



## AGENDA

### CANBY CITY COUNCIL MEETING

September 16, 2015

7:30 PM

Council Chambers  
155 NW 2<sup>nd</sup> Avenue

*Mayor Brian Hodson*

*Council President Tim Dale*  
*Councilor Clint Coleman*  
*Councilor Tracie Heidt*

*Councilor Traci Hensley*  
*Councilor Greg Parker*  
*Councilor Todd Rocha*

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### CITY COUNCIL MEETING

1. **CALL TO ORDER - 6:30 PM – City Hall Conference Room** – The Council will immediately go into Executive Session with the Regular Session following at 7:30 PM in the Council Chambers.
2. **EXECUTIVE SESSION:** ORS 192.660(2)(e) Real Property
3. **OPENING CEREMONIES – 7:30 PM – Council Chambers** Invocation
  - A. Pledge of Allegiance
  - B. POW/MIA Recognition Day Proclamation Pg. 1
  - C. Manufacturing Day Proclamation Pg. 2
4. **COMMUNICATIONS**
5. **CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS**  
*(This is an opportunity for visitors to address the City Council on items not on the agenda. It is also the time to address items that are on the agenda but not scheduled for a public hearing. Each citizen will be given 3 minutes to give testimony. Citizens 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.)*
6. **MAYOR'S BUSINESS**
7. **COUNCILOR COMMENTS & LIAISON REPORTS**
8. **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 19, 2015 City Council Regular Meeting
  - B. Appointment to the Bike & Pedestrian Committee Pg. 3
  - C. Appointment to Library Board Pg. 4
  - D. Change of Ownership Liquor License Application for 76 Food Mart of Canby Pg. 6
  - E. Amendment to Employment Contracts for the City Administrator, City Attorney, and Municipal Judge Pg. 8

**9. PUBLIC HEARINGS**

- A. CPA 15-02/TA 15-01 North Redwood Development Concept Plan Pg. 11
- B. CPA 15-01/ZC 15-01/LLA 15-04 Canby Commons Apartments Pg. 26

**10. NEW BUSINESS**

- A. Findings, Conclusion & Order CPA 15-02/TA 15-01 Pg. 12

**11. RESOLUTIONS & ORDINANCES**

- A. Ord. 1421, Authorizing Purchase of an AL120-EZ Airless Slide-In Striper from EZ-Liner; and Declaring an Emergency (**2<sup>nd</sup> Reading**) Pg. 135
- B. Ord. 1422, Adopting the N Redwood Development Concept Plan, and Amending Canby's Comprehensive Plan and Title 16 of the Canby Municipal Code Pg. 14
- C. Ord. 1423, Amending Canby's Comprehensive Plan Land Use Map and Zoning Map from Heavy Industrial (HI & M-2) to High Density Residential (HDR & R-2) Respectively for an Approximate 7.6 Acre Portion of Tax Lots 2101 and 4900 of Tax Map 31E34C as Adjusted by LLA 15-04 at 235 S Sequoia Parkway Pg. 132

**12. CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS**

**13. CITIZEN INPUT**

**14. ACTION REVIEW**

**15. EXECUTIVE SESSION: ORS 192.660(2)(h) Litigation**

**16. 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.ci.canby.or.us](http://www.ci.canby.or.us). 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 18, 2015 as:

**POW/MIA Recognition Day in Canby**

and encourage all citizens to join in this observance.

Given unto my hand this 16<sup>th</sup> day of September 2015.

Brian Hodson  
Mayor



# Office of the Mayor

# Proclamation

## Manufacturing Day

WHEREAS, Manufacturing significantly contributes to the national, state and local economy; and

WHEREAS, Our community is fortunate to be the home of many world-class manufacturing companies; and

WHEREAS, Manufacturing companies bring vitality and prosperity to Canby by providing career opportunities and investment; and

WHEREAS, The community wants to introduce as many people as possible to the important role played by manufacturing; and

WHEREAS, Canby's manufacturers benefit from Canby School District efforts to prepare the current and future workforce through training, job shadows, internships, and other programs; and

WHEREAS, October 2 is dedicated to celebrating the great work and innovation of the men and women who contribute to Canby's strong manufacturing economy.

NOW THEREFORE, BE IT RESOLVED that I, Brian Hodson, Mayor of the City of Canby, Oregon, do hereby proclaim October 2, 2015 as:

Manufacturing Day in Canby

and urge all citizens to join in recognizing the value of our manufacturers and the importance they serve in our community.

Given unto my hand this 16<sup>th</sup> day of September 2015 in the City of Canby, Oregon.

Brian Hodson  
Mayor





**CITY OF CANBY  
APPLICATION  
BOARD/COMMITTEES/COMMISSIONS/COUNCIL**

Date: Aug. 3 2015  
 Name: Bruce W Parker Occupation: Retired Optometrist  
 Home Address: Canby OR 97013  
 Employer: Formerly Kaiser Permanente Position: Doctor of Optometry  
 Daytime Phone: \_\_\_\_\_ Evening Phone: \_\_\_\_\_  
 E-Mail Address: \_\_\_\_\_

For which position are you applying? bike/ped committee

What are your community interests (committees, organizations, special activities)?

Cycling - interest. ~~Former~~ members of Bike Transportation  
Alliance (BTA), ~~former~~ Oregon Human Power ~~Committee~~, ~~Vehicle~~  
MT Hood Ski Patrol, St Patricks

Experience and educational background: Doctor of Optometry - Pacific University  
33 years with Kaiser Permanente, 15 years chief of  
optometry. BS Biology PSU

Reason for your interest in this position: Interest in safer cycling,  
cycling tourism, safe streets to schools  
and better sidewalks for pedestrians

List any other City or County positions on which you serve or have served:  
Previously served on bike/ped committee

RECEIVED

Information on any special membership requirements: \_\_\_\_\_

AUG 20 2015

CITY OF CANBY

Referred by (if applicable): Mindy Montecucco

Feel free to attach a copy of your resume and use additional sheets if necessary

**THANK YOU FOR YOUR WILLINGNESS TO SERVE CANBY**

Please return to: **City of Canby**  
**Attn: City Recorder**  
**182 N Holly Street**  
**PO Box 930**  
**Canby, OR 97013**

Phone: 503.266.0733 Fax: 503.266.7961 Email: [Scheaferk@ci.canby.or.us](mailto:Scheaferk@ci.canby.or.us)

**Note: Please be advised that this information may be made available to anyone upon a public records request and may be viewable on the City's web site.**

1-4-13

June 29, 2015

Kathleen Myron Semi-retired. Artist  
Canby, OR 97013

Self Employed Clay Sculptor, mixed media artworks

Daytime and evening phone:

E-Mail: ----

For which position are you applying? Library Board 4-year position

Community interests (committees, organizations, special activities):  
Current: Friends of the Library member; occasional community classes in photography, advertising, and other subjects; formerly Canby Swim Pool Board officer.

Experience and educational background: George Fox College (now University) 1988 BA in Management of Human Resources

Oregon State University 1966-1970 major: Foreign Languages with studies towards certification in secondary education.

Life-long learning independent studies including the natural sciences (native plants, fish, birds, and animals of Oregon, healthy fish habitat), free-form hand-built clay sculpting, photography, water colors, and more.

I have served on the Canby Swim Pool Board; worked on passing the budgets for Canby Police Department, Canby Swim Pool, and Canby Public Library; worked to enter the library's books into the original computerized system. I've also served on the boards of several non-profits including Oregon Trout, the Oregon Wildlife Federation, and the Oregon Natural Desert Association. Together with a group focused on clean drinking water, I worked to organize Clackamas County Citizens for Clean Water which offered a county-wide water testing opportunity in coordination with Oregon's Department of Environmental Quality.

In the course of my natural science work and creative expression, I have honed skills in organization, planning, speaking, writing, teaching, self-promotion, and booth design. I have presented slide shows and given talks at a number of conferences. I have been a member of the American Fisheries Society and more recently, the Oregon Potters' Association; taking many workshops and classes led by professionals in those organizations. Most recently I have focused on native plants. My studies include both field and hands-on work while attending classes and continuing to read about Oregon's plants.

Formerly I worked as a paid church staff worker, as a volunteer teacher, and as music and worship committee member. I fulfilled a variety of positions with *The Canby Herald*, have been a licensed property and casualty insurance agent and office manager, have been employed in the Ackerman Junior High office and library, and most recently, have been an exhibiting clay sculptor and teacher running my own business.

RECEIVED

JUL 07 2015


Reason for interest in this position: Libraries have been an important part of my life since I was a young child in Oregon City. They have provided the stimulus for me to explore the world in which I live, to visit times and places it is not possible to physically visit. The non-fiction sections have provided writings suggesting answers to questions about Oregon's history--human and geologic, while the fiction sections have provided unlimited mobile entertainment at a truly affordable price. Libraries have expanded my world and introduced me to area people who share my love of books, foreign places, and other cultures. Canby Public Library has been and continues to be a integral part of my life. I recognize how important this library is to all ages in the Canby area. I owe much to the library and want to use my wide-ranging interests, life experiences, and deep appreciation to give back to this most valuable community institution. I believe my wealth of varied experiences and education can be of value to the community through my serving on the library board. My appreciation for the richness of the world's cultures and my enthusiasm for meeting and working with people would also be an asset on the board.

List any other City or County positions on which you serve or have served: I have served on jury duty at both the city and county levels. Some decades back, I served on the city's interviewing committee.

Information on any special membership requirements: With classmates, my first experiences working in a library were with librarian Mrs. Helen Selander at the former Grant Street Elementary School. We were instructed in the Dewey Decimal System, shelving books alphabetically, learning to use the card files, and finally, how to repair books. I became familiar with the Library of Congress system while at OSU and have used the county law library as well as the Oregon State Library in Salem and Marylhurst's Schoen Library. With a sister who has worked in several libraries, I have become aware of challenges facing library staff, especially women, encountering unmanageable, even dangerous, library users. Lighting needs and safety considerations are especially of concern for me, in part due to my own employment in offices with only one or two staff members present. I would bring to the library board both familiarity with library offerings and needs.

Referred by (if applicable): Library Director Melissa Kelly

# Memo

To: Mayor Hodson & Members of City Council  
From: Bret J. Smith, Chief of Police   
CC: Kim Scheafer, City Recorder  
Date: September 2, 2015  
Re: Liquor License Application / 76 Food Mart of Canby

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I have reviewed the attached liquor license application completed by the applicant, Charat Singh for business, The 76 Food Mart of Canby, located at 453 SE First Ave, Canby, Oregon.

On September 2, 2015, I spoke with applicant Singh and we discussed the laws involving the sale of alcoholic beverages. He told me he is familiar with the Oregon liquor laws, stating he is has been in the "liquor" business for over twenty years. Singh said the on-site manager for the business trains each new employee for period of two weeks and the training includes OLLC regulations/requirements. Singh further said many of the employees have worked at the Food Mart for a long period of time and are already familiar with the OLCC laws/regulations. Singh said he understands the consequences for failure to comply with the rules as set forth by Oregon State law.

It is my recommendation that the Canby City Council approve this application to the Oregon Liquor Control Commission (OLCC).





# OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

pd 8/31/15 @ \$75.00  
capmt

Application is being made for:

## LICENSE TYPES

- ☐ Full On-Premises Sales (\$402.60/yr)  
☐ Commercial Establishment  
☐ Caterer  
☐ Passenger Carrier  
☐ Other Public Location  
☐ Private Club  
☒ Limited On-Premises Sales (\$202.60/yr)  
☒ Off-Premises Sales (\$100/yr)  
☒ with Fuel Pumps  
☐ Brewery Public House (\$252.60)  
☐ Winery (\$250/yr)  
☐ Other: \_\_\_\_\_

## ACTIONS

- ☒ Change Ownership  
☐ New Outlet  
☐ Greater Privilege  
☐ Additional Privilege  
☐ Other \_\_\_\_\_

## 90-DAY AUTHORITY

☐ Check here if you are applying for a change of ownership at a business that has a current liquor license, or if you are applying for an Off-Premises Sales license and are requesting a 90-Day Temporary Authority

## APPLYING AS:

- ☐ Limited Partnership ☒ Corporation ☐ Limited Liability Company ☐ Individuals

## CITY AND COUNTY USE ONLY

Date application received: 8-31-15

The City Council or County Commission:

City of Canby  
(name of city or county)

recommends that this license be:

☐ Granted ☐ Denied

By: \_\_\_\_\_  
(signature) (date)

Name: \_\_\_\_\_

Title: \_\_\_\_\_

## OLCC USE ONLY

Application Rec'd by: \_\_\_\_\_

Date: AUG 27 2015

90-day authority: ☐ Yes ☐ No

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]

① RSW Oil, Inc. ③ \_\_\_\_\_

② \_\_\_\_\_ ④ \_\_\_\_\_

2. Trade Name (dba): 7U Food MART of Canby

3. Business Location: 453 SE 1st Ave. Canby, OR 97013  
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: \_\_\_\_\_  
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 503.266.4731 / 503.263.6876  
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? ☒ Yes ☐ No

7. If yes to whom: Vic Petroleum West Inc. Type of License: off - Premises / C-store

8. Former Business Name: 7U Food MART of CANBY

9. Will you have a manager? ☐ Yes ☒ No Name: \_\_\_\_\_  
(manager must fill out an Individual History form)

10. What is the local governing body where your business is located? Canby  
(name of city or county)

11. Contact person for this application: Charat Singh  
(name) (phone number(s))

453 SE 1st Ave, Canby, OR 97013  
(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① Charat Singh Date 8-27-15 ③ \_\_\_\_\_ Date \_\_\_\_\_

② \_\_\_\_\_ Date \_\_\_\_\_ ④ \_\_\_\_\_ Date \_\_\_\_\_

**AMENDMENT TO EMPLOYMENT CONTRACT**  
**City Administrator**

**This Amendment**, dated September 4, 2015, to the Employment Agreement dated October 13, 2014, between the City of Canby, Oregon, a Municipal Corporation, and Richard Robinson, is intended to memorialize negotiations between the parties regarding a five thousand dollar (\$5,000.00) increase in base salary, and increasing the vacation accrual rate by an amount equivalent to an additional one hundred and twenty (120) hours per year (total accrual of 240 hours annually).

Section 5 of the current employment agreement is amended by changing the amount of the base salary to \$140,000.00 per year, effective retroactive to April 13, 2015, and continuing at said base salary until further amended in accordance with the provisions of this paragraph. Section 12 of the current employment agreement is amended by adding 120 additional hours of vacation accrual per year, and continuing at said vacation accrual rate until further amended in accordance with the provisions of this paragraph.

All other terms and conditions of the current employment agreement remain in full force and effect.

**IN WITNESS WHEREOF**, the undersigned have executed this Amendment to Employment Agreement the day and year first written above.

**CITY OF CANBY:**

\_\_\_\_\_  
Brian Hodson  
Mayor

**ATTEST:**

\_\_\_\_\_  
Kimberly Scheafer, MMC  
City Recorder

\_\_\_\_\_  
Richard Robinson,  
Canby City Administrator

**AMENDMENT TO EMPLOYMENT CONTRACT**  
**City Attorney**

**This Amendment**, dated September 4, 2015, to the Employment Agreement dated March 12, 2012, between the City of Canby, Oregon, a Municipal Corporation, and Joseph A. Lindsay, is intended to memorialize negotiations between the parties regarding a 6.0% merit increase in base salary.

Section 5 of the current employment agreement is amended by changing the amount of the base salary to \$95,400.00 per year, effective retroactive to March 12, 2015, representing a merit increase of 6% and continuing at said base salary until further amended in accordance with the provisions of this paragraph.

Effective March 12, 2015, Section 5 of the current employment agreement is amended by changing the amount of the base salary to \$95,400.00 per year, which represents a comparable and competitive salary for the City Attorney position.

All other terms and conditions of the current employment agreement remain in full force and effect, including a full time, five-day workweek.

**IN WITNESS WHEREOF**, the undersigned have executed this Amendment to Employment Agreement the day and year first written above.

**CITY OF CANBY:**

\_\_\_\_\_  
Brian Hodson  
Mayor

**ATTEST:**

\_\_\_\_\_  
Kimberly Scheafer, MMC  
City Recorder

\_\_\_\_\_  
Joseph A. Lindsay,  
Canby City Attorney

**AMENDMENT TO EMPLOYMENT CONTRACT**  
**Municipal Judge**

**This Amendment**, dated September 16, 2015, to the Contract for Professional Services of a Municipal Judge dated January 16, 2008 between the City of Canby, Oregon, a Municipal Corporation, and Rodney H. Grafe, is intended to memorialize negotiations between the parties regarding a three percent (3%) merit increase in base salary.

Paragraph c of Section 4, of the current employment contract is amended by changing the amount of the base salary to \$3906.38 per month, effective retroactive to January 1, 2015, representing a merit increase of 3% and continuing at said base salary until further amended in accordance with the provisions of this paragraph.

All other terms and conditions of the current employment agreement remain in full force and effect.

**IN WITNESS WHEREOF**, the undersigned have executed this Amendment to Employment Contract the day and year first written above.

**CITY OF CANBY:**

\_\_\_\_\_  
Brian Hodson  
Mayor

**ATTEST:**

\_\_\_\_\_  
Kimberly Scheafer, MMC  
City Recorder

\_\_\_\_\_  
Rodney H. Grafe,  
Canby Municipal Judge





## **M E M O R A N D U M**

**TO:** *Mayor Hodson and City Councilors*  
**FROM:** *Matilda Deas, AICP, Senior Planner*  
**THROUGH:** *Rick Robinson, City Administrator*  
**DATE:** *September 4, 2015 for Council Meeting September 16, 2015*

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### **Issue:**

Adoption of the North Redwood Development Concept Plan (NRDCP) which will update the Comprehensive Plan text, and modify several sections of the City's Land Development and Planning Ordinance in order to implement the Plan.

### **Summary:**

The recommended North Redwood Development Concept Plan (NRDCP) was recently completed by the City of Canby and will provide guidance, at the time of development, on the provision of public infrastructure for properties located within the boundaries of the NRDCP

The NRDCP was prepared with public and agency participation and received guidance and input from the Technical Advisory Committee (TAC), the Stakeholder Advisory Committee (SAC), property owners, stakeholder interviews, the Project Management Team (PMT), public workshops with the Planning Commission and City Council, and public meetings.

### **Recommendation:**

The Planning Commission held a public hearing on the Plan at their September 14, 2015 meeting and voted unanimously to forward a recommendation of approval to the Council. Staff recommends the Council Adopt the N Redwood Development Concept Plan and proposed amendments to the Comprehensive Plan and Land Development and Planning Ordinance.

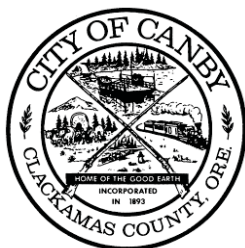
### **Motion:** *"I move to adopt the North Redwood Development Concept Plan and amendments to the Comprehensive Plan and Land Development and Planning Ordinance"*

The September 4, 2015 Planning Commission Staff Report and attachments are on the City's website at

[http://www.ci.canby.or.us/CityGovernment/planning\\_commission/planningcommission.htm](http://www.ci.canby.or.us/CityGovernment/planning_commission/planningcommission.htm)

### **Attached:**

- A: City Council Findings
- B: Ordinance 1422



**BEFORE THE CITY COUNCIL  
OF THE CITY OF CANBY**

**A REQUEST FOR APPROVAL TO ADOPT )  
THE NORTH REDWOOD DEVELOPMENT )  
CONCEPT PLAN AND AMEND SECTIONS )  
OF THE COMPREHENSIVE PLAN AND )  
THE LAND DEVELOPMENT AND )  
PLANNING ORDINANCE**

**FINDINGS, CONCLUSION & FINAL ORDER  
CPA 15-02/TA 15-01  
City of Canby**

**NATURE OF THE APPLICATION**

This is a legislative and quasi-judicial amendment to adopt the North Redwood Development Concept Plan, and amend sections of the Comprehensive Plan and Land Development and Planning Ordinance in order to implement the North Redwood Development Concept Plan.

**HEARINGS**

The Planning Commission considered applications CPA 15-02/TA 15-01 after the duly noticed hearing on September 14, 2015 during which the Planning Commission recommended by a \_\_\_\_\_ vote that the City Council approve CPA 15-02/TA 15-01 per the recommendation contained in the staff report.

The City Council considered applications CPA 15-02/TA 15-01 after the duly noticed hearing on September 16, 2015, during which the Council voted \_\_\_\_\_ to approve CPA 15-02/TA 15-01. These findings are entered to document the approval.

**CRITERIA AND STANDARDS**

In judging whether or to approve amendments to the Comprehensive Plan and the Land Development and Planning Ordinance, the City Council determines whether criteria from the *City of Canby Land Development and Planning Ordinance* are met, or can be met by observance of conditions. Applicable criteria and standards were reviewed in the Planning Commission staff report dated September 4, 2015 and presented at the September 16, 2015 meeting of the Canby City Council along with the Planning Commission's recommendation.

**FINDINGS AND REASONS**

The Staff Report was presented and written and oral testimony was received at the Council public hearing. The recommendation to approve the CPA 15-02/TA 15-01 applications by the Planning Commission was noted by staff. After hearing public testimony, and closing the public hearing, the City Council adopted the findings and conclusions contained in the September 4, 2015 staff report.

**CONCLUSION**

In summary, the City Council adopted the findings contained in the staff report, concluded that the CPA 15-02/TA 15-01 applications meet all applicable approval criteria, and North Redwood Development Concept Plan was suitable, and approved Files # CPA 15-02/TA 15-01 as stated below. The City Council's order is reflected below.

**ORDER**

Based on the application submitted and the facts, findings and conclusions of the staff report, and from the public hearing, the City Council of the City of Canby **APPROVES** the Comprehensive Plan Amendments and Amendments to the Text of Title applications **CPA 15-02/TA 15-01**.

**I CERTIFY THAT THIS ORDER** recommending **APPROVAL** of **CPA 15-02/TA 15-01** was presented to and **APPROVED** by the City Council of the City of Canby.

**DATED** this 16<sup>th</sup> day of September, 2015

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Brian Hodson  
Mayor

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Matilda Deas, AICP  
Senior Planner

**ORAL DECISION – September 16, 2015**

AYES:

NOES:

ABSTAIN:

ABSENT:

**WRITTEN FINDINGS – October 7, 2015**

AYES:

NOES:

ABSTAIN:

ABSENT:

**ATTEST:**

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Kimberly Scheafer, MMC  
City Recorder

**ORDINANCE NO. 1422**

**AN ORDINANCE ADOPTING THE N REDWOOD DEVELOPMENT CONCEPT PLAN,  
AND AMENDING CANBY'S COMPREHENSIVE PLAN AND TITLE 16 OF THE  
CANBY MUNICIPAL CODE.**

**WHEREAS**, the N Redwood Development Concept Plan (NRDCP) Technical and Stakeholder Advisory Committees recommended that the Planning Commission approve the NRDCP and approve certain amendments to the Comprehensive Plan and to the Land Development and Planning Ordinance; and

**WHEREAS**, the Canby Planning Commission, after providing appropriate public notice, conducted a public hearing on said plan and amendments, during which the citizens of Canby were given the opportunity to come forward to present testimony on these proposed changes; and

**WHEREAS**, the Planning Commission found that the standards and criteria of Section 16.88.160 and 16.88.180 of the Land Development and Planning Ordinance, concerning Text Amendments and Comprehensive Plan Amendments, were met, and recommended approval to the City Council on a unanimous vote after making certain modifications; and

**WHEREAS**, the City Council, after reviewing the record of the Canby Planning Commission regarding the subject amendments, concluded that the Planning Commission's findings of fact and the amendment itself are appropriate.

**THE CANBY CITY COUNCIL ORDAINS AS FOLLOWS:**

- (1) ☐ CPA15-02/TA 15-01 is hereby approved, the N Redwood Development Concept Plan is adopted, and the Land Development and Planning Ordinance and Comprehensive Plan are hereby amended as detailed in Exhibit A.

**SUBMITTED** to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, September 16, 2015, 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 City Council at a regular meeting thereof on October 7, 2015, commencing after the hour of 7:30 p.m. in the Council Meeting Chambers located at 155 NW 2nd Avenue in Canby, Oregon.

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Kimberly Scheafer, MMC  
City Recorder



**PASSED** on the second and final reading by the Canby City Council at a regular meeting thereof on October 7, 2015, by the following vote:

YEAS\_\_\_\_\_ NAYS\_\_\_\_\_

\_\_\_\_\_  
Brian Hodson  
Mayor

ATTEST:

\_\_\_\_\_  
Kimberly Scheafer, MMC  
City Recorder

# Memorandum

**Date:** September 2, 2015  
**To:** Matilda Deas, City of Canby  
**cc:** Ken Pirie, Walker Macy  
Seth Brumley, Oregon Department of Transportation  
**From:** Matt Hastie and Serah Breakstone  
**Re:** **Canby North Redwood Development Concept Plan – Comprehensive Plan and Zoning Code Amendments**

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## Overview

This memo presents recommended Comprehensive Plan and Zoning Code amendments intended to implement the Canby North Redwood Development Concept Plan (DCP). Where new language is suggested, it is presented in underline format. Where irrelevant language has been omitted, an ellipsis (...) is used.

## Comprehensive Plan Amendments

### LANDUSE ELEMENT

...

### **POLICY NO. 7: CANBY SHALL STRIVE TO ENSURE THE EFFICIENT AND EFFECTIVE PROVISION OF INFRASTRUCTURE TO SERVE NEWLY ANNEXED AREAS.**

### **IMPLEMENTATION MEASURES:**

- A) The City of Canby's annexation Development Map shall be used to identify properties required to adopt a Development Concept Plan (DCP) or Development Agreement (DA) prior to annexation

## Code Amendments

### *New Plan District*

The following presents a new North Redwood Plan District for adoption as Section 16.13 of the Canby Zoning Code. As this represents an entirely new section of code, the underline format is not used.

## **Chapter 16.13 PLAN DISTRICTS**

### **Sections**

#### **16.13.010 North Redwood Plan District**

#### **16.13.020 Placeholder for future plan districts**

#### **16.13.010 North Redwood Plan District**

##### **A. Purpose**

The North Redwood Plan District implements the North Redwood Development Concept Plan (NRDCP) and is intended to ensure that development within the North Redwood area is consistent with the land use pattern and transportation network established by the NRDCP. The North Redwood Plan District is also intended to provide some flexibility for new development in order to protect natural resources and emphasize the Willow Creek corridor as a community amenity.

##### **B. Applicability**

The standards and regulations in this chapter apply to all land within the North Redwood Plan District as shown on the City of Canby's North Redwood Plan District Map.

The provisions in this chapter apply in addition to standards and regulations established in the base zone and other applicable sections of the Canby Zoning Code. Where standards in this chapter conflict with standards in other sections of the Canby Zoning Code, this section will supersede.

##### **C. Approval criteria**

The following criteria must be satisfied prior to approval of any new subdivision or Planned Unit Development within the North Redwood Plan District as they apply to the area proposed for development.

1. Generally, new road alignments should be consistent with those identified on Figure 9 of the DCP. Changes to the identified road alignments may be approved to allow for topographic or other conditions.
2. There shall be a minimum of five connections to existing roads on the east side of North Redwood Street, built to the City's Local Street standard. To the extent possible, additional connections should not create offset intersections and should meet spacing standards in the Transportation System Plan.
3. A cul-de-sac shall only be allowed when environmental or topographical constraints, or compliance with other standards in this code preclude street extension and through circulation. The map in Figure 9 of the DCP identifies three locations where cul-de-sacs could be allowed.
4. One loop road shall be built through the North Redwood community, connecting NE 18th Place to NE 12th Avenue. The loop road shall be built to the City's Neighborhood Route standards. Where possible, the loop road should travel adjacent to Willow Creek and provide access to Willow Creek trailheads and open space.
5. Where possible, other local streets in North Redwood should intersect with the loop road identified in (3) above.
6. At least one additional local street shall traverse the study area from north to south, connecting the area zoned for low density residential with the area zoned for high density residential.

7. Future local streets should be located to split parcel lines where feasible.
8. The land east of Willow Creek shall be accessed from an extension of North Teakwood Street and terminate in a cul-de-sac, hammerhead, or other appropriate turnaround.
9. Block size shall be consistent with the following:
  - i. Block widths should be approximately 280 feet whenever possible. Alternate block widths may be approved to allow for topographical variations
  - ii. Overall block length shall not exceed 600 feet
  - iii. A bicycle/pedestrian connection shall be provided at least every 330 feet, consistent with provisions in the Canby Transportation System Plan (TSP)
10. The park and open space corridor along Willow Creek, as identified in Figure 7 of the DCP, shall be provided through required land dedication for parks.
11. Applicants must demonstrate that future adjacent projects will be able to connect to proposed roads and other infrastructure in a way that will be consistent with the North Redwood DCP.

**D. Lot area exceptions and lot size averaging.**

The following exceptions to the City's lot size standards and lot size averaging provisions will be allowed for developments in the North Redwood Plan District.

1. The Planning Commission may allow public park land dedications to be included in the lot size averaging calculation in order to achieve community development goals and allow protection of natural resources.
2. The resulting average lot size shall not be less than 5,000 square feet in the R1 zone.
3. The resulting average lot size shall not be less than 4,000 square feet in the R1.5 zone.
4. Individual lot sizes may be less than prescribed in Sections 16.16.030 and 16.18.030 alternative lot layout option provided in Section 16.64.040 is used.

## *Lot Size Averaging*

### **Section 16.16.030 Development Standards for the R-1 (low density) Zone**

#### ***B. Lot area exceptions:***

***1. The Planning Commission may approve an exception to the minimum and maximum lot area standards in subsection 16.16.030.A as part of a subdivision or partition application when all of the following standards are met:***

***a. The average area of all lots created through the subject land division, excluding required public park land dedications, surface water management facilities and similar public use areas, shall be no less than seven thousand square feet and no greater than ten thousand square feet. Non-required significant natural resource areas shall be included in the average lot size calculation to enable a transfer of density onto buildable portions of the site. Required areas include identified parks, wetland areas, riparian corridors, and other areas in which building is not permitted***



under local, state, or federal laws or regulations. For land in the North Redwood DCP area, the Planning Commission may allow public park land dedications to be included in the lot size averaging calculation in order to achieve community development goals and allow protection of natural resources; in this case, the resulting average lot size shall not be less than 5,000 square feet.

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

### **Section 16.18.030 Development Standards for the R-1.5 (medium density) Zone**

#### **B. Lot area exceptions:**

1. The Planning Commission may approve an exception to the minimum and maximum lot area standards in subsection 16.18.030.A as part of a subdivision or partition application when all of the following standards are met:

a. The average area of all lots and open space tracts created through the subject land division, excluding required public park land dedications, surface water management facilities and similar public use areas, shall be no less than five thousand square feet and no greater than six thousand five hundred square feet. Non-required significant natural resource areas shall be included in the average lot size calculation to enable a transfer of density onto buildable portions of the site. Required areas include identified parks, wetland areas, riparian corridors, and other areas in which building is not permitted under local, state, or federal laws or regulations. For land in the North Redwood DCP area, the Planning Commission may allow public park land dedications to be included in the lot size averaging calculation in order to achieve community development goals and allow protection of natural resources; in this case, the resulting average lot size shall not be less than 4,000 square feet;

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

## **Annexation**

### **Section 16.84.040 Standards and Criteria for Annexation**

A. The following criteria shall apply to all annexation requests.

...

8. Statement indicating the type and nature of any comprehensive Plan text or map amendments or Zoning text or map amendments that may be required to complete the proposed development. Proposed zoning must be consistent with zoning identified in any applicable adopted Development Concept Plan.

The North Redwood Development Concept  
Plan is available to view on the City's  
website  
at [http://www.ci.canby.or.us/N\\_Redwood/north\\_redwood\\_plan.htm](http://www.ci.canby.or.us/N_Redwood/north_redwood_plan.htm)

## North Redwood Development Concept Plan

### Infrastructure Cost Sharing Options – Draft

Date 3 August 2015  
To Ken Pirie, Walker Macy  
From Brian Vanneman and April Chastain, Leland Consulting Group  
Project 5496 Canby North Redwood

This memo summarizes a proposed preliminary infrastructure funding strategy for the North Redwood (NR) Planning Area in Canby, and was prepared by Leland Consulting Group, a member of the NR planning team.

#### Local, Developer-Built infrastructure.

Most infrastructure within the NR area can be considered “local infrastructure” and is expected to be built and paid for by individual developers.

This includes most of the roads, sanitary sewer, water, and stormwater infrastructure that are shown in the concept plans. Local infrastructure is required as a condition of development in order for homes to be built on that property, is approximately the same size and cost as the infrastructure on other properties, and largely benefits an individual's property. A road on an individual's property is an example, since that road would be required in order for development to occur.

By contrast, the focus of this funding strategy is on “district infrastructure”—infrastructure that will benefit property owners throughout the NR area but tends to be concentrated on certain properties in the area. The main district infrastructure funding issue in NR is parks.

Some cost-sharing measures for local infrastructure are also discussed at the end of this memo.

#### Parks Infrastructure

The neighborhood parks in the NR planning area can be thought of as “district infrastructure” since the parks will benefit the entire NR “district” as well as other parts of the City. However, if not addressed through a funding strategy, it is possible that the cost of providing parks could be borne by a small number of property owners along Willow Creek, while the benefits would be enjoyed by all. Therefore the project team recommends this strategy in order to more equitably spread the costs.

LCG's assumption is that the NR area will include the following parks:

- Willow Creek Pathway Park: This park will encompass Willow Creek and the surrounding wetlands, sloped area, and other “natural areas”—generally as defined by the Development Concept Plan (DCP), though the precise boundaries can be modified by future wetland delineations. It is likely to include a trail and a pedestrian path over the creek, and be about 8 acres in size. It is important to note that the future Willow Creek Park will be comprised almost

entirely of natural or *undevelopable* land—i.e. land that could not be developed as housing. The value of undevelopable land is less than developable land.

- **Neighborhood (or Mini) Park:** This will be an “improved” or “developed” neighborhood park. While the specific improvements have yet to be designed, they may include a field, play structure, etc. The Neighborhood Park is expected to be approximately one acre in size. The Neighborhood Park will be comprised almost entirely of *developable* land—i.e. land that could be developed as housing.

### City Policy for Developers’ Contribution to Parks

The City’s established development policy is that developers are required to contribute to the City’s parks system either by paying a Parks Systems Development Charge (SDC) or by dedicating parks land or improvements that are equal to the value of the SDCs owed. The City determines how the contribution will be met. SDCs are fees paid at the time of development (typically building permit application) and are currently \$5,265.06 per single family unit.

The City does not always accept unbuildable or wetlands area dedications in lieu of SDC fees; however, in the case of Willow Creek Park the City’s preliminary determination is that this is reasonable given the quality and importance of the wetland, and the creek’s role in encouraging responsible development of the NR area.

Consistent with this policy, NR area developers shall contribute either SDC fees, park land, or improvements, as determined by the City.

### Parks Infrastructure – Basic Strategy

The basic strategy recommended here is that Parks SDC fees paid by property owners who are not dedicating land be collected into a “NR Parks SDC Account” or similar, and that these funds be used to compensate property owners who dedicate land. In order for this mechanism to work, the value of property owners’ land contributions need to be established, and this process is explained below.

### Density Transfer

The City and NR consultant team are also recommending that a “density transfer” mechanism be used in NR in order to compensate property owners for the value of developable land that they are dedicating to the City. This transfer works can be summarized as follows and is described further in subsequent sections:

- The City will make a calculation of the amount of developable land that each property owner is required to dedicate to the City and the number of homes (rounding down) that could be built on that land given existing zoning and comprehensive plan designations.
- Property owners can then transfer and build this number of additional units onto another part of their property, or on another contiguous property in NR that they own. If property owners disagree with the City’s calculation of developable land, they can propose an alternative calculation via the delineation and appraisal process described immediately below.

Note that this calculation applies to developable land only, since property owners will be compensated for the value of undevelopable land separately (see below) are not forgoing the opportunity to develop housing by dedicating undevelopable land.

## Parks Compensation Process

LCG recommends the following process in order to establish the value of individual property owners' contributions to the NR district parks:

- Property owner obtains a wetlands delineation
- Property owner obtains an appraisal of the land to be dedicated to the City for the neighborhood parks. The appraisal should document both the area and value of natural or undevelopable land to be dedicated (including wetlands and steep slopes), and the area of developable land to be dedicated.

## Parks Compensation Formula

The following formula should be used in order to calculate individual property owners' net contribution to NR parks, and whether they owe additional SDCs after dedicating land, or are owed funds in the event that they have contributed more than their fair share:

Calculation	
	Appraised value of natural park area
+	Appraised value of developable park area
-	Value of residential transfer from developable area
=	Value of NR Parks land dedication
-	SDCs owed
=	Net NR Parks contribution

If the Net NR Parks contribution is positive—the property owner has contributed more in park land that he or she would owe in SDCs—then the property should be compensated for this surplus contribution. If this figure is negative, the property owner still owes some or all of the typical SDCs owed.

Note that two values—the appraised value of the developable park and the value of residential transfer from the developable area—are assumed to approximately offset each other since the property owner is essentially being allowed to transfer housing development rights from one part of the property to another. The first value is a contribution by the property owner to the district, and the second is a contribution by the City to the property owner. In the event that a property owner believes that these values do not offset each other, his or her appraisal should document that.

## Questions raised regarding the Parks Infrastructure Funding Process

- **Differences in appraised value.** In the event that appraisals obtained by the City and property owners differ in value, one option is for a third appraisal firm to resolve the difference. This is an established process in the valuation industry. Typically the third appraiser is selected and agreed upon by both parties, and the fee is paid equally by both parties.
- **Will early-phase developers always be able to collect SDC funds they are owed?** It is possible that “first-in” or early-phase developers could make significant land dedications before

a significant amount of SDCs have been received. In this case, the early-phase developers would need to wait to be compensated for their land dedication.

- **Additional Parks Funds required.** It is possible that the total cost of parks will exceed the amount of compensation (SDCs and/or land dedication) owed by property owners (approximately \$1.55 million or 295 units times \$5,265 per unit). If this is the case, the City is expected to secure additional funds via a variety of grants (ODFW, restoration grants, SOLV, others), by leveraging volunteer and student restoration efforts, or by using additional CIP funds. The City has been successful securing such assistance in the past.
- **Park maintenance.** Determining a source of ongoing park maintenance funding for the parks in NR is a city-wide issue and therefore beyond the scope of this plan. However, identifying sources of ongoing, city-wide parks maintenance is high on the City's priority list, and will be important in order to ensure that the NR parks remain attractive and safe neighborhood amenities following construction.

## Infrastructure Funding: Other Issues

### Infrastructure Located on Property Lines

LCG's recommendation has been that, wherever possible, road, sewer, and water infrastructure be located entirely within one property owners' property, or straddling a property line. Where possible, infrastructure that "weaves" between different properties should be avoided; however, due to slopes and other features in the NR area, this is not always possible.

Where road, sewer, and water infrastructure straddle a property line, the cost of that infrastructure should be shared, and this sharing can be addressed in several ways:

- Property ownership consolidation may occur (e.g., developers may buy multiple properties), which eliminates the need for cost sharing.
- Infrastructure routes can be adjusted slightly to move off of property lines, as long as the routes continue to meet the intent and goals of the DCP. Methods of evaluating whether altered infrastructure routes meet the intent of the plan are being developed as part of the DCP and will be adopted as part of the City's municipal code.
- The first-in property owner/developer may build a half road. This typically includes a sidewalk and a prescribed roadway width. The second-in developer then builds the remaining roadway and sidewalk.
- Property owners have the option of forming a Reimbursement District (RD) which is described below. In Canby, the term Advance Finance Districts (AFD) has been used rather than Reimbursement District; however, in LCG's experience the terms Reimbursement District or Assessment District are more common.

Note that in most of the cases described above, the City does not need to be highly involved or manage the cost sharing, however, this information is covered here nonetheless.

### Reimbursement District

A Reimbursement District is formed when one or more capital improvements are identified by a developer or City, which will benefit development on multiple properties. A district or area boundary is defined within which properties benefit from the improvement. All benefitted property owners are assessed a pro rata fee that corresponds to the benefits they will enjoy from the improvement(s),



typically on a per unit or square foot basis. These “latecomer” reimbursement fees are paid by later developers to the party that initiated the district at the time of project permitting. Districts can be initiated by either developers or the City, and must be approved by the City.

In this way, a structure can be devised whereby both first-in and later-phase developers pay the same amount. The first-in developer pays directly by building and paying for the infrastructure, and later-phase developers reimburse the initial builder.

One drawback to developer-initiated reimbursement districts is that they typically close or “sunset” after 10 to 15 years, after which no further fees can be received, and therefore the entities that pay for the capital improvement cannot be certain that they will be paid back in full; repayment depends on how fast the district develops. However, the City Council can typically extend reimbursement districts beyond this time frame. More information and municipal code describing Reimbursement Districts can be found here:

- City of Wilsonville, Section 3.116: <http://www.ci.wilsonville.or.us/DocumentCenter/View/34>
- Clackamas County, Sewer Assessment Districts: <http://www.clackamas.us/wes/faq.html#37>
- City of Grants Pass: <https://www.grantspassoregon.gov/482/Reimbursement-Districts>

## Pump Station

A wastewater pump station may be required as the project builds out. This determination is subject to variations in the specific land development patterns, site grading, and further engineering to be conducted during property development.

In the event that a pump station is required, it is likely to be a shared local infrastructure facility similar to the road, water, and sewer lines previously described. This is because the pump station would handle the wastewater from multiple properties in the district, but be on a specific property owners’ site and potentially be paid for by a specific property owner.

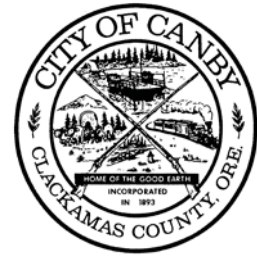
If a pump station is required, a Reimbursement District would be an appropriate mechanism to share costs.

## Stormwater

Finally, per the current DCP, property owners will likely have the option to either manage stormwater runoff via detention ponds or swales on their property, or through shared facilities that would handle runoff from multiple properties.

From a financial point of view, it will likely be simpler for developers to build their own stormwater facilities. However, property owners could create reimbursement districts or inter-property owner agreements as described above, such that later-in property owners reimburse first-in property owners for an appropriate share of the cost of stormwater detention facilities.

# MEMORANDUM



**TO:** *Honorable Mayor Hodson and City Council*  
**FROM:** *Bryan C. Brown, Planning Director*  
**DATE:** *September 3, 2015*  
**THROUGH:** *Rick Robinson, City Administrator*

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## **Issue/Objective:**

Urban IDM submitted applications for approval of a Comprehensive Plan map amendment from Heavy Industrial (HI) to High Density Residential (HDR) designation and corresponding Zone Change map amendment from Heavy Industrial (M-2) to High Density Residential (R-2) for approximately 7.6 acres, and a necessary Lot line Adjustment to reconfigure the size of the two existing commonly owned parcels so the boundary will match the area of the zone change. This is intended to allow the applicant the right to submit a subsequent development application to build a market rate multi-family apartment complex consisting of approximately 166 units having a mix of 1, 2, and 3 bedroom units within buildings of 2 and 3 stories in height.

## **Background:**

The applications were submitted on June 9, 2015. Staff worked with the applicant to obtain submittals that satisfied both the Oregon Department of Transportation and the Oregon Department of Land Conservation and Development. The former agency has jurisdictional review of traffic related issues within 1,000 feet of State Highway 99E and due to the applicability of the State Transportation Planning Rule triggered by this rezone and subsequently found to require traffic mitigation. A traffic study and subsequent supplemental informational traffic memorandum to further address the traffic signal project recommended as a means to mitigate the traffic impact shown to occur at the Hazel Dell Way and Sequoia Parkway intersection were prepared by the City's transportation engineering firm and paid for by the developer.

DLCD requested additional information to satisfactorily address all Statewide Planning Goals – including adequate findings that Canby's future employment economic opportunities would not be significantly diminished by converting a portion of our industrial land supply to high density residential use. Staff's preparation of an "Industrial Land Supply and Demand Analysis" completed just for this application provided an updated assessment and measure of reassurance beyond that contained in our current Comprehensive Plan that employment land needs for Canby are currently and projected to be adequate for the next 20 years. In addition, findings by the applicant and staff confirm the lack of suitable and readily available land for multi-family housing of this scale.

## **Planning Commission Public Hearing**

The Planning Commission held a public hearing on August 24, 2015 to consider this request. After hearing the staff presentation and recommendation for approval with 7 zone change conditions and 3 conditions related to the associated Lot Line Adjustment the Chair opened the public hearing.

The applicant – Urban IDM - shared information about his development company – noting that everything they build they also own and manage. They indicated the apartment project envisioned would be aimed at both single individuals and families. In response to a Commissioner inquiry about the nature of the housing project, the applicant indicated the project is for a quality market rate rental housing project aimed at providing viable workforce housing within Canby to assist local employers and their employees who work in the Pioneer Industrial Park and the community as a whole with a much needed rental housing choice over commuting into Canby. The applicant's findings which staff supports indicate this type of housing option is strongly needed within the community and that this location lends itself well to a project of this type, especially when combined with staff's findings that Canby currently has more than a sufficient supply of industrial land to meet our current 20 year projected needs without this parcel. There is evidence presented that this irregularly shaped industrial parcel with less than ideal frontage on Sequoia Parkway tucked amongst other adjacent non-industrial uses on the edge of the industrial park may have an equally suitable use and even more pressing land use need to fill within the community at this time.

Public testimony included Scott McCormack with Trend business center who indicated overall support for the project while noting that most of his initial concerns have been addressed with the staff recommended conditions of approval. He suggested a possible additional condition of approval at the Commission hearing for a deed restriction on the rezoned property alerting future residents that the surrounding industrial uses are allowed outright and shall not be considered to be a nuisance to lessen possible future complaints. The applicant later suggested this could be more appropriately made a part of each the tenant rental agreement.

A representative with the Bicycle & Pedestrian Committee was supportive of the rezone and indicated how great it would be if a connection to the logging road trail could be accomplished with this development and the great amenity of having ready access to Fred Meyer and into Arneson Park provides. She cautioned about assuring that a possible gated project would not lock kids in or out who might live within the project. Although promoted as a desirable future development feature with support from adjacent industrial property owners, gated communities are not generally considered suitable in promoting overall community cohesiveness and must be allowed by the Planning Commission in a subsequent development application review.

Upon closing the public hearing and moving into Commission deliberation, we heard from Commissioner Serlet who was in favor of the request pointing out that future residents would be fully aware they were moving into a complex located next to an industrial park versus having an industrial park later grow in around them. He acknowledged the need for an increased choice of housing options and the part that plays in providing a well-rounded community. The findings appeared to adequately support the use in this location.

Commissioners Boatright, Hensley and Savory all voiced compatibility concerns that are sure to occur when placing residential uses in such close proximity with existing and future industrial uses. They questioned as to why we would voluntarily move toward a rezone that would lead to complaints from residents about industrial noise and smells which know no boundary.

**Planning Commission Recommendation:** *The Planning Commission forwarded a recommendation to Council for Denial of Applications CPA 15-01/ZC 15-01/LLA 15-04 by a vote of 3 to 1 from the quorum of four Planning Commissioners in attendance at the Planning Commission public hearing held on August 24, 2015.*

**Options:**

Upon receipt of the record of the Planning Commission proceedings and the recommendation of the Commission, the City Council may choose to conduct their own public hearing and after conducting a review of the record shall vote to approve, approve with conditions, or deny the application. In this case, the Council shall note their primary findings particularly if their decision is to override the recommendation of the Planning Commission.

**Attachments:**

1. ☐ City Council Staff Report
2. ☐ Minutes of the August 24, 2015 Planning Commission public hearing
3. ☐ Planning Staff Report/Recommendation to the Planning Commission dated: 8.24.15



# City of Canby

## PLANNING STAFF REPORT/RECOMMENDATION TO THE PLANNING COMMISSION

**FILE #:** CPA 15-01/ZC 15-01/LLA 15-04

**Hearing Dates:** August 24, 2015 (Planning Commission), September 16, 2015 (City Council)

**Report Date:** August 11, 2015

**Report Author:** Bryan Brown, Planning Director

### GENERAL INFORMATION:

**APPLICATION TYPE:** Comprehensive Plan Map Amendment, Zone Change Map Amendment, & Lot Line Adjustment

**APPLICANT:** Aaron Jones, Urban IDM, 4200 SE Columbia Way, Suite F, Vancouver, WA 98661

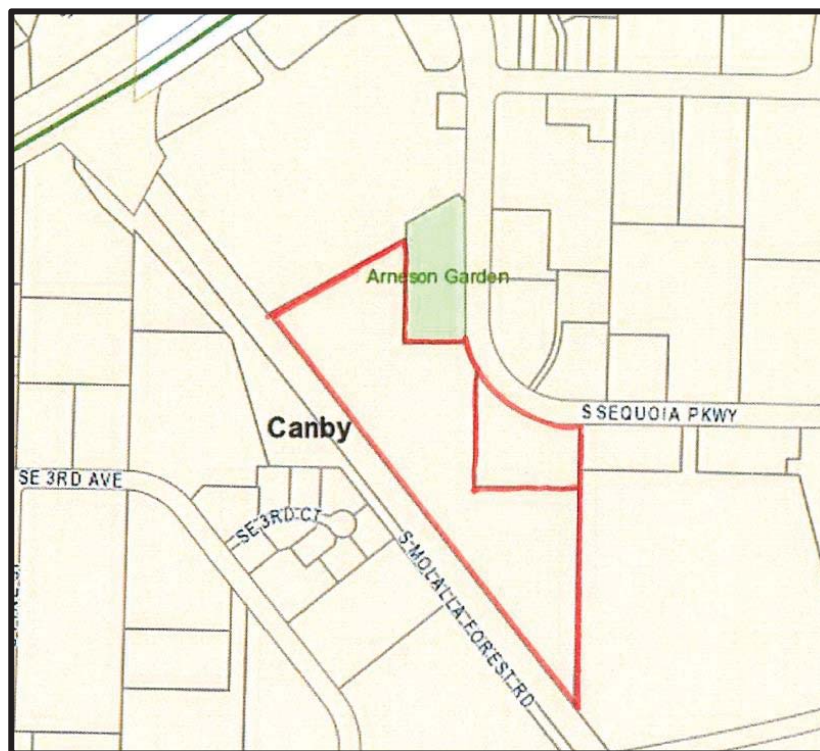
**OWNER:** Jeff Gordon, Urban IDM, 4200 SE Columbia Way, Suite F, Vancouver, WA 98661

**LOCATION:** 235 S. Sequoia Parkway (behind Arneson Park south of Fred Meyer)

**TAXMAP/LOTS:** 31E34C02101/31E34C04900– 10.67 & 1.85 ACRES (Bordered in red in map below)

**ZONE CHANGE:** Approximately 7.6 acres

**COMPREHENSIVE PLAN/ZONING DESIGNATIONS:** Heavy Industrial (HI); Heavy Industrial (M-2)



## **APPLICANT'S PROPOSAL:**

The applicant submitted applications for a Comprehensive Plan map amendment from Heavy Industrial (HI) to High Density Residential (HDR) designation and corresponding Zone Change map amendment from Heavy Industrial (M-2) to High Density Residential (R-2) for approximately 7.6 acres, and necessary Lot Line Adjustment to reconfigure the size of the two existing commonly owned parcels so the boundary will match the area of the zone change leaving a reconfigured parcel of approximately 5 acres with the existing industrial designation.

The applicant's objective is to build a market rate multi-family apartment complex consisting of approximately 166 units with a mix of 1, 2, and 3 bedrooms units within buildings of 2 and 3 stories in height.

## **BACKGROUND INFORMATION:**

Both of the commonly owned tax lots consisting of 12.52 acres are undeveloped at this time. The applicant has been actively marketing the property for industrial sale and use since purchasing it 7 years ago. The site's dimensions and irregular shape, as well as the large amount of industrial property in Canby, have played a role in the owner's inability to sell the site for industrial use despite a below market value listed price.

Other than the site's irregular dimensions and shape it is suitable for serving a variety of industrial needs, and has the most intense industrial use zoning designation (M-2). All necessary public services are in place and the property is relatively flat with adequate access and no environmental resource or natural hazards are present that would hinder full utilization of the property for future development for industrial use or high density residential use if successfully rezoned.

## **SECTION I APPLICABLE REVIEW CRITERIA:**

City of Canby Land Development and Planning Ordinance Chapters applicable to this project center around 3 necessary regulatory application reviews including: Comprehensive Plan Amendment, the Zoning Map Amendment, and the Lot Line Adjustment. In addition, consistency must be demonstrated with the City's Comprehensive Plan goals and policies, and the Oregon Land Use Statewide Planning Goals. Staff worked diligently with the applicant to have them provide a written response within their submitted narrative to all of the applicable approval criteria as specifically indicated below:

Canby Comprehensive Plan, January, 2007, Goals & Policies  
Statewide Planning Goals – 1-19  
CMC 16.20 – High Density Residential Zone  
CMC 16.54.040 - Amendments to Zoning Map  
CMC 16.58 - Lot Line Adjustment  
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 II REVIEW FOR CONFORMANCE WITH APPLICABLE APPROVAL CRITERIA:**



## **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.

## **Statewide Planning Goals – Findings**

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

Goal 2 - Land Use Planning: The City created the 367 acre Pioneer Industrial Park in 1999 and began investing in developing the necessary infrastructure to attract businesses to the Park. The Pioneer Industrial Park offers acres of state-certified "shovel ready" land. Canby has one of the largest supplies of large vacant industrial sites in the Portland Metro area, along with a variety of locations and sizes of parcels. In conjunction with this application, staff prepared an "Industrial Employment Land Supply & Demand Analysis" from recent previous work towards completing an update to the City's Buildable Lands Study. This analysis utilized information from other recently adopted studies and data to project Canby's industrial land needs in 2035. The industrial land need was shown to range from a low of 170 acres to a high of 224 acres. The current total supply within Canby's UGB is 272.72 acres when including 164.72 acres of vacant land and 108 acres of partially developed or re-developable industrial land with homes on it. Approval of this proposed zone amendments will not significantly impact the long-term continuity of the industrial land inventory for the City, represents an expansion of non-industrial land from both the adjacent commercial and park land, and the applicant has adequately demonstrated a need in this community to expand the non-industrial use that is proposed (high density multi-family). The size of the proposed apartment project cannot be accommodated within the existing inventory of vacant R-2 zone land nor is there a suitable re-developable site of sufficient size that would not require assembling several parcel ownerships and removing the existing homes. All services and utilities necessary for the apartment development are available and public street improvements are in place except for a public sidewalk on Sequoia Parkway which will be required as a condition of development approval and recognition that the rezone triggers "a "TPR mitigation project" at the intersection of S. Sequoia Parkway and S. Hazel Dell Way where the City will plan a future traffic signal. We are waiting for ODOT review and support of the signal project which is within 1000 feet of the highway which means it must be shown to not adversely impact State highway operations.

The parcel requested to be rezoned was a part of a feasibility study to explore the demand, feasibility, and funding possibilities for the establishment of a railroad public access "team track" a couple years ago. A team track can provide an access point to rail for all businesses as needed without having to be adjacent to a rail spur. Having rail access available to any business can make all sites in the industrial park more marketable. The study however concluded that the area market was not likely to exist to adequately support such a use for quite some time and that investment in such a facility must be led by the property owner as public assistance was not likely.

Goal 9 – Economic Development: The applicant has satisfactorily demonstrated that the proposed Comprehensive Plan Map Amendment and Zone Change Map Amendment will not result in any significant changes in industrial employment economic development opportunities for Canby. Economic growth that improves and strengthens the economic base of Canby should be encouraged. Finding of fact to support this position came from staff's

“Industrial Land Supply and Demand Analysis” completed for this application and the documented supply of “state certified shovel ready properties with all necessary public services readily available which indicate that the City’s projected 20 year industrial land needs are available and will not be significantly harmed by this rezone.

The proposed amendment will result in positive economic growth that will strengthen the availability of workforce housing to support both the overall housing options available within the community and provide close-in local housing in direct support of the Pioneer Industrial Park which is the primary employment driver for the community. A recent apartment housing analysis indicates that apartments are in very short supply in Canby, with word of mouth of openings the only real marketing needed for vacancies which have waiting lists at many locations. The apartment housing stock is quite old with the community in need of an additional modern amenity optioned choice.

Providing apartments in the proposed location has obvious housing benefits to the community and specifically to employers within the Pioneer Industrial Park as well as future resident advantages due to the proximity of the adjacent commercial shopping center, convenient access for getting in and out of town and adjacency to the medical facility, and Arneson park. Most promising is that a close-in work and housing opportunity is likely to be available to serve industries within Pioneer Industrial Park, making walking to work and shopping a real possibility for future residents.

There are potential compatibility issues when locating residential housing near a rail spur and adjacent to industrial uses. However, the primary compatibility issues of noise, smells, and possible building vibration from passing rail and aesthetic concerns can be satisfactorily ameliorated through appropriate screening and buffering, sound and vibration attenuating construction techniques, and in this instance by limiting the intensity of uses allowed on the adjacent commonly owned 5 acre property which is to retain its M-2 zoning designation. Staff proposes zoning conditions of approval to ameliorate the compatibility issues indicated. With the zoning conditions in place, this proposed zone amendments and the resulting multi-family housing project should on balance improve and strengthen economic opportunities in Canby.

Goal 12 – Transportation: The findings related to the area transportation system impacts provided in the applicant narrative come directly from a Traffic Study required by the City and paid for by the applicant. The Traffic Study prepared by DKS Associates notes that the proposed rezone results in a reasonable worst case development scenario that increases traffic enough at the Hazel Dell Way and Sequoia Parkway intersection coming out of Fred Meyer (778 daily trips) to trigger a TPR defined “significant impact (over 400 daily trips) that required nearby intersection operational analysis. The existing operational analysis at the Hazel Dell Way and Sequoia Parkway intersection was shown to not meet the City standard of LOS E. Therefore, a TPR imposed mitigation requirement is assigned to show how the City intends to correct this deficiency if the rezone is to move forward. Staff has provided a letter outlining how staff has proposed a future signal light to be funded in a reasonable future period by amending the City’s TSP to add this proposed signal project by removing an existing TSP listed capital improvement project having a similar cost. The applicant and staff are waiting for approval of the plan for a signal upon submittal of an addendum to the Traffic Study requested by ODOT focusing on additional queuing analysis to assure the signal is not too close to 99E and that “warrants” for its erection are adequately satisfied. A final decision on this application request should be contingent on acceptance of the recommended TPR mitigation solution for a traffic signal by ODOT.

### **CMC 16.20 – High Density Residential Zone - Findings**

The applicant's eventual development objective to construct approximately 166 multi-family apartment dwelling units requires a rezone to the R-2 High Density Residential district chosen. The R-2 zone is the only residential zone which allows multi-family development. The minimum residential density development standard of 14 units per acre would require at least 106 dwelling units. There is no current maximum density requirement. The proposed development of approximately 166 units exceeds the minimum standard required. Conformance with this code standard will be met.

### **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..

### **CMC 16.54.060 – Improvement Conditions - Findings**

In order to help protect the health, safety or general welfare of the existing businesses within the Pioneer Industrial Park and to assure compatibility with the industrial surroundings for residents of the future Canby Commons apartments; staff recommends imposing several conditions as a requirement of the zone change pursuant to the provisions of this section of the code. Staff has considered the potential impact of the costs of these conditions on the much needed housing. We believe some basic assurances are needed with this rezone and should not be left up to negotiation at the time of development approval. The proposed conditions are outlined in five areas indicated below.

Screening & Buffering: This rezone places a future high density residential apartment complex on the edge but within close proximity to an existing partially built out industrial park. In addition, it is proposed adjacent to the Oregon Pacific Railroad which is a Mollala Branch spur off of the primary Union Pacific line running through Canby. This railroad spur has limited activity now but that might increase over time. Proximity to these two known factors raises a need to provide adequate screening and buffering of the residential units to help assure a quality residential environment and to assist in reducing future complaints that might arise from living in proximity to industrial uses. Staff proposes to impose a required 25-foot wide landscape buffer adjacent to the commonly owned 5 acre parcel retaining M-2 zoning and the railroad spur except where garage units or internal drive and parking is provided within this area in which case the required landscape buffer shall be 15-foot wide. Either required landscape buffer area shall be required to plant appropriate evergreen plant materials that will provide a visually opaque privacy screening from the ground up to approximately 20 feet in height at maturity.

Sound & Vibration: As mentioned above, this rezone places a future high density residential apartment complex on the edge but within close proximity to an existing partially built out industrial park and adjacent to an active railroad spur line. There is known noise generation from uses within the industrial park that are in conformance with City noise standards but that may pose a compatibility issue for a high quality residential environment if a higher level of construction than normal is not provided to attenuate such noise. Staff has been informed that existing homes in more than one location adjacent to the Union Pacific railroad through Canby experience vibration within their homes when trains pass by. It is not certain that vibration

would be a problem on the rail spur since speed of the rail activity is considerably slower but noise is likely to present a nuisance as it does in other areas of town where residential uses abut a railroad. Proximity to two known sources of noise which may pose a risk to a quality residential environment raises a need to consider providing noise attenuation through heightened level of building construction. Staff proposes a condition with the rezone to require the applicant provide planning staff a list of specific heightened level of building construction standards to be utilized in conjunction with their building plan submittal that addresses noise attenuation and to hire a licensed engineer to measure the level of vibration generated by the rail line as part of the process of determining whether any construction mitigation measures are warranted.

*Limit Intensity of Uses on Adjacent Commonly Owned 5 Acre Parcel:*

The applicant owns two separate adjacent tax lots that comprise 12.5 acres. They are planning to adjust the boundary of these two tax lots to accommodate their rezone of 7.6 acres for the future Canby Commons apartments which will leave a 5 acre parcel with the existing M-2 Heavy Industrial Zoning. The applicant currently has control over what kind of uses might go on this 5 acre tract in the future. However he could also sale the remaining tract at any time. The applicant has indicated that he prefers developing this industrial zoned property with light industrial type development to better protect his apartment project investment which he plans to construct and manage as well at this time. The applicant has indicated to staff that they are not opposed to a possible restriction of allowed uses on the 5 acre parcel to light industrial uses.

In addition, written testimony submitted from the adjacent property owner would also like to see his industrial zone interests protected by restricting a future zone change of the 5 acre parcel to a residential or commercial zone district unless property on both adjacent sides are also rezoned the same.

In recognition that the possible development of future heavy industrial uses right adjacent to a new apartment complex could be detrimental to a quality residential environment, and that a neighboring property owner and city staff are not supportive of a possible rezone to include the 5 acre tract in the future; staff proposes two conditions to restrict uses on the 5 acre tract. The first condition proposed is through a recorded deed restriction to limit the allowed uses on the M-2 zone 5 acre tract to only those uses outlined to be “outright permitted” uses in the current M-1 Light Industrial Zone within the Canby Planning and Zoning Ordinance without option for uses otherwise listed as allowed in both the M-1 and M-2 as allowed with approval of a Conditional Use Permit. The second condition proposed is through a recorded deed restriction to prohibit a future Comprehensive Plan Map Amendment or Zoning Map Amendment to any residential or commercial zone district unless property on both adjacent Sequoia Parkway frontage sides are also to be rezoned or have already been rezoned to the same proposed zone district.

*Driveway Access Point Limit:*

The applicant’s property ownership consists of two legally existing and separate properties identified as separate tax lots. The City has an adopted 200 foot driveway access spacing standard for Sequoia Parkway. Driveway location spacing is usually decided and finalized with approval of actual development plans. However, in this instance there is substantial evidence available through the applicant’s submittal of conceptual future layouts for both the Canby Commons apartments and for the remaining industrial zoned tract that spacing from existing driveways on adjacent developed property and between uses on the applicant’s two properties that the 200 foot separation standard will not be met. There is some leeway when applying



access management limitations when existing property cannot otherwise reasonably have a means of access. In order to provide a clear expectation for meeting the City's driveway access spacing standards up front with the rezoning but also provide flexibility for where those access points might eventually lie when development plans are known, staff proposes to impose a condition to restrict total driveway access between the applicant's two legally existing parcels to two unless they can adequately demonstrate full compliance with the 200 foot spacing standard which applies to all existing driveways as well as proposed new driveways during development application approval.

*Recommended TPR Mitigation:*

As previously mentioned elsewhere in this report, the Traffic Impact Study performed with this rezone indicated that mitigation was necessary to correct a deficiency in the level of service at the Sequoia Parkway and Hazel Dell Way intersection for which the rezone adds additional trips. A supplemental traffic analysis memorandum provided by DKS Associates as requested by ODOT, indicates this intersection does not meet City LOS standard today but does not currently "warrant" the installation of a signal at this time. A signal is warranted sometime between now and the 2030 forecast period. The additional analysis confirms the eventual need for a signal and the benefits it will provide to local traffic using this intersection and confirms that queuing will not adversely impact through traffic at the 99E and Sequoia Parkway intersection. Staff is hopeful that ODOT will agree with this additional analysis and accept the recommendation to amend the TSP and add this traffic signal as an appropriate TPR mitigation measure. However, at the time of preparing this report ODOT has not yet had an opportunity to review and respond to the supplemental traffic analysis. **We must have ODOT's support for the proposed traffic signal TPR mitigation before final action on this rezone request can take place or an appropriate alternative option in place.**

Staff has been advised that it would be considered appropriate, and that Section 16.08.150(K) of the Land Development Ordinance authorizes the City to have the applicant contribute to the eventual traffic signal installation in rough proportion to the transportation impact of the proposed development. Calculations provided by the City's traffic engineer indicate that the rezone (and eventual development of the Canby Commons apartments) would contribute approximately 30 pm peak hour vehicle trips through the intersection (60% to the north and 40% to the south). The existing pm peak hour volume is 800 total trips entering the intersection compared to future 2030 pm peak hour volumes projected with the rezone of 1,540 total trips entering. This demonstrates that the Canby Commons project allowed through approval of the rezone would contribute approximately 4-percent of the eventual traffic at this intersection ( $30/(1,540-800)$ ). Staff recommends consideration of requiring a condition of approval of the rezone for the applicant to contribute 4% of the low estimate for the installation of the traffic signal and possible restriping of lanes which is estimated to range from 3 to \$400,000. This would amount to a rough proportional share contribution of \$12,000 dollars. It should be pointed out that the applicant will also be required to pay applicable transportation system development charges for each dwelling unit built which at 166 units at the current rate of \$2,184.36/unit would contribute \$362,603 to transportation system capital improvement projects listed as needed to serve future growth in the Transportation System Plan. We should be able to collect both fees identified above and therefore staff has suggested a condition of approval of the rezone to require a proportional contribution for a future signal installation at the intersection of Hazel Dell Way & Sequoia Parkway of \$12,000.

### **CMC 16.58 - 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 a 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 existing platted subdivisions. Staff's research of these legal lots of record indicate the tract to be rezoned is part of the Canby Market Center plat which is recorded plat #3578 and that the other smaller parcel is part of Zimmer Commerce Center plat which is recorded plat #4270.

**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.

**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 with the primary purpose to determine if the proposed comprehensive plan amendment and zone map amendment would significantly affect a transportation facility in accordance with the Transportation Planning Rule (OAR 550-012-0060). Staff adds the following findings with regard to satisfying the TPR requirement. The study determined that the rezone would add enough new additional trips to the Hazel Dell Way and S Sequoia Parkway intersection under the reasonable worst-case scenario development assumption to trigger a "significant impact" requiring nearby intersection operational analysis. The Hazel Dell Way and S Sequoia Parkway intersection was found to currently not meet one of two city adopted traffic efficiency mobility standards and would be out of compliance with both efficiency standards – both Level of Service and Volume to Capacity Ratio in the TSP future 2030 forecast horizon. The TPR requires mitigation when mobility standards below adopted standards are lessened to correct the deficiency. The Traffic Study recommended that the City undertake a strategy to implement signalization at the problem intersection. Staff has submitted a letter indicating the specific strategy the City intends to pursue to comply with the TPR mitigation requirement should this rezone be approved. It includes amending the TSP to include a signal at S Sequoia Parkway/S Hazel Dell Way in the financially constrained project list and to amend the System Development Charge (SDC) project priority list to include this project by removing another project of similar cost but less priority from the fundable list.

ODOT raised concern about the proximity of the signalization so close to the State Highway signal at Sequoia Parkway and 99E and asked for supplemental analysis. The applicant agreed to pay for this additional analysis that has been prepared by DKS and is included as an attachment to this report and is currently under review by ODOT. **We must have ODOT's support for the proposed traffic signal TPR mitigation before final action on this rezone request can take place or an appropriate alternative option in place.**

**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. However, the applicant has not yet forwarded a summary of the results of the neighborhood meeting for the record. They indicated they would do so and have received a prompt from staff to do so.



### SECTION III - PUBLIC AND REFERRAL AGENCY COMMENTS:

#### Public Comments:

Neighborhood Mtg.: The attendance sheet submitted by the applicant indicated 5 people attended the meeting held at the community room in the Canby Police building. The attendees represented nearby business interests. A comment was made from Trend Business Center about providing an adequate buffer between the apartments and the business operations at Trend. The remaining future industrial site appeared to offer the desired use buffering if it retains its current industrial zone. We have asked that a summary of the meeting discussions or questions be submitted for the record.

Canby Bicycle and Pedestrian Advisory Committee: Review of the zone change request by committee members was favorable and they recommended that if approved that 2 specific design features be a part of the apartment development site design plan. The provision of an at grade or above grade crossing to the logging road trail, and an entrance into Arneson Park from the apartment side of the park to promote safe and active transportation options within the community. **Staff Response:** The eventual success of implementing a direct crossing of the adjacent Oregon Rail to connect with the logging road trail will be dependent on owner or leasee agreement to do so.

Public Comments: Trend Business Center LLC submitted a letter indicating support for the rezone if 5 specific items could be assured or adequately addressed as follows in summary: 1 & 2) limit the total 12.5 acre property to only one driveway to maintain ordinance required spacing of 200 feet between driveways. Staff has proposed a zone condition that would limit the driveways allowed to one for each existing parcel or in a otherwise in a shared arrangement. Spacing standards are not expected to be met from all driveways, but will be evaluated at the time of development plan approval to provide the least impactful arrangement with traffic safety in mind while still allowing a guaranteed right of access to existing parcels and a reasonable means of developing those properties, 3) ensure the remaining 5 acre parcel remains zoned for industrial uses to reduce residential/industrial conflicts related to noise, sight, vandalism, and traffic between the apartments and the remainder of Canby Pioneer Industrial Park, 4) reduce potential for conflicts between residential and industrial uses related to noise, sight, and vandalism by requiring an ornamental metal fence around the entire perimeter of the complex with a gate. **Staff Response:** This is a development review matter usually addressed with review of an actual proposed site plan. However, evidence supports that driveway spacing is likely to be an issue during the development phase if this rezone is approved, so staff has recommended a condition of approval to set forth a restriction with regard to the driveway spacing standard. A comment sheet was also received from Pioneer Property, LLC, the landlord for the operating company, Pioneer Pump, Inc. They have several concerns about introducing residential uses within the Pioneer Industrial Park, fearing that usual industrial park activities are best separated from residential uses. **Staff Response:** This is a policy decision as zoning was originally set up to separate uses that are not always deemed to be the best of neighbors, but evidence within this report demonstrates that close proximity of differing uses can be done successfully if necessary traffic, screening/buffering, and appropriate construction techniques are utilized and guaranteed.

#### Agency Comments:

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

1. Canby Fire District
2. Contract City Engineer

### **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 development plan, and that all other applicable approval criteria have been met or will be met with recommended conditions.

Staff recommends that the Planning Commission forward a recommendation for approval of the Comprehensive Plan Map Amendment and Zoning Map Amendment (Files #CPA & ZC 15-01) and Lot Line Adjustment (File #LLA 15-04) to the City Council subject to the following conditions of approval:

#### **Conditions of Proposed Change in Zoning**

1. A 25-foot wide landscape buffer shall be required as part of the subsequent approved site development plan adjacent to the commonly owned 5 acre parcel retaining M-2 zoning and the railroad spur boundary except where garage units or internal drive and parking is provided within this landscape area in which case the required minimum landscape buffer shall be 15-foot wide to allow for screening plant material. Either required landscape screening/buffer area width provided shall be required to plant appropriate evergreen plant materials that will provide visually opaque privacy screening from the ground up to approximately 20 feet in height at plant maturity.
2. The applicant shall provide planning staff a list of specific heightened level of building construction standards to be utilized in conjunction with their building plan submittal that addresses noise attenuation, and will hire a licensed engineer to measure the level of vibration generated by the rail line as part of the process of determining whether any construction mitigation measures are warranted to mitigation adverse vibration impacts.
3. The applicant shall record a deed restriction to limit the allowed uses on the M-2 zone 5 acre commonly owned industrial tract to restrict uses to those indicated to be "outright permitted" as indicated in the current or future M-1 Light Industrial Zone within the Canby Planning and Zoning Ordinance without option for uses otherwise listed in the same ordinance in both the M-1 and M-2 zone as allowed by Conditional Use.
4. The applicant shall record a deed restriction to prohibit any future Comprehensive Plan Map Amendment or Zoning Map Amendment to allow any residential or commercial zone district on the remaining adjacent commonly owned parcel retaining the M-2 zone unless property on both adjacent sides along the Sequoia Parkway frontage are also to be rezoned or have already been rezoned to the same proposed zone district.
5. Driveway access to Sequoia Parkway for the applicant's two legally existing parcels shall be limited to no more than two between and amongst the two properties unless the applicant can adequately demonstrate full compliance with the 200-foot spacing standard which applies between all new driveways and existing driveways as determined at the time of development application approval.
6. The applicant shall contribute 4% of the low estimate for the installation of a traffic signal and associated possible restriping of lanes which is estimated to range from \$300,000 to \$400,000. This would amount to a rough proportional share contribution \$12,000 to the City dedicated specifically for future funding of this signalization project as identified by condition of approval with this rezone to be added to the City's TSP and SDC capital improvement list.
7. City agreement with the rezone to pursue amendment of the Canby Transportation System Plan to include a traffic signal at S Sequoia Parkway/S Hazel Dell Way intersection in the financially constrained project list, and to amend the System Development Charge (SDC)

project list to include a traffic signal at the same intersection by removing a less critical similar cost project due to this projects more immediate higher importance.

**Conditions of the Lot Line Adjustment (Not a part of Rezone Ordinance)**

1. The applicant shall have the property surveyed for purposes of establishing the exact boundaries of the lot line adjustment and to satisfy the re-plat requirements that the County is likely to require to implement a lot line adjustment approval when involving previously platted lots.
2. The applicant is responsible for obtaining approval from utility providers for the relocation, vacation, and/or addition of public utility easements, if necessary. Existing easements and new easements shall be provided on any required re-plat for recording the lot boundary adjustment.
3. The lot line adjustment implementation recordation shall occur within one year of approval or submit a request with reason for an extension.

**NOTE: At the time of preparing this report ODOT has not yet had an opportunity to review and respond to the supplemental traffic analysis justifying the traffic signal as an appropriate TPR Mitigation. The City must have ODOT's support for the proposed traffic signal TPR mitigation before final action on this rezone request can take place.**

**SECTION IV - ATTACHMENTS/EXHIBITS:**

1. Application Forms – Comprehensive Plan Amendment, Zone Map Amendment, Lot Line Adjustment
2. Applicant Narrative – The Proposal, Site History, Canby Statistics, Executive Summary, Applicable Review Criteria & Findings
3. Maps – Site Map, Tax Lot Map, Application Notice Map, Conceptual Site Development- Apartments parcel & Industrial parcel
4. Traffic Impact Study – DKS 4.08.15 Memorandum
5. Supplemental Transportation Analysis – DKS Memorandum 8.07.15
6. TPR Mitigation Letter 7.27.15 Planning Director
7. Neighborhood Meeting Notice Letter, Attendance Sheet, & Meeting Summary
8. Pre-application Conference Summary & Planning Memo
9. Agency Comments – Pretreatment Coordinator, Contract City Engineer 7.20.15 Memo, Fire District, Canby Telcom
10. Citizen Comments – Pioneer Property, LLC/Pioneer Pump, Trend Business Center/Scott McCormack, Canby Bicycle and Pedestrian Advisory Committee



City of Canby  
Planning Department  
111 NW 2<sup>nd</sup> 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: Aaron Jones Phone: 503.358.5005  
Address: 4200 SE Columbia Way, Suite F Email: aj@urbanidm.com  
City/State: Vancouver, WA Zip: 98661

☐ Representative Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Email: \_\_\_\_\_  
City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

☐ Property Owner Name: Jeff Gordon Phone: 360.433.9487  
Signature: [Signature]  
Address: 4200 SE Columbia Way, Suite F Email: Jeff@urbanidm.com  
City/State: Vancouver, WA Zip: 98661

☐ Property Owner Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Address: \_\_\_\_\_ Email: \_\_\_\_\_  
City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

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:

<u>235 S. Sequoia Parkway</u>	<u>12.52 Acres</u>	<u>31E34C04900 31E34C02101</u>
Street Address or Location of Subject Property	Total Size of Property	Assessor Tax Lot Numbers
<u>None</u>	<u>M2</u>	
Existing Use, Structures, Other Improvements on Site	Zoning	Comp Plan Designation
<u>HDR High Density Residential</u>		
Describe the Proposed Development or Use of Subject Property		

STAFF USE ONLY				
CPA & ZC 15-01	6-19-15	lf/bb		
FILE #	DATE RECEIVED	RECEIVED BY	RECEIPT #	DATE APP COMPLETE



## PRE-APPLICATION CONFERENCE-INSTRUCTIONS

Pre-Application Conferences are designed to provide applicants the opportunity to present land use development proposals to City staff prior to the actual land use application process. This advance discussion allows applicants an opportunity to ask questions about the applicable city codes, required permits, hearing and noticing and estimated processing timelines. The Pre-Application Conference also allows City staff an opportunity to review preliminary plans, and to provide comments to applicants regarding the project and design. This feedback early in the planning process can help applicants avoid major plan revisions that are more cumbersome to change after an actual application submittal.

Applicants should keep in mind that, due to the preliminary nature of information discussed during Pre-Application Conferences; City staff reserves the right to determine permitting requirements upon receipt of an official application. Information obtained during a Pre-Application Conference is subject to subsequent changes in the Canby Comprehensive Plan, Canby Municipal Code, and/or any other applicable regulations. A Pre-Application Conference does not “vest” (lock in any fees or development requirements) a project in any way.

Once your pre-application has been submitted, it will be reviewed by the Planning Department. You will be notified of any changes and returned to the Planner for approval. When you have the approval you will take sixteen (16) paper copies and one copy in electronic format to the Office Specialist at Public Works who will contact you to set up your conference. At this conference representatives from the following City departments and public agencies will be in attendance: Public Works, water, telephone, cable, gas, electric, Clackamas County (if needed), Canby Fire District, Oregon Department of Transportation (if needed), Planning, Engineering and Parks.

***All required application submittals detailed below must also be submitted in electronic format. The City may request further information at any time before deeming the application complete. Required application submittals include the following:***

Applicant Check	City Check
--------------------	---------------

- |                                     |                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-------------------------------------|--------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Submit one copy of your proposed pre-application submittal, addressing the minimum pre-application requirements listed below, to the Planner for review and comments.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Once you have made any needed changes per the planning department, submit sixteen (16) paper copies of this application packet to the Office Specialist at Public Works (1470 NE Territorial Road) who will schedule your Pre-Application Conference.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Submit an electronic copy of this application packet to the Planning Department                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Payment of appropriate fees – cash or check only. Refer to the city’s Master Fee Schedule.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Narrative – A detailed narrative description of your proposal and any specific questions you want the City to respond to at the Pre-Application Conference.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Site/Plot Plan drawn to scale showing: <ul style="list-style-type: none"><li><input type="checkbox"/> Property lines (legal lot of record boundaries)</li><li><input type="checkbox"/> Lot area</li><li><input type="checkbox"/> Impervious surface area</li><li><input type="checkbox"/> Location and size of all proposed hardscape, including driveways, parking lots, compact cars and handicapped spaces, loading areas, bicycle paths, bicycle parking, sidewalks, and pedestrian ways</li><li><input type="checkbox"/> Location, size, &amp; heights of existing and proposed structures</li><li><input type="checkbox"/> Proposed elevations</li><li><input type="checkbox"/> Distances between structures and other significant features, including property lines, yards and setbacks, building area,</li></ul> |

- ☐ Layout of all proposed structures, such as buildings, fences, signs, solid waste collection containers, mailboxes, exterior storage areas, and exterior mechanical and utility equipment
- ☐ Significant tree locations (all trees over 6 inches)
- ☐ Location and dimensions of easements
- ☐ Location of utilities – storm, sanitary sewers and water (including size of service and street location)
- ☐ 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
- ☐ Existing and proposed driveway widths
- ☐ Location of any forested/wetland area, water bodies, or other significant natural features
- ☐ Location of and distance to fire hydrant(s)
- ☐ Location and profile drawings of all proposed exterior signage

☒ ☐ Slope map (if area is over 25% slope)

**Nonresidential Projects Wastewater Information**

*\*\*Businesses are required to complete an Environmental Survey from the City of Canby Public Works Department prior to receiving a business license.*

Do you plan on discharging anything other than domestic waste?

☐ Yes ☒ No

Will you be discharging any wastes that were produced during an industrial process or the manufacturing of a product?

☐ Yes ☒ No

Are you proposed to have floor drains that will be connected to sanitary sewer?

☐ Yes ☒ No



**CITY OF CANBY**  
**ZONE MAP CHANGE APPLICATION**

Fee \$2,640

**OWNERS**

**APPLICANT\*\***

Owners Jeff Gordon

Name Aaron Jones

Address 4200 SE Columbia Way, Suite F

Address 4200 SE Columbia Way, Suite F

City Vancouver State WA Zip 98661

City Vancouver State WA Zip 98661

Phone 360.433.9487 Fax \_\_\_\_\_

Phone 503.358.5005 Fax \_\_\_\_\_

E-mail Jeff@columbiatechcenter.com

E-mail aj@urbanidm.com

Please indicate who is to receive correspondence (i.e. staff reports etc) and what format they are to be sent

Owner

Email

☒ US Postal

Fax

Applicant

Email

☒ US Postal

Fax

**OWNER'S SIGNATURE** \_\_\_\_\_



**DESCRIPTION OF PROPERTY**

Address 235 S Sequoia Parkway Oregon City, OR

Tax Map \_\_\_\_\_

Tax Lot(s) 31E34C04900, 31E34C02101

Lot Size 12.52  
(Acres/Sq.Ft.)

Existing Use M2

Proposed Use HDR

Existing Structures NONE

Zoning M2

Comprehensive Plan Designation \_\_\_\_\_

Project Description HIGH DENSITY APARTMENT HOUSING

Previous Land Use Action (If any) NONE

**FOR CITY USE ONLY**

File # :

Date Received:

By:

Completeness:

Pre-App Meeting:

Hearing Date:

**\*\*If the applicant is not the property owner, they must attach documentary evidence of their authority to act as**

agent in making this application.

## ZONE CHANGE APPLICATION: INSTRUCTIONS TO APPLICANTS

**All materials must be submitted in .pdf format on CD**

1. The applicant will be required to hold a neighborhood meeting with adjacent property owners and neighborhood representatives prior to submitting their application, unless this requirement is waived by the City.
2. An application for amendment by a property owner or his authorized agent shall be filed with the City Planner on forms prescribed for the purpose, typed or printed and the application shall include the following.

Applicant      City  
Check          Check

- A. Comprehensive Plan designation of the property.
  - B. The application shall be accompanied by a written statement on 8 ½ x 11" paper and electronically in MS Word explaining the existing use of the property and the need for the change in zoning.
  - C. A list of property owners within 500 feet of the subject property, on mailing labels (1" x 2-5/8") and in electronic form. **If the address of a property owner is different from the address of a site, a label for each unit on the site must also be prepared and addressed to "occupant."** A list of property owners may be obtained from a title insurance company or from the County Assessor. If applicable, labels must be prepared for any property owners and sites that will be "islanded" by the proposed annexation.
  - D. Appropriate fee.
  - E. Twenty (20) copies of the application and all corresponding attachments on 8.5"x11" paper and electronically in .pdf format.
  - F. Site plan, drawn to scale (not greater than 1"=50') on paper no less than 8.5"x11" and no larger than 18"x24" and .pdf format indicating:
    1. The location of existing buildings (if any);
    2. The location of streets, sewer, water, electric, and other utility services;
    3. Major topographic and landscape features.
  - G. One (1) copy in written format and .pdf format 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 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.

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## **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.





City of Canby  
Planning Department  
111 NW 2<sup>nd</sup> Avenue  
PO Box 930  
Canby, OR 97013  
(503) 266-7001

## LAND USE APPLICATION

### LOT LINE ADJUSTMENT Type II Process

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

☐ Applicant Name: **Aaron Jones** Phone: **503.358.5005**  
Address: **4200 SE Columbia Way, Suite F** Email: **aj@urbanidm.com**  
City/State: **Vancouver, WA** Zip: **98661**

☐ Representative Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Email: \_\_\_\_\_  
City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

☐ Property Owner Name: **Jeff Gordon** Phone: **360.433.9487**  
Signature: \_\_\_\_\_  
Address: **4200 SE Columbia Way, Suite F** Email: **jeff@urbanidm.com**  
City/State: **Vancouver, WA** Zip: **98661**

☐ Property Owner Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Address: \_\_\_\_\_ Email: \_\_\_\_\_  
City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

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:**

**235 S. Sequoia Parkway**

Street Address or Location of Subject Property

**None**

Existing Use, Structures, Other Improvements on Site

**12.52ac**

Total Size of  
Property

**M2**

Zoning

**31E34C04900 / 31E34C02101**

Assessor Tax Lot Numbers

Comp Plan Designation

**HDR High Density Residential**

Describe the Proposed Development or Use of Subject Property

**STAFF USE ONLY**

FILE #	DATE RECEIVED	RECEIVED BY	RECEIPT #	DATE APP COMPLETE
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## LOT LINE ADJUSTMENT- TYPE II INSTRUCTIONS

***All required application submittals detailed below must also be submitted in electronic format on a CD, flash drive or via email. Required application submittals include the following:***

Applicant    City  
Check        Check

- |                          |                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|--------------------------|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | One (1) copy of this application packet. The City may request further information at any time before deeming the application complete.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <input type="checkbox"/> | <input type="checkbox"/> | 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 <i>City of Canby</i> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <input type="checkbox"/> | <input type="checkbox"/> | Ten (10) paper copies of the proposed lot line adjustment, printed to scale no smaller than 1"=50'. The plans shall include the following information: <ul style="list-style-type: none"><li><input type="checkbox"/> Vicinity Map. Vicinity map at a scale of 1"=400' showing the relationship of the project site to the existing street or road pattern.</li><li><input type="checkbox"/> Site Plan-the following general information shall be included on the site plan:<ul style="list-style-type: none"><li><input type="checkbox"/> Date, north arrow, and scale of drawing;</li><li><input type="checkbox"/> Name and address of the developer, engineer, architect, or other individual(s) who prepared the site plan;</li><li><input type="checkbox"/> Property lines (legal lot of record boundaries);</li><li><input type="checkbox"/> 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;</li><li><input type="checkbox"/> Location of all jurisdictional wetlands or watercourses on or abutting the property;</li><li><input type="checkbox"/> Finished grading contour lines of site and abutting public ways;</li><li><input type="checkbox"/> Location of all existing structures, and whether or not they are to be retained with the proposed development;</li><li><input type="checkbox"/> Layout of all proposed structures, such as buildings, fences, signs, solid waste collection containers, mailboxes, exterior storage areas, and exterior mechanical and utility equipment;</li><li><input type="checkbox"/> Location of all proposed hardscape, including driveways, parking lots, compact cars and handicapped spaces, loading areas, bicycle paths, bicycle parking, sidewalks, and pedestrian ways;</li><li><input type="checkbox"/> Callouts to identify dimensions and distances between structures and other significant features, including property lines, yards and setbacks, building area, building height, lot area, impervious surface area, lot densities and parking areas;</li><li><input type="checkbox"/> Location of vision clearance areas at all proposed driveways and streets.</li><li><input type="checkbox"/> All legal lot lines, north arrow, lot size and dimensions, location of public and private easements, and location and names of all adjacent streets.</li><li><input type="checkbox"/> Any major topographic or landscape features, driveways, wells, septic tanks, drain fields, and jurisdictional watercourses or wetlands on or abutting the property. As a reminder, the property owner is responsible for meeting all state/federal wetland and waterway regulations.</li><li><input type="checkbox"/> Location and description of all existing and proposed structures. Call out the distance between the structures and proposed new lot line locations.</li></ul></li></ul> |



## LOT LINE ADJUSTMENT – TYPE II: APPLICATION PROCESS

1. Prior to submitting an application, all applicants are encouraged to request a pre-application meeting with the City, or the City Planner may determine that a pre-application meeting is necessary after an application has been discussed or upon receipt of an application by the City. To schedule a pre-application meeting, an applicant must submit a completed pre-application form and set of preliminary plans to the City Planner, and after receiving the Planner's initials, must then make and take 16 copies of the pre-application materials to the Canby Public Works Department to schedule the pre-application meeting. The City does not charge a fee for a pre-application meeting.
2. At the time an application is submitted to the City, payment of all required application processing fees is required. An application will not be accepted without payment of fees. City Staff can provide you with information concerning application fees.
3. Staff will check the application, making sure that it is complete and all fees are paid. Copies of the application materials are also routed to various City/State/County departments, as applicable, for their comments. The City Planner will accept or return the application with a written list of omissions within thirty (30) calendar days of the submittal.
4. Notice of the application is mailed to all property owners and residents within 100 feet of the property. The property owners and residents are given 10 days to submit written comments.
5. Staff investigates the application, including comments received, and writes a decision. The staff's decision is mailed to the applicant, to the property owners and residents who received the original notice, and to any one else who submitted comments during the comment period; and opportunity is given to appeal the decision.
6. An appeal must be requested in writing within 10 days of the date the decision notice is mailed. If an appeal is requested, the applicant is required to pay an additional \$1,600 application processing fee to cover the cost of the appeal hearing.
7. Prior to the appeal hearing, the City will prepare notice materials for posting on the subject property. This material must be posted **by the applicant** at least ten (10) days before the public hearing.
8. The staff report will be available to all interested parties seven (7) days prior to the hearing.
9. The Planning Commission holds a public hearing on the appeal request. Unless the Planning Commission decides to hear the appeal de novo, only testimony regarding items already in the record is permitted, and no new information may be entered. The staff report is presented to the Commission. Testimony is presented by the appellant, the applicant, proponents and opponents.
10. The Commission then makes findings of fact, and issues a decision to either uphold the original decision, modify the original decision, or overturn the original decision. The Planning Commission's decision may be appealed to the City Council.
11. The property owners have one (1) year from the final approval to complete the property line adjustment process. If the adjustment involves the relocation or elimination of a platted lot line, the property owners

must record a replat with the Clackamas County Surveyor's office. If the adjustment involves the relocation or elimination of a lot line created by deed, the property owners must record the property line adjustment and new legal descriptions with the Clackamas County Clerk recorder's office.

## **LOT LINE ADJUSTMENT – TYPE II: STANDARDS AND CRITERIA**

Under Section 16.58.030 of the Canby Municipal Code, an application for LOT LINE ADJUSTMENT approval shall be evaluated based on the following standards and criteria:

- A. Each of the remaining parcels and any structures located thereon shall be in full compliance with all regulations of this title, including the setback requirements of Division III. Except, however, that lot line adjustments are permitted on nonconforming lots and lots with nonconforming structures provided that the nonconforming lots and structures will be no less in conformity as a result of the lot line adjustment.
- B. No new lots or parcels will be created as a result of the lot line adjustment without receiving approval as a partition or subdivision.
- C. If the City Planner or city engineer deems it necessary to assure the accuracy of recorded information, a survey may be required of the applicant. Such a survey will be at the applicant's cost.
- D. Lot line adjustments shall not be permitted where the result will be the creation of additional building sites in known hazardous locations or where the appropriate development or extension of public facilities will be impaired as a result.

# Canby Comprehensive Plan and Zoning Map Amendments and Lot Line Adjustment

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## 235 S. Sequoia Parkway

**July 23, 2015**

*Prepared for:*

**Aaron Jones, Urban IDM**

4200 SE Columbia Way, Suite F

Vancouver, WA 98661

aj@urbanidm.com

*Prepared by:*

**3J Consulting, Inc.**

5075 SW Griffith Drive, Suite 150

Beaverton, OR 97005

heather.austin@3j-consulting.com

Contact: Heather Austin, AICP

## THE PROPOSAL

This land use application narrative has been prepared in support of a comprehensive plan map amendment and zoning map amendment for the property at 235 S. Sequoia Parkway in Canby, Oregon. The proposed amendments are for 7.6 acres of a 12.6 acre site in the eastern portion of Canby. The other 5 acres of the site would remain in industrial zoning for future employment use. The comprehensive plan map designation is proposed to change from heavy industrial to residential. The zoning code designation is proposed to change from M-2 (Heavy Industrial) to R-2 (High-Density Residential).

A lot line adjustment that would result in these two acreages is proposed as part of this submittal package. The proposed amendment will allow the development and construction of a 166- to 175-unit multi-family residential project that will provide much needed local housing in Canby. However, this application is for the consideration of the comprehensive plan map and zoning map amendments. The multi-family project will be reviewed through a separate design review land use process once the zone change is completed.

## SITE HISTORY

The site is adjacent to Fred Meyer along its northwest property line and beautiful Arneson Garden Park adjacent to the northeast portion of the site. Canby Area Transit (CAT) provides bus transportation through town as well as a direct connection to the Oregon City Transit Center, where Tri-Met connects riders to all other parts of the Metro region. The nearest CAT stop is at the Fred Meyer, adjacent to this site and less than a ¼ mile walk for future residents.

The property owners purchased the site 7 years ago and have aggressively marketed the property for industrial use ever since. The site has garnered little attention from industrial users, despite the below market value price listed for the 12.5 acre parcel. The site's dimensions and irregular shape, as well as the large amount of industrial property in Canby, have played a role in the owner's inability to sell the site for industrial use.

## CANBY STATISTICS

While industrial land in Canby is in large supply, as detailed later in this report, the availability of high density residential land to construct workforce housing is severely limited. In multiple surveys and interviews, Canby business owners and managers have expressed a desire to see more work force housing *in* Canby to allow employees to live closer to their jobs. In addition, the demographic of homeownership is shifting nationwide. Young college graduates beginning professional careers are not purchasing homes as they once did. This is widely attributed to extreme student loan debt and a desire to live without the maintenance burdens of homeownership.

Currently, Canby employers provide 4,858 jobs. 975 of these jobs, or 20%, are held by people who live in Canby. The other 80% of jobs in Canby are held by people who come into Canby each day to work. There are a total of 7,660 working people in Canby. Of these, 6,685 leave Canby each day for work. In other words, 13% of the total workforce who live in Canby, also work in Canby (source: Canby Economic Development Department).

In addition to existing Canby businesses, the City has identified approximately 30 developable industrial parcels in the Pioneer Industrial Park, ranging in size from 0.55 acres to 27.42 acres, with an average site size of 6.74 acres. Eight of these sites are greater than 10 acres in size, four of which sites are greater than 20 acres in size (source: Canby Recertification, New Certification and Decision Ready Sites, January 2014). In addition to being of adequate



size, many of the other parcels in the Pioneer Industrial Park are better suited for industrial development based on dimensional standards. The subject site is oddly dimensioned, making it a difficult site to development with a large-scale industrial development. This type of industrial business type prefers rectangular or square sites for development.

While a quick glance at the Canby zoning map shows a large portion of the City in R-2 zoning, a closer examination of the current R-2 property shows much of it developed as single-family residential housing. There are very few lots zoned R-2 that could accommodate a significant amount of multi-family housing, such as the development proposed for this site. There is one site available as vacant that is approximately 3 acres in size, and one site that is split-zoned between high-density residential and medium-density residential (this portion is outside of the City Limits). There are no sites within the City Limits that are fully zoned R-2 (high-density residential), are vacant and are greater than 3 acres in size (source: Canby Planning Department). Therefore, there is no land available within the City Limits capable of supporting the proposed amount of workforce housing. Additionally, the average age of the existing apartment buildings in Canby is 35 years old, with only seven (7) properties built in the past 25 years (source: Overview of the Canby Apartment Market 2014, Canby Economic Development Department).

Canby business owners are regularly surveyed by the City to gauge whether the City is providing a favorable climate in which to conduct business. In 2015, 82% of Canby businesses rated Canby as an “excellent” or “good” place to do business. This is an increase of 10% over the 72% of businesses who felt the same in 2012. Additionally, 82% of businesses feel that Canby is moving in a positive direction, a significant 23% increase over the 59% who felt the same in 2012 (source: 2015 Canby Business Survey Report). Clearly, the City of Canby has invested substantial time and resources in making the City a viable place to conduct business. However, there is an opportunity to enhance the connection between the people who live in Canby and people who run businesses in Canby.

## **EXECUTIVE SUMMARY**

Based on the information provided above and the findings of fact contained within this narrative, this is the ideal time to change the land use designation of a portion of this site from industrial to high density residential. A rezone of this portion of the property will allow for the construction of high-grade apartment housing, a much needed housing type in the City, while not significantly impacting Canby’s supply of desirable industrial land. In addition to increasing the amount of workforce housing in Canby as a whole, the location of this site within the Pioneer Industrial Park is clearly an amenity to current and future business owners in the area. The ability to identify housing for employees within walking distance of work, shopping, a public park and a key transit stop will undoubtedly enhance business development within the area.

This plan amendment supports both housing diversity and economic development in Canby by providing housing that allows workers to live closer to their jobs. In addition, the location of the site adjacent to a regional shopping center, city park, medical clinics and transit stop, as well as its irregular shape that is ill-suited to industrial development, make this the appropriate, efficient and sustainable location to increase the City’s supply of multi-family housing.

## **APPLICABLE REVIEW CRITERIA**

### **Chapter 16.54 AMENDMENTS TO ZONING MAP**

#### **16.54.010 Authorization to initiate amendments.**

**An amendment to the zoning map may be initiated by the City Council, by the Planning Commission, or by application of the 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. (Ord. 740 section 10.3.45 (A), 1984)**

**Applicant's Finding:** This amendment to the zoning map is being initiated by the property owner. The Applicant acknowledges the timeframe for recommendation by the Planning Commission to the Council.

The requirements of this section have been satisfied.

#### **16.54.020 Application and fee.**

**Application procedures shall be as described in Chapter 16.89. (Ord. 740 section 10.3.85(B), 1984; Ord. 981 section 7, 1997; Ord. 1019 section 13, 1999; Ord. 1080, 2001)**

**Applicant's Finding:** This application has been submitted according to all listed procedures and was accompanied by the appropriate fee. The applicant has scheduled a neighborhood meeting for Tuesday, July 7, 2015 at 3 PM at the Canby Police Community Room. Notice of the meeting has been sent to all property owners within 500 feet of the property.

The requirements of this section have been satisfied.

#### **16.54.030 Public hearing on amendment.**

**Before taking final action on a proposed amendment, the Planning Commission shall hold a public hearing on the amendment following the requirements for advertising and conduct of hearing prescribed in Division VIII. (Ord. 740 section 10.3.85(C), 1984)**

**Applicant's Finding:** The Applicant understands that, once deemed complete, a public hearing will be conducted before the Planning Commission and that the City will follow all state- and locally-mandated advertising and conduct of hearing requirements.

The requirements of this section have been satisfied.

#### **16.54.040 Standards and criteria.**

**In judging whether or not the zoning map 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;**

## **Canby Comprehensive Plan**

### **I. CITIZEN INVOLVEMENT ELEMENT**

**Goal: To provide the opportunity for citizen involvement throughout the planning process.**

**Response:** This land use application is subject to a City of Canby Type IV land use review, which includes a significant citizen involvement component. 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. The approval of the proposed plan map and zoning map amendment is consistent with the Citizen Involvement Element of the Comprehensive Plan.

In addition to the citizen involvement component of the land use hearing process, the Applicant conducted a neighborhood meeting on July 7, 2015 to discuss the proposed zone change. Representatives from four nearby properties attended the meeting and asked questions about the zone change and future development of the site. Feedback for the proposal was generally positive. The meeting sign-in sheet and meeting notes are included with this land use submittal.

**Policy 1: Canby shall reorganize its citizen involvement functions to formally recognize the role of the Planning Commission in meeting the six required citizen involvement components of Statewide Planning Goal 1, and to re-emphasize the city's commitment to ongoing citizen involvement.**

**Response:** This policy is directed toward action by city officials and not applicants. For this reason, the policy is not directly applicable.

**Policy 2: Canby shall strive to eliminate unnecessarily costly, confusing, and time consuming practices in the development review process.**

**Response:** This policy is directed toward action by city officials and not applicants. For this reason, the policy is not directly applicable.

**Policy 3: Canby shall review the contents of the Comprehensive Plan every two years and shall update the plan as necessary based upon that review.**

**Response:** This policy is directed toward action by city officials and not applicants. For this reason, the policy is not directly applicable.

## **II. URBAN GROWTH ELEMENT**

### **Goals:**

- 1. To preserve and maintain designated agricultural and forest lands by protecting them from urbanization.**
- 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 site of the proposed change is not designated for agriculture or forestry. The site is already within the urbanized area of the city, and this will not change after the change in zoning. However, providing additional multi-family housing within the current city limits will delay the need for expansion of residential uses into surrounding agricultural and forest lands.

### **Policy 1: Canby shall coordinate its growth and development plans with Clackamas County.**

**Response:** This policy is directed toward action by city officials and not applicants. For this reason, the policy is not directly applicable. However, the City has worked with the County in recent years on projects such as the 2013 Clackamas County Coordinated Rural Cities Study, a document which was utilized in the analysis provided with this land use request.

### **Policy 2: Canby shall provide the opportunity for amendments to the urban growth boundary (subject to the requirements of Statewide Planning Goal 14), where warranted by unforeseen changes in circumstances.**

**Response:** The proposal is not an amendment to the urban growth boundary. This policy does not apply.

### **Policy 3: Canby shall discourage the urban development of properties until they have been annexed to the city and provided with all necessary urban services.**

**Response:** The proposed change is on a site that is within city limits and is provided with all necessary urban services. These facilities include connections to water, sewer, power, and transportation. Community Development and Public Works staff confirmed that all the necessary public facilities and services exist or will be provided at time of development.

## **III. 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.**

**Policy 1: Canby shall guide the course of growth and development so as to separate conflicting or incompatible uses while grouping compatible uses.**

**Response:** The City's Land Use Element strives to balance uses while minimizing conflicts and promoting density to reduce sprawl. This element also discourages development that would result in the overburdening of any of the community's public facilities or services, or would be subject to natural hazard.

Canby currently has approximately 30 development-ready industrial sites in the Pioneer Industrial Park averaging over 6 acres in size. Canby lacks high-density residential sites sized to fit a medium to large multi-family development that would provide workforce housing for commercial and industrial businesses. In addition to lacking buildable high-density land, the existing stock of multi-family housing is aging and is nearly always at occupancy. No new apartments have been built in Canby in over 12 years. (source: Overview of Canby Apartment Market 2014).

The proposed comprehensive plan map and zoning map amendments would result in high-density residential development adjacent to a large commercial development with mass transit availability, a medical plaza, a public park and various types of industrial and office-type development. This "smart growth", mixed-use type approach to development reduces strain on natural resources by reducing vehicle trips. This type of development also enhances public health by promoting walking and cycling to nearby services, shops, jobs and Arneson Garden Park. The addition of apartments to this area encourages employers to locate within the Pioneer Industrial Park and look locally when seeking to fill vacancies. For these reasons, this proposed residential development results in orderly, efficient, aesthetically pleasing development suitably related to other land uses in the vicinity.

The portion of this site not proposed for zoning amendment will remain zoned for industrial uses. The property owner has developed light industrial land in the past and would propose a light industrial type use on this site to buffer residential land from heavy industrial users, minimizing potential conflicts between users. With this buffer in place, this is an ideal location for providing shopping opportunities, services and employment within walking and cycling distance of this proposed apartment development.

**Policy 2: Canby shall encourage a general increase in the intensity and density of permitted development as a means of minimizing urban sprawl.**

**Response:** The current property owner has aggressively marketed the site at below market value for the past seven (7) years. Changing the zoning provides an opportunity for a different kind of development that may be more in demand by the market. This will increase the intensity of development within Canby and reduce the pressure on the UGB, thereby minimizing urban sprawl.

**Policy 3: Canby shall discourage any development which will result in overburdening any of the community's public facilities or services.**

**Response:** All required public facilities exist to serve the site, which is surrounded by urban development. These facilities include connections to water, sewer, power, and transportation. Community Development and Public Works staff confirmed that all the necessary public facilities and services exist or will be provided at time of development.

**Policy 4: Canby shall limit development in areas identified as having an unacceptable level of risk because of natural hazards.**

**Response:** The site is not identified as being in an area at risk of natural hazards. This policy does not apply.

**Policy 5: Canby shall utilize the land use map as the basis of zoning and other planning or public facility decisions.**

**Response:** This proposal is a request to change the comprehensive plan map designation and corresponding zoning on 7.6 acres of a 12.6 acre parcel. Zoning, planning, and public facility decisions will follow the land use map once the change is approved.

**Policy 6: Canby shall recognize the unique character of certain areas and will utilize the following special requirements, in conjunction with the requirements of the Land Development and Planning Ordinance, in guiding the use and development of these unique areas.**

**Response:** This proposed residential development is within the Pioneer Industrial Park. This area is largely undeveloped and addition of apartments to this area will add value to the Pioneer Industrial Park by providing affordable workforce housing, an element currently lacking in this area of Canby and identified as a need by current and prospective employers in the area. This site is at the edge of the industrial park and will be buffered by light industrial/office-type uses. The applicant's proposal to re-zone the parcel to residential supports the overall industrial development in the Pioneer Industrial Park, and complies with this Comprehensive Plan policy.

Development of this site with multi-family housing is supported by existing public facilities and the site is not identified as a natural hazard area. Granting the plan map and zone map amendment from heavy industrial to high-density residential would be consistent with the Land Use Element of the Comprehensive Plan by addressing a clearly documented demand for more residential lands.

#### **IV. ENVIRONMENTAL CONCERNS ELEMENT**

##### **Goals:**

- 1. To protect identified natural and historical resources.**

**2. To prevent air, water, land, and noise pollution.**

**3. To protect lives and property from natural hazards.**

**Response:** This site does not have any identified natural or historical resources, nor is it on land susceptible to natural hazards. Future development on the site will be subject to the Canby zoning code, which controls from pollution impacts.

### **Resources**

**Policy 1-R-A: Canby shall direct urban growth such that viable agricultural uses within the urban growth boundary can continue as long as it is economically feasible for them to do so.**

**Response:** This proposal concerns a parcel of land that is not used for agricultural uses. The proposal will have no impact on agriculture within the UGB.

**Policy 1-R-B: Canby shall encourage the urbanization of the least productive agricultural area within the urban growth boundary as a first priority.**

**Response:** This proposal concerns a parcel of land within a long-established, urban area. The land is not viable for agricultural use. The change would be from one intense urban zone to another.

**Policy 2-R: Canby shall maintain and protect surface water and groundwater resources.**

**Response:** This proposal will have no impact on surface water or groundwater resources. Water supply and sanitary sewer connections are through established city lines.

**Policy 3-R: Canby shall require that all existing and future development activities meet the prescribed standards for air, water, and land pollution.**

**Response:** The zoning code enforces these standards. All future development on the site (under either zone) is subject to these protections.

**Policy 4-R: Canby shall seek to mitigate, wherever possible, noise pollution generated from new proposals or existing activities.**

**Response:** Potential noise generated from the proposed zone will be less, on balance, than under existing zoning. Canby's code regulates noise from new development and existing activities.

**Policy 5-R: Canby shall support local sand and gravel operations and will cooperate with county and state agencies in the review of aggregate removal applications.**

**Response:** The proposal is not related to sand and gravel operations.

**Policy 6-R: Canby shall preserve and, where possible, encourage restoration of historic sites and buildings.**

**Response:** There are no historic sites and buildings on the site of the proposed change. This policy does not apply.

**Policy 7-R: Canby shall seek to improve the overall scenic and aesthetic qualities of the city.**

**Response:** The change in zoning from industrial to residential will allow a greater variety of architectural interest that could produce development with improved scenic and aesthetic value. A conceptual design for the site showed a development with scenic and aesthetic value.

**Policy 8-R: Canby shall seek to preserve and maintain open space where appropriate and where compatible with other land uses.**

**Response:** The site is currently designated for industrial development; the change will cause it to be designated for residential development. Neither development will affect the preservation or maintenance of open space within Canby as no open space is designated for this site that is adjacent to a fully developed city park.

**Policy 9-R: Canby shall attempt to minimize the adverse impacts of new developments on fish and wildlife habitats.**

**Response:** The site proposed for the zone change contains no fish or wildlife habitat. Development on the site will not impact fish or wildlife habitat in Canby.

**Policy 10-R: Canby shall attempt to minimize the adverse impacts of new developments on wetlands.**

**Response:** The site proposed for the zone change contains no wetlands. Development on the site will not impact wetlands in Canby.

## **Hazards**

**Policy 1-H: Canby shall restrict urbanization in areas of identified steep slopes.**

**Response:** The site proposed for the zone change contains no steep slopes.

**Policy 2-H: Canby shall continue to participate in and shall actively support the federal flood insurance program.**

**Response:** This policy is directed toward action by city officials and not applicants. For this reason, the policy is not directly applicable.

**Policy 3-H: Canby shall seek to inform property owners and builders of the potential risks associated with construction in areas of expansive soils, high water tables, and shallow topsoil.**

**Response:** This policy is directed toward action by city officials and not applicants. For this reason, the policy is not directly applicable.



## **V. TRANSPORTATION ELEMENT**

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

**Response:** The applicant submitted a Transportation Impact Study (TIS) detailing the performance of three nearby intersections in the year 2030. The performance is forecast both as base scenario under current zoning and comprehensive plan designation and under the amended zoning and comprehensive plan designation. The TIS found that operations at the intersections of: Highway 99E/S Sequoia Parkway; S Sequoia Parkway/SE Hazel Dell Way; and S Sequoia Parkway/S Township Road would be substantially the same regardless of the approval of this proposal. However, the TIS did find a deficiency with the operation of the intersection of S Sequoia Parkway/SE Hazel Dell Way that should be addressed regardless of this proposal. This is detailed further in this report in Section 16.88.190.

All other components of the Transportation Element are satisfied as this site is adjacent to existing public streets with adequate capacity and frontage to support the future residential development of this site. The Applicant is aware of a deficiency of sidewalk along S. Sequoia and that this may be an exaction required with a future development permit. This site is not adjacent to Highway 99E or to the Willamette River, thus policies relating to these facilities are not applicable to this application.

As detailed above, approval of the comprehensive plan map and zoning map amendments from heavy industrial to high-density residential would be consistent with the Transportation Element of the Comprehensive Plan.

**Policy 1: Canby shall provide the necessary improvement to city streets, and will encourage the county to make the same commitment to local county roads, in an effort to keep pace with growth.**

**Response:** This policy is directed toward action by city officials and not applicants. For this reason, the policy is not directly applicable.

**Policy 2: Canby shall work cooperatively with developers to assure that new streets are constructed in a timely fashion to meet the city's growth needs.**

**Response:** This policy is directed toward action by city officials and not applicants. For this reason, the policy is not directly applicable. Regardless, the site of the proposal is located with frontage on a fully developed street.

**Policy 3: Canby shall attempt to improve its problem intersections, in keeping with its policies for upgrading or new construction of roads.**

**Response:** This policy is directed toward action by city officials and not applicants. For this reason, the policy is not directly applicable. The transportation system in the area of the site is capable of handling the expected volumes of traffic under proposed zoning.

**Policy 4: Canby shall work to provide an adequate sidewalk and pedestrian pathway system to serve all residents.**

**Response:** This policy is directed toward action by city officials and not applicants. For this reason, the policy is not directly applicable. Future development of the site may be conditioned to provide sidewalks and/or pathways.

**Policy 5: Canby shall actively work toward the construction of a functional overpass or underpass to allow for traffic movement between the north and south side of town.**

**Response:** This policy is directed toward action by city officials and not applicants. For this reason, the policy is not directly applicable. Rezoning the subject site has no impact on this issue.

**Policy 6: Canby shall continue in its efforts to assure that all new developments provide adequate access for emergency response vehicles and for the safety and convenience of the general public.**

**Response:** This policy is carried out by the zoning code. Any new development on the site will be subject to emergency access requirements at the time of development.

**Policy 7: Canby shall provide appropriate facilities for bicycles and, if found to be needed, for other slow moving, energy efficient vehicles.**

**Response:** This policy is addressed by the city's transportation system plan, and not directed at individual applicants. For this reason, the policy is not directly applicable.

**Policy 8: Canby shall work cooperatively with the State Department of Transportation and the South Pacific Railroad Company in order to assure the safe utilization of the rail facilities.**

**Response:** The subject site is adjacent to a rail spur that will not be affected by the proposed change in zoning. Development on the site will have no impact on the safe utilization of this rail facility.

**Policy 9: Canby shall support efforts to improve and expand nearby air transport facilities.**

**Response:** This policy is directed toward action by city officials and not applicants. For this reason, the policy is not directly applicable.

**Policy 10: Canby shall work to expand mass transit opportunities on both a regional and an intra-city basis.**

**Response:** Bus service is available near the site. This policy is addressed by the city's transportation system plan, and not directed at individual applicants. For this reason, the policy is not directly applicable.

**Policy 11: Canby shall work with private developers and public agencies in the interest of maintaining the transportation significance as well as environmental and recreational significance of the Willamette River.**

**Response:** The subject site is not on or near the Willamette River. This policy does not apply.

**Policy 12: Canby shall actively promote improvements to state highways and connecting county roads which affect access to the city.**

**Response:** This policy is addressed by the city's transportation system plan, and not directed at individual applicants. For this reason, the policy is not directly applicable.

## **VI. PUBLIC FACILITIES AND SERVICES ELEMENT**

**Goal: To assure the provision of a full range of public facilities and services to meet the needs of the residents and property owners of Canby.**

**Response:** All required public facilities exist to serve the site, which is surrounded by urban development. These facilities include connections to water, sewer, power, and transportation. Community Development and Public Works staff confirmed that all the necessary public facilities and services exist or will be provided at time of development.

The proposed comprehensive plan map and zoning map amendments are consistent with the Public Facilities and Services Element of the Comprehensive Plan because the site is adjacent to existing facilities for water and waste water. The site is also served by electricity, natural gas and broadband internet service. Storm water management will occur on the site. No capacity issues have been identified in the facilities that will be used to serve this site, and no facilities have been identified as needing expansion to support this development.

**Policy 1: Canby shall work closely and cooperate with all entities and agencies providing public facilities and services.**

**Response:** This policy is directed toward action by city officials and not applicants. For this reason, the policy is not directly applicable.

**Policy 2: Canby shall utilize all feasible means of financing needed public improvements and shall do so in an equitable manner.**

**Response:** This policy is directed toward action by city officials and not applicants. For this reason, the policy is not directly applicable.

**Policy 3: Canby shall adopt and periodically update a capital improvement program for major city projects.**

**Response:** This policy is directed toward action by city officials and not applicants. For this reason, the policy is not directly applicable.

**Policy 4: Canby shall strive to keep the internal organization of city government current with changing circumstances in the community.**

**Response:** This policy is directed toward action by city officials and not applicants. For this reason, the policy is not directly applicable.

**Policy 5: Canby shall assure that adequate sites are provided for public school and recreation facilities.**

**Response:** This site is located adjacent to a public park that will not be affected by development under the proposed change in zoning. No schools or recreation facilities are identified for this property.

## **VII. ECONOMIC ELEMENT**

**Goal: To diversify and improve the economy of the city of Canby.**

**Response:** Employers in Canby have noted a lack of housing available to employees in the City. Granting these amendments could go a long way to addressing the identified lack of workforce housing. This will allow further diversification and improvement of the economy of Canby as a whole.

**Policy 1: Canby shall promote increased industrial development at appropriate locations.**

**Response:** Granting the proposed amendments promotes increased industrial development within the Pioneer Industrial Park (PIP), an appropriate location as designated by the City. The subject site is awkwardly shaped for industrial development but is ideally shaped for multi-family residential development. The awkward shape of the site has been a deterrent to industrial users looking to locate in the area, as evidenced by the seven years the property owner has marketed the property for industrial use.

The placement of workforce housing adjacent to the industrial area further promotes increased industrial development in the PIP by providing an employment base identified by industrial owners as lacking in this area of Canby. The proposed change will enhance the City's ability to promote industrial development at the appropriate location of the Pioneer Industrial Park.

**Policy 2: Canby shall encourage further commercial development and redevelopment at appropriate locations.**

**Response:** The subject site is not appropriate for commercial or industrial development. The site is, however, adjacent to commercial development, making it the ideal location to provide apartment housing. Removal of this site from the industrial land base does not affect commercial development possibilities in the appropriate locations of the City.

**Policy 3: Canby shall encourage economic programs and projects which will lead to an increase in local employment opportunities.**

**Response:** The proposal will directly lead to a project that will increase local employment opportunities. The conversion of this site to residential is intended to provide local employers with a local work force. In return, the availability of a nearby workforce will encourage potential industrial users to locate in the Pioneer Industrial Park. The proposed comprehensive plan map and zoning map amendments will lead to an increase in local employment opportunities and should be encouraged by the City.

**Policy 4: Canby shall consider agricultural operations which contribute to the local economy as part of the economic base of the community and shall seek to maintain these as viable economic operations.**

**Response:** This site is neither an agricultural operation nor suited for that use. This policy does not directly apply.

## **VIII. HOUSING ELEMENT**

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

As this is an application to convert industrial land to residential land, the Housing Element of the Comprehensive Plan is largely applicable.

**Policy 1: Canby shall adopt and implement an urban growth boundary which will adequately provide space for new housing starts to support an increase in population to a total of 20,000 persons.**

**Response:** No changes to the Urban Growth Boundary (UGB) are proposed. However, addition of residential land within the UGB will support this policy of providing adequate land for new housing starts to support an increase in population.

**Policy 2: Canby shall encourage a gradual increase in housing density as a response to the increase in housing costs and the need for more rental housing.**

**Response:** This policy is particularly pertinent to this application for a rezone to R-2, high-density residential. This comprehensive plan map/zone map amendment would increase density and provide more diversity in housing type.



**Policy 3: Canby shall coordinate the location of higher density housing with the ability of the city to provide utilities, public facilities, and a functional transportation network.**

**Response:** Policy 3 is directly applicable in that this site is fully served by utilities, transportation facilities, is adjacent to a public park, shopping opportunities and a transit stop. This site is ideally suited for location of high-density residential housing.

**Policy 4: Canby shall encourage the development of housing for low income persons and the integration of that housing into a variety of residential areas within the city.**

**Response:** The proposed comprehensive plan map and zoning map amendments are intended to result in apartment development, including one-, two- and three-bedroom options. This diversity of housing options provides a much-needed mix of housing types and price points, all of which are much lower than the majority of Canby's housing stock- owner-occupied single-family detached dwellings.

**Policy 5: Canby shall provide opportunities for mobile home developments in all residential zones, subject to appropriate design standards.**

**Response:** This policy is directed toward action by City officials and, as such, is not applicable.

## **IX: ENERGY CONSERVATION ELEMENT**

**Goal: To conserve energy and encourage the use of renewable resources in place of non-renewable resources.**

**Response:** This proposal is for a change in zoning on an undeveloped parcel. Any development that follows will be subject to the Canby zoning code and building code requirements, which encourage the use of renewable resources.

**Policy 1: Canby shall encourage energy conservation and efficiency measures in construction practices.**

**Response:** This proposal is for a change in zoning on an undeveloped parcel. Any development that follows will be subject to the Canby zoning code and building code requirements, which incorporate incentives for energy conservation.

**Policy 2: Canby shall encourage development projects which take advantage of wind and solar orientation and utilization.**

**Response:** This proposal is for a change in zoning on an undeveloped parcel. Any development that follows will be subject to the Canby zoning code and building code requirements, which incorporate incentives for energy conservation.

**Policy 3: Canby shall strive to increase consumer protection in the area of solar design and construction.**

**Response:** This policy is directed toward action by city officials. It does not apply to this proposal.

Policy 4: Canby shall attempt to reduce wasteful patterns of energy consumption in transportation systems.

**Response:** This policy is addressed by the city's transportation system plan. It does not apply to this proposal.

**Policy 5: Canby shall continue to promote energy efficiency and the use of renewable resources.**

**Response:** There will be no net change in energy use from the change in zoning on the parcel.

Any future development will be subject to the Canby zoning code and building code requirements, which incorporate incentives for energy conservation.

## **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**

This land use application is subject to a City of Canby Type IV land use review, which includes a significant citizen involvement component. 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**

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 7.6 acres in size and vacant. The parcel is immediately adjacent to commercial uses and a public park, as well as industrially zoned land. The site is well-served by a full range of urban services, including transportation, water, sewer, storm water, and police and fire protection.

The proposed comprehensive plan map and zoning map amendments would result in high-density residential development adjacent to a large commercial development with mass transit availability, a medical plaza, a public park and various types of industrial and office-type development. This “smart growth”, mixed-use type approach to development reduces strain on natural resources by reducing vehicle trips. This type of development also enhances public health by promoting walking and cycling to nearby services, shops, jobs and Arneson Garden Park. The addition of apartments to this area encourages employers to locate within the Pioneer Industrial Park and look locally when seeking to fill vacancies. For these reasons, this proposed residential development results in orderly, efficient, aesthetically pleasing development suitably related to other land uses in the vicinity.

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**

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**

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**

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**

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. For example, the conceptual future apartments must meet storm water quality requirements at the time of development regardless of their underlying zone. 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**

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**

The site has never been considered useful as a park or for other recreational land uses. These goals do not apply. A zone change would not affect recreation opportunities anywhere else in Canby. In fact, approving the proposed zone change may encourage greater use of the public park that is adjacent to the north of the site.

### **Goal 9 Economic Development**

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

The Canby Comprehensive Plan has been acknowledged in compliance with Goal 9. OAR 660-009 (Industrial and Commercial Development) outlines the standards and criteria to comply with Goal 9. OAR 660-009-0010(4) outlines the standards and criteria to address any changes to acknowledged commercial, industrial and other employment areas. This Section of the OAR requires any jurisdiction which changes its plan designations of lands in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or an other employment use designation to any other use designation to address all applicable planning requirements and;

- a. Demonstrate that the proposed amendment is consistent with its most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan which address the requirements of this division; or*
- b. Amend its comprehensive plan to incorporate the proposed amendment, consistent with the requirements of this division; or*
- c. Adopt a combination of the above, consistent with the requirements of this division.*

Although the City of Canby does not have a current Economic Opportunities Analysis, the City has demonstrated that the proposed amendment is consistent with the economic development parts of its acknowledged comprehensive plan, satisfying subsection a. above, as detailed below.

The City produced an “Industrial Employment Land Supply & Demand Analysis” on July 20, 2015. This analysis was utilized population projections from the 2013 Clackamas County Coordinated Rural Cities study, along with employment numbers from the City’s 2010 Transportation System Plan. The was combined with a 2014 Clackamas County Non-Retail Employment Land Demand Analysis indicating square feet needed per employee by industrial job sector along with Floor Area Ratio demand per square

foot in the same study to arrive at both a low and high demand for acres of industrial lands needed in the Pioneer Industrial Park (PIP) by 2035. This was fine tuned using the 2012 FSC Group Cluster analysis.

The results of the analysis show a demand between 170 to 224 acres of industrial land needed by 2035 in the PIP and a current supply within the PIP of 272.72 acres, comprised of 164.72 completely vacant acres and 108 re-developable acres. This current supply of vacant and re-developable industrial land in the Pioneer Industrial Park greatly exceeds the projected need by 2035 and, therefore, removal of 7.6 acres of industrial land will not negligibly affect the City's ability to provide industrial development opportunities.

In addition, the City of Canby adopted an Economic Development Strategy in 2013, incorporating an Economic Preparedness Assessment conducted in conjunction with Clackamas County, as well as the 2013 Canby Vision, the 2012 Canby Retail Market Analysis and the 2012 Canby Business Survey.

The Economic Development Strategy includes three key areas of focus:

- ☐ Support Existing Canby Businesses
- ☐ Recruit New Businesses and Development
- ☐ Ensure that Canby Remains an Attractive Place for Business

#### Support Existing Canby Businesses

This area of focus is applicable in that the provision of workforce housing will allow business owners to look locally when filling vacancies. The residents of the apartments will also become additional patrons to existing Canby businesses, further complying with this area of focus.

#### Recruit New Businesses and Development

This is an applicable area of focus because the site is currently zoned M-2 for heavy industrial development. However, the owner has aggressively marketed the property for 7 years to industrial users and has been unable to raise interest in the site, even when the property has been marketed at below-market values. The site is shaped oddly for a large-scale industrial user. These types of businesses typically develop in a linear fashion- rectangular buildings and straight driveways for loading docks and movement of heavy machinery. As such, this site is ill-suited to the type of development for which it is zoned. This proposal does not include a 5-acre portion of the site that would remain industrially zoned and would be sized and shaped more appropriately for this type of use. In addition, conversion of this site to high density residential and providing workforce housing is an incentive to future businesses looking to locate in Canby. Workforce availability is an increasingly important factor in business relocation decisions. Future business interest in the Pioneer Industrial Park, the primary industrial area in the city, will be enhanced by a employer's ability to identify workforce housing within walking distance of work, shopping, a public park and a key transit stop. As such, this proposal is consistent with this area of focus.

#### Ensure that Canby Remains an Attractive Place for Business



As stated above, provision of an adequate stock of workforce housing is an attraction to businesses looking to locate in Canby. In addition, as this site is not well-suited to industrial development, removal of the majority of this site from the industrial database allows the City to focus efforts on promoting industrial development on one of the 30 other industrial sites in the Pioneer Industrial Park, or elsewhere in the City or UGB.

This proposal is consistent with Goal 9 as the conversion of this industrial site to residential will not adversely affect available industrial land (as detailed in the City's "Industrial Employment Land Supply & Demand Analysis"), will support industrial development by providing needed workforce housing, and is in compliance with the City's Economic Development Strategy, as discussed in detail above.

### **Goal 10 Housing**

The subject site is ideally suited to residential development due to its awkward configuration and location adjacent to a large commercial development with mass transit availability, a medical plaza, a public park and various types of industrial and office-type development. Additionally, the high-density housing proposed on this site will increase the diversity of housing options and price points available in Canby. The City has an identified lack of apartment-type housing available and a shortage of R-2 land on which this type of development could occur. Conversion of this 7.6 acre parcel to R-2 zoning would go a long way in addressing this identified need for multi-family housing in Canby.

### **Goal 11 Public Facilities and Services**

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, and from a transportation analysis that is submitted with these findings. Public services are adequate to meet projected demand under the new plan designation and zoning.

### **Goal 12 Transportation**

The Transportation Planning Rule (TPR), OAR 600-012.0060, requires that, where an amendment to a comprehensive plan or zoning regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures that assure that allowed land uses are consistent with the function, capacity, and performance standards of the facility. This application is for an amendment to the comprehensive plan and the zoning regulation and, as such, the proposed changes must comply with the TPR.

This application includes a Transportation Impact Study (TIS) completed by DKS Associates on April 8, 2015. The TIS measures impacts to the transportation system by estimating the change in vehicle trips

resulting from this proposed zone and comprehensive plan designation change. The analysis compares the transportation system performance under the current comprehensive plan/zoning designation reasonable worst-case scenario to the performance under the proposed comprehensive plan/zoning designation reasonable worst-case scenario.

As detailed in the submitted Transportation Impact Study (TIS), the following table shows the requisite reasonable worst-case scenario analysis.

	Comprehensive Plan Designation	Zoning	Land Use (ITE Code)	Units	Daily Trips	PM Trips Entering	PM Trips Exiting
Existing	Heavy Industrial (HI)	M-2	Warehousing (150)	7.6 acres	435	23	43
Proposed	High Density Residential (HDR)	R-2	Apartment (220)	182 dwelling units	1,213	73	40
<b>Change</b>					<b>+778</b>	<b>+50</b>	<b>-3</b>

While the Applicant does not intend to construct 182 dwelling units on this site, this is the reasonable worst-case scenario and therefore must be analyzed as the comparison to the existing reasonable worst-case scenario. Based on the above table, 778 additional daily trips are forecast to be generated by the comprehensive plan/zone change under reasonable worst-case scenario development assumptions. This number exceeds the threshold of 400 daily trips per the TPR to trigger a significant impact, and requires intersection operational analysis.

The following intersections were analyzed for impacts based on this proposed amendment:

1. Highway 99E/S Sequoia Parkway
2. S Sequoia Parkway/SE Hazel Dell Way
3. S Sequoia Parkway/S Township Road

The analysis included in the submitted TIS demonstrates that 2030 PM Peak Hour Intersection Operations (Level of Service or LOS) will not change based on the approval of this comprehensive plan map and zoning map amendment. However, because the intersection of S Sequoia Parkway and S Hazel Dell Way will perform at a LOS F in 2030 regardless of this development, the following recommendations are included in the Transportation Impact Study:

1. Amend the TSP to include a signal at S Sequoia Parkway/S Hazel Dell Way in the financially constrained project list. This would change the 2030 LOS from F to C, consistent with the City's mobility target. *This signal is needed regardless of this zone change approval.*
2. Consider amending the System Development Charge (SDC) project list to include this project, potentially by removing a project of similar cost from the list.

### **Goal 13 Energy Conservation**

There are no identifiable energy consequences of this land use action. The property that is proposed to be changed is vacant, and has virtually no energy footprint. 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 an existing vacant parcel that is 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**

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**

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.

**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. (Ord. 749 section 1(B), 1984; Ord.740 section 10.3.85(D), 1984)**

<b>Applicant's Finding:</b>	Based on discussions with the City and the pre-application notes, the applicant notes that there is adequate access to the lot via public streets, that sanitary sewer is available to serve the site from one of two laterals (one at Arneson Garden Park and the other located near the middle of the property's frontage on S. Sequoia Parkway. The site is also served by power, natural gas and could easily be served by gigabit broadband
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internet service. Drainage will be treated on-site, consistent with Canby stormwater management standards. The Applicant understands that certain street improvements, such as sidewalks and planter strips, may be required at time of development review for the proposed apartments.

The requirements of this section have been satisfied.

#### **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.**

**Applicant's Finding:** At the pre-application meeting, the Planning Director identified two areas where conditions of approval may be appropriate for the future residential development of the site. The two areas are:

- ☐ Buffer between the 7.6 acre residential parcel and the 5 acre industrial parcel, and between the residential parcel and the railroad spur
- ☐ Restrictions on the intensity of uses permitted on the 5 acre M-2 (Heavy Industrial) parcel to ensure compatibility with adjacent residential development

**Buffer:** The property owner intends to construct and own the apartment buildings over time and fully agrees that a buffer is necessary and advantageous. The site design could include such design elements as berms, landscaped strips with mature vegetation and spacing between the residential buildings and the industrial use and the railroad spur. In addition, the owner will consider the location of non-habitable buildings (garages) adjacent to the remaining industrial portion of the site to create an even greater buffer between the residences and the industrial use. Regardless of any buffering on the residential development site, the future development of the remaining 5-acre M-2 zoned property will be required to provide a 20-foot setback on the property line abutting the residential zone and screening for any outside storage areas, per Section 16.34.030 of the Canby Land Development and Planning Ordinance.

**Restrictions:** The property owner has developed industrial property in the past and prefers a higher level of construction, lower intensity, light industrial type development. The owner would not object to restricting the 5 acre industrial parcel from development at a heavy industrial use level.

The requirements of this section can be met with the proposed restrictions and buffers.

**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 or 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. (Ord. 749 section 1(C), 1984; Ord. 740 section 10.3.85 (F). 1984)**

**Applicant's Finding:** The Applicant does not anticipate the City's use of improvement conditions to prevent the planned development. Historically, property zoned R-2 has been largely developed at below-anticipated density (i.e. single-family detached residential, a housing type more suited to the R-1 zoning designation). The proposed housing densities at future construction are planned to be within the allowable density range for the R-2 zone, bringing the City's overall housing density more in line with the anticipated densities in the Comprehensive Plan.

The requirements of this section have been satisfied.

## **Chapter 16.58 LOT LINE ADJUSTMENT**

### **16.58.030 Review by Planner and Engineer**

**The City Planner and City Engineer shall review the proposed lot line adjustment and shall determine whether the following criteria have been met:**

**A. Each of the remaining parcels and any structures located thereon shall be in full compliance with all regulations of this title, including the setback requirements of Division III. Except, however, that lot line adjustments are permitted on nonconforming lots and lots with nonconforming structures provided that the nonconforming lots and structures will be no less in conformity as a result of the lot line adjustment.**

**Applicant's Finding:** The two remaining parcels are large and are in full compliance with all regulations of this title. Setbacks are not applicable at this time as there are no existing structures; however, any future development of the lots will be reviewed for compliance with all setback standards.

The requirements of this section have been satisfied.

**B. No new lots or parcels will be created as a result of the lot line adjustment without receiving approval as a partition or subdivision.**

**Applicant's Finding:** There are two existing parcels and two proposed parcels. No new lots or parcels will be created as a result of this lot line adjustment.

The requirements of this section have been satisfied.



**C. If the City Planner or city engineer deems it necessary to assure the accuracy of recorded information, a survey may be required of the applicant. Such a survey will be at the applicant's cost.**

**Applicant's Finding:** The applicant acknowledges the possibility of the City requiring a survey and is willing to fund it as needed.

The requirements of this section have been satisfied.

**D. Lot line adjustments shall not be permitted where the result will be the creation of additional building sites in known hazardous locations or where the appropriate development or extension of public facilities will be impaired as a result. (Ord. 740 section 10.4.20(B), 1984)**

**Applicant's Finding:** The location of this lot line adjustment will not create building sites in known hazardous locations or impair extension of public facilities.

The requirements of this section have been satisfied.

## **Chapter 16.88 GENERAL STANDARDS AND PROCEDURES**

### **16.88.180 Comprehensive Plan Amendments**

**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.**

**Applicant's Finding:** This amendment to the Comprehensive Plan is being initiated by the property owner. The Applicant acknowledges the timeframe for recommendation by the Planning Commission to the Council.

The requirements of this section have been satisfied.

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

**Applicant's Finding:** This application has been submitted according to all listed procedures and was accompanied by the appropriate fee.

The requirements of this section have been satisfied.

**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.**

**Applicant's Finding:** This application is being initiated by the property owner and is only applicable to this property and, therefore, the standards of subsection D. (Quasi-judicial Plan Amendment Standards and Criteria) are the applicable criteria to this application.

The requirements of this section have been satisfied.

**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;**

**Applicant's Finding:** 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. Clackamas County allows each incorporated City purview over land use applications within the jurisdiction; however, the County will be provided an opportunity to comment on the proposal through the agency review portion of the City's land use review. The Canby School District has been contacted but has not responded as of the date of this report. However, an increase in students to the local schools will result in increased state and federal funding, benefitting the district as a whole.

The requirements of this section have been satisfied.

**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)**

**Applicant's Finding:** Public facilities and services exist to serve the site, as detailed above in Section 16.54.040.B.

The requirements of this section have been satisfied.

**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)**

**Applicant's** Based on the submitted Transportation Impact Study (TIS), no highway projects were

**Finding:** identified as necessary as part of this proposal. In fact, as detailed in the TIS, the 2030 PM Peak Hour Intersection Operations under the current comp plan/zoning designation is exactly the same as 2030 PM Peak Hour Intersection Operations after approval of the proposed comp plan map/zoning map amendment. ODOT will be provided the opportunity to comment on this proposal via the agency review portion of the City's land use review.

The requirements of this section have been satisfied.

#### **16.88.190 Conformance with Transportation System Plan and Transportation Planning Rule**

**A. A proposed comprehensive plan amendment, zone change or land use regulation change, whether initiated by the city or by a private interest, shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with the Transportation Planning Rule (OAR 660-012-0060). A plan or land use regulation amendment significantly affects a transportation facility if it:**

- 1. Changes the functional classification of an existing or planned transportation facility;**
- 2. Changes standards implementing a functional classification system;**
- 3. As measured at the end of the planning period identified in the adopted plan:**
  - a. Allows types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or**
  - b. Would reduce the performance of the facility below the minimum acceptable performance standard identified in the Transportation System Plan;**
  - c. Would worsen the performance of a facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the Transportation System Plan.**

**Applicant's Finding:** The Transportation Planning Rule (TPR), OAR 600-012.0060, requires that, where an amendment to a comprehensive plan or zoning regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures that assure that allowed land uses are consistent with the function, capacity, and performance standards of the facility. This application is for an amendment to the comprehensive plan and the zoning regulation and, as such, the proposed changes must comply with the TPR.

This application includes a Transportation Impact Study (TIS) completed by DKS Associates on April 8, 2015. This TIS measures impacts by estimating the change in vehicle trips on the transportation system resulting from this proposed zone and comprehensive plan designation change. The analysis compares the transportation system performance under the current comprehensive plan/zoning designation reasonable worst-case scenario to the performance under the proposed comprehensive plan/zoning designation reasonable worst-case scenario.

The requirements of this section have been satisfied.

**B. Amendments to the comprehensive plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and performance standards (e.g., level of service, volume to capacity ratio, etc.) of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:**

- 1. Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.**
- 2. Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of Section – 0060 of the TPR. Such amendments shall include a funding plan or other mechanism so that the facility, improvement or service will be provided by the end of the planning period.**
- 3. Altering land use designations, densities, or design requirements to reduce demand for vehicle travel and meet travel needs through other modes of transportation.**
- 4. Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.**
- 5. Providing other measures as a condition of development, including transportation system management measures, demand management or minor transportation improvements.**

**Applicant's Finding:** As detailed in the submitted Transportation Impact Study (TIS), the following table shows the requisite reasonable worst-case scenario analysis.

	Comprehensive Plan Designation	Zoning	Land Use (ITE Code)	Units	Daily Trips	PM Trips Entering	PM Trips Exiting
Existing	Heavy Industrial (HI)	M-2	Warehousing (150)	7.6 acres	435	23	43
Proposed	High Density Residential (HDR)	R-2	Apartment (220)	182 dwelling units	1,213	73	40
Change					+778	+50	-3

While the Applicant does not intend to construct 182 dwelling units on this site, this is the reasonable worst-case scenario and therefore must be analyzed as the comparison to the existing reasonable worst-case scenario. Based on the above table, 778 additional daily trips are forecast to be generated by the comprehensive plan/zone change under reasonable worst-case scenario development assumptions. This number exceeds the threshold of 400 daily trips per the TPR to trigger a significant impact, and requires intersection operational analysis.

The following intersections were analyzed for impacts based on this proposed amendment:

1. Highway 99E/S Sequoia Parkway
2. S Sequoia Parkway/SE Hazel Dell Way
3. S Sequoia Parkway/S Township Road

The analysis included in the submitted TIS demonstrates that 2030 PM Peak Hour

Intersection Operations (Level of Service or LOS) will not change based on the approval of this comprehensive plan map and zoning map amendment. However, because the intersection of S Sequoia Parkway and S Hazel Dell Way will perform at a LOS F in 2030 regardless of this development, the following recommendations are included in the Transportation Impact Study:

1. Amend the TSP to include a signal at S Sequoia Parkway/S Hazel Dell Way in the financially constrained project list. This would change the 2030 LOS from F to C, consistent with the City's mobility target. *This signal is needed regardless of this zone change approval.*
2. Consider amending the System Development Charge (SDC) project list to include this project, potentially by removing a project of similar cost from the list.

The requirements of this section have been satisfied.

**C. A Traffic Impact Study may be required by the City in accordance with Section 16.08.150. (Ord. 1043, section 3, 2000; Ord. 1237, 2007; Ord. 1340, 2011)**

**Applicant's** A Traffic Impact Study is included with this application, as detailed above.

**Finding:** The requirements of this section have been satisfied.

## **CONCLUSION**

Based on the information and findings in this narrative, oral testimony, and all of the additional submitted materials, the proposed comprehensive plan map amendment and zoning map amendment meet all of the criteria for approval. The site's location, size and dimensional configuration make it the ideal location to expand the City's stock of much needed multi-family, work force housing to support the existing and future commercial and industrial businesses in the city. Therefore, the property owner respectfully requests the City of Canby approve this land use application.



This map was prepared for assessment purpose only.

D. L. C.  
PHILANDER LEE NO. 56

CANCELLED

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86-42UR

201-666-0000

3024

CANBY  
2400C  
IE 34C





CHERRY 10M

PROPOSED  
COMPREHENSIVE PLAN MAP  
CHANGE FROM  
HI—HEAVY  
INDUSTRIAL DESIGNATION  
TO  
HDR—HIGH  
DENSITY RESIDENTIAL  
DESIGNATION

&  
PROPOSED  
ZONING MAP  
CHANGE FROM  
M-2—HEAVY  
INDUSTRIAL  
TO  
R-2 HIGH  
DENSITY  
RESIDENTIAL

7.6 ACRES

PROPOSED  
LOT LINE ADJUSTMENT  
BOUNDARY

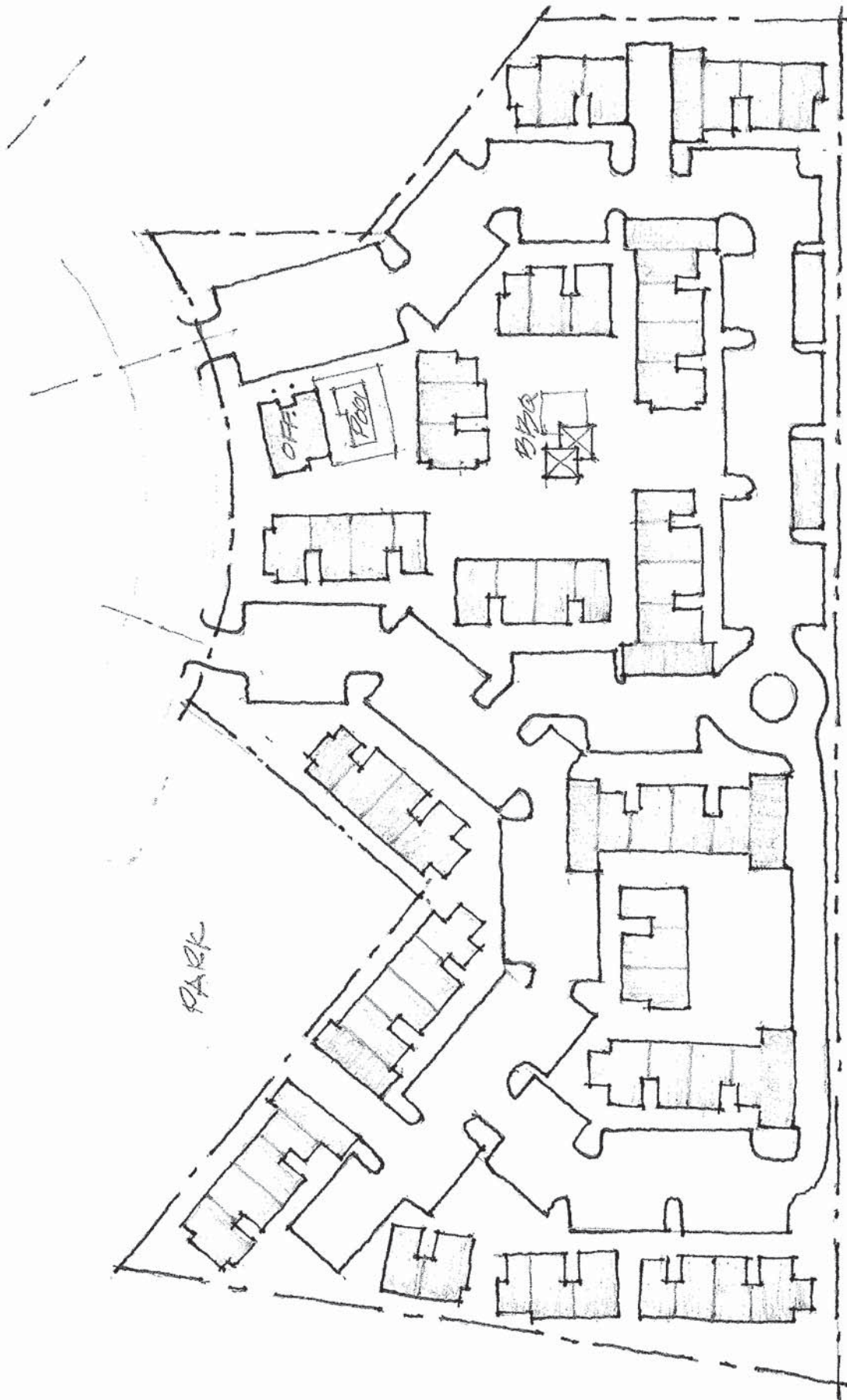
THE COMP PLAN DESIGNATION  
AND ZONING OF THIS PARCEL  
REMAINS H-I AND M-2,  
RESPECTIVELY.

PROPOSED COMPREHENSIVE PLAN MAP  
AND

PROPOSED ZONING MAP CHANGE

TAX LOTS: 31E34C04900 & 31E34C02101

235 S SEQUOIA PARKWAY, PORTIONS OF SW 1/4,  
SECTION 34, T3S, R1E, W.M., CLACKAMAS COUNTY



1910 UNITS - 23 GARAGE SPACES

# MEMORANDUM

**DATE:** April 8, 2015

**TO:** Bryan Brown, City of Canby  
Avi Tayar, ODOT

**FROM:** Steve Boice, P.E., PTOE  
Ray Delahanty, AICP

**SUBJECT:** Canby Commons Apartments  
Transportation Impact Study



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

P#P11010-041

The purpose of this memorandum is to evaluate the transportation impacts of the proposed Canby Commons Apartments development, which will require amending comprehensive plan and zoning designations for approximately 7.6 acres of land in Canby, Oregon. The two subject parcels are located on the west side of S Sequoia Parkway approximately 400 feet south of SE Hazeldell Way (see attached site plan).

This evaluation addresses the Transportation Planning Rule (TPR) requirements for amending the City's adopted plans. The following sections include an overview of the TPR requirements, an assessment of site trip generation and distribution, capacity analysis of study intersections with existing and proposed zoning, and potential mitigations necessary to address any deficiencies triggered by the proposed project.

Land use approval for a specific use would be addressed through subsequent applications and may require additional traffic impact evaluation depending on the proposed use and its unique site plan.

## PROJECT DESCRIPTION

The Canby Commons Apartments proposal includes 136 apartments consisting of one, two, and three bedroom units. The two subject tax lots are listed below, with the location shown in Figure 1.

- 31E34C 04900 - 10.67 acres
- 31E34C 02101 - 1.85 acres

The two tax lots are undeveloped at this time, zoned M-2 (Heavy Industrial), and designated HI (Heavy Industrial) in the City's Comprehensive Plan. The proposed land use action is to rezone 7.6 acres of the two lots from M-2 to R-2 (High Density Residential) and amend the comprehensive plan zoning from HI to HDR (High Density Residential). The remaining portion of the lots would remain the current M-2 zoning and HI comprehensive plan designation. With the proposed rezone, adjustments to the tax lot boundaries would be needed.



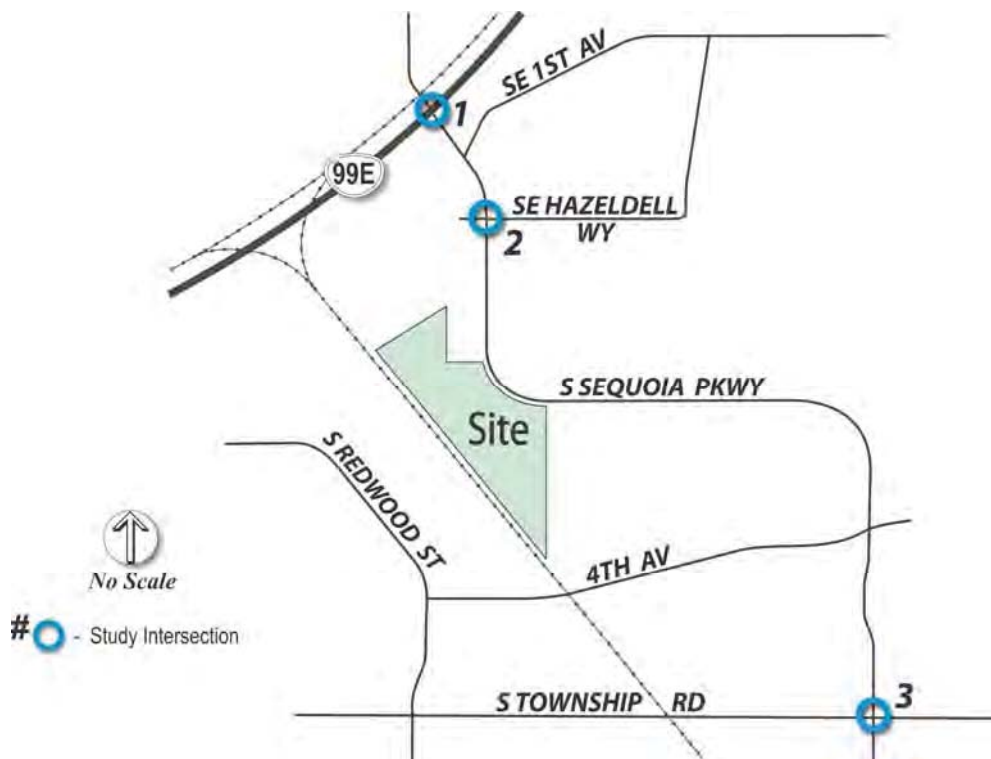


Figure 1: Study Area

## TRANSPORTATION PLANNING RULE ANALYSIS

The Transportation Planning Rule<sup>1</sup> requires that, where an amendment to a comprehensive plan or zoning regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures that assure that allowed land uses are consistent with the function, capacity, and performance standards of the facility. The Canby Commons Apartments project proposes an amendment to the comprehensive plan and zoning map. Therefore, the proposed map changes must comply with the TPR.

The traffic analysis required by the TPR measures impacts by estimating the change in vehicle trips on the transportation system resulting from a comprehensive plan or zoning amendment. Generally, the analysis procedure then compares transportation system performance under the adopted comprehensive plan/zoning designation reasonable worst-case scenario to the performance under a proposed comprehensive plan/zoning designation reasonable worst-case scenario. If the proposed change is found to not have significant transportation system impacts (e.g., fewer estimated trips generated or insignificant offsite impacts from additional trips), no mitigation measures are required.

<sup>1</sup> Oregon Department of Land Conservation and Development. Transportation Planning Rule, Oregon Administrative Rules Chapter 660, Division 12, as amended September 2012.

## TRIP GENERATION AND TRAFFIC FORECASTING

This section documents the steps in the TPR analysis, including trip generation and volume development for the intersection operational analysis.

### Trip Generation

Table 1 documents the land uses assumed for the TPR reasonable worst-case analysis.

**Table 1: Trip Generation Comparison**

	Comprehensive Plan Designation	Zoning	Land Use (ITE Code)	Units	Daily Trips	PM Trips Entering	PM Trips Exiting
<b>Existing</b>	Heavy Industrial (HI)	M-2	Warehousing (150)	7.6 Acres	435	23	43
<b>Proposed</b>	High Density Residential (HDR)	R-2	Apartment (220)	182 dwelling units	1,213	73	40
<b>Change</b>					<b>+778</b>	<b>+50</b>	<b>-3</b>

Source: DKS Associates

Note that this analysis assumes more dwelling units (182 DU) than what is currently proposed (136 DU). This is consistent with TPR analysis, which must assume a reasonable worst case for the High Density Residential plan designation. In this analysis, 24 dwelling units per acre is considered a reasonable worst case under R-2 zoning.

As shown in the table, 778 additional daily trips are forecast to be generated by the Comprehensive Plan change under reasonable worst case development assumptions. This number exceeds the threshold of 400 daily trips to trigger a significant impact as defined in the TPR and require intersection operational analysis.

## Volume Development

The traffic analysis presented below is based on traffic counts collected on Thursday, January 20, 2015. Considering the potential impact area of the trip generation changes listed in Table 1, the following were identified as study intersections:

1. □ Highway 99E/S Sequoia Parkway
2. □ S Sequoia Parkway/SE Hazeldell Way
3. □ S Sequoia Parkway/S Township Road

DKS used seasonal factoring, per ODOT methodology,<sup>2</sup> to reflect 30<sup>th</sup> highest hour conditions in the base year analysis. These seasonally factored volumes were also used as the basis for forecasting future 2030 conditions.

DKS used the City of Canby Travel Forecast Tool to help estimate 2030 traffic volumes. The tool includes both base year (2009) and future year (2030) travel demand models that estimate vehicular demands on the transportation network in the City of Canby. DKS used a 15-year portion of the growth increment between the 2009 and 2030 models to layer onto the 2015 volumes, creating a 2030 p.m. peak hour forecast under Comprehensive Plan conditions.

The Travel Forecast Tool was also used to estimate the routing of the 50 new inbound trips generated by the “reasonable worst case” analysis described above. A total of 30 trips are estimated to come from north of the development, and 20 from the south, as shown in Figure 2.

2015 and 2030 p.m. peak hour volumes for this study are shown in Figures 3 through 5 with discussion of traffic operations under each year and land use scenario in the next section.



**Figure 2: Canby Commons Trip Distribution**

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<sup>2</sup> Seasonal adjustment was based on methodology in ODOT's *Analysis Procedures Manual*. DKS used the Commuter trend at the Highway 99E/S Sequoia Parkway intersection, which factored the January counts up by 16% to reflect 30<sup>th</sup> highest hour conditions.

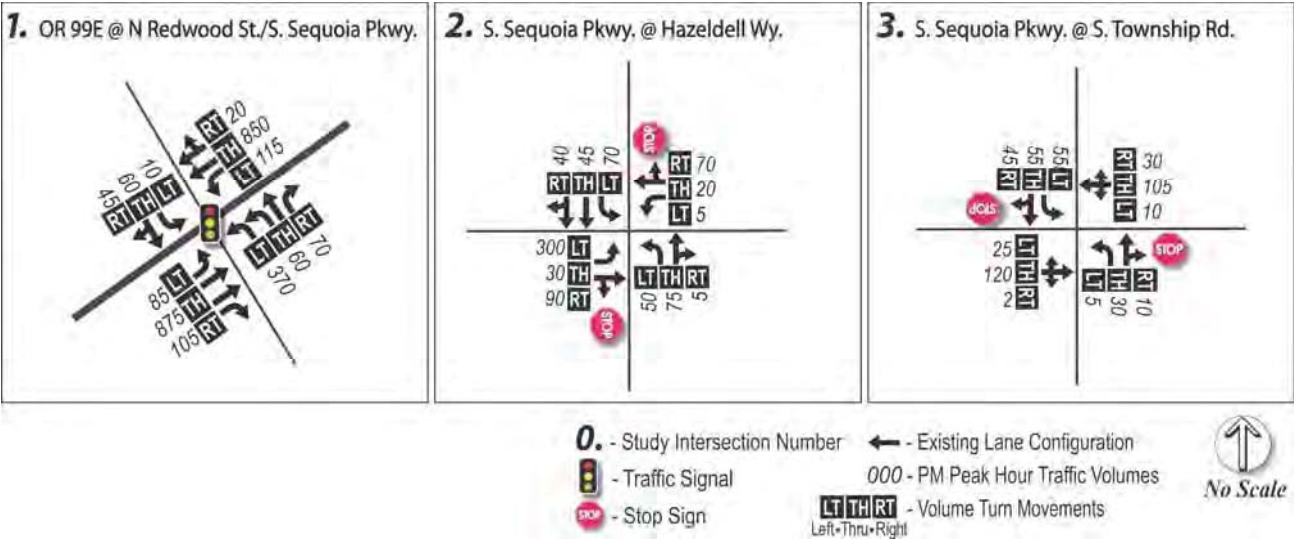


Figure 3: Existing PM Peak Hour Volumes

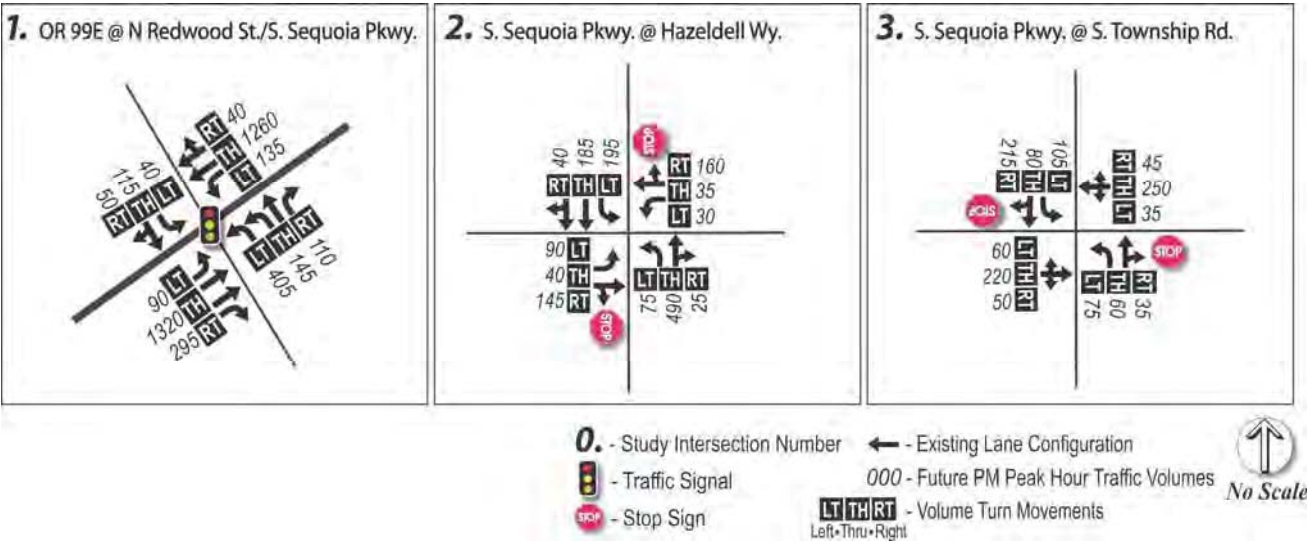
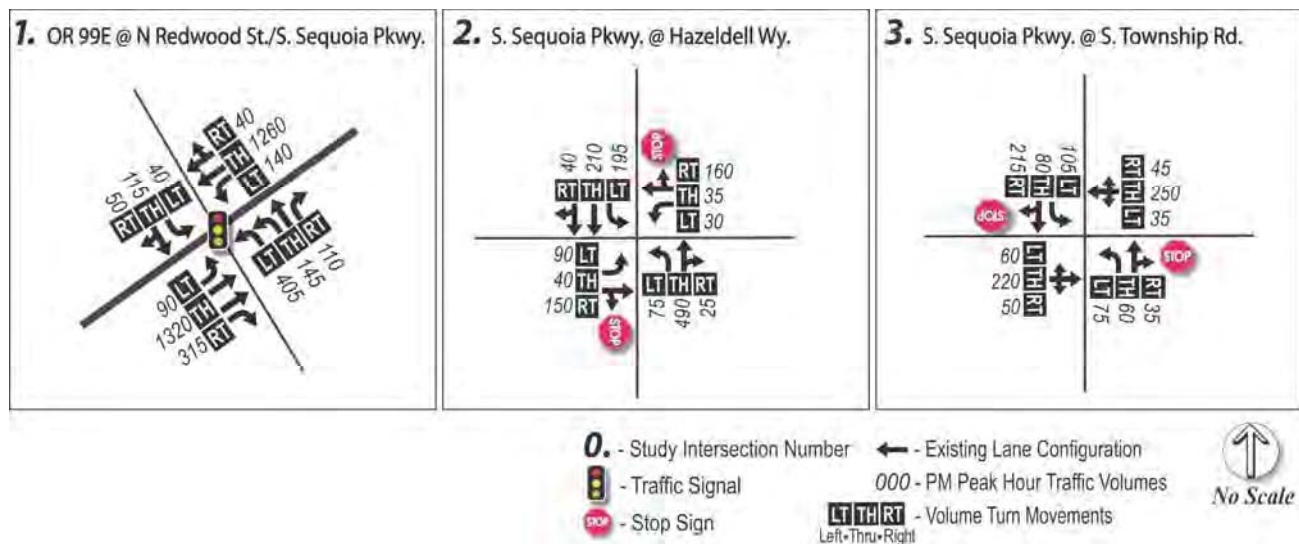


Figure 4: Future 2030 Financially Constrained PM Peak Hour Volumes (Current Land Use Designation)



**Figure 5: Future 2030 Financially Constrained PM Peak Hour Volumes (Proposed Land Use Designation)**

## TRAFFIC ANALYSIS

TPR analysis requires that impacted intersections be evaluated to determine whether traffic operations are degraded and how performance compares to agency standards.

### Intersection Operations

This study evaluates p.m. peak hour intersection operating conditions at study intersections per 2010 Highway Capacity Manual (HCM 2010) methodology for unsignalized intersections and HCM 2000 methodology for signalized intersections using Synchro 8 software. These methodologies result in measures of effectiveness (MOEs) that allow for comparison of performance under different traffic conditions.

#### **Definition of Traffic Measures of Effectiveness**

In Oregon, two measures are commonly used as measures of effectiveness (MOEs) for intersection operations: Level of Service (LOS) and Volume-to-Capacity Ratio (v/c).

- □ LOS is similar to a “report card” rating based upon average vehicle delay. LOS A, B, and C indicate conditions where traffic moves without significant delays over periods of peak hour travel demand. Level of Service D and E are progressively worse peak hour operating conditions. Level of Service F generally represents conditions where demand has exceeded capacity. This condition is typically evident in long queues and delays.
- □ V/C Ratio takes into account the total volume entering an intersection and compares it to the overall intersection capacity to determine a ratio on a scale of 0.0 to 1.0. As an intersection’s v/c ratio approaches 1.0, intersection conditions are more congested, and longer queues and delay exist. V/C is also calculated for individual movements at an intersection.



Jurisdictions typically use one or both of these MOEs as a standard or target to determine whether their facilities are operating acceptably. Standards and targets typically vary by roadway classification or other characteristics. The following are the applicable standards for the roadways in this analysis:

- **Oregon Department of Transportation (ODOT) standards:** Highway 99E at the S Sequoia Parkway intersection is classified as a Regional Highway and has a posted speed of 45 mph. Based on these characteristics, the ODOT mobility target for Highway 99E at this location is a **v/c ratio of 0.85**.<sup>3</sup>
- **City of Canby Standards.** S Sequoia Parkway, S Hazeldell Way, and S Township Road are under City of Canby jurisdiction. City of Canby standards are based on LOS and v/c, with the standard for two-way stop controlled intersections being **LOS E**, and all-way stop-controlled intersections being **LOS D**. The City of Canby v/c standard is 0.90.

## BASE YEAR CONDITIONS

Intersection analysis for 2015 p.m. peak hour conditions, based on the January 2015 counts and seasonal factoring described earlier in this memorandum, is shown in Table 2.

**Table 2: 2015 PM Peak Hour Intersection Operations**

Intersection	Control	Jurisdiction	Mobility Target	LOS	Delay (sec.)	V/C
<b>Highway 99E/S Sequoia Parkway</b>	Signal	ODOT	0.85	D	>50	0.67
<b>S Sequoia Parkway/S Hazeldell Way</b>	TWSC	City of Canby	E/0.90	<b>F</b>	>50 (EBL)	0.86
<b>S Sequoia Parkway/S Township Road</b>	TWSC	City of Canby	E/0.90	C	18 (SBL)	0.21

Source: DKS Associates

**Bold** indicates performance failing to meet targets/standards

<sup>a</sup> Performance of worst movement (eastbound left turn) is shown

Traffic operations at the Highway 99E/S Sequoia Parkway and S Sequoia Parkway/S Township Road intersections are well within agency standards. Operations at the S Sequoia Parkway/S Hazeldell Way intersection do not meet the City standard of LOS E, but do meet the 0.90 v/c standard. The eastbound left movement (out of the Fred Meyer development) is estimated to experience over 50 seconds of average delay. About 300 vehicles make this movement today, and they must wait for gaps in both northbound and southbound traffic as there is no center refuge lane on S Sequoia Parkway.

<sup>3</sup> Oregon Highway Plan Policy 1F, Table 6: Volume-to-Capacity Ratio Targets for Peak Hour Operating Conditions



DKS observed this intersection during a mid-week p.m. peak hour,<sup>4</sup> and found that no more than three vehicles are typically queued at a time in the eastbound left turn lane.

## 2030 FINANCIALLY CONSTRAINED SYSTEM

For TPR analysis, forecasting must assume not only the existing transportation system, but also new projects that are considered reasonably likely to be constructed by the planning horizon year. The Canby Transportation System Plan (TSP) includes a financially constrained project list that includes improvements that are considered reasonably likely to be funded by 2030. Reasonably likely projects are accounted for in the 2030 City of Canby Travel Forecast Tool, and include the following:

- □ **S Township Road/S Sequoia Parkway:** convert to all-way stop and install eastbound and westbound left-turn lanes
- □ **SE 4<sup>th</sup> Avenue Extension (Sequoia Parkway to Mulino Road):** install two-lane collector roadway

The financially constrained system does not include the S Sequoia Parkway Extension (S Township Road to SE 13<sup>th</sup> Avenue), which was constructed after adoption of the Transportation System Plan (TSP). DKS used the forecast tool to test how sensitive the study area traffic volumes are to this network change. DKS found that changes to overall traffic patterns are minor, and changes on S Sequoia Parkway north of S Township Road vary by about +20 or -20 vehicles when the project is included in the forecast tool network. Because the effects were minor, and because the base traffic counts capture the current effect of the extension, forecast growth was not modified to reflect this network change.

## 2030 CONDITIONS: IMPACT ANALYSIS

Table 3 compares intersection operations under the proposed Canby Commons land use to operations under current comprehensive plan designations, upon which the adopted TSP is based. The roadway network assumptions outlined in the 2030 financially constrained scenario of the 2010 TSP were used as the basis for this comparison.

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<sup>4</sup> DKS field visit on Wednesday, January 28, 2015

**Table 3: 2030 PM Peak Hour Intersection Operations Comparison**

Intersection	Control	Jurisdiction	Mobility Target	Existing Comp Plan			Canby Commons		
				LOS	Delay (sec)	V/C	LOS	Delay (sec)	V/C
<b>Highway 99E / S Sequoia Parkway</b>	Signal	ODOT	0.85	D	53	0.82	D	53	0.82
<b>S Sequoia Parkway / S Hazeldell Way</b>	TWSC	City of Canby	E/0.90	<b>F</b>	<b>489<sup>a</sup></b>	<b>1.67</b>	<b>F</b>	<b>538<sup>a</sup></b>	<b>1.77</b>
<b>S Sequoia Parkway / S Township Road</b>	TWSC	City of Canby	E/0.90	C	21	0.64	C	21	0.64

Source: DKS Associates

**Bold** indicates performance failing to meet targets/standards<sup>a</sup> Performance of worst movement (eastbound left turn) is shown

2030 conditions reflect increased traffic volumes due to growth in the City of Canby and higher volumes to and from areas outside the City. As in existing conditions, traffic operations at the Highway 99E/S Sequoia Parkway and S Sequoia Parkway/S Township Road intersections are within agency standards under both the Existing Comprehensive Plan and Canby Commons scenarios. With a v/c ratio of 0.82 under both scenarios, the Highway 99E/S Sequoia Parkway operates close to the 0.85 mobility target, but does not exceed it and does not trigger the need for mitigation under TPR.

Operations at the S Sequoia Parkway/S Hazeldell Way intersection do not meet the City standard of LOS E and v/c ratio of 0.90. The eastbound left movement (out of the Fred Meyer development) is estimated to experience significant delay under both scenarios (over eight minutes on average). This is primarily due to the increase in northbound and southbound volumes on S Sequoia Parkway related to forecast future development to the south of the intersection. The volumes along S Sequoia Parkway allow for few gaps in traffic for eastbound left turning vehicles.

Because the S Sequoia Parkway/S Hazeldell Way intersection fails to meet City mobility standards in the future, and the additional traffic (25 additional southbound through vehicles and 5 additional eastbound right-turning vehicles) further degrades operations, the need for mitigations is triggered under TPR.



## MITIGATION ANALYSIS

Traffic signal warrant analysis was performed at the unsignalized intersection of S Sequoia Parkway/S Hazeldell Way under future 2030 baseline conditions to evaluate the potential need for new a traffic signal. While the TSP did not indicate the need for a traffic signal at this intersection, intersection operations documented in the TSP indicate that the stop controlled minor street approaches would experience significant delays and this intersection would not meet City of Canby mobility standards (LOS E). No improvements were identified for this intersection. An important element to the traffic signal warrant analysis is the redistribution of vehicle trips exiting the Fred Meyer site accesses along S Sequoia Parkway. Both volumes and operations analysis modeled as part the TSP accounted for vehicles exiting the Fred Meyer site, shifting from the primary to secondary access points to avoid congestion. However, this may not be reasonable based on the site circulation design. Therefore, this study evaluates the need for signalization at S Sequoia Parkway/S Hazeldell Way if current traffic patterns are maintained.

### ***MUTCD Peak Hour Signal Warrants***

The 2009 Manual on Uniform Traffic Control Devices (MUTCD) peak hour signal warrant<sup>5</sup> (Warrant 3) was analyzed for the 2030 baseline traffic scenario during the p.m. peak hour. This warrant is intended to evaluate the need for a traffic signal at locations where there are a large number of vehicles entering the intersection over a short period of time, such as vehicles exiting a large shopping center. With this, the warrant considers the total stopped delay of vehicles along the minor street approach and considers signalization as a means of reducing this delay if proven to be substantial.

The peak hour signal warrant analysis at the S Sequoia Parkway/S Hazeldell Way intersection indicates that a signal would be warranted during the p.m. peak hour. The analysis assumes the minor street consisting of one-lane and the major street two or more lanes. The west leg was assumed to consist of one lane due to the short left turn lane (approximately 80 feet) and large volume of left turning vehicles. With this, the left, though, and right turn volume exiting the Fred Meyer site were included as part of the signal warrant analysis.

A graph comparing the total of both major street approaches and the minor street higher volume approach (eastbound) during the 2030 p.m. peak hour and the required MUTCD threshold is attached.

### ***Peak Hour Intersection Operations***

Under signalization, the intersection of S Sequoia Parkway/S Hazeldell Way would operate at LOS C with a v/c ratio of 0.75 during the future 2030 p.m. peak hour with the proposed rezone, thus meeting the City's mobility target.

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<sup>5</sup> *Manual on Traffic Control Devices*, 2009 Edition, Section 4C.04 Warrant 3, Peak Hour.

## RECOMMENDATIONS

Several options are available under TPR for mitigating the impact of the Canby Commons development, such as limiting the intensity of the development (i.e., a trip cap). However, operations at the S Sequoia Parkway/S Hazeldell Way intersection will continue to degrade in the future and, due to TPR, will be a barrier to any other potential comprehensive plan changes that the City might consider. Therefore, DKS recommends that the City of Canby undertake a strategy to implement signalization at this intersection.

The following are steps recommended for the City in order to implement this mitigation:

- Amend the TSP to include a signal at S Sequoia Parkway/S Hazeldell Way in the financially constrained project list. A signal warrant analysis is included in the following section. This intersection would operate at LOS C during the future 2030 p.m. peak hour under signalization with the proposed rezone, thus meeting the City's mobility target.
- Consider amending the System Development Charge (SDC) project list to include this project, potentially by removing a project of similar cost from the list.

For the purposes of this application, it is recommended the City draft a letter stating that it intends to amend the TSP as described above and that the signal improvement can be considered reasonably likely for TPR purposes. This should be sufficient for the Canby Commons development to meet TPR requirements.





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## DRAFT MEMORANDUM

**DATE:** August 7, 2015

**TO:** Bryan Brown, City of Canby  
Avi Tayar, ODOT

**FROM:** Steve Boice, P.E., PTOE

**SUBJECT:** Canby Commons Apartments Supplemental Transportation Analysis

P#P11010-041

The purpose of this memorandum is to provide supplemental transportation analysis regarding the proposed Canby Commons Apartments development, which will require amending comprehensive plan and zoning designations for approximately 7.6 acres of land in Canby, Oregon. Previous analysis addressed the Transportation Planning Rule (TPR) requirements for amending the City's adopted plans<sup>1</sup>.

The findings of the previous study recommend that the City amend its Transportation System Plan (TSP) to include a new traffic signal at S Sequoia Parkway/SE Hazeldell Way. The signalization of this intersection is recommended to meet the City's mobility standards under future year 2030 baseline conditions. The following sections summarize the signal warrant analysis for this intersection along with peak hour intersection operations under signalization.

### Traffic Signal Warrant Analysis

The 2009 Manual on Uniform Traffic Control Devices (MUTCD) peak hour signal warrant<sup>2</sup> (Warrant 3) was analyzed for the existing and 2030 baseline traffic scenario during the p.m. peak hour. This warrant is intended to evaluate the need for a traffic signal at locations where there are a large number of vehicles entering the intersection over a short period of time, such as vehicles exiting a large shopping center. With this, the warrant considers the total stopped delay of vehicles along the minor street approach and considers signalization as a means of reducing this delay if proven to be substantial.

The signal warrant analysis assumes the minor street consisting of one-lane and the major street two or more lanes. The west leg was assumed to consist of one lane due to the short left turn lane (approximately 80 feet) and large volume of left turning vehicles (from the Fred Meyer parking lot). With this, the left, through, and right turn volume exiting the Fred Meyer site were included as part of the signal warrant analysis.

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<sup>1</sup> Canby Commons Apartments Transportation Impact Study, DKS Associates, April 8, 2015

<sup>2</sup> *Manual on Traffic Control Devices*, 2009 Edition, Section 4C.04 Warrant 3, Peak Hour.

Although operations at the S Sequoia Parkway/SE Hazeldell Way intersection do not currently meet the City's mobility standard of LOS E, a traffic signal is not warranted under existing traffic volumes as shown in Figure 1. A graph comparing the total of both major street approaches and the minor street higher volume approach (eastbound) during the p.m. peak hour and the required MUTCD threshold is attached. The traffic signal warrant analysis under future 2030 baseline conditions, as shown in Figure 2, however indicates that a traffic signal is warranted sometime between now and future year 2030 (calculation sheets attached).

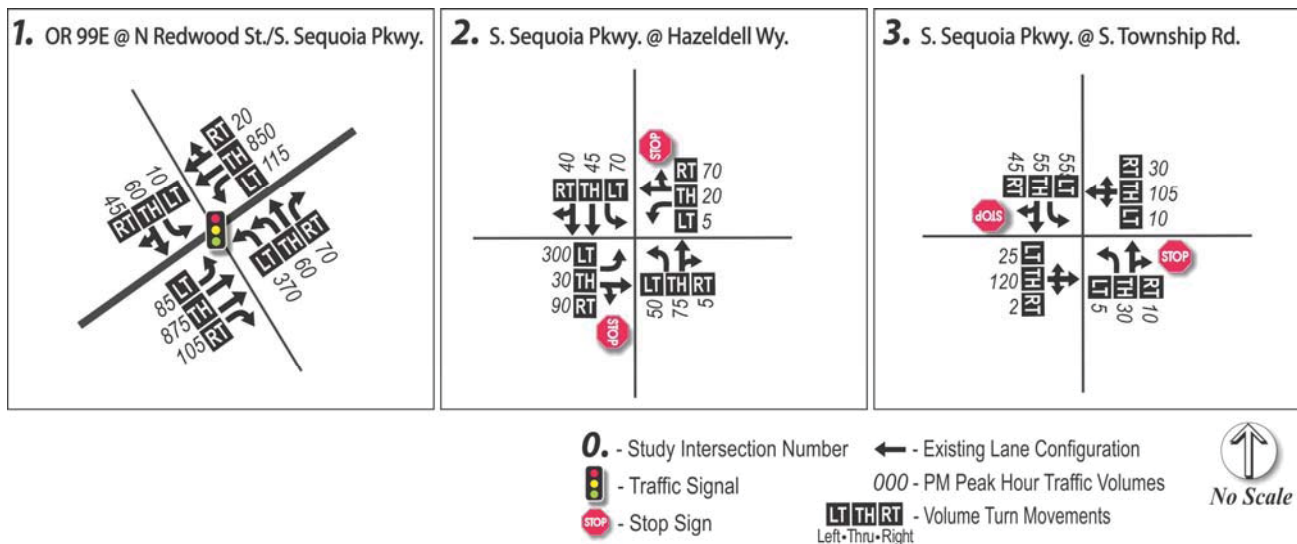


Figure 1: Existing PM Peak Hour Volumes

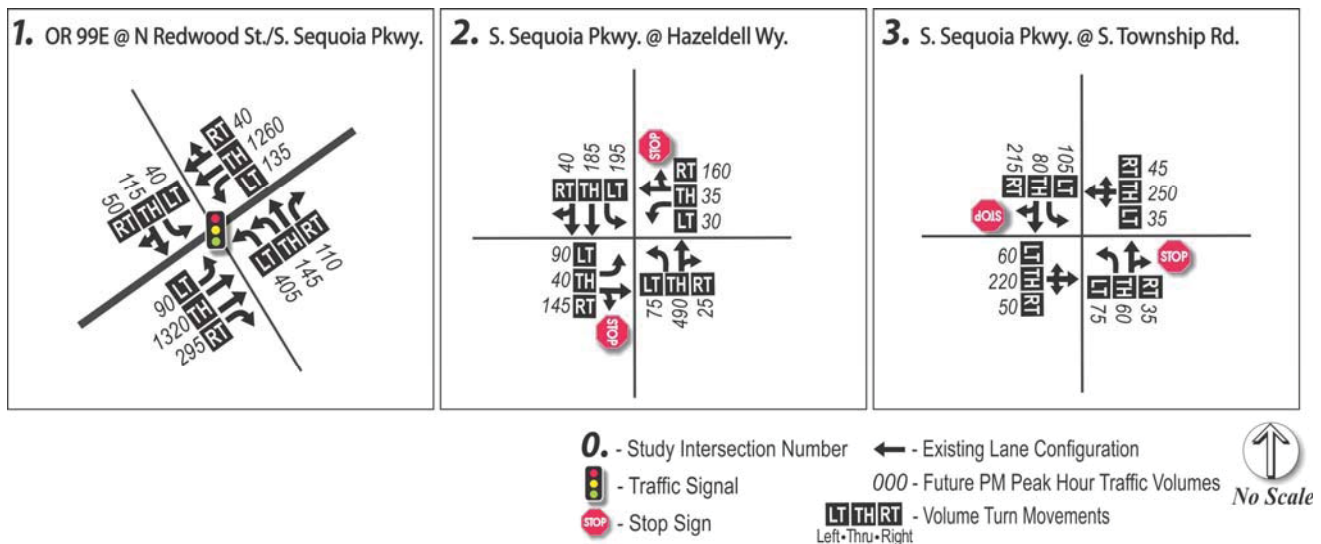


Figure 2: Future 2030 Financially Constrained PM Peak Hour Volumes (Current Land Use Designation and Existing Traffic Patterns)



An important element to the future year analysis is the redistribution of vehicle trips exiting the Fred Meyer site accesses along S Sequoia Parkway as can be seen in Figures 1 and 2. Both volumes and operations analysis modeled as part the City's TSP accounted for vehicles exiting the Fred Meyer site, shifting from the primary to secondary access points to avoid congestion. However, this may not be reasonable based on the site circulation design. Therefore, the installation of a traffic signal would likely maintain current traffic patterns at this intersection, which would further justify the need of a traffic signal<sup>3</sup>.

While the TSP did not indicate the need for a traffic signal at this intersection, intersection operations documented in the TSP indicate that the stop controlled minor street approaches would experience significant delays and this intersection would not meet City of Canby mobility standards (LOS E). No improvements were identified for this intersection as part of the TSP.

### ***Peak Hour Intersection Operations***

Under signalization, the intersection of S Sequoia Parkway/SE Hazeldell Way would operate at LOS C with a v/c ratio of 0.75 during the future 2030 p.m. peak hour with the proposed rezone, thus meeting the City's mobility target.

This new traffic signal would be located approximately 600 feet from the existing signalized intersection of OR99E/S Sequoia Parkway. Due to the proximity of this signalized intersection, vehicle queuing analysis was performed to ensure that queuing would not spill back into the upstream intersection. An estimate of the future 2030 p.m. peak hour 95th percentile vehicle queues for the northbound and southbound signalized intersection approach movements with the proposed rezone was made using SimTraffic modeling software. This analysis estimates the queue length that would not be exceeded in 95 percent of the queues formed during the peak hour. When vehicle queues extend past available storage bays, turning queues can block through movements and through movements can block upstream intersections. The result is an increased potential for rear-end collisions and a significant loss in system capacity. Queuing results are summarized in Table 1 and results are attached.

The vehicle queues along the northbound approach movements at the OR99E/S Sequoia Parkway intersection and southbound approach movements at the S Sequoia Parkway/SE Hazeldell Way intersection would be accommodated given existing turn pocket storage lengths. Vehicle queues would not extend back into the upstream intersection along either of these approaches.

To further improve capacity of the intersection, two 12-foot lanes could be striped along southbound S Sequoia Parkway as part of the traffic signal installation. The existing southbound travel lane is currently 24-feet wide; therefore striping as two lanes would double the vehicle storage along the southbound approach. Additionally,

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<sup>3</sup> With the installation of a traffic signal, the 300 existing eastbound left turns at the intersection of S Sequoia Parkway /SE Hazeldell Way would likely maintain current traffic patterns instead of shifting from the primary to secondary access points to avoid congestion under unsignalized conditions.