southwest corner of land conveyed to Earl Oliver and Sabina Oliver, his wife, by deed recorded September 26, 1947, in Book 397, Page 28, Deed Records; thence North 170.00 feet; thence East 235.00 feet; thence South 170.00 feet; thence West 235.00 feet to the true point of beginning.

ALSO a strip of land 15 feet in width along the entire South side of the remaining part of said Oliver land; running from the Southeast corner of the above described tract, East to a point 20 feet West of the East line of said Oliver land.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS SIX HUNDRED THOUSAND AND NO/100 DOLLARS (\$600,000.00). (See ORS 93.030).

Subject to:

Property taxes in an undetermined amount, which are a lien but not yet payable, including any assessments collected with taxes to be levied for the fiscal year 2020-2021.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

STATUTORY WARRANTY DEED

(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 8-31-20

Diana L. Parsons
Diana L Parsons

Stephen K Parsons
Stephen K Parsons

State of Oregon
County of Clatsop

This instrument was acknowledged before me on 8-31-2020 by Diana L Parsons and Stephen K Parsons.

[Signature]
Notary Public - State of Oregon

My Commission Expires: 3-8-22



~~30.00~~
30.00

171-442

BARGAIN AND SALE DEED

TIMES MIRROR LAND AND TIMBER COMPANY, an Oregon corporation, Grantor, conveys to NORTHWOOD INVESTMENTS, a general partnership consisting of RONALD G. TATONE, LYNN KADWELL, CURT McLEOD, FRED KAHUT and BRESKO, INC., an Oregon corporation, Grantee, the following described real property situated in Clackamas County, Oregon:

All that real property described in Exhibit "A" attached hereto and incorporated herein by this reference.

The true consideration for this conveyance stated in terms of dollars is \$427,230.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

DATED this 30th day of April 1990.

TIMES MIRROR LAND AND TIMBER COMPANY

By Raymond M. Lethy
Title: Vice President

[Acknowledgment Follows]

90 20689

Recorded by TICOR TITLE

STATE OF OREGON)
) ss.
County of Clackamas)

APRIL 30, 1990

Personally appeared Raymond M. Luthy who, being duly sworn, did say that he is the vice president of Times Mirror Land and Timber Company and that the foregoing instrument was signed on behalf of said corporation by authority of its board of directors and he acknowledged said instrument to be its voluntary act and deed.

Before me:



C. Leslie Wilkin
Notary Public for Oregon
My Commission Expires: 09/27/99

Until a change is requested, all tax statements shall be sent to the following address; after recording return to:

Curt McLeod
7460 S. W. Hunsiker Road
Portland, Oregon 97223

2

IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON

PARCEL I:

A tract of land situated in the Champing Pendleton D.L.C. No. 58, in Sections 28, 29, 32 and 33, Township 3 South, Range 1 East, of the W.M., described as follows:

Beginning at an iron pipe on the Southerly boundary of Territorial Road at the northeast corner of that tract of land conveyed to Earl Oliver and Sabina Oliver, husband and wife, by Deed recorded November 16, 1951, in Book 450, page 696, Deed Records, said iron pipe being North 8.47 chains, South 89° 29' West 16.35 chains and North 12° 00' West 9.036 chains, from the southeast corner of the Champing Pendleton D.L.C., in Township 3 South, Range 1 East, of the W.M.; thence South 78° 04' West along the southerly line of Territorial Road 187.57 feet to an iron pipe, said point being the northeast corner of a tract of land conveyed to Richard T. Mosier, et ux, by Warranty Deed recorded June 15, 1976, Fee No. 76 19823; thence South 12° 09' East 558.2 feet to the southeast corner of a tract described in Contract of Sale recorded February 28, 1975, Fee No. 75 5066; thence South 89° 29' East to the southeast corner of said Oliver tract; thence North 12° 09' West along the easterly line of said Oliver tract to the point of beginning.

PARCEL II:

Part of the southeast one-quarter of the northeast one-quarter of Section 32, Township 3 South, Range 1 East, of the W.M., described as follows:

Beginning at the southeast corner of a tract of land conveyed to John Mickelsen, et ux, by Warranty Deed recorded January 28, 1957, in Book 521, page 348, Deed Records, said point also being West 1320 feet and South 393.6 feet from the northeast corner of the Wesley Joslin D.L.C.; thence West 166.00 feet; thence North 100.00 feet; thence West 25.00 feet; thence South 100.00 feet; thence West 368.7 feet; thence South 214.7 feet to the northwest corner of a tract of land conveyed to Edward N. Cole, et ux, by Warranty Deed recorded April 24, 1956, in Book 510, page 19, Deed Records; thence East 235.00 feet to the most northerly northeast corner of said Cole tract; thence South 155.00 feet to an interior angle of said Cole tract; thence East to the most easterly northeast corner of said Cole tract; thence South 15 feet to the southerly line of a tract of land conveyed to Earl Oliver, et ux, by Warranty Deed recorded September 26, 1947, in Book 397, page 28, Deed Records; thence East along the south line of said Oliver tract 20 feet to the southeast corner thereof; thence North along the east line of said Oliver tract, 384.7 feet to the place of beginning.

191-442 Continued

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EXHIBIT A
PAGE 1

PARCEL III:

A tract of land lying in Section 32, Township 3 South, Range 1 East, more particularly described as follows:

Beginning at a point which bears West 1332 feet from the northeast corner of the Wesley Joslin D.L.C., said point being also the Northeast corner of that certain tract of land described in deed to John P. Tatone in Book 227, page 162; running thence South along the east line of said Section 32 a distance of 393.6 feet; thence West 166.00 feet; thence North 100.00 feet; thence West 25.00 feet; thence South 100.00 feet; thence West 368.7 feet; thence North 393.6 feet; thence East 559.7 feet to the place of beginning.

PARCEL IV:

A tract of land located in Section 33, Township 3 South, Range 1 East, of the W.M., described as follows:

Beginning at the northwest corner of Lot 2, Oliver Addition No. 4; thence South $00^{\circ} 18'$ East along the west line of said Lot 2, a distance of 88.18 feet to the southwest corner thereof; thence continuing South $00^{\circ} 18'$ East 60.00 feet to the northwest corner of Lot 3, Oliver Addition No. 4, said point also being the northeast corner of that tract of land conveyed to the Archdiocese of Portland in Oregon by Deed recorded May 4, 1953, in Book 468, page 504, Deed Records; thence West along the northerly line of said Archdiocese of Portland in Oregon tract and the westerly extension of the south line of Wait Avenue as it appears in the recorded plat of Canby Acres, 580.00 feet to the west line of that tract of land conveyed to Earl Oliver and Sabina Oliver by Deed recorded May 22, 1950, in Book 431, page 437, Deed Records; thence North along the west line of said Oliver tract, 140.00 feet, more or less, to the northwest corner thereof; thence East along the northerly line of said Oliver tract, 579.50 feet to the place of beginning.

PARCEL V:

Part of the southeast one-quarter of the northeast one-quarter of Section 32, Township 3 South, Range 1 East, of the W.M., described as follows:

Beginning at the northeast corner of Lot 6, Oliver Addition No. 6; thence North $89^{\circ} 39'$ East, 59.21 feet to the east line of a tract of land conveyed to Earl Oliver, et ux, by Warranty Deed recorded December 4, 1961, in Book 596, page 3, Deed Records; thence South $0^{\circ} 09'$ West along the east line of said Oliver tract to the north line of Lot 1, Block 3, Oliver Addition No. 8; thence West along the north line of said Lot 1 to the east line of Lot 6, Oliver Addition No. 5; thence North along the east line of Lots 6 and 7, Oliver Addition No. 5, to the northeast corner of said Lot 7; thence West along the north line of said Lot 7, a distance of 10 feet to the southeast corner of the plat of Oliver Addition No. 6; thence North along the east line of said Oliver Addition No. 6, a distance of 560.73 feet to the place of beginning.

191-442 Continued

EXHIBIT
PAGE

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PARCEL VI:

Beginning at the most easterly southeast corner of the Champing Pendleton D.L.C. No. 58, in Township 3 South, Range 1 East, of the W.M.; thence South 89° 39' West along the south boundary of said claim, 1332.55 feet to the southeast corner of that certain tract conveyed to John P. Tatone, et ux, by deed recorded April 25, 1935, in Book 227, page 162, Deed Records; thence North 559.02 feet to an iron pipe at the northeast corner of said Tatone tract; thence North 89° 39' East along the north boundary of the land conveyed to Arndt Boe by deed recorded in Book 102, page 116, Deed Records to a stone 20 x 6 x 4 inches marked "X" on top, set on the west boundary of the tract conveyed to J. Lee Eckerson by deed recorded January 19, 1921, in Book 161, page 387, Deed Records; thence South 5.05 chains to the southwest corner of the tract conveyed to Peter Kylio by deed recorded September 2, 1923, in Book 172, page 229, Deed Records; thence North 89° 39' East, 10.90 chains to the east boundary of claim; thence South along the east boundary 3.42 chains to the place of beginning.

ALSO beginning at the northeast corner of the Wesley Joslin D.L.C. in Section 33, Township 3 South, Range 1 East, of the W.M.; thence West 80 rods; thence South 20 rods; thence East 40 rods; thence North 310 feet; thence East 40 rods to the east line of said claim; thence North 20 feet to the place of beginning.

EXCEPT that portion lying east of the west line of Lot 6, Eastwood Annex No. 2 extended South.

ALSO EXCEPT those portions within the boundaries of Eastwood Estates, Eastwood Estates Annex No. 1 and Eastwood Estates Annex.

PARCEL VII:

Part of the Champing Pendleton D.L.C. No. 58, in Township 3 South, Range 1 East, of the W.M., described as follows:

Beginning at a point 8.47 chains North and 10.90 chains South 89° 29' West from the most easterly southeast corner of the Champing Pendleton D.L.C.; thence continuing South 89° 29' West, 5.45 chains to the southeast corner of that tract conveyed to Earl Oliver and wife by Deed recorded November 16, 1951 in Book 450, page 696, Deed Records; thence Northwesterly along the easterly line of said Oliver tract and an extension thereof, 9.03 chains to the center of the Territorial Road; thence North 79° 15' East along the center of said road, 7.52 chains to a point due North of the point of beginning; thence South 10.4 chains to the point of beginning.

EXCEPT the following described tract:

Part of the Champing Pendleton D.L.C. No. 58, Township 3 South, Range 1 East, of the W.M., in the City of Canby, described as follows:

191-442 Continued

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EXHIBIT
PAGE

A
3

Beginning at a point 8.47 chains North and 10.90 chains South 89° 29' West from the most easterly southeast corner of the Champing Pendleton D.L.C.; thence continuing South 89° 29' West 5.45 chains to the southeast corner of that tract conveyed to Earl Oliver and wife by Deed recorded November 16, 1951 in Book 450, page 696, Deed Records; thence Northwesterly along the course of the easterly line of said Oliver tract to a point which is 320 feet 6 inches Southeasterly from the northeasterly line of Territorial Road measured along said easterly course and which is the true point of beginning; thence continuing Northwesterly on said westerly course to the center of the Territorial Road; thence North 79° 15' East along the center of said road 140 feet; thence Southeasterly parallel with said westerly course to a point North 79° 15' East of the true point of beginning; thence South 79° 15' West to the true point of beginning.

STATE OF OREGON
 County of Clatsop
 I, John F. Kaufman, County Clerk for the County of Clatsop, do hereby certify that the instrument of writing was received for recording in the records of said county at

1950 MAY -7 AM 10:30



Witness my hand and seal of office
 John F. Kaufman
 Recording Officer
 Clatsop County, Oregon

90 20689

191-442

6

EXHIBIT PAGE 4



NORTHWOODS ANNEXATION

Traffic Impact Study

Canby, Oregon

Prepared By

CATRIONA SUMRAIN

TOM R. LANCASTER, PE, PTOE

April 2009



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EXECUTIVE SUMMARY

1. A site that is currently inside the city limits but outside the Urban Growth Boundary (UGB) is proposed for annexation into the UGB and also proposed as a zone change from the existing agricultural zoning to R-1 (Low-Density Residential). The site is located south of Territorial Road and east of Birch Street in the City of Canby and could be developed with up to 145 homes under the proposed zoning.
2. The trip generation calculations indicate that there could be an estimated total of 111 trips generated by the proposed zone change during the morning peak hour. Of these, 28 will be entering and 83 will be exiting the site. During the evening peak hour, there are 150 trips expected, with 96 entering and 54 exiting the site. A total of 1,460 weekday trips is expected, with half entering and half exiting.
3. The area surrounding the site is generally level. Provided there are no physical obstructions to the sight distance, such as landscaping or structures, sight distance should be adequate at all locations of potential accesses.
4. All of the study intersections are currently operating within acceptable City, County or ODOT standards and will continue to operate within acceptable standards with the proposed zone change.
5. With the future east-west street connections, it is estimated that about 7 trips during the morning peak hour and about 8 trips during the evening peak hour would divert from Holly Street to Birch Street. The greatest impact of the future street connections is on Knights Bridge Road, which is expected to have a decrease of about 31 trips during the morning peak hour and about 34 trips during the evening peak hour. These trips would divert to 10th Avenue and 12th Avenue and be in addition to the traffic volumes generated by development of the site.



INTRODUCTION

A site that is currently inside the city limits, but outside the Urban Growth Boundary (UGB) is proposed for annexation into the UGB and also proposed as a zone change from the existing agricultural zoning to R-1 (Low-Density Residential). The site is located south of Territorial Road and east of Birch Street in the City of Canby and could be developed with up to 145 homes under the proposed zoning.

The purpose of this study is to assess the traffic impact of the proposed development on the nearby street system and to recommend any required mitigative measures. The analysis will include level of service calculations and discussions of site access and connectivity.

Detailed information on level of service, traffic counts, trip generation calculations, and level of service calculations is included in the appendix to this report.



LOCATION DESCRIPTION

Several lots are proposed for annexation into the Urban Growth Boundary (UGB) in the City of Canby. The site is currently within the City of Canby's city limits, but is outside the UGB. The site is located south of Territorial Road and east of Birch Street. The site totals about 30.19 acres in size and there is a concurrent zone change proposed from the existing agricultural zoning to R-1 (Low-Density Residential). The site could be developed with up to 145 single-family homes under the proposed zoning. An area map showing the site location is on page eight, and a vicinity map showing the existing lane configurations at the study area intersections is shown on page nine.

With development of the site, it is possible that several internal streets would connect areas east of the site to areas west of the site. In particular, 10th Avenue and 12th Avenue would likely be connected, which would then possibly change the Average Daily Traffic (ADT) volumes on Holly Street and Birch Street. This change in ADT is discussed in further detail in the Connectivity Section of this report.

The intersections that were analyzed for this annexation were Holly Street at Territorial Road, Birch Street at Knights Bridge Road, Grant Street at Knights Bridge Road and Grant Street at 1st Avenue (Highway 99E).

Highway 99E is known as Pacific Highway East and is under the jurisdiction of the Oregon Department of Transportation (ODOT). It is classified in the 1999 Oregon Highway Plan as a Regional Highway. Within the Canby city limits, it is known as First Avenue and is classified by the City as an Arterial. It is also classified by Clackamas County as a Major Arterial. It is a five-lane road with two travel lanes in each direction and a center turn lane, which becomes a left-turn lane at intersections. The posted speed is 55 mph outside the city limits, becoming 45 mph at the eastern city limits and 35 mph between Redwood Street and the western city limits.

Territorial Road between Holly Street and Highway 99E is under the jurisdiction of Clackamas County and is classified by the County as a Minor Arterial. It is classified by the City of Canby as an Arterial east of Holly Street and a Neighborhood Connector between Holly Street and Birch Street. It is a two-lane road of about 20-foot width near Birch Street and 26-foot width near Highway 99E and between about 38 feet and 44 feet elsewhere. There are curbs, sidewalks and generally bike lanes and room for on-street parking near recently developed properties. There are generally no curbs or sidewalks elsewhere along Territorial Road.



The posted speed is 25 mph between Birch Street and Holly Street near the site frontage, 35 mph between Holly Street and about midway between Pine Street and Redwood Street and 45 mph from about midway between Pine Street and Redwood Street to the highway. There is no posted speed west of Birch Street or east of Highway 99E. In the vicinity of the site, Territorial Road generally marks the City of Canby's city limits.

The City of Canby's Transportation System Plan (TSP) specifies Territorial Road between Holly Street and Highway 99E to be widened to a three-lane section with a center turn lane, bike lanes and sidewalks. The TSP also specifies a traffic signal installation at the intersection of Territorial Road and Highway 99E in the 20-Year Long Range Transportation Plan, which has been listed in ODOT's Draft Statewide Transportation Improvement Program (STIP) as ready for construction in the year 2006.

Holly Street north of Territorial Road is under the jurisdiction of Clackamas County. It is classified by the County as a Minor Arterial north of Territorial Road and a Major Arterial south of Territorial Road. It is also classified by the City of Canby as an Arterial north of Territorial Road and a Collector south of Territorial Road. It is a two-lane road in the vicinity of the site of about 24 to 30-foot width. It has a posted speed of 45 mph north of Territorial Road and 25 mph south of Territorial Road. There are no curbs or sidewalks north of Territorial Road. South of Territorial Road, there are curbs and sidewalks on the west side of the road, curbs on the east side of the road near Territorial Road and no curbs or sidewalks elsewhere on the east side of the road near the site. Clackamas County, in the City's TSP, specifies Holly Street between Territorial Road and the Canby Ferry is to be widened to two travel lanes with bike lanes in the Five Year Capital Improvement Program (CIP). The intersection of Territorial Road at Holly Street is a standard four-legged intersection with STOP signs on all approaches. All approaches are single-lane.

Grant Street is under the jurisdiction of the City of Canby and is classified by the City as a Collector. It is generally a two-lane road of about 48-foot width with an assumed speed of 25 mph, except between 5th Avenue and 6th Avenue, which is a posted 20-mph school zone. There are generally curbs, gutters, sidewalks and on-street parking on both sides of the road. South of Knights Bridge Road, there are also bike lanes on both sides of the road.

Knights Bridge Road is under the jurisdiction of Clackamas County and is classified by the County as a Major Arterial. It is also classified by the City of Canby as an Arterial. It is a two-lane road of about 40-foot width within the city limits. The posted speed is 25 mph within the city limits. There are curbs, gutters and on-street parking, but no sidewalks on both sides of the road within the city limits. Knights Bridge Road is used as a route between Canby and Portland. The intersection of Grant Street and Knights Bridge Road is a standard four-legged intersection that is controlled by STOP signs on all street approaches. All approaches are single-lane.



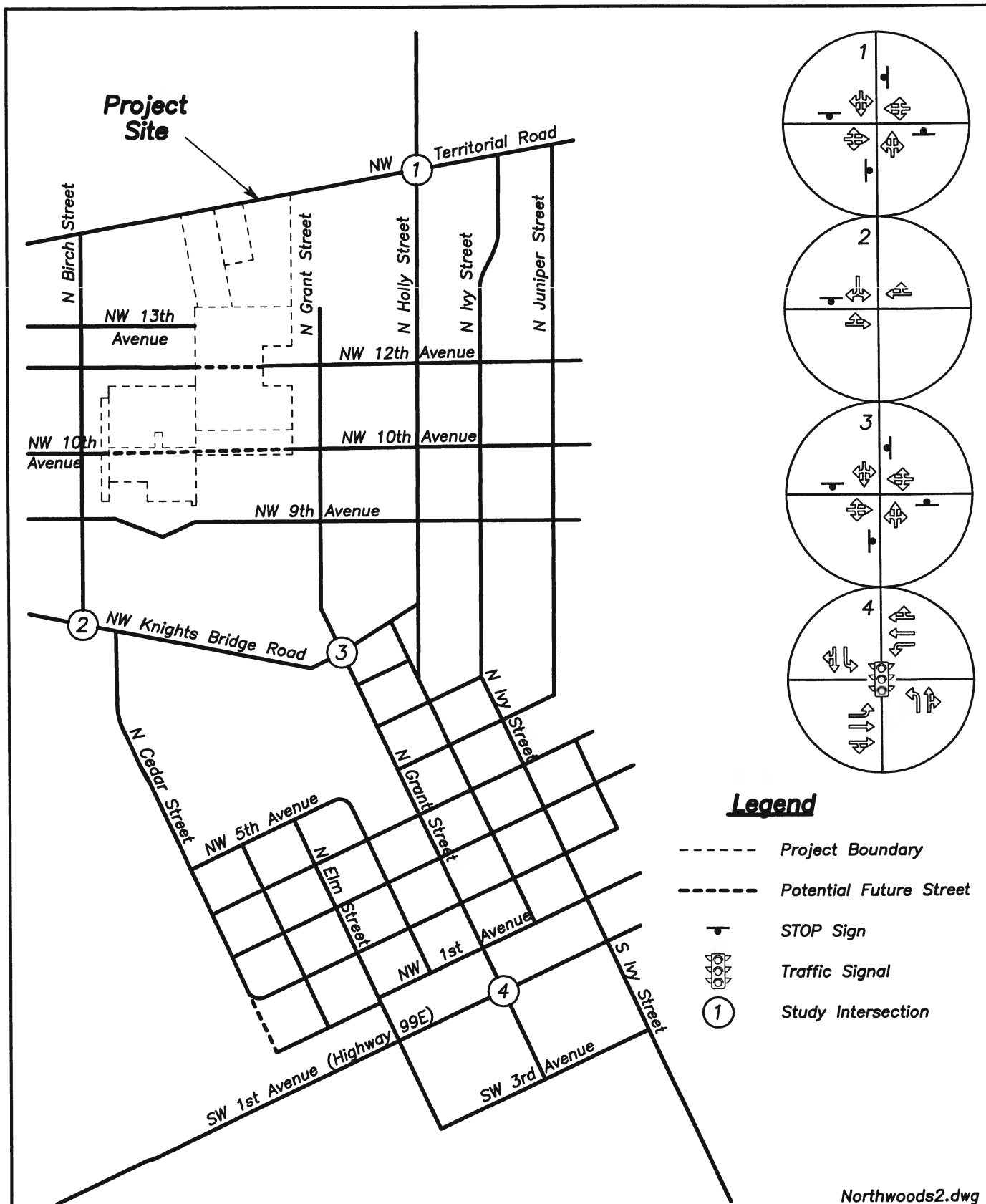
Birch Street is under the jurisdiction of the City of Canby and is classified by the City as a Neighborhood Connector. It is a two-lane street with a posted speed of 25 mph and a road width of about 40 feet. There are curbs, gutters, sidewalks and on-street parking on both sides of the road. The intersection of Birch Street and Knights Bridge Road forms a standard three-legged intersection with a STOP sign on the Birch Street approach. All approaches are single-lane.

The intersection of Grant Street at 1st Avenue/ Highway 99E is a skewed four-legged intersection that is controlled by an eight-phase traffic signal. There are left-turn lanes and protected left-turn phasing on all approaches. The traffic signal is interconnected with the traffic signals at Ivy Street and Elm Street. There is a railroad right-of-way that crosses the north leg of Grant Street.

The area surrounding the site is predominantly residential in character with two churches located near the site. Most of the nearby residential area appears to be low-density residential with single-family homes on large lots.

There is public transit service near the site. The Canby Area Transit (The CAT) Route 3, North Canby, runs near the site on 9th Avenue and Holly Street with service every 60 minutes from about 7:00 AM to 7:00 PM. On Saturdays, service is every 60 minutes from about 11:00 AM to about 6:00 PM.

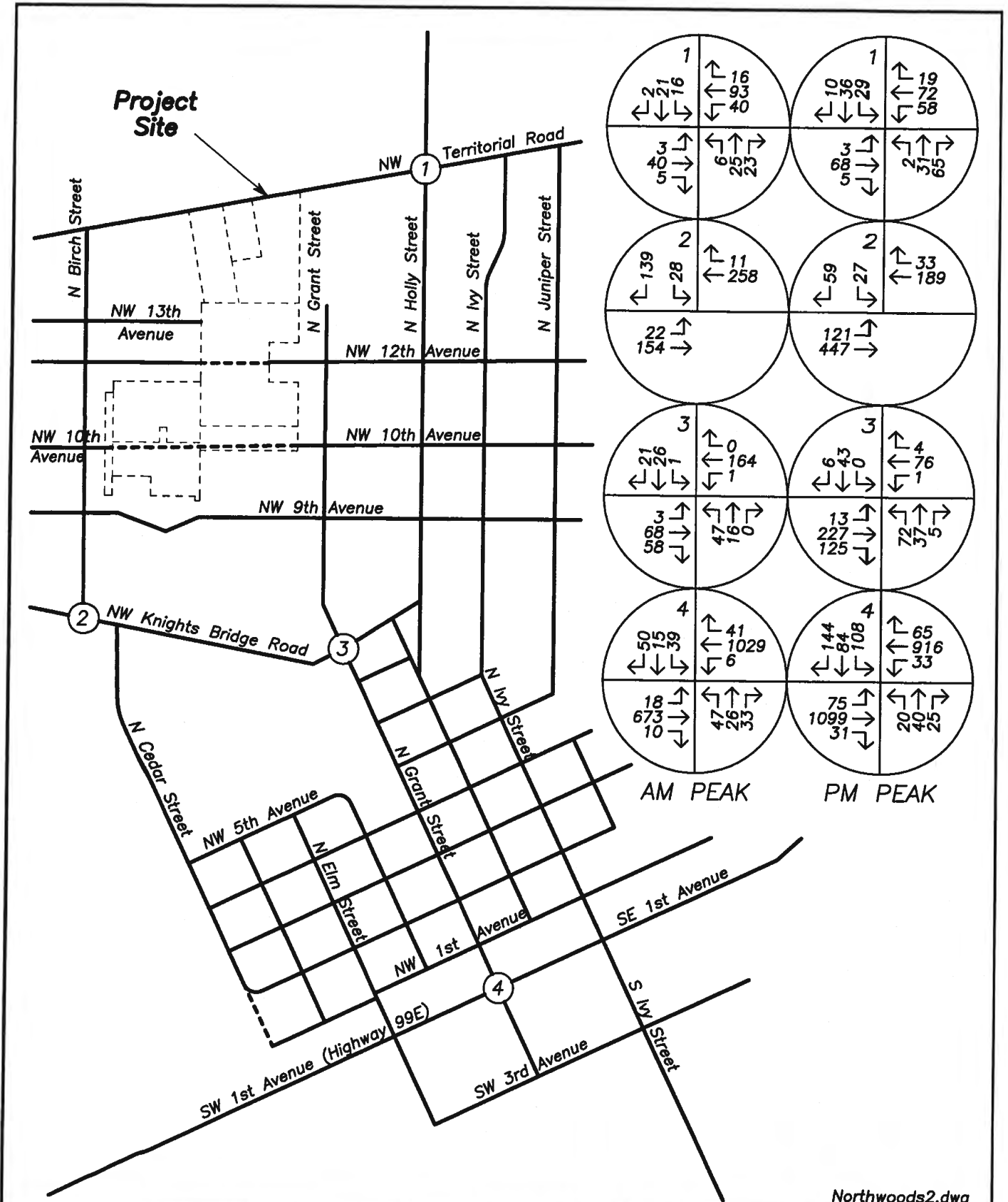
Manual turning movement counts were made at the intersections of Holly Street at Territorial Road and Birch Street at Knights Bridge Road during October 2002 and at the intersections of Grant Street at Knights Bridge Road and Grant Street at 1st Avenue/ Highway 99E during March 2003 from 7:00 to 9:00 AM and 4:00 to 6:00 PM. The peak hours typically occur from about 7:10 to 8:10 AM and from about 4:35 to 5:35 PM. The traffic volumes for the morning and evening peak hours are shown in the traffic flow diagram on page ten.



VICINITY MAP
Existing Lane Configurations
& Traffic Control Devices



FIGURE
1
PAGE
8



Northwoods2.dwg

TRAFFIC VOLUMES
Existing Conditions
AM & PM Peak Hours



FIGURE
2
PAGE
9



TRIP GENERATION

To estimate the number of trips that will be generated by the proposed annexation and zone change, trip equations from *Trip Generation*, Sixth Edition, published by the Institute of Transportation Engineers (ITE), were used. The trip equations used were for land-use code 210, *Single-Family Detached Housing*. The trip generation equations are based on the number of dwelling units and were calculated for a maximum of 145 dwelling units.

The site is also proposed for a zone change with the annexation. The existing zoning is agricultural, which is considered to generate a negligible number of trips. Typically the net increase in site trips from a worst-case development under the existing zoning to the worst-case development under the proposed zoning is compared for a zone change. However, since the number of trips under the existing agricultural zoning is considered zero, the net increase in site trips is then equal to the number of trips that would be generated under the proposed residential zoning.

The trip generation calculations indicate that there will be an estimated total of 111 trips generated by the proposed zone change during the morning peak hour. Of these, 28 will be entering and 83 will be exiting the site. During the evening peak hour, there are 150 trips expected, with 96 entering and 54 exiting the site. A total of 1,460 weekday trips is expected, with half entering and half exiting.

Because a residential development is typically an origin or destination for trips, no reduction was taken for pass-by trips. Also, although there is transit service near the site, for a conservative analysis no reduction was made for transit use.

A summary of the trip generation calculations for the annexation and zone change is shown in the following table. Detailed trip generation calculations are included in the appendix to this report.



TRIP GENERATION SUMMARY

Northwoods UGB Annexation

	Entering <u>Trips</u>	Exiting <u>Trips</u>	Total <u>Trips</u>
<i>Proposed Zoning (145 homes)</i>			
AM Peak Hour	28	83	111
PM Peak Hour	96	54	150
Weekday	730	730	1,460

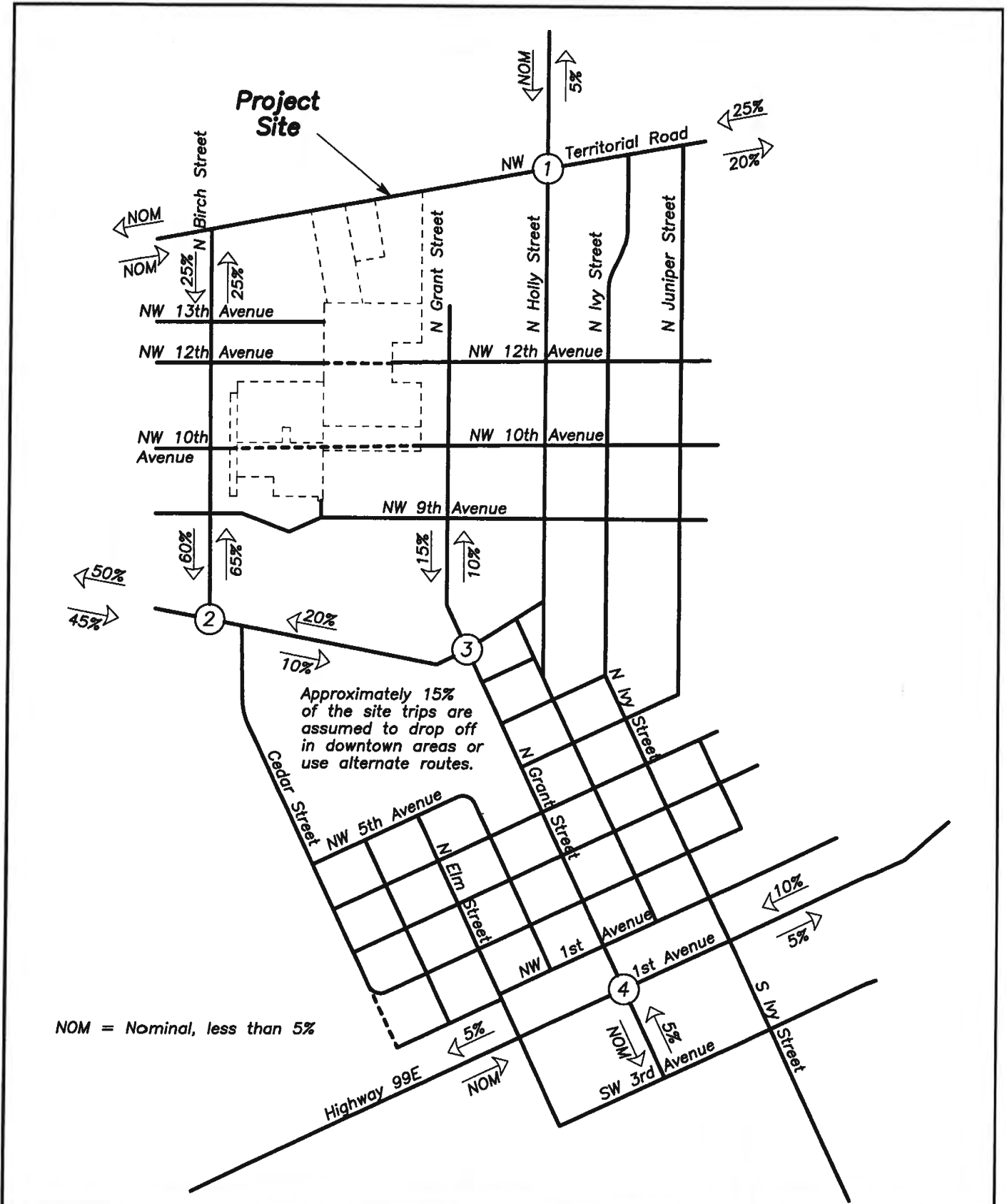


TRIP DISTRIBUTION

Since the proposed land use is residential and is located amongst other residential land uses, it is expected that the trip distribution patterns would be similar to the existing patterns. For this reason, the existing traffic volumes at the nearby study area intersections were used to determine the distributional patterns of the proposed development. In addition the locations of the schools and shopping areas in Canby, and routes to Portland were considered in the distribution.

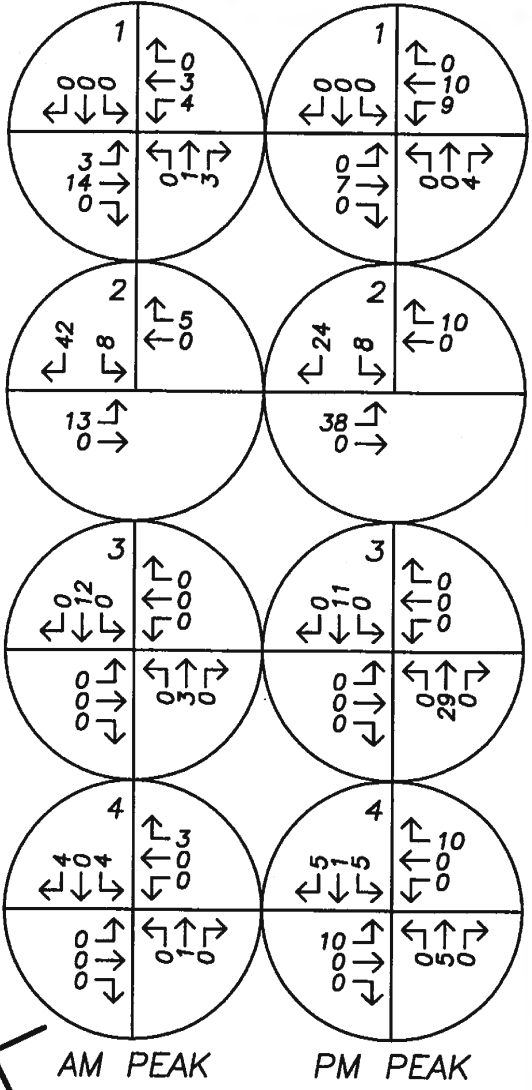
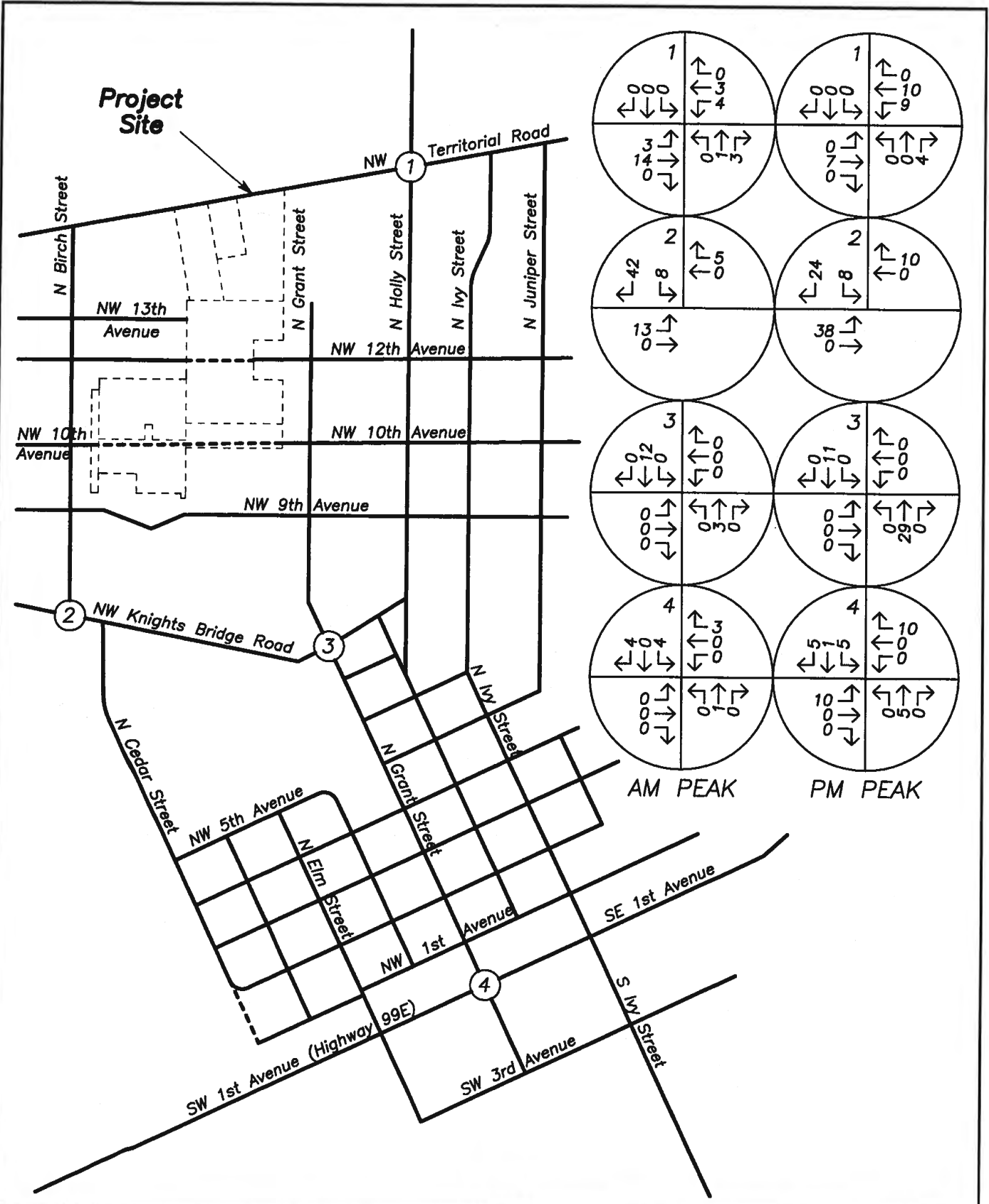
With any development of the site, it is likely that several nearby streets would become connected. In particular, 10th Avenue and 12th Avenue are likely to become through streets. It was assumed that both streets were through streets for the directional distribution of the site trips. It was also assumed that there would be two connections to Territorial Road through the site and two street connections to 9th Avenue at the south of the site.

The diagrams on pages 14 and 15 show the distribution of the site trips from the proposed zone change during the morning and evening peak hours. The traffic flow diagram on page 16 shows the assignment of the site trips to the roadway network during the morning and evening peak hours.



1e SITE TRIP DISTRIBUTION
Inbound & Outbound Percentages
AM Peak Hour





1e

SITE-GENERATED TRAFFIC
Proposed Development Plan
AM & PM Peak Hours



FIGURE
5
PAGE
16



OPERATIONAL ANALYSIS

Background Traffic

Several specific developments have been identified near the site that will contribute to the traffic volumes at the study area intersections. While some of these developments have not yet been approved by the voters, they have been approved by the City Commission and are likely to be approved and developed in the near future. For a worst-case scenario, it was assumed that the developments would contribute to the background traffic. The Dodds property annexation and two other properties are pending approval. They were included as part of the background traffic. The Marnella and Netter subdivision and the Meadows assisted-living facility have been approved but are not yet fully occupied.

The trips for the Dodds property annexation, the Marnella and Netter subdivision and the Meadows were taken from the traffic studies prepared by Lancaster Engineering. There was no traffic study prepared for the two unnamed properties pending approval and trips from these developments were estimated based on the number of units that could be developed.

While these developments are a good representation of growth in the area of the site, they do not completely account for growth on Highway 99E. Therefore a growth rate of 3 percent per year was applied to the traffic volumes on the highway. This growth rate was derived from historical traffic count data printed in the Transportation Volume Tables, published each year by ODOT.

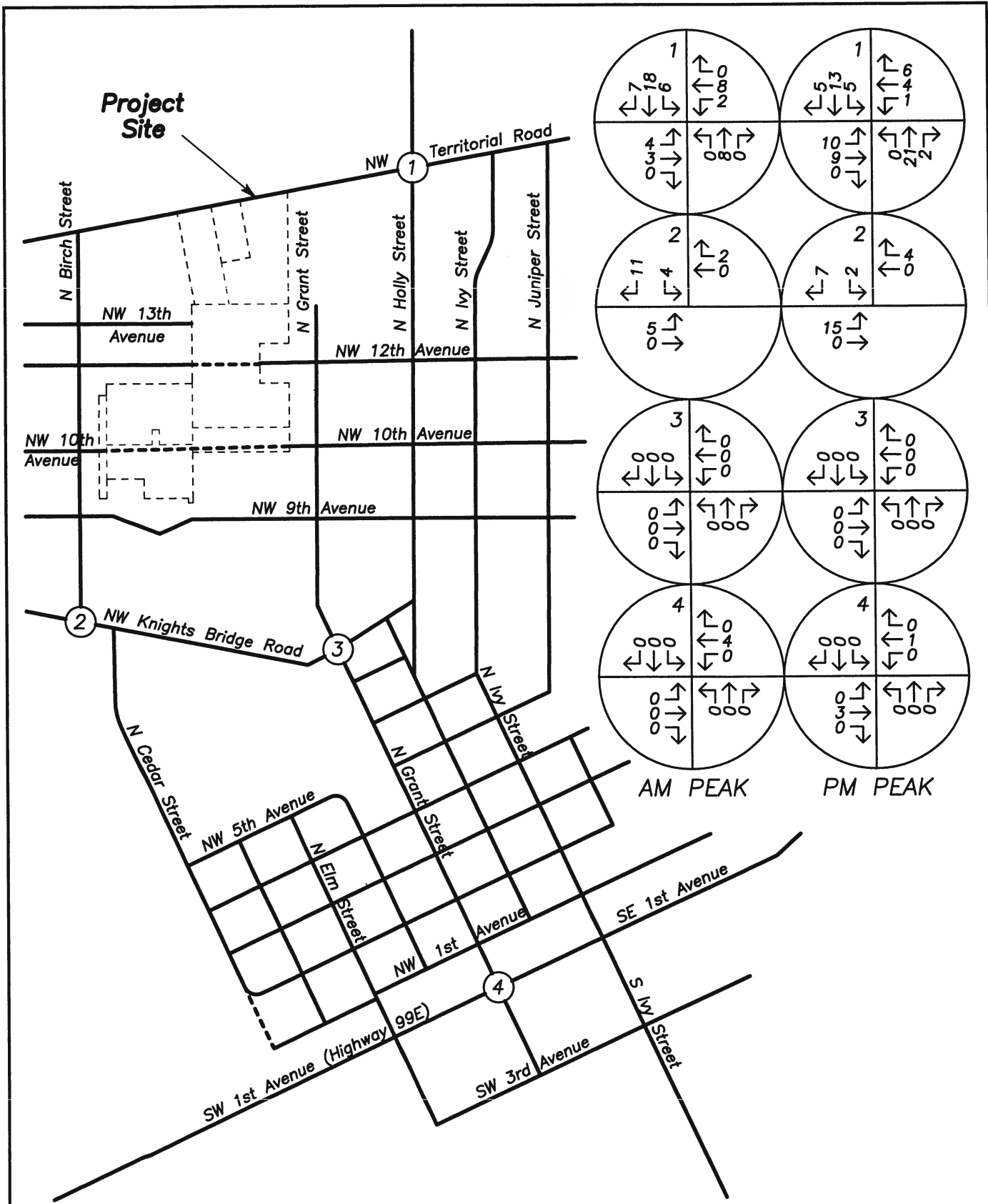
It was expected that the site could be annexed and developed in four years and the growth rate was applied over a period of four years.

There are some new street connections that were assumed with development of the site. These new streets will allow traffic from the east and west areas of the site to divert from Birch Street to Holly Street (and vice versa) through the new street connections. These diverted traffic volumes were added to the traffic volumes for the background plus site trips conditions and are discussed in more detail in the Connectivity Section of this report.

A traffic flow diagram showing the other development trips during the morning and evening peak hours is shown on page 19. The background traffic volumes are comprised of the existing traffic with the growth rate applied and the other development trips added. A traffic flow diagram showing the background traffic during the morning and evening peak hours is



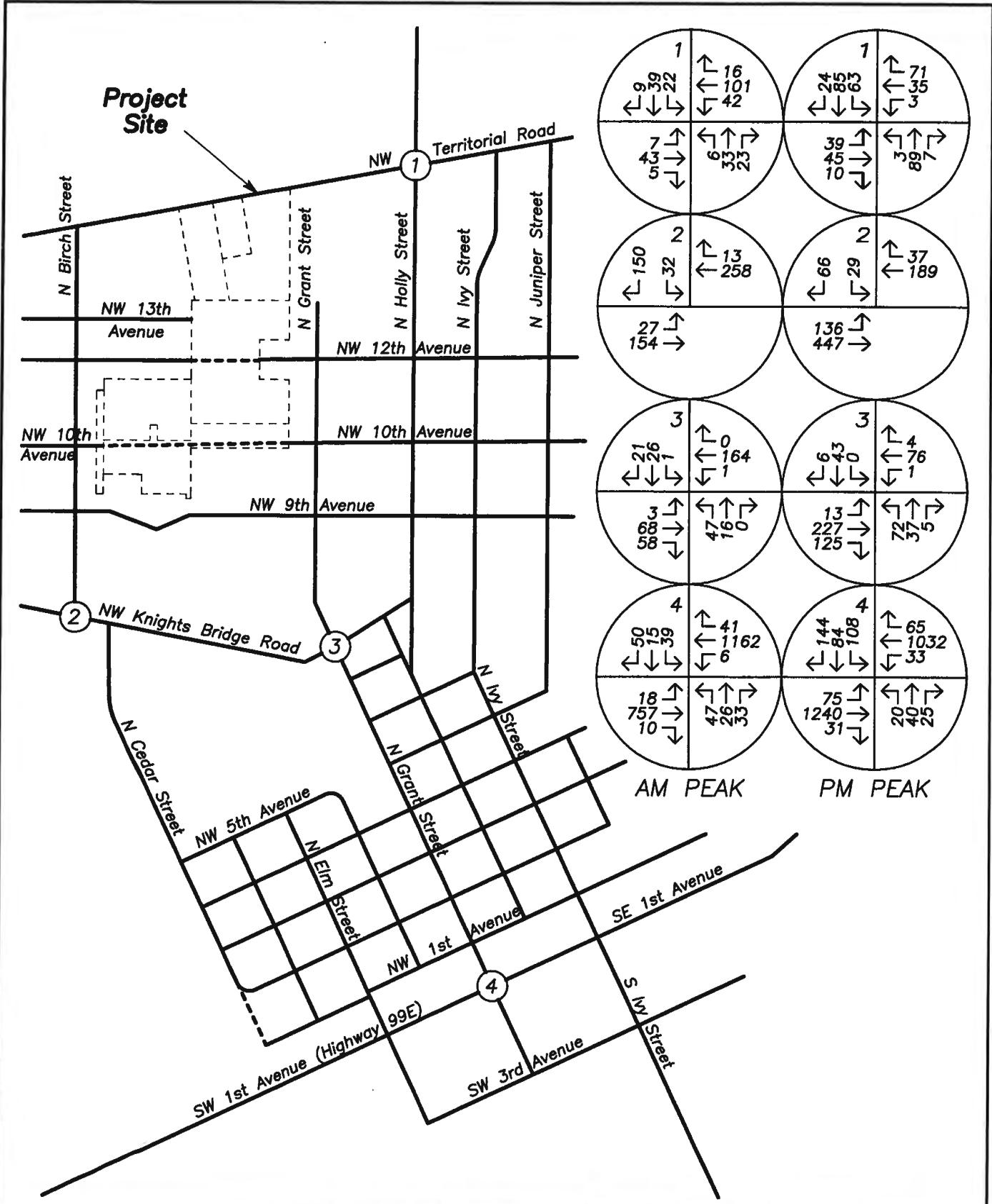
given on page 20. A traffic flow diagram showing the background traffic with the site trips added is given on page 21.



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IN-PROCESS TRAFFIC VOLUMES
 Site Trips from Other Developments
 AM & PM Peak Hours



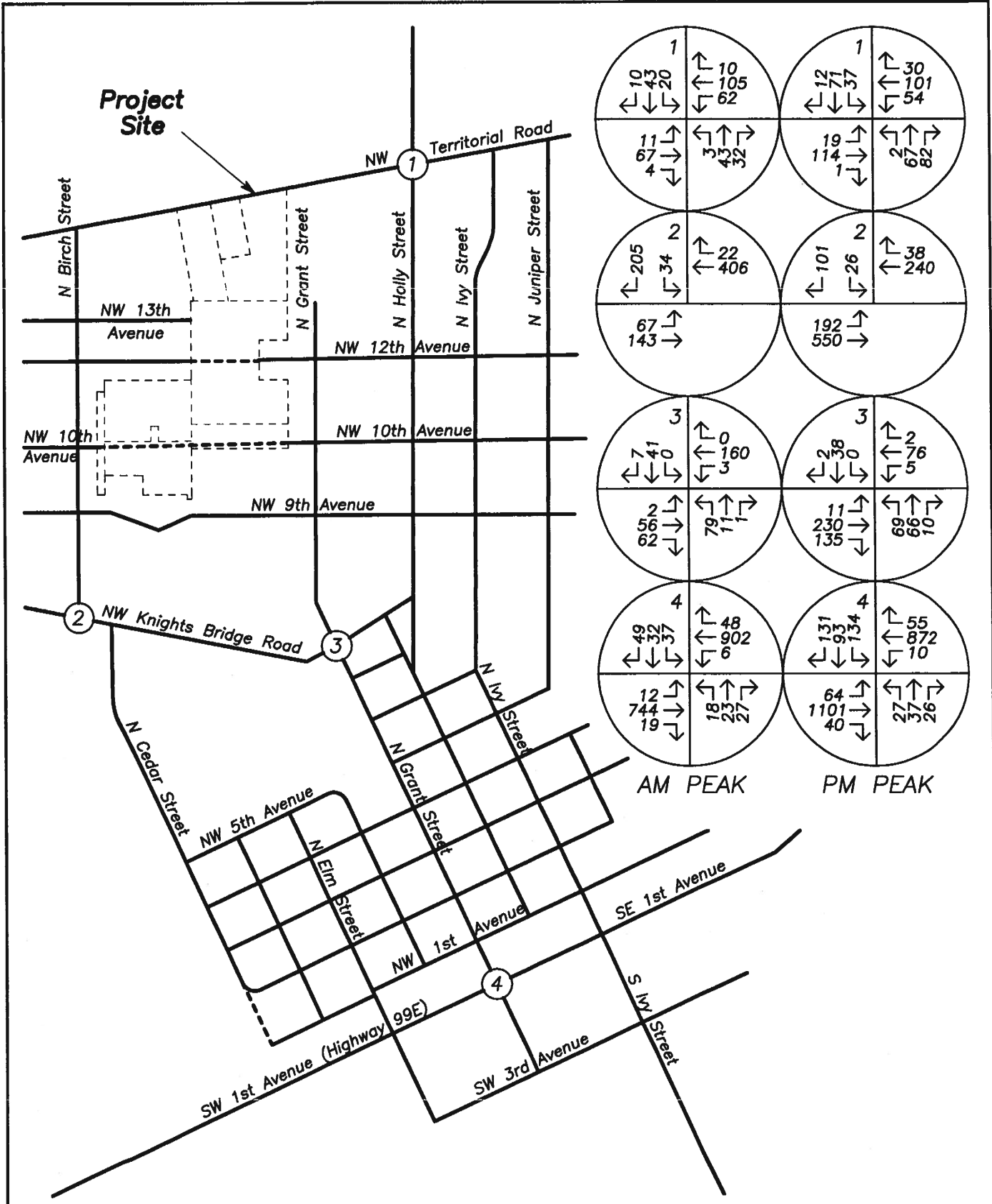


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TRAFFIC VOLUMES
Background Conditions
AM & PM Peak Hours



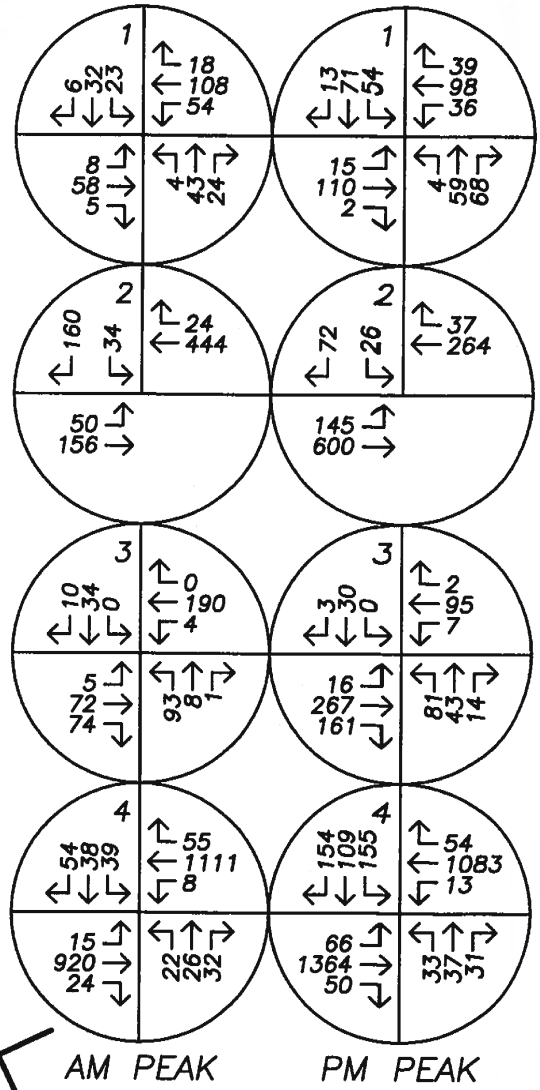
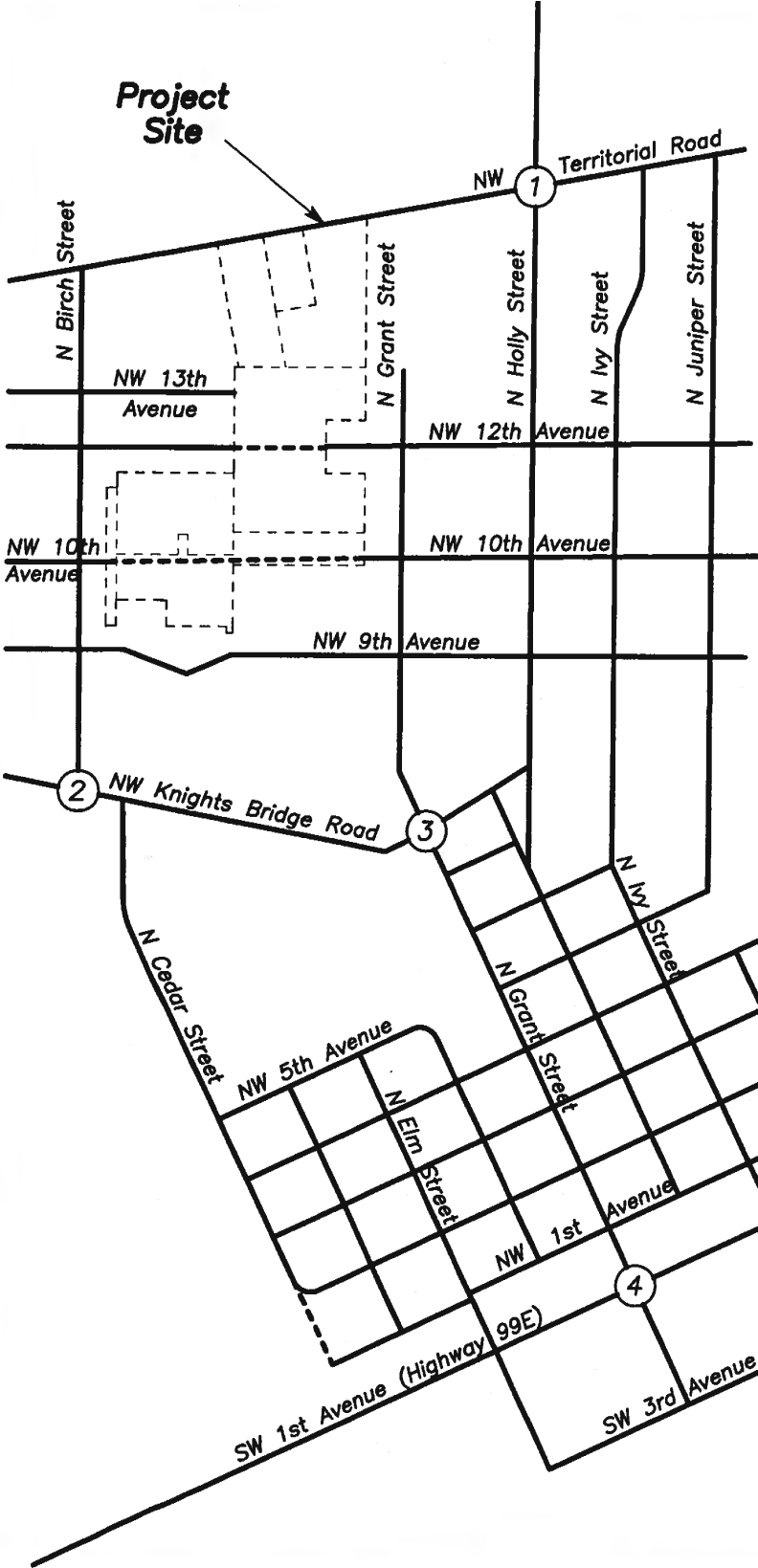
FIGURE
7
PAGE
20



TRAFFIC VOLUMES
 Background plus Site Trips Conditions
 AM & PM Peak Hours



Project Site



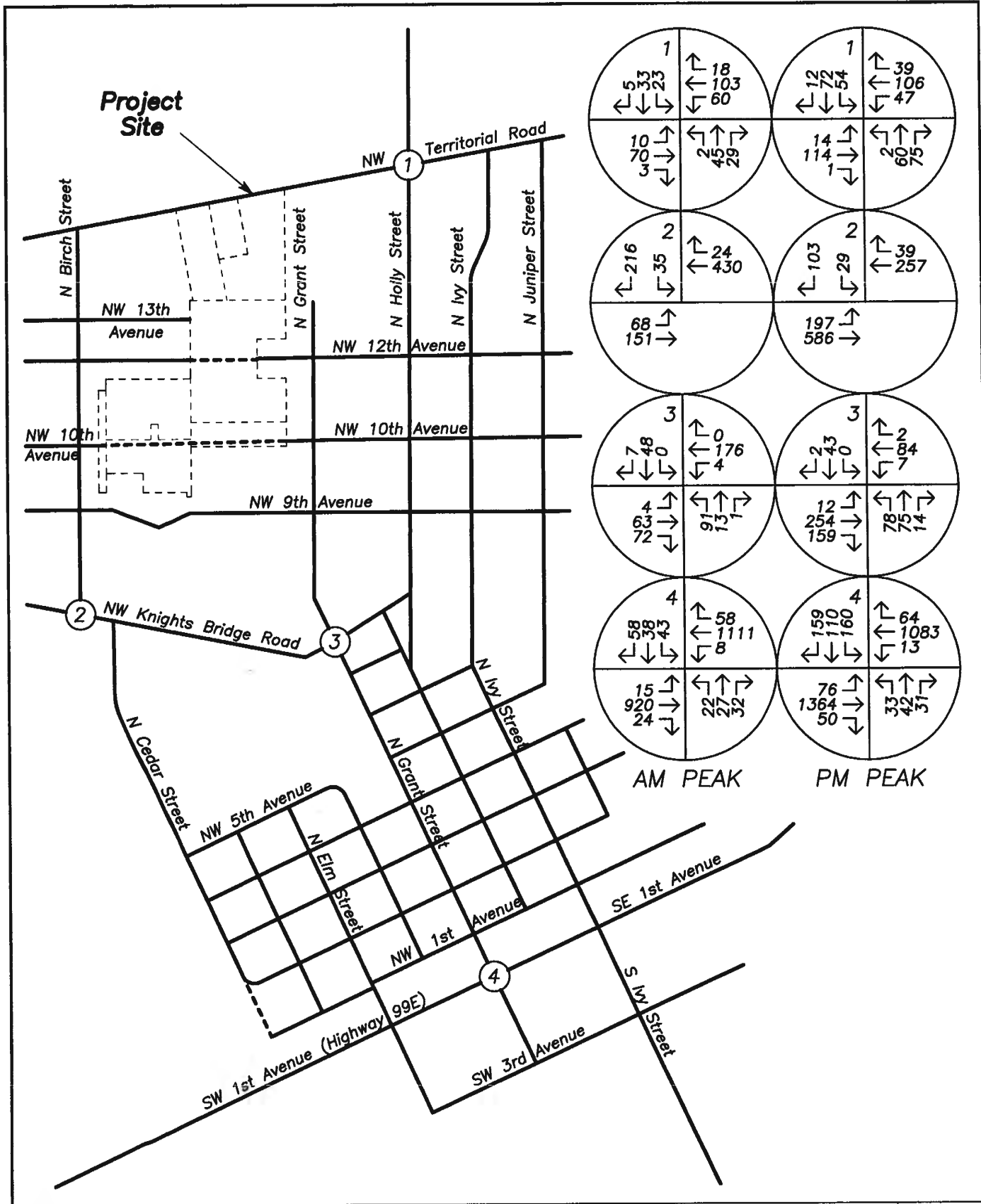
AM PEAK

PM PEAK

Le

TRAFFIC VOLUMES
 Year 2018 Conditions (Existing Zoning)
 AM & PM Peak Hours





Le

TRAFFIC VOLUMES
 Year 2018 Conditions (Proposed Zoning)
 AM & PM Peak Hours



FIGURE
 10
PAGE
 24



Sight Distance

The area surrounding the site is generally level. Provided there are no physical obstructions to the sight distance, such as landscaping or structures, sight distance should be adequate at all locations of potential accesses.

Capacity Analysis

To determine the level of service at the study area intersections, a capacity analysis was conducted. The level of service can range from A, which indicates very little or no delay, to level F, which indicates a high degree of congestion and delay. The analysis was made for the morning and evening peak hours for the following scenarios:

1. Existing conditions
2. Background conditions
3. Background plus site trips
4. Year 2018 projected conditions
5. Year 2018 projections plus net increase in site trips (which is the same as the site trips from the proposed zoning)

The study area intersections were analyzed using the signalized and unsignalized intersection analysis methods in the *HIGHWAY CAPACITY MANUAL (HCM)*, published in 2000 by the Transportation Research Board.

The intersections along Highway 99E are under ODOT jurisdiction. ODOT standards are based on a volume-to-capacity ratio (v/c) instead of average vehicle delay and level of service. The volume-to-capacity ratio compares the potential capacity of an intersection to the actual travel volumes to determine available capacity. For the intersection of Highway 99E and Grant Street, the maximum allowable v/c ratio for an Urban Regional Highway is 0.80. The remaining study intersections are under City of Canby or Clackamas County jurisdiction and were analyzed with respect to delay and level of service.

The unsignalized intersection of Holly Street and Territorial Road is presently operating at level of service **A** during both the morning and evening peak hours. These levels of service refer to the westbound traffic movement, which is the movement that experiences the longest delay. For year 2006 background traffic, the level of service is not expected to change during the morning peak hour, however it is between **A** and **B** during the evening peak hour. With full development of the site, the level of service becomes **B** during the evening peak hour, al-



though the delay is only slightly increased. By the year 2018, the level of service is expected to be **A** during the morning peak hour and between **A** and **B** during the evening peak hour. Full development under the proposed zoning does not change the operation of the intersection during the morning peak hour, but becomes **B** during the evening peak hour.

The unsignalized intersection of Birch Street and Knights Bridge Road is currently functioning at level of service **C** during the morning peak hour and **B** during the evening peak hour. These levels of service refer to the southbound traffic movements, which experience the longest delay. The delay is higher during the morning peak hour due to significantly higher southbound traffic volumes. By the year 2006, the level of service becomes **C** during both the morning and evening peak hours. Full development of the site under the proposed zoning would change the level of service during the morning peak hour to **D**, although the evening peak hour remains the same. By the year 2018, the level of service is expected to be **C** during both the morning and evening peak hours. With full development of the site under the proposed zoning, the level of service becomes **D** during the morning peak hour, although the evening peak hour remains **C**.

The unsignalized intersection of Grant Street and Knights Bridge Road is presently functioning at level of service **A** during the morning peak hour and **B** during the evening peak hour. The level of service does not change for any conditions examined under either the existing or proposed zonings.

The signalized intersection of Highway 99E (1st Avenue) and Grant Street is currently operating at level of service **B** during the morning peak hour and **C** during the evening peak hour. The intersection is also operating well within ODOT's v/c ratio standards. The intersection will continue to operate at **B** during the morning peak hour and **C** during the evening peak hour and within ODOT's v/c ratio standards for all conditions examined under both the existing and proposed zoning scenarios.

The results of the capacity analysis, along with the Levels of Service (LOS) and delay are shown in the following table. Tables showing the relationships between delay and level of service are included in the appendix to this report.



LEVEL OF SERVICE SUMMARY

Northwoods Annexation

	AM Peak Hour			PM Peak Hour		
	<u>LOS</u>	<u>Delay</u>	<u>v/c ratio</u>	<u>LOS</u>	<u>Delay</u>	<u>v/c ratio</u>
<i>Holly Street @ Territorial Road</i>						
Existing	A	9	--	A	9	--
Background	A	9	--	A/B	10	--
Background + Site	A	9	--	B	10	--
2018 Projections	A	9	--	A/B	10	--
2018 + Site	A	9	--	B	10	--
<i>Birch Street @ Knights Bridge Road</i>						
Existing	C	18	--	B	15	--
Background	C	21	--	C	16	--
Background + Site	D	26	--	C	18	--
2018 Projections	C	24	--	C	18	--
2018 + Site	D	31	--	C	20	--
<i>Grant Street @ Knights Bridge Road</i>						
Existing	A	9	--	B	11	--
Background	A	9	--	B	11	--
Background + Site	A	9	--	B	11	--
2018 Projections	A	9	--	B	12	--
2018 + Site	A	9	--	B	12	--
<i>Grant Street @ Highway 99E*</i>						
Existing	B	12	0.45	C	21	0.57
Background	B	12	0.47	C	21	0.59
Background + Site	B	12	0.48	C	21	0.60
2018 Projections	B	13	0.58	C	24	0.73
2018 + Site	B	13	0.58	C	24	0.74

LOS = Level of Service

Delay = Average Delay per Vehicle in Seconds

v/c ratio = Volume-to-Capacity ratio

* signalized intersection



Connectivity

With development of the site, several street connections are expected. It was assumed that the east and west sections of 10th Avenue, 12th Avenue and 13th Avenue would be connected. In particular, it was assumed that 10th Avenue would be built to Neighborhood Connector standards or higher and thus drivers would be more likely to use 10th Avenue rather than 9th Avenue, 12th Avenue or 13th Avenue for east-west routes. It was also assumed that there would be some north-south road connections between 9th Avenue and Territorial Road through the site and that Grant Street would be extended to Territorial Road.

This connectivity in the area would change traffic volumes on the nearby street system. Traffic from residential areas near Birch Street traveling to and from the east currently access Birch Street, but would be able to access Grant Street or Holly Street through the site, which would then decrease traffic volumes on Birch Street and increase volumes on Grant Street and Holly Street. In addition, traffic from residential areas near Grant Street and Holly Street that travels to and from the west would be able to access Birch Street via 10th Avenue or 12th Avenue, which would decrease traffic volumes on Grant Street and Holly Street and increase traffic volumes on Birch Street.

To determine the net increase or decrease of the traffic volumes on the nearby roadways, an analysis of the traffic movements that would be affected by the new street connections was made. It was assumed that drivers would be more likely to take routes that avoided stops and delays. A portion (generally one-quarter) of the existing traffic volumes for the intersection movements affected by the future street connections was diverted based on the most likely routes a driver would take. The net change in Average Daily Traffic (ADT) volumes was calculated based on the assumption that the ADT volumes are ten times the evening peak hour volumes.

Because most of the affected movements have a low traffic volume, the net impact of the new street connections is generally low. There are several existing north-south streets in the vicinity of the site, with few east-west streets. However, the majority of the traffic on the nearby roads runs in a generally east-west direction. It can be expected then that it is the future east-west streets rather than the future north-south streets that would have the most significant change. Therefore the greatest impact of the connectivity would be expected on the east-west streets rather than on the north-south streets.

With the new street connections, about 7 vehicles during the morning peak hour could be expected to divert from Holly Street to Birch Street. During the evening peak hour, about 8 vehicles could be expected to divert from Holly Street to Birch Street. The greatest impact of



the connectivity would be on Knights Bridge Road, which could be expected to have a net decrease in traffic of about 31 vehicles during the morning peak hour and about 34 vehicles during the evening peak hour for a total decrease in ADT of about 340 vehicles per day during an average weekday. These net impacts generally represent about 5 percent of the existing traffic volumes on the various roads in the vicinity of the site.

It should be noted that the net decrease of about 440 vehicles from the major east-west roads would be distributed to the new east-west street connections. Assuming 10th Avenue, 12th Avenue and 13th Avenue are the only east-west street connections to be constructed with development of the site and assuming 10th Avenue takes the majority of the total volume since it is likely to be constructed to Neighborhood Connector or higher standards, approximately 265 additional vehicles per day could be expected on 10th Avenue and approximately 175 vehicles per day could be expected on 12th Avenue beyond the traffic volumes produced by development of the site. It was not expected that the connection of 13th Avenue would significantly change the traffic volumes expected on this street with development of the area.

The results of the connectivity analysis showing the net increase or decrease in traffic volumes is given in the table below.

CONNECTIVITY ANALYSIS SUMMARY			
Northwoods UGB Annexation			
	<u>AM Peak</u>	<u>PM Peak</u>	<u>ADT</u>
<i>Birch Street (near Knights Bridge Road)</i>	7	8	80
<i>Grant Street (north of Knights Bridge Road)</i>	0	0	0
<i>Holly Street (north of Knights Bridge Road)</i>	-7	-8	-80
<i>Holly Street (south of Territorial Road)</i>	2	4	40
<i>Knights Bridge Road (east of Birch Street)</i>	-31	-34	-340
<i>Territorial Road (west of Holly Street)</i>	-10	-10	-100

A traffic flow diagram showing the diverted traffic volumes during the morning and evening peak hours at the nearby intersections is given on page 30.



Diverted Traffic Volumes (divert)

Attachment C

TECHNICAL MEMORANDUM

DATE: April 6, 2021

TO: Brianna Addotta, City of Canby

FROM: Kevin Chewuk and Kamilah Buker | DKS Associates

SUBJECT: Canby Northwoods Estate Phase 4 Subdivision
Transportation Study

#11010-121

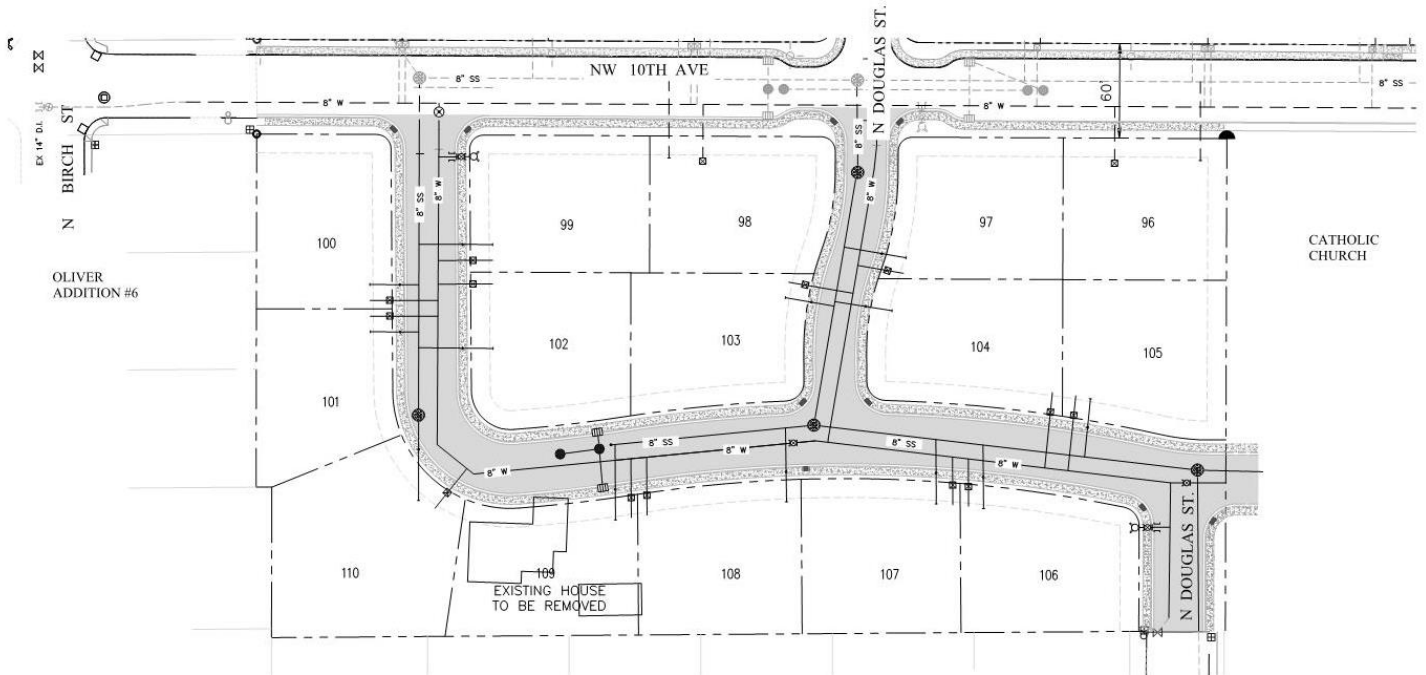
This memorandum summarizes the transportation impacts associated with the proposed Canby Northwoods Estate Phase 4 Subdivision. The proposed development will not result in a significant increase of additional trips (i.e., the site is expected to generate 25 or fewer trips during the AM and/or PM peak hours and fewer than 400 daily trips), so this analysis is consistent with the City Transportation Analysis Letter (TAL) requirements as documented in the project scoping memorandum¹.

PROJECT DESCRIPTION

The proposed project is located on NW 10th Avenue in Canby, Oregon. The 4.45-acre site is proposed to be developed into 15 residential lots, consistent with the low density residential (R-1) zoning designation. The site plan can be seen in Figure 1.

¹ Scope of Work – Northwood Estates Phase 4 Subdivision, March 19, 2021.

FIGURE 1: SITE PLAN



SITE ACCESS

Access to the development is proposed via two connections to NW 10th Avenue, which is classified as a neighborhood route and is under City Jurisdiction. One of the proposed accesses is directly across from the existing N Douglas Street and the second is located approximately 210 feet to the west of N Douglas Street. A third access is proposed to connect to the existing intersection of N Douglas Street and NW 9th Avenue. The minimum spacing between accesses on a neighborhood route is 75 feet.² The proposed connections to NW 10th Avenue would be approximately 210 feet apart and greater than 200 feet east and west of the nearest intersections, complying with the spacing standard.

SIGHT DISTANCE REVIEW

The sight triangle at intersections should be clear of objects (large signs, landscaping, parked cars, etc.) that could potentially limit vehicle sight distance. In addition, all proposed accesses should meet AASHTO sight distance requirements as measured from 15 feet back from the edge of pavement³.

² Canby Transportation System Plan, DKS Associates, December 2010.

³ AASHTO – *Geometric Design of Highways and Streets*, 6th edition, 2011.

The proposed accesses along NW 10th Avenue would require a minimum of 280 feet of sight distance based on an assumed 25-mph design speed. Preliminary sight distance evaluation from the accesses indicate that the proposed connections would be expected to provide adequate sight distance looking both to the east and west.

Prior to occupancy, sight distance at all access points will need to be verified, documented, and stamped by a registered professional Civil or Traffic Engineer licensed in the State of Oregon.

INTERNAL SIGHT CIRCULATION

The proposed site plan (shown earlier in Figure 1) shows two connections to NW 10th Avenue. These roadways will provide access to single-family unit lots. The proposed roadway will provide adequate circulation to the surrounding existing roadway network, and internally within the site.

The proposed site will provide sidewalks improvements along the frontage of NW 10th Street, and all internal streets will include sidewalks on both sides. Bicyclists will share the roadways with motor vehicles along the internal local streets. The proposed internal pedestrian and bicycle facilities are consistent with the City of Canby standards and are adequate for the site.

TRIP GENERATION

The amount of new vehicle trips generated by the proposed land use was estimated using the trip generation estimates based on ITE Code 210 (Single-Family Detached Housing) using the latest version of the ITE Trip Generation Manual (10th Edition). Trip generation estimates for the proposed development are provided for daily, morning, and evening peak hours, and are summarized in Table 1. The estimated trip generation of the proposed project would not result in an increase in site trip generation significant enough to warrant an on off-site impact evaluation.

TABLE 1: TRIP GENERATION FOR THE PROPOSED PROJECT

LAND USE (SIZE)	AM PEAK			PM PEAK			DAILY TRIPS
	IN	OUT	TOTAL	IN	OUT	TOTAL	
SINGLE-FAMILY DETACHED HOUSING - ITE CODE 210	3	8	11	9	6	15	142

TRIP DISTRIBUTION

The estimated site generated traffic for the proposed project was distributed and assigned to the existing or proposed arterial and collector roadway network during the AM and PM peak hours. A summary of the project trips added to intersections is shown in Table 2.

TABLE 2: PROJECT TRIPS

INTERSECTION	MOVEMENT											
	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
AM PEAK HOUR												
NW 10 TH AVE / N BIRCH ST	0	0	2	1	0	0	0	0	0	5	0	1
NW 10 TH AVE / N GRANT ST	0	0	0	0	0	0	0	1	1	0	0	0
NW TERRITORIAL RD / N HOLLY ST	0	0	1	0	0	0	0	1	0	0	1	0
OR 99E / GRANT ST	0	0	0	1	0	1	0	0	0	0	0	0
OR 99E / IVY ST	0	0	0	0	0	0	0	1	0	0	0	0
PM PEAK HOUR												
NW 10 TH AVE / N BIRCH ST	0	0	5	1	0	0	0	0	0	3	0	1
NW 10 TH AVE / N GRANT ST	2	0	0	0	0	0	0	1	0	0	1	1
NW TERRITORIAL RD / N HOLLY ST	0	0	1	0	0	0	0	1	0	1	1	0
OR 99E / GRANT ST	0	1	0	1	0	1	1	0	0	0	0	1
OR 99E / IVY ST	0	0	0	0	0	0	0	1	0	0	1	0

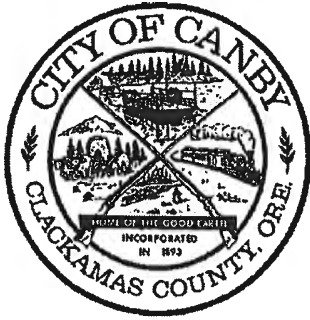
FINDINGS

The proposed site is estimated to generate an additional 11 trips in the morning peak period, 15 trips in the evening peak period and 142 daily trips. The proposed site will provide frontage improvements along NW 10th Avenue consistent with **the city’s cross-section** requirements for standard neighborhood routes, and all internal streets will include sidewalks on both sides and be constructed according to the city’s local street cross-section requirements. These streets will safely accommodate additional vehicle, pedestrian and bicycle trips.

Access spacing standards are met for the new private access. Preliminary sight distance evaluation indicated that adequate sight lines will be provided for the proposed roadway access. However, prior to occupancy, sight distance at any existing access points will need to be verified, documented, and stamped by a registered professional Civil or Traffic Engineer licensed in the State of Oregon.

If you have any questions, please feel free to call or email.

Attachment D



City of Canby

DEVELOPMENT SERVICES

January 14, 2020

Sent Via Email

Hassan Ibrahim hai@curran-mcleod.com

Curran-McLeod, Inc.
c/o Hassan A. Ibrahim, P.E.
6655 SW Hampton St, Suite 210
Portland, OR 97223

RE: Approval of Request from Northwood Investment Partnership to Extend Northwood Estates (SUB 05-12) Phase 4

Dear Hassan,

At their regular meeting on January 13, 2020, the Canby Planning Commission approved a one-year extension of the following documents associated with the Northwood Estates Subdivision:

- Northwood Estates Development Agreement, dated January 11, 2007 recorded between the City of Canby and Northwood Investment Partnership (Clackamas County Record No. 2007-007387).
- "Northwood Estates, Canby, OR Conceptual Development Plan," dated December 29, 2005.

The extension will now expire on February 24, 2021. Please notify the City prior to this expiration date if you wish to have the approval of the above documents considered for extension an additional year or if you have any questions concerning this matter.

Sincerely,

Bryan Brown
Planning Director

cc: File SUB 05-12

**NORTHWOOD ESTATES
DEVELOPMENT AGREEMENT**

Clackamas County Official Records
Sherry Hall, County Clerk

2007-007387

After recording return to:

Northwood Investments,
Attn: Mr. Ron Tatone, Partner
1127 NW 12th Avenue
Canby, OR 97013



\$76.00

01065045200700073870110113

01/26/2007 03:38:12 PM

D-DEVA Cnt=1 Stn=2 TIFFANYCLA
\$55.00 \$11.00 \$10.00

Witness my hand and seal of County
affixed.

Name Title

By: _____ Deputy.

THIS AGREEMENT is made as of the 11 day of Jan, 2007, by and between the City of Canby, Oregon, with a mailing address of 182 North Holly Street, Canby, Oregon 97013, (the "City") and Northwood Investment Partnership together with Archie & Lois McLeod (the "Applicant"). NOW THEREFORE, the parties agree as follows:

I. AFFECTED PROPERTY

This Agreement shall be recorded upon the deed of that tract of land conveyed in 1990 to Northwood Investments, a general partnership consisting of Ronald G. Tatone, Lynn Kadwell, Curt McLeod, Fred Kahut and Bresco, Inc. as recorded in Deed Number 90-20689, Clackamas County Records and attached herein as Exhibit "A"; and additionally that tract of land conveyed to 2KRMT, INC. as recorded in Deed Number 2006-070258, Clackamas County Records and attached herein as Exhibit "B".

II. MASTER PLAN

The design of Phase 1 and all future phases of the Northwood Estates master plan is binding as submitted by the Applicant (Exhibit 1) in all details except as modified by the City as noted in the Findings of Fact and Conclusions of Law for City file SUB 05-12 (Exhibit 3). No modifications to this approved plan may be made except as approved by the City. The Agreement shall be considered valid for a period of one-thousand-ninety-five (1095) days to commence upon the date of recordation. If this Agreement expires prior to the City approval of the subdivision application for any particular phase, the Applicant shall be required to apply for master plan approval prior to the approval of any remaining phases. Agreement may be extended and/or modified only upon approval by the City. Each extension request may be granted for a period of three-hundred-sixty-five (365) days beyond the expiration date; upon approval by the City. This Agreement shall not conflict with the current Canby Municipal Code, Comprehensive Plan, or any other relevant laws and/or regulations in effect at the time of development.

subject to the same limitations of infill lots per the CMC. Private water lines (for irrigation) will not be allowed to be constructed within any public right-of-way except for street crossings provided the lines will be enclosed within casings; such crossings shall be subject to review and approval by the City.

Phase II:

Phase II shall include the dedication of Tract B (1.12 acres of gross area resulting in a net 0.85 acres of park land) to be donated to the City at the time of the signing of the final subdivision plat. The subdivision application for Phase II shall require a traffic study that shall address, at a minimum, the design of the proposed boulevard as it may relate to any vehicle conflicts particularly at the southern terminus. Lots 42, 59, 60, and 74 shall be subject to the same limitations of infill lots per the CMC.

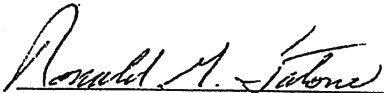
Phase III:

The subdivision application for Phase III shall require a traffic study that shall address, at a minimum, internal circulation. The traffic study for Phase III may be combined with a traffic study for either Phase II or Phase IV. Lots 75, 87, 88, 89, 90, 91, 92, 93, and 94 shall be limited to one story (22 feet) in height.

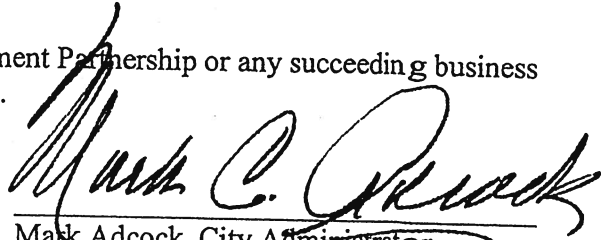
Phase IV:

The subdivision application for Phase IV shall require a traffic study that shall address, at a minimum, internal circulation and future external street connections.

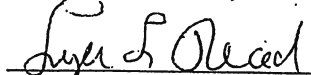
This agreement shall be binding upon the Northwood Investment Partnership or any succeeding business entity created for the development of the subject tract of land.



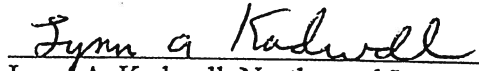
Ronald G. Tatone, Northwood Investments



Mark Adcock, City Administrator



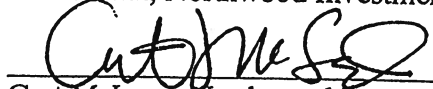
Lyle L. Read, President Bresco Inc,



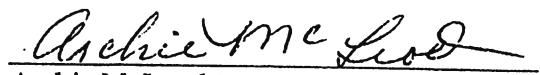
Lynn A. Kadwell, Northwood Investment



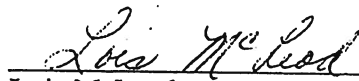
Fred Kahut, Northwood Investments



Curt McLeod, Northwood Investments



Archie McLeod



Lois McLeod

State of Oregon, County of Clackamas:

Personally appeared the above named Fred Kahut before me on Jan 11, 200 7 and acknowledged the foregoing instrument to be (HIS)(HER)(THEIR) voluntary act and deed.

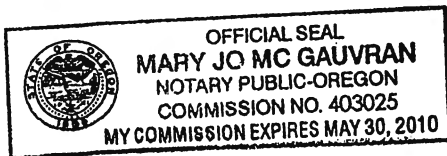


Before Me: [Signature]
Notary Public for Oregon

My Commission Expires: 5-30-10

State of Oregon, County of Clackamas:

Personally appeared the above named Curt McLeod before me on Jan 11, 200 7 and acknowledged the foregoing instrument to be (HIS)(HER)(THEIR) voluntary act and deed.

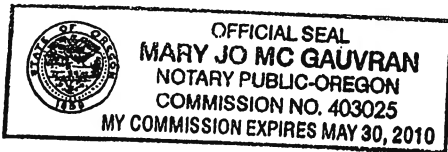


Before Me: [Signature]
Notary Public for Oregon

My Commission Expires: 5-30-10

State of Oregon, County of Clackamas:

Personally appeared the above named Archie McLeod before me on Jan 19, 200 7 and acknowledged the foregoing instrument to be (HIS)(HER)(THEIR) voluntary act and deed.

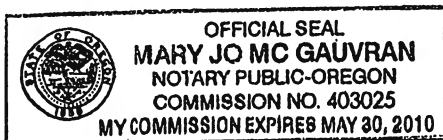


Before Me: [Signature]
Notary Public for Oregon

My Commission Expires: 5-30-10

State of Oregon, County of Clackamas:

Personally appeared the above named Lois McLeod before me on Jan 11, 200 7 and acknowledged the foregoing instrument to be (HIS)(HER)(THEIR) voluntary act and deed.



Before Me: [Signature]
Notary Public for Oregon

My Commission Expires: 5-30-10

NORTHWOOD INVESTMENTS LEGAL DESCRIPTION
FEE NUMBER 90-20689
CLACKAMAS COUNTY, OREGON

IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON

PARCEL I:

A tract of land situated in the Champing Pendleton D.L.C. No. 58, in Sections 28, 29, 32 and 33, Township 3 South, Range 1 East, of the W.M., described as follows:

Beginning at an iron pipe on the Southerly boundary of Territorial Road at the northeast corner of that tract of land conveyed to Earl Oliver and Sabina Oliver, husband and wife, by Deed recorded November 16, 1951, in Book 450, page 696, Deed Records, said iron pipe being North 8.47 chains, South 89° 29' West 16.35 chains and North 12° 00' West 9.036 chains, from the southeast corner of the Champing Pendleton D.L.C., in Township 3 South, Range 1 East, of the W.M.; thence South 78° 04' West along the southerly line of Territorial Road 187.57 feet to an iron pipe, said point being the northeast corner of a tract of land conveyed to Richard T. Mosier, et ux, by Warranty Deed recorded June 15, 1976, Fee No. 76 19823; thence South 12° 09' East 558.2 feet to the southeast corner of a tract described in Contract of Sale recorded February 28, 1975, Fee No. 75 5066; thence South 89° 29' East to the southeast corner of said Oliver tract; thence North 12° 09' West along the easterly line of said Oliver tract to the point of beginning.

PARCEL II:

Part of the southeast one-quarter of the northeast one-quarter of Section 32, Township 3 South, Range 1 East, of the W.M., described as follows:

Beginning at the southeast corner of a tract of land conveyed to John Mickelsen, et ux, by Warranty Deed recorded January 28, 1957, in Book 521, page 348, Deed Records, said point also being West 1320 feet and South 393.6 feet from the northeast corner of the Wesley Joslin D.L.C.; thence West 166.00 feet; thence North 100.00 feet; thence West 25.00 feet; thence South 100.00 feet; thence West 368.7 feet; thence South 214.7 feet to the northwest corner of a tract of land conveyed to Edward N. Cole, et ux, by Warranty Deed recorded April 24, 1956, in Book 510, page 19, Deed Records; thence East 235.00 feet to the most northerly northeast corner of said Cole tract; thence South 155.00 feet to an interior angle of said Cole tract; thence East to the most easterly northeast corner of said Cole tract; thence South 15 feet to the southerly line of a tract of land conveyed to Earl Oliver, et ux, by Warranty Deed recorded September 26, 1947, in Book 397, page 28, Deed Records; thence East along the south line of said Oliver tract 20 feet to the southeast corner thereof; thence North along the east line of said Oliver tract, 384.7 feet to the place of beginning.

PARCEL VI:

Beginning at the most easterly southeast corner of the Champing Pendleton D.L.C. No. 58, in Township 3 South, Range 1 East, of the W.M.; thence South $89^{\circ} 39'$ West along the south boundary of said claim, 1332.55 feet to the southeast corner of that certain tract conveyed to John P. Tatone, et ux, by deed recorded April 25, 1935, in Book 227, page 162, Deed Records; thence North 559.02 feet to an iron pipe at the northeast corner of said Tatone tract; thence North $89^{\circ} 39'$ East along the north boundary of the land conveyed to Arndt Boe by deed recorded in Book 102, page 116, Deed Records to a stone 20 x 6 x 4 inches marked "X" on top, set on the west boundary of the tract conveyed to J. Lee Eckerson by deed recorded January 19, 1921, in Book 161, page 387, Deed Records; thence South 5.05 chains to the southwest corner of the tract conveyed to Peter Kyllö by deed recorded September 2, 1923, in Book 172, page 229, Deed Records; thence North $89^{\circ} 39'$ East, 10.90 chains to the east boundary of claim; thence South along the east boundary 3.42 chains to the place of beginning.

ALSO beginning at the northeast corner of the Wesley Joslin D.L.C. in Section 33, Township 3 South, Range 1 East, of the W.M.; thence West 80 rods; thence South 20 rods; thence East 40 rods; thence North 310 feet; thence East 40 rods to the east line of said claim; thence North 20 feet to the place of beginning.

EXCEPT that portion lying east of the west line of Lot 6, Eastwood Annex No. 2 extended South.

ALSO EXCEPT those portions within the boundaries of Eastwood Estates, Eastwood Estates Annex No. 1 and Eastwood Estates Annex.

PARCEL VII:

Part of the Champing Pendleton D.L.C. No. 58, in Township 3 South, Range 1 East, of the W.M., described as follows:

Beginning at a point 8.47 chains North and 10.90 chains South $89^{\circ} 29'$ West from the most easterly southeast corner of the Champing Pendleton D.L.C.; thence continuing South $89^{\circ} 29'$ West, 5.45 chains to the southeast corner of that tract conveyed to Earl Oliver and wife by Deed recorded November 16, 1951 in Book 450, page 696, Deed Records; thence Northwesterly along the easterly line of said Oliver tract and an extension thereof, 9.03 chains to the center of the Territorial Road; thence North $79^{\circ} 15'$ East along the center of said road, 7.52 chains to a point due North of the point of beginning; thence South 10.4 chains to the point of beginning.

EXCEPT the following described tract:

Part of the Champing Pendleton D.L.C. No. 58, Township 3 South, Range 1 East, of the W.M., in the City of Canby, described as follows:

**2KRMT, INC. LEGAL DESCRIPTION
FEE NUMBER 2006-070258
CLACKAMAS COUNTY, OREGON**

LEGAL DESCRIPTION

Part of the Champing Pendleton Donation Land Claim No. 58, Township 3 South, Range 1 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at a point 8.47 chains North and 10.90 chains South $89^{\circ}29'$ West from the most Easterly Southeast corner of said Pendleton Donation Land Claim; thence continuing South $89^{\circ}29'$ West 5.45 chains to the Southeast corner of that tract conveyed to Earl Oliver, et ux, by Deed recorded November 16, 1951, in Book 450, Page 696, Clackamas County Deed Records; thence Northwesterly along the Easterly line of said Oliver Tract to a point which is 320 feet 6 inches Southeasterly from the Northeasterly line of Territorial Road, when measured along said Easterly line and the true point of beginning; thence continuing Northwesterly on said Easterly line to the center of the Territorial Road; thence North $79^{\circ}15'$ East along the center of said road, 140 feet; thence Southeasterly, parallel with said Easterly line to a point North $79^{\circ}15'$ East of the true point of beginning; thence South $79^{\circ}15'$ West to the true point of beginning.

11

ATTACHMENT E
PUBLIC COMMENTS

Laney Fouse

From: Sara Sloss <ses324@hotmail.com>
Sent: Friday, April 9, 2021 3:58 PM
To: PublicComments
Subject: SUB 21-01 Northwood Estates Subdivision Phase 4

Follow Up Flag: Follow up
Flag Status: Flagged

Citizen Name: Sara Sloss
Email: ses324@hotmail.com
Address: 820 N Birch St. Canby, OR 97013
Phone# 503-705-4991
Date: 4/9/2021

Hello! Thank you for the opportunity to comment on Northwood Estates Subdivision Phase 4. My family moved to the address above in August of 2017. My comment is in regards to concerns I have from increased traffic on North Birch St with the addition of 15 single family lots. As you know, North Birch St. is a high traffic residential street, being that it connects Knightsbridge to Territorial. North Birch St has 4-5 speed bumps between Territorial & 9th, but no speed bumps between Knightsbridge & 9th. I am not sure why a speed bump wasn't put in along this stretch of Birch St., as I did not live in Canby at the time that these were put in. We already have issues with cars driving too fast as they turn onto N. Birch St. from Knightsbridge, and with the addition of 15 single family lots, my concern is that the increased traffic will only make this worse. There are several families with small children that live along this stretch of North Birch St. I would like to see some sort of traffic safety improvement along this stretch of North Birch Street before these single family lots are developed and sold, whether that is additional speed bumps or stop signs or something else to slow cars down.

Thank you for your consideration.

Sincerely,
Sara Sloss

Laney Fouse

From: Tom Parker <rt3601999@live.com>
Sent: Saturday, April 10, 2021 7:47 PM
To: PublicComments
Subject: Northwood Estates Subdivision Phase 4, SUB 21-01 Comments

Follow Up Flag: Follow up
Flag Status: Flagged

Sent from Mail for Windows 10
Thomas Parker
685 NW 9th AVE
Canby, OR 97013

I am writing to voice my concern about Northwood Estates Subdivision Phase 4, SUB 21-01

With the addition of this subdivision and its connection to N Douglas St. traffic is going to adversely affect the local neighborhood.

NW 9th Ave traffic is already out of control. It is used as a bypass. It is not unusual to see commercial vehicles just passing through. You have cars speeding up and down all hours of the day.

People are going in excess of 35 mph while young children live and play on this street. These issues have only gotten worse since speed bumps were added to N Birch St. It makes walking the neighborhood hazardous already and adding the increased traffic will only make it worse, starting with construction traffic. Then comes the increase in the multi-car households. Dumping all of this through N Douglas on a small residential street which is always busy is not going to fix the current situation.

This neighborhood experiences flooding. The sewers can not handle the current runoff. With the new development the issue will only get worse. It is not uncommon to have water up on the lawns from 1 side of the street to the other. With the speeding vehicles and flooding we have to deal with "wake parties", which means watching your landscape getting an urban tsunami. What is the solution to correct this?

This neighborhood has a lot of electrical issues. We have power shutting on and off and the electric company does not know why. It sometimes pops on and off just long enough to require resetting all of the electronics. Adding the increase to this strained system is going to cause more of these issues to occur.

Please send an acknowledgment of receipt for this:
Thank You

Thomas Parker
Rt3601999@live.com
685 NW 9th Ave
Canby, OR 97013
503 266 5736
4/10/2021

Laney Fouse

From: Joanne Parker <toojo2000.jp@outlook.com>
Sent: Saturday, April 10, 2021 6:40 PM
To: PublicComments
Subject: Northwood Estates Subdivision Phase 4, SUB 21-01

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Sir or Madam,

I am sending you my comments concerning the proposed building of NorthWood Estates Phase 4. Per the information packet it appears 15 new homes are proposed to be built between NW 9th Ave and NW 10th Ave. This will make N. Douglas Street intersect and connect in between the two avenues.

I currently live on NW 9th Ave and will be directly affected by this change. These are my observations and questions.

1. My street has seen a significant increase in the amount of traffic in the past five years from cars, trucks and semi trucks. My belief this has happened for the following reasons:
 - a) The large housing track that has been in process of being built for the past four years. These homes are on the north side of NW 10th Ave.
 - b) The speed bump s that were added on Birch diverts traffic to surrounding streets.
 - c) Semi trucks use Knightbridge Road bridge and sneak down our street early in the morning. This has lessened a bit since the new weight limit signs were posted but, it still occurs.My concerns are:
 - A) How much more traffic will be flying down our street and NW 10th?
 - B) By connecting Douglas Street this will make a shortcut down these two Avenues for even more traffic to funnel to Grant, Birch and Cedar.
2. Our street has a tendency to flood during rain storms. I have called the city every year to have the water removed by the siphon trucks. This can happen several times a year.
My concerns are:
 - a) More homes mean our sewer system will have even more to deal with when issues like ours have not been fixed.
 - b) More homes also mean a bigger drain on our power grid. We already have power outages which still occur numerous times each year. Again, how can this be fixed?
3. We live on a beautiful street with single story homes. Will the new homes be required to only be single story? If not, this will directly affect our privacy, light and views. With the loss of so many trees during the past ice storm this is a true concern.
4. Increase of noise due to increase of people.
5. Increase of property taxes. These are large lots that will probably have large homes that will sell for significantly higher prices that, in turn raises our property taxes.

Thank you for your time.

Joanne Parker
685 NW 9th Ave

CITY OF CANBY - COMMENT FORM

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

By mail: Planning Department, PO Box 930, Canby, OR 97013
In person: Planning Department at 222 NE Second Street (Mon, Wed, Fri 9am-3pm.)
E-mail: PublicComments@canbyoregon.gov

Written comments to be included in Planning Commission packet are due by, Wednesday April 14, 2021.
Written and oral comments can be submitted up to the time of the Public Hearing and may also be delivered in person during the Public Hearing.

Application: SUB 21-01 Northwood Estates Subdivision Phase 4

COMMENTS:

To whom it may concern: We already been in contact with the traffic committee for the city on this matter. NW 10th and Birch needs to become an all-way stop. There's already traffic and speeding problems at this intersection. Adding 15 houses is going to extremely increase these problems.

It is incredibly dangerous for this community. There are many elderly that walk these streets, as well as families and a young adult with autism. On three of the 4 corners of this intersection, there are multiple young kids that live in these houses.

I'm aware that phase 4 has been in place for years now. ~~However~~ However, traffic, speeding, and safety concerns need to be addressed with this large rise of population on this street.

CITIZEN NAME: Nicola Pedregon

EMAIL: n.veglia@gmail.com

ADDRESS: 790 NW 10th Ave. Canby, OR 97013

PHONE # (optional): (760) 453-8770

DATE: 04/13/21

PLEASE EMAIL COMMENTS TO
PublicComments@canbyoregon.gov

AGENCIES: Please check one box and fill in your Name/Agency/Date below:

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available
- No Comments

NAME: _____
AGENCY: _____
DATE: _____

I am not able to attend the in-person hearing. No child care. Husband ^{both} works and is in school full time.

Thank you!

CITY OF CANBY - COMMENT FORM

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

By mail: Planning Department, PO Box 930, Canby, OR 97013
In person: Planning Department at 222 NE Second Street (Mon, Wed, Fri 9am-3pm.)
E-mail: PublicComments@canbyoregon.gov

Written comments to be included in Planning Commission packet are due by, Wednesday April 14, 2021.
Written and oral comments can be submitted up to the time of the Public Hearing and may also be delivered in person during the Public Hearing.

Application: SUB 21-01 Northwood Estates Subdivision Phase 4

COMMENTS:

To whom it may concern: We already been in contact with the traffic committee for the city on this matter. NW 10th and Birch needs to become an all-way stop. There's already traffic and speeding problems at this intersection. Adding 15 houses is going to extremely increase these problems.

It is incredibly dangerous for this community. There are many elderly that walk these streets, as well as families and a young adult with autism. On three of the 4 corners of this intersection, there are multiple young kids that live in these houses.

I'm aware that phase 4 has been in place for years now. ~~However~~ However, traffic, speeding, and safety concerns need to be addressed with this large rise of population on this street.

CITIZEN NAME: Nicola Pedregon

EMAIL: n.veglia@gmail.com

ADDRESS: 790 NW 10th Ave. Canby, OR 97013

PHONE # (optional): (760) 453-8770

DATE: 04/13/21

PLEASE EMAIL COMMENTS TO
PublicComments@canbyoregon.gov

AGENCIES: Please check one box and fill in your Name/Agency/Date below:

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available
- No Comments

NAME: _____
AGENCY: _____
DATE: _____

I am not able to attend the in-person hearing. No child care. Husband ^{both} works and is in school full time.

Thank you!

Laney Fouse

From: Tom Parker <rt3601999@live.com>
Sent: Saturday, April 10, 2021 7:47 PM
To: PublicComments
Subject: Northwood Estates Subdivision Phase 4, SUB 21-01 Comments

Follow Up Flag: Follow up
Flag Status: Flagged

Sent from Mail for Windows 10
Thomas Parker
685 NW 9th AVE
Canby, OR 97013

I am writing to voice my concern about Northwood Estates Subdivision Phase 4, SUB 21-01

With the addition of this subdivision and its connection to N Douglas St. traffic is going to adversely affect the local neighborhood.

NW 9th Ave traffic is already out of control. It is used as a bypass. It is not unusual to see commercial vehicles just passing through. You have cars speeding up and down all hours of the day.

People are going in excess of 35 mph while young children live and play on this street. These issues have only gotten worse since speed bumps were added to N Birch St. It makes walking the neighborhood hazardous already and adding the increased traffic will only make it worse, starting with construction traffic. Then comes the increase in the multi-car households. Dumping all of this through N Douglas on a small residential street which is always busy is not going to fix the current situation.

This neighborhood experiences flooding. The sewers can not handle the current runoff. With the new development the issue will only get worse. It is not uncommon to have water up on the lawns from 1 side of the street to the other. With the speeding vehicles and flooding we have to deal with "wake parties", which means watching your landscape getting an urban tsunami. What is the solution to correct this?

This neighborhood has a lot of electrical issues. We have power shutting on and off and the electric company does not know why. It sometimes pops on and off just long enough to require resetting all of the electronics. Adding the increase to this strained system is going to cause more of these issues to occur.

Please send an acknowledgment of receipt for this:
Thank You

Thomas Parker
Rt3601999@live.com
685 NW 9th Ave
Canby, OR 97013
503 266 5736
4/10/2021

Laney Fouse

From: Joanne Parker <toojo2000.jp@outlook.com>
Sent: Saturday, April 10, 2021 6:40 PM
To: PublicComments
Subject: Northwood Estates Subdivision Phase 4, SUB 21-01

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Sir or Madam,

I am sending you my comments concerning the proposed building of NorthWood Estates Phase 4. Per the information packet it appears 15 new homes are proposed to be built between NW 9th Ave and NW 10th Ave. This will make N. Douglas Street intersect and connect in between the two avenues.

I currently live on NW 9th Ave and will be directly affected by this change. These are my observations and questions.

1. My street has seen a significant increase in the amount of traffic in the past five years from cars, trucks and semi trucks. My belief this has happened for the following reasons:
 - a) The large housing track that has been in process of being built for the past four years. These homes are on the north side of NW 10th Ave.
 - b) The speed bump s that were added on Birch diverts traffic to surrounding streets.
 - c) Semi trucks use Knightbridge Road bridge and sneak down our street early in the morning. This has lessened a bit since the new weight limit signs were posted but, it still occurs.

My concerns are:

- A) How much more traffic will be flying down our street and NW 10th?
- B) By connecting Douglas Street this will make a shortcut down these two Avenues for even more traffic to funnel to Grant, Birch and Cedar.

2. Our street has a tendency to flood during rain storms. I have called the city every year to have the water removed by the siphon trucks. This can happen several times a year.

My concerns are:

- a) More homes mean our sewer system will have even more to deal with when issues like ours have not been fixed.
- b) More homes also mean a bigger drain on our power grid. We already have power outages which still occur numerous times each year. Again, how can this be fixed?

3. We live on a beautiful street with single story homes. Will the new homes be required to only be single story? If not, this will directly affect our privacy, light and views. With the loss of so many trees during the past ice storm this is a true concern.

4. Increase of noise due to increase of people.

5. Increase of property taxes. These are large lots that will probably have large homes that will sell for significantly higher prices that, in turn raises our property taxes.

Thank you for your time.

Joanne Parker
685 NW 9th Ave

Laney Fouse

From: Sara Sloss <ses324@hotmail.com>
Sent: Friday, April 9, 2021 3:58 PM
To: PublicComments
Subject: SUB 21-01 Northwood Estates Subdivision Phase 4

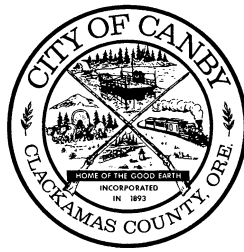
Follow Up Flag: Follow up
Flag Status: Flagged

Citizen Name: Sara Sloss
Email: ses324@hotmail.com
Address: 820 N Birch St. Canby, OR 97013
Phone# 503-705-4991
Date: 4/9/2021

Hello! Thank you for the opportunity to comment on Northwood Estates Subdivision Phase 4. My family moved to the address above in August of 2017. My comment is in regards to concerns I have from increased traffic on North Birch St with the addition of 15 single family lots. As you know, North Birch St. is a high traffic residential street, being that it connects Knightsbridge to Territorial. North Birch St has 4-5 speed bumps between Territorial & 9th, but no speed bumps between Knightsbridge & 9th. I am not sure why a speed bump wasn't put in along this stretch of Birch St., as I did not live in Canby at the time that these were put in. We already have issues with cars driving too fast as they turn onto N. Birch St. from Knightsbridge, and with the addition of 15 single family lots, my concern is that the increased traffic will only make this worse. There are several families with small children that live along this stretch of North Birch St. I would like to see some sort of traffic safety improvement along this stretch of North Birch Street before these single family lots are developed and sold, whether that is additional speed bumps or stop signs or something else to slow cars down.

Thank you for your consideration.

Sincerely,
Sara Sloss



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

**A REQUEST FOR SUBDIVISION)
NORTHWOOD ESTATES PHASE FOUR)
FIFTEEN LOT SUBDIVISION IN R-1)
)**

**FINDINGS, CONCLUSION & FINAL ORDER
SUB 21-01
NORTHWOOD ESTATES PHASE FOUR
SUBDIVISION**

NATURE OF THE APPLICATION

The Applicant has sought approval to subdivide a 4.45 acre property into fifteen legal lots that would accommodate the future construction of fifteen single family homes.

The Northwood Estates Subdivision was approved by the City of Canby under SUB 05-12 on March 29, 2006. As a component of the original subdivision application in 2005 a Master Plan for the entire 31.57-acre, four-phase development, was approved by the Planning Commission with conditions of approval documented in a Development Agreement executed on January 11, 2007 and recorded under fee number 2007-007387 Clackamas County Deed Records. The development agreement required an application for each phase at the time of development. This will be the fourth and final phase of the development.

HEARINGS

The Planning Commission considered application **SUB 21-01** after the duly noticed hearing on April 26, 2021 during which the Planning Commission approved **Northwood Estates Phase Four Subdivision** by a vote of / . These Findings are entered to document the decision.

CRITERIA AND STANDARDS

In judging whether or not the aforementioned application shall be approved, the Planning Commission determines whether criteria from the City of Canby Land Development and Planning Ordinance are met, or can be met by observance of conditions. Applicable code criteria and standards were reviewed in the Staff Report dated April 16, 2021 and presented at the April 26, 2021 meeting of the Canby Planning Commission.

FINDINGS AND REASONS

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

CONCLUSION

In summary, the Planning Commission adopted the findings contained in the Staff Report, concluding at the public hearing and noted herein, that the application met all applicable approval criteria, and recommending that **Northwood Estates Phase Four Subdivision (City File SUB 21-01)** be approved with the Conditions of Approval, as amended 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 **Northwood Estates Phase Four Subdivision (City File SUB 21-01)** is approved, subject to the following conditions:

Conditions of Approval

Public Improvements:

1. Prior to the start of any public improvements work, the applicant shall schedule a preconstruction conference with the City Of Canby and obtain construction plans sign-off from all applicable reviewing agencies. (Canby Planning – SF)
2. All site development shall comply with all applicable City of Canby Public Works Design Standards, except where specifically stated otherwise. (Engineer – PS/Public Works – JN)

Fees/Assurances:

3. All public improvements, with the exception of sidewalks, are normally installed prior to the recordation of the final plat. If the applicant wishes to forgo construction of any portion of the public improvements until after the recordation of the final plat, then the applicant shall provide the City with appropriate performance security (subdivision performance bond or cash escrow) in the amount of 110% of the cost of the remaining public improvements to be installed. (Planning – BA)
4. 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)
5. The applicant must guarantee or warranty all public improvement work with a one year subdivision maintenance bond in accordance with CMC Subsection 16.64.070(P), except for sidewalks. (Planning - BA)
6. The applicant must pay the appropriate City fees authorized public improvement and a Site Plan Development Engineering Plan Review fee as applicable prior to the construction of public or private improvements. (Planning - BA)

City of Canby Public Works Design Standards, dated February 2020. The City Engineer and Public Works shall determine compliance with this condition. (Engineer –PS/Public Works JN)

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 (Engineer – BA/Public Works - JN)

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. (Engineer – PS/Public Works - JN)

Water & Electric Utility Services

17. Water services shall be constructed in conformance with Canby Utility's standards and specifications. Canby Utility, in conjunction with the City Engineer shall determine compliance with this condition. (City Engineer – PS/Canby Utility - JS)

18. 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 shall determine compliance with this condition. (Canby Utility – JS)

19. Canby Utility, in coordination with the applicant will determine the electrical system layout to serve the subdivision. This shall include required street light 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 – JS)

20. 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.

21. The applicant shall work with DirectLink for coordination of all sleeves and required open trenching scheduling for communication facilities. DirectLink shall determine compliance with this condition. (Contact DirectLink at 503-266-8242)

Fire Protection

22. All fire protection apparatus's such as fire hydrants placement and location shall be placed in accordance with the requirements of the Canby Fire District codes and regulations (Oregon Fire Code 2019, Chapter 33). Canby Fire District shall determine compliance with all fire regulations. (Canby Fire District – ME)

23. The applicant shall contact the Canby Fire District for review and inspection of placement of all fire hydrants, and placement of any and all flammable construction materials on-site, prior to placement of said materials. Canby Fire District shall determine compliance with all fire regulations. (Canby Fire District – ME)

24. Building Address shall be marked at the beginning of construction with a lot marker if needed for each lot under construction. Canby Fire District shall determine compliance with all fire regulations. (Canby Fire District – ME)

25. All fire hydrants shall all have Storz quick adapter couplings on the steamer port as required by Canby Utility. A Blue reflector will be in the center of the road to indicate the hydrant is in the vicinity. Canby Fire District shall determine compliance with all fire regulations. (Canby Fire District – ME)
26. Landscaping shall be low growing vegetation so as not to block visibility of hydrants, or addressing. Canby Fire District shall determine compliance with all fire regulations. (Canby Fire District – ME)
27. The applicant shall provide a PDF of approved prints for the Canby Fire District Pre-Fire Plan program of the development. Canby Fire District shall determine compliance with all fire regulations. (Canby Fire District – ME)
28. All Fire Lanes shall be painted red on curb with – “No Parking Fire Lane” in white - and signage, in accordance with the Oregon Fire Code 2019. Fire Lanes will be determined while on site for any access issues with Canby Fire and the builder. Canby Fire District shall determine compliance with all fire regulations. (Canby Fire District – ME)
29. Fire access shall always be part of the construction plan for the development. Canby Fire District shall determine compliance with all fire regulations. (Canby Fire District – ME)

Post Office (mailbox locations)

30. The applicant will provide a mailbox plan for the subdivision before the Final Plat is recorded.

Final Plat:

31. 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 shall determine compliance with this condition. (Canby Planning – BA)
32. 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 shall determine compliance with this condition. (Canby Planning – BA)
33. 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 shall verify that these standards are met prior to the recordation of the subdivision plat. (Canby Planning – BA/Engineer– PS)
34. 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 – PS/Public Works – JN)
35. 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 two years of approval of the tentative plat, or formally request an extension of up to 6-months with a finding of good cause. Canby Planning shall determine compliance with this condition. (Canby Planning – BA)
36. 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 shall determine compliance with this condition. (Canby Planning – BA)

37. 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 shall determine compliance with this condition. (Canby Planning – BA)

38. 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 shall determine compliance with this condition. (Canby Planning – BA)

Easements

39. 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 in conjunction with the City Engineer shall determine compliance with this condition. (Canby Planning – BA / City Engineer – PS)

Residential Building Permit(s):

40. 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. The City Engineer and Public Works shall determine compliance with this condition. (City Engineer – PS / Public Works – JN/Canby Planning –BA)

41. 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 shall determine compliance with this condition. (Canby Planning – BA)

42. All residential construction shall be in accordance with applicable Public Works Design Standards. Public Works shall determine compliance with this condition. (Public Works – JN)

43. 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 – BA)

44. 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 shall determine compliance with this condition. (Canby Planning – BA)

45. All usual System Development Charges (SDC) shall be collected with each new home permit within this development. Canby Planning shall determine compliance with this condition. (Canby Planning – BA)

*****END OF CONDITIONS*****