

Mark's Place at Tofte Farms Subdivision Land Use Application

Date: October 2021
Updated December 2021

Submitted to: City of Canby
Planning Department
222 NE 2nd Avenue
Canby, OR 97013

Applicant: Pahlisch Homes
15333 Sequoia Parkway Ste: 190
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AKS Job Number: 8659



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Response: As shown on the Preliminary Plans (Exhibit A), clear vision triangles and safe access is provided in the Mark’s Place subdivision. The City can make findings that this criterion is met.

C. Adequate public utilities, as determined by the city.

Response: As shown on the Preliminary Composite Utility Plan (Exhibit A), adequate public facilities are provided to future lots in accordance with City of Canby Public Works standards. The City can make findings that this criterion is met.

D. Access onto a public street with the minimum paved widths as stated in Subsection E below.

Response: As shown on the Preliminary Plans (Exhibit A), future lots are provided access onto a public street, in accordance with the TSP and City of Canby Public Works standards. The City can make findings that this criterion is met.

E. Adequate frontage improvements as follows:

1. For local streets and neighborhood connectors, a minimum paved width of 16 feet along the site’s frontage.
2. For collector and arterial streets, a minimum paved width of 20 feet along the site’s frontage.
3. For all streets, a minimum horizontal right-of-way clearance of 20 feet along the site’s frontage.

F. Compliance with mobility standards identified in the TSP. If a mobility deficiency already exists, the development shall not create further deficiencies.

Response: As shown on the Preliminary Plans (Exhibit A), Mark’s Place includes internal streets in accordance with the local street standards above. Frontage improvements are planned to be provided to S Ivy Street and SE 16th and SE 17th Avenue, as applicable. Additionally, right-of-way dedication is shown and provided, as required. As discussed in the TIS (Exhibit D), this subdivision is not anticipated to create a mobility deficiency. Therefore, the safety and functionality standards above are met.

Chapter 16.10 OFF-STREET PARKING AND LOADING

16.10.030 General requirements.

...

- E. Off-street parking spaces for dwellings shall be located on the same lot, or adjacent lot, with the dwelling. Parking spaces located within an on-site garage shall count toward the minimum parking requirement for residential uses. Other required parking spaces may be located on a separate parcel, provided the parcel is not greater than five hundred (500) feet from the entrance to the building to be served, measured along the shortest pedestrian route to the building. The applicant must prove that the parking located on another parcel is functionally located and that there is safe vehicular and pedestrian access to and from the site.**

Response: As shown on the Preliminary Street Plan (Exhibit A), Mark’s Place includes at least 4 off-street parking spaces per dwelling. As noted on the Preliminary Plans, each individual

driveway is intended to include 2 spaces in addition to the garage parking. Garages are intended to include 2-3 spaces, depending on the housing type. The criterion is met.

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- H. The number of vehicular spaces required in Table 16.10.050 may be reduced by up to 10% if one of the following is demonstrated to the satisfaction of the Planning Director or Planning Commission:
1. Residential densities greater than nine units per gross acre (limit parking to no less than one space per unit for multi-family structures); or
 2. The proposed development is pedestrian-oriented by virtue of a location which is within convenient walking distance of existing or planned neighborhood activities (such as schools, parks, shopping, etc.) and the development provides additional pedestrian amenities not required by the code which, when taken together, significantly contribute to making walking convenient (e.g., wider sidewalks, pedestrian plazas, pedestrian scale lighting, benches, etc.).

Response: This subdivision application is intended for future single-family detached homes, required to provide a minimum of 2 off-street parking spaces per Table 16.10.050. As described above, the parking requirements are satisfied, and this application does not involve a reduction to residential parking densities. The criteria above are not applicable.

16.10.040 Prohibited near intersections. In no case will off-street parking be allowed within a vision clearance area of an intersection.

16.10.050 Parking standards designated. The parking standards set out in Table 16.10.050 shall be observed.

TABLE 16.10.050 Off-street Parking Provisions - The following are the minimum standards for off-street vehicle parking:

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

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Response: As shown on the Preliminary Street Plan (Exhibit A), off-street parking spaces are not included within vision clearance areas, do not impede intersection mobility, and are designed to meet the parking standards above.

As stated above, 2 parking spaces per dwelling unit are required to be provided for new construction. The Preliminary Plans illustrate that the majority of the lots provide double-car and three-car driveways/garages, with a typical width of 20-foot and 28-foot-wide driveways, respectively. 20-foot driveways will allow 4 off-street parking spaces and 28-foot driveways will allow 6 off-street parking spaces, totaling approximately 760 off-street parking spaces throughout the subdivision (more than double the amount required to satisfy the parking requirements of CMC 16.10.050). Further, driveways are grouped

together between adjacent lots where possible to assure adequate public and private access to each individual lot and maximizes public curb space available for on-street parking.

As shown on the Preliminary Street Plan, approximately 313 total on-street parking spaces are provided internal to Mark’s Place. This on-street parking ratio is close to double that of the 167 planned residential lots. Further, the street design in the northwestern portion of the site is characterized with smaller lots (R-1.5 Zoning) and dictated by an existing transportation network with streets planned for extension and restricted access on S Ivy Street (classified as a major arterial). To address parking concerns in this unique area, Tract F provides 9 private head-in parking spaces to mitigate limitations associated with the alleyways (which include parking on one side).

Additionally, as demonstrated on the Preliminary Plans, there is a plethora of parking spaces adjacent to the Neighborhood Park and Emerald Necklace Trail amenities, providing the community and general public a means to access these recreation opportunities. Therefore, the applicant has demonstrated the parking requirements are satisfied and Mark’s Place provides thoughtful placement of on-street- and off-street parking options in conjunction with a variety of housing options and lot styles.

16.10.070 **Parking lots and access.**

...

B. **Access.**

2. The City of Canby encourages joint/shared access. Owners of two (2) or more uses, structures, or parcels of land may agree to, or may be required by the City to, utilized jointly the same ingress and egress when the combined ingress and egress of both uses, structures, or parcels of land satisfies their combined requirements as designed in this ordinance, provided that satisfactory legal evidence is presented to the City Attorney in the form of deeds, easements, leases or contracts shall be placed on permanent files with the city recorder.
3. All ingress and egress shall connect directly with public streets.
4. Vehicular access for residential uses shall be brought to within fifty (50) feet of the ground floor entrances or the ground floor landing of a stairway, ramp or elevator leading to dwelling units.
5. Required sidewalks shall extend from the ground floor entrances or the ground floor landing of a stairs, ramps or elevators to the sidewalk or curb of the public street or streets that provide the required access and egress.

Response: As shown on the Preliminary Plans (Exhibit A), future driveways connect directly with public streets. Joint/shared access is planned to be provided within Alley B, to serve two homes as shown. This application does not involve home construction, though building envelopes are shown to be within 50 feet of future driveways. The internal transportation



network includes sidewalk improvements, providing adequate access and egress throughout the site. The criteria above are met.

6. To afford safe pedestrian access and egress for properties within the city, a sidewalk shall be constructed along all street frontages, prior to use or occupancy of the building or structure proposed for said property. The sidewalks required by this section shall be constructed to city standards except in the case of streets with inadequate right-of-way width or where the final street design and grade have not been established, in which case the sidewalks shall be constructed to a design, and in a manner approved by the Site and Design Review Board. Sidewalks approved by Board may include temporary sidewalks and sidewalks constructed on private property; provided, however, that such sidewalks shall provide continuity with sidewalks of adjoining commercial developments existing or proposed. When a sidewalk is to adjoin a future street improvement, the sidewalk construction shall include construction of the curb and gutter section to grade and alignment established by the Site and Design Review Board.
7. The standards set forth in this ordinance are minimum standards for access and egress, and may be increased through the site and design review process in any particular instance where the standards provided herein are deemed insufficient to protect the public health, safety and general welfare.

Minimum Access Requirements			
16.10.070(B)(8): Minimum access requirements for residential uses - ingress and egress for residential uses shall not be less than the following (except that in the case of flag lots, section 16.64.0400) shall apply):			
Dwelling Units	Minimum number of accesses required	Minimum access width	Sidewalks & Curbs (in addition to driveways)
1 or 2	1	12 feet	None required

...

Response: As shown on the Preliminary Plans (Exhibit A), the internal transportation network includes sidewalk improvements in accordance with City standards. Further, the site’s frontage along SE 16th and SE 17th Avenue will be completed to a full, local street section, including the addition of sidewalks. Further, prior to home occupancy, sidewalks will be constructed for adequate access and egress. The criteria above are met.

9. Driveways:
 - a. Access to private property shall be permitted with the use of driveway curb cuts. The access points with the street shall be the minimum necessary to provide access while not inhibiting the safe circulation and carrying capacity of the street. Driveways shall meet all applicable guidelines of the Americans with Disabilities Act (ADA). Driveway distance shall be measured from the curb intersection point [as measured for vision clearance

area (16.04.670)]. Distances to an intersection shall be measured from the stop bar at the intersection.

- b. Driveways shall be limited to one per property except for certain uses which include large commercial uses such as large box stores, large public uses such as schools and parks, drive through facilities, property with a frontage of over 250-feet and similar uses.

Response: As shown on the Preliminary Plans (Exhibit A), residential lots are planned with one driveway. Further, the park intended for public use does not include a public driveway and this application does not involve commercial development. The criteria above are met, as applicable.

- c. Double frontage lots and corner lots may be limited to access from a single street, usually the lower classification street. Single family residential shall not have access onto arterials, and shall have access onto collectors only if there is no other option.

Response: Due to the existing transportation system and the logical extension of future streets, there are a few lots with double frontage along S Ivy Street. These lots are accessed by Alley A, taking access from the lower classification street (alley versus principal arterial). According to Section 16.04.370, 'through lot' means a lot having frontage on two parallel streets other than alleys. Therefore, the criterion is not applicable.

- d. If additional driveways are approved by the City Administrator or designee, a finding shall be made that no eminent traffic hazard would result and impacts on through traffic would be minimal. Restrictions may be imposed on additional driveways, such as limited turn movements, shared access between uses, closure of existing driveways, or other access management actions.

Response: As shown on the Preliminary Plans (Exhibit A), residential lots are planned with one driveway. Additional driveways are not intended. The criterion above is not relevant.

- e. Within commercial, industrial, and multi-family areas, shared driveways and internal access between similar uses are encouraged to reduce the access points to the higher classified roadways, to improve internal site circulation, and to reduce local trips or movements on the street system. Shared driveways or internal access between uses will be established by means of common access easements at the time of development.

Response: This application does not involve commercial, industrial, or multi-family uses. The criterion is not applicable.

- f. Driveway widths shall be as shown on the following table.

Driveway Widths (Minimum/Maximum, Ft.)	
Street Classification	Residential Zone
Arterial:	NA (1)
Local:	12/24 (2)
Cul-de-sac:	12/24 (2)
Public Alley:	12/24/ (2)
Note: (1) Special conditions may warrant access. (2) 28' maximum width for 3-car garage.	

Response: As shown on the Preliminary Plans (Exhibit A), residential lots are planned with one driveway in accordance with the standards above. The criteria are met.

Chapter 16.16 R-1 LOW DENSITY RESIDENTIAL ZONE

16.16.010 Uses permitted outright.

Uses permitted outright in the R-1 zone shall be as follows:

- A. Single-family dwelling; one single-family dwelling per lot;

Response: This application involves a Tentative Subdivision within the Low-Density Residential Zone (R-1) to provide needed housing. As shown on the Preliminary Plans (Exhibit A), one single-family dwelling is planned per lot, in accordance with the permitted use above.

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16.16.020 Conditional uses

Response: This application does not include conditional uses. The criteria are not applicable and have been omitted for brevity purposes.

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16.16.030 Development standards.

The following subsections indicate the required development standards of the R-1 zone:

Response: As shown on the Preliminary Plans (Exhibit A), the majority of the site is zoned R-1, though a portion of the property located in the most northwestern corner of the site is zoned R-1.5. As such, this section is applicable to the R-1 portion of the site.

- A. Minimum and maximum lot area: seven thousand (7,000) square feet minimum, and ten thousand (10,000) square feet maximum, per single-family dwelling. The maximum lot area standard does not apply to single family dwellings existing at the time of subdivision or partition plan approval; and the Planning Commission may approve smaller or larger lots in conformance with subsection B, below. Preexisting, legally created lots of record shall be considered to be legally buildable and separately saleable, provided they contain at least five thousand (5,000) square feet; and further provided, that any new structures on such lots meet the required setbacks.

Response: Mark's Place includes a subdivision layout in accordance with Section 16.16.030(B), below. As such, the Planning Commission may approve lot areas outside the 7,000-square

foot minimum and 10,000-square foot maximum described above. As noted on the Existing Conditions Plan (Exhibit A), this application does not involve existing single-family dwellings planned for retention.

B. Lot area exceptions:

1. The Planning Commission may approve an exception to the minimum and maximum lot area standards in subsection 16.16.030.A as part of a subdivision or partition application when all of the following standards are met:
 - a. The average area of all lots 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. Non-required significant natural resource areas shall be included in the average lot size calculation to enable a transfer of density onto buildable portions of the site. Required areas include identified parks, wetland areas, riparian corridors, and other areas in which building is not permitted under local, state, or federal laws or regulations. For land in the North Redwood DCP area, the Planning Commission may allow public park land dedications to be included in the lot size averaging calculation in order to achieve community development goals and allow protection of natural resources; in this case, the resulting average lot size shall not be less than 5,000 square feet.

Response: As shown on the Preliminary Plans (Exhibit A), the average lot area for the R-1 zoned portion of the site is ±7,683 square feet (within the 7,000-10,000 square feet range). The average lot area calculation excludes park land dedication and other public use areas. The subject site does not contain significant natural resource areas or a transfer of density. Further, the site is not within the Redwood DCP area. The criteria are met, as applicable.

- b. No lot shall be created that contains less than six thousand square feet, unless the alternative lot layout option provided in Section 16.64.040 is used;

Response: This application does not involve lots less than 6,000 square feet within the R-1 zone. As shown on the Preliminary Plans (Exhibit A), the smallest lot provided in the R-1 portion of the site is ±6,027 square feet. Therefore, the alternative lot layout option standards provided in Section 16.64.040 are not applicable.

- c. The lot area standards for two-family dwellings, as provided in Sections 16.16.010 and 16.16.020, shall be met; and

Response: This application does not include two-family dwellings. The criterion is not applicable.

- d. 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. All lots approved for use by more than one dwelling shall be so designated on the final plat.

Response: This application includes few lots over 10,000 square feet within the R-1 portion of the site. A deed restriction to prevent re-division of lots greater than 10,000 square feet can be recorded with the final plat, if required.

2. A public benefit must be demonstrated in order to allow more than ten percent of the lots to be outside of the minimum and maximum lot areas in subsection 16.16.030.A.

Response: As shown on the Preliminary Plat Overview (Exhibit A), less than ten percent of the planned lots are outside of the 7,000 to 10,000 square foot range (the minimum and maximum lot areas). Therefore, the criterion above is not applicable.

3. The Planning Commission may modify the maximum lot area requirements in 16.16.030.A if these cannot be met due to existing lot dimensions, road patterns, or other site characteristics.

Response: As shown on the preliminary Plans (Exhibit A), planned lots comply with the maximum lot area requirements for the R-1 zone. Therefore, this application does not involve the modification described above.

- C. Minimum width and frontage: sixty feet, except that the Planning Commission may approve lots having less frontage subject to special conditions to assure adequate access.

Response: As shown on the Preliminary Plans (Exhibit A), the portion of the site within the R-1 zone includes lots with width/frontage less than sixty feet and lots are planned with adequate driveway access, as illustrated. Mark's Place subdivision includes a range of lot sizes to provide a variety of housing options and price points for future residents. As discussed in Section 16.10.050 *Off-Street Parking Provisions*, 2 parking spaces per dwelling unit are required to be provided for new construction. The Preliminary Plans illustrate that the majority of the lots provide double-car and three-car driveways/garages, with a typical width of 20-foot and 28-foot-wide driveways, respectively. 20-foot driveways will allow 4 off-street parking spaces and 28-foot driveways will allow 6 off-street parking spaces, totaling approximately 760 off-street parking spaces throughout the subdivision (more than double the amount required to satisfy the parking requirements of CMC 16.10.050). Further, driveways are grouped together between adjacent lots where possible to assure adequate public and private access to each individual lot and maximizes public curb space available for on-street parking.

As shown on the Preliminary Street Plan, approximately 313 total on-street parking spaces are provided internal to Mark's Place. This on-street parking ratio is close to double that of the 167 planned residential lots. Further, the street design in the northwestern portion of the site is characterized with smaller lots (R-1.5 Zoning) and dictated by an existing transportation network with streets planned for extension and restricted access on S Ivy Street (classified as a major arterial). To address parking concerns in this unique

area, Tract F provides 9 private head-in parking spaces to mitigate limitations associated with the alleyways (which include parking on one side).

Additionally, as demonstrated on the Preliminary Plans, there is a plethora of parking spaces adjacent to the Neighborhood Park and Emerald Necklace Trail amenities, providing the community and general public a means to access these recreation opportunities. Therefore, the applicant has demonstrated the parking requirements are satisfied and Mark's Place provides thoughtful placement of on-street- and off-street parking options in conjunction with a variety of housing options and lot styles. All of the information has been provided.

Therefore, the Planning Commission may approve this exception.

D. Minimum yard requirements:

1. Street yard: twenty feet on side with driveway; fifteen feet for all other street sides; except that street yards may be reduced to ten feet for covered porches only;
2. Rear yard: all corner lots, ten feet single story or fifteen feet two-story; all other lots, fifteen feet single story or twenty feet two-story. One story building components must meet the single story setback requirements; two story building components must meet the two-story setback requirements;
3. Interior yard: Seven feet, except as otherwise provided for zero-lot line housing.
4. Interior and rear yards may be reduced to three feet, or the width of any existing utility easement, whichever is greater, for detached accessory structures erected sixty feet or more from any street other than an alley. The height limitations noted in subsection E.2 below apply to such structures. Detached accessory dwellings are not eligible for the three foot reduction. Utility easements may only be reduced with the approval of all utility providers.
5. Infill standards may also apply. See CMC 16.21.050.

Response: Future lots comply with the minimum yard requirements above, as shown on the Preliminary Plat (Exhibit A). Although this application does not include home construction, lots were designed to accommodate two-story dwellings and meet the applicable criteria, above. Further, the infill standards of CMC 16.21.050 are not applicable because the site is separated from existing homes by public right-of-way (and does not share two common lot lines with existing single-family homes).

E. Maximum building height:

1. Principal building: thirty-five feet.
2. Detached accessory structure:
 - a. If located inside the allowed building footprint for the principal building, a detached accessory structure may be up to twenty-two feet tall, as measured to the highest point of the roof.
 - b. If located outside the allowed building footprint for the principal building, a detached accessory

structure is subject to a step-up height standard, and is allowed outright only if it meets this standard. The structure shall not exceed eight feet tall, as measured to the highest point of the roof, at a distance of three feet from the property line. The structure may increase in height by one foot vertically for every one foot horizontally away from the three foot line, up to the maximum height of twenty-two feet.

- c. A conditional use permit is required to locate the structure outside of the allowed building footprint for the principal building in violation of the stepup height standard.
 - d. Detached accessory structures over twenty-two feet tall are not permitted.
3. For detached accessory dwellings, the Planning Commission may approve building heights over twenty-two feet through the Conditional Use process, but in no case shall the accessory dwelling be higher than the principal building. The Planning Commission may only approve the use of buildings over twenty-two feet in the case of existing structures where no substantial changes to existing roof lines are proposed.

Response: This application does not involve structures or buildings. Compliance with the building height provisions above will be reviewed at time of future building permit submittal. The criteria can be met but are not relevant to this application.

- F. The maximum amount of impervious surface allowed the R-1 zone shall be 60 percent of the lot area.
 - 1. Impervious surface includes all surface areas that create a barrier to or hinder the entry of water into the soil in comparison with natural conditions prior to development. Impervious surfaces include, but are not limited to, buildings, paved parking areas and driveways, roads, sidewalks, patios, packed earth, and oiled surfaces. Open, uncovered retention/detention facilities, green roofs, and permeable surfacing materials shall not be considered impervious surfaces. Roof surfaces are also considered 'pervious' when 100% of the annual average roof runoff is captured and reused on-site for irrigation or approved interior uses.
 - 2. To limit impervious surface, alternative surfacing materials may be used. Alternative surfacing includes, but is not limited to paving blocks, turf block, pervious concrete, and porous asphalt. Other similar approved materials are encouraged. Utilization of alternative surfacing methods shall be subject to review by the City Public Works Department for compliance with applicable regulations and development standards. Maintenance of alternative surfacing materials located on private property are the responsibility of the property owner.

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Exhibits

- Exhibit A (UPDATED):** Preliminary Plans
 - Exhibit B:** City Application Forms and Checklist
 - Exhibit C:** Property Ownership Information
 - Exhibit D (UPDATED):** Transportation Impact Study [DKS and Associates]
 - Exhibit E:** Preliminary Stormwater Report
 - Exhibit F (UPDATED):** Neighborhood Meeting Documentation
 - Exhibit G:** Pre-Application Documentation
 - Exhibit H:** Clackamas County Plat Name Reservation
 - Exhibit I:** Tofte Area Development Concept Plan
 - Exhibit J:** Tofte Wetland Determination Report
 - Exhibit K:** Geotechnical Engineering Report
 - Exhibit L (NEW):** Wetland Delineation Agency Decision (DSL WD #2021-0425)
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Response: This application does not involve home construction. As shown on the Housing Type Distribution Plan (Exhibit A), lots within the R-1 zone are able to comply with the 60-percent maximum impervious surface area standard. For each lot type, the estimated coverage area includes the frontage sidewalk within the PUE, the driveway, and a building footprint based on the forecasted housing types. This project does not involve alternative surfacing materials. Therefore, the criteria above are met.

G. Other regulations:

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

Response: As shown on the Preliminary Plans (Exhibit A), vision clearance distance is met between street-to-street and alley-to-street designs. The criterion is met.

2. All setbacks to be measured from the foundation line of the building; overhangs shall not exceed two feet; mechanical units, used for the heating/cooling of residential units are exempt from interior and/or rear yard setback requirements. A chimney for a fireplace or stove shall not exceed a two foot projection.
3. To provide shade, required yards on southern and western exposures may be reduced by not more than five feet for eaves, canopies, and covered patios if patio posts still comply with required five foot setbacks.
4. Accessory buildings shall not have a larger footprint than the primary building, unless lot area exceeds twelve thousand square feet.

Response: This application does not involve structures or buildings. As shown on the Preliminary Plans (Exhibit A), lots are provided adequate building envelopes to accommodate the standards above. The criteria can be met but are not particularly relevant to this application.

Chapter 16.18 R-1.5 MEDIUM DENSITY RESIDENTIAL ZONE

16.18.010 Uses permitted outright.

Uses permitted outright in the R-1.5 zone shall be as follows:

A. Uses permitted outright in the R-1 zone;

Response: This application involves a subdivision intended for single-family dwellings on individual lots, a use permitted outright in the R-1 zone (as discussed above). Therefore, the use is permitted outright in the R-1.5 zone.

16.18.020 Conditional uses.

Response: This application does not include conditional uses. The criteria are not applicable and have been omitted for brevity purposes.

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16.18.030 Development standards. The following subsections indicate the required development standards of the R-1.5 zone:

Response: As shown on the Preliminary Plans (Exhibit A), a portion of the property located in the most northwestern corner of the site is zoned R-1.5. As such, this section is applicable to the associated R-1.5 portion of the site, as shown.

A. Minimum and maximum lot area:

1. For single family dwellings: five thousand (5,000) square feet minimum and six thousand five hundred (6,500) square feet maximum.

Response: Mark's Place includes a subdivision layout in accordance with Section 16.16.030(B) and Section 16.18.030(B). As such, the Planning Commission may approve lot areas outside the 5,000-square-foot minimum and 6,5000-square-foot maximum described above (for the R-1.5 zoned portion of the property). Please see the additional responses for lot area exceptions, below.

2. For townhome dwelling units having common wall construction: three thousand (3000) square foot minimum lot size.

Response: This application does not involve townhome dwelling units. The criterion is not applicable.

3. Minimum residential density: For two, three, and four family dwellings: new development shall achieve a minimum density of 6 units per acre and a maximum of 13 units per acre. Minimum density for a property is calculated by multiplying its area in acres (minus area required for street right-of-way and public park/open space areas) by the density standard. For example, 0.32 acres x 6 units/acre = minimum of 1.92 units. Decimals are rounded to the nearest whole number (e.g., a minimum of 1.92 units becomes a minimum of 2 units per acre). The Planning Commission may modify the density standard if it cannot be met due to existing lot dimensions, road patterns, or other site characteristics.

Response: This application does not involve two, three, or four family dwellings. Therefore, the criterion above is not applicable.

4. The Planning Commission may approve smaller or larger lots in accordance with subsection B, below.

Response: This application involves the lot area exception of Section 16.18.030(B), below.

B. Lot area exceptions:

1. The Planning Commission may approve an exception to the minimum and maximum lot area standards in subsection 16.18.030.A as part of a subdivision or partition application when all of the following standards are met:
 - a. The average area of all lots and open space tracts created through the subject land division, excluding required public park land dedications, surface water management facilities and similar public use areas, shall be no less than five thousand square feet and no greater than six thousand five hundred square feet. Non-required significant natural resource areas shall be included in the average lot size

calculation to enable a transfer of density onto buildable portions of the site. Required areas include identified parks, wetland areas, riparian corridors, and other areas in which building is not permitted under local, state, or federal laws or regulations. For land in the North Redwood DCP area, the Planning Commission may allow public park land dedications to be included in the lot size averaging calculation in order to achieve community development goals and allow protection of natural resources; in this case, the resulting average lot size shall not be less than 4,000 square feet;

Response: As shown on the Preliminary Plans (Exhibit A), the average lot area for the R-1.5 zoned portion of the site is $\pm 6,239$ square feet (within the 5,000-6,500 square feet range). The average lot area calculation excludes park land dedication and other public use areas. The subject site does not contain significant natural resource areas or a transfer of density. Further, the site is not within the Redwood DCP area. The criteria are met, as applicable.

- b. No lot shall be created that contains less than four thousand square feet, unless the alternative lot layout option provided in Section 16.64.040 is used; and

Response: As shown on the Preliminary Plans (Exhibit A), lots within the R-1.5 zone are greater than 4,000 square feet. The smallest planned lot in this portion of the site is $\pm 5,162$ square feet. The criterion is met.

- c. 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 (six thousand five hundred square feet and larger), when such re-division would violate the average lot size provision in subsection 16.18.030.B.1.a. All lots approved for use by more than one dwelling shall be so designated on the final plat.

Response: Larger lots allowing re-division are not included, as shown on the Preliminary Plans (Exhibit A). Therefore, a deed restriction is not necessary. Further, future lots are intended for single-family dwellings and not for use by more than one house. The criterion above is not relevant.

2. A public benefit must be demonstrated in order to allow more than ten percent of the lots to be outside of the minimum and maximum lot areas in subsection 16.18.030.B.1.a.

Response: As shown on the Preliminary Plat Overview (Exhibit A), less than 10 percent of the planned lots are outside of the minimum and maximum lot areas. Therefore, the criterion above is not applicable.

3. The Planning Commission may modify the maximum lot area requirements in subsection 16.18.030.B if these cannot

be met due to existing lot dimensions, road patterns, or other site characteristics.

Response: As shown on the Preliminary Plans (Exhibit A), planned lots within the R-1.5 portion of the site do not exceed the 6,500-square-foot maximum lot area. The criterion above is not applicable.

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

Response: As shown on the Preliminary Demolition Plan (Exhibit A), this application does not intend to preserve the existing on-site home. It is understood tracts dedicated for open space are not subject to the maximum lot area standards.

- C. Minimum width and frontage: forty feet, except that the Planning Commission may approve lots having less frontage subject to special conditions to assure adequate access. Twenty feet is permitted for single family attached (common wall) housing on interior lots.

Response: As demonstrated on the Preliminary Plans (Exhibit A), lots within the R-1.5 zoned portion of the site comply with the 40-foot-wide frontage requirement, above. Additionally, lots are provided adequate driveway access as shown. The criterion is met.

D. Minimum yard requirements:

1. Street yard: twenty feet on side with driveway; fifteen feet for all other street sides; except that street yards may be reduced to ten feet for covered porches only.
2. Rear yard: all corner lots, ten feet single story or fifteen feet two-story; all other lots: fifteen feet single story or twenty feet two-story. One story building components must meet the single story setback requirements; two story building components must meet the two-story setback requirements;
3. Interior yard: seven feet, except as otherwise provided for zero-lot line housing.
4. Interior and rear yards may be reduced to three feet, or the width of any existing utility easement, whichever is greater, for detached accessory structures, except accessory dwellings, erected sixty feet or more from any street other than an alley. The height limitations noted in subsection E.2 below apply. Utility easements may only be reduced with the approval of all utility providers.
5. Infill standards may also apply. See CMC 16.21.050

Response: Future lots comply with the minimum yard requirements above, as shown on the Preliminary Plat (Exhibit A). Although this application does not include home construction, lots were designed to accommodate two-story dwellings and meet the applicable criteria, above. Further, the infill standards of CMC 16.21.050 are not applicable because the site is separated from existing homes by public right-of-way (and does not share two common lot lines with existing single-family homes).

E. Maximum building height:

1. Principal building: thirty-five feet.

-
2. Detached accessory structure:
 - a. If located inside the allowed building footprint for the principal building, a detached accessory structure may be up to twenty-two feet tall, as measured to the highest point of the roof.
 - b. If located outside the allowed building footprint for the principal building, a detached accessory structure is subject to a step-up height standard, and is allowed outright only if it meets this standard. The structure shall not exceed eight feet tall, as measured to the highest point of the roof, at a distance of three feet from the property line. The structure may increase in height by one foot vertically for every one foot horizontally away from the three foot line, up to the maximum height of twenty-two feet.
 - c. A conditional use permit is required to locate the structure outside of the allowed building footprint for the principal building in violation of the stepup height standard.
 - d. Detached accessory structures over twenty-two feet tall are not permitted.
 3. For detached accessory dwellings, the Planning Commission may approve building heights over twenty-two feet through the Conditional Use process, but in no case shall the accessory dwelling be higher than the principal building. The Planning Commission may only approve the use of buildings over twenty-two feet in the case of existing structures where no substantial changes to existing roof lines are proposed.

Response: This application does not involve structures or buildings. Compliance with the building height provisions above will be reviewed at time of future building permit submittal. The criteria can be met but are not relevant to this application.

- F. The maximum amount of impervious surface allowed the R-1.5 zone shall be 70 percent of the lot area.
 1. Impervious surface includes all surface areas that create a barrier to or hinder the entry of water into the soil in comparison with natural conditions prior to development. Impervious surface include, but are not limited to, buildings, parking areas, driveways, roads, sidewalks, patios, packed earth, and oiled surfaces. Open, uncovered retention/detention facilities, green roofs, and permeable surfacing materials shall not be considered impervious surfaces. Roof surfaces are also considered 'pervious' when 100% of the annual average roof runoff is captured and reused on-site for irrigation or approved interior uses.
 2. To limit impervious surface, alternative surfacing materials may be used. Alternative surfacing includes, but is not limited to paving blocks, turf block, pervious concrete, and porous asphalt. Other similar approved materials are encouraged. Utilization of alternative surfacing methods shall be subject to review and approval by the City Public

Works Department for compliance with other applicable regulations and development standards. Maintenance of alternative surfacing materials located on private property are the responsibility of the property owner.

Response: This application does not involve home construction. As shown on the Housing Type Distribution Plan (Exhibit A), lots within the R-1.5 zone are able to comply with the 70-percent maximum impervious surface area standard. For each lot type, the estimated coverage area includes the frontage sidewalk within the PUE, the driveway, and a building footprint based on the forecasted housing types. This project does not involve alternative surfacing materials. Therefore, the criteria above are met.

G. Other regulations:

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

Response: As shown on the Preliminary Plans (Exhibit A), vision clearance distance is met between street to street, and alley to street designs. The criterion is met.

2. All setbacks to be measured from the foundation line of the building. Overhangs shall not exceed two feet; mechanical units, used for the heating/cooling of residential units are exempt from interior and/or rear yard setback requirements. A chimney for a fireplace or stove shall not exceed a two foot projection.
3. To provide shade, required yards on southern and western exposures may be reduced by not more than five feet for eaves, canopies, and patio covers, if the patio posts still comply with required setbacks. 4. Accessory buildings shall not have a larger footprint than the primary building.

Response: This application does not involve structures or buildings. As shown on the Preliminary Plans (Exhibit A), lots are provided adequate building envelopes to accommodate the standards above. The criteria can be met but are not particularly relevant to this application.

Chapter 16.21 RESIDENTIAL DESIGN STANDARDS

16.21.020 Applicability and review procedure for single family and two-family dwellings.

The standards in sections 16.21.030 through 16.21.050 apply to single family dwellings, manufactured homes, and two family dwellings (duplexes). Where a proposal is for an alteration or addition to an existing development, the standards of this section apply only to the portion being altered or added. If the applicant can demonstrate that implementation of the standards would be impractical due to lot size, shape, slope, or other natural feature of the property that does not generally apply to other properties in the city, the Planning Director may waive any of the standards which are demonstrated to be impractical.

Response: This application does not involve home construction; future homes can be reviewed for compliance with this section upon building permit submittal. As shown on the Preliminary

Plans (Exhibit A), lots are provided adequate building envelopes to accommodate the standards of this section. The criteria can be met but are not particularly relevant to this application.

Division IV. – Land Division Regulations

Chapter 16.62 SUBDIVISIONS – APPLICATIONS

16.62.010 Filing procedures.

- A. Application procedures shall be as described in Chapter 16.89

Response: The application review procedure described in Chapter 16.89 is understood. Please see the associated responses in this document.

16.62.020 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;

Response: As shown on the Preliminary Plans (Exhibit A) and discussed herein, this application is in conformance with the applicable requirements of the CMC Planning and Zoning Ordinance. The criterion is met.

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

Response: This application is associated with the Tofte Area Development Concept Plan (DCP) which provides a framework for the subdivision and included a conceptual network for transportation, infrastructure improvements, open space, parks, and other amenities. As such, the DCP (Exhibit I) illustrates the development of nearby and adjacent properties is not precluded by Mark's Place at Tofte Farms Subdivision. The overall design and arrangement of lots is designed to adequately provide public services and utilities to future lots. As shown on the Preliminary Plans (Exhibit A) and discussed herein, each lot is provided adequate frontage and access onto a public street internal to the subdivision. Necessary easements are provided and illustrated on the plans, as applicable. The criterion is met.

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

1. Manage stormwater through a land development strategy that emphasizes conservation and use of onsite natural features integrated with engineered stormwater controls to more closely mimic predevelopment hydrologic conditions.
2. Encourage creative and coordinated site planning, the conservation of natural conditions and features, the use of appropriate new technologies and techniques, and the efficient layout of open space, streets, utility networks and other public improvements.
3. Minimize impervious surfaces.

4. Encourage the creation or preservation of native vegetation and permanent open space.

Response: This application involves a subdivision for needed housing and therefore only clear and objective standards may be applied. As shown on the Preliminary Plans (Exhibit A), stormwater is managed per City of Canby Public Works standards by means of stormwater lines and infiltration drywells. As shown on the Existing Conditions Plan (Exhibit A), the site contains few natural resources and currently exists as an agricultural field.

Mark's Place incorporates open space preservation and dedication, including provision of the Emerald Necklace Trail, a conceptual multi-use trail shown on Figure 9-1 of the City of Canby Parks and Recreation Master Plan. As shown on the Preliminary Plans (Exhibit A), a network of trails, pedestrian pathways, and accessways link the open space areas to the bluff that overlooks the Molalla River. The trail design is to be determined and will be facilitated by the Parks Advisory Committee. The future trail intends to highlight the natural features along the Molalla River and preserve existing trees and vegetation to the extent practicable. Therefore, although the subdivision design does not include LID facilities, the intent of the criteria above are met.

5. Clustering of residential dwellings where appropriate to achieve (1-4) above. The arrangement of clustered dwellings shall be designed to avoid linear development patterns.

Response: This application involves open space preservation and dedication, including provision of the Emerald Necklace Trail (a conceptual multi-use trail shown on Figure 9-1 of the City of Canby Parks and Recreation Master Plan). As shown on the Preliminary Plans (Exhibit A), a network of trails, pedestrian pathways, and accessways link the open space areas to the bluff that overlooks the Molalla River. The trail design is to be determined and will be facilitated by the Parks Advisory Committee. The future trail intends to highlight the natural features along the Molalla River and preserve existing trees and vegetation to the extent practicable. Therefore, the criterion is met.

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

Response: This application is associated with the Tofte Area Development Concept Plan (DCP) which provides a framework for the subdivision and included a conceptual network for transportation, infrastructure improvements, open space, parks, and other amenities. As such, both the DCP (Exhibit I) and Preliminary Plans (Exhibit A) illustrate public facilities and services will be available to meet the needs of the subdivision as planned. The criterion is met.

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

Response: As shown on the Preliminary Plans (Exhibit A), planned street improvements include provision of sidewalks and pedestrian ways which support safe and efficient routes for residents and visitors. As discussed in the Canby Transportation System Plan (TSP), the Canby School District currently does not have a Safe Routes to School (SRTS) program. Philander Lee Elementary School is approximately 0.4 miles north of the subject site, Canby High School is approximately 1-mile northwest of the site, and Trost Elementary and Baker Prairie Middle School are also generally 1 mile northeast of the property. As illustrated on the Preliminary Plans (Exhibit A), streets which abut the property to the north are extended, providing a continuous transportation network (including sidewalks) which meet the intent of the SRTS program. Frontage improvements are provided on the east side of S Ivy Street and connect to existing sidewalks north of the site. As applicable, the criteria are met.

E. A Traffic Impact Study

Response: Please see the Transportation Impact Study, prepared by DKS and Associates, included as Exhibit D. The criterion is met.

Chapter 16.64 SUBDIVISIONS – DESIGN STANDARDS

16.64.010 Streets.

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

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

Response: As shown on the Preliminary Plans (Exhibit A), new local streets, sidewalks/pedestrian accessways, and multi-use paths adjoin to existing and planned infrastructure connections. Existing street infrastructure connections at S Juniper, S Lupine, S Pine, and S Redwood Street(s) are planned to be extended southward through SE 16th and SE 17th Avenue(s). Future local streets internal to Mark’s Place are planned to be paved to 34 feet (curb to curb) within a 44-foot-wide right-of-way section. As shown on the Local Street Typical Section (Exhibit D), the internal roadways will have a cross-section providing a 5-foot planter strip, 7-foot parking area, and 10-foot drive aisles (on both sides). Sidewalks are planned to be located within a widened public utility easement (PUE), in accordance

with Canby Utility provisions. Additionally, pedestrian accessways are provided along the southern property boundary to allow connection to the future Emerald Necklace Trail, present opportunities to enjoy scenic views of the Molalla River and create an inviting, walkable community. Therefore, the criteria above are met.

- B. **Permeable Surfaces.** Permeable surfacing alternatives and on-site stormwater management facilities, are encouraged for street improvements. Permeable surfacing and LID stormwater management facilities shall be constructed in accordance with the Canby Public Works Design Standards and the CITY OF CANBY October 2019 Chapter 16.64 – Page 2 manufacturer’s recommendations. Permeable surfacing includes, but is no limited to: paving blocks, turf block, pervious concrete, porous asphalt, and other similar approved materials. Alternative surfacing methods may be approved for public and private roads, road shoulders, pedestrian ways, driveways, and easement service roads unless site constraints make use of such materials detrimental to water quality. Use of permeable surfacing methods shall meet the imposed load requirements for fire apparatus, and shall be subject to review and approval by the Canby Public Works Department.

Response: This application does not involve (or require) the use of alternative permeable surfacing materials for street improvements described above. The criteria are not applicable.

- C. **Reserve Strips.** Reserve strips or street plugs controlling the access to streets will not be approved unless such strips are necessary for the protection of the public welfare or of substantial property rights, or both, and in no case unless the control and disposal of the land composing such strips is placed within the jurisdiction of the city, under conditions approved by the commission.

Response: This application does not involve reserve strips. The criterion is not relevant.

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

Response: As shown on the Preliminary Plans (Exhibit A), planned streets align with the center line of existing street infrastructure. Additionally, the existing configuration of 16th and 17th Avenue presents limitations for continuation. As such, these streets are configured as cul-de-sacs and work to prevent a ‘racetrack effect’ of fast-moving traffic throughout the neighborhood. The criterion is met.

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

Mark's Place at Tofte Farms Subdivision Land Use Application

Submitted to:	City of Canby Planning Department 222 NE 2 nd Avenue Canby, OR 97013
Applicant:	Pahlisch Homes 15333 Sequoia Parkway Suite: 190 Portland, OR 97224
Property Owners:	Tofte Farms, LLC PO Box 97 Aurora, OR 97002
Applicant's Consultant:	AKS Engineering & Forestry, LLC 12965 SW Herman Road, Suite 100 Tualatin, OR 97062 Contact: Marie Holladay Email: holladaym@aks-eng.com Phone: (503) 563-6151
Site Location:	371 SE 13 th Avenue / 1712 S Ivy Street
Clackamas County Assessor's Maps:	4 1 E 04D, Tax Lots 1200 and 1300; 4 1 E 03, Tax Lot 2300
Site Size:	Tax Lot 1200: ±12.49 acres Tax Lot 1300: ±1.83 acres Tax Lot 2300: ±28.15 Remainder [Tax Lot 2300]: ±12.5 acres Total site area: ±54.95 acres Total site area planned for annexation: ±42.5 acres
Land Use District:	R-1 (Low Density Residential) and R-1.5 (Medium Density Residential)



street, he may direct that a barricade of adequate design be installed at the developer's expense as one of the required improvement items for the subdivision.

Response: As shown on the Preliminary Plans (Exhibit A), the southernmost street of the transportation network is stubbed to the east and west property boundaries which abut un-platted land. The remaining planned streets connect with existing street infrastructure. The criterion is met.

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

Response: As shown on the Preliminary Street Plans (Exhibit A), planned streets intersect one another as near to a right angle as possible. The criterion is met.

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

Response: Right-of-way dedications are shown on the Preliminary Plats within Exhibit A. S Ivy Street, 16th Avenue, and 17th Avenue, are planned to be constructed to the ultimate street improvements shown in the TSP, in accordance with Canby Public Works requirements. The criterion is met.

H. **Half Streets.** Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision, when in conformity with the other requirements of these regulations, and when the commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips, street plugs, special signs and barricades may be required to preserve the objectives of half streets.

Response: This application does not involve half-street improvements. However, the existing half-street improvements along 16th and 17th Avenues will be completed to the final improvement shown in the TSP. Therefore, the criterion above is not particularly applicable.

I. **Cul-de-sacs.** A cul-de-sac shall only be allowed when environmental or topographical constraints, existing development patterns, or compliance with other standards in this code preclude street extension and through circulation. When cul-de-sacs are provided, all of the following shall be met:

1. The cul-de-sac shall not exceed a length of 400 feet. Length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac;

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2. The cul-de-sac shall be designed in accordance with the Canby Public Works Design Standards.
 3. The cul-de-sac may have a vegetated center island that will serve to treat stormwater runoff generated by the cul-de-sac. Specifications for cul-de-sac design are located in the Public Works Design Standards.
 4. The cul-de-sac shall provide a pedestrian connection between it and adjacent streets, access ways, parks, or other right-of-way. Such pedestrian ways shall conform to Section 16.64.030(C).

Response: As illustrated on the Preliminary Plans (Exhibit A), SE 16th and 17th Avenues are planned to terminate in cul-de-sac features that do not exceed 400 feet in length. The preliminary design of the two cul-de-sac bulbs in close proximity to each other in the north portion of the site is primarily for traffic calming purposes to avoid a ‘racetrack’ effect made by adjoining lengthy, straight streets. The cul-de-sacs are planned to be linked together by parkland and include pedestrian pathways connecting to other streets to allow efficient movement in this portion of the site.

Additionally, there are existing street patterns and design provisions which dictate the internal transportation network; for instance, blocks should not exceed 450 feet without additional connectivity features. The intent of separating (i.e. not connecting) the two streets will create a safer transportation network for pedestrians and motorists within the future neighborhood. Therefore, the subdivision meets the intent of the street connectivity code above.

- I. **Marginal Access Streets.** Where a subdivision abuts or contains an existing or proposed arterial street, the commission may require marginal access streets, through lots with suitable depth, screen planting contained in a nonaccess reservation along the rear property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

Response: This application does not involve future arterial streets. The criterion is not applicable.

- K. **Alleys.**

1. Alleys shall be provided to commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are made as approved by the commission.

Response: This application does not involve commercial or industrial districts. The criterion is not applicable.

2. Alleys shall be provided within residential subdivisions when streets are designed to meet the narrow “green” street standards in the Canby Public Works Design Standards. Visitor parking areas may be required by the city to mitigate the lack of on-street parking.
3. When alleys are provided as part of a new residential subdivision, streets shall be designed in accordance with the narrow “green” street standards in the Canby Public Works

Design Standards. Visitor parking areas may be required by the city to mitigate the lack of on-street parking.

4. Alley intersection corners shall have a minimum radius of ten feet.

Response: This application involves provision of alleys, designed in accordance with the “green” street standard in the Canby Public Works Design Standards. As shown on the Preliminary Plans (Exhibit A), alley intersections meet the minimum 10-foot radius above. The criteria are met.

- J. Street Names. No street name shall be used which will duplicate or be confused with the name of existing streets except for extensions of existing streets. Street names and numbers shall conform to the established pattern in the city and the surrounding area and shall be subject to the approval of the commission.

Response: Street names have been coordinated with the City of Canby and do not duplicate existing naming conventions. The criterion is met.

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

Response: Easements are planned to be provided as shown on the Preliminary Plans (Exhibit A).

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

Response: As shown on the Preliminary Street Plans (Exhibit A), this application plans to provide new local streets in accordance with the grade criteria above.

- O. Streets Adjacent to Highway 99-E or Railroad Right-of-Way. Wherever the proposed subdivision contains or is adjacent to a railroad right-of-way or Highway 99-E, provisions may be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad or Highway 99-E. The distances shall be determined with due consideration of cross streets at a minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way.

Response: The subject site is not adjacent to Highway 99-E or a railroad. The criterion is not applicable.

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

Response: As shown on the Preliminary Plans (Exhibit A), the alleys in the northwest corner and northern portion of the site are designated as separate tracts. The criterion is met.

16.64.015 Access

- A. Any application that involves access to the State Highway System shall be reviewed by the Oregon Department of Transportation for

conformance with state access management standards (See appendix G of the Transportation System Plan).

Response: The subject site does not access a State Highway. The criterion is not applicable.

- B. All proposed roads shall follow the natural topography and preserve natural features of the site as much as possible. Alignments shall be planned to minimize grading.

Response: The existing site topography is relatively flat with gentle slopes to the north. As shown on the Preliminary Grading and ESC Plan (Exhibit A), the site improvements are designed to minimize grading. The criterion is met.

- C. Access shall be properly placed in relation to sight distance, driveway spacing, and other related considerations, including opportunities for joint and cross access.

Response: S Ivy Street (Canby-Marquam Highway 170) runs along the west property boundary of the subject site. As such, site access is restricted to the local streets which abut the north property line. As shown on the Preliminary Plans (Exhibit A), right-of-way dedication is provided for the future Ivy Street roundabout. Sight distance, spacing, and opportunities for joint access are considered in the transportation network design, as shown. The criterion is met.

- D. The road system shall provide adequate access to buildings for residents, visitors, deliveries, emergency vehicles, and garbage collection.

Response: The subject site does not contain existing buildings. Future lots are provided adequate frontage and driveway access to planned local streets. Further, the planned transportation network is adequate for emergency apparatus, garbage trucks, and delivery and passenger vehicles. The criterion is met.

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

Response: As shown on the Preliminary Plans (Exhibit A), streets are planned to include sidewalks on both sides. Pedestrian accessways (linkages) are provided as shown, where existing block length between S Redwood Street and S Pine Street exceeds the 400 feet (and is outside the applicant's control). The criterion is met.

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

Response: Access internal to the site, from 16th Avenue and 17th Avenue, is consistent with the TSP access management standards. The criterion is met.

16.64.020 Blocks.

- A. Generally. The lengths, widths and shapes of blocks shall be designed with due regard to providing adequate building sites suitable to the special needs of the type of use contemplated, needs for access, circulation, control and safety of street traffic and limitations and opportunities of topography.
- B. Sizes. Block length shall be limited to 300 feet in the C-1 zone, 400 feet in residential zones, 600 feet in all other zones, except for 1,000

feet on arterials. Exceptions to this prescribed block standard shall be permitted where topography, barriers such as railroads or arterial roads, or environmental constraints prevent street extension. The block depth shall be sufficient to provide two lot depths appropriate to the sizes required by Division III.

Response: As shown on the Preliminary Plans (Exhibit A), residential blocks do not exceed the 400-foot standard listed above. The criteria are met.

16.64.030 Easements.

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

Response: Public utility easements (PUEs) are provided as shown on the Preliminary Plans within Exhibit A. The criterion is met.

- B. Watercourses. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width as will be adequate for the purpose of assuring adequate flood control. Streets parallel to watercourses may be required.

Response: The subject site is not traversed by a water feature listed above. The criterion is not applicable.

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

Response: As shown on the Preliminary Plans (Exhibit A), pedestrian accessways are provided in Tracts A, B, H, and I to meet the provisions above. SE 22nd Avenue is parallel to the Emerald Necklace Trail and provides accessways within Tract I for the community to access the pathway along the Molalla River. Though planned blocks do not exceed the 600-foot block provisions, Tracts A, B, and H provide convenient pedestrian access to the 17th Avenue cul-de-sac and between SE 19th Avenue and SE 17th Avenue (central to the site).

1. Length should be kept to a minimum and normally not in excess of two hundred feet;

Response: Pedestrian accessways do not exceed 200 linear feet. The criterion is met.

-
2. Width should be maximized and shall not be below ten feet. For pathways over one hundred feet long, pathway width shall increase above the minimum by one foot for every twenty feet of length;

Response: As shown on the Preliminary Plans (Exhibit A), pedestrian accessways are greater than 10 feet in width.

3. A minimum of three foot-candles illumination shall be provided. Lighting shall minimize glare on adjacent uses consistent with the outdoor lighting provisions in section 16.43 of this code;

Response: Lighting is not planned to be provided in Tract I due to proximity to the Molalla River and bluff.

4. Landscaping, grade differences, and other obstructions should not hinder visibility into the pedestrian way from adjacent streets and properties. Fencing along public pedestrian ways shall conform with the standards in Section 16.08.110;

Response: The pedestrian accessways are planned to be fenced in accordance with Section 16.08.110(G)(2). Landscaping and grade differences are not intended to obstruct the pedestrian ways from the connecting streets. The criterion is met.

5. Surrounding land uses should be designed to provide surveillance opportunities from those uses into the pedestrian way, such as with the placement of windows;

Response: The pedestrian accessways will be fenced. Further, this application does not involve buildings or structures. The criterion is not applicable.

6. Exits shall be designed to maximize safety of users and traffic on adjacent streets; and

Response: The pedestrian accessways are planned for safe and efficient travel for users. Generally, pathways are planned to connect to/exit to adjacent streets near street intersections (e.g., S Redwood Street, S Spruce Street, S Pine Street, etc.) which will maximize visibility for both motorists and pedestrians. Additionally, the project provides continuation of existing pathways from the north, internal to the site. Therefore, the criterion is met.

7. Use of permeable surfacing materials for pedestrian ways and sidewalks is encouraged whenever site and soil conditions make permeable surfacing feasible. Permeable surfacing includes, but is not limited to: paving blocks, turf block, pervious concrete, and porous asphalt. All permeable surfacing shall be designed, constructed, and maintained in accordance with the Canby Public Works Design Standards and the manufacturer's recommendations. Maintenance of permeable surfacing materials located on private property are the responsibility of the property owner.

Response: Planned pedestrian pathways do not involve (or require) permeable surfacing materials. The criterion is not applicable.

- D. Developments that abut the Molalla Forest Road multi-use path shall provide a pedestrian/bicycle access to the path. The city may

determine the development to be exempt from this standard if there is an existing or planned access to the path within 300 feet of the development.

Response: The subject site does not abut the Molalla Forest Road multi-use path. The criterion is not applicable.

- E. Solar Easements. Subdividers shall be encouraged to establish solar easements and utilize appropriate solar design in their development proposals. Solar easements shall be shown on the final plat and in the deed restrictions of the subdivision. The Planning Commission may require the recordation of special easements or other documents intended to protect solar access.

Response: Solar easements are not anticipated to be necessary for future lots.

16.64.040 Lots.

- A. Size and Shape. The lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated. To provide for proper site design and prevent the creation of irregularly shaped parcels, the depth of any lot or parcel shall not exceed three times its width (or four times its width in rural areas) unless there is a topographical or environmental constraint or an existing man-made feature such as a railroad line.

Response: Mark's Place at Tofte Farms is a subdivision intended for future single-family detached homes, with a variety of lot sizes and housing types. As shown on the Preliminary Plans (Exhibit A), lot sizes and widths meet the requirements of the underlying zoning designations (R-1 and R-1.5) in accordance with the applicable lot area exceptions. Lots are generally rectangular in shape and intended to meet the depth description listed above.

B. Minimum Lot Sizes:

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

Response: This application does not involve an alternative lot layout per Section 16.64.040(3) below. As discussed in the responses to Division III, lot sizes conform with the requirements of Section 16.16.030(B) and Section 16.18.030(B). The criterion above is not applicable.

2. In areas that cannot be connected to sewer trunk lines, minimum lot sizes shall be greater than the minimum herein specified if necessary because of adverse soil structure for sewage disposal by septic systems. Such lot sizes shall conform to the requirements of Clackamas County for sewage disposal unless provisions are made for sanitary sewers.

Response: Septic systems are not involved in this application. As shown on the Preliminary Composite Utility Plan (Exhibit A), sanitary service is provided to lots internal to the subdivision, connecting to existing sewer trunk lines. The criterion is not applicable.

3. Alternative lot layout. Applicants may deviate from standard lot setbacks and dimensions to accommodate dedicated interconnected open space or other natural areas. Clustered housing, lot-size averaging, and a mixture of approaches where building lots can be grouped into a smaller portion of the total development, reserving the remainder for open space or other natural areas. Alternative development layouts shall not exceed the underlying maximum density allowed by the zone.
4. When using the alternative lot layout option, the following must be met:
 - a. The arrangement of the alternative lot layout shall be designed to avoid development forms commonly known as linear, straight-line or highway strip patterns.
 - b. To the maximum extent possible, open space and natural areas, where used, shall be continuous, interconnected, and concentrated in large usable areas.
 - c. Where possible, open space shall be connected to adjacent off-site open space areas.
 - d. Open space and natural areas shall be maintained permanently by the property owner or the property owner's association.

Response: This application does not involve an alternative lot layout per Section 16.64.040(3) below. As discussed in the responses to Division III, lot sizes conform with the lot area exception requirements of Section 16.16.030(B) and Section 16.18.030(B). The criterion above is not applicable.

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

Response: As discussed in the responses to Division III, lot frontages conform with the requirements of Section 16.16.030(B) and Section 16.18.030(B). Due to the existing street network along the northern boundary of the site, cul-de-sacs are provided for traffic calming measures and to allow adequate extension of stubbed street infrastructure. As shown on the Preliminary Plans (Exhibit A), the cul-de-sac lots are provided adequate access and pedestrian pathways where applicable. The criterion is met.

- C. Double Frontage. Double frontage or through lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

Response: As shown on the Preliminary Plans (Exhibit A), lots in the northwest corner of the site are accessed by alleys due to the arterial access restriction on S Ivy Street (Canby-Marquam Highway 170). According to Section 16.04.370, a through lot is defined as a lot having frontage on two parallel streets other than alleys. Therefore, lots with double frontage are not involved in this application.

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

Response: As shown on the Preliminary Plans (Exhibit A), lots are generally oriented within 90 degrees to the adjacent street. The criterion is met.

E. **Resubdivision.** In subdividing tracts into large lots which at some future time are likely to be resubdivided, the location of lot lines and other details of the layout shall be such that resubdivision may readily take place without violating the requirements of these regulations and without interfering with the orderly development of streets. Restriction of building locations in relationship to future street rights-of-way shall be made a matter of record if the commission considers it necessary.

Response: This application does not involve lots large enough for future land division. As shown on the Preliminary Plans (Exhibit A), the largest lot is ±12,092 sf. The criterion is not applicable.

E. **Building Lines.** If special building setback lines are to be established in the subdivision plat, they shall be shown on the subdivision plat or included in the deed restrictions. This includes lots where common wall construction is to be permitted between two single-family dwellings.

Response: This application does not involve special building setback lines or two-family dwellings. The criterion is not applicable.

F. **Potentially Hazardous Lots or Parcels.** The commission shall utilize its prerogative to modify or deny a tentative plat or partition map where it is found that a proposed lot or parcel is potentially hazardous due to flooding or soil instability.

Response: This subdivision application does not involve potentially hazardous, flood prone areas, or unstable soils. As discussed in the Tofte Farms Development Concept Plan (Exhibit I), a safe setback recommended by a geotechnical engineer is established on the site near the bluff of the Molalla River. As shown on the Preliminary Plans (Exhibit A), the residential subdivision limits and associated construction improvements reflect a recommended geotechnical setback, located north of the surveyed top of bluff and the Canby 100-foot riparian setback from top of bank. The geotechnical setback, ranging from 50 to 70 feet from the surveyed top of bluff, is more restrictive than the riparian setback required by City Code. As further illustrated on the Preliminary Plans (Exhibit A), existing trees and vegetation near the riparian corridor are planned to remain undisturbed as they exist currently to provide protection of resources. For further information, please see the Geotechnical Engineering Report within Exhibit K. The criterion is not applicable.

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

Response: This application does not involve flag lots as defined by CMC 16.04.318. Each planned lot complies with the minimum frontage/width standard of the underlying zone. The criteria above are not relevant.

I. **Designation of Lots as ‘Infill Home’ Sites.**

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

I. Executive Summary

Pahlisch Homes (Applicant) is pleased to submit this application to the City of Canby (City) for a residential Tentative Subdivision on a ±42.5-acre site. The Tofte Farms site is the subject of recent land use applications (for concurrent review), including Annexation and Development Concept Plan (DCP) applications submitted in the spring of 2021 (Local Case File No. ANN-21-01 and ZC-21-01). The property (for annexation) is identified within a Development Concept Area on the City of Canby Annexation Development Map and required a DCP to illustrate the conceptual transportation and infrastructure framework to serve the site can adequately be provided. This Tentative Subdivision application is the next step in bringing the Tofte Area DCP vision to life and facilitating the creation of a complete neighborhood within the southeastern area of the City of Canby.

Mark's Place (Subdivision) at Tofte Farms includes a total site area of ±54.95 acres, though only ±42.5 acres (within the Canby Urban Growth Boundary (UGB)) were annexed into City Limits. The City Limits and the UGB run through the southeastern portion of the property, along the bluff of the Molalla River. The portion of the site outside City Limits is configured as a remainder lot on the preliminary subdivision plat.

Mark's Place is thoughtfully designed, ensuring stewardship of the surroundings, an embrace of the natural landscape, and the intent to integrate and preserve the natural environment through shared open space, including a new neighborhood park, trails, and landscaping. This project will provide high-quality recreational amenities, including provision of the Emerald Necklace Trail, a conceptual trail which encircles the City of Canby's perimeter. The Emerald Necklace Trail green space incorporates a depth ranging from 50 to 120 feet and will include the future trail improvements, landscaping, accessways, and infrastructure to create an engaging community amenity. Further, provision of the trail ensures future homes will be adequately and safely setback from natural resources and highlights the scenic beauty of the Molalla River by providing recreational opportunities to the community that are currently privately owned.

As shown on the application materials, the residential subdivision limits and associated construction improvements reflect a recommended geotechnical setback, located north of the surveyed top of bluff and the Canby 100-foot riparian setback from top of bank. The geotechnical setback, ranging from 50 to 70 feet from the surveyed top of bluff, is more restrictive than the riparian setback required by City Code. As shown on the Preliminary Plans (Exhibit A), existing trees and vegetation near the riparian corridor are planned to remain undisturbed as they exist currently to provide protection of resources.

The subdivision is planned to include a total of ±167 lots intended to accommodate future single-family detached homes. Primary access to the site is planned to be taken from S Ivy Street, where new local streets, sidewalks, and multi-use paths adjoin to existing and planned infrastructure connections. Street stubs along the site's northern boundary at Juniper, Lupine, Pine, and Redwood are extended south internal to the site, connecting the neighborhood to existing transportation infrastructure. As shown on the Existing Conditions Plan (Exhibit A), SE 16th Avenue is an existing cul-de-sac stubbed to the site's northeastern property line; it is planned for completion. Additionally, SE 17th Avenue is a street stubbed central to the site's northern boundary. This road is planned to be completed as a cul-de-sac to mitigate a potential 'race-track' effect of cars speeding through the community. Due to existing street improvements in the vicinity, this unique design will help mitigate a lengthy expanse of street and make a safer transportation network for residents. The cul-de-sacs are planned to be linked together by

Response: As shown on the Preliminary Plans, the subject site is ±42.5 acres in size and borders homes to its northern property line. The infill standards of CMC 16.21.050 are not applicable because the site is separated from existing homes by public right-of-way. According to CMC 16.04.255, this section regarding infill homes is applicable when there are existing homes on two adjacent sides; the site is adjacent to two dwellings that are within 25 feet of one common property line (i.e. the northern property boundary). Therefore, the criterion above is not applicable.

16.64.050 Parks and recreation.

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

Response: Please see the responses to Division VI. The requirements for parks, open space, and recreation are satisfied.

16.64.060 Grading of building sites.

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

Response: The Preliminary Grading Plan (Exhibit A), illustrates site work will not endanger the public or existing facilities. The criterion is understood.

16.64.070 Improvements.

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

1. Improvement work shall not be commenced until plans have been checked for adequacy and approved by the city. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the tentative plat of a subdivision or partition. No work shall commence until the developer has signed the necessary certificates and paid the subdivision development fees specified elsewhere in this division.
2. Improvement work shall not commence until after the city is notified, and if work is discontinued for any reason it shall not be resumed until after the city is notified.
3. Improvements shall be constructed under the inspection and to the satisfaction of the City. The city may require changes in typical sections and details in the public interest if unusual conditions arise during construction which warrant the change.
4. Underground utilities, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length

obviating the necessity for disturbing the street improvements when service connections are made.

5. “As Built” construction plan revisions shall be filed with the city engineer within sixty days of the completion of any improvements.

Response: The improvement procedures above are understood and can be met.

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

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

Response: As shown on the Preliminary Plans (Exhibit A), infrastructure improvements listed above are provided, as applicable.

10. Where dedicated or undedicated open space is proposed or provided, it shall be the subdivider’s responsibility to provide standard public improvements to and through that open space.

Response: Open space areas are planned to be improved in accordance with the Canby Planning and Zoning Code. The criterion can be met.

11. If fencing is being proposed as part of subdivision development, the subdivider shall be responsible for installing fencing along public streets and pedestrian ways. Fencing shall be constructed in accordance with the standards in Section 16.08.10

Response: As shown on the Preliminary Plans, fencing is planned along the bluff of the Molalla River (the site’s southern boundary) for public safety purposes. Additional fencing is planned along pedestrian accessways for privacy of adjacent lots, in accordance with Section 16.08.10.

C. Streets.

1. All streets, including alleys, within the subdivision and streets adjoining, but only partially within the subdivision shall be improved.
2. All public and private streets shall be constructed to city standards for permanent street and alley construction. LID alternatives, such as permeable surfacing and integrated stormwater management facilities, are required where site

and soil conditions make it a feasible alternative. Upon completion of the street improvement, monuments shall be reestablished and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street centerlines as required by Oregon Revised Statutes Chapter 92.

Response: Streets are planned to be improved to City of Canby Public Works standards. As shown on the Preliminary Plans (Exhibit A), partially improved SE 16th and 17th Avenues will be completed adjacent to the northern property boundary. The criteria are met, as applicable.

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

Response: As shown on the Preliminary Street Tree Plan (Exhibit A), trees are planned to be provided in accordance with Chapter 12.32. The criteria are met.

4. Prior to city approval of the final subdivision plat, all perimeter and back lot line monumentation shall be installed and the installation of the front lot monumentation (along and within street rights-of-way) shall be guaranteed. Any monuments destroyed during improvement installation shall be replaced at the developer's expense.

Response: The monumentation standards described above are understood.

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

Response: Right-of-way dedications are provided, as shown on the Preliminary Plans (Exhibit A). The partially improved SE 16th and 17th Avenue right-of-way, adjacent to the northern property boundary, will be completed in accordance with City standards. The criterion is met.

6. The proposed use shall not impose an undue burden on the transportation system. The City may require the applicant to provide adequate information, such as a traffic impact study, to demonstrate the level of impact to the surrounding street system. The developer shall be required to mitigate impacts attributable to the project.
7. The determination of impact or effect and the scope of the impact study should be coordinated with the provider of the affected transportation facility.

Response: Please see the Transportation Impact Study within Exhibit D. The City's consulting transportation engineer, DKS & Associates, prepared the documentation, determined the impacts, and coordinated the scope with the transportation provider(s).

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

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

Response: Right-of-way dedications and transportation improvements are planned to be provided, as shown on the Preliminary Plans (Exhibit A), in accordance with the Transportation Impact Study within Exhibit D.

D. Surface Drainage and Storm Sewer System

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

Response: Stormwater drainage facilities are provided, as shown on the Preliminary Composite Utility Plan (Exhibit A).

2. Stormwater Management through Low Impact Development (LID). Low impact development is a stormwater management approach aimed at emulating predevelopment hydrologic conditions using a combination of site design and stormwater integrated management practices. This approach focuses on minimizing impervious surfaces, promoting rainfall evaporation and uptake by plants, and maximizing stormwater infiltration. Specific LID strategies and integrated management practices include:
 - a. Protection and restoration of native vegetation and soils,
 - b. Minimizing impervious surface area through use of pervious materials (e.g. pavers and pervious concrete).
 - c. Vegetated roofs,
 - d. Rainfall reuse,
 - e. Stormwater dispersion and bioretention (recharge).

Response: Use of stormwater Management LIDs is not involved in this application.

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

Response: Stormwater will be managed on site in accordance with Canby Public Works Design Standards. The criterion is met.

4. A conceptual stormwater management report must be submitted with the subdivision application. The report must demonstrate how and where stormwater will be managed on site at the subdivision. Where LID practices are not used, the applicant must demonstrate why LID is not feasible. The

report will be reviewed by the Canby Public Works Department and shall be consistent with the Public Works Design Standards. Generally, the stormwater management plan must include the following:

- a. A description of existing conditions including a map;
- b. A description of the proposed stormwater system including a map;
- c. An estimate of existing storm water run off;
- d. An estimate of proposed storm water run off;
- e. The detention/retention requirements; and
- f. The discharge location, treatment method and sizing, and if discharging to the ground, the expected infiltration rates based upon soils mapping data.

Response: Please see the Preliminary Stormwater Report (Exhibit E), replete with the calculations and information above. The criteria are met.

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- E. **Sanitary Sewers.** Sanitary sewers shall be installed to serve the subdivision and to connect the subdivision to existing mains. In the event it is impractical to connect the subdivision to the city sewer system, the commission may authorize the use of septic tanks if lot areas are adequate, considering the physical characteristics of CITY OF CANBY October 2019 Chapter 16.64 – Page 14 the area. The commission may require the subdivider to install and seal sewer lines to allow for future connection to the city system.

Response: Please see the Preliminary Stormwater Report (Exhibit E), replete with the calculations and information above. The criteria are met.

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

Response: As shown on the Preliminary Plans (Exhibit A), water service is provided to the subdivision in accordance with the City standards. Fire hydrants are planned to be installed as shown, with adequate spacing and installation per the Fire Marshal. The criteria are met.

- G. **Sidewalks.** Sidewalks shall be required on both sides of a public street and in any special pedestrian way within the subdivision, except that in the case of identified arterials, or industrial districts, the commission may approve a subdivision without sidewalks if alternative pedestrian routes are available. Sidewalk construction may be postponed until the actual construction of buildings on the lots, provided that adequate assurance is given that such sidewalks will be installed. Where LID practices are implemented in subdivision street design, alternative sidewalk design may be permitted with the approval from the city. Alternative sidewalk design resulting from LID best management practices may include, but not limited to: flat curbs, LID bioretention areas incorporated in conjunction with required landscaping, and alternative sidewalk

widths. LID best management practices shall be designed in accordance with the Canby Public Works Design Standards.

Response: Sidewalks are provided on both sides of public streets and within pedestrian accessways internal to the subdivision, in accordance with Canby Public Works Design Standards. The criteria are met.

H. **Bicycle Routes.** If appropriate to the extension of a system of bicycle routes, existing or planned, the commission may require the installation of bicycle lanes within streets or the construction of separate bicycle paths.

Response: According to the Canby Transportation System Plan, local streets internal to the subdivision are not required to provide bike lanes. Extension of bicycle routes is not relevant as the subject site is not shown on the Gator Grinder Bike Route, the Sawtell and Tulip Bike Route, or the Tour Canby Bike Loop. The local street network is inclusive of motorists, bicyclists, and pedestrians and provides a safe and efficient method of travel throughout.

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

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

Response: Street signs and lights are planned to be installed in accordance with City standards and Canby Utility Board requirements. The criteria can be met.

K. **Other Improvements**

1. **Curb cuts and driveway installation** are not required of the subdivider but, if installed, shall be according to city standards.

2. **Street tree planting** is required of the subdivider and shall be according to city requirements.

3. **The developer shall make necessary arrangements with utility companies or other persons or corporations affected, for the installation of underground lines and facilities.** Electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground, unless overhead installation has been specifically approved by the commission because of unique circumstances at the site.

Response: The improvements listed above are understood. Please see the Preliminary Landscape Plan for planned street tree locations and details. Coordination with the applicable utility agencies will be completed, as required.

4. **Developments along existing rail lines** may be required to provide barrier fences or walls if necessary ensure safety for development occupants. City may also require noise mitigation such as sound walls, or triple-pane windows in order to reduce the health impacts of train noises. Noise mitigation requirements shall be based on measured db

levels when trains are in the vicinity and specific building construction features.

Response: The subject site is not located along an existing railway line. The criterion is not applicable.

L. Improvements in Areas of Flood or Slope Hazard.

1. Any public utility or facility associated with a subdivision or partition within an area subject to flooding shall be designed, located, and constructed so as to minimize or mitigate flood damage and shall not result in raising the water elevation in a designated floodway beyond the limits prescribed by the Federal Flood Insurance Program.
2. A new or replacement water supply system shall be designed, located and constructed to minimize or eliminate infiltration of flood waters into the system.
3. A new or replacement sanitary sewage system shall be designed, located and constructed to minimize or eliminate infiltration of flood waters into the system.
4. An on-site septic tank system or other individual waste disposal shall be located to avoid impairment or contamination during flooding.
5. Any public utility or facility, including streets, associated with a subdivision or partition within an area which is subject to flooding or slope instability shall be designed, located and constructed so as to amply protect such public utility or facility from damage due to such natural hazards. Adverse impacts upon fish, wildlife, and open space resources shall also be considered in the design and construction of such facilities. The commission and council shall consider the potential repair or maintenance costs to be borne by the public when reviewing the proposed design, location, and construction of such public utilities or facilities.

Response: Sites with flood and steep slopes features are indicated with a Hazard Overlay Zone on the Canby Comprehensive Plan Map. The subject site does not include a Hazard Overlay Zone according to the City's Comprehensive Plan. As shown on the Preliminary Plans (Exhibit A), the subject site does not involve improvements within areas of flood or slope hazards. The criteria above are not applicable.

M. Survey Accuracy and Requirements. In addition to meeting the requirements as set forth in Oregon Revised Statutes relative to required lot, street and perimeter monumentation, the following shall be required:

1. An accuracy ratio of subdivision plat boundary line closure of one in ten thousand (.0001) feet as found in the field.
2. Two primary perimeter monuments (one of which can be the initial point) having the same physical characteristics as the initial point. The monuments are to be on a common line visible, if possible, one to the other at time of approval and preferably at angle points in the perimeter. They shall be points as far apart as practicable. A survey monument witness sign of a design acceptable to the city engineer shall

be placed within eighteen inches of both monuments. The CITY OF CANBY October 2019 Chapter 16.64 – Page 16 position for the initial point and other primary perimeter monuments shall be selected with due consideration to possible damage during construction and desirability of witness sign location.

3. Street centerline monumentation shall consist of a two-inch diameter brass cap set in a concrete base within and separate from a standard monument box with cover (standard city details applicable) at locations specified by the city engineer (generally at intersections with centerline of arterial or collector streets and within streets proposed to be greatly extended into adjacent future subdivisions). All other street centerline points (intersections, points of tangent intersections, cul-de-sac center lines, cul-de-sac off-set points) shall be monumented with a five-eighths-inch diameter steel rod thirty inches long with an approved metal cap driven over the rod and set visible just below the finish surface of the street. If any points of tangent intersection fall outside of a paved section street, the above monumentation will be required at point of curvature and point of tangency of the curve. All centerline monuments are to be accurately placed after street construction is complete.

Response: The survey requirements above are understood and compliance is demonstrated on the application materials. The criteria above are met.

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

O. **Performance Bond.**

1. The land divider shall file with the agreement, to assure his full and faithful performance thereof, one of the following:
 - a. A surety bond executed by a surety company authorized to transact business in the state in a form approved by the City Attorney;
 - b. A personal bond cosigned by at least one additional person, together with evidence of financial responsibility and resources of those signing the bond, sufficient to provide reasonable assurance of ability to proceed in accordance with the agreement;
 - c. Cash.

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- P. Guarantee. All improvements installed by the subdivider shall be guaranteed as to workmanship and materials for a period of one year following written notice of acceptance by the city to the developer. This guarantee can be warranted under the same options listed in Section O above.

Response: Agreements, performance bonds, and/or guarantees can be provided as necessary. The criteria are understood.

- Q. Large Scale or Solar Efficient Development. The standards and requirements of this division may be modified by the commission in the case of a plan and program for a complete community, a neighborhood unit, a solar efficient design, a large scale shopping center, or large industrial development, which in the judgment of the commission provides adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the developed tract and its relation to adjacent areas, and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the intents and purposes of the Comprehensive Plan. (See Division V for information regarding a planned unit development.)

Response: This application does not involve a planned unit development or solar efficient development. The criterion is not applicable.

- R. No fence/wall shall be constructed throughout a subdivision where the effect or purpose is to wall said project off from the rest of the community unless reviewed and approved by the Planning Commission.

Response: Mark's Place subdivision does not include a perimeter wall or fencing to seclude the community from the remainder of Canby. The criterion is met.

16.64.80 Low Impact Development Incentives

The purpose of this section is to encourage the use of certain low impact development (LID) practices in subdivision development beyond the minimum requirements of this code. The provisions in this section are voluntary and are not required of new subdivisions. These provisions are applicable only when an applicant elects to utilize the incentives provided in this section. Only one incentive is permitted at a time. For example, an applicant cannot utilize a height bonus and density bonus in the same subdivision application.

Response: This application does not incorporate LID facilities. The incentives provided in this section have been omitted for brevity purposes.

Division VII. – Street Alignments

Chapter 16.86 REGULATIONS

16.86.020 General provisions.

- A. The Transportation System Plan shall be used to determine which streets are to be arterials, collectors, and neighborhood connectors. All new streets are required to comply with the roadway design standards provided in Chapter 7 of the TSP. The city may require right-of-way dedication and/or special setbacks as necessary to ensure adequate right-of-way is available to accommodate future road widening projects identified in the TSP.

B. Right-of-way widths and cross section standards for new streets shall be in conformance with the Canby Transportation System Plan and the Public Works Design Standards.

C. The Public Works Director shall be responsible for establishing and updating appropriate alignments for all streets.

Response: As shown on the Conceptual Neighborhood Connectivity Plan (Exhibit A), new streets are planned to comply with the Canby TSP functional classifications and the roadway design standards of Chapter 7. Right-of-way is planned to be dedicated according to Public Works Design Standards, as shown on the Preliminary Plans (Exhibit A). The criterion is met.

D. No building permit shall be issued for the construction of a new structure within the planned right-of-way of a new street, or the appropriate setback from such a street as established in Division III.

E. Existing structures which were legally established within a planned road alignment or abutting setback shall be regarded as nonconforming structures.

Response: As shown on the Preliminary Plans (Exhibit A), structures are not located or planned to be located within the future road alignments. The criteria above are not applicable.

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

Response: As shown on the Bicycle Plan of the TSP, bikeways are not identified on the subject site. The criterion is not relevant.

G. Pedestrian facilities shall be provided consistent with the Pedestrian Plan element of the Transportation System Plan.

Response: As shown on the Preliminary Plans (Exhibit A), the transportation network internal to the subdivision will provide sidewalks on both sides of local streets, consistent with the Pedestrian Plan of the TSP. Additionally, right-of-way improvements to the site's frontage along S Ivy Street and SE 16th and SE 17th Avenue are planned to include pedestrian facilities. The criterion is met.

16.86.040 Recommended Roadway Standards

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

Response: As shown on the Preliminary Plans (Exhibit A), streets are designed in accordance with the TSP and Canby Public Works Design Standards. The criterion is met.

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

parkland and include pedestrian pathways connecting to other streets to allow efficient movement in this portion of the site.

As illustrated on the application materials, the planned transportation network will allow safe and efficient connectivity for pedestrians and motorists. The neighborhood parks, trails, accessways, and open space tracts will create an inviting, walkable community and are planned to be homeowner's association (HOA)-owned and maintained amenities. The components of the Mark's Place site layout include the following features:

- ±167 lots for single-family homes on an assortment of lot sizes
- Diverse mix of housing sizes for households at a variety of income levels and demographics
- Interconnected internal public street network including sidewalks, landscape strips, and street trees
- ±4.5 acres of open space preserved for natural resource protection and recreation areas for future residents
- Neighborhood pocket park, conceptually including active and passive recreational opportunities such as a playground, basketball court, multi-use lawns, benches, and picnic areas
- Network of pedestrian pathways, including the Emerald Necklace Trail, linking the community open space areas to the bluff that overlooks the Molalla River
- Full range of underground franchise utilities, municipal water, sanitary sewer, and stormwater
- Street improvements along the project frontage on the west side of S Ivy Street (e.g. 6-foot-wide sidewalks, landscape strip with street trees, and bike lanes)
- Dedication of additional right-of-way for the future roundabout improvements on S Ivy Street
- Street improvements to local street standards for the completion of improvements to SE 17th Avenue and SE 16th Avenue, extension of existing bordering streets, and the internal local street network
- On- and off-street parking for residents and visitors

This application is consistent with and satisfies the City of Canby Planning and Zoning Code (CPZC) applicable approval criteria for a subdivision. This application includes the City application forms, written materials, and preliminary plans necessary for City staff to review and determine compliance with the applicable approval criteria. The evidence supports the City's approval of the application.

II. Site Description/Setting

The subject site consists of three parcels comprising ±42.5 acres in size (Tax Lots 1200 and 1300 of Clackamas County Assessor's Map 4 1 E 04D and Tax Lot 2300 of Map 4 1 E 03). The properties are contiguous and located at 371 SE 13th Avenue near the intersection of S Ivy Street and 16th Avenue. The properties are bound by the UGB and Molalla River to the south, Redwood Lane to the east, SE 17th and 16th Avenue(s) to the north, and S Ivy Street to the west. The site slopes gently to the north (but is generally flat) and contains steeper slopes at the bluff of the Molalla River.

The subject site is anticipated to be designated R-1 (Low Density Residential) and R-1.5 (Medium Density Residential), as forecasted in the Canby Comprehensive Plan (and upon approval of the concurrent applications for Annexation and DCP). The surrounding area is characterized by residential subdivisions containing varying lot sizes and housing types. Generally, properties north and northwest of the site are

Response:

Mark’s Place Subdivision provides a continuous transportation network of local streets. Street stubs along the site’s northern boundary at Juniper, Lupine, Pine, and Redwood are extended south into the site, connecting the neighborhood to existing transportation infrastructure. As shown on the Existing Conditions Plan (Exhibit A), SE 16th Avenue is an existing cul-de-sac stubbed to the site’s northeastern property line; it is planned for completion. Additionally, SE 17th Avenue is a street stubbed central to the site’s northern boundary. This road is planned to be completed as a cul-de-sac to mitigate a potential ‘race-track’ effect of cars speeding through the community. Due to existing street improvements in the vicinity, this unique design will help mitigate a lengthy expanse of street and make a safer transportation network for residents.

Further, feedback from neighbors north of the site was received at the project’s neighborhood meeting, including concerns that connection of SE 16th and SE 17th Avenues would diminish the character of the existing neighborhoods. Property owners’ voiced support of the traffic calming and separation of existing homes the cul-de-sac design provides. The cul-de-sacs are planned to be linked together by parkland and include pedestrian pathways connecting to other streets to allow efficient movement in this portion of the site. Therefore, the subdivision meets the intent of the street connectivity code above.

Chapter 16.89 APPLICATION AND REVIEW PROCEDURES

16.89.020 Description and Summary of Processes.

All land use and development applications shall be decided by using the procedures contained in this Chapter. Specific procedures for each type of permit are contained in Sections 16.89.030 through 16.89.060. The procedure type assigned to each permit governs the decision-making process for that permit. Additional requirements may be found in the individual chapters governing each permit type. The four types of procedure are described below. Table 16.89.020 lists the City’s land use and development applications and their required procedures.

...

- D. Type III Procedure (Quasi-Judicial/Legislative). Type III decisions are made by the Planning Commission after a public hearing, with appeals reviewed by the City Council. Type III procedures generally use discretionary approval criteria.

TABLE 16.89.020 [excerpt]

Land Use and Development Application Procedures

Application Type	Process Type	Notice Radius (Feet)	Neighborhood Meeting Required
Subdivision	III	500	Yes

16.89.050 Type III Decision.

- A. Pre-application conference.

A pre-application conference may be required by the Planning Director for Type III applications.



Response: A pre-application conference was held on April 19, 2021. Please see the documentation within Exhibit G. The criterion is met.

- B. **Neighborhood meetings.** As directed in Table 16.89.020, the applicant may be required to present their development proposal at a neighborhood meeting before the City accepts the application as complete. See Section 16.89.070.

Response: A neighborhood meeting is scheduled to be held on October 26, 2021. Please see the documentation within Exhibit F. It is understood this land use application will not be deemed complete until the neighborhood meeting documentation is submitted. The criteria will be met.

- C. **Application requirements.** Type III applications shall be made on forms provided by the Planning Director. The application shall be accompanied by all required information and fees.

Response: Please see the required application forms within Exhibit B; this application was accompanied by the correct fee upon submittal. The criterion is met.

...

Division XI. – Parks, Open Space and Recreation Land

Chapter 16.120 GENERAL PROVISION

...

16.120.020 Minimum standard for park, open space and recreation land

- A. **Parkland Dedication:** All new residential, commercial and industrial developments shall be required to provide park, open space and recreation sites to serve existing and future residents and employees of those developments. Multi-family developments which provide some “congregate” services and/or facilities, such as group transportation, dining halls, emergency monitoring systems, etc., but which have individual dwelling units rather than sleeping quarters only, are considered to be multifamily developments for the purpose of parkland dedication. Licensed adult congregate living facilities, nursing homes, and all other similar facilities which provide their clients with individual beds and sleeping quarters, but in which all other care and service are communal and provided by facility employees, are specifically exempt from park land dedication and system development fee requirements.

1. The required parkland shall be dedicated as a condition of approval for:
 - a. Approval of a tentative plat of a subdivision or partition.
 - b. Approval of site and design review for all development but single-family and duplex development.
 - c. The replat or amendment of any site plan for multi-family development or manufactured home park where dedication has not previously been made or where the density of the development involved will be increased.

Response: This application involves a residential subdivision intended for single-family detached homes. Therefore, parks and open space areas are provided as shown on the Preliminary Plans (Exhibit A). Multi-family units, adult congregate care facilities, nursing homes, etc. are not included in this project.

As shown on the Preliminary Open Space Master Plan (Exhibit A), commencing from the primary entrance on S Ivy Street, the Tofte community will introduce a centralized park with activities ranging from play equipment to lawn games, where families and friends can gather, connect, and continue to build an enjoyable community. Moving east, the site contains an efficient network of pedestrian pathways, sidewalks, and accessways which provide safe connections for residents to reach park land and the conceptual Emerald Necklace Trail along the bluff of the Molalla River.

As shown on Figure 9-1 of the City of Canby Park and Recreation Master Plan Update, the Emerald Necklace Concept Trail (a conceptual multi-use trail) is identified on the subject site. Multiple pedestrian accessways are shown on the south side of the site which illustrate connections from the future Tofte neighborhoods to the proposed trail. The trail design and form of ownership/maintenance are to be determined and will be facilitated by the Parks Advisory Committee. The future trail intends to highlight the natural features along the Molalla River and preserve existing trees and vegetation to the extent practicable.

The southern Emerald Necklace green space incorporates a depth ranging from approximately 50-120 feet and will include the future trail improvement, landscaping, and required infrastructure improvements to create an engaging community amenity. Although the final trail design is undetermined at this time, the physical trail will likely loop back into the Tofte residential neighborhoods (future subdivision). Through the public engagement process, feedback was received from adjacent neighbors/property owners who desire the trail to swing north and not terminate at the eastern property boundary to avoid pedestrian movement/trespassing onto adjacent private properties. This feedback is considered and incorporated in the DCP (Exhibit I). Additionally, the design as discussed does not preclude the ability to extend the trail further east in the future (as shown on Figure 9-1 of the City of Canby Park and Recreation Master Plan Update) as properties redevelop and change over time.

The Applicant understands the parks and open space element of the subdivision application requires further discussion and clarity, including involvement of multiple parties. The following is a proposal to open the door to further discussion of these improvements before the staff report is finalized before the hearing in January of 2022:

- Propose to dedicate Tract I (Emerald Necklace Trail) to the City and request/obtain SDC credits for park land value and the path improvements pursuant to CMC 16.120.030 (subject to an appraisal with agreed upon assumptions by the City). Ultimate maintenance responsibilities for this tract will be subject to a maintenance agreement that is negotiated between the City and the Applicant. An easement to the future homeowners' association (HOA) may be needed to provide rights for maintenance access by the HOA (if needed).

- The applicant is willing to negotiate with the City to allow for a maintenance agreement which potentially allows the Emerald Necklace Trail to be maintained by the HOA and Crystal Lake Community Management. This proposal provides a great public benefit to the City of Canby, as the public will have access to high-quality parkland and turn-key amenities without the obligation of reoccurring upkeep and maintenance.
- Tract C (Neighborhood Park) is intended to be dedicated to the HOA as a privately owned and maintained park. A pedestrian access easement will be provided across its entirety to allow use by the public. The applicant does not intend to request park SDC credits for the private park.
- Tracts A, B, D, E, F, G, & H are also planned to remain HOA owned and maintained; Pahlisch does not intend to request park SDC credits for these additional open space tracts.

2. The City shall require land dedication or payment of the system development charge (SDC) in lieu of land dedication (Section 4.20.170). In addition, the City may credit private on-site park, open space and recreation area(s) and facilities (Section 16.120.060). The City may approve any combination of these elements. Prior to parkland dedication, a Level I Environmental Assessment of the lands proposed for dedication shall be performed by the applicant as part of the site plan approval for the project.

The following factors shall be utilized in the City's choice of whether to accept land or cash in lieu:

Response: This application involves dedication of parks and open space areas in accordance with the dedication procedures of CMC 16.120.030. Cash in lieu is not proposed to meet the requirements of this section.

The neighborhood park, trail, accessways, and open space tracts are planned to be homeowners' association (HOA)-owned and maintained amenities. However, the Canby Parks Department and Parks Advisory Committee (PAC) are the local agencies which facilitate and decide upon matters of park land. Dedication acceptance is determined upon analysis of features such as: level of service, type of park, amenities provided, proposed number of users, etc. Any additional open space areas that are not planned to be owned and maintained by the HOA will be transferred/dedicated to the City of Canby. The Emerald Necklace Trail (which conceptually encircles the City of Canby's perimeter), discussed herein, is likely an amenity that the City will acquire for public access, in exchange for park system development charges (SDC) credits. An easement may be dedicated for HOA maintenance of the trail (if needed).

3. **Calculation of a Land Required:** The total requirement of park, open space and recreational land shall be 0.01 of an acre per person based on the City standard of 10 acres of land per 1,000 residents. This standard represents the land-topopulation ratio the City of Canby requires for city parks, and may be adjusted periodically through amendments to the Parks and Recreation Master Plan.

- a. Population Formula: The following table of persons per unit shall be used in calculating the required dedication of acres of land:

Table 1: Person Per Dwelling Unit

Type of Unit	Total Persons Per Unit
Single Family Residential	2.7

Persons per unit, age distribution, and local conditions change with time. The specific formula for the dedication of land will, therefore, be subject to periodic review and amendment.

- b. Determination of Resident Population: The projected resident population of the land to be subdivided or developed is determined by multiplying the maximum number of units allowed by the plat or the site plan by the appropriate number of standard of persons per unit set forth in Table 1 above. This figure is then to be multiplied by 0.01 to determine the total acreage that must be dedicated or deeded to the City for park, open space or recreation (Maximum units) x (persons/unit) x 0.01 (acreage to be dedicated)

Response: The Mark’s Place at Tofte Farms subdivision provides ±167 units intended for single-family detached homes. As shown above, future units/lots dictate the amount of park land required to be provided with an associated subdivision plat. Future residential density is calculated using a function of minimum/maximum lot size of net developable acreage. Therefore, as calculated below, a minimum of ±4.5 acres (±9 percent of gross area) of open space, including a neighborhood park owned and maintained by the future Tofte Homeowner’s Association (HOA) and the City’s Emerald Necklace Trail. Please see the Preliminary Plans (Exhibit A) for further information.

<p>TL 1200, 1300, and 2300 – Calculation of Anticipated Park Land Dedication $(167 \text{ lots}) \times (2.7 \text{ persons/unit}) \times (0.01) = \pm 4.5\text{-acre minimum dedication}$</p>

16.120.030 Dedication procedures

When the final plat or site plan is approved, the developer shall dedicate the land as previously determined by the City in conjunction with approval of the tentative plat or site plan. Dedication of land in conjunction with multi-family development shall be required prior to issuance of permits and commencement of construction. Dedication of land or covenants approved as part of a preliminary plat or site plan approval may be given or provided when the final plat is presented for approval. The developer must clear, or fill and grade all parkland to be dedicated to the satisfaction of the City and shall cause a Level I Environmental Assessment, as referenced by Section 16.120.020 Minimum standards for park, open space, and recreation land of this Code, to be performed on all lands to be dedicated as part of the City’s construction plan approval for the plat.

Response: This application involves dedication of parks and open space areas in accordance with the dedication procedures of CMC 16.120.030. Cash in lieu is not proposed to meet the requirements of this section.

...

16.120.090 Preservation and Maintenance

Open space areas shall be maintained so that the use and enjoyment thereof is not diminished or destroyed. Open space areas may be owned, preserved, and maintained by any of the following mechanisms or combinations thereof:

- A. Dedication to the City of Canby or an appropriate public agency approved by the City, if there is a public agency will to accept the dedication.
- B. Common ownership by a homeowner's association which assumes full responsibility for its maintenance.
- C. Dedication of development rights to an appropriate public agency with ownership remaining with the developer or homeowner's associations. Maintenance responsibility will remain with the property owner; and/or
- D. Deed-restricted private ownership preventing development and/or subsequent subdivision and providing for maintenance responsibilities.

In the event that any private owner of open space fails to maintain it according to the standards of this Code, the City of Canby, following reasonable notice, may demand that the deficiency of maintenance be corrected, and may enter the open space for maintenance purposes. All costs thereby incurred by the City shall be charged to those persons having the primary responsibility for maintenance of the open space.

Response: This application involves creation of parks and open space areas that are planned to be maintained in common ownership by a homeowner's association (HOA). The HOA intends to assume full responsibility and maintenance for the applicable tracts shown on the Preliminary Plans (Exhibit A). The criteria above are met.

Division XII. – Riparian Preservation

Chapter 16.130 GENERAL PROVISIONS

16.130.010 Purpose

Riparian land regulations contained in this chapter are intended to implement the policies of the Canby Comprehensive Plan, and are intended to resolve conflicts between development and conservation of riparian areas. Specifically, this chapter allows reasonable economic use of property while establishing clear and objective standards to protect and maintain the integrity of the rivers and streams in Canby by minimizing erosion, promoting bank stability, maintaining and enhancing water quality, and fish and wildlife habitats, and preserving scenic quality and recreation potential.

16.130.030 Applicability and generalized mapping

The inventory of riparian areas contained in the Canby Wetlands and Riparian Inventory specifies which streams and lakes are fish-

bearing, and the stream –size category. Based on the classification contained in this inventory, the following riparian corridors shall be established:

1. Along the Molalla River within the City Limits, with average annual stream flows greater than 1,000 cubic feet per second (2760 cfs), the riparian corridor boundary shall be 75 feet upland from the top of each bank.
2. Clackamas County 100 foot riparian setbacks for the Molalla River apply to lands currently outside the City Limits but within the Urban Growth Boundary (See Section 704 of Clackamas County Zoning and Development Ordinance).
3. Where the riparian corridor includes all or portions of a significant wetland as identified in the Local Wetland and Riparian Inventory, and mapped on the Canby Wetland and Riparian Inventory Map, the standard distance to the riparian corridor boundary shall be measured from, and include, the upland edge of the wetland.
4. Except as provided for in 16.130.030(2), the measurement of distances to the riparian corridor boundary shall be from the top of bank. The measurement shall be a slope distance. In areas where the top of each bank is not clearly defined, the riparian corridor boundary shall be measured from the ordinary high water level, or the line of non-aquatic vegetation, whichever is most land ward. In areas where the predominant terrain consists of steep cliff, the distance to the corridor boundary shall be measured as a horizontal distance until the top of the cliff is reached, and as a slope distances from that point.

Response: As shown on the Tofte Development Concept Plans (Exhibit I), the extent of development (including the planned Emerald Necklace Trail), is outside the City of Canby’s required 100-foot riparian setback from top of bank. The Preliminary Existing Conditions (Sheet EX of Exhibit I) notates the approximate top of bank (i.e. ordinary high water mark), surveyed top of bluff, and the 100-foot riparian setback from top of bank. Per CMC 16.130.020(14), the top of bank is defined as the ‘bank full stage’ which is further defined as the two-year recurrence interval flood elevation as defined by OAR 141-085-0510(12). Due to the steep grades below the top of the bluff, the two-year flood elevation or Ordinary High-Water Mark (OHWM) was approximated based on aerial photography and Lidar topography. The 100-foot riparian corridor setback shown on exhibit is measured from the top of bank. Further, the exhibit illustrates the conceptual residential subdivision limits and shows associated construction impacts are well north of the riparian 100-foot setback.

Additionally, the recommended geotechnical setbacks of 50 to 70 feet from the surveyed top of bluff are more restrictive than the riparian setback as shown by the conceptual subdivision development limits on the Preliminary Existing Conditions Plan (Sheet EX of Exhibit I). For further information, please see the Geotechnical Engineering Report within Exhibit K.

The riparian buffer is shown on the Canby Wetland and Riparian Inventory Map, along the southern-most steep portion of the site. The Canby Wetland and Riparian Inventory

Map does not map significant wetlands above or below the top of bank along the project site. The Preliminary Existing Conditions and Tofte Development Concept Plan (Exhibits A and I) show that the proposed development is planned outside the boundaries of the riparian corridor. As shown on the exhibits, existing trees and vegetation are planned to remain undisturbed as they exist currently. As such, the project is not expected to impact the riparian corridor and development will only affect the agricultural field areas above the top of bluff.

Therefore, the project provides appropriate protection of riparian resources.

- 16.130.040 Permitted and prohibited activities
 - A. The permanent alteration of the riparian area by grading or by the placement of structures of impervious surfaces is prohibited, except for the following uses provided they are designed to minimize intrusion into the riparian area and no other option or location area feasible:
 - ...

Response: As discussed above, this project does not involve alteration or encroachment of riparian areas. Therefore, the remainder of this section has been omitted for brevity purposes.

Division XIII. – Wetlands

Chapter 16.140 GENERAL PROVISIONS

- 16.140.010 Purpose

The purpose of this ordinance is to establish a process and standards which will minimize the degradation and destruction of significant wetlands within the City of Canby’s Urban Growth Boundary, and conserve wetland resources and their functions and values. This ordinance is intended to protect and enhance local water quality; to preserve fish and wildlife habitat; to provide flood storage capacity, and to preserve open spaces within the City of Canby.
- 16.140.030 Applicability and Generalized Mapping

The wetland regulations contained in this ordinance apply to those areas identified as significant wetlands on the Canby Wetlands and Riparian Corridors Map, and wetland sites meeting Division of State Lands criteria. Precise wetland boundaries may vary from that shown on the Canby Wetlands and Riparian Inventory Map if an on-site delineation or other City approved documentation indicate more accurate boundaries. For any proposed development impacting significant wetlands or within 50 feet of identified significant wetlands, the applicant shall be required to conduct a wetland delineation to determine the precise wetland boundary for application of the Removal –Fill Law, and if applicable, the nature and extent of development impacts on adjacent wetlands. The more precise boundaries obtained through a wetland delineation can be identified, mapped, and used for a development without a change in the Canby Wetland and Riparian Inventory Map. All developments proposed within or adjacent to a designated Wetland area shall be subject to the provisions of this ordinance and Site Plan Review pursuant to Canby’s Land Development and Planning Ordinance.

Response: Please see the Tofte Farms Wetland Determination Report (Exhibit J) prepared for the Mark’s Place Subdivision area. The report shows that no potential jurisdictional wetlands or waters are evident above the top of bluff adjacent to the Mollala River. This report has been submitted to Oregon Department of State Lands (DSL) for concurrence and the final concurrence will be provided to the City as soon as it’s received.

The subject site is within the Canby UGB and identified with riparian buffer, shown on the Canby Wetland and Riparian Inventory Map, along the southern-most steep portion of the site. The Canby Wetland and Riparian Inventory Map does not map significant wetlands above or below the top of bank along the project site. The Preliminary Existing Conditions and Tofte Development Concept Plan (Exhibits A and I) show that the proposed development is planned outside the boundaries of the riparian corridor. As shown on the exhibits, existing trees and vegetation are planned to remain undisturbed as they exist currently. As such, the project is not expected to impact the riparian corridor and development will only affect the agricultural field areas above the top of bluff.

16.140.040 Permitted uses

The following uses are permitted within wetlands identified as locally significant.

...

Response: As discussed above, the subject site does not contain wetlands and the project does not involve encroachment within wetlands. Therefore, the remainder of this section has been omitted for brevity purposes.

16.140.060 DSL notification required

In addition to the restrictions and requirements of this Section, all proposed development activities wholly or partially within areas identified as wetlands are also subject to DSL standards and approval. Where there is a difference, the more restrictive regulation shall apply. The City shall be responsible for notifying DSL whenever any portion of any wetland is proposed for development, in accordance with ORS 227.350. No action can be taken on a proposed development until such notification is provided.

Response: Please see the Tofte Farms Wetland Determination Report (Exhibit J) prepared for the Mark’s Place Subdivision area. The report shows that no potential jurisdictional wetlands or waters are evident above the top of bluff adjacent to the Mollala River. This report has been submitted to Oregon Department of State Lands (DSL) for concurrence and the final concurrence will be provided to the City as soon as it’s received.

IV. Conclusion

The required findings have been made and this written narrative and accompanying documentation demonstrate that the application is consistent with the applicable provisions of the City of Canby Municipal Code. The evidence in the record is substantial and supports approval of the application. Therefore, the Applicant respectfully requests that the City approve this subdivision application.

zoned R-1 and R-1.5, respectively (and are within the City of Canby Limits). There is an existing senior living community, Marquis at Hope Village, zoned RC (Residential Commercial) to the west of the subject site. Directly north and south of the river within unincorporated Clackamas County, properties are designated Clackamas County Exclusive Farm Use (EFU).

III. Applicable Review Criteria

This application involves the development of land for housing. ORS 197.307(4) states that a local government may apply only clear and objective standards, conditions, and procedures regulating the provision of housing, and that such standards, conditions, and procedures cannot have the effect, either in themselves or cumulatively, of discouraging housing through unreasonable cost or delay. In addition, this application involves a “limited land use decision” as that term is defined in ORS 197.015(12). The significance of this statutory provision is also discussed below.

Oregon Courts and the Land Use Board of Appeals (LUBA), have generally held that an approval standard is not clear and objective if it imposes on an applicant “subjective, value-laden analyses that are designed to balance or mitigate impacts of the development” (Rogue Valley Association of Realtors v. City of Ashland, 35 Or LUBA 139, 158 [1998] aff’d, 158 Or App 1 [1999]). ORS 197.831 places the burden on local governments to demonstrate that the standards and conditions placed on housing applications can be imposed only in a clear and objective manner. While this application addresses all standards and conditions, the Applicant reserves the right to object to the enforcement of standards or conditions that are not clear and objective and does not waive its right to assert that the housing statutes apply to this application. The exceptions in ORS 197.307(5) do not apply to this application.

Pursuant to ORS 197.522, if this application is found to be inconsistent with the applicable land use regulations, the applicant may offer an amendment or propose conditions of approval to make the application consistent with applicable regulations. The jurisdiction is not obligated to take the initiative to develop such conditions on its own or develop the evidentiary record that might be needed to impose such conditions.

CITY OF CANBY MUNICIPAL CODE

TITLE 16 – PLANNING AND ZONING

Division III. – Zoning

Chapter 16.08 GENERAL PROVISIONS

...

16.08.040 Zoning of annexed areas. Zoning of newly annexed areas shall be considered by the Planning Commission in its review and by the Council in conducting its public hearing for the annexation.

Response: As discussed herein, this subdivision application implements the zoning determination adopted by the City Council under Local Case File No. ANN-21-01 and ZX-21-01.

16.08.150 Traffic Impact Study (TIS)
A. Purpose. The purpose of this section of the code is to implement Section 660-012- 0045(2)(b) of the State Transportation Planning Rule, which requires the city to adopt a process to apply conditions

to development proposals in order to minimize adverse impacts to and protect transportation facilities. This section establishes the standards to determine when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Study must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what information must be included in a Traffic Impact Study; and who is qualified to prepare the Study.

- B. Initial scoping. During the pre-application conference, the city will review existing transportation data to determine whether a proposed development will have impacts on the transportation system. It is the responsibility of the applicant to provide enough detailed information for the city to make a determination. If the city cannot properly evaluate a proposed development's impacts without a more detailed study, a transportation impact study (TIS) will be required to evaluate the adequacy of the transportation system to serve the proposed development and determine proportionate mitigation of impacts. If a TIS is required, the city will provide the applicant with a "scoping checklist" to be used when preparing the TIS.
- C. Determination. Based on information provided by the applicant about the proposed development, the city will determine when a TIS is required and will consider the following when making that determination.
 - 1. Changes in land use designation, zoning designation, or development standard.
 - 2. Changes in use or intensity of use.
 - 3. Projected increase in trip generation.
 - 4. Potential impacts to residential areas and local streets.
 - 5. Potential impacts to priority pedestrian and bicycle routes, including, but not limited to school routes and multimodal street improvements identified in the TSP.
 - 6. Potential impacts to intersection level of service (LOS).

Response: This application involves a land division to provide ±167 lots intended for future single-family detached homes. This projected increase in trip generation requires a Transportation Impact Study (TIS). For further information, please see the TIS prepared by DKS Associates, included within Exhibit D.

D. TIS General Provisions

- 1. All transportation impact studies, including neighborhood through-trip and access studies, shall be prepared and certified by a registered Traffic or Civil Engineer in the State of Oregon.
- 2. Prior to TIS scope preparation and review, the applicant shall pay to the city the fees and deposits associated with TIS scope preparation and review in accordance with the adopted fee schedule. The city's costs associated with TIS scope preparation and review will be charged against the respective deposits. Additional funds may be required if actual costs exceed deposit amounts. Any unused deposit funds will be refunded to the applicant upon final billing.

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3. For preparation of the TIS, the applicant may choose one of the following:
 - a. The applicant may hire a registered Oregon Traffic or Civil Engineer to prepare the TIS for submittal to the city. The city Traffic Engineer will then review the TIS and the applicant will be required to pay to the city any fees associated with the TIS review; or
 - b. The applicant may request that the city Traffic Engineer prepare the TIS. The applicant will pay to the city any fees associated with preparation of the TIS by the city Traffic Engineer.

Response: The applicant requested and paid for a TIS to be prepared by DKS Associates, the City's consulting traffic engineer. For further information, please see the Transportation Impact Study within Exhibit D.

4. The TIS shall be submitted with a concurrent land use application and associated with application materials. The city will not accept a land use application for process if it does not include the required TIS.

Response: Please see the TIS within Exhibit D. The criterion is met.

5. The city may require a TIS review conference with the applicant to discuss the information provided in the TIS once it is complete. This conference would be in addition to any required pre-application conference. If such a conference is required, the city will not accept the land use application for processing until the conference has taken place. The applicant shall pay the TIS review conference fee at the time of conference scheduling, in accordance with the adopted fee schedule.
 6. A TIS determination is not a land use action and may not be appealed.
- E. TIS Scope. The city shall determine the study area, study intersections, trip rates, traffic distribution, and required content of the TIS based on information provided by the applicant about the proposed development.
- ...
- F. TIS Content. A project-specific TIS checklist will be provided to the applicant by the city once the city has determined the TIS scope. A TIS shall include all of the following elements, unless waived by the city.
- ...
- G. TIS Methodology. The City will include the required TIS methodology with the TIS scope.
- H. Neighborhood Through-Trip Study. Any development projected to add more than 30 through-vehicles in a peak hour or 300 through-vehicle per day to an adjacent residential local street or neighborhood route will be require assessment and mitigation of residential street impacts. Through-trips are defined as those to and from a proposed development that have neither an origin nor a destination in the neighborhood. The through-trip study may be required as a

component of the TIS or may be a stand-alone study, depending on the level of study required in the scoping checklist. The through-trip study shall include all of the following:

Response: Please see the Transportation Impact Study within Exhibit D. The City's consulting transportation engineer, DKS & Associates, prepared the documentation, determined the impacts, and coordinated the scope with the transportation provider(s).

...

- I. **Mitigation.** Transportation impacts shall be mitigated at the time of development when the TIS identifies an increase in demand for vehicular, pedestrian, bicycle, or transit transportation facilities within the study area. Mitigation measures may be suggested by the applicant or recommended by ODOT or Clackamas County in circumstances where a state or county facility will be impacted by a proposed development. The city shall determine if the proposed mitigation measures are adequate and feasible. ODOT must be consulted to determine if improvements proposed for OR 99E comply with ODOT standards and are supported by ODOT. The following measures may be used to meet mitigation requirements:

Response: Please see the Transportation Impact Study within Exhibit D. The City's consulting transportation engineer, DKS & Associates, prepared the documentation, determined the impacts and mitigation, and coordinated the scope with the transportation provider(s).

...

- J. **Conditions of Approval.** The city may deny, approve, or approve with appropriate conditions a development proposal in order to minimize impacts and protect transportation facilities.
- K. **Rough Proportionality Determination.** Improvements to mitigate impacts identified in the TIS shall be provided in rough proportion to the transportation impacts of the proposed development.

Response: The above criteria are understood. Please see the Transportation Impact Study within Exhibit D. The City's consulting transportation engineer, DKS & Associates, prepared the documentation, determined the impacts, and coordinated the scope with the transportation provider(s).

16.08.160 Safety and Functionality Standards.

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

- A. **Adequate street drainage, as determined by the city.**

Response: The Preliminary Plans (Exhibit A) and Preliminary Stormwater Report (Exhibit E) demonstrate adequate street drainage is implemented. The City can make findings that this criterion is met.

- B. **Safe access and clear vision at intersections, as determined by the city.**