



AGENDA

CANBY CITY COUNCIL MEETING

September 6, 2017

7:30 PM

Council Chambers

222 NE 2nd Avenue, 1st Floor

Mayor Brian Hodson

Council President Tim Dale

Councilor Tracie Heidt

Councilor Traci Hensley

Councilor Greg Parker

Councilor Tyler Smith

Councilor Sarah Spoon

WORK SESSION - 6:00 PM

Willow Creek Conference Room

222 NE 2nd Avenue, 1st Floor

The City Council will be meeting in a Work Session to review the proposed Transit Master Plan.

CITY COUNCIL MEETING – 7:30 PM

1. CALL TO ORDER

A. Invocation

B. Pledge of Allegiance

C. POW MIA Recognition Day Proclamation

Pg. 1

D. Canby Public Library Day Proclamation

Pg. 2

2. COMMUNICATIONS

3. CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS

(This is an opportunity for audience members to address the City Council on items not on the agenda. Each person will be given 3 minutes to speak. You are first required to fill out a testimony/comment card prior to speaking and hand it to the City Recorder. These forms are available by the sign-in podium. Staff and the City Council will make every effort to respond to questions raised during citizens input before tonight's meeting ends or as quickly as possible thereafter. For Agenda items, please fill out a testimony/comment card and give to the City Recorder noting which item you wish to speak on.)

4. MAYOR'S BUSINESS

5. COUNCILOR COMMENTS & LIAISON REPORTS

6. CONSENT AGENDA

(This section allows the City Council to consider routine items that require no discussion and can be approved in one comprehensive motion. An item may be discussed if it is pulled from the consent agenda to New Business.)

A. Approval of Minutes of the August 16, 2017 City Council Regular Meeting

7. PUBLIC HEARING

- A. ZC 17-01/CPA 17-01 - Zone Change/Comp Plan Amendment of 853 & 851 S Redwood Street from Low Density Residential (R-1) to Medium Density Residential (R-1.5) Pg. 3

8. RESOLUTIONS & ORDINANCES

- A. Ord. 1463, Amending the Comprehensive Plan Map and Zoning Map of the City of Canby, Clackamas County Oregon for Tax Lots 0503 and 0504 of Tax Map 4-1E-03BB Pg. 45
- B. Ord. 1464, Amending Canby Municipal Code (CMC) Chapter 5.04.190 Regarding Business License Exemptions (**2nd Reading**) Pg. 47
- C. Ord. 1465, Amending Canby Municipal Code (CMC) Chapter 9.48.050(A) Regarding Noise Variance Exceptions (**2nd Reading**) Pg. 49
- D. Ord. 1466, Amending the Canby Municipal Code (CMC) by Adding a New Chapter 3.35 “Park Maintenance Program”, and Requiring Payment of a Park Maintenance Fee (**2nd Reading**) Pg. 51
- E. Ord. 1467, Amending Canby Municipal Code (CMC) by Repealing Chapter 2.90 Regarding a Municipal Audit and Financial Oversight Committee Pg. 58
- F. Res. 1274, Implementing a \$5.00 Park Maintenance Fee and Adopting an Annual Rate Adjustment to be Made Based on the Consumer Price Index (CIP-U) for the Portland, Oregon MSA as Specified Pg. 61

9. NEW BUSINESS

10. CITY ADMINISTRATOR’S BUSINESS & STAFF REPORTS

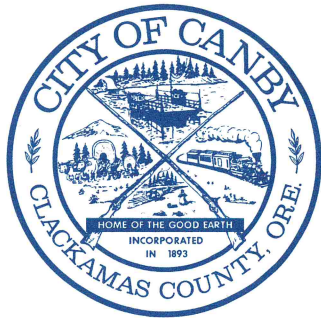
11. CITIZEN INPUT

12. ACTION REVIEW

13. EXECUTIVE SESSION: ORS 192.660(2)(h) Litigation

14. ADJOURN

*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Kim Scheafer at 503.266.0733. A copy of this Agenda can be found on the City’s web page at www.canbyoregon.gov. City Council and Planning Commission Meetings are broadcast live and can be viewed on CTV Channel 5. For a schedule of the playback times, please call 503.263.6287.



Office of the Mayor

Proclamation

POW/MIA RECOGNITION DAY

WHEREAS, The United States of America has participated in many wars, calling upon its sons and daughters to fight for their country; and

WHEREAS, American men and women have been held captive by hostile powers during their military service; and

WHEREAS, Many American prisoners of war were subjected to harsh and inhumane treatment by their captors which often resulted in death; and

WHEREAS, Americans are still listed as missing and unaccounted for, and the families and friends of these missing Americans, as well as their fellow veterans, still endure uncertainty concerning their fate; and

WHEREAS, The sacrifices of Americans still missing are deserving of national recognition and support for continuing priority efforts to determine their fate; and

WHEREAS, the City of Canby is proud to join with other cities in the State of Oregon and nation in honoring those still missing.

NOW, THEREFORE, I, Brian Hodson, Mayor of the City of Canby, hereby proclaim September 15, 2017 as:

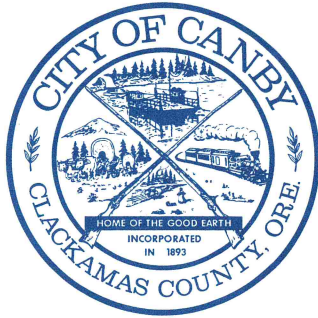
POW/MIA Recognition Day in Canby

and encourage all citizens to join in this observance.

Given unto my hand this 6th day of September 2017.

Brian Hodson
Mayor





Office of the Mayor

Proclamation

CANBY PUBLIC LIBRARY DAY

WHEREAS, the origins of our library reach back to 1937, when three members of the Canby Women's Civic Club went door to door gathering donations and books to start a community library; and

WHEREAS, thanks to their diligent efforts, the Canby Public Library was established in Canby's newly built City Hall on September 16, 1937; and

WHEREAS, since 1937 the library has improved the quality of life in Canby by serving as a center of community life and discourse, offering opportunities for people to enrich their lives through educational, cultural, and artistic experiences; and

WHEREAS, libraries create better citizens and safeguard the future of our community, by enabling individuals to make informed decisions about their self-governance; by promoting unrestricted access to information; by supporting print and technological literacy, lifelong learning, and the free expression of ideas; and

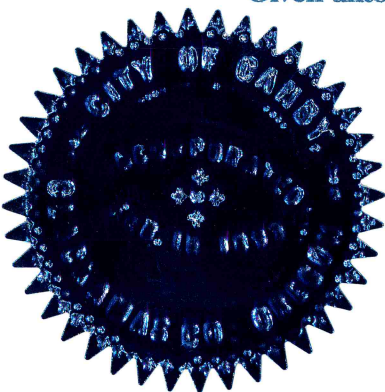
WHEREAS, Over the course of many years, Canby has been well-served by its public library, which continues to make Canby a great place to live and work.

NOW, THEREFORE, I, Mayor Hodson, by virtue of the authority vested in me as Mayor of the City of Canby, do hereby proclaim September 16, as

Canby Public Library Day

and encourage all residents to take advantage of the many resources the library offers, and to take part in the many activities being held to commemorate Canby Public Library Day.

Given unto my hand this 6th day of September 2017.



Brian Hodson
Mayor



City of Canby

PO Box 930 Phone: 503.266.4021
222 NE 2nd Ave Fax: 503.266.7961
Canby, OR 97013 www.canbyoregon.gov

M E M O R A N D U M

DATE: *September 6, 2017*

TO: *Mayor and City Council*

FROM: *Bryan Brown, Canby Planning Director*

RE: *Staff Report (CPA & ZC 17-1) – Comp Plan Map and Zoning Map Amendments of 853 & 851 S Redwood St from Low Density Residential to Medium Density Residential*

At their August 28, 2017 meeting the Planning Commission, after holding their own public hearing, voted 6/0 to support approval of the Comprehensive Plan Map and Zone Change Map Amendment applications, and to forward a recommendation to the City Council to approve the applications to change the Comprehensive Plan Land Use Designation Map and the Zoning District Map for tax lots 41E03BB00504 and 41E03BB00503 located at 853 & 861 S Redwood Street from Low Density Residential to Medium Density Residential – LDR to MDR and R-1 to R 1.5 on the applicable maps respectfully.

Recommendation: Upon review the Planning Commission recommends the City Council approval of CPA/ZC 17-01 based on the applications submitted and the facts, findings, and conclusions of the staff report and supplemental findings from the respective public hearing more specifically as follows:

1. The property is located within the Canby city limits;
2. The Comprehensive Plan Amendment is appropriate for the area and provides a logical extension of the existing medium density residential designation where SE 9th Avenue and S Redwood Street become a logical transition boundary to the existing low density residential designation;
3. Rezoning the area to the R 1.5 zone provides for the efficient use of land for increasing housing opportunities that are in lower supply and increasing demand in Canby;
4. The R-1.5 zone requested already borders the subject parcel on the west property line providing a logical extension of the R-1.5 zone. The timing for a transition from primarily single-family uses to higher density multi-family uses is appropriate for this property and area at this time considering the demonstrated need for alternative lot sizes to improve housing choices within the community.

Recommended motion:

"I move to approve applications CPA/ZC 17-01 to change Comprehensive Plan Map and Zoning Map land use designation and zoning district respectfully for 853 & 861 S Redwood Street from Low Density Residential to Medium Density Residential.

Attachments:

- Planning Commission Staff Report with applicant submittal
- Planning Commission Findings from the 8.28.17 Public Hearing



City of Canby

PLANNING STAFF REPORT/RECOMMENDATION TO THE PLANNING COMMISSION

FILE #: CPA 17-01/ZC 17-01

Hearing Dates: August 28, 2017 (Planning Commission), September 6, 2017 (City Council)

Report Date: August 18, 2017

Prepared by: Bryan Brown, Planning Director

GENERAL INFORMATION:

APPLICATION TYPE: Comprehensive Plan Map Amendment & Zone Change Map Amendment

APPLICANT: Peter Hostetler

OWNER: Ken and Gabriel Hostetler

LOCATION: 853 & 861 S Redwood St

TAX MAP/LOTS: 41E03BB00503/41E03BB00504– (Bordered in red in map below)



EXISTING COMPREHENSIVE PLAN MAP: Low Density Residential (LDR)

PROPOSED COMPREHENSIVE PLAN MAP: Medium Density Residential (MDR)

EXISTING ZONING: Low Density Residential (R-1)

PROPOSED ZONING: Medium Density Residential (R 1.5)

LOT SIZE: 0.66 acres

SECTION I - PROJECT OVERVIEW & EXISTING CONDITIONS

Applicant's Proposal: The applicant submitted applications for a Comprehensive Plan Map Amendment to change the Plan designation from current Low Density Residential (LDR) to Medium Density Residential (MDR) land use designation and a corresponding Zone Map Amendment from Low Density Residential (R-1) to Medium Density Residential (R 1.5) for approximately 0.66 acres. The original application included a Subdivision application to reconfigure and further divide the two existing parcels each containing an existing home planned to be retained into an eventual total of 5 lots, 4 in the immediate future. Because of access restriction onto S Redwood Street imposed by Clackamas County who has jurisdiction over this street; the applicant agreed to move forward with the two Plan Amendments, drop the Subdivision application and has submitted Lot Line Adjustment and Minor Partition applications which together are intended to first adjust the common boundary line between the two existing tax lots to accommodate required setbacks around the existing home and then divide the southern Tax Lot into 3 new parcels. County access standards indicate that when a land division is proposed on property with both a higher and lower classification of street that all access be from the lower street classification. The applicant continues his original plan to relocate the access drive to S Redwood for the existing home to a new location onto SE 9th Avenue to comply with both the County and City access standards for that drive. City requirements differ in that we would not have required the relocation of the existing drive to S. Redwood Street from the home to be retained on the northern Tax Lot. So except for the adjustment of the northern tax lots southern boundary with the separate Lot Line Adjustment application, the configuration of the northern Tax Lot will remain as a single lot for the immediate future.

Existing Conditions: The Comprehensive Plan Map Amendment and Zone Change Map Amendment which are now the only components of this current land use application request will make changes designation changes to these two official City maps. The area of map change consists of two existing tax lots with two existing homes and a detached garage which are all proposed to be retained. The common property line between the two existing tax lots will be adjusted to comply with building setback requirements and the average lot size range allowed within the proposed R 1.5 zone in a subsequent lot line application that has been submitted. A subsequent Partition application also submitted will divide the southern existing tax lot into 3 lots conforming to the proposed R 1.5 zone. The existing driveway access out to S Redwood Street on the southern tax lot will be relocated with access to SE 9th Avenue with the two new lots also taking access to SE 9th Avenue. There is a future plan and hope for the existing driveway access serving the home on the northern tax lot to eventually serve as a shared drive for access to an additional flag lot where a garage is currently located but would be removed. The sharing of the driveway is necessary by City standards to maintain driveway spacing standards.

Surrounding Conditions: The adjacent property to the north and west of the subject property has the Medium Density Residential (MDR) land use designation and corresponding Median Density Residential (R 1.5) zoning. This application is to extend the existing adjacent land use designation and zoning district to the subject property from the Low Density Residential (LDR) land use designation and Low Density Residential (R-1) zone that exist today. Both adjacent streets are built to City standard with existing sidewalks and street paving. There is some deterioration of the street pavement on S Redwood Street and the existing sidewalk is narrower than today's standard. Early in the review process staff informed the applicant that retaining the existing detached garage would not be allowed on a separate new lot without a principal residential dwelling. The owner anticipates creating another lot through a separate future partition application when they are ready to remove the garage and sale part of the property.

SECTION II APPLICABLE REVIEW CRITERIA

Applicable criteria used in evaluating this application are listed in the following sections of the *City of Canby Land Development and Planning Ordinance* as they pertain to Comprehensive Plan and Zone Map Amendments.

In addition, consistency must be demonstrated with the City's Comprehensive Plan goals and policies, and the Oregon Land Use Statewide Planning Goals with the Comprehensive Plan Amendment.

Canby Comprehensive Plan, January, 2007, Goals & Policies

Statewide Planning Goals – 1-19 as applicable

CMC 16.08.150 – Traffic Impact Study (TIS)

CMC 16.10 - Off-street Parking and Loading

CMC 16.18 - Medium Density Residential Zone (R 1.5)

CMC 16.46 - Access Limitations on Project Density

CMC 16.54.040 - Amendments to Zoning Map

CMC 16.88 - General Standards & Procedures

CMC 16.88.180 - Comprehensive Plan Amendments, (D) Quasi-judicial Plan Amendment Standards and Criteria

CMC 16.88.190 - Conformance with Transportation System Plan and Transportation Planning Rule

16.89 - Application and Review Procedures

SECTION III REVIEW FOR CONFORMANCE WITH APPLICABLE APPROVAL CRITERIA (Findings):

Canby Comprehensive Plan – Findings

Staff accepts the findings contained in the applicant's narrative as satisfactory demonstration of conformance and consistency with the goals and policies of the City's Comprehensive Plan with the following additional findings.

Land Use Element. This request proposes to change the Comprehensive Plan land use designation for the two tax lots at the subject location to match the Medium Density Residential designation of the adjacent properties to the north and west. The designation across S Redwood Street to the east remains Public (P) where school property exists and the designation across SE 9th Avenue to the south remains Low Density Residential (LDR). The proposed change is a logical contiguous extension of the higher intensity residential land use designation for the area with S Redwood Street and SE 9th Avenue providing very suitable new boundaries between the higher and lower density residential land use designation. The larger size of the existing parcels in relation to the others which are adjacent already having the MDR designation to the north and west invite a transition to more efficiently utilize the land for additional single family home sites that are within reasonable size of those existing in the remainder of the area. This assures the proposed use is suitably related to those it is directly adjacent to.

The City currently has a lower supply of platted R 1.5 zone lots available than it has R-1 zone lots. The same holds for land area zoned R-1 versus the proposed R 1.5. The proposed change in the Comprehensive Plan Map designation and corresponding zoning district will increase the supply of the smaller lot size therefore increasing housing opportunity choices within the City, and doing so in a compatible manner to the adjacent developed properties. This review criterion is satisfied.

Transportation Element. With a subsequent partition application the applicant will be moving an existing home's driveway from a collector street (S Redwood St) over to a local classification street (SE 9th Ave). This reduces conflict with driveway separation distance on a busier street and eliminates separation distance issues at the street intersection which reduces potential traffic conflict points. A Transportation Planning Rule analysis was performed with the Comprehensive Plan and Zone Change Amendments and demonstrates that the change to a higher density residential land use designation and zone does not result in a significant increase in traffic already accounted for within the City's adopted Transportation System Plan and therefore will not result in any adverse impact on the adjacent streets. This satisfies conformance with this review criterion.

Statewide Planning Goals – Findings

Staff accepts the findings contained in the applicant's narrative and adds the following additional findings to support demonstration of consistency with Oregon's Land Use System Planning Goals:

Goal 12 – Transportation: Traffic Analysis focused on the Transportation Planning Rule requirements found in State Statute. This analysis was required by the City and paid for by the applicant. The TPR analysis prepared by DKS Associates notes the proposed change in Comprehensive Plan and zone district and reasonable worst case trip generation to arrive at TPR findings. The findings indicate an increase of traffic being added to the surrounding roadway network is 2 AM peak hour trips and 4 PM peak hour trips with 38 new daily trips. The zone change was found to comply with TPR requirements.

Land Development and Planning Ordinance - Findings

CMC 16.08.150 – Traffic Impact Study (TIS)

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. The City required a TPR analysis memorandum to document that TPR requirements are satisfactorily met with the proposed Comprehensive Plan Map change and Zoning Map change proposed. The memorandum indicates that the expected reasonable traffic impact from the new map amendments will cause "no further degradation" to the surrounding roadway network therefore complies with TPR requirements without necessary mitigation measures.

CMC 16.10 - Off-street Parking and Loading

The applicant's narrative demonstrates this criterion will be met.

CMC 16.18 - Medium Density Residential Zone (R 1.5)

The applicant's immediate development objective is to create two new single family lots on the south existing tax lot area, retaining the existing home on a lot between to new lots. A new flag lot behind the existing home on the northern existing tax lot is planned at some undetermined point in the future. A change in the zoning is necessary in order to allow the reduced lot sizes to accomplish this objective. The Comprehensive Plan Map land use designation must also be amended to conform to the increase in residential density this request will result in. Staff finds and accepts the applicant's findings with regard to conformance with density and all dimensional development standards of the R 1.5 zone with his subsequent lot line adjustment and partition applications.

If and when an additional flag lot is created through a future separate partition application on the northern tax lot the setback distance required between the 12' wide shared access easement and the existing home is five feet (CMC 16.64.040(l)(3)). A possible lack in being able to meet this standard may require a minor or major variance application to accompany the partition if the full 5 foot setback is not available. The existing attached garage associated with the northern existing home cannot exist on a separate residentially zoned lot unless accessory or incidental to a home. This means it likely will have to be removed to make room for a new home in the future when a partition is proposed to create this additional lot.

Lots which will house an existing home are allowed to exceed the normal maximum allowed lot size within the R 1.5 zone. The Code also provides for lot size averaging as long as the average size of all lots is within the allowed range. The average lot size associated with the creation of the original 5 total resulting lots will be 5,807 sf which falls between the 5,000 sf minimum and the 6,500 sf maximum. Because of the exception for existing homes, this criterion is met and can be met with possible future partitions.

The proposed new western lot on the lower existing tax lot, although meeting the minimum lot size is restricted in buildable area to only 23' in width due to an existing 12' easement along the west side of the lot and a 7' interior side yard setback on the east side. There are potential home plans with a maximum 23' width but this is a considerably narrower building pad than available on most newly created R 1.5 lots due to the existing easement. Working to find opportunities for increased efficiency of land use does not always result in ideal lot configurations. However, the applicable review criterion of the subsequent partition application will be met.

CMC 16.46 - Access Limitations on Project Density

CMC Table 16.46.30 indicates driveway spacing on a collector street facility (S Redwood Street) shall have a minimum separation distance of 100'. The applicant has indicated that the driveway to serve a possible future partition to create a flag lot behind to the west will utilize a single shared existing driveway curb opening in order to not violate the access spacing standard. The proposed development if the Plan Amendments are approved will result in 3 new driveways on SE 9th Avenue – a local street facility – which appear to satisfactorily meet the required 10 foot separation standards between driveways or 5' separation from an adjoining property boundary. The first driveway on the corner lot will meet the minimum 30' separation requirement from the street intersection. Any future partition to create a flag lot on the northern existing tax lot will need to share the access easement and associated driveway approach on S. Redwood Street.

CMC 16.54.040 - Amendments to Zoning Map - Findings

Staff accepts the findings contained in the applicant's narrative as satisfactory demonstration of conformance and consistency with the City's Comprehensive Plan, and the plans and policies of the county, state and local districts, as well as demonstration that required public facilities and services are available or will be provided concurrent with development to adequately meet the needs of any use or development which would be permitted by the new zoning designation. The applicant has abandoned his 5 lot subdivision and is now only proposing immediate partition of the southern tax lot into 3 lots.

CMC 16.54.060 – Improvement Conditions - Findings

The Planning Commission may recommend to the City Council certain improvements or physical changes to a property to be met before the change in zoning takes effect if directly related to the health, safety or general welfare of those in the area. Although the condition of S Redwood adjacent to the subject property has deteriorated, staff would not recommend requiring physical improvements with the Map Amendments. Consideration of improvements will be addressed at the partition and half-street improvements have already been alluded to by Clackamas County who has current jurisdiction over S Redwood Street.

CMC 16.58 – Planned Lot Line Adjustment - Findings

Staff accepts the findings contained in the applicant's narrative as satisfactory demonstration of conformance with the review criteria for approval of the future planned lot line adjustment. The exact boundary of the adjusted property line will be required through a survey in producing a re-plat that the County will likely require to implement approval of a lot line adjustment that involves lots that are part of an existing platted subdivision. Staff's research of these legal lots of record indicate they are Lot 1 & 2, of South Redwood Estate, Plat #3106.

CMC 16.88.180 – Comprehensive Plan Amendments, (D) Quasi-judicial Plan Amendment Standards and Criteria - Findings

Staff accepts the findings contained in the applicant's narrative as satisfactory demonstration of conformance with the review criteria of this code section. We find that this request conforms with all aspects of the City's Comprehensive Plan, and State Land Use goals which are reflected in our acknowledge Comprehensive Plan.

CMC 16.88.190 - Conformance with Transportation System Plan and Transportation Planning Rule - Findings

A Transportation Impact Study was performed in conjunction with the application to document that TPR requirements are satisfactorily met with the proposed Comprehensive Plan Map change and Zoning Map change proposed. The memorandum indicates that the worst case traffic impact from the new map amendments will cause “no further degradation” to the surrounding roadway network therefore complies with TPR requirements without any necessary mitigation.

CMC 16.89 Application and Review Procedures - Findings

The applicant has complied with all application review procedures, including holding a pre-application conference, submittal and payment of the appropriate applications, and holding of a neighborhood meeting. As previously mentioned, the applicant abandoned the concurrent subdivision application and has followed up with a Lot Line Adjustment and Partition applications which are running on a separate public hearing tract. The criterion of this section have been met.

SECTION III - PUBLIC AND REFERRAL AGENCY COMMENTS:**Public Comments:**

Neighborhood Mtg.: The attendance sheet submitted by the applicant indicated 3 people attended the meeting held on location at the property. They all appear to be residents who live on SE 9th Avenue. After reviewing the Site Development Plan they had practical questions about where utility services would be coming from and street disruptions during the development on the lots. An explanation of what vegetation may stay or be removed was discussed.

Public Comments: At the time of completion of this staff report staff has received no written or verbal comments from the provided notice to surrounding property owners.

Agency Comments:

Development comments received from the following agencies are included as attachments:

1. Direct Link: They indicated they can serve the property and explained terms and conditions.

SECTION III - STAFF CONCLUSION/RECOMMENDATION:

Based on the application submitted and the facts, findings, and conclusions of this report and the applicants provided submittal, staff concludes that the request is consistent with the City's Comprehensive Plan and Statewide Planning Goals, that all public service and utility provisions to the site are available or can be made available through the subsequent approval of a planned Partition, and that all other applicable approval criteria have been met.

Staff recommends that the Planning Commission forward a recommendation for approval of the Comprehensive Plan Map Amendment and Zoning Map Amendment (Files #CPA & ZC 17-01) to the City Council.

SECTION IV - ATTACHMENTS/EXHIBITS:

1. Application Forms – Comprehensive Plan Amendment and Zone Map Amendment
2. Applicant Revised Narrative – Dated 6/9/17
3. Maps/Plans – South Redwood Estate Recorded Plat #3106; Applicant's Original 5 Lot Subdivision Tentative Plat (Not Part of Approval); Applicant's Revised 4 Lot Tentative Plat (Not Part of Approval);
4. Transportation Planning Rule Analysis - DKS 6.22.17 Memorandum
5. Neighborhood Meeting – Applicant's Notice Letter, Attendance Sheet, & Meeting Summary
6. Pre-application Conference Minutes
7. Comments – Direct Link



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

LAND USE APPLICATION

COMPREHENSIVE PLAN AMENDMENT – Process Type IV

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

☒ Applicant Name: Rita Hostetter Phone: 503 505 0149
Address: 10060 S New Era Rd Email: design@driftcraft.com
City/State: Canby, OR Zip: 97013

☐ Representative Name: _____ Phone: _____
Address: _____ Email: _____
City/State: _____ Zip: _____

☐ Property Owner Name: _____ Phone: _____
Signature: [Signature] _____
Address: 861 S Redwood Street Email: _____
City/State: Canby, OR Zip: 97013

☐ Property Owner Name: _____ Phone: _____
Signature: Kenneth D. Hostetter _____
Address: 853 S Redwood Street Email: _____
City/State: Canby, OR Zip: 97013

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

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

PROPERTY & PROJECT INFORMATION:

853 S 861 S Redwood Street 29037 41E03BB 00503
Street Address or Location of Subject Property Total Size of Property Assessor Tax Lot Numbers

SFR R1 R1.5
Existing Use, Structures, Other Improvements on Site Zoning Comp Plan Designation

Turn 2 lots into 5
Describe the Proposed Development or Use of Subject Property

STAFF USE ONLY			
<u>SUB 17-03</u>	<u>5/23/17</u>	<u>[Signature]</u>	
FILE #	DATE RECEIVED	RECEIVED BY	RECEIPT #

17C17-01 & CPA 17-01



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

LAND USE APPLICATION

Zone Map Change Application

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

☐ Applicant Name: Peter Hostetler Phone: 503 505 0149
Address: 1000 S New On Rd Email: design@draftcraft.com
City/State: Canby OR Zip: 97013

☐ Representative Name: _____ Phone: _____
Address: _____ Email: _____
City/State: _____ Zip: _____

☐ Property Owner Name(s)*: _____ Phone: _____
Signature: John S. Hostetler Kenneth D. Hostetler
Address: 861 + 853 S Redwood Street Email: _____
City/State: Canby, OR Zip: 97013

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

* All property owners represent they have full legal capacity to and hereby do authorize the filing of this application and certify that the information and exhibits herewith submitted are true and correct.

PROPERTY & PROJECT INFORMATION:

853 + 901 S Redwood Street 29037 # _____
Street Address or Location of Subject Property Total Size of Assessor Tax Lot Numbers
Property

SFR R1 R1.5
Existing Use, Structures, Other Improvements on Site Zoning Comp Plan Designation

Take R2 lots + turn into R1.5 lots
Brief description of proposed development or use

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

Visit our website at: www.canbyoregon.gov
Email Application to: PlanningApps@canbyoregon.gov



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

CHECKLIST

ZONE MAP CHANGE

(Amendments to Zoning Map Chapter 16.54)

All required application submittals detailed below must also be submitted in *electronic format on a CD, flash drive or via email to: PlanningApps@canbyoregon.gov*

Applicant City
Check Check

- ☐ ☐ One (1) copy of this application packet. The City may request further information at any time before deeming the application complete.
- ☐ ☐ Payment of appropriate fees – cash or check only. Refer to the city’s Master Fee Schedule for current fees. Checks should be made out to the *City of Canby*.
- ☐ ☐ **Please submit one (1) electronic copy of mailing addresses in either an EXCEL SPREADSHEET or WORD DOCUMENT** for all property owners and all residents within 500 feet of the subject property. If the address of a property owner is different from the address of a site, an address for each unit on the site must also be included and addressed to “Occupant.” A list of property owners may be obtained from a title insurance company or from the County Assessor’s office.
- ☐ ☐ Comprehensive Plan designation of the property.
- ☐ ☐ The application shall be accompanied by a written narrative explaining the existing use of the property and the need for the change in zoning.
- ☐ ☐ Two (2) paper copies of the proposed plans, printed to scale no smaller than 1”=50’ on 11 ½ x 17” paper. The plans shall include the following information:
 - ☐ Vicinity Map. Vicinity map at a scale of 1”=400’ showing the relationship of the project site to the existing street or road pattern.
 - ☐ Site Plan-the following general information shall be included on the site plan:
 - ☐ Date, north arrow, and scale of drawing;
 - ☐ Name and address of the developer, engineer, architect, or other individual(s) who prepared the site plan;
 - ☐ Property lines (legal lot of record boundaries);
 - ☐ Location, width, and names of all existing or planned streets, other public ways, and easements within or adjacent to the property, and other important features;
 - ☐ Location of all jurisdictional wetlands or watercourses on or abutting the property;
 - ☐ Finished grading contour lines of site and abutting public ways;
 - ☐ Location of all existing structures, and whether or not they are to be retained with the proposed development;
 - ☐ The location of streets, sewer, water, electric, and other utility services;
 - ☐ Major topographic and landscape features.
- ☐ ☐ One (1) copy of the minutes of the neighborhood meeting as required by Municipal Code 16.89.020 and 16.89.070. The minutes to include the date of the meeting and a list of attendees.

3. Staff will check the application, making sure that it is complete and all fees are paid. Copies of the application

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Email Application to: PlanningApps@canbyoregon.gov

materials are routed to various City/State/County departments, as applicable, for their comments. Along with the comments received from others, the application is reviewed for completeness. The City Planner will accept or return the application with a written list of omissions within thirty (30) calendar days of the submittal.

4. Staff investigates the request, writes a staff report, places a public notice in the newspaper, notifies surrounding property owners, and makes all facts relating to the request available to the Planning Commission and all interested parties.
5. The staff report will be available ten (10) days prior to the hearing.
6. The Planning Commission holds a public hearing after the determination of a complete application. At the hearing the staff report is presented. Testimony is presented by the applicant, proponents and opponents, followed by rebuttal from the applicant.
7. The Commission then issues findings of fact which support approval, modification or denial of the application and passes such recommendation on the City Council for final action within forty (40) calendar days after the close of the hearing.

STANDARDS AND APPROVAL CRITERIA FOR A ZONE CHANGE

In judging whether or not the zoning should be amended or changed, the Planning Commission and City Council shall consider:

- A. The Comprehensive Plan of the City, giving special attention to Policy 6 of the land use element and implementation measures therefore, and the plans and policies of the county, State and local districts in order to preserve functions and local aspects of land conservation and development:
- B. Whether all required public facilities and services exist or will be provided concurrent with development to adequately meet the needs of any use or development which would be permitted by the new zoning designation.

Upon receipt of the record of the Planning Commission proceedings, and the recommendation of the Commission, the City Council shall conduct a review of that record and shall vote to approve, deny, or approve subject to modification, the recommendation of the Planning Commission. The City Council shall hear the arguments based upon the record. Additional or supplemental information not included within the original record shall not be considered. The arguments on the record shall not be conducted as a public hearing.

16.54.060 IMPROVEMENT CONDITIONS

- A. In acting on an application for a zone change, the Planning Commission may recommend and the City Council may impose conditions to be met by the proponents of the change before the proposed change takes effect. Such conditions shall be limited to improvements or physical changes to the property which are directly related to the health, safety or general welfare of those in the area. Further, such conditions shall be limited to improvements which clearly relate to and benefit the area of the proposed zone change. Allowable conditions of approval may include, but are not necessarily limited to:
 1. Street and sidewalk construction or improvements.
 2. Extension of water, sewer, or other forms of utility lines;
 3. Installation of fire hydrants.
- B. The City will not use the imposition of improvement conditions as a means of preventing planned development, and will consider the potential impact of the costs of required improvements on needed housing. The Planning Commission and City Council will assure that the required improvements will not reduce housing densities below those anticipated in the Comprehensive Plan.

APPLICATION FOR COMPREHENSIVE MAP AMENDMENT, ZONE CHANGE & SUBDIVISION

NARRATIVE

Applicant:

DraftCraft, LLC.
Peter Hostetler
10060 S New Era Road
Canby, OR 97013
503-505-0149
design@draftcraft.com

Owners:

Gabriel Hostetler
861 S Redwood Street
Canby, OR 97013

Ken Hostetler
853 S Redwood Street
Canby, OR 97013

Location:

853 & 861 S Redwood Street, Canby Oregon

Legal Description:

Tax Lots 503 & 504;
Sec. 3, T4S R1E WM;
Assessor Map: 4 1E 03BB

Zoning:

R-1 (Low Density Residential Zone)

Size:

29037 Square Feet

Proposal:

To change the zoning of the lots to R-1.5 and replat the existing two lots into five lots to match the size of the surrounding lots. Existing houses to remain.

Date:

May 25th, 2017

SITE DESCRIPTION

The Lots are located on the NW corner of SE 9th Avenue and S Redwood Street. 861 S Redwood Street is the corner Lot and the Lot immediately to the North is 853 S Redwood Street. Both currently have access on Redwood Street. To the South, West, and North are R1.5 Residential lots and to the East is Trost Elementary School.

The lots are currently occupied by two single family residences and one detached garage. Lots are relatively flat with a slight fall to the east and the property has no identified significant natural resources or physical hazards.

Public sanitary sewer and water are provided to the site from main lines in S Redwood Street. Other public utilities, such as power and communications are provided from existing pedestals and splice boxes along SE 9th Avenue and S Redwood Street in the street Right of Way. Fire protection is provided to the property from Canby Fire District and police protection is provided from the City of Canby Police Department. Storm drainage runoff is infiltrated into the ground, per the City of Canby's preferred method of storm drain disposal, drywells.

853 S Redwood Street is Lot 1 and 861 S Redwood Street is Lot 2 of previous Clackamas County Partition Plat No. 93-55 Parcel 2 also identified as City of Canby File No. Sub 93-03 Surveyed October 5, 1993.

PROPOSAL

Three land use actions are proposed. The Lots are currently zoned R-1 and are proposed to be changed to R-1.5 to match those of the surrounding neighborhood. The other action is to subdivide the 2 Lots into 5 Lots. The existing single family residences will occupy two of the five Lots and the detached garage will reside on one of the five Lots. Please refer to Proposed Site Plan.

Basically the Northern Lot, 853 S Redwood Street, becomes two Lots and the existing Southern Lot, 861 S Redwood Street, becomes three Lots. The existing property line between the two existing Lots is adjusted as necessary to accommodate the setbacks and square footage requirements of the R-1.5 zone.

The three Southern Lots will have driveway access onto SE 9th and the two Northern Lots will have driveway access on S Redwood Street. There are no improvements needed or proposed to SE 9th Avenue or S Redwood Street.

Improvements for the Lots 3-5, comprising of driveway aprons, new sidewalk curb ramp, and utility stubs will be made with construction drawings to be approved by the City of Canby and other service providers. The owner of the existing Northern most Lot with existing single family residence and detached garage proposes to place a deed restriction on both proposed Lots 1 and 2 that would force the completion of driveway aprons and utility stubs prior to the recordation of any sales of said Lots. The owner of that existing Northern most Lot plans on continuing to use the proposed two Lots as one for many years to come.

Public sanitary sewer and water are available to the site in S Redwood Street. Other public utilities, such as power and communications are also available from existing pedestals, splice boxes and conduit along SE 9th Avenue and S Redwood Street in the street Right of Way. Fire protection is available to the property from Canby Fire District and police protection is available from the City of Canby Police Department. Storm drainage runoff is anticipated to be infiltrated into the ground, per the City of Canby's preferred method of storm drain disposal, drywell.

A pre-application conference was held with the City of Canby and service providers to discuss the change in zone and subdivision of the Lots on May 18th, 2017.

A traffic impact study for the map amendment, zone change and subdivision has been ordered through the City Planning Department.

A neighborhood meeting for the map amendment, proposed subdivision and zone change was held at 861 S Redwood Street on May 19th, 2017. Three neighbors attended the meeting, in addition to the applicant and one of the property owners. Topics discussed at the neighborhood meeting are listed in the neighborhood meeting notes, prepared by the applicant.

APPLICABLE CRITERIA AND STANDARDS

- The following sections of the City of Canby Comprehensive Plan apply to this application:

Urban Growth Element

Land Use Element

Transportation Element

Housing Element

- Statewide Planning Goals 1-19 are also listed with applicable responses

- The following sections of the City of Canby Land Development and Planning Ordinance apply to this application:

16.10 Off-Street Parking and Loading

16.18 R-1.5 Medium Density Residential Zone

16.46 Access Limitations on Project Density

16.54 Amendments to Zoning Map

16.56 Land Division General Provisions

16.64 Subdivisions – Design Standards

16.86 Street Alignments

16.88 General Standards & Procedures

16.89 Application and Review Procedures

16.120 Park, Open Space and Recreation Land General Provisions

COMPREHENSIVE PLAN GOALS

Urban Growth Element

Goal 1) To preserve and maintain designated agricultural and forest lands by protecting them from urbanization.

Goal 2) To provide adequate urbanizable area for the growth of the city, within the framework of an efficient system for the transition from rural to urban land use.

Response: The subject Lots are within the City's Urban Growth Boundary and are part of the land intended to accommodate the City's projected population. The proposal supports the Urbanization Element of the Comprehensive Plan and the proposed Lots are designated on the Comprehensive Plan as R-1.5. This proposal would be a fulfillment of the comprehensive plan designation for these Lots.

Land Use Element

Goal: To guide the development and uses of land so that they are orderly, efficient, aesthetically pleasing, and suitably related to one another.

Response: The City's Comprehensive Plan designation for the Lots calls for R-1.5. Changing the zoning of the Lots is in progression with the Comprehensive Plan and will not create an island of different zoning. The proposal is an opportunity to increase the density of housing on Lots that have excess square footage for their Comprehensive Plan Designation.

Public facilities are available to the Lots. During the Pre-Application meeting utility service providers discussed means of servicing newly created Lots and the Proposed Site Plan includes those notes. Public schools generally have capacity throughout Canby. Other public facilities and services such as police and fire are generally available to the Lots.

There are no natural hazards associated with the Lots, and no wetland or other environmental concerns.

Based on this review of relevant policies, the proposal has been shown to support the Land Use Element of the Comprehensive Plan.

Transportation Element

Goal: To develop and maintain a transportation system which is safe, convenient and economical.

Response: This proposal doesn't include any new streets but utilizing the existing transportation system.

Based on this review of relevant policies, the proposal has been shown to support the Transportation Element of the Comprehensive Plan.

Housing Element

Goal: To provide for the housing needs of the citizens of Canby.

Response: The lots have been designated as appropriate for R-1.5 zoning development and the proposal is consistent with that designation.

The Lots are well located for higher density development, reasonably close to major streets, with connections to the established area of Canby, including downtown and the shopping area along Highway 99E.

Based on this review of relevant policies, the proposal has been shown to support the Housing Element of the Comprehensive Plan.

STATEWIDE PLANNING GOALS

Oregon's 19 Statewide Planning Goals are addressed below. Though several of the goals are not applicable to the proposed comprehensive plan and zoning map amendments, those that are applicable are responded to in detail.

Goal 1 Citizen Involvement

Response: This land use application is subject to a City of Canby Type III land use review, which allows and solicits citizen involvement. This process has been established by the city and determined to be consistent with this goal. The mandatory public notice of the action and decision, and the hearing on this case before the City Council are all avenues of citizen participation.

Goal 2 Land Use Planning

Response: This statewide goal requires that land use decisions 1) have an adequate factual base, 2) that alternatives have been considered, and 3) that implementation measures are consistent with and adequate to carry out comprehensive plan policies and designations.

The land use action has an adequate factual base, as the subject properties have been thoroughly described in the application and staff report. The site is well-served by a full range of urban services, including transportation, water, sewer, storm water, schools, police and fire protection.

The proposed comprehensive plan map and zoning map amendments would result in more uniform zoning in this area of town.

Implementation measures proposed are consistent with and adequate to carry out comprehensive plan policies and designations. This will be accomplished through the existing zoning code, and the development standards of the zoning code. No changes to the implementation measures of the code are proposed as part of this land use action. The overall consistency of this proposal with the city's comprehensive plan has been addressed by this narrative. Consequently, the proposal is consistent with this goal.

Goal 3 Agricultural Lands

Response: This goal does not apply because the site is not on agricultural land, nor would the proposed change in zoning affect the supply of agricultural land.

Goal 4 Forest Lands

Response: This goal does not apply because the site is not on forest land, nor would the proposed change in zoning affect the supply of forest land.

Goal 5 Open Spaces, Scenic and Historic Areas, and Natural Resources

Response: There are no inventoried Goal 5 resources on the subject site. Therefore, this goal does not apply.

Goal 6 Air, Water and Land Resources Quality

Response: The property proposed for a map change is, and will continue to be, subject to City of Canby standards for environmental protection. There is no significant impact on air, water, or land resources quality because all uses in either the existing or proposed zone will have to meet

the same environmental standards. Therefore, there is no significant impact as a result of the proposed change, and the intent of this goal is satisfied.

Goal 7 Areas Subject to Natural Disasters and Hazards

Response: The area is not subject to natural disasters or hazards such as steep slopes or unstable soils. This goal does not apply.

Goal 8 Recreational Needs

Response: The site has never been considered useful as a park or for other recreational land uses. These goals do not apply.

Goal 9 Economic Development

Response: This goal requires that comprehensive plans provide adequate opportunities for a healthy economy.

Goal 10 Housing

Response: The subject site is ideally suited to become higher density housing to match that of the surrounding lots.

Goal 11 Public Facilities and Services

Response: The properties are in an already developed area of Canby with a full range of urban services. Adequacy of public facilities and services are addressed in this narrative. Public services are adequate to meet projected demand under the new plan designation and zoning.

Goal 12 Transportation

Response: This goal will be further addressed in the ordered Traffic Impact Study.

Goal 13 Energy Conservation

Response: There are no identifiable energy consequences of this land use action. The transportation system that serves the property will not change as the result of this land use action. The land use action will not result in any appreciable difference in waste production or recycling compared with development under the existing zoning. To the extent that the proposal will promote the redevelopment of the existing properties that are already served by public facilities and a developed transportation system, energy will be conserved. Generally, there is no detectible difference in energy consumption due to the plan map and zoning map change. As a result, the proposal is consistent with this goal.

Goal 14 Urbanization

Response: The property subject to the map changes are on already urbanized land. There are adequate urban, public facilities to serve any future development. There are no impacts to the other urbanization factors in the statewide planning goals, so this proposal is consistent.

Goal 15 Willamette River Greenway

Goal 16 Estuarine Resources

Goal 17 Coastal Shorelands

Goal 18 Beaches and Dunes**Goal 19 Ocean Resources**

Response: The properties are not within the plan boundary for the Willamette River Greenway, do not have any estuarine resources, and are not on the Oregon Coast, so goals 15 through 19 do not apply.

LAND USE AND DEVELOPMENT ORDINANCE

Chapter 16.10 Off-Street Parking and Loading

Response: The parking requirement for single family dwellings is two spaces per dwelling unit (Table 16.10.050). The existing dwellings on Parcels 1 and 4 leave more than enough room for two off-street parking spaces and the other Lots are of sufficient size to accommodate two off-street parking spaces. This requirement can be satisfied when building plans are submitted for each remaining Lot.

Chapter 16.18 R-1.5 Medium Density Residential Zone

Response: The proposed subdivision will create three new Lots for detached single family dwellings. The proposed residential use is allowed outright in the zone (16.18.010.A). New lots in the R-1.5 Zone are required to meet the development standards specified in Section 16.18.030. Development standards for structures can be verified when plans for building permits are submitted.

Section 16.18.030 R-1.5 Zone Dimensional Standards

16.18.030.A Minimum and maximum lot area: 5,000 sq. ft. and 6,500 sq. ft.

Response: Lot 1 6944 sq. ft.; Lot 2 5040 sq. ft.; Lot 3 5024 sq. ft.; Lot 4 6515 sq. ft.; Lot 5 5514 sq. ft.

16.18.030.B Lot Area Exceptions – 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: Lots 1 and 4 will contain the existing homes so the maximum Lot area standard does not apply to these Lots.

16.18.030.C Minimum width and frontage: 40 feet.

Response: All Lots but Lot 2 have a minimum width and frontage of at least 40'. Lot 2 is proposed to be a flag lot per 16.64.040.I. This is addressed further in the application.

16.18.030.D Minimum Yard: Street w/dwy 20'; Other street 15'; Rear 20' w/2 story, 15' w/1 story; Rear Corner 15' w/2 story, 10' w/1 Story; Interior 7'.

Response: The existing dwellings conform to these standards and when building plans are submitted for dwellings on new lots these will be satisfied.

16.18.030.E Maximum Building Height: 35'.

Response: The existing dwellings conform to these standards and when building plans are submitted for dwellings on new lots these will be satisfied.

16.18.030.F Maximum Amount of Impervious Surface: 70%.

Response: LOT 1 42%, Lot 2 38%, Lot 4 50%, Lots 3 & 5 can satisfy requirement when building plans are submitted.

16.18.030.G Other Regulations

Response: Existing dwellings comply with vision clearance distances and setbacks and the remaining Lots can satisfy these requirements when building plans are submitted.

16.46.010 Number of Units in Residential Development

Response: The development proposes to create detached single family residences on individual Lots, therefore Sec. 16.46.010A is the appropriate standard. The Lots will be accessed by S Redwood Street (Collector Street designation) and SE 9th Avenue (Local Street designation). No new accesses or public streets are proposed or required.

16.46.030 Access Connection

Response: The applicant proposes no new streets or access connections.

16.46.070 Exception Standards

Response: No exceptions are necessary.

Chapter 16.49 Site & Design Review

Response: Site and Design Review is required for all new development, except for single family and two-family dwellings (16.49.030). Dwellings in the proposed subdivision are single family, thus will not require site and design review.

16.54 Amendments to Zoning Map

Response: Per 16.54.060, improvements relating to street, sidewalk, and utilities may become conditions of Zone Change approval. The proposal includes no street improvements, minor sidewalk/driveway aprons, and utilities to be extended to newly created Lots except for improvements to Lot 2. As previously stated in the section titled Proposal in paragraph 4, the improvements to Lot 2 are requested to not be required at this time because of the continued use of Lots 1 and 2 as a single Lot with detached garage. Forgoing the improvements required for Lots 1 and 2 at this time will not negatively effect Lots 3-5 at a later date once improvements are needed to be made. Cost considerations and the long term use of Lots 1 and 2 are the reasons for delaying said improvements.

Division IV Land Division Regulations

Chapter 16.62 Subdivisions-Applications

Response: An application that satisfies the filing procedures and information required in Sec. 16.62.010 has been submitted.

Standards and criteria for approval of a subdivision are set forth in Sec. 16.62.020, as follows:

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

Response: Applicable requirements of other sections of the Land Development and Planning Ordinance are discussed in other sections of this narrative and on the Proposed Site Plan included with the application, demonstrating that the proposed land divisions conform to applicable criteria.

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: The design and layout of the site provides for functional and desirable building sites. All Lots meet or exceed the minimum lot area standards for the R-1.5 Zone, or permitted exceptions thereto. Each Lot has access to a public street and has easy connectivity to S Redwood Street, a collector, and nearby arterial streets, including Highway 99E. Development of the site will not hinder the use or development of any adjacent properties.

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.

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: The proposed layout will provide adequate sized Lots that will allow space to create or preserve vegetation and the Lots. The dwellings on Lots 1 and 4 will be preserved as will many of the existing trees and other landscaping features that currently surround the dwellings.

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

Response: Necessary facilities and services are available for the proposed development at the proposed R-1.5 zoning designation. Public water is located in S Redwood Street East of the development. Public sanitary sewer is also available in S Redwood Street. Power and communications facilities are available between the Lots and S Redwood Street in the Street Right of Way. Garbage and recycling collection are available in the neighborhood through Canby Disposal. Fire protection for the area is provided by Canby Fire District, which serves all of the City of Canby and the surrounding area. Police protection is provided by Canby Police Department.

All public services are available for the subdivision at the time of development.

E. 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. (Ord. 890 section 53, 1993; Ord. 740 section 10.4.40(B), 1984; Ord. 1338, 2010)

Response: This proposal will add dwellings across the street from two public schools including Trost

Elementary and Baker Prairie Middle School. Existing sidewalks and crosswalks ensure a safe route to these schools.

F. A Traffic Impact Study (TIS) may be required in accordance with Section 16.08.150. (Ord. 1340, 2011)

Response: A Traffic Impact Study has been ordered and paid for by applicant through the City Planning Department.

Chapter 16.64 Subdivisions Design Standards

Section 16.64.010 Streets

Response: No new streets proposed

Section 16.64.015 Access

Response: The proposal will utilize existing roadways and sidewalks

Section 16.64.020 Blocks

Response: The proposal utilizes existing block layout.

Section 16.64.030 Easements

Response: Easements for utility lines are existing and will be maintained and are suitable to service the new Lots.

Section 16.64.040 Lots

Responses as follows:

(16.64.040.A & B) Lot sizes and shapes comply with dimensional requirements for the R-1.5 Zone, as previously discussed in this narrative and as shown on the proposed site plan.

(16.64.040.C) All R-1.5 Lots have at least 40 feet of frontage on a public street, except Lot 2 which is a flag Lot as discussed below.

(16.64.040.D) No double frontage Lots are being created by this development.

(16.64.040.E) Lot side lines are generally at right angles to the fronting streets.

(16.64.040.F) No Lots in the subdivision can be re-divided.

(16.64.040.H) No hazardous situation related to flooding or soil instability has been identified on the Lots. The new Lots will contain their stormwater within the Lot.

(16.64.040.I.1) One flag Lot is proposed.

(16.64.040.I.2) The flag Lot, which is Lot 2, and Lot 1 will be accessed by a 12' wide access strip which is less than 100' long meeting the exception.

(16.64.040.I.3) The existing dwelling on Lot 1 is 16' from the Northern property line which after having a 12' wide access strip leaves 4' from the existing house. The proposal asks that this fact be accepted in light of consolidating driveways and the additional Lot that is creating behind Lot 1,

otherwise Lot 2 may not be feasible.

(16.64.040.I.4) This requirement can be satisfied when building plans are submitted for each Lot 2.

(16.64.040.I.5) Lot 2 is not accessing the State Highway System or any other Arterial.

(16.64.040.I.6) This requirement can be satisfied when building plans are submitted for each Lot 2.

(16.64.040.I.7) This requirement can be satisfied when building plans are submitted for each Lot 2.

(16.64.040.J) This requirement can be satisfied when building plans are submitted for remaining Lots.

Section 16.64.050 Parks and Recreation

Response: No area is proposed for dedication for public open space on this Lots. The City Development Services Department has indicated that they would prefer that a fee in lieu of payment be provided at the time of building permit submittal for Lots in this subdivision.

Section 16.64.060 Grading of Building Sites

Response: Minor grading will be accomplished on the Lots to create suitable building sites.

Section 16.64.070 Improvements

Response: Improvements for the subdivision are noted on the Proposed Site Plan and have been submitted as part of this application to show the arrangement of Lots, sidewalks, public utilities, and other improvements necessary to provide for the convenience, health, and safety of future residents of this community and of the City. Please refer to specific plans for details. Following approval of the preliminary plan, more detailed construction plans will be submitted to the City for review. At the same time the detailed construction plans will also be submitted to private utility service providers such as the gas and communications companies so that they may design their system improvements to serve the subdivision.

Section 16.64.080 Low Impact Development Incentives

Response: The project does not plan to increase density or building heights allowed through the incentives offered in this section.

Chapter 16.86 Street Alignments

Response: The proposal doesn't contain any new street improvements.

Chapter 16.88 General Standards and Procedures

Response: The general standards and procedures set out in this chapter apply to the regulations of all sections of this title, except as may be specifically noted. The application has been submitted to the City by the applicant and the appropriate fees have been paid (Sec.16.88.030).

Chapter 16.88.180

A. Authorization to Initiate Amendments. An amendment to the Comprehensive Plan may be initiated by the City Council, by the Planning Commission, or by the application of a property owner or his authorized agent.

The Planning Commission shall, within forty days after closing the hearing, recommend to the City Council approval, disapproval, or modification of the proposed amendment.

Response: This amendment to the comprehensive plan is being initiated by the property owner.

B. Application. Application procedures shall be as described in Chapter 16.89.

Response: This application has been submitted according to all listed procedures and was accompanied by the appropriate fee.

C. Legislative Plan Amendment Standards and Criteria. In judging whether or not a legislative plan amendment shall be approved, the Planning Commission and City Council shall consider:

- 1. The remainder of the Comprehensive Plan of the city, and the plans and policies of the county, state, and local districts, in order to preserve functions and local aspects of land conservation and development;*
- 2. A public need for the change;*
- 3. Whether the proposed change will serve the public need better than any other change which might be expected to be made;*
- 4. Whether the change will preserve and protect the health, safety and general welfare of the residents in the community;*
- 5. Statewide planning goals.*

Response: This application is being initiated by the property owner and only applicable to this property therefore the standards of subsection D are the applicable criteria for this application.

D. Quasi-judicial Plan Amendment Standards and Criteria. In judging whether a quasi-judicial plan amendment shall be approved, the Planning Commission and City Council shall consider:

- 1. The remainder of the Comprehensive Plan of the city, as well as the plans and policies of the county, state, or any local school or service districts which may be affected by the amendments;*

Response: Each applicable element of the Comprehensive Plan of the city is discussed above in detail in Section 16.54.040.A. The State Land Use Goals are incorporated into the City's Comprehensive plan and are thus addressed as well. An increase in students to the local schools will result in increased state and federal funding, benefitting the district as a whole.

- 2. Whether all required public facilities and services exist, or will be provided concurrent with the anticipated development of the area. (Ord. 740 section 10.8.80, 1984; Ord. 981 section 16, 1997; Ord. 1080, 2001)*

Response: Public facilities and services exist to serve the site, as detailed above in Section 16.54.040.B.

E. For proposed comprehensive plan amendments, which must consider the long-term adequacy of the transportation system for OAR 660-10-060 compliance, ODOT must be consulted to determine whether a highway project is "reasonably likely to be funded" based on funding projections at that time. (Ord. 1340, 2011)

Response: As a part of this application and Traffic impact study was ordered and paid for by applicant. It is not likely that three additional single family residences will require an upgrade to any State highways.

Chapter 16.89 Application and Review Procedures

The purpose of this chapter is to establish standard decision-making procedures that will enable the City, the applicant, and the public to review applications and participate in the decision-making process in a timely and effective way.

Response: This application is a Type III procedure. A pre-application meeting was held May 18th, 2017. The minutes are included in this application.

Chapter 16.120 Parks Open Space and Recreation Land

Response: The City of Canby shall require park land dedication or a fee in lieu of park land dedication in the form of a system development charge. The City has indicated that it would prefer that Lots in this subdivision pay a system development charge rather than dedicate park land.

CONCLUSION

The foregoing narrative and accompanying plans and documents together demonstrate that the proposed subdivision and partition conform with the applicable criteria and standards of the City's Land Development and Planning Ordinance. Therefore, the applicant requests that the Planning Commission approve the application.

101/18

"SOUTH REDWOOD ESTATES"

LOCATED IN THE N. W. 1/4 OF SEC. 3, T4S, R. 1E, W. M.
CITY OF CANBY, CLACKAMAS COUNTY, OREGON

ZAROSINSKI-TATONE ENGINEERS, INC.
3737 S. E. 8TH AVE. PORTLAND, OREGON 97202
PH: 235-8795

CITY OF CANBY FILE NO. SUB 93-03
SURVEYED, OCTOBER 5, 1993

I HEREBY CERTIFY THAT THIS TRACING IS
AN EXACT COPY OF THE ORIGINAL PLAT OF
"SOUTH REDWOOD ESTATES."

Chris Fischborn

CRIS FISCHBORN, P.L.S. 1944

PARTITION PLAT NO. 93-05
PARCEL 2

LEGEND

- DENOTES MONUMENTS FOUND AS NOTED.
- DENOTES 5/8" x 30" LONG IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "ZAROSINSKI-TATONE, INC." DRIVEN TO GROUND SURFACE AND SET ON OCTOBER 5, 1993.
- △ DENOTES 5/8" IRON ROD FOUND WITH AN ALUMINUM CAP STAMPED "ZAROSINSKI-TATONE, P.E. 3915", AS SET ON P.S. 14753.
- DENOTES 5/8" IRON ROD FOUND WITH A YELLOW PLASTIC CAP STAMPED "ZAROSINSKI-TATONE, INC." AS SET BY THIS SURVEYOR ON P.S. 25525.
- I.R. DENOTES IRON ROD.
- I.P. DENOTES IRON PIPE.
- FD. DENOTES FOUND.
- MEA. DENOTES MEASURED.
- P.S. DENOTES RECORDED SURVEY NO. P.S. 25525.
- DENOTES BRASS SCREW WITH A BRASS WASHER STAMPED "Z-T L.S. 1944" TO BE SET IN CONCRETE SIDEWALK ON POST MONUMENTATION. SET IN 5/8" x 30" x 42" CAP.
- ✕ DENOTES 5/8" IRON ROD WITH AN ALUMINUM CAP STAMPED "ZAROSINSKI-TATONE, INC." AND A PUNCH MARK, TO BE SET AT PAVEMENT SURFACE ON POST MONUMENTATION. SET IN 5/8" x 30" x 42" CAP.

NOTES AND NARRATIVE:

1. THERE ARE NO GEODETIC MONUMENTS WITHIN 1/2 MILE OF THE BOUNDARY OF THIS PLAT ON FILE WITH THE CLACKAMAS COUNTY SURVEYOR.
2. FOR ADDITIONAL BOUNDARY INFORMATION AND NARRATIVE SEE P.S. 25525.
3. PUBLIC UTILITY EASEMENTS FOR SERVING AGENCIES SHALL BE 12.00 FEET IN WIDTH CONTIGUOUS TO ALL STREET RIGHT-OF-WAY AND ALONG THE WEST LINE OF LOTS 1 AND 2 AND ALONG THE NORTH LINE OF LOT 1 AND 6.00 FEET IN WIDTH CONTIGUOUS TO ALL INTERIOR LOT LINES AND THE WEST LINE OF LOT 7 AND 20.00 FEET IN WIDTH CONTIGUOUS TO THE SOUTH BOUNDARY OF THIS PLAT.
4. TRACT "A" DEEDED TO THE CITY OF CANBY BY INSTRUMENT NO. 94-44780
5. THE TURNAROUND AREA IN LOTS 6 AND 7 SHALL BE VACATED WHEN SOUTHEAST 9TH AVENUE IS EXTENDED TO THE WEST OF THIS PLAT AND THE VACATED AREA SHALL REVERT TO LOTS 6 AND 7, DIVIDED BY THE COMMON LOT LINE EXTENDED NORTH TO THE SOUTH RIGHT-OF-WAY LINE.

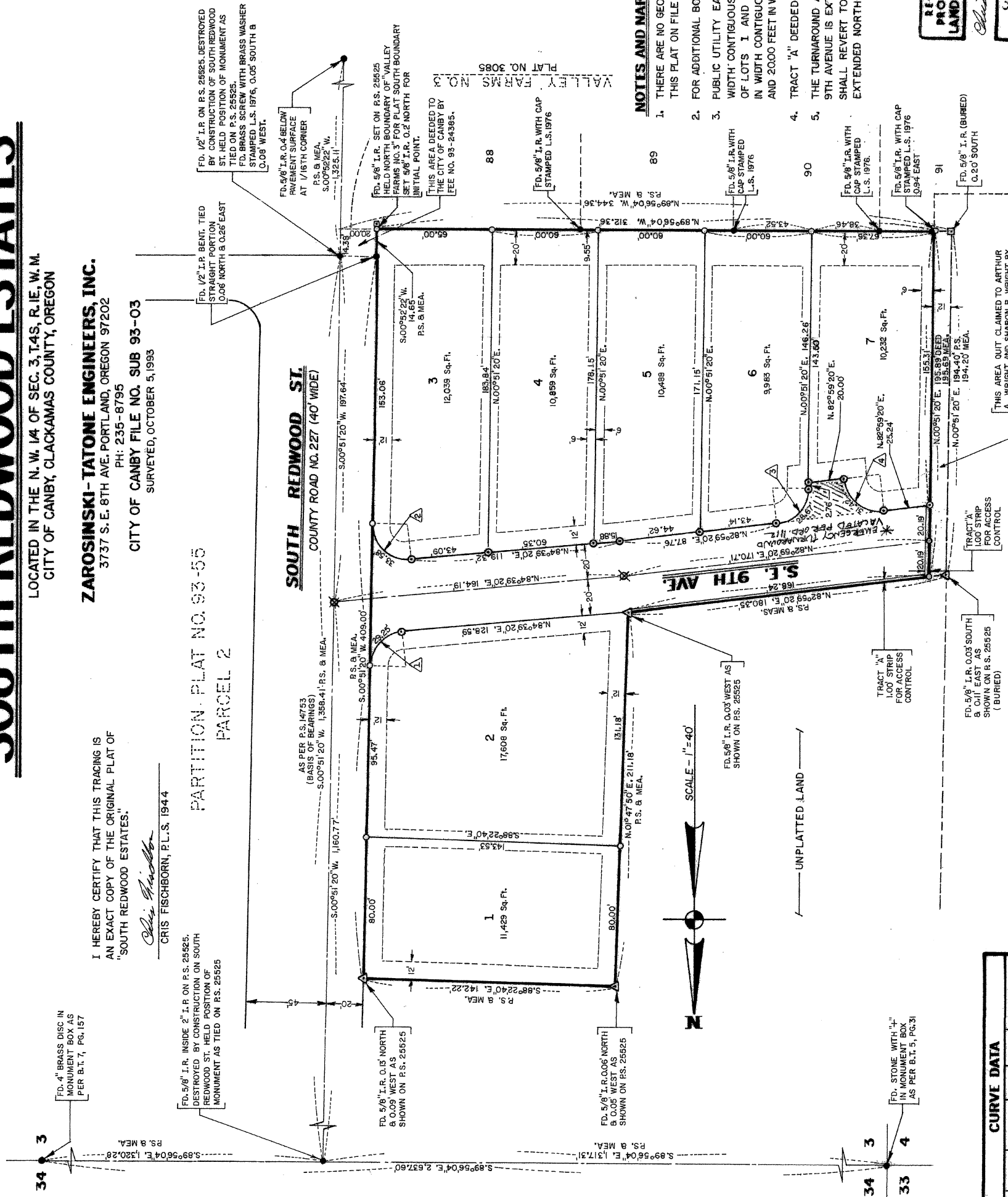
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Chris Fischborn

CRACKAMAS COUNTY
FILE NO. 93-03
RENEWAL DATE: 12/31/95

RENEWAL DATE: 12/31/95

3106
(PAGE 1 OF 2)



PROJECT NAME
SOUTH REDWOOD ESTATES 2

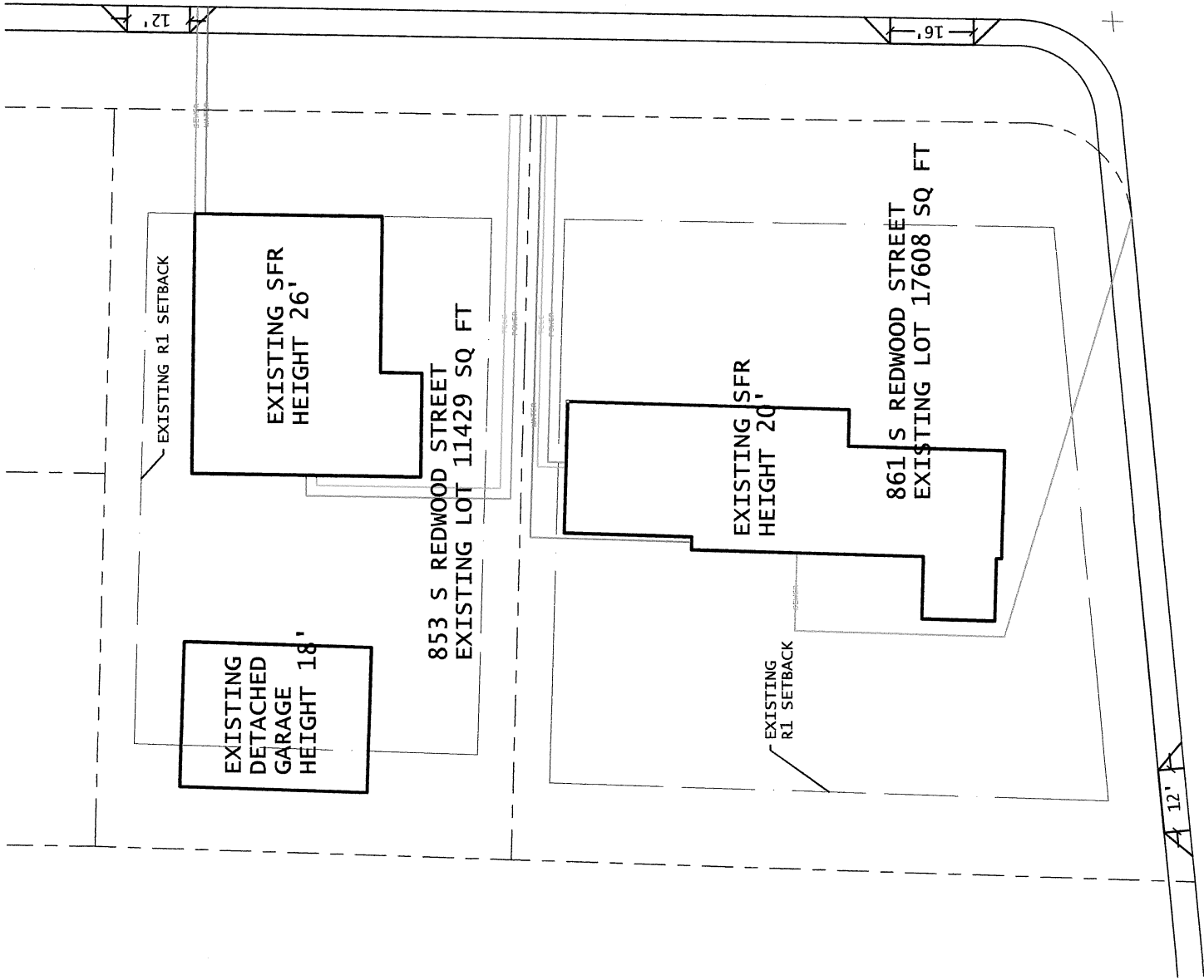
PROJECT ADDRESSES & OWNERS
GABRIEL HOSTETTLER
861 S REDWOOD STREET
CANBY, OR 97013

KENNETH HOSTETTLER
853 S REDWOOD STREET
CANBY, OR 97013

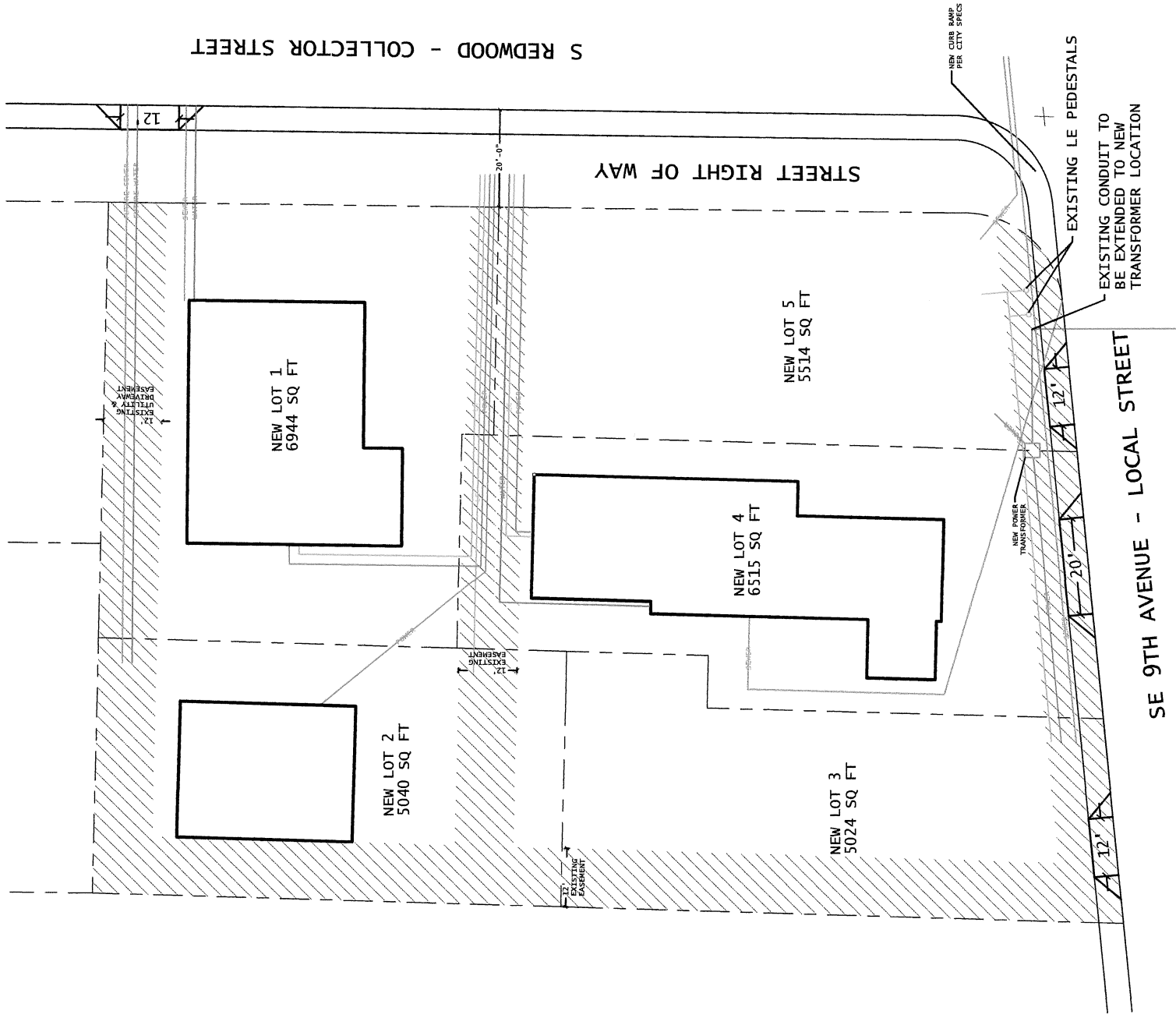
DESIGNER
DRAFT CRAFT, LLC.
DESIGN@DRAFTCRAFT.COM
503-505-0149

CONTRACTOR
KHC inc
10060 S NEW ERA ROAD
CANBY, OR 97013
INFO@KHCBUILT.COM
503-266-5754

VICINITY MAP



DRAFTCRAFT	CLIENT Gabriel Hostetler CONTRACTOR KHC inc.	PAGE Existing Site Plan REVISION 1	DATE May 26, 2017
			SCALE 1" = 30'



DRAFTCRAFT	CLIENT Gabriel Hostetler	PAGE Proposed Site Plan	DATE May 26, 2017
	CONTRACTOR KHC inc.	REVISION 1	SCALE 1" = 30'

PROJECT NAME
SOUTH REDWOOD ESTATES 2

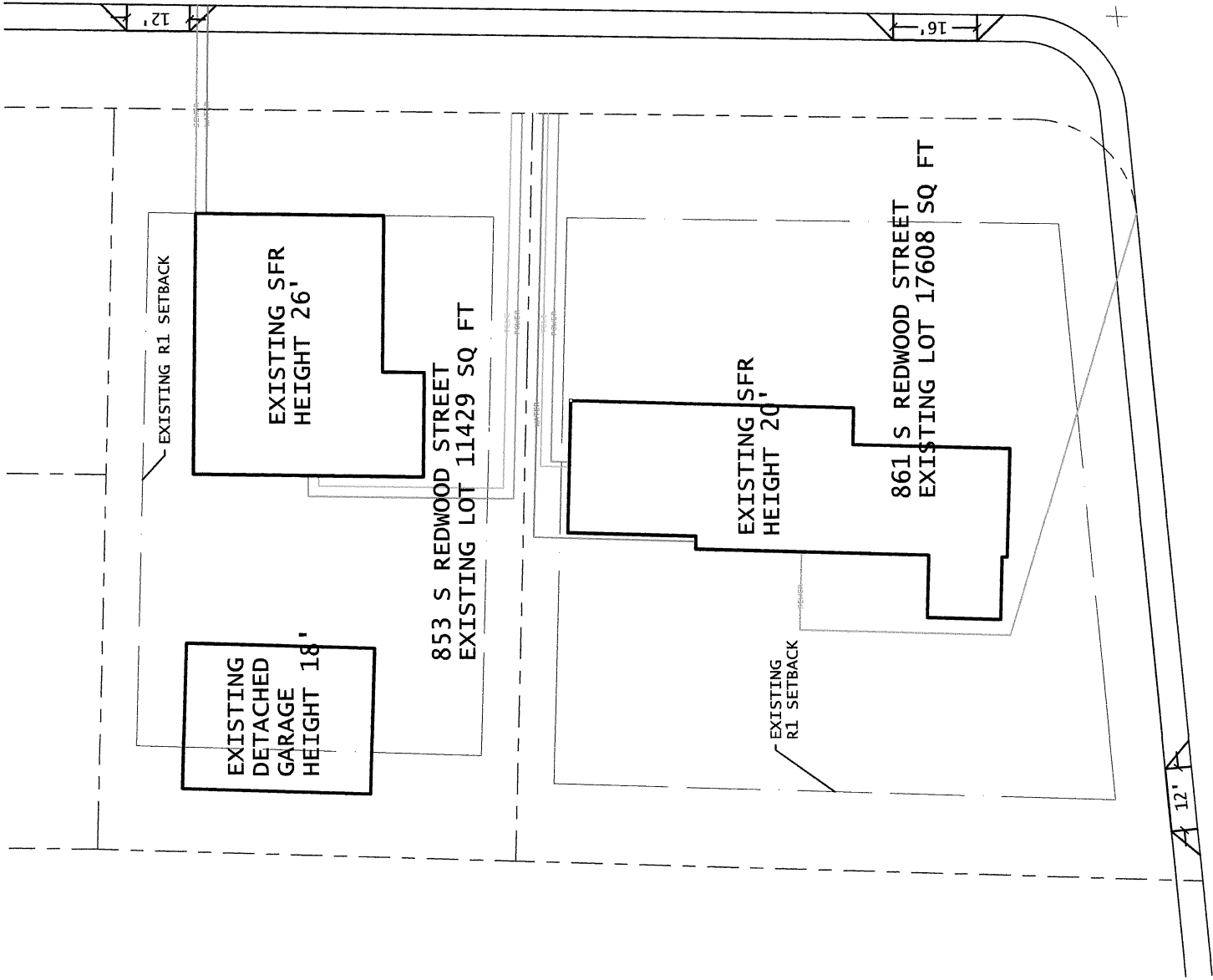
PROJECT ADDRESSES & OWNERS
GABRIEL HOSTETTLER
861 S REDWOOD STREET
CANBY, OR 97013

KENNETH HOSTETTLER
853 S REDWOOD STREET
CANBY, OR 97013

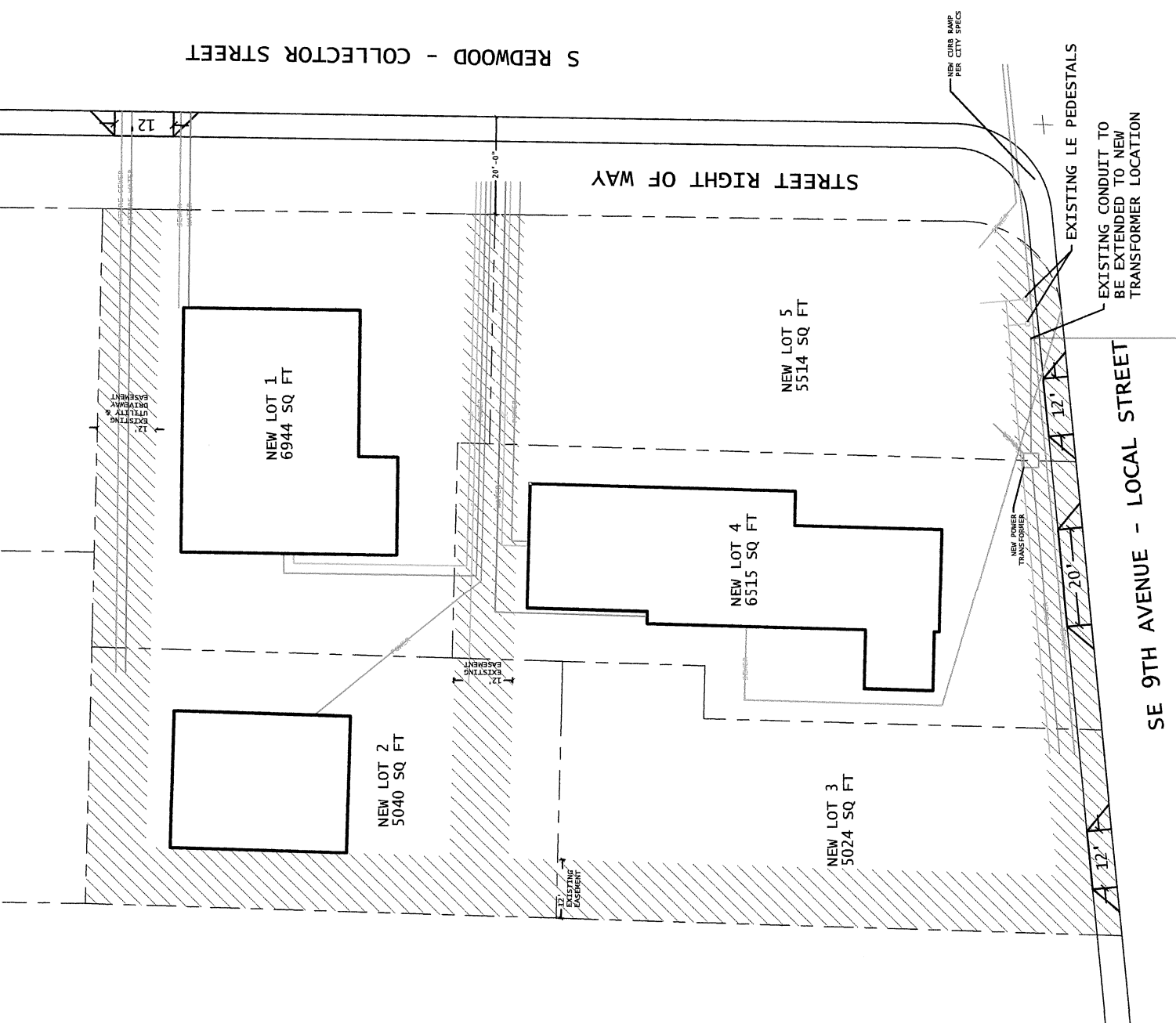
DESIGNER
DRAFT CRAFT, LLC.
DESIGN@DRAFTCRAFT.COM
503-505-0149

CONTRACTOR
KHC inc
10060 S NEW ERA ROAD
CANBY, OR 97013
INFO@KHCBUILD.COM
503-266-5754

VICINITY MAP



DRAFTCRAFT	CLIENT Gabriel Hostetler CONTRACTOR KHC inc.	PAGE	Existing site Plan	DATE	May 26, 2017
			REVISION 1	SCALE	1" = 30'



DRAFTCRAFT	CLIENT Gabriel Hostetler CONTRACTOR KHC inc.	PAGE Proposed Site Plan REVISION 1	DATE May 26, 2017
			SCALE 1" = 30'

MEMORANDUM

DATE: June 15, 2017

TO: Bryan Brown, City of Canby

FROM: Christopher S. Maciejewski, PE, PTOE
Jordin Kelly, EIT

SUBJECT: Canby 861 and 853 S Redwood Street–Transportation Planning Rule (TPR) Analysis P#11010-083



720 SW Washington St.
Suite 500
Portland, OR 97205
503.243.3500
www.dksassociates.com

This memorandum summarizes how the requirements of Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR), are met for a proposed zone change for the 861 and 853 S Redwood Street properties (tax lots 41E03BB00504 and 41E03BB00503) in Canby, Oregon. The following sections describe the property zoning designation, reasonable worst case trip generation, and TPR findings.

Property Zoning Designation

The properties proposing the zone change are located inside Canby's City Limits and are currently designated as R-1: Low Density Residential in the City's Zoning and Comprehensive Plan Maps. Two dwelling units exist on the site and the developer is proposing to add three more dwelling units (five total dwelling units on the site) which requires a Comprehensive Plan Amendment to change the land use designation to MDR (Medium Density Residential) and the zoning designation from R-1: Low Density Residential to R-1.5: Medium Density Residential. Table 1 below summarizes the zone change information for these properties.

Table 1: Proposed Zone Change at 861 and 853 S Redwood Street, Tax Lot 41E03BB00504

Property	Tax Lots	Lot Size (acres)	Proposed Zoning	City of Canby Zoning	City of Canby Comprehensive Plan Land Use
861 and 853 S Redwood St	41E03BB00504 and 41E03BB00503	0.66	R-1.5 (Medium Density Residential)	R-1 (Low Density Residential)	LDR (Low Density Residential)

Reasonable Worst Case Trip Generation

The TPR requires trip generation analysis to be performed based on the reasonable worst case development that is consistent with the existing zoning and the proposed zoning. Under the existing zoning, it is assumed that the reasonable worst case development is consistent with what exists today; two dwelling units on the site. Under the proposed MDR land use zoning, it is assumed that the reasonable worst case development is consistent with what is proposed; five dwelling units on a single lot, as it is not reasonably likely that additional dwelling units could be built on the 0.66 acre site.

Trip generation is the method used to estimate the number of vehicles that are added to the surrounding roadway network as a result of the proposed project. The trip generation for the proposed project was



estimated using similar land uses as reported by the Institute of Transportation Engineers (ITE).¹ Trip generation was calculated for the proposed five dwelling units and the existing two dwelling units for the AM and PM peak hour as well as daily trips using the Detached Single Family Housing (ITE Code 210) land use. As shown in Table 2, the net vehicle trips (proposed minus existing) expected to be added to the surrounding roadway network is 2 (0 in, 2 out) AM peak hour trips, 4 (2 in, 2 out) new PM peak hour trips, and 38 daily trips.

Table 2: Net Trip Generation Summary

ITE Land Use	ITE Code	Daily Trips	AM Peak Hour			PM Peak Hour		
			IN	OUT	TOTAL	IN	OUT	TOTAL
Proposed: 5 Dwelling Units	210 (Single Family Detached Housing)	67	3	10	13	4	3	7
Existing: 2 Dwelling Units		29	3	8	11	2	1	3
Net Vehicle Trips Added (Proposed – Existing)		38	0	2	2	2	2	4

Transportation Planning Rule Findings

The requirements of Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR), must be met for proposed changes in land use zoning. The intent of the TPR (OAR 660-12-0060) is to ensure that future land use and traffic growth is consistent with transportation system planning, and does not create a significant impact on the surrounding transportation system beyond currently allowed uses.

Even though the proposed zone change for the 861 and 853 S Redwood Street properties is not consistent with the City's Comprehensive Plan and forecasts used to develop the City's Transportation System Plan (TSP), the TPR refers to Action 1F.05 from the Oregon Highway Plan² which states that if there is a small increase in daily traffic (less than 400 trips) between the existing plan and the proposed amendment, it can be determined that the proposed zone change will cause "no further degradation" to the surrounding roadway network, specifically for the State facility OR 99E (the only state facility affected).

The Trip Generation section of this memorandum shows that the difference in daily trips between the reasonable worst case of the existing zoning (two single family housing units) and the reasonable worst case of the proposed zoning (five single family housing units) is 38 daily trips. Therefore, it can be concluded that the proposed zone change will not significantly impact and would cause "no further degradation" to OR 99E, a facility that currently meets ODOT mobility targets and is projected to meet mobility targets through 2030.³ Furthermore, the City and Clackamas County facilities near the project site were projected to meet mobility targets in the City's TSP. The limited number of additional PM peak trip due to the proposed rezone (3 trips) would not significantly impact congestion on those facilities.

Based on the discussion above, the number of additional daily and peak hour trips due to the proposed zone change is not anticipated to significantly impact transportation facilities near the project site and therefore, complies with TPR requirements.

¹ Institute of Transportation Engineers (ITE) manual, Trip Generation, 9th Edition.

² Oregon Highway Plan, OHP Policy 1F Mobility Standards Amendments, December 21, 2011.

³ City of Canby Transportation System Plan, Adopted December 2011.

Neighborhood Meeting

Attendance List

Peter Hostetler	10060 S New Era Road, Canby, OR 97013
Ken Hostetler	853 S Redwood Street, Canby, OR 97013
Ryan Lawless	1361 E 9 th Avenue, Canby, OR 97013
Paul Storm	1450 SE 9 th Avenue, Canby, OR 97013
Randy Pitchford	1405 SE 9 th Avenue, Canby, OR 97013

Neighborhood Meeting

Minutes

Date: Friday May 19th, 2017, 5:30pm

Location: Driveway of 861 S Redwood Street, Canby, OR 97013.

- 1) Handouts including Proposed Site Plan were distributed and briefly discussed.
- 2) Neighbors asked about utility and street disruptions during the development of the lots and applicant discussed notes from Pre-Application Meeting describing utilities and required connection points.
- 3) Trees and vegetation were discussed with what was/is being removed and what is remaining.
- 4) No other concerns were expressed.



First American

Date of Production: Wednesday, May 03, 2017

The ownership information enclosed is time sensitive and should be utilized as soon as possible.

This mailing list was produced with taxlot data from the Portland Metro regional government.

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Thank you for your business and for using First American Title.



Customer Service Department
121 SW Morrison St., Suite 300 Portland, OR 97204
Phone: 503.219.8746(TRIO) | Fax: 503.790.7872
Email: cs.portland@firstam.com
Report Generated: 5/3/2017

Ownership

Legal Owner(s): Kenneth & Judy Hostetler
Site Address: 853 S Redwood St Canby, OR 97013
Mailing Address: 853 S Redwood St Canby, OR 97013

Parcel #: 41E03BB00503
APN: 01608647
County: Clackamas

Property Characteristics

Bedrooms: 3
Total Bathrooms: 3
Full Bathrooms: 3
Half Bathrooms: 0
Units: 0
Stories:
Fire Place: N
Air Conditioning: 0
Heating Type:
Electric Type: 0

Year Built: 2006
Building SqFt: 2566
First Floor SqFt: 0
Basement Sqft: 0
Basment Type:

Lot SqFt: 11395
Lot Acres: 0.26
Roof Type:
Roof Shape:
Porch Type:
Building Style:
Garage:
Garage SqFt: 0
Parking Spots: 0
Pool:

Property Information

Land Use: RESIDENTIAL
County Use: 14
Legal Description: 3106 SOUTH REDWOOD ESTATES LT 1

Neighborhood:
School District:
Zoning: R1

Assessor & Tax

Market Land: \$125,685
Market Total: \$366,065
Market Structure: \$240,380
Assessed Total: \$246,374

Taxes: \$4,223.66
% Improved:
Levy Code: 086-002
Millage Rate: 17.1433

Sale History

Last Sale Date:
Prior Sale Date:

Doc #:
Prior Doc #:

Last Sale Price: \$0
Prior Sale Price: \$0

Mortgage

1st Mortgage Date:
1st Mortgage Type:
2nd Mortgage Type:

Doc #:
1st Mortgage Lender:

1st Mortgage: \$0
2nd Mortgage: \$0

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Customer Service Department
121 SW Morrison St., Suite 300 Portland, OR 97204
Phone: 503.219.8746(TRIO) | Fax: 503.790.7872
Email: cs.portland@firstam.com
Report Generated: 5/3/2017

Ownership

Legal Owner(s): Gabriel & Tennille Hostetler
Site Address: 861 S Redwood St Canby, OR 97013
Mailing Address: 861 S Redwood St Canby, OR 97013

Parcel #: 41E03BB00504
APN: 01608656
County: Clackamas

Property Characteristics

Bedrooms: 3
Total Bathrooms: 2
Full Bathrooms: 2
Half Bathrooms: 0
Units: 0
Stories:
Fire Place: Y
Air Conditioning: 0
Heating Type: Forced air unit
Electric Type: 0

Year Built: 1961
Building SqFt: 3232
First Floor SqFt: 0
Basement Sqft: 0
Basment Type: Improved

Lot SqFt: 17573
Lot Acres: 0.40
Roof Type: Composition
Roof Shape: Shingle
Porch Type:
Building Style:
Garage:
Garage SqFt: 0
Parking Spots: 0
Pool:

Property Information

Land Use: RESIDENTIAL
County Use: 14
Legal Description: 3106 SOUTH REDWOOD ESTATES LT 2

Neighborhood:
School District:
Zoning: R1

Assessor & Tax

Market Land: \$130,145
Market Total: \$288,895
Market Structure: \$158,750
Assessed Total: \$198,327

Taxes: \$3,399.98
% Improved:
Levy Code: 086-002
Millage Rate: 17.1433

Sale History

Last Sale Date: 1/12/2007
Prior Sale Date:

Doc #: 2007-003482
Prior Doc #:

Last Sale Price: \$290,000
Prior Sale Price: \$0

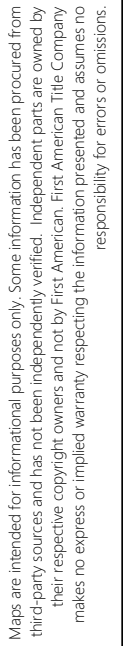
Mortgage

1st Mortgage Date: 1/12/2007
1st Mortgage Type: 27
2nd Mortgage Type:

Doc #: 2007-003483
1st Mortgage Lender: Provident Funding Associates L

1st Mortgage: \$232,000
2nd Mortgage: \$0

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10.07

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53

Radius Properties

Notes



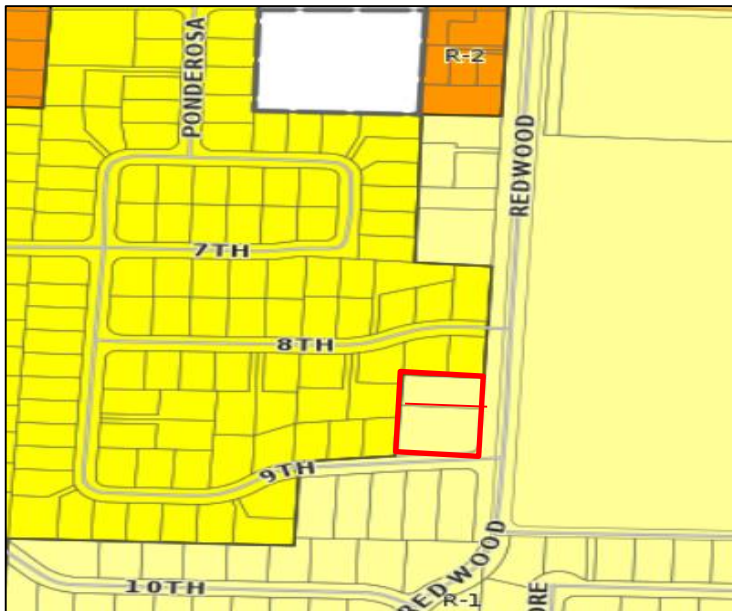
City of Canby

NOTICE OF PUBLIC HEARING & REQUEST FOR COMMENTS

The purpose of this Notice is to Request Your Comments and invite you to the following Public Hearings:

Planning Commission, Monday, August 28, 2017, 7 pm and **City Council, Wednesday, September 6, 2017 at 7:30 pm.**

Both hearings will be held in the City Council Chambers, 222 NE 2nd Ave, 1st Floor for review of Comprehensive Plan Amendment, Zoning Map Amendment, and Subdivision applications. The applicant proposes to change the land use designation of two lots from R-1 Low Density Residential to R-1.5 Medium Density Residential on the Comprehensive Plan Map, and the zoning district from R-1 to R-1.5 on the Zoning Map, and subdivide two lots into five lots.



Comments due– If you would like your comments to be incorporated into the City’s Staff Report, please return the Comment Form for the **Planning Commission by Wednesday, August 16, 2017,** and for the **City Council by Wednesday, August 23, 2017.**

Location: 853 & 861 S Redwood St (Outlined in red in map on the left.)

Tax Lots: 41E03BB00503 & 41E03BB 00504

Lot Size and Zoning: 0.66 acres, R-1 Low Density Residential

Owners: Gabriel Hostetler, and Ken Hostetler

Applicant: Peter Hostetler

Application Type: Comprehensive Plan/Zoning Map Amendments and Subdivision (Type III)

City File Number: CPA/ZC 17-01 and SUB 17-03

Contact: Bryan Brown at 503-266-0702 or by email brownb@canbyoregon.gov

What is the Decision Process? The Planning

Commission will make a decision after the Public Hearing. The Planning Commission’s decision may be appealed to the City Council.

Where can I send my comments? Written comments can be submitted up to the time of the Public Hearing and may also be delivered in person to the Planning Commission during the Public Hearing on Monday, August 28, 2017. (Please see *Comment Form*). Comments can be mailed to the Canby Planning Department, PO Box 930, Canby, OR 97013; dropped off at 222 NE 2nd Ave; or emailed to brownb@canbyoregon.gov

How can I review the documents and staff report? Weekdays from 8 AM to 5 PM at the Canby Planning Department. The staff report to the Planning Commission will be available for inspection starting Friday, August 18, 2017 and can be viewed on the City’s website: <http://www.canbyoregon.gov> Copies available \$0.25/ page or emailed upon request.

Applicable Criteria: Comprehensive Plan, Goals & Policies; Statewide Planning Goals; Canby Municipal Code Chapters:

- | | |
|---|--|
| • 16.08 General Provisions | • 16.64 Subdivisions – Design Standards |
| • 16.10 Off-Street Parking and Loading | • 16.86 Street Alignments |
| • 16.18 R-1.5 Medium Density Residential Zone | • 16.88.180 Comprehensive Plan Amendments |
| • 16.43 Outdoor Lighting Standards | • 16.88.190 Conform with Transportation Plan |
| • 16.46 Access Standards | • 16.89 Application & Review Procedures |
| • 16.54 Amendments to Zoning Map | • 16.120 Parks, Open Space & Recreation Land |
| • 16.62 Subdivisions – Applications | General Provisions |

Note: Failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the board based on that issue.

CITY OF CANBY –COMMENT FORM

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

By mail: Planning Department, PO Box 930, Canby, OR 97013
In person: Planning Department at 222 NE 2nd Ave, Canby, OR 97013
E-mail: brownb@canbyoregon.gov

Written comments to be included in the **Planning Commission's meeting packet are due by Noon on Wednesday, August 16, 2017.** Written comments to be included **City Council's meeting packet are due by Noon on Wednesday, August 23, 2017.** Written comments for the Planning Commission or the City Council can also be submitted up to the time of the Public Hearing, and may be delivered in person during the Public Hearing.

Application: CPA/ZC 17-01 & SUB 17-03 Hostetler Comprehensive Plan Map & Zone Map Amendments and Subdivision
COMMENTS:

[illegible]

NAME: _____

ADDRESS

EMAIL: _____ DATE: _____

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

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

NAME: _____

AGENCY:

DATE: _____

Thank you!

ORDINANCE NO. 1463

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN MAP AND ZONING MAP OF THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON FOR TAX LOTS 0503 AND 0504 OF TAX MAP 4-1E-03BB

WHEREAS, an application was filed with the City by Peter Hostetler to change the land use designation on the Comprehensive Plan Map and the zoning district on the Zoning Map for two parcels totaling 0.66 acres from Low Density Residential to Medium Density Residential (MDR and R-1.5 on the Comprehensive Plan Map and Zoning Map respectively); and

WHEREAS, a public hearing was conducted by the Canby Planning Commission on August 28, 2017 after public notices were mailed, posted and printed in the Canby Herald, as required by law; and

WHEREAS, the Canby Planning Commission heard the staff report and considered testimony regarding the proposed Comprehensive Plan Map and Zone Map Amendments at the public hearing. At the conclusion of the public hearing, the Planning Commission voted 6-0 to recommend that the City Council approve the applications.

WHEREAS, the Canby City Council considered the matter and the recommendation of the Planning Commission following a public hearing held at its regular meeting on September 6, 2017; and

WHEREAS, The Canby City Council, after considering the staff report, reviewing the record of the Planning Commission's decision and conducting its own public hearing, voted to accept the Planning Commission's recommendation;

NOW, THEREFORE, THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: Tax Lots 0503 and 0504 of Tax Map 4-1E-03BB are changed from Low Density Residential (LDR) to Medium Density Residential (MDR) land use designation on the Canby's Comprehensive Plan Land Use Map.

Section 2: Tax Lots 0503 and 0504 of Tax Map 4-1E-0BB are rezoned from Low Density Residential (R-1) to Medium Density Residential (R-1.5) to match the accompanying Comprehensive Plan Amendment.

Section 3: The Mayor, attested by the City Recorder, is hereby authorized and directed to have the appropriate change made to the City's Comprehensive Plan Land Use Map and Official Zoning Map in accordance with the dictates of Section 1 and 2 of this Ordinance.

SUBMITTED to the Council and read the first time at a regular meeting thereof on September 6, 2017, ordered posted in three (3) public and conspicuous places in the City for a period of five (5) days, as authorized by the Canby City Charter; and to come up for final reading and action by the Canby City Council at its regular meeting thereof on September 20, 2017, commencing after the hour of 7:30 pm, in the Council's Meeting Chambers located at 222 NE 2nd Avenue, 1st Floor, Canby, Oregon.

Kimberly Scheafer, MMC
City Recorder

PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on September 20, 2017 by the following vote:

YEAS _____ NAYS _____

Brian Hodson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder

ORDINANCE NO. 1464

AN ORDINANCE AMENDING CANBY MUNICIPAL CODE (CMC) CHAPTER 5.04.190 REGARDING BUSINESS LICENSE EXEMPTIONS

WHEREAS, the City of Canby currently has a business license ordinance; and

WHEREAS, the City of Canby desires to amend the ordinance to exempt taxi companies and vehicle for hire transportation services from the requirement of a business license; now therefore

THE CITY OF CANBY, OREGON, ORDAINS AS FOLLOWS:

Section 1. The Canby Municipal Code (CMC) Chapter 5.04.190 is hereby amended to read as follows:

§ 5.04.190 Exemptions.

The provisions of this chapter shall not apply to:

- A. Garage sales, as described in this chapter.
- B. Participants of all official city-sponsored or sanctioned events and the Canby Farmers Market.
- C. (Reserved).
- D. Any person engaged as a landlord in leasing or renting property to others, unless the person leases at any 1 time more than 2 separate rental units, spaces or parcels, whether it be land, buildings or both, or residential, commercial or both.
- E. Municipal, state, or federal agencies.
- F. All non-profit organizations are exempt from the business license fee, but are still required to complete an application.
- G. Businesses that are participating in an event sponsored by a non-profit organization.
- H. Any person who carries on or engages in a business that is illegal under applicable city, state, or federal laws is prohibited from being issued a business license.
- I. Any business which is exempt from a license by virtue of state or federal law.
- J. Any business who is in operation for 3 or fewer consecutive days at the same location and operates less than a total of 30 days per calendar year within C-1 Downtown Commercial Zone of the city. This exemption does not apply to contractors, landscapers, or any business engaged in a contract with the city or Canby Urban Renewal Agency.
(Ord. 1396, passed 3-5-2014; Am. Ord. 1447, passed 9-7-2016)
- k. Taxi Companies and vehicle for hire transportation services.**

2nd Reading

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, August 16, 2017, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on Wednesday, September 6, 2017, commencing at the hour of 7:30 p.m. in the Council Meeting Chambers located at 222 NW 2nd Avenue, 1st Floor, Canby, Oregon.

Kimberly Scheafer, MMC
City Recorder

PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on September 6, 2017 by the following vote:

YEAS_____ NAYS_____

Brian Hodson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder

ORDINANCE NO. 1465

AN ORDINANCE AMENDING CANBY MUNICIPAL CODE (CMC) CHAPTER 9.48.050(A) REGARDING NOISE VARIANCE EXCEPTIONS

WHEREAS, the City of Canby currently has a noise variance ordinance; and

WHEREAS, the City of Canby desires to amend the ordinance to exempt city sanctioned events from the requirement of obtaining a noise variance; now therefore

THE CITY OF CANBY, OREGON, ORDAINS AS FOLLOWS:

Section 1. The Canby Municipal Code (CMC) Chapter 9.48.050(A) is hereby amended to read as follows:

§ 9.48.050 Exceptions and variances.

- A. Exceptions. The following sounds are exempted from the provisions of this chapter:
1. Sounds caused by the performance of emergency work, vehicles and/or equipment;
 2. Aircraft operations in compliance with applicable federal laws or regulations;
 3. Railroad activities as defined in Subpart A, Part 201 of Title 40, CER of the Environmental Protection Agency's railroad emission standards, incorporated herein by reference;
 4. Sounds produced by sound-amplifying equipment at activities sponsored by Canby School District between 7:00 a.m. and 12:00 p.m. midnight, local time;
 5. Sounds created by refuse pickup operations during the period of 6:00 a.m. to 10:00 p.m., local time;
 6. Sounds created by domestic power tools during the period 7:00 a.m. to 10:00 p.m., local time, provided sound-dissipating devices on tools so equipped are maintained in good repair;
 7. Sounds made by warning devices operating continuously for 5 minutes or less;
 8. Idling motor vehicles, including compressors on refrigerated trailers, within a Gross Vehicle Weight Rating (CVWR) of 8,000 pounds or greater between the hours of 7:00 a.m. to 10:00 p.m., local time, provided they are equipped with an exhaust system which is in good working order and in constant operation;
 9. Sounds created at the Clackamas County Fairgrounds as a result of events sanctioned by the Clackamas County Fair Board;

10. Sounds caused by business operations in the commercial and industrial zones, provided the sounds result from lawful commercial business activity or manufacturing operations;
11. Construction activities during the period of 7:00 a.m. to 10:00 p.m., local time, provided equipment is maintained in good repair and equipped with sound dissipating devices in good working order; and
12. Sounds caused by city maintenance equipment between the hours of 7:00 a.m. and 10:00 p.m.; **and**
- 13. Sounds created from city sanctioned events in the Downtown Commercial zone.**

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, August 16, 2017, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on Wednesday, September 6, 2017, commencing at the hour of 7:30 p.m. in the Council Meeting Chambers located at 222 NW 2nd Avenue, 1st Floor, Canby, Oregon.

Kimberly Scheafer, MMC
City Recorder

PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on September 6, 2017 by the following vote:

YEAS_____ NAYS_____

Brian Hodson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder

ORDINANCE NO. 1466

**AN ORDINANCE AMENDING THE CANBY MUNICIPAL CODE (CMC) BY ADDING
A NEW CHAPTER 3.35, "PARK MAINTENANCE PROGRAM", AND REQUIRING
PAYMENT OF A PARK MAINTENANCE FEE.**

WHEREAS, the revenues from existing sources are not adequate to maintain the City of Canby's park system; and

WHEREAS, the City has deferred maintenance activities in existing parks and delayed the opening of new parks; and

WHEREAS, additional funding is required in order to fund increased maintenance of the City of Canby's park system.

NOW, THEREFORE, THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: The City of Canby's Municipal Code is amended by adding a new Chapter 3.35. "Park Maintenance Program" attached hereto as Exhibit "A".

Section 2. This ordinance shall take effect 30 days after passage. The fee imposed by Section 1 shall commence on January 1, 2018.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, August 16, 2017, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on Wednesday, September 6, 2017, commencing at the hour of 7:30 p.m. in the Council Meeting Chambers located at 222 NW 2nd Avenue, 1st Floor, Canby, Oregon.

Kimberly Scheafer, MMC
City Recorder

2nd Reading

PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on September 6, 2017 by the following vote:

YEAS_____ NAYS_____

Brian Hodson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder

Exhibit “A”

CHAPTER 3.35: PARK MAINTENANCE PROGRAM

Section	
3.35.010	Creation of Park Maintenance Fee, Purpose.
3.35.020	Definitions.
3.35.030	Administrative Officers.
3.35.040	Dedication of Revenues.
3.35.050	City Maintenance and Effort Contribution.
3.35.060	Annual Park Maintenance Program Report.
3.35.070	Park Maintenance Fee.
3.35.080	Low Income Assistance.
3.35.090	Determination of Park Maintenance Fee.
3.35.100	Administration of Park Maintenance Fee.
3.35.110	Waiver of Park Maintenance Fee in Case of Vacancy.
3.35.120	Park Maintenance Fee Appeal Procedure.
3.35.130	Exceptions to Park Maintenance Fee.
3.35.140	Severability.

3.35.010 Creation of Park Maintenance Fee, Purpose.

There is hereby created a Park Maintenance Fee for the purpose of providing for the operation and maintenance of parks and facilities within the City of Canby. Fees collected shall be deposited into the City of Canby’s General Fund Park Maintenance Fee Account to be used only for purposes identified within this chapter.

The City Council hereby finds, determines and declares the necessity of providing operation and maintenance of the City’s parks and facilities as a comprehensive Park Maintenance Fee, with such operation and maintenance to include such activities as are necessary in order that the parks and facilities may be properly operated and maintained and that the health, safety and welfare of the City and its inhabitants may be safeguarded.

§ 3.30.020 Definitions.

As used in this chapter, unless the context requires otherwise:

Public Works Director. The City of Canby Public Works Director or the Director's designee.

Developed Property. A parcel or portion of real property on which an improvement exists or has been constructed. Improvement on developed property includes, but is not limited to buildings, parking lots, landscaping and outside storage.

Dwelling Unit. One or more rooms designed for occupancy by 1 family and not having more than 1 cooking facility.

Multi-unit Residential Property. Residential property consisting of 2 or more dwelling units. For the purposes of this chapter, condominiums, attached single-family residences, and individual mobile home units are also classified as multi-unit residential properties.

Non-Residential Property. Any property that is not residential property.

Residential Property. A property that is primarily for personal, domestic accommodation, including single single-family, multi-unit residential property and group homes, but not including hotels and motels.

Responsible Party. The person or persons who by occupancy or contractual arrangement are responsible to pay for utility and other services provided to an occupied unit. Unless another party has agreed in writing to pay and a copy of the writing is filed with the City, the person(s) paying the sewer bill for an occupied unit shall be deemed the responsible party as to that occupied unit. For any occupied unit not otherwise required to pay a sewer bill, "responsible party" shall mean the person or persons legally entitled to occupancy of the occupied unit, unless another responsible party has agreed in writing to pay and a copy of the writing is filed with the City. Any person who has agreed in writing to pay is considered the responsible person if a copy of the writing is filed with the City.

Single Family Residential. Residential property that has only detached dwelling units.

Park Lands. A public Park that is under the jurisdiction or control of the City. For purposes of this chapter, landscaped City property maintained by the Parks Department during the 2016-17 fiscal year shall be considered Park Lands.

Park Maintenance Program. Program established by this chapter to maintain, repair and reconstruct City Parks. Activities include the administration and collection of the Park Maintenance Fee; preventive maintenance, rehabilitation and reconstruction projects; design and inspection of such projects; Park condition monitoring and assessment, including inspection of Park repairs; and staff training and consultant services in support of the above activities.

Maintenance of Effort (MOE). The share of cost of the Park Maintenance Program borne by the general fund of the City of Canby.

Consumer Price Index (CPI). Consumer Price Index for Portland Metropolitan Statistical Area.

§ 3.35.030 Administrative Officers.

A. Except as provided below, the Public Works Director shall be responsible for the administration of this chapter.

B. The Public Works Director shall annually develop a Park Maintenance Program schedule.

C. The Public Works Director shall provide an annual report on the Park Maintenance Program to the City Council and Budget Committee.

D. The Finance Director shall be responsible for the administration and collection of fees under this chapter.

§ 3.35.040 Dedication of Revenues.

All funds and all proceeds from funds collected pursuant to this chapter shall be used for the Park Maintenance Program.

§ 3.35.050 City Maintenance of Effort Contribution.

A. The General Fund of the City of Canby shall contribute funds towards the operation of City parks in an amount equal to the actual operating expenditures for the City's Park budget for the fiscal year 2016-17, excluding Capital Outlay.

B. The City contribution shall be adjusted annually in an amount equal to the percentage change in the consumer price index for the Portland Metropolitan Statistical Area.

§ 3.35.060 Annual Park Maintenance Program Report.

A. Each year the Public Works Director shall prepare and present to the Budget Committee and City Council the "Annual Park Maintenance Program Report." This document is a public record.

B. The report shall include a narrative description of the overall condition of the Parks, the findings of any new condition assessments, a detailed project schedule for the upcoming year, and a report on the previous year projects, workload impacts, and overall program progress. The report shall include revenues received relative to revenue projections, and any other new developments that impact the adequacy of the program funds to meet program goals.

§ 3.35.070 Park Maintenance Fee.

A. A Park Maintenance Fee is imposed and levied upon the responsible party for all developed property within the City. The fee shall be based on the direct and indirect use of or benefit derived from the use of public Parks generated by the developed property, to be calculated as described in § 3.35.090.

B. The Park Maintenance Fee is also imposed and levied on the property owner of the developed property in the event of non-payment by the responsible party.

§ 3.35.080 Low Income Assistance

A. Monthly Park Maintenance Fees for parks maintenance to the principal residence of low income citizens, as defined under the City's low income assistance program for sewer bills, shall be charged at one-half the regular rate. Any citizen currently receiving the reduced sewer service charge for low-income citizens shall automatically receive the reduced parks maintenance fee.

§ 3.35.090 Determination of Park Maintenance Fee.

A. Residential Unit. There is hereby imposed upon developed residential units in the City an initial Park Maintenance Fee of \$5.00 (five dollars) for each dwelling unit existing on that parcel.

B. Multiple-Family Unit. There is hereby imposed upon the responsible party for a multiple-family unit an initial Park Maintenance Fee equal to \$5.00 (five dollars) for each separate dwelling unit within the multiple-family unit existing on that parcel. By way of

example, an apartment complex containing thirty units would be subject to a monthly Park Maintenance Fee of \$150.00 (one hundred fifty dollars).

C. Nonresidential Unit. There is hereby imposed upon the responsible party for a nonresidential unit an initial Park Maintenance Fee of \$5.00 (five dollars) for each common meter to serve the nonresidential unit existing on that parcel.

D. This fee is deemed reasonable and is necessary to pay for the operation and maintenance of parks and facilities within the City. The effective starting date of this fee will be January 1, 2018, and will appear on sewer bills delivered in December, 2017.

E. Annual Adjustment. An annual rate adjustment shall be made based on the Consumer Price Index (CPI-U) for the Portland, Oregon MSA and index period 1982-1984 = 100. The adjustment shall be the percent change in the CPI for the calendar year ending December 31st of each year. The first adjustment shall be made in May 2019 upon resolution duly adopted and approved by the City Council. All adjustment to the Park Maintenance Fee shall be set by resolution.

F. Expiration. Unless extended by a majority vote of the City Council, this fee shall expire and Chapter 3.35: Park Maintenance Program shall automatically be repealed on December 31, 2022.

§ 3.35.100 Administration of Park Maintenance Fee.

A. The Park Maintenance Fee shall be billed and collected with and as part of the monthly sewer bill for those lots or parcels utilizing City sewer and billed and collected separately for those developed properties not utilizing City sewer. In the event of non-payment, the City may bill the property owner or take other action as authorized by law to collect from the responsible party.

B. In the event funds received from City utility billings are inadequate to satisfy in full all of the sanitary sewer and Park Maintenance Fees, credit shall be given first to the Park Maintenance Fee and second to the sanitary sewer service charges.

C. Notwithstanding any provision herein to the contrary, the City may institute any necessary legal proceedings to enforce the provisions of this chapter, including, but not limited to injunctive relief and collection of charges owing. The City's enforcement rights shall be cumulative.

§ 3.35.110 Waiver of Park Maintenance Fee in Case of Vacancy.

A. When any property within the City becomes vacant and utility services are discontinued (if applicable), a waiver of the Park Maintenance Fee may be granted by the Finance Director upon written application of the person responsible, including a signed statement, affirming under penalty of perjury that the property is vacant, and upon payment of all outstanding sanitary sewer and Park maintenance charges.

B. For purposes of this section, "vacant" shall mean that an entire building or utility billing unit has become vacant or continuously unoccupied for at least 30 days. "Vacant" shall not mean that only a portion of a property without a separate water meter has become vacant or unoccupied.

C. Fees shall be waived in accordance with this section only while the property remains vacant. The person responsible shall notify the City within 5 days of the premises being occupied, partially occupied or used, regardless of whether utility service is restored.

§ 3.35.120 Park Maintenance Fee Appeal Procedure.

A. Any owner who disputes any fee assessment may request a review and appeal such fee, but only in accordance with this section. The dispute must first be presented to the Public Works Director for review and thereafter may be appealed to the City Council in accordance with this section. Failure to appeal within the time and in the manner provided shall be sufficient cause to deny the relief requested. Except in cases of hardship as determined by the Council, disputes which result in changes in the Park Maintenance Fee charged under this chapter shall become effective with the next billing cycle.

B. A customer who wishes to dispute an interpretation made by the Public Works Director shall submit a written appeal to the City Administrator within 10 days from the date of notice of the Public Works Director's determination under division B., together with a filing fee in the amount of \$300. Appeals shall be limited to the issue of whether the property in question has been occupied during the period in dispute.

C. The City Administrator shall schedule the matter for City Council review and notify the appellant not less than 10 days prior to the date of such Council review. The City Council shall conduct a hearing during a public meeting and determine whether there is substantial evidence in the record to support the interpretation given by the Public Works Director. The Council may continue the hearing for purposes of gathering additional information bearing on the issue. The Council shall make a tentative oral decision and shall adopt a final written decision together with appropriate findings in support. The decision of the Council shall be final.

§ 3.35.130 Exceptions to Park Maintenance Fee.

City Parks shall not be subject to the Park Maintenance Fee.

§ 3.35.140 Severability.

In the event any section, subsection, paragraph, sentence or phrase of this chapter is determined by a court of competent jurisdiction to be invalid or unenforceable, the validity of the remainder of the chapter shall continue to be effective. If a court of competent jurisdiction determines that this chapter imposes a tax or charge, which is therefore unlawful as to certain but not all affected properties, then as to those certain properties, an exception or exceptions from the imposition of the Park Maintenance Fee shall be created and the remainder of the ordinance and the fees imposed thereunder shall continue to apply to the remaining properties without interruption. Nothing contained herein shall be construed as limiting the City's authority to levy special assessments in connection with public improvements pursuant to applicable law.

M E M O R A N D U M

DATE: September 6, 2017
TO: Honorable Mayor Hodson and City Council
FROM: Julie Blums, Finance Director
CC: Rick Robinson, City Administrator
RE: **AN ORDINANCE AMENDING THE CANBY MUNICIPAL CODE (CMC) BY REPEALING CHAPTER 2.90 REGARDING A MUNICIPAL AUDIT AND FINANCIAL OVERSIGHT COMMITTEE.**

Issue: The City of Canby established a Municipal Audit and Financial Oversight Committee on February 5, 2014. This committee has met only 7 times since its inception, the last time occurring on January 26, 2016. Because the work typically required of an Audit Committee can easily be incorporated into the City's Budget Committee which is statutorily required in all Oregon Cities, Staff is recommending that the Audit Committee be eliminated, and that the duties of the Audit Committee be assumed by the Budget Committee. The Budget Committee would then meet as needed to review issues currently assigned to the Audit Committee.

Background: On February 5, 2014 the City Council adopted Ordinance 1393 which added Chapter 2.90 to the Canby Municipal Code, and created a Municipal Audit and Financial Oversight Committee.

Since that time the Committee has met only seven times, the most recent being on January 26, 2016 when they met to review the Comprehensive Annual Financial Report.

Because the work of the Municipal Audit and Financial Oversight Committee tends to be sporadic, staff is recommending that the duties of the Audit Committee be assumed by the Budget Committee. This would typically add from one to four meetings annually to the responsibilities of the Budget Committee.

Recommendation: That council adopts Ordinance 1467 amending the Canby Municipal Code by repealing Chapter 2.90 regarding a Municipal Audit and Financial Oversight Committee.

Fiscal Impact: No fiscal impact.

Motion: *"I move to approve Ordinance No. 1467, **AN ORDINANCE AMENDING THE CANBY MUNICIPAL CODE (CMC) BY REPEALING CHAPTER 2.90 REGARDING A MUNICIPAL AUDIT AND FINANCIAL OVERSIGHT COMMITTEE to come up for second reading on September 20, 2017.**"*

Attached: Ordinance No. 1467

ORDINANCE NO. 1467

**AN ORDINANCE AMENDING THE CANBY MUNICIPAL CODE (CMC) BY REPEALING
CHAPTER 2.90 REGARDING A MUNICIPAL AUDIT AND FINANCIAL OVERSIGHT
COMMITTEE**

WHEREAS, On February 5, 2014 the City Council adopted Ordinance 1393 which added Chapter 2.90 to the Canby Municipal Code and created a Municipal Audit and Financial Oversight Committee; and

WHEREAS, since that time the committee has met only seven times; and

WHEREAS, in smaller jurisdictions such as Canby the function of the Municipal Audit and Financial Oversight Committee can be equally effectively directed through the Budget Committee; and

WHEREAS, the Budget Committee has distinguished itself as a dedicated and highly effective Committee of the City.

NOW, THEREFORE, THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: Chapter 2.90 of the Canby Municipal Code is hereby repealed.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, September 6, 2017, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on Wednesday, September 20, 2017, commencing at the hour of 7:30 p.m. in the Council Meeting Chambers located at 222 NW 2nd Avenue, 1st Floor, Canby, Oregon.

Kimberly Scheafer, MMC
City Recorder

PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on September 20, 2017 by the following vote:

YEAS_____ NAYS_____

Brian Hodson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder



City of Canby

PO Box 930 Phone: 503.266.4021
222 NE 2nd Ave Fax: 503.266.7961
Canby, OR 97013 www.canbyoregon.gov

M E M O R A N D U M

TO: *Honorable Mayor Hodson and City Council*
FROM: *Rick Robinson*
DATE: *September 6, 2017*

Issue:

The City Council held a public hearing on August 16, 2017 to receive public testimony regarding establishing a Park Maintenance Fee. On September 6, 2017 the Council adopted Ordinance 1466, which created Canby Municipal Code Chapter 3.35: Park Maintenance Program. This new Chapter of the Municipal Code requires payment of a Park Maintenance Fee, and provides guidelines for the collection and administration of the fee.

The \$5 fee, as created under Chapter 3.35, is set through the adoption of Resolution 1274. Chapter 3.35 also establishes the basis for annual rate adjustments, which are determined based on the change in the consumer price index for the Portland, Oregon MSA.

Recommendation:

Staff recommends adoption of Resolution 1274, implementing a \$5 park maintenance fee to be billed monthly starting on January 1, 2018, and adopting an annual rate adjust to be made based on the consumer Price Index (CPI-U) for the Portland, Oregon MSA and index period 1982-1984=100, with the adjustment to be equal to the percentage change in the CPI for the calendar year ending December 31st of each year.

Recommended Motion:

I move to adopt Resolution 1274, A RESOLUTION IMPLEMENTING A \$5 PARK MAINTENANCE FEE, AND ADOPTING AN ANNUAL RATE ADJUSTMENT TO BE MADE BASED ON THE CONSUMER PRICE INDEX (CPI-U) FOR THE PORTLAND, OREGON MSA AS SPECIFIED.

Attached:

Canby Municipal Code Chapter 3.35
Resolution 1274

RESOLUTION NO. 1274

A RESOLUTION IMPLEMENTING A \$5.00 PARK MAINTENANCE FEE, AND ADOPTING AN ANNUAL RATE ADJUSTMENT TO BE MADE BASED ON THE CONSUMER PRICE INDEX (CPI-U) FOR THE PORTLAND, OREGON MSA AS SPECIFIED.

WHEREAS, the Canby City Council held a public hearing on August 16, 2017 to receive public testimony regarding establishing a Park Maintenance Fee;

WHEREAS, on September 6, 2017 the Canby City Council adopted Ordinance 1466 which created Canby Municipal Code Chapter 3.35: Park Maintenance Program, which requires payment of a Park Maintenance Fee, and provides guidelines for collection of the fee; and

WHEREAS, the Canby City Council has determined that the rate hereinafter specified is just, reasonable, necessary, and based upon industry standards.

IT IS HEREBY RESOLVED by the City of Canby Council as follows:

Section 1: The City of Canby will implement a \$5.00 park maintenance fee to be billed monthly starting on January 1, 2018.

Section 2: An annual rate adjust shall made based on the consumer Price Index (CIP-U) for the Portland, Oregon MSA and index period 1982-1984=100. The adjustment shall be the percentage change in the CPI for the calendar year ending December 31st of each year. The first adjustment shall be made in May 2019 by a City Council Resolution.

Section 3. The fee imposed by this resolution are not taxes subject to the property limitation of Article XI. Section 11(b) of the Oregon Constitution.

This resolution shall take effect September 6, 2017.

ADOPTED this 6th day of September 2017 by the Canby City Council.

Brian Hodson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder