



AGENDA

CANBY CITY COUNCIL REGULAR MEETING

July 16, 2014

7:30 PM

Council Chambers
155 NW 2nd Avenue

Mayor Brian Hodson

*Council President Tim Dale
Councilor Clint Coleman
Councilor Traci Hensley*

*Councilor Greg Parker
Councilor Ken Rider
Councilor Todd Rocha*

CITY COUNCIL REGULAR MEETING

1. **CALL TO ORDER- 5:00 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)(a) Employment of Public Officer
3. **OPENING CEREMONIES – 7:30 PM – Council Chambers**
 - A. Pledge of Allegiance and Moment of Silence
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 June 18, 2014 City Council Work Session & Regular Meeting
 - B. Change of Ownership Liquor License Application for Rounders Canby

Pg. 1

9. PUBLIC HEARINGS

- A. ANN 14-01/ZC 14-01 (Franz & Vicker) Pg. 3
- B. ANN 14-02/ZC 14-02 (Stoller, Rice, Boyle, Marcum & Netter) Pg. 88
- C. TA 14-01 Industrial Zone Chapters of Title 16 of the Canby Municipal Code Pg. 194

10. RESOLUTIONS & ORDINANCES

- A. Ord. 1398, Amending Chapters 16.30, 16.32, 16.34, 16.35, and 16.49 of Title 16 of the Canby Municipal Code Pg. 227
- B. Ord. 1403, Authorizing Contract with Owen Equipment for Purchase of one 2014 Vactor Truck for the Canby Collections Department (**2nd Reading**) Pg. 270

11. NEW BUSINESS

- A. TA 14-01 Findings, Conclusion & Final Order Pg. 272

12. CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS

13. CITIZEN INPUT


14. ACTION REVIEW

15. EXECUTIVE SESSION: ORS 192.660(2)(h) Pending 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, MMC, City Recorder at 503.266.0733. A copy of this Agenda can be found on the City's web page at 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.

Memo

To: Mayor Hodson & Members of City Council
From: Bret J. Smith, Chief of Police 
CC: Kim Scheafer, City Recorder
Date: June 26, 2014
Re: Liquor License Application / Change of Ownership / Rounders

I have reviewed the attached liquor license application / Change of Ownership completed by the applicant and owner, John A. DiFalco, for the business, Rounders, located at 224 NW 1st Avenue, Canby, Oregon.

On June 26, 2014, I spoke with James S. Callis, who is listed as the person-in-charge and manager of the business. I discussed with Mr. Callis the laws involving the sale of alcoholic beverages. He told me he is familiar with the Oregon liquor laws. Mr. Callis said he will be conducting the training for the employees regarding the laws involving the serving of alcoholic beverages. Mr. Callis said he understands the consequences for failure to comply with the rules as set forth by Oregon State law and he is committed to training the employees of the business on pertinent laws involving alcohol related issues.

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 12/26/14
\$75.00 cash
Jb

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: 6-26-14

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: Ewa Vicars

Date: 06.25.2014

90-day authority: ☐ Yes ☐ No

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

① JTD Enterprises LLC

② _____ ④ _____

2. Trade Name (dba): ROUNDERS Canby

3. Business Location: 224 NW 1st STREET CANBY CLACKAMAS 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: _____
(phone) (fax)

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

7. If yes to whom: ROUNDERS LLC Type of License: LIMITED ON PREMISES

8. Former Business Name: ROUNDERS

9. Will you have a manager? ☒ Yes ☐ No Name: JAMES S. CALLIS
(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: JOHN A. DIFALCO
(name) (phone number(s))

(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 John A. DiFalco Date 6-24-2014 ③ _____ Date _____

② _____ Date _____ ④ _____ Date _____



City of Canby

Date: July 16, 2014

From: Bryan Brown, Planning Director/Angie Lehnert, Associate Planner

RE: ANN/ZC 14-01

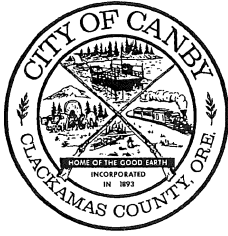
At their June 9 and June 23 meetings, the Canby Planning Commission recommended that File #ANN/ZC be approved by Council. The Planning Commission's Final Findings reflect this recommendation and specify that the Council decision be as follows:

1. Approve Annexation/Zone Change 14-01; and
2. Approval of these applications is based on submitted application materials and public testimony. Approval is strictly limited to the submitted proposals and not extended to any other development of the property. Any modification not in conformance with the approval of application file #ANN/ZC 14-01, including all conditions of approval, is first required to obtain an approved modification in conformance with the relevant sections of the *Canby Land Development and Planning Ordinance*; and
3. The Development Agreement is approved and should be executed and recorded; and
4. The zoning of the property upon annexation is designated as R-1 Low Density Residential; and
5. Annexation/Zone Change 14-01 is approved for submission to the electorate for a vote of the people; and
6. The applicant shall have seven (7) calendar days from the date the Council approves the Development Agreement, annexation, and zone change, to record the Development Agreement at Clackamas County. The Development Agreement shall be recorded as a covenant running with the land, binding on the landowner's successors in interest. Failure to record the Development Agreement within the time specified will result in removal of the annexation application from the ballot for consideration by the electors.

Sample motion: I move to approve Annexation/Zone Change File #ANN/ZC 14-01 pursuant to the above recommendations by the Planning Commission.

Attachments:

- Planning Commission Final Findings
- June 9, 2014 Planning Commission minutes (not yet approved by Commission)
- Staff Report to the Planning Commission
- Citizen comments
- Applicant's submittal, including application forms, narrative, neighborhood meeting notes, pre-application meeting minutes, triple majority worksheet, legal description and survey, Development Agreement, Maps, and Traffic Study



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

**A REQUEST FOR
AN ANNEXATION
AND ZONE CHANGE
AT 1546 N. PINE**

)
)
)
)

**FINDINGS, CONCLUSION
& FINAL ORDER
ANN/ZC 14-01
RAY FRANZ & CONNIE VICKER**

NATURE OF THE APPLICATION

The Applicant has sought an approval for an annexation/zone change application #ANN/ZC 14-01 of a 4.47 acre taxlot + 0.15 acres of North Pine St. right-of-way on property described as Tax Lot 31E27C02600, Clackamas County, Oregon. The property is zoned County RRF-5 (Rural Residential Farm Forest); the property is proposed to be zoned city R-1 Low Density Residential.

HEARINGS

The Planning Commission considered applications ANN/ZC 14-01 after the duly noticed hearing on June 9, 2014 during which the Planning Commission recommended by a 5-0 vote that City Council approve ANN/ZC 14-01. These findings are entered to document the recommendation.

CRITERIA AND STANDARDS

In judging whether or not an annexation and zone change application shall be recommend for City Council approval, the Planning Commission determines whether criteria from the *City of Canby Land Development and Planning Ordinance* are met, or can be met by observance of conditions. Other applicable code criteria and standards were reviewed in the Staff Report dated June 9, 2014 and presented at the June 9, 2014 meeting of the Canby Planning Commission.

FINDINGS AND REASONS

The Planning Commission considered applications ANN/ZC 14-01 after the duly noticed hearing on June 9, 2014 during which the Planning Commission recommended by a 5-0 vote that City Council approve ANN/ZC 14-01. These findings are entered to document the recommendation.

The Staff Report was presented, and written and oral testimony was received at the Planning Commission public hearing. Staff recommended that the Planning Commission recommend Council approval of the annexation/zone change applications.

After hearing public testimony, and closing the public hearing, the Planning Commission made the following additional findings beyond those contained in the staff report to arrive at their decision and support their recommendation and the exact wording thereof:

No additional findings made.

CONCLUSION

In summary, the Planning Commission adopted the findings contained in the Staff Report, concluded that the annexation/zone change applications meet all applicable approval criteria, and recommended Council approval of File #ANN/ZC 14-01 as stated below. The Planning Commission's recommendation and is reflected below.

RECOMMENDATION


Based on the application submitted and the facts, findings and conclusions of the staff report, it is recommended by the Planning Commission of the City of Canby that City Council **APPROVE** annexation and zone change applications **ANN/ZC 14-01** as follows:


1. Annexation/Zone Change 14-01 should be approved; and
2. Approvals of these applications should be based on submitted application materials and public testimony. Approval should be strictly limited to the submitted proposals and not extended to any other development of the property. Any modification not in conformance with the approval of application file #ANN/ZC 14-01, including all conditions of approval, should first require an approved modification in conformance with the relevant sections of the *Canby Land Development and Planning Ordinance*; and
3. The Development Agreement should be approved, executed, and recorded; and
4. The zoning of the property upon annexation should be designated as R-1 Low Density Residential; and
5. Annexation/Zone Change 14-01 should be approved for submission to the electorate for a vote of the people; and
6. The applicant shall have seven (7) calendar days from the date the Council approves the Development Agreement, annexation, and zone change, to record the Development Agreement at Clackamas County. The Development Agreement shall be recorded as a covenant running with the land, binding on the landowner's successors in interest. Failure to record the Development Agreement within the time specified will result in removal of the annexation application from the ballot for consideration by the electors.

I CERTIFY THAT THIS ORDER recommending **APPROVAL** of ANN/ZC 14-01 was presented to and **APPROVED** by the Planning Commission of the City of Canby.

DATED this 23rd day of June, 2014


Tyler Smith
Planning Commission Chair


Bryan Brown
Planning Director

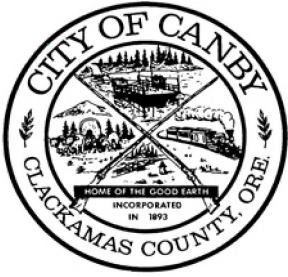

Attest

ORAL DECISION: June 9, 2014

<i>Name</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
<i>Tyler Smith</i>	✓			
<i>John Savory</i>	✓			
<i>Shawn Hensley</i>	✓			
<i>John Serlet</i>	✓			
<i>Larry Boatright</i>	✓			
<i>Vacant</i>				
<i>Vacant</i>				

WRITTEN DECISION: June 23, 2014

<i>Name</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
<i>Tyler Smith</i>	✓			
<i>John Savory</i>	✓			
<i>Shawn Hensley</i>				
<i>John Serlet</i>	✓			
<i>Larry Boatright</i>	✓			
<i>Vacant</i>				
<i>Vacant</i>				



PLANNING COMMISSION

Minutes

Monday, June 9, 2014

7:00 PM

City Council Chambers – 155 NW 2nd Avenue

PRESENT: Commissioners Tyler Smith, Shawn Hensley, John Savory, John Serlet, and Larry Boatright

STAFF: Bryan Brown, Planning Director, Angie Lehnert, Associate Planner, and Laney Fouse, Planning Staff

OTHERS: Connie Vicker, Ray Franz, Pat Sisul, Ralph Netter, Morgan Will, Gordon Root, Rick Waible, Dan Stoller, and Mary Stoller

1. CALL TO ORDER

Chair Smith called the meeting to order at 7:00 pm.

2. CITIZEN INPUT ON NON-AGENDA ITEMS – None.

3. MINUTES

- a. Approval of the May 12, 2014 Planning Commission Minutes

***Motion:** A motion was made by Commissioner Hensley to approve the May 12, 2014 minutes as written, Commissioner Savory seconded. Motion passed 5/0.*

- b. Approval of the May 28, 2014 Planning Commission Minutes

Chair Smith wanted staff to confirm the final findings were approved by consensus instead of a vote. There should be a vote on final findings.

***Motion:** A motion was made by Commissioner Serlet to approve the May 28, 2014 minutes as written, Commissioner Hensley seconded. Motion passed 5/0.*

4. PUBLIC HEARING

- a. Consider a request from Ray N. Franz and Connie E. Vicker for approval to: 1) Annex 4.47 acres of real property and .15 acres of North Pine Street right-of-way; 2) Change the zone district from Clackamas County RRFF-5 (Rural Residential Farm Forest) to City of Canby R-1 Low Density Residential for property at 1546 North Pine Street, and 3) Approve a Development Agreement to be recorded and run as a covenant with the land (**ANN 14-01/ZC 14-01**).

Chair Smith read the public hearing format. The Commissioners had no conflict of interest or ex parte contact to declare.

Angie Lehnert, Associate Planner, entered her staff report into the record. She clarified the zone district was currently RRFF-5 (Rural Residential Farm Forest). The proposed property was 4.47 acres to be zoned R-1 and .15 acres

for a half street improvement on Pine. This was a Type 4 application that required final approval from Council. The annexation would allow development of 18-19 single family residences. The submitted traffic study did not find any significant issues. A neighborhood meeting was held and the primary concern was a desire for the land not to be developed into apartments, which was not possible in an R-1 zone. The Code required a Development Agreement for this property. The applicant submitted an Agreement which would ensure that 16th and Plum Court would be extended, addressed public facilities, Park SDCs would be assessed in lieu of putting in a park, and the property would have to go through a subdivision process after it was annexed. Half street improvements would be required on Pine at the time of development. Citizens commented that they would like to see a pathway to the Logging Road be developed, and that was a decision to be made at the subdivision stage. Utility providers did not raise any concerns about utilities. The City currently had about a year's supply of platted lots based on today's rate of demand. That was not taking into account other subdivisions which were not platted yet but had recently been approved or property which had not yet been annexed. This property had not been farmed for years and was not large enough to be a viable farm. Staff recommended approval.

Chair Smith opened the public hearing.

Applicant:

Pat Sisul, Sisul Engineering, was representing the applicants. This was an area in transition from rural to urban and now was the time to bring this property into the City. There was a house on the property, but it was mainly pasture and in an area of low density residential housing. The one comment they heard at the neighborhood meeting was residents did not want an apartment complex and the neighborhood was assured the property would be annexed as R-1. He discussed the buildable lands analysis they had done for this application. Canby had about a 10 month supply of plated lots in the single family zones. There were a lot of steps from getting through the annexation process to getting homes built on the ground. Homes in this subdivision would not be able to be built until late 2015. There was a shortage of land in the City and they were still well below the three year supply even with a few subdivisions coming in. The development plan would include a new street, 16th Avenue, extension of Plum Court, and a pedestrian walkway, although staff discouraged the pedestrian walkway as it was not needed and could be difficult to maintain. He explained the anticipated street plan of the adjacent Beck property that would connect to Plum Court and have a pedestrian connection to the Logging Road Trail. The property could be served by utilities in Pine Street and the Logging Road Trail. Storm drainage would be handled by the North Redwood Advanced Financing District. This was currently the last property in the County on the east side of Pine Street. The timing was right to bring this into the City.

Proponents:

Gordon Root with the Stafford Land Company presently has a contract for purchase of the Beck Property. They were going to submit an application for 19 lots and would be including a connection to the Logging Road Trail and extending properties to serve this site. He thought this would be an excellent annexation to continue to meet the City's buildable land supply.

There were no opponents, neutral testimony, or rebuttal.

Chair Smith closed the public hearing at 7:36 pm.

Motion: *A motion was made by Commissioner Savory to recommend approval of ANN 14-01/ZC 14-01 to the City Council, Commissioner Hensley seconded. Motion passed 5/0.*

The written findings would be brought back to the next meeting.

Chair Smith was in support of the annexation and liked that some of the lots were planned to be larger.

- b. Consider a request from Daniel & Mary Stoller, Geraldine K. Marcum, Jerry & Cynthia Rice, Ralph A. Netter, and Hugh & Roberta Boyle for approval to: 1) Annex 31.10 acres of real property and .50 acres of SE 13th Avenue right of way; 2) Change the zone district from Clackamas County Exclusive Farm Use (EFU) to City of Canby R-1 Low Density Residential and R-1.5 Medium Density Residential for property located North of SE 13th Avenue, east of South Teakwood Street and west of the Logging Road Trail & the Sequoia Parkway Extension, and 3) adopt a Development Concept Plan (**ANN 14-02/ZC 14-02**).

Chair Smith read the public hearing format. The Commissioners had no conflict of interest and no ex parte contact to declare. Commissioner Boatright lived nearby and Chair Smith jogged near the site.

Bryan Brown, Planning Director, entered his staff report into the record. This was a large annexation with five different property owners. He explained that two of the tax lots were proposed to be R-1 Low Density Residential while the rest would be R-1.5 Medium Density Residential. A park was being proposed on the largest lot owned by the Stollers which had easy connections to the Logging Road Trail and to the nearby school. He reviewed the approval criteria. A Development Concept Plan was required and all necessary public utilities were either existing or would be made available by the developer. This particular property would need a new sanitary lift station developed to serve this part of town. There could be a timing issue for when the property was annexed and when they wanted to develop as to whether the Master planned permanent lift station would be in place, or the developer would construct a temporary lift

station to meet their needs. A traffic study was done, however there was flexibility regarding how many units would be developed and where they would be placed. That was why the Development Concept Plan was so important that if there were several developers over time, the development would fit together in an efficient development. The Concept Plan was very thorough and met all of the Transportation System Plan proposals for connectivity. The proposal is for a 3.42 acre park, however there has been some recent concern about obtaining additional park land due to the most recent City proposed budget which is to reduce two park maintenance employees and the resulting ability to maintain future parks. However, the City needs to take advantage of opportunities for acquiring new park land when there are willing land owners in areas identified as needing parks that have great assets to contribute to the City's park system. If the properties are annexed, the future park location will be locked in through adoption of the Development Concept Plan with the annexation. There were existing homes on the properties and as they are redeveloped those homes would more than likely be removed. There was a need for more buildable land in the City. Staff recommended approval of the annexation, Development Concept Plan, and assigning the R-1 and R-1.5 zoning.

Commissioner Savory asked about the expense of building a temporary lift station as opposed to building a permanent one.

Mr. Brown explained if the property was to be developed right away, a temporary lift station would need to be sited and built. The City had not yet secured the property for the permanent lift station indicated in the Master sewer plan. The developer has the ability to put the temporary one in immediately if the development needed it. A permanent lift station would eventually be built, but was expensive and additional development would need to come online before it was justified. It was unclear if the applicant was going to pay for the temporary lift station or the City or exactly where it would be sited, but it would likely be near the Logging Road Trail or on the developers property.

Chair Smith opened the public hearing.

Applicant:

Pat Sisul of Sisul Engineering was representing the applicants. He explained the annexation consisted of five of the six properties in the Development Concept Plan area. The sixth property was not proposing annexation at this time, but was included in the Development Concept Plan. If the annexation should fail, the Development Concept Plan would still be in effect and would not have to be redone. The Development Concept Plan was designed so development could move forward by individual tax lots or as a whole, with each of the north/south main access streets located on a single tax lot so a single property owner could develop without the neighboring owner should the properties not be all annexed or developed together. He discussed the area surrounding the annexation, buildable lands inventory, proposed zoning, existing conditions on the site, street plan and

connections, storm drainage which would be dry wells, and sewer and water connections.

The Sewer Master Plan called for a permanent pump station at the intersection of 13th Avenue and Mulino Road. It was meant to serve a large area of the City. It was understood the land owners would pay for a temporary sanitary sewer pump station to serve their development if an industrial development had not yet triggered the City's installation of a permanent lift station. They would prepay the System Development Charges to finance the construction of the temporary lift station. The temporary station would be constructed at the corner of Sequoia Parkway and 13th Avenue.

The proposed 3.42 acre park was meant to be a passive park for walking and riding bikes, not for a playground or ball fields. The park was sized to provide for approximately 127 lots which would receive an equivalent Park SDC credit in lieu of the value of the park dedication. He explained the proposed design of the park.

Testimony from Mr. Sisul indicated that more than 10 years back, Canby was issuing over 100 single family permits per year. The more recent history provided by staff indicated an approximate 45 lot per year average consumption rate with a high of 201 in 2006 and only 4 permits in both 2008 and 2009. Based on the information Mr. Sisul collected the number of platted residential lots remaining from City records and concluded the current available platted lot supply was well less than one-year and clearly fell under the 3-year buildable supply considered by City policy to be adequate when considering annexation applications.

Proponents:

Gordon Root from Stafford Land Development Company liked working in Canby which was just out of reach of Metro where larger lots and single level homes could be built. The annexation was necessary to help promote a better jobs and housing balance which was key to filling up the Pioneer Industrial Park. It also provided a diversity of housing mix. It would be developed in phases and there was a housing demand. He thought the annexation should go forward.

Ralph Netter, applicant, commended Mr. Sisul for keeping the property owners working together. He had owned his property for several years and there had been interest from developers trying to purchase it and bring it into the City earlier. Since then there had been annexations and the City was on three sides of the property. He questioned with the cuts in the City's budget if the park could be maintained. There was an option to make the park smaller. Regarding the pump station, he thought development on the property would be slow and in phases which meant a temporary station would need to be installed unless an industrial property developed. He thought now was the right time to annex the property.

Dan Stoller, applicant, made comments indicating that annexation and eventual development of this area would help to provide improved safety for those utilizing the Logging Road Trail as they circled down along SE 13th Avenue. Sidewalks, lighting, and reduced speeds would be huge benefits to the neighborhood.

Mary Stoller, applicant, thought by having a nice development area like this it would provide additional tax revenues for the schools and enhance the school system. She was looking forward to the park and was excited to go forward.

There were no opponents or neutral testimony.

Mr. Sisul offered a rebuttal. This was a good mix of R-1 and R-1.5 and in the buildable lands analysis there were only seven lots of R-1.5 available as of February. There was always a shortage of R-1.5 lots in Canby. Regarding the option of making the park smaller, the budget issue came up after the application was submitted. If the Planning Commission felt park maintenance was an issue, there was an alternative plan for a 1.2 acre park. It was going to be a passive park with one restroom and would be low maintenance.

Chair Smith closed the public hearing at 8:46 pm.

Commissioner Hensley asked if the park issue was in the purview of the Commission to decide.

Mr. Brown said the location fit with the Parks Master Plan. They were enthusiastic about the option of getting a larger park as a resource to bank until it could be adequately developed and maintained. The Commission could also support the smaller park because it fit within the Parks Master Plan to have one in this location.

Chair Smith thought if the owners were willing to dedicate the land, he was in favor of making it as big as possible.

The consensus was in favor of the larger park.

Commissioner Savory said the restroom facility was inadequate, but did not know if it should be addressed at this time. He thought the restroom should be gender specific.

Chair Smith stated that decision would come later.

***Motion:** A motion was made by Commissioner Savory to recommend approval of ANN 14-02/ZC 14-02 to the City Council, Commissioner Serlet seconded. Motion passed 5/0.*

5. NEW BUSINESS – None.

6. FINAL DECISIONS – None.

7. ITEMS OF INTEREST/REPORT FROM STAFF

- a. *Next Planning Commission meeting scheduled for Monday, June 23, 2014*
 - *Eli Subdivision (SUB 14-03)*
 - *Final Findings – Annexations*
- b. *Canby Square (Pre-App held June 4, 2014)*
- c. *Faist Subdivision (Neighborhood meeting held June 4, 2014)*
- d. *Beck Subdivision (Neighborhood meeting scheduled for June 12, 2014)*

Mr. Brown reviewed the agenda items scheduled for the June 23 meeting, redevelopment in Canby Square, and upcoming subdivision applications.

8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION -

None.

9. ADJOURNMENT - Chair Smith adjourned the meeting at 8:55 pm.

The undersigned certify the June 9, 2014 Planning Commission minutes were presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 14th day of July, 2014

Bryan Brown, Planning Director

Laney Fouse, Minutes Taker

Assisted with Preparation of Minutes – Susan Wood



City of Canby

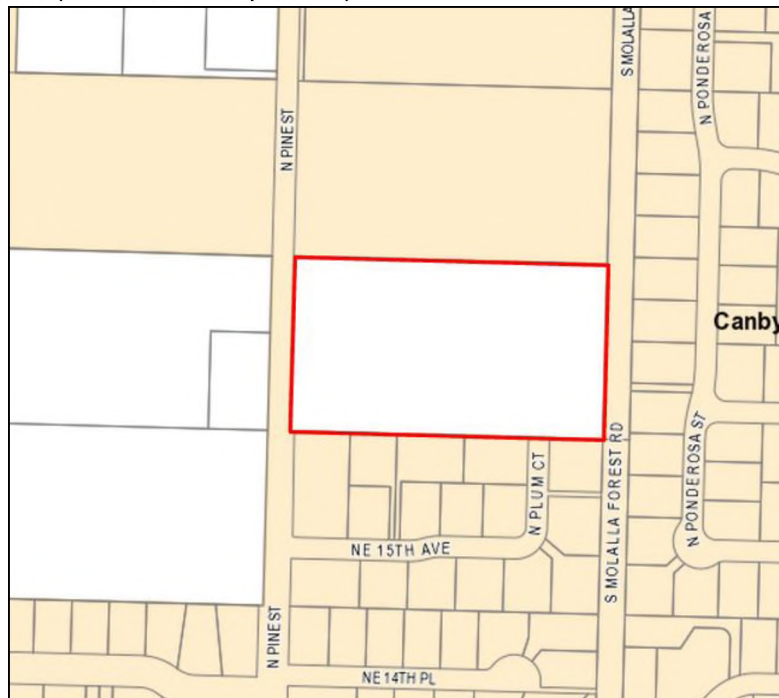
SITE AND DESIGN REVIEW STAFF REPORT

FILE #: ANN/ZC 14-01

Prepared for the June 9, 2014 Planning Commission Meeting

LOCATION: 1546 N. Pine

TAXLOT: 31E27C 02600 (Bordered in map below)



LOT SIZE: 4.47 acre taxlot + 0.15 acres of North Pine St. right-of-way

ZONING: County RRFF-5 (Rural Residential Farm Forest); proposed city R-1 Low Density Residential

OWNER: Ray N. Franz-Trustee, Connie E. Vicker-Trustee, Jerry E. Franz-Trustee, Connie E. Franz-Trustee

APPLICANT: Ray Franz & Connie Vicker

APPLICATION TYPE: Annexation/Zone Change (Type IV)

CITY FILE NUMBER: ANN/ZC 14-01

I. PROJECT OVERVIEW & EXISTING CONDITIONS

Statement from the applicant's narrative:

"The applicants propose annexation of 0.15 acres of street right-of-way and 4.47 acres of property into the City of Canby with zoning of R -1, Low Density Residential, in conformance with the adopted Comprehensive Plan designation. Annexation will allow, in theory, the development of approximately nineteen new single family residences as shown on the conceptual plan."

II. ATTACHMENTS

- A. Application forms
- B. Application narrative
- C. DKS Traffic Impact Analysis Memo dated 3/5/14
- D. Neighborhood meeting materials & minutes
- E. Pre-application meeting minutes
- F. Triple majority worksheet
- G. Legal description & survey
- H. Draft Development Agreement
- I. Reference maps & conceptual land use layout drawing set
- J. Citizen & agency comments
- K. Other supporting materials submitted with the applications

III. APPLICABLE CRITERIA & FINDINGS

Major approval criteria used in evaluating this application are the following Chapters from the *City of Canby's Land Development and Planning Ordinance* (Zoning Code):

- Chapter 16.08 General Provisions
- Chapter 16.10 Off Street Parking & Loading
- Chapter 16.16 R-1 Low Density Residential Zone
- Chapter 16.46 Access Limitations on Project Density
- Chapter 16.54 Amendments to Zoning Map
- Chapter 16.84 Annexations
- Chapter 16.86 Street Alignments
- Chapter 16.88 General Standards & Procedures
- Chapter 16.89 Application & Review Procedures
- Chapter 16.120 Parks, Open Space, & Recreation Land

Applicable code criteria are highlighted below in **gray**, with findings and discussion after the citations; most full code citations are omitted for brevity. If not discussed below, other standards from the code are either met fully, not applicable, and/or do not warrant discussion. Most met provisions have no discussion for brevity.

Chapter 16.08 General Provisions

16.08.040 Zoning of annexed areas

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

Findings: The applicant proposes to re-zone the subject property from county RRFF-5 to city R-1 Low Density Residential; this is consistent with the Comprehensive Plan's designation of this property as Low Density Residential (LDR).

16.08.150 Traffic Impact Study (TIS)

Findings: The applicant submitted a traffic study conducted by DKS. The following findings were made from the traffic study; most of the suggestions will be addressed when the property is subdivided:

- *"The site was designated as Low Density Residential in the Comprehensive Plan and the change in land use was assumed for trip modeling in the 2010 Canby Transportation System Plan. Therefore, TPR requirements are met."*
- *"The concept plan for the site would meet access spacing standards and intersection sight distance requirements. Any new trees, fences, or retaining walls should be set back to maintain adequate visibility. Prior to occupation of the site, sight distance at the new project access point will need to be verified, documented, and stamped by a registered professional Civil Engineer licensed in the State of Oregon."*
- *"The parcel would have multi modal connectivity through nearby access to the County Logging Road multi modal trail north and south of the site and through recommended frontage improvements, including half street improvements along N Pine Street to City's collector street standards. Because the current street does not meet the collector standard for cross-section, the developer should maintain proper setback for future right -of-way."*
- *"The concept plan proposes to construct NE 16th Avenue and N Plum Court to the City's local road standards, including required right-of-way and sidewalks. Appropriate intersection traffic control should be provided where new roadways intersect."*

Chapter 16.10 Off Street Parking & Loading

16.10.070 Parking lots and access.

B. Access

Minimum Access Requirements			
16.10.070(B)(8): Minimum access requirements for residential uses - ingress and egress for residential uses shall not be less than the following (except that in the case of flag lots, section 16.64.0400) shall apply):			
3-19	1	20 feet	Minimum of one sidewalk connection to residences and parking areas; curb required if sidewalk adjacent to driveway.
20-49	Option A: 1 access	20 feet	Minimum of one sidewalk connection to residences and parking areas; curb required if sidewalk adjacent to driveway.
	OR Option B: 2 accesses	12 feet	

Findings: Two accesses will be available for residential access with the development of the subject property: NE 15th and NE 16th. The subject taxlot will be able to accommodate approximately 19 lots, although lot layout and numbers may be altered in the future. Therefore, approximately 34 new and existing total lots will utilize NE 15th and NE 16th. In addition, a planned subdivision to the north will also accommodate approximately 19 lots and will extend N. Plum Ct. and NE 17th. Therefore, there is the potential for three accesses for approximately 53 existing and future lots. Future subdivision applications will verify compliance with the above table; future street connections should be able to meet the above standards.

10. Distance Between Driveways and Intersections- Except for single-family dwellings [see subsection (f) below] the minimum distance between driveways and intersections shall be as provided below. Distances listed shall be measured from the stop bar at the intersection:

- f. The minimum distance between driveways for single-family residential houses and an intersection shall be thirty (30) feet. The distance shall be measured from the curb intersection point [as measured for vision clearance area (16.04.670)].

Findings: Lot intersection-to-driveway spacing will be verified for compliance during home construction. Canby's Public Works Design Standards require a more restrictive 50' intersection-to-driveway separation; consistency between the two documents is a needed Code amendment. Staff proposes to address this at the building permit stage and/or with code amendments.

Additionally, there is an existing residential driveway ~140 feet north of the proposed NE 16th intersection, which meets the above 30' spacing standard.

16.16 R-1 Low Density Residential Zone

16.32.010 Uses permitted outright

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

Findings: The proposed single family residential use is permitted. R-1 dimensional requirements will be verified for compliance when subdividing and/or with residential building permits.

16.46 Access Limitations on Project Density

16.46.010 Number of units in residential development

A major factor in determining the appropriate density of residential development, particularly in higher density areas, is vehicular access. In order to assure that sufficient access is provided for emergency response as well as the convenience of residents, the following special limitations shall be placed on the allowable number of units in a residential development:

- A. Single-family residential access, public and private roads:

- 2. The number of units permitted are as follows:

Two accesses: 132 units

Findings: Two accesses will be available for residential access with the development of the subject property: NE 15th and NE 16th. The subject taxlot will be able to accommodate approximately 19 lots, although lot layout and numbers may be altered in the future. Therefore, approximately 34 new and existing total lots will utilize NE 15th and NE 16th. In addition, a planned subdivision to the north will also accommodate approximately 19 lots and will extend N. Plum Ct. and NE 17th. Therefore, there is the potential for three accesses for approximately 53 existing and future lots. Future subdivision applications will verify compliance with the above table; future street connections should be able to meet the above standards.

16.46.030 Access connection

- A. Spacing of accesses on City streets. The number and spacing of accesses on City streets shall be as specified in Table 16.46.030. Proposed developments or land use actions that do not comply with

these standards will be required to obtain an access spacing exception and address the joint and cross access requirements of this Chapter.

TABLE 16.46.30			
Access Management Guidelines for City Streets*			
Street Facility	Maximum spacing** of roadways	Minimum spacing** of roadways	Minimum spacing** of roadway to driveway***
Collector	600 feet	250 feet	100 feet
Neighborhood/Local	600 feet	150 feet	50 feet****

* Exceptions may be made in the downtown commercial district, if approved by the City Engineering or Public Works Department, where alleys and historic street grids do not conform to access spacing standards.

** Measured centerline on both sides of the street

*** Private access to arterial roadways shall only be granted through a requested variance of access spacing policies when access to a lower classification facility is not feasible (which shall include an access management plan evaluation).

**** Not applicable for single-family residential driveways; refer to section 16.10.070(B)(10) for single-family residential access standards

Note: Spacing shall be measured between access points on both sides of the street.

Findings: Pine is classified as a collector in the city's TSP and NE 16th and Plum Ct. will be classified as local streets. NE 16th will be ~370 ft. north of NE 15th, thus meeting min/max roadway spacing for local and collector streets. There is an existing driveway ~140 ft. north of the proposed NE 16th intersection, thus meeting local and collector roadway to driveway spacing standards.

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.

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.

Findings: The Planning Commission will hold a public hearing on the proposed annexation and zone change and make a recommendation to Council.

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;

Applicable Comprehensive plan Elements and goals:

Citizen Involvement Element

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

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.*

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.

Environmental concerns element

Goals:

- To protect identified natural and historical resources.*
- To prevent air, water, land, and noise pollution.*
- To protect lives and property from natural hazards.*

Transportation element

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

Public facilities and services element

Like other cities, Canby must be able to provide adequate public facilities and services to support the community's growth and quality of life

Economic element

Goal: to diversify and improve the economy of the city of Canby

Housing element

Goal: to provide for the housing needs of the citizens of Canby

Energy conservation element

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

Findings: Staff accepts the applicant's response to Comprehensive Plan criteria (in the submitted narrative). Policy 6 of the Comprehensive Plan concerns Areas of Special Concern in the UGB that require additional planning and analysis; the subject property is not within an Area of Special Concern. In addition, the Code is an implementation tool of the Comprehensive Plan, and therefore by default any development that is in conformance with the Code is concurrently in conformance with the Comprehensive Plan.

The Comprehensive Plan encourages annexation of the least agriculturally productive lands in the UGB first. The subject property is currently open land not being used for agricultural purposes, and, according to the applicant, is not large enough by itself to be a viable farm.

- 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.

Findings: A pre-application meeting was held with utility providers and public works; application request for comments were also sent out to applicable agencies and utility providers. Infrastructure design preferences were stated, but no concerns have been raised on the city's/utility provider's service capacities. Pine is under Clackamas County jurisdiction and may be subject to county standards.

City and agency long range plans are based on the assumption of UGB build-outs; therefore, in theory, cities and agencies have plans to provide services throughout the UGB. Typically, developers install infrastructure to service their developments and the cities/agencies maintain the systems. SDCs are also assessed to finance the expansion of public facilities and services.

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 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.

Findings: The Development Agreement addresses future street alignments and the provision of public facilities. Further evaluation and design specifics will be addressed at the time of subdividing. Half street improvements will be required on Pine Street in conjunction with future development of the property. Pine is under Clackamas County jurisdiction and may be subject to county standards.

A pathway connection to the Logging Road was discussed at the pre-application meeting, but a connection may be considered unnecessary at the time of subdivision because of the existing pathway approximately 110 feet south of the subject property. Section 16.64.030(D) states that *"Developments that abut the Molalla Forest Road multi-use path shall provide a pedestrian/bicycle access to the path. The city may determine the development to be exempt from this standard if there is an existing or planned access to the path within 300 feet of the development."* This is a discretionary decision that will be made at the time of subdivision.

16.84 Annexations

16.84.005 Background

The process of annexation of land to the city allows for the orderly expansion of the city and adequate provision for public facilities and services. The city charter requires that, unless mandated by state law, annexation, delayed annexations, and extension of city services, may only be approved by a majority vote among the electorate.

Findings: If Council approves the annexation, zone change, and development agreement, then the annexation will be submitted to the electorate for the November ballot. If the ballot measure passes, Council will pass a resolution confirming the annexation.

16.84.010 Purpose

It is the purpose and general intent of this division to delineate the appropriate procedures to be followed to annex territory to the city. It is recognized that alterations to the corporate limits are major land use actions affecting all aspects of city government including taxation, the provision of public services, land use patterns, vehicular circulation, etc. Decisions on proposed annexations are, therefore, of critical importance to the city. The procedures and standards established in this chapter are required for review of proposed annexations in order to:

- A. Provide adequate public information and sufficient time for public review before an annexation election;
- B. Maximize citizen involvement in the annexation review process;
- C. Establish a system for measuring the physical, environmental, and related social effects of proposed annexations; and
- D. Ensure adequate time for staff review.

16.84.020 State regulations

The regulations and requirements of Oregon Revised Statutes Chapter 222 are adopted by reference and made a part of this division.

Findings: The annexation is being processed in compliance with the above. ORS 222 involves annexation procedures, most notably agency notifications after annexations are approved. If the annexation is passed by the electorate, applicable agencies will be notified.

16.84.030 Filing procedure

Whenever an application for annexation is filed, it shall be reviewed in accordance with the following procedures:

- A. Application Filing Deadlines. Application deadlines are established to permit public hearings by both the Planning Commission and the City Council in time to meet state and county requirements for submitting ballot information for these election dates. Application deadlines are as follows:
 - 1. Regular annexation dates are in May and November. Annexations must be filed with the City before 5:00 p.m. on the last working day in August for a ballot election in May and the last working day in February for a ballot election in November. Incomplete applications may result in missing these planned election dates, at the City's discretion.
- B. Application Submittal. Application procedures shall be as described in Chapter 16.89, on forms provided by the Planning Department.

Findings: The subject applications were submitted in compliance with above. A ballot election is anticipated in November.

16.84.040 Standards and criteria

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

- 1.** The City of Canby Annexation Development Map shall determine which properties are required to submit either (See Figure 16.84.040):
 - a.** A Development Agreement (DA) binding for all properties located within the boundaries of a designated DA area as shown on the City of Canby Annexation Development Map. The terms of the Development Agreement may include, but are not limited to:
 - 1.** Timing of the submittal of an application for zoning
 - 2.** Dedication of land for future public facilities including park and open space land
 - 3.** Construction of public improvements
 - 4.** Waiver of compensation claims
 - 5.** Waiver of nexus or rough proportionality objections to future exactions
 - 6.** Other commitments deemed valuable to the City of Canby

For newly annexed properties that are within the boundaries of a DA area as designated on the City of Canby Annexation Development Map: A Development Agreement shall be recorded as a covenant running with the land, binding on the landowner's successors in interest prior to the City Council granting a change in zoning classification.

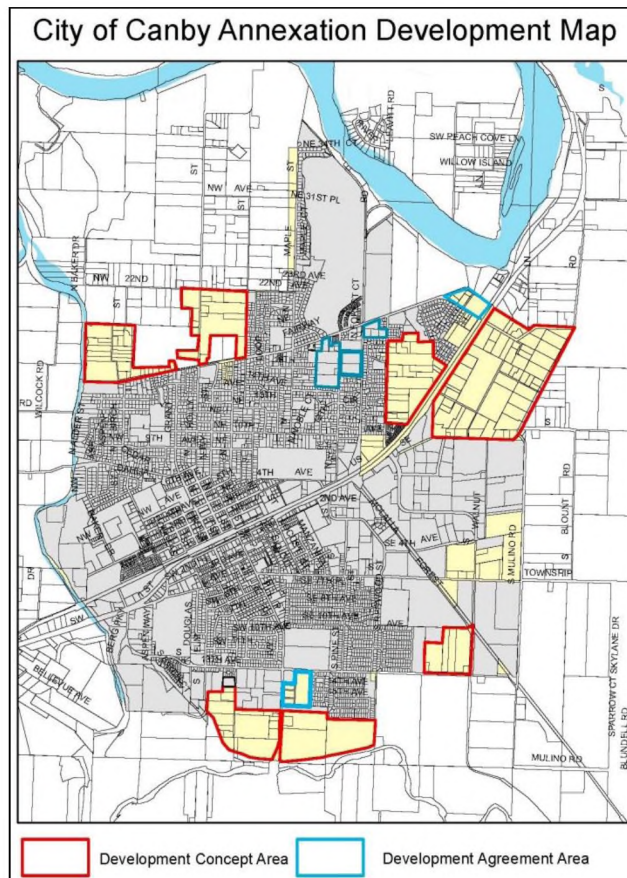


Figure 16.84.040

Findings: Per above, upon Council approval, the annexation is required to record a Development Agreement that shall be recorded at Clackamas County as a covenant running with the land, binding on the landowner's successors in interest. The Development Agreement specifies future street extensions and public facility requirements. The agreement also specifies that the submitted site plan is conceptual only and is subject to change based on future infrastructure and road cross-section requirements. In addition, the agreement states that no parks are proposed to be dedicated with future development; park SDCs will be assessed in lieu of parkland dedication.

2. Analysis of the need for additional property within the city limits shall be provided. The analysis shall include the amount of developable land (within the same class of zoning - low density residential, light industrial, etc.) Currently within the city limits; the approximate rate of development of those lands; and how the proposed annexation will affect the supply of developable land within the city limits. A supply of developable residential land to provide for the anticipated population growth over the following three years is considered to be sufficient;

Findings:

Past Council interpretations of the above 3 year supply requirement have clarified that there shall be a 3 year supply of platted lots available for anticipated population growth. As of February 2014, there were 54 platted lots available in the city (according to the applicant's analysis), with an average of 45 building permits per year being issued (according to staff data). Therefore, currently available platted lots would only provide about a one year supply of residential lots.

However, this analysis does not take into account recently approved subdivisions and other anticipated subdivisions and annexations in the near future. These lots are not yet platted but are anticipated soon and will contribute to the available supply of platted lots within the city. Approximately 144 lots are anticipated in subdivisions alone, which would provide a three year supply of available lots based on rate of 45 lots built per year.

It is difficult to predict future building rates and the subdivision timeframes. However, if the amount of available platted lots today and the rate of building as of February 2014 is used, then the city does not have adequate availability of platted lots for a three year supply of residential construction.

3. Statement of potential physical, aesthetic and related social effects of the proposed development on the community as a whole and on the neighborhood of which it will become a part; and proposed actions to mitigate identified concerns, if any. A neighborhood meeting is required as per Table 16.89,020 of the City of Canby Land Development and Planning Ordinance.

Findings: As with most developments, there will be a loss of open space and increased traffic levels. These are typical consequences of growth. The applicant stated at the pre-application meeting that no trees are being removed.

A neighborhood meeting was held; the primary concern expressed was a desire to not have the land be developed into apartments. The property is designated as low density residential in the Comprehensive Plan and the corresponding R-1 designation is proposed upon annexation.

Allowance of high density residential developments such as apartments would require a Comprehensive Plan amendment and a re-zone, both of which are long processes that are not likely to gain public support.

4. Statement of availability, capacity and status of existing water, sewer, drainage, transportation, park and school facilities;
5. Statement of increased demand for such facilities to be generated by the proposed development, if any, at this time;
6. Statement of additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand;
7. Statement outlining method and source of financing required to provide additional facilities, if any;

Findings: Staff accepts the applicant's statement submitted in their narrative addressing the above criteria. Public facilities will become available when this property is subdivided and developed. An Advanced Financing District, a method of financing and installing public improvements, was set up to provide for storm drainage on this property. The remainder of Advanced Financing fees will need to be paid before a final subdivision plat is recorded; the development agreement stipulates this condition.

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.
9. Compliance with other applicable city ordinances or policies;
10. Compliance of the application with the applicable sections of Oregon Revised Statutes Chapter 222.

Findings: A Zoning Map amendment is proposed in conjunction with the annexation application. The applicant is in conformance with other city ordinances and policies and is expected to comply with state annexation statutes. Further evaluation will be conducted when the property is subdivided.

16.84.050 Consideration of applications

- A. Upon receipt of an application, staff shall review the completeness of the application. After accepting the application as complete, staff shall schedule a public hearing to be held by the Planning Commission.
- B. The commission shall conduct a public hearing to evaluate the proposed annexation and determine the appropriate zoning designation upon annexation. Following the close of the public hearing, the commission shall forward its recommendation concerning the annexation to the City Council. The commission's recommendation shall include findings that specify how the proposal has or has not complied with the above review criteria (16.84.040). The commission shall specify such consideration as findings in support of its decision and recommendation.
- C. Upon receipt of the commission's recommendation the matter shall be set for review by the City Council following the procedures outlined in Division VIII. The City Council shall review all proposals prior to the city application deadline for submitting measures to the voters in May or November. The City Council shall only set for an election those annexations that are consistent

with the above review criteria (16.84.040). The City Council shall specify such considerations as findings in support of its decision to schedule an annexation for an election.

- D. The City Council's decision to submit an annexation to the electorate is the last discretionary decision in the process. Certifying the election after votes are counted is not a discretionary decision.
- E. The council's decision not to set an election for the annexation (a decision of denial), or the results of the election is the final action in the city's review of an annexation application.

Findings: The above procedures are being followed. Upon annexation, the property is proposed to be zoned R-1. The annexation will be referred to the electorate if Council approves the annexation, zone change, and development agreement.

16.84.060 Legal Advertisement of Pending Election

After City Council review and approval, the city administrator shall cause a legal advertisement describing the proposed annexation and pending election to be published in at least one newspaper of general circulation in the city. The advertisement shall be placed at least 14 days prior to the election. The size of the advertisement shall be determined by the City Administrator, but shall not be less than one-half of a full page. The advertisement shall contain: a description of the location of the property, the size of the property, its current zoning and zoning upon annexation, a general description of the land use intended, a description of any Comprehensive Plan text or Map amendment of Zoning Ordinance text or Map amendment that is required; and a description of the positive and negative effects contained in the staff report, as well as the findings upon which the City Council based its decision.

16.84.070 Election Procedures

- A. Pursuant to ORS 222.130(1), the statement of chief purpose in the ballot title for a proposal for annexation shall contain a general description of the boundaries of each territory proposed to be annexed. The description shall use streets and other generally recognized features. Notwithstanding ORS 250.035, the statement of chief purpose shall not exceed 150 words. The ballot title wording shall be prepared by the City Attorney.
- B. Pursuant to ORS 222.130(2), the notice of an annexation election shall be given as provided in ORS 254.095 and 254.205, except that in addition the notice shall contain a map indicating the boundaries of each territory proposed to be annexed.
- C. Pursuant to ORS 222.11(7), two or more proposals for annexation of territory may be voted upon simultaneously; however, each proposal shall be stated separately on the ballot and voted on separately.

16.84.080 Setting of Boundaries and Proclamation of Annexation

If the annexation is approved by the electorate, the City Council, by resolution or ordinance, shall set the final boundaries of the area to be annexed by a legal description and proclaim the annexation

Findings: The above procedures will be followed if the Council approves the applications and refers a ballot measure. If the voters pass the annexation, then Council formally adopt the annexation by resolution.

16.84.090 Exceptions

The City Council may authorize an exception to any of the requirements of this chapter. An exception shall require a statement of findings that indicates the basis for the exception. Exceptions may be granted for reasons including, but not limited to: identified health hazards, limited development

potential, or administrative error. An exception to referring an annexation application that meets the approval criteria to an election cannot be granted except as provided in the Oregon Revised Statutes.

Findings: No exceptions are requested with this application.

16.86 Street Alignments

16.86.020 General provisions

- A.** The Transportation System Plan shall be used to determine which streets are to be arterials, collectors, and neighborhood connectors. All new streets are required to comply with the roadway design standards provided in Chapter 7 of the TSP. The city may require right-of-way dedication and/or special setbacks as necessary to ensure adequate right-of-way is available to accommodate future road widening projects identified in the TSP.
- B.** Right-of-way widths and cross section standards for new streets shall be in conformance with the Canby Transportation System Plan and the Public Works Design Standards.
- F.** Bikeways and bike lanes shall be provided consistent with the Bicycle Plan element of the Transportation System Plan.
- G.** Pedestrian facilities shall be provided consistent with the Pedestrian Plan element of the Transportation System Plan.

16.86.040 Recommended Roadway Standards

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

Findings: Roadway widths and designs will be evaluated during the subdivision process. Because of the potential for various right of way and cross section requirements, the Development Agreement does not include the conceptual lot layout submitted by the applicant. This conceptual site plan is for informational purposes and the lot layouts and sizes are subject to change at the subdivision stage.

16.86.060 Street Connectivity

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

Findings: The development agreement ensures that NE 16th will be extended and N. Plum Ct. will be extended to meet the above standard. N. Plum Court will also extend into the Beck property to the north. The exact alignment of the streets will be determined at the subdivision stage.

16.88 General Standards & Procedures

16.88.060 Council acceptance of dedicated land

No property shall be considered to be dedicated to the city unless first accepted as such by the council, or shown as such on a legally recorded subdivision plat which has been signed by the City. The

Planning Commission is empowered to accept dedication of land for public street purposes in a subdivision only, with all other dedications being the responsibility of the council. The applicant shall be responsible for furnishing adequate title insurance for any such land to be dedicated, unless this requirement is waived by the council for good cause.

Findings: Land dedications for streets and other applicable infrastructure will be made when property develops; no dedications are proposed in conjunction with this annexation.

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)...

Findings: The submitted traffic study evaluated if a Transportation Planning Rule (TPR) analysis was needed for the proposing rezoning. A TPR analysis was determined to not be needed because the rezoning is consistent with the city's Comprehensive Plan and TSP. The most recent TSP modeled traffic growth to 2030 and modeled the subject property based on the LDR designation. No significant traffic capacity issues were identified in the submitted traffic study.

16.89 Application and Review Procedures

Findings: This application is being processed in accordance with Chapter 16.89. This chapter requires a Type IV process for annexations/re-zonings with final Council approval required. Notice of the public hearing was mailed to owners and residents of lots as within 500 feet of the subject annexation/zoning and to applicable agencies. Notice was also given to the Oregon Department of Land Conservation and Development (DLCD). Notice of the Planning Commission and City Council meetings will be posted at the Development Services Building, City Hall, and published in the *Canby Herald*. A neighborhood meeting was required; minutes of the meeting are in the packet.

16.120 Parks, Open Space & Recreation Land

Findings: Future developments will be charged SDCs in lieu of dedicating park land.

IV. PUBLIC TESTIMONY

Notice of this application and opportunity to provide comment was mailed to owners and residents of lots within 500 feet of the subject properties and to all applicable public agencies. All written testimony will be presented to the City Council and Planning Commission, and there will be an opportunity for public testimony at the public hearings.

V. CONDITIONS OF APPROVAL

Staff concludes that, with conditions, the application will meet the requirements for an annexation/zone change. Staff has concluded the following conditions of approval:

VI. Decision

Based on the application submitted and the facts, findings and conclusions of this report, staff

recommends that the Planning Commission recommend to the City Council that:

1. Annexation/Zone Change 14-01 should be approved; and
2. Approvals of these applications should be based on submitted application materials and public testimony. Approval should be strictly limited to the submitted proposals and not extended to any other development of the property. Any modification not in conformance with the approval of application file #ANN/ZC 14-01, including all conditions of approval, should first require an approved modification in conformance with the relevant sections of the *Canby Land Development and Planning Ordinance*; and
3. The Development Agreement should be approved, executed, and recorded; and
4. The zoning of the property upon annexation should be designated as R-1 Low Density Residential; and
5. Annexation/Zone Change 14-01 should be approved for submission to the electorate for a vote of the people; and
6. The applicant shall have seven (7) calendar days from the date the Council approves the Development Agreement, annexation, and zone change, to record the Development Agreement at Clackamas County. The Development Agreement shall be recorded as a covenant running with the land, binding on the landowner's successors in interest. Failure to record the Development Agreement within the time specified will result in removal of the annexation application from the ballot for consideration by the electors.

Based on the applications submitted and the facts, findings, and conclusions of this report, staff recommends that the Planning Commission recommend City Council **approval** of Annexation/Zone Change File #ANN/ZC 14-01 pursuant to the Decision presented in this staff report.

Sample motion: I move to recommend City Council approval of Annexation/Zone Change File #ANN/ZC 14-01 pursuant to the Decision presented in this staff report.

Annexation request of the Ray N. Franz & Connie E. Vicker property 1546 N. Pine

Planning commission

Sirs

I chaired a N. E. Canby Neighborhood Association meeting with the owners and Pat Sisul of Sisul engineering.

As I recall, we agreed with the owners of the property that it would be low density R-1 zoned.

One point we did not agree was an absents of a connection to the logging Road . The map as presented , did not show a connection. As I recall every new addition that abuts the logging road, in at least the last 20 years or more, has a connection. My neighbors and I think this practice should be continued .

Leonard Walker

RE: LINK TO DOWNLOAD ANNEXATION FILES. - Message (HTML)

FILE MESSAGE DEVELOPER

Ignore X Delete Reply Reply Forward Meeting More
Junk Delete All Respond
Delete Respond Quick Steps Move Move OneNote Mark Categorize Follow Unread Tags Translate Find Related Select Zoom

Thu 5/22/2014 1:11 PM
Kizer, Daniel <Daniel.Kizer@nwnatural.com>
RE: Link to download Annexation files.

To: Laney Fouse
You replied to this message on 5/22/2014 2:04 PM.

Laney,
Our computer security system won't allow us to download files. We won't have any comments for this annexation request.

Thanks,
Dan Kizer, P.E.
Field Engineer
Salem District and Lincoln County District
Daniel.kizer@nwnatural.com
Phone (503) 226-4211 x 8166
Cell (503) 931-3219

From: Laney Fouse [<mailto:FouseL@ci.canby.or.us>]
Sent: Thursday, May 22, 2014 12:56 PM
To: Laney Fouse
Subject: Link to download Annexation files.

Please use the following link to download the two Annexation files from the Canby Planning Department's remote file manager -SynaMan@.

File(s) will be available for download until **5/29/14 12:11 PM**

Application for Annexation

1546 N Pine Street

Canby, OR 97013

Applicants:	Ray Franz & Connie Vicker 10921 Martin Lane NE Aurora, OR 97002 Phone: (503) 678-5739
Location	1546 N. Pine Street South of Territorial Road, east of N. Pine Street and west of the Logging Road Trail.
Legal Description	Tax Lot 2600, Sec. 27, T3S R1E WM (Assessor Map 3 1E 27C)
Zone	County: RRFF-5 Proposed City of Canby: R-1
Proposal	Annexation of 4.62 acres into the City of Canby 4.47 Acres of real property & 0.15 Acres of North Pine Street right-of-way

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I. Application Forms



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

LAND USE APPLICATION

ANNEXATION Process Type IV

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

☐ Applicant Name: Ray N. Franz & Connie Vicker Phone: (503) 678-5769
Address: 10921 Martin Lane NE Email: rayfranz@centurytel.net
City/State: Aurora, OR Zip: 97002 connievicker@centurytel.net

☒ Representative Name: Pat Sisul, Sisul Engineering Phone: (503) 657-0188
Address: 375 Portland Avenue Email: patsisul@sisulengineering.com
City/State: Gladstone, OR Zip: 97027

☐ Property Owner Name: Ray N. Franz, Trustee Phone: (503) 678-5769
Signature: *Ray N. Franz*
Address: 10921 Martin Lane NE Email: rayfranz@centurytel.net
City/State: Aurora, OR Zip: 97002

☐ Property Owner Name: Connie E. Vicker, Trustee Phone: (503) 678-5769
Signature: *Connie E. Vicker*
Address: 10921 Martin Lane NE Email: connievicker@centurytel.net
City/State: Aurora, OR Zip: 97002

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>1546 N Pine Street</u>	<u>4.47 Ac</u>	<u>2600 Map 3 1E 27C</u>
Street Address or Location of Subject Property	Total Size of Property	Assessor Tax Lot Numbers
<u>One single family residence</u>	<u>County RRFF-5</u>	<u>LDR Low Density Residential</u>
Existing Use, Structures, Other Improvements on Site	Zoning	Comp Plan Designation

Annexation of property for future land division

Describe the Proposed Development or Use of Subject Property

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



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

LAND USE APPLICATION

ANNEXATION Process Type IV

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

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☒ Representative Name: Pat Sisul, Sisul Engineering Phone: (503) 657-0188
Address: 375 Portland Avenue Email: patsisul@sisulengineering.com
City/State: Gladstone, OR Zip: 97027

☐ Property Owner Name: Jerry E. Franz, Trustee Phone: 503-266-3988
Signature: Jerry E. Franz
Address: 22840 S HAINES RD Email: _____
City/State: Canby Oregon Zip: 97013

☐ Property Owner Name: Connie A. Franz, Trustee Phone: 503-266-3988
Signature: Connie A. Franz
Address: 22840 S HAINES RD Email: _____
City/State: Canby Oregon Zip: 97013

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

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

PROPERTY & PROJECT INFORMATION:

1546 N Pine Street 4.47 Ac 2600 Map 3 1E 27C
Street Address or Location of Subject Property Total Size of Property Assessor Tax Lot Numbers

One single family residence County RRFF-5 LDR Low Density Residential
Existing Use, Structures, Other Improvements on Site Zoning Comp Plan Designation

Annexation of property for future land division

Describe the Proposed Development or Use of Subject Property

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

CITY OF CANBY
ZONE MAP CHANGE APPLICATION
Fee \$2,640

OWNERS

APPLICANT**

Name Ray Franz & Connie Vicker, Trustees

Name Ray N. Franz & Connie E Vicker

Address 10921 Martin Lane NE

Address 10921 Martin Lane NE

City Aurora State OR Zip 97002

City Aurora State OR Zip 97002

Phone (503) 678-5769 Fax _____

Phone (503) 678-5769 Fax _____

E-mail rayfranz@centurytel.net

E-mail connievicker@centurytel.net

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

<input type="checkbox"/> Owner	<input type="checkbox"/> Email	<input type="checkbox"/> US Postal	<input type="checkbox"/> Fax
<input checked="" type="checkbox"/> Applicant	<input checked="" type="checkbox"/> Email	<input type="checkbox"/> US Postal	<input type="checkbox"/> Fax

OWNER'S SIGNATURE Ray N Franz Connie E Vicker

DESCRIPTION OF PROPERTY

Address 1546 N Pine Street, Canby, OR 97013

Tax Map 3 1E 27C

Tax Lot(s) 2600

Lot Size 4.47
(Acres/Sq.Ft.)

Existing Use One single family home

Proposed Use Annexation of property for future land division

Existing Structures One single family home and multiple out buildings

Zoning Current: RRFF-5, Proposed: City R-1

Comprehensive Plan Designation LDR

Project Description Annexation of 4.47 Acres of property and 0.15 Acres of N Pine Street right-of-way

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.**

**CITY OF CANBY
ZONE MAP CHANGE APPLICATION**

Fee \$2,640

OWNERS

APPLICANT**

Name Jerry Franz & Connie Franz, Trustees

Name Ray N. Franz & Connie E Vicker

Address _____

Address 10921 Martin Lane NE

City _____ State _____ Zip _____

City Aurora State OR Zip 97002

Phone _____ Fax _____

Phone (503) 678-5769 Fax _____

E-mail _____

E-mail connievicker@centurytel.net

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

<input type="checkbox"/> Owner	<input type="checkbox"/> Email	<input type="checkbox"/> US Postal	<input type="checkbox"/> Fax
<input checked="" type="checkbox"/> Applicant	<input checked="" type="checkbox"/> Email	<input type="checkbox"/> US Postal	<input type="checkbox"/> Fax

OWNER'S SIGNATURE *Jerry E. Franz* *Connie A. Franz*

DESCRIPTION OF PROPERTY

Address 1546 N Pine Street, Canby, OR 97013

Tax Map 3 1E 27C

Tax Lot(s) 2600

Lot Size 4.47
(Acres/Sq.Ft.)

Existing Use One single family home

Proposed Use Annexation of property for future land division

Existing Structures One single family home and multiple out buildings

Zoning Current: RRFF-5, Proposed: City R-1

Comprehensive Plan Designation LDR

Project Description Annexation of 4.47 Acres of property and 0.15 Acres of N Pine Street right-of-way

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.**

II. Written Narrative

Application for Annexation

Applicants	Ray N. Franz and Connie E. Vicker 10921 Martin Lane NE Aurora, OR 97002 Phone (503) 678-5769
Owners	Jerry E. Franz and Connie A. Franz, Trustees of the Jerry E. Franz and Connie A. Franz Revocable Living Trust 22840 S Haines Road Canby, OR 97013 Phone (503) 266-3988 Ray N. Franz and Connie E. Vicker, Trustees of the Franz-Vicker Joint Revocable Living Trust 10921 Martin Lane NE Aurora, OR 97002 Phone (503) 678-5769
Representative	Sisul Engineering, Inc. 375 Portland Avenue Gladstone, OR 97027 (503) 657-0188 Contact: Pat Sisul
Location	1546 N. Pine Street South of Territorial Road, east of N. Pine Street and west of the Logging Road Trail.
Legal Description	Tax Lot 2600, Sec. 27, T3S R1E WM (Assessor Map 3 1E 27C)
Zone	County: RRFF-5 Proposed City of Canby: R-1
Site Size	4.47 Acres
Proposal	Annexation of 4.62 acres into the City of Canby 4.47 Acres of real property & 0.15 Acres of North Pine Street right-of-way
Date	February 2014

PROPOSAL

The applicants propose annexation of 0.15 acres of street right-of-way and 4.47 acres of property into the City of Canby with zoning of R-1, Low Density Residential, in conformance with the adopted Comprehensive Plan designation. Annexation will allow, in theory, the development of approximately nineteen new single family residences as shown on the conceptual plan.

SITE DESCRIPTION

The site is located south of NE Territorial Road, east of N Pine Street and west of the Logging Road Trail in northeast Canby. It is part of a remnant of County land forming an island surrounded by the City of Canby. The site has frontage on North Pine Street and the Logging Road Trail. To the north of the site is the undeveloped Beck property and the Willamette Grove Apartment complex. South of the site is the North Pine Addition No. 2 subdivision platted in 1991. The Postlewait Estates and Postlewait Estates 2 subdivisions are located across the Logging Road Trail to the east. To the west, across N Pine Street, are larger undeveloped lots. The parcel immediately north of the site, the Beck property, was annexed into the City of Canby by the voters in the November, 2010 general election and it remains undeveloped.

The site is presently occupied by a single residence and associated out buildings located near N Pine Street in the southwest corner of the property. A mowed yard, with landscaping and several trees is located in the portion of the property around the home. The remainder of the property is pasture.

The high point of the site is the home in the southwest corner located at an elevation of 118 feet. The northwest corner is at 114 feet and the property falls east toward the Logging Road Trail. The northeast and southeast corners are at 104 feet and the lowest point onsite is located in the center of the east line, at 101 feet. The property has no identified significant natural resources or physical hazards.

Public sewer is available to the site in N. Pine Street, N Plum Court and in the Logging Road Trail. Public water is available in N. Pine Street and in N. Plum Court. Public storm drainage is available through a connection to the North Redwood Storm Drain, Advanced Financing District, located in the Logging Road Trail right of way.

Applicable Criteria and Standards

The requirements for a proposal for annexation are listed here and discussed in the following narrative:

Canby Comprehensive Plan

Canby Municipal Code Section 16.84.040

- 1. The City of Canby Annexation Development Map shall determine which properties are required to submit either (See Figure 16.84.040):*
 - a. A Development Agreement (DA), or*
 - b. A Development Concept Plan (DCP).*
- 2. Analysis of the "need" for additional property within the city limits shall be provided.*
- 3. Statement of potential physical, aesthetic and related social effects of the proposed development on the community as a whole and on the neighborhood....*
- 4. Statement of availability, capacity and status of existing water, sewer, drainage, transportation, park and school facilities;*
- 5. Statement of increased demand for such facilities to be generated by the proposed development, if any, at this time;*
- 6. Statement of additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand;*
- 7. Statement outlining method and source of financing required to provide additional facilities, if any;*
- 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.*
- 9. Compliance with other applicable city ordinances or policies;*
- 10. Compliance of the application with the applicable sections of Oregon Revised Statutes Chapter 222.*

CANBY COMPREHENSIVE PLAN

Urban Growth Element

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

Response: The site is designated "RRFF-5" by Clackamas County, a rural residential zone. The site is not being used for commercial agricultural purposes and is too small for a viable farm. The soil type identified for the site is primarily "Canderly Sandy Loam," with some Latourell Loam along the east boundary. Both soils are suitable for agriculture or for development. Since the property is within the City's Urban Growth Boundary, the policy has been established by the City and County that the site ultimately will be developed for urban uses.

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

Response: The site is an area that is in the process of converting to urban uses, where public utilities are available. Adjacent properties to the north and west have not yet been developed, while adjacent properties to the south, east and farther north have been developed to urban uses. The property directly north of the site was annexed into the City in November, 2010. The current pattern of development, with County land surrounded by land within the City limits, potentially makes provision of some services (e.g. fire and police).

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

Response: The Comprehensive Plan is the adopted policy for the city and county.

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: Public facilities and services are available to the site or can be made available through development of the site.

Public sewer is available in N. Pine Street, N Plum Court, and in the Logging Road Trail. Public water is available in N. Pine Street and in N. Plum Court. The applicant has been advised that the City has adequate capacity to serve the site. Storm water will be directed to the North Redwood Storm Drain system that currently terminates in the Logging Road Trail right-of-way near the SE corner of the site.

Public schools are required by law to provide for students within the district and the Canby School District offered open enrollment for students living outside the school district boundaries in the recent past. The following schools would serve the site: Knight Elementary School, Baker Prairie Middle School, and Canby High School. Knight has a

capacity of 575 students and a current enrollment of 393. The middle school has a capacity of 814 and a current enrollment of 602. The high school has a capacity of 1,846 and a current enrollment of 1,517.¹

With the complex approval processes required for annexations and land development, it is likely that new lots will not become available until summer 2015. New homes will likely not be constructed before late 2015 or early 2016, so new students from this property would not attend area schools until at least the fall of 2015 and more likely, spring or fall of 2015. However, these time lines only apply if an actual development proposal is submitted and homes are constructed.

Other public services: Police, fire, telephone, electricity, natural gas, and cable are available or can be made available to the site.

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

Response: The City experienced a significant slowdown in building permits beginning in 2007 in response to regional and national trends in homebuilding and associated finance issues.

The City's eight year single-family home consumptions rate averages 45 lots per year with a high of 201 in 2006 and a low of 4 in 2009 and 2010. In order to satisfy demand, the Council adopted annexation supply policy to assure a 3 year supply of available platted lots for consumption.

According to an analysis performed by the applicant, as of February 21, 2014 there were 54 platted available lots in the R-1, R-1.5 and R-2 zones combined (see, Appendix A). Based on an average of 45 building permits per year, the existing inventory of buildable lands would provide approximately a fifteen month supply.

The proposed annexation would add approximately 4.47 Acres of developable land. Using the City of Canby's Comprehensive Plan's methodology for forecasting the potential residential development of small parcels of vacant land designated Low Density Residential within the City (subtracting 5 percent of the land area for public or semi-public purposes, an additional 5 percent for public rights-of-way and easements, and then subtracting 5 percent of the remaining land area for an assumed vacancy rate, and multiplying the remaining acreage by 4.5 dwelling units per acre for standard type

¹ Enrollment figures are from the Oregon Department of Education website October 1, 2013 Enrollment Summary. Capacity figures are from the Canby School District and were current as of February 2009.

construction) this proposed annexation would result in a potential addition of 17 dwelling units. This generally corresponds with the Conceptual Development Plans prepared by the applicant that show potential for 18 or 19 developed lots on this site.

However, the annexation would not be finalized until a public vote occurred in November, 2014. An application for subdivision, construction plans, and final plat would likely not be approved until summer 2015. Construction might begin in the summer of 2015, but could be delayed until fall or early in 2016. It is likely that new dwellings in the proposed annexation site would not become available until the fall of 2015 at the earliest—approximately a year and a half from now, after the current fifteen month supply has been used. The length and complexity of the approval process, even without an annexation, makes it difficult to predict the rate at which lots are developed and used.

If annexed, when the property is platted, this property would add approximately five months to the available platted land supply. The new lots would become available in 2015 or 2016, at a point when the available lot supply may be depleted further than it is today.

The site is located in an area that is currently developing and where public facilities are available. Annexation of the site would facilitate the orderly provision of public services by filling in the gap between portions of the city in this area.

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

Response: The applicant has contacted the City and other service providers. No problems have been identified with the provision of any public facility or service.

Environmental Concerns Element

Goal 1. To protect identified natural and historical resources.

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

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

Policy I-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: The site is presently part of an area that is, for practical purposes, surrounded by city land and its ultimate destiny was settled with establishment of the Urban Growth Boundary and earlier annexations. The site is not used for agricultural purposes and is not large enough, by itself, to be a viable farm. No natural or historic resources will be affected by the annexation.

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: Agricultural land and uses will not be affected by the proposal for annexation.

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

Response: There are no surface water features on the site or in the vicinity. The property is located within the North Redwood Advanced Financing District. Storm water from a subdivision project would be managed by directing run-off to the North Redwood Storm Drain system in the Logging Road Trail.

Policy 6-R, 9-R, 10-R, 1-H, 2-H, 3-H: Policies relating to historic sites, fish and wildlife habitat, wetlands, steep slopes, flood prone areas, and poor soils.

Response: None of the referenced conditions affect the site.

Transportation Element

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

Policy 1. Canby shall provide the necessary improvement of City streets, and will encourage the County to make the same commitment to local County roads, in an effort to keep pace with growth.

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: NE Territorial Rd. and N. Pine St. are classified as an Arterial and a Collector, respectively, by the Transportation System Plan. New streets within the development site would be classified as local streets. The applicant would expect to construct the new interior streets and the N. Pine Street frontage to current "urban" standards when the parcel is subdivided to accommodate anticipated vehicular and pedestrian traffic and to meet the City's growth needs.

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: The layout for any future development can be designed to provide multi-directional access for all lots and to facilitate access for emergency vehicles. This will be demonstrated in the context of a subdivision application. A conceptual layout for the site is included with this application, showing how new streets can be extended and connected to existing roadways between N. Pine Street and the Logging Road Trail.

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: To the best of the applicant's knowledge, all public facilities and services are available, or can be made available, to the site for the development proposed.

Housing Element

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

Response: The site is part of the land supply within the Urban Growth Boundary of the City of Canby that is planned to provide the future housing needs of citizens.

Conclusion: The proposed annexation supports applicable policies of the Canby Comprehensive Plan, based on the foregoing discussion of goals and policies.

ANNEXATION CRITERIA

(Canby Municipal Code Section 16.84.040)

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

- 1. The City of Canby Annexation Development Map shall determine which properties are required to submit either (see Figure 16.84.040):*
 - a. A Development Agreement (DA) binding for all properties located within the boundaries of the designated DA area as shown on the City of Canby Annexation Development Map. The terms of the Development Agreement may include, but are not limited to:*
 - 1. Timing of the submittal of an application for zoning.*
 - 2. Dedication of land for future public facilities including park and open space.*
 - 3. Construction of public improvements.*
 - 4. Waiver of compensation claims.*
 - 5. Waiver of nexus or rough proportionality objections to future exactions.*
 - 6. Other commitments deemed valuable to the City of Canby.*

For newly annexed properties that are within the boundaries of a DA area as designated on the City of Canby Annexation Development Map: A Development Agreement shall be recorded as a covenant running with the land, binding on the landowner's successors in interest prior to the City Council granting a change in zoning classification.

Response: The site is within a Development Agreement area identified on the City of Canby Annexation Development Map. A Development Agreement has been drafted by the applicant and has been submitted with the application.

b. A development Concept Plan (DCP) binding for all properties located within the boundaries of a designated DCP area as shown on the City of Canby Annexation Development Map. A Development Concept Plan shall address City infrastructure requirements including:

- 1. Water*
- 2. Sewer*
- 3. Stormwater*
- 4. Access*
- 5. Internal Circulation*
- 6. Street Standards*
- 7. Fire Department requirements*
- 8. Parks and open space*

For newly annexed properties that are within the boundaries of a DCP area as designated on the City of Canby Annexation Development Map: A Development Concept Plan shall be adopted by the City Council prior to granting a change in zoning classification.

Response: The site is not within a Development Concept Plan area as shown on the City of Canby Annexation Development Map. The provisions of this section do not apply to this application.

2. Analysis of the "need" for additional property within the city limits shall be provided.

Response: "Need" was discussed with relation to the "Land Use Element" of the Comprehensive Plan. The annexation would add 4.47 acres to the City's supply of available, buildable land. Given the City's eight year rate of 45 building permits per year and the property's maximum development potential of 19 lots, the site could provide approximately a five month supply of buildable lots at the rate of 45 lots per year. The development process, from land acquisition to annexation to subdivision application to completion of public facilities improvements, can take well over a year. The estimated supply of land may vary, depending on rate of growth and difficulties involved in the development process, such as obtaining financing, designing and constructing public improvements, and so on. The proposed annexation would add approximately five months' supply of buildable land in the R-1 zone (based on projections of annual need for dwellings) that would become part of the available land supply within the City for use in 2015 through 2016, given the time involved in converting raw land to suitable lots ready for building permits.

3. Statement of potential physical, aesthetic and related social effects of the proposed development on the community as a whole and on the neighborhood of which it will become a part; and proposed actions to mitigate proposed concerns, if any.

Response: The site is within the City's UGB, and is expected to develop according to the Comprehensive Plan designations. Some residents on adjacent properties may experience a loss of open space. However, vacant and undeveloped land within an UGB is expected to be utilized to accomplish the community's goals as expressed in the Comprehensive Plan. Therefore, the aesthetic and social impacts of development of the annexation site should be within the anticipated range of impacts associated with continuing growth within the City.

4. Statement of availability, capacity and status of existing water, sewer, drainage, transportation, park and school facilities.

Response: Public facilities and services are available or can be made available, as previously discussed. Public water is available in N Pine Street and N Plum Court. Public sanitary sewer is available in N. Pine Street, N Plum Court, and the Logging Road Trail. Storm drainage facilities are available through a connection to the North Redwood Storm Drain Advanced Financing District, which is located in the Logging Road Trail (or by way of N Plum Court connection to the Logging Road Trail) near the SE corner of the site. Public streets in the vicinity of the site generally have adequate capacity. Public park facilities located near the site include the Logging Road Trail (adjacent to the site), the Eco Natural Area, the 19th Avenue Loop Natural Area and Maple Street Park. Schools that would serve this site, Knight Elementary, Baker Prairie Middle School and Canby High School have adequate capacity to serve additional students.

5. Statement of increased demand for such facilities to be generated by the proposed development, if any, at this time.

Response: Annexation by itself will not generate an increased demand on public services. One home exists on site and has been located on the site for several decades. Development of the property into multiple lots and multiple homes would increase the demand for City facilities. The site is within the City's UGB and is expected to develop according to its Comprehensive Plan designation; therefore increases in demand for public services should be within the range of impacts anticipated by the adopted Comprehensive Plan. The applicant has been advised that the City has adequate services to serve the site.

6. Statement of additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand.

Response: Annexation of the property will not increase the demand for public services, however, subdivision of the property multiple lots would increase demand for public water, sewer, drainage, streets, emergency services, parks and schools. Public utilities needed to serve the development of the property would be provided by the development through construction of new public facilities by the developer at the time of subdivision.

7. Statement outlining method and source of financing required to provide additional service, if any.

Response: Public facilities to serve the development will be provided by the development through construction of new facilities by the developer (water, sewer, drainage, streets) through the payment of advanced financing district fees by the developer (drainage), and through the payment of SDC fees (water, wastewater, transportation, storm and parks) by homebuilders building homes within the development. Homebuilders will also pay the construction excise tax for the school district.

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.

Response: The proposed use of the site is consistent with the adopted Comprehensive Plan Map designation and the text contained in the City's Land Development and Planning Ordinance. No text or map amendments are anticipated to be needed for development of the site.

9. Compliance with other applicable city ordinances or policies.

Response: The application complies with other city ordinances or policies, or can be made to comply through the development process.

10. Compliance with applicable sections of ORS 222.

Response: The applicant expects to comply with these provisions of state law.

Conclusion: The criteria of Section 16.84.040 are satisfied, as demonstrated by the foregoing narrative.

Conclusion

The foregoing narrative describes a proposal for annexation of 4.47 Acres of real property and 0.15 Acres of public street right-of-way. The annexation supports the City's goals and policies and satisfies applicable criteria identified in the City's Comprehensive Plan and Land Development and Planning Code. Therefore, the proposed annexation should be approved and forwarded to the voters.

Appendix A:

Available Platted Lots in Canby, as of February 21, 2014

AVAILABLE PLATTED LOTS IN CANBY

(Available lots include lots that have been sold, but a building permit has not yet been issued. Once a building permit has been issued it is no longer considered to be available.)

SUBDIVISIONS – Platted Lots									
Year	Plat #	Subdivision Name		Total Lots	Total Permitted	R-1 Remaining	R-1.5 Remaining	R-2 Remaining	Total Remaining
1991	2995	North Pine Addition No. 2		13	12	1			1
2004	3947	Yorkfield (Apollo Homes)		136	110			7	7
2005	4089	Kraft Place		4	1	3			3
2006	4095	Bremer Court		7	5	2			2
2006	4140	Northwood Estates (Phase One)		41	33	8			8
2006	4120	Postlewait Estates Phase 2		18	16	2			2
2006	4202	Locust Corner		8	5	3			3
2006	4218	Dinsmore Estates (R-1.5 was replatted)		14	9	5			5
2006	4162	Knott Commons		10	7			3	3
2014	4376	Dinsmore Estates West		7	0		7		7
		Lots remaining in subdivisions				24	7	10	41
PARTITIONS (2007-2014) – Platted Lots									
Year	Plat #	Development File / Applicant		Total Lots	Total Built	R-1 Remaining	R-1.5 Remaining	R-2 Remaining	Total Remaining
2008	PP2008-022	MLP06-13	Bud & Joann Fawver (NW 6 th)	2	1			1	1
2008	PP2008-100	MLP07-02	Brett Kacalek (N Maple)	2	1	1			1
2008	PP2008-103	MLP07-05	Williford & Schellenberg (S Knott)	2	1			1	1
2009	PP2009-036	MLP08-02	City of Canby (N Maple)	3	0	3			3
2009	PP2009-038	MLP07-04	Philip Poole (NW Territorial)	3	1	2			2
2009	PP2009-048	MOD05-02 /SUB04-06	WVCC (NE 34 th Court)	2	0	2			2
2011	PP2011-013	MLP10-01	Gerry Engler (N Juniper)	2	1	1			1
2011	PP2011-038	LLA10-02	Robert Zimmer (NW 5 th)	3	1			2	2
		Lots remaining in partitions				9	0	4	13
						R-1 Remaining	R-1.5 Remaining	R-2 Remaining	Total Remaining
		Total lots remaining				33	7	14	54

III. Neighborhood Meeting Notes

North East Canby Neighborhood Association
Meeting Feb - 13 - 2014

1. Leonard Walker
2. Delyn Mills
3. Pat Wilkey
4. Pat Sussel
5. Bud Fawver
6. JoAnn Fawver
7. Clint Coleman
8. Ann Lussen
9. Mike Jordan
10. DAN MORFORD
11. Don Adkins
12. Carolyn Adkins
13. ~~Carol Hamilton~~
14. Shirley Hamilton Hollar
15. Connie Veeke
16. Ray Tranel
17. Dan Leischner
- 18.
- 19.
- 20.
- 21.
- 22.
- 23.
- 24.
- 25.

1546 N Pine Street Annexation - Neighborhood Meeting
Regularly scheduled NECNA meeting, February 13, 2014, 7:00 pm
Willamette Green Clubhouse

A list of meeting attendees provided by the NECNA is attached.

The presentation began at approximately 7:00 PM.

The applicant's representative, Pat Sisul of Sisul Engineering provided large vicinity maps that showed the annexation area, the general area and also showed two conceptual Land Use development plans for the site. Plan A was an 18 lot plan and Plan B was a 19 lot plan. Both plans showed a connection of 16th Avenue to N Pine Street and a northern extension of N Plum Court to the Beck property to the north.

Pat Sisul explained that the site is identified in the Comprehensive Plan as being R-1, which allows for minimum lot sizes of 7,000 sf and minimum lot widths of 60 feet. He mentioned that the site was approximately 4.5 acres and that ½ of the Pine Street right-of-way would also be involved in the annexation. When developed the east side of N Pine Street would be improved with new pavement, curbs and sidewalks.

Pat Sisul explained that this neighborhood meeting was the first opportunity for neighbors to ask questions and offer comments. The application had to be submitted to the City by the end of February in order to qualify for the November election. A Planning Commission hearing and a City Council hearing will be held before the annexation is referred to the voters. If the property is annexed, before it can be developed, another neighborhood meeting would have to be held and there would be another Planning Commission meeting for the proposed development, so there are a lot of opportunities for input.

It was discussed that as of a couple of weeks ago the inventory of platted, available lots in Canby was at 57 lots, and several permits have been taken out since that time. The City has calculated that the 8-year average was 45 permits per year, with a high of 201 in 2006 and a low of 4 in two different years.

Below is a summary of questions that were asked during the meeting. *A summary of the response to the question is given in italics.*

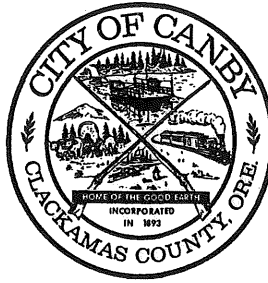
- What is the zoning of the property? *The site is identified in the City's Comprehensive Plan as Low Density Residential and it will come into the City with R-1 zoning.*
- What guarantee do the neighbors have that the property would not be developed as high density? *In order to change the zoning, the applicant would have to go through a Comprehensive Plan adjustment and a zone change, which are not easy processes to go through. We doubt there would be any support from the City for such a change due to the site having R-1 zoning around it to the east and south. The applicants indicated that they had no intentions of changing the zoning to anything other than low density residential.*

- What is zoning of the Willamette Grove Apartments and the Holmes property? *The apartments are zoned R-2, the Holmes property is either R-1.5 or R-2.*
- Can the site be developed as apartments? *Not under the R-1 zoning.*
- Will the project improve Pine Street across the property frontage? *Yes, the applicant will improve Pine Street across the property frontage. It is likely that the improvement will include the east ½ of the street and a travel lane on the west side of Pine Street.*
- How do we prevent apartments from being built? *The best way to prevent apartments is to keep the zoning as R-1. It could likely be written into the Development Agreement between the applicant and the City that the property has to be developed consistent with R-1 zoning.*
- Will we get to see what is in the Development Agreement before the election? *We anticipate that the Development Agreement has to be fully prepared before the application goes to the City Council prior to a recommendation to the voters. This would be several months prior to the election.*
- Will there be any park dedication? *No, the City has indicated that they will want this development to pay a fee-in-lieu rather than dedicate land. The choice of dedication or the fee is the City's choice. The fee-in-lieu is roughly \$4,900 per lot.*
- Will there be a pathway to the Logging Road Trail? *No, the City has indicated that the Beck property will have one pathway to the trail and there is an existing pathway one lot south of this site. A third trail connection is not desired by the City as it is more that they need to maintain.*

The presentation was ended at approximately 7:40 PM. The regular meeting continued.

Notes prepared by
Pat Sisul, Sisul Engineering

IV. Pre-application Meeting Minutes



Pre-Application Meeting

**1546 N Pine Street Annexation
January 9, 2014
10:30 am**

Attended by:

Hassan Ibrahim, Curran-McLeod, 503-684-3478
Connie Vicker, Owner, 503-678-5769
Dan Mickelsen, Erosion Control, 503-266-0698
Doug Quan, Canby Utility, Water Dept., 971-563-6314
Bryan Brown, Planning Department, 503-266-0702

Ray Franz, Owner, 503-678-5769
Jerry Nelzen, Public Works, 503-266-0759
Pat Sisul, Sisul Engineering, 503-657-0188
Gary Stockwell, Canby Utility, Electric Dept., 503-263-4307

This document is for preliminary use only and is not a contractual document.

SISUL ENGINEERING, Pat Sisul

- Ray and Connie are the owners of the property and this is just south of the Beck property and we had a pre-application meeting last October. Ray and Connie do not plan to develop the property, but they want it annexed in Canby and sell it to somebody as a development property. We have two different layouts we submitted, plan A and B, which they are similar and we would extend NE 16th Avenue. We assume NE 16th Avenue would extend from the existing NE 16th Avenue located on the west side of N Pine Street and it would "T" into an extension of N Plum Court. Both of these layouts can be used if this subdivision develops by itself, it could be developed with the Beck property also. It could be developed before, after or at the same time. Layouts could change although expect NE 16th Avenue would stay where it is at N Pine Street and so would NE 17th Avenue, those two street locations are fixed, but the rest could change if they went at the same time.
- The two site plans are slightly different, one has a bow in N Plum Court and give us a little more area on the east side to gain five lots up against the logging road trail, instead of four lots with the other option. That is the benefit to plan B, we would have to have a couple of flag lots off of NE 16th Avenue with four lots facing N Pine Street and we would like to get your feedback on both scenarios for us to tell people who want to develop in the future.

CITY OF CANBY, PLANNING DEPARTMENT, Bryan Brown

- I would like to emphasize what Pat was saying, the fact since this could come in together with another, before or after and we are not actually approving the plan right now. One of the things Pat and I will need is to take this through the Planning Commission and Council getting the annexation going, because it is a part of the development agreement area designated by the annexation ordinance. We need to specify the terms of the development agreement and everyone at this meeting can help with it. In my memo to Pat, it states in the development agreement we accept this land use plan concept, which is defined by where the streets are going and generally about how many lots will be developed and how is it going to be served by all the necessary utility providers. I think in the agreement we would end up

stating something about the street pattern and agree NE 16th Avenue and N Plum Court will connect through and state it is subjected to the N Redwood Advanced Financing. We also agree the drainage will be piped off of this site and there will not be any detention or treatment required. They would agree to whatever you guys say is needed in N Pine Street in terms of an extension of a 12 inch water main or an 8 inch sanitary sewer main, whatever lineal feet and dimension of pipes. When whoever develops this property in the future they will be bound by the development agreement. I want to make sure everyone is on the same page.

- The other item is the traffic study and I am thinking you will need to do one because the most recent study was done in 2009 for the Beck property by Lancaster Engineering. My concern is we do not have representation of the cumulative effect of lots when the study was done. There has not been much change in this area since the study was complete, but it did not tell me if there was any difference if you add these 19 lots to Beck's 19 lots. I do not know if there is a way around it without doing another study, I would feel better and you would be better protected as you go through the Council process adding to the previous study.
- I did supply a paragraph to help with your buildable land supply, just in the fact we have an adopted Council policy, which states we need a three year supply based upon the average growth rate. What I have quickly looked at in the past eight years and our average consumption rate for single-family residential lots is about 45 per year. It is based upon a high of 201 houses in 2006 and a low of 2 houses in the years of 2009 and 2010. If you average it by year, it comes to 45 lots for our consumption rate and this means we need about 135 lots supplied by the Council policy. I seriously doubt we have 135 lots, which means you are home free in terms of justifying this annexation and this is what you are working towards. You will need to know how many plated lots we have currently left and we will try to supply you some information in the next couple of days. Carla will have to take the 57 permits we have issued the past two years, putting an address to a lot and the subdivision name and we will give you that list. Pat asked what zones are the 45 lots per year, R-1 and R-2 and Bryan said those are single-family homes, they probably potentially include some R-2 zoned areas. That is a good question and it was really based upon single-family homes. Pat said when we looked at this before we grouped R-1 and R-1.5 together and we are shooting for a three year supply of single family homes and I think R-2 should have a three year supply of multi-family homes. The code does not exactly say it and Bryan said I was kind of excluding the R-2 zoning from my thought process, but I forgot about the 1.5. Pat asked how can we look at the property that has been annexed into the city, but has not been developed. Bryan said the policy reads specifically plated lots and as far as I am concerned you can ignore it. Pat said Dinsmore Estates is out there and the application has not come in yet and the same with the McRobbie property. Bryan said I think you use the lots that have been recorded of record and are currently vacant without building permits issued. That would be in your favor to justify we need more lots. Pat said the thing with those subdivisions is by the time they are developed and plated as lots it will take a good chunk of the yearly quota and you have 40 or more lots built by that time. Bryan said he will have to remind this Council we have previously adopted this policy because it has been a while and most of them are new. They clarify it specifically to say they only cared about plated lots in making that decision.

- The Planning staff believes your general land use layout is fine for us to basing our annexation assumptions on.
- Bryan asked if there were any trees to be removed and if any of the neighbors would object. The answer was no, the trees were removed a long time ago.
- Bryan will ask DKS Engineering if they have a traffic study in the area.
- Bryan said if this subdivision goes first how do you get the sewer and Hassan said it looks like we have a manhole here and it is at 5.75 feet deep and Jerry said it could be stubbed out to the end of the street. If you would like us to TV it, we can. Pat said I do not think you need to TV it yet.

CURRAN-MCLEOD ENGINEERING, Hassan Ibrahim

- As far as annexation purposes the Waste Water Treatment Plant has plenty of capacity, we are at 50 percent at this point and there are no concerns. As for the layout and I see we have a few options available, depending on whether the Beck property goes first or this one, let us assume this one will go first, you will be coming from the logging road and then terminating just short of N Pine Street and that is fine with us. However, Jerry, Dan and I had a discussion and we do not think you need to put in the sewer along N Pine Street. If I am correct the Beck property was bringing the sewer in from the logging road turning the corner and coming up and Pat said we were going to be 10 feet deep. Hassan said it will serve these two property to the west from there and when the most southerly property develops it will pick it up from that point and extend it. I would imagine NE 16th Avenue will go through to the other side as well and they can turn the corner at that point. Basically in brief, we do not think at this time you have to put in the sewer main on N Pine Street because it has no benefit to you at this time.
- I believe Bryan touched on the storm water issue and there is a fee yet to be paid. According to our records it is \$27,360 you would have to pay. Ray asked at what point this fee needs to be paid and Hassan stated when you develop the property. Hassan asked Bryan to confirm the time the fee needed to be paid and Bryan said prior to a plat being filed of record. The best possible scenario would have them pay before they connect to the North Redwood storm line.
- Water quality is required and we normally require a sump manhole. Jerry said yes.
- I do not have a preference on the street layout on options A or B, but I do like the option A better. I want to make sure on either option we meet the radius on the intersection of NE Plum Court and NE 16th Avenue. Bryan said he liked option A because he does not like the flag lots.

CITY OF CANBY, PUBLIC WORKS DEPARTMENT, Jerry Nelzen

- Have you thought of running the sewer down to N Plum Court and Pat said no they did not think about it. Jerry said there is an existing manhole there and it will save you having another crossing and adding another manhole into our main line. The Collections crew are going to N Plum Court to check the depth and I will let you know. Pat asked if the storm went that way too and Jerry said yes. Pat said the house in front of the existing manhole belongs to Leonard Walker who is the chair of the neighborhood association and having the

neighborhood meeting showing a number of impacts to the street would not be good and be a tough meeting. Jerry said he understood.

- Would you put the sedimentation manhole at the same spot where you are crossing? Pat asked if we were to take the storm out through the walkway, is there a sedimentation manhole down there before it goes in? Jerry said he asked the crew to check about the sedimentation manhole. If you can do as I request it would save us money, time and maintenance on the lines. Pat said we will certainly look at it during the time of development because once it is in we will know how things are tying in with the neighboring development. Jerry said I will get you the information before the end of the meeting.

CANBY UTILITY, ELCTRIC DEPARTMENT, Gary Stockwell

- At this stage of the game there is not much to talk about other than I like the straight option and I am anti-flag lot myself. At the time of development I will need the approved plat plan before I can give you the trenching detail for the layout.
- We are now having the developer draw in the street lights and do the photometrics for the city and I will draw the source in for the street lights when I do the electric plan. At the time of development, contact us and we will give you the type of lights we are using.
- Canby Utility has an annexation policy with Portland General Electric (PGE) and this interagency agreement is approved by the PUC for service territories. When a property is annexed, served by PGE they will do an inventory of what type of equipment is on site and place a value on it. Canby Utility pays them for the value of their equipment and at the time of development you become a Canby Utility customer. As soon as development occurs there will be a fee of whatever PGE assesses their equipment it will be passed on. The cost historically with a single phase transformer pole drop is approximately \$1,500 to \$2,000.
- We have conduit adjoining the property from the south with a street crossing for a pole, if required. I will need to look at it again when development gets closer.

CITY OF CANBY, EROSION CONTROL, Dan Mickelsen

- Since the sanitary line is not going in on N Pine Street, we were thinking if we could move the sewer line over to the other side of N Pine Street from the manhole. We are trying not to dig up the new half street improvements you will be doing on N Pine Street. Doug is having their water line going in on N Pine Street anyhow and with the street open it should be easy to put a stick of pipe to the other side of the road. Pat said you would like a stub out of the manhole heading west and Dan said yes. Hassan said Dan is asking for a sewer line crossing to the west by a few feet.
- Dan asked Pat how much of a difference between the jog on Options A and B. Pat said we are trying to hit the two streets with a 90 degree. Dan explained about not having a driveway at the jog in the roadway because someone could possibly drive through their driveway. Pat said we could intersect straight on and I think the code allows for 75 degrees but 90 degrees is preferred and exceptions are allowed up to 75 degrees.
- Dan asked Pat if he had the survey yet and Pat said he did not have it back. Dan said he went to the site and the lots are probably at least 36 inches below the logging bridge road. Ray concurred. What I am saying is if this is going downhill and if we can make this as slight as possible so the houses are not built up to much. Bryan and I have discussed this issue and

there is nothing in the code saying it cannot be done, we just need to get the elevations right. Pat said he understands and it will be a gradual fall from N Pine Street to N Plum Court and there would probably be some fill on lots 8 through 10.

- You will need to get an Erosion Control application.
- Dan asked if the existing house would be incorporated into the subdivision. Ray said we do not really know. If we did the flag lots it might make a difference, but we would lose the access to N Pine Street and if we do that the whole configuration will change and the existing house will probably go away. Pat said if the existing house were to remain on this land would the access go away from N Pine Street. Bryan said the preference would be to switch it to NE 16th Avenue, but if you cannot pull into a garage that would not make any sense. Ray said the garage faces out to N Pine Street. Pat said the garage is partially on lot 17 and Ray said they would need to have both lots if they were to do that and Pat said the garage would have to be torn down. Bryan said he did not know if it was an important enough matter to really be upset about an existing driveway staying on N Pine Street. It is not the preference, but it is there and if the house stays, then okay.
- Dan asked what was happening with the storm water and Bryan said it will be taken by the N Redwood storm water drainage. Dan said it will be piped rather than having weep holes at the curb and the answer was piped. Pat said in our last discussion weep holes would be okay if we did curb and gutter. Hassan said for the storm there is a sump manhole from what the crew is saying. Jerry said he wanted Pat to have the information to decide because if we remove tract A, eliminating the storm line, we can give back the land to lots 10 and 11. We would not have to worry about the maintenance of the walking pathway. Pat said are you suggesting not having the walking pathway and Bryan said he had not thought about it and Jerry said he wanted to go away from it. Bryan said you are thinking this 10 acre development having one access would be adequate and Jerry said just this subdivision. Hassan said there will be one access two lots down on the existing N Plum Court and Pat said the Beck property will have an access to the north of lot 8. Bryan was not aware the accesses were that close. Jerry said it would save us a lot of maintenance and Bryan said it was overdoing it. Pat was asked to change the plans by removing tract A.

CANBY UTILITY, WATER DEPARTMENT, Doug Quan

- Our system is pretty simple in this area, we have lines in N Pine, N Plum Court and NE 16th Avenue. Doug said the drawing is fine as far as I am concerned and when we get closer we will look at hydrant placement. Pat asked what size is the main and Doug said 8 inch line in N Plum Court and N Pine Street and further down on N Pine Street there is a 12 inch main.

TRIPLE MAJORITY WORKSHEET

Please list all properties and registered voters included in the proposal. If needed, use separate sheets for additional listings.

PROPERTY OWNERS

Tax Lot #'s	Name of Owner	Acres	Assessed Value	Signed Petition (Y/N)
2600	Ray N. Franz	4.47	\$182,298	Y
2600	Connie E. Vicker			Y
2600	Jerry E. Franz			Y
2600	Connie A. Franz			Y
TOTALS				
% Signed		100%	100%	100%

ANNEXATION PETITION CITY OF CANBY, OREGON

By signing below I indicate my consent to and support of being annexed into the City of Canby, Oregon.

I also consent to allow my signature (below) to be used for any application form required for this annexation.

Note: This Petition may be signed by qualified persons even though they may not know their property description or precinct number.

Signature	Printed Name	I AM A*			Property Description				Precinct #	Date
		PO	RV	OV	Lot #	¼ Sec	Twtnshp	Range		
<i>Ray N Franz</i>	Ray N Franz	✓			2600	27C	3S	1E		
<i>Connie E Vicker</i>	Connie E Vicker	✓			2600	27C	3S	1E		
<i>Jerry E Franz</i>	Jerry E Franz	✓			2600	27C	3S	1E		
<i>Connie A Franz</i>	Connie A Franz	✓			2600	27C	3S	1E		

- * PO = Property Owner
RV = Registered Voter
OV = Owner and Registered Voter

VI. Legal Description & Survey



Harper
Houf Peterson
Righellis Inc.

Exhibit "A"

LEGAL DESCRIPTION

VICKERS – SXE-09

LEGAL DESCRIPTION FOR ANNEXATION

January 24, 2014

Page 1 OF 1

LEGAL DESCRIPTION FOR ANNEXATION (VICKERS):

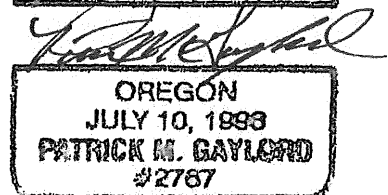
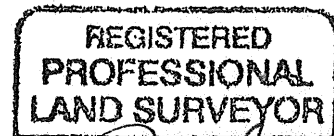
A PORTION OF LOT 76, CANBY GARDENS, PLAT NO. 230, IN THE SOUTHWEST ONE QUARTER OF SECTION 27, T3S, R1E, W.M., CITY OF CANBY, STATE OF OREGON MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT A POINT ON THE SOUTH LINE OF LOT 76, CANBY GARDENS AND THE WEST RIGHT-OF-WAY LINE OF THE MOLALLA FOREST ROAD, 50 FEET WEST OF THE SOUTHEAST CORNER OF SAID LOT 76; THENCE ALONG THE SOUTH LINE OF THE SAID LOT, NORTH 89°56'10" WEST 589.98 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF NORTH PINE STREET, COUNTY ROAD NO. 2580; THENCE ALONG THE SAID RIGHT OF WAY LINE, NORTH 00°01'33" WEST 329.82 FEET TO A POINT ON THE NORTH LINE OF LOT 76; THENCE ALONG THE SAID NORTH LINE, SOUTH 89°56'45" EAST 589.96 FEET TO A POINT ON THE SAID WEST RIGHT-OF-WAY OF THE MOLALLA FOREST ROAD; THENCE ALONG THE SAID WEST RIGHT OF WAY LINE, SOUTH 00°01'43" EAST 329.92 FEET TO THE POINT OF BEGINNING. CONTAINING 4.47 ACRES MORE OR LESS.

TOGETHER WITH THE EAST ONE HALF OF NORTH PINE STREET, COUNTY ROAD NO. 2580, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF LOT 76, CANBY GARDENS AND THE WEST RIGHT-OF-WAY LINE OF THE MOLALLA FOREST ROAD, 50 FEET WEST OF THE SOUTHEAST CORNER OF SAID LOT 76; THENCE ALONG THE SOUTH LINE OF THE SAID LOT, NORTH 89°56'10" WEST 589.98 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF NORTH PINE STREET, COUNTY ROAD NO. 2580 AND THE TRUE POINT OF BEGINNING; THENCE NORTH 89°56'10" WEST 20.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 76, BEING ALSO A POINT ON THE CENTERLINE OF NORTH PINE STREET; THENCE ALONG THE WEST LINE OF THE SAID LOT AND THE SAID STREET CENTERLINE, NORTH 00°01'33" WEST 329.81 FEET TO THE NORTHWEST CORNER OF THE SAID LOT; THENCE ALONG THE NORTH LINE OF SAID LOT 76, SOUTH 89°56'45" EAST 20.00 FEET TO THE NORTHWEST CORNER OF THE HEREIN ABOVE DESCRIBED TRACT OF LAND; THENCE LEAVING THE NORTH LINE OF LOT 76 ALONG THE EAST RIGHT-OF-WAY LINE OF NORTH PINE STREET SOUTH 00°01'33" EAST 329.82 FEET TO THE TRUE POINT OF BEGINNING. CONTAINING 0.15 ACRES MORE OR LESS.

THE COMBINED AREAS TALLING 4.62 ACRES MORE OR LESS.



Renewed through 6/30/2015

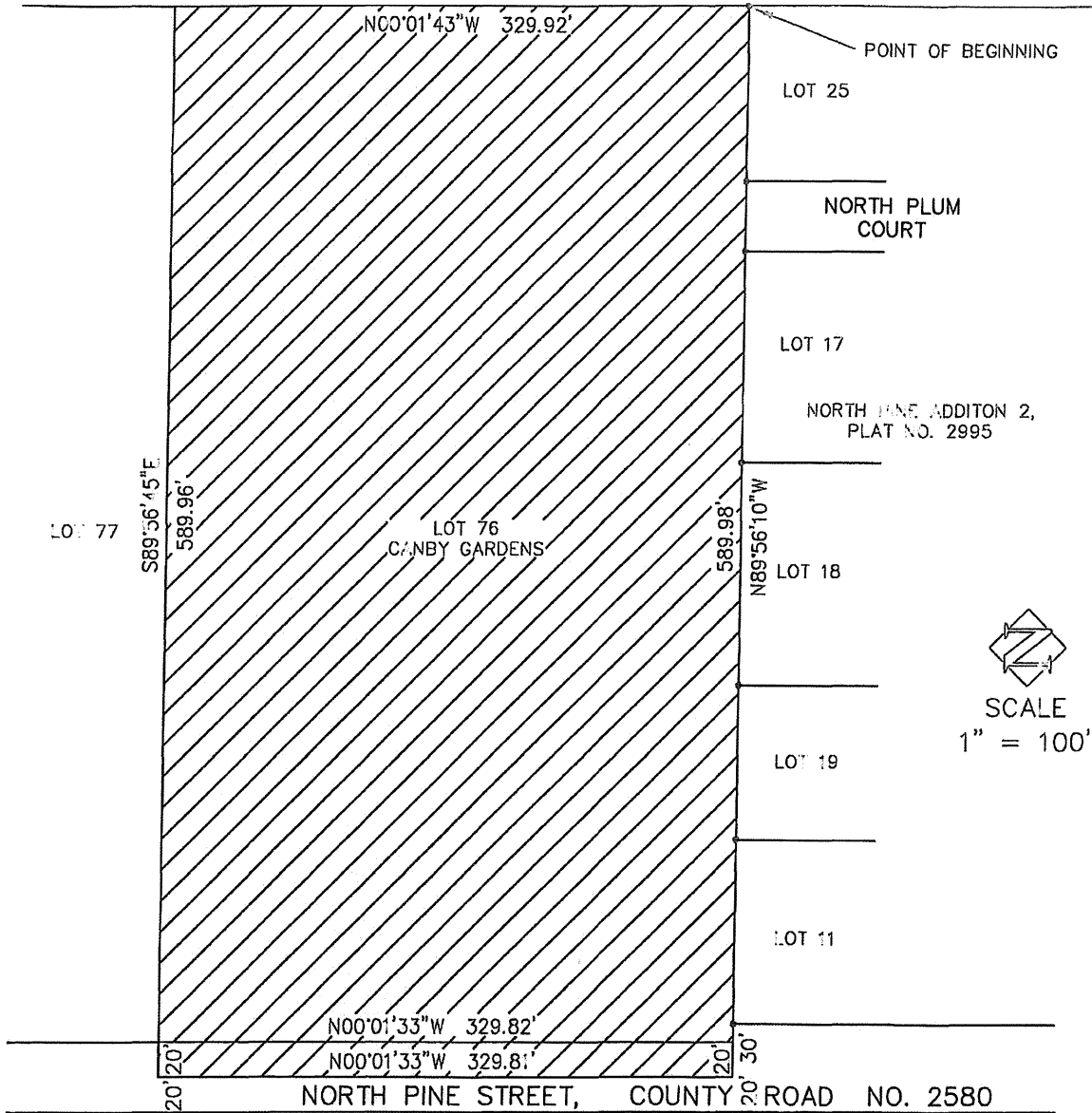
EXHIBIT "B"

VICKERS ANNEXATION

POSTLEWAIT ESTATES,
PHASE 2

POSTLEWAIT ESTATES

50 MOLLALA FOREST ROAD



LEGEND



PROPOSED ANNEXATION
± 4.62 ACRES

SEE ATTACHED
LEGAL DESCRIPTION



Harper
Houf Peterson
Righellis Inc.

ENGINEERS PLANNERS
LANDSCAPE ARCHITECTS SURVEYORS

205 SE Spokane Street, Suite 200, Portland, OR 97202
phone: 503.221.1131 www.hhpr.com fax: 503.221.1171

SXE-09 JTH 01/21/2014 PAGE 1 OF 1

VII. Development Agreement

AFTER RECORDING RETURN TO:
City of Canby
P O Box 930
Canby OR 97013

UNTIL REQUESTED OTHERWISE,
SEND TAX STATEMENTS TO:
Connie Vicker
10921 Martin Lane NE
Aurora, OR 97002

DEVELOPMENT AGREEMENT (ANNEXATION)

RECITALS:

1. Ray N. Franz and Connie E. Vicker, Trustees of the Franz-Vicker Joint Revocable Living Trust and Jerry E. Franz and Connie A. Franz, Co-Trustees of the Jerry N. Franz Revocable Living Trust, hereinafter referred to as "FRANZ", own real property commonly described as 1546 N. Pine Street, Canby, OR 97013 and more particularly described in the attached Exhibit A and depicted on a survey attached as Exhibit B.
2. The City of Canby, hereinafter referred to as "CANBY", is an Oregon municipal corporation.
3. The property described in Exhibit A and depicted on Exhibit B is located within the boundaries of a designated annexation "Development Agreement Area" as shown on the City of Canby Annexation Development Map (City of Canby Municipal Code Title 16, Figure 16.84.040).
4. CANBY procedures for annexation specify the Planning Commission shall conduct a public hearing to review any proposed annexations and determine the appropriate zoning designation upon annexation. The Planning Commission shall furnish its recommendation concerning annexation and assigned zoning to the City Council. The City Council will authorize an election for annexation when it is determined the applicable standards and criteria of Canby Municipal Code 16.84.040 are met and will determine appropriate zoning for the property based on the criteria set forth in the Canby Municipal Code 16.54.040. Thereafter the annexation may only be approved by a majority vote among the electorate of Canby.
5. The purpose of this Annexation Development Agreement is to satisfy the requirements of Canby Municipal Code 16.84.040 including providing adequate public information and information evaluating the physical, environmental, and related social effects of a proposed annexation. The proposed annexation does not require the statutory development agreement of ORS 94.504 et seq.

NOW, THEREFORE, it is hereby agreed:

I. CANBY MUNICIPAL CODE 16.84.040 APPLICABLE PROVISIONS.

A. Timing of the submittal of an application for zoning. Concurrent with review of this Agreement, the Council shall consider FRANZ'S annexation application and requests that, upon approval of the annexation by the voters, the property described in Exhibit A shall be zoned R-1. This approach will insure that the development agreement as well as the annexation and zone change approvals are consistent with City Code 16.84.

B. Scope of annexation request. In addition to the property owned by FRANZ and described in Exhibit A, FRANZ's annexation application shall include the eastern one-half of the N. Pine Street right-of-way, County Road No. 2580 adjacent to the FRANZ

property. The eastern half of the N. Pine Street right-of-way shall be measured from the right-of-way centerline and also as described in Exhibit A and depicted on Exhibit B. FRANZ agrees to dedicate street right-of-way for N. Pine Street to meet the standards of the City of Canby with future land use actions on the property as part of the development approval process.

C. Timing for Recording. FRANZ shall have seven (7) calendar days from the date the City Council takes final action approving this Agreement, the annexation, the zone change request, and after the Council submits the annexation to the electorate, to record this Agreement. Failure to record this agreement within the time specified will result in removal of the annexation application from the ballot for consideration by the electors. A condition of approval will be attached to the annexation and zone change approval imposing this same requirement.

D. Dedication of land for future public facilities including park and open space land. At the time of development, FRANZ agrees to dedicate street right-of-way for N. Pine Street and for other streets being created inside the property to the standards of the City of Canby and to satisfy CANBY's parkland dedication obligation through payment of the City's park system development charge.

E. Street construction/layouts, utilities, right of ways/dedications, and lots. At the time of development, City required public street improvements will be constructed to Canby Municipal Code specifications by FRANZ. Specifically, FRANZ agrees to improve the East one-half of the N. Pine Street right-of-way along the frontage of the property, extend N Plum Court through the property and to construct a new street, 16th Avenue, to connect N Plum Court to N Pine Street. The eastern one-half of the N. Pine Street right-of-way shall be measured from the right-of-way centerline. FRANZ will position the 16th Avenue intersection to N Pine Street and the N Plum Court intersection to 16th Avenue at a location deemed appropriate by the City of Canby Planning Department during the tentative plat design and approval process. Street cross section layouts, public utilities, franchise utilities, and right of way widths/associated dedications will be determined at the time of development in conformance with the Canby Municipal Code and Canby Public Works Design Standards. The submitted General Land Use Plan dated February 2014 in conjunction with the ANN/ZC 14-01 applications is for general reference only and is non-binding. Lot sizes and layouts will be determined at the time of development and are contingent upon street cross sections and right of way widths.

F. Storm Drainage. At the time of development, FRANZ will connect to the North Redwood Storm Drain Advance Financing District without having to provide on-site water quality treatment or storm drain detention improvements. The cost of installing the pipe needed to connect FRANZ to the North Redwood Storm Drain pipe system will be borne by FRANZ. FRANZ will also be required to pay CANBY the North Redwood Storm Drain Advanced Financing District fee in the amount of \$6,061.16 plus accrued interest as associated with the FRANZ property. FRANZ will only be required to extend the North Redwood Storm Drain pipe in the Logging Road Trail as far as is needed to make connection to the system and will not be required to extend the pipe across the entire frontage of the site to the north end of the Franz property.

G. Utility availability. At the time of development, FRANZ agrees to ensure that utilities and infrastructure are available to serve the property described in Exhibit A at densities currently authorized in the R-1 zone. To the extent that additional utility or service infrastructure is required to serve the property in the future, FRANZ agrees to provide those utilities and services in a way that is commensurate with the impacts from development and consistent with the City's Code. FRANZ also agrees to allow connection to FRANZ's constructed public facilities by adjacent property owners.

H. Water and Sewer. At the time of development, FRANZ agrees to install public waterlines in N Pine Street and all new or extended public streets and sewer lines in new City streets as is needed to serve the development. CANBY agrees that FRANZ can connect to the public water system and that FRANZ can connect the existing public sanitary sewer through a connection to the Logging Road Trail, N Pine Court to the north of the site, or N Pine Court to the south of the site. CANBY agrees that no sewer main is needed in N Pine Street along the frontage of the Franz parcel.

I. Waiver of compensation claims. FRANZ waives compensation or waiver of land use regulations as provided in ORS 195.300 and 195.336, as well as Measure 49, resulting from annexation and the concurrent zone change approval.

J. Rough proportionality of future exactions. To the extent that this agreement identifies right-of-way dedication, utility or service obligations, these obligations are necessary and will be limited to an amount necessary to serve this development based on the proposed development application as well as on the uses and densities permitted in the R-1 zone.

K. Other commitments deemed valuable to the City of Canby. FRANZ agrees any future development will meet the requirements of the adopted CANBY Municipal Code in effect at the time of development.

II. OTHER CONSIDERATIONS.

A. Duration. This Agreement shall be effective upon CANBY, acting by and through its city council, approving this Agreement and upon its recording with the Clackamas County Recording Office. As used herein, "approval" means the granting of the approval and the expiration of the period of appeal, or if appeal is filed, the resolution of that appeal. This Agreement shall continue in effect for a period of eight (8) years after its effective date unless cancelled as provided in Section II, C below

B. Recording. Within seven (7) calendar days after the City Council makes a final decision approving ANN/ZC 14-01 and submits the annexation to the electorate, , FRANZ shall record this agreement with the Clackamas County Recorder's Office and provide a copy of the recorded agreement to the City Attorney.

C. Cancellation. In the event a majority of the city electorate denies the annexation, FRANZ may request the cancellation of this Development Agreement. FRANZ and CANBY agree to cooperate to prepare and record a mutually agreeable document to rescind this Development Agreement. Upon rescission, this Development Agreement shall be null and void without further legal effect.

D. Modification. This Agreement may be modified, amended , or extended upon the mutual consent of FRANZ and CANBY.

Dated this _____ day of _____, 2014.

Ray N. Franz

Connie E. Vicker

Jerry E. Franz

Connie A. Franz

CITY OF CANBY, OREGON

By: _____
Amanda Zeiber, Interim City Administrator

Dated: _____

APPROVED AS TO FORM:

By: _____

Dated: _____

APPROVED BY ACTION OF CITY COUNCIL ON _____, 2014.
CITY COUNCIL RESOLUTION NO.: _____.

STATE OF OREGON)
) ss.
County of Clackamas) _____, 2014

Personally appeared before me, RAY N. FRANZ, and acknowledged the foregoing instrument to be his voluntary act and deed.

Notary Public for Oregon
My Commission Expires: _____

STATE OF OREGON)
) ss.
County of Clackamas) _____, 2014

Personally appeared before me, CONNIE E. VICKER, and acknowledged the foregoing instrument to be her voluntary act and deed.

Notary Public for Oregon
My Commission Expires: _____

STATE OF OREGON)
) ss.
County of Clackamas) _____, 2014

Personally appeared before me, JERRY E. FRANZ, and acknowledged the foregoing instrument to be his voluntary act and deed.

Notary Public for Oregon
My Commission Expires: _____

STATE OF OREGON)
) ss.
County of Clackamas) _____, 2014

Personally appeared before me, CONNIE A. FRANZ, and acknowledged the foregoing instrument to be her voluntary act and deed.

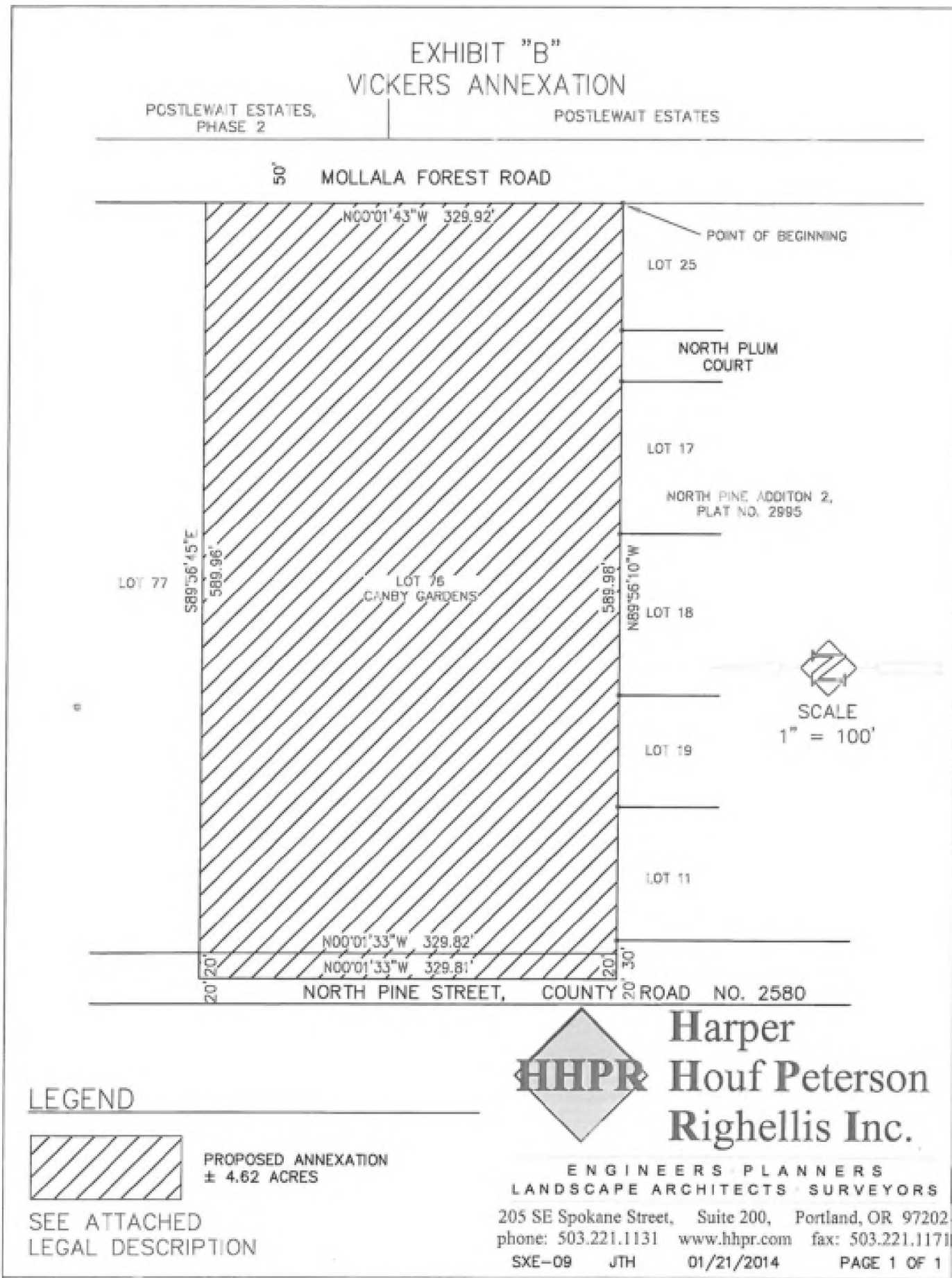
Notary Public for Oregon
My Commission Expires: _____

STATE OF OREGON)
) ss.
County of Clackamas) _____, 2014

Personally appeared before me, AMANDA ZEIBER, as the Interim City Administrator of the City of Canby, Oregon.

Notary Public for Oregon
My Commission Expires: _____

EXHIBIT "A"
EXHIBIT "B"



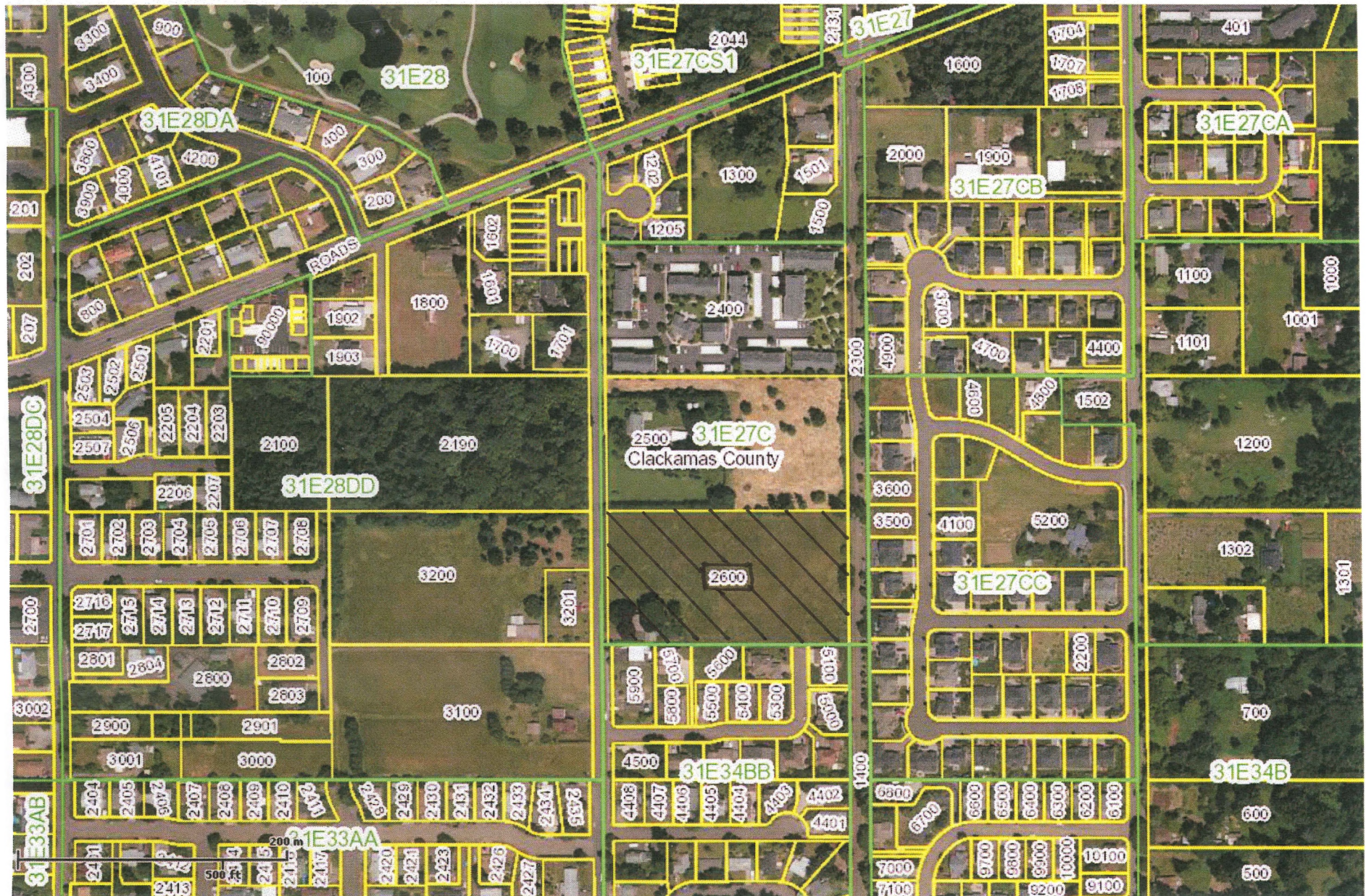
V. Triple Majority Worksheet

VIII. Maps

- a. Vicinity Map
- b. Assessor Map
- c. Comprehensive Plan Map
- d. Topographic Survey
- e. General Land Use Plan

Proposed Annexation

1546 N Pine Street

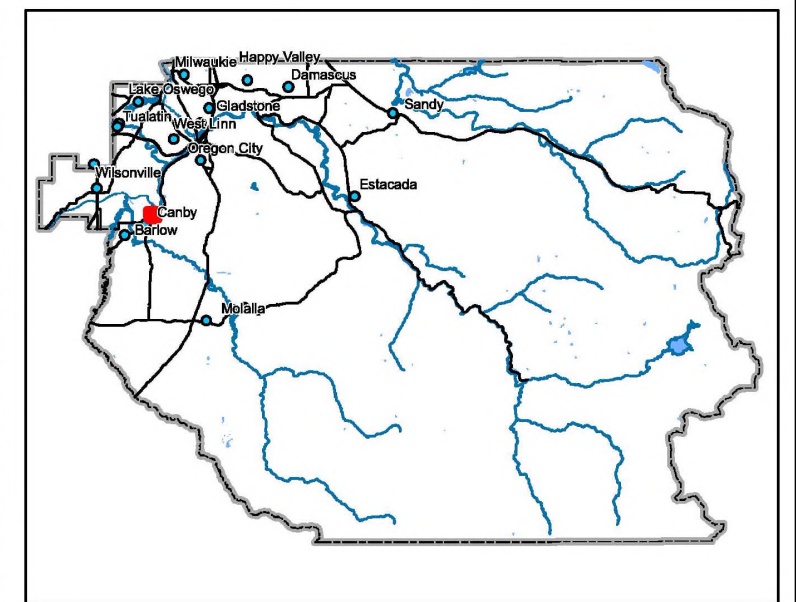


Copyright 2011 ORMAP. All rights reserved. Thu Feb 13 2014 02:04:50 PM.

S.W.1/4 SEC.27 T.3S. R.1E. W.M.
CLACKAMAS COUNTY
1" = 200'

Cancelled Taxlots

- 2001
2000
302
1900
1603
1604
1605
1700
1800
2100
1602
1501
400
1503
703
801
901
2200
2201
2202
701
704
700
702
800
900
100
1600
1601
1400
1401
1500



10/29/2013

S:\SXE (Sisal Engineering, Inc)\SXE-09 (Vickers annex)\SXE09-DWG\CS3.D (SXE09-TOPO-SUR.dwg)

TOPOGRAPHIC LEGEND:

STM	STORM SEWER LINE
SAN	SANITARY SEWER LINE
W	WATER LINE
OW	OVERHEAD WIRE
X X X	FENCE LINE, TYPE AS NOTED
T	TELEPHONE LINE
FO	FIBER OPTIC LINE
E	ELECTRIC LINE
TV	CABLE TELEVISION LINE
///	BUILDING LINE
~~~~~	UTILITY LINE IS BELIEVED TO CONTINUE, CONNECTION NOT LOCATED OR UNKNOWN
SS	SANITARY SEWER MANHOLE
SD	STORM SEWER MANHOLE
CB	CATCH BASIN
WV	WATER VALVE
FD	FIRE HYDRANT
WSP	WATER STAND PIPE
GP	GATE POST
MB	MAIL-BOX
PR	POWER RISER/CABINET/TRANSFORMER
CR	CABLE TELEVISION RISER
TR	TELEPHONE RISER
TM	TELEPHONE MANHOLE
SA	SIGN: AUTHORIZED VEHICLES ONLY
PM	POWER METER
SS	SHRUB / BUSH LINE
DT	DECIDUOUS TREE (APPROXIMATE DIAMETER BREAST HIGH AS NOTED)
12X2	TWO 12" TREES
UP	UTILITY POLE
FR	FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "WILHELM ENG. OR. LS 2413"
CS	EXISTING CONCRETE SURFACE
AS	EXISTING ASPHALT SURFACE
GS	EXISTING GRAVEL SURFACE

#### STORM SEWER NOTES

2380 STORM MANHOLE  
RIM= 105.22'  
IE 12" CPP(E)= 102.21'  
STANDING WATER=101.72  
7.5' OF SILT  
BOTTOM= 93.82'

2410 STORM CATCH BASIN  
RIM= 104.95'  
IE 12" PVC(E)= 102.54'  
SUMP= 101.56'

2474 STORM CATCH BASIN  
RIM= 104.94'  
IE 12" PVC(W)= 102.09'  
SUMP= 101.36'

#### SANITARY SEWER NOTES

2379 SANITARY MANHOLE  
RIM= 105.54'  
IE 8" PVC(N)= 99.83'  
IE 8" PVC(S)= 99.79'  
IE 8" PVC(E)= 99.77'

2477 SANITARY MANHOLE  
RIM= 104.43'  
IE 15" (N)= 98.86'  
IE 15" (S)= 98.88'  
IE 8" PVC(W)= 99.22'

2478 SANITARY MANHOLE  
RIM= 102.87'  
IE 18" (N)= 95.56'  
IE 18" (S)= 95.63'

2601 SANITARY MANHOLE  
RIM= 104.38'  
IE 18" (N)= 96.83'  
IE 15" (S)= 98.69'

#### VERTICAL DATUM:

CITY OF CANBY SANITARY SEWER DATUM

#### UTILITY STATEMENT:

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM LOCATE PAINT MARKINGS TIED IN THE FIELD SURVEY AND AS-BUILT DRAWINGS PROVIDED BY UTILITY COMPANIES. THIS SURVEY DOES NOT SHOW ANY PAINT MARKINGS PROVIDED AFTER THE FIELD SURVEY WAS COMPLETED. AS-BUILT DRAWING INFORMATION THAT WAS NOT PROVIDED IS NOT REFLECTED ON THIS SURVEY. AS-BUILT INFORMATION, IF PROVIDED, WAS USED TO IDENTIFY UNDERGROUND PIPE SIZE AND TYPE (IF SHOWN, AND NOT MEASURED). PAINT SIZE INFORMATION, IF PROVIDED, WAS USED TO IDENTIFY UNDERGROUND PIPE SIZE AND TYPE (IF SHOWN, AND NOT MEASURED). IF NO LOCATE PAINT MARKINGS WERE PROVIDED, AS-BUILT INFORMATION WAS USED TO HORIZONTALLY LOCATE THE UNDERGROUND UTILITIES.

THIS SURVEY MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE OF ALL SUCH UTILITIES IN THE AREA. THE UNDERGROUND UTILITIES SHOWN MAY NOT BE IN THE EXACT LOCATION AS NOTED ON THIS SURVEY, BUT ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION PROVIDED. MANHOLES OTHER THAN SANITARY AND STORM SEWER WERE IDENTIFIED BY MANHOLE LIDS AND MAY NOT BE LABELED CORRECTLY.

UTILITY LOCATIONS MUST BE VERIFIED BY THE STATE UTILITY NOTIFICATION CENTER IMMEDIATELY PRIOR TO ANY EXCAVATION.

UTILITY LOCATES WERE REQUESTED 12/24/2013 UNDER TICKET NUMBER 13272821 FOLLOWING IS A LIST OF UTILITY PROVIDERS NOTIFIED:

CITY OF CANBY	(503)266-0798
CLACKAMAS CNTY D.O.T.	(503)722-6301
CANBY TELEPHONE	(503)266-8245
CANBY UTILITY BOARD	(503)266-1156
NW NATURAL	(503)220-2415
PORTLAND GENERAL ELECTRIC	(503)255-4634
WAVE BROADBAND	(503)255-4634

* - DENOTES ASBUILT MAPS RECEIVED

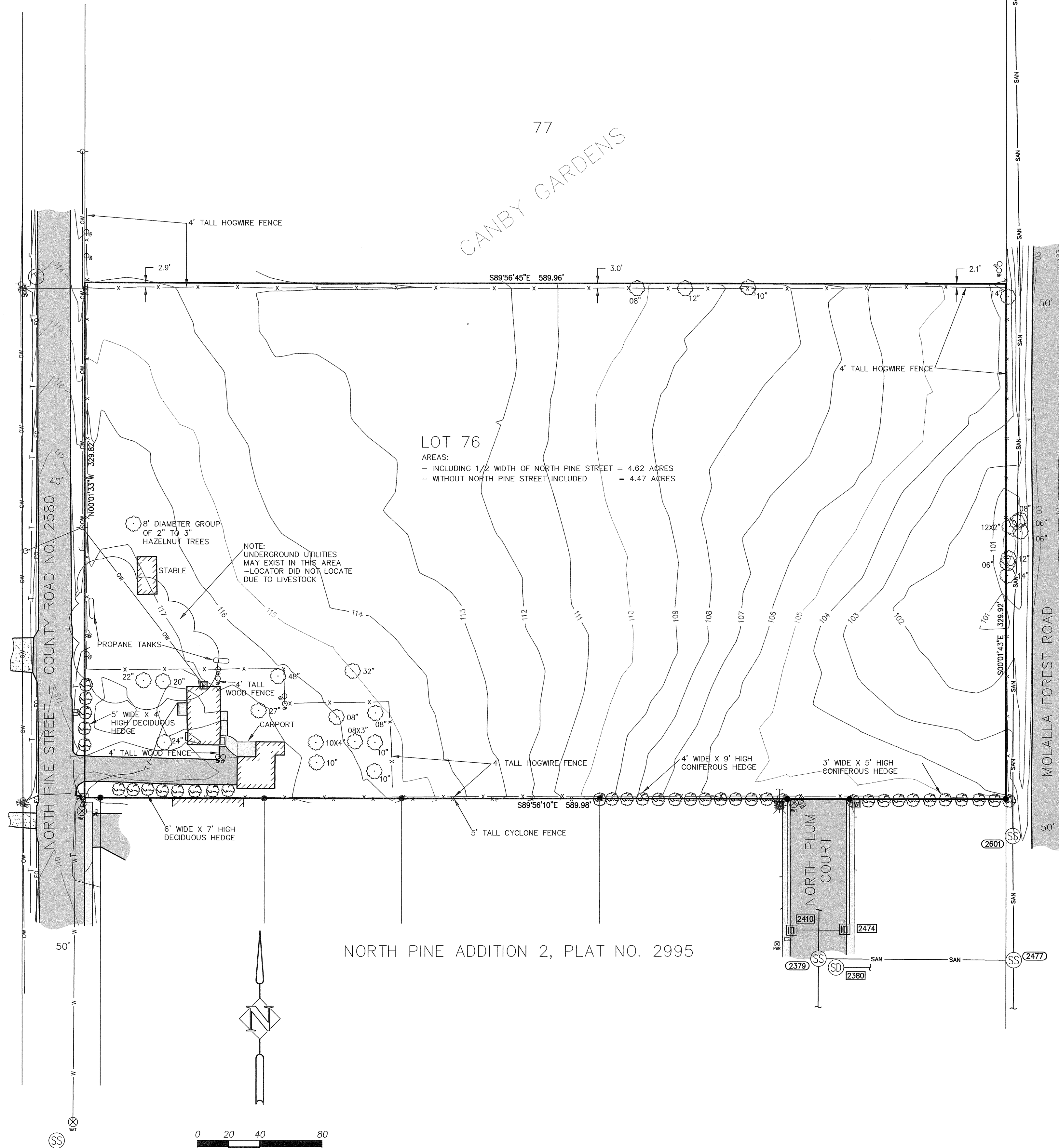
#### MANHOLE LOCATION INFORMATION:

DUE TO THE HAZARDOUS NATURE AND APPLICABLE OSHA REQUIREMENTS REGARDING CONFINED SPACES, IT IS COMPANY POLICY TO NOT SEND OUR FIELD STAFF INTO UTILITY MANHOLES TO RETRIEVE DEPTH AND SIZE INFORMATION (PIPE SIZES AND DEPTHS ARE OBTAINED THROUGH ABOVE GROUND METHODS). THEREFORE, ANY MANHOLE ELEVATION INFORMATION SHOWN HEREON IS SUBJECT TO AN UNCERTAINTY IN ACCURACY OF PLUS OR MINUS 0.1' OR GREATER (DEPENDING ON DEPTH, SIZE, FLOW, AND CONSTRUCTION OF MANHOLE). MANHOLE PIPE SIZES ARE ALSO SUBJECT TO AN UNCERTAINTY OF TWO INCHES OR MORE (DEPENDING ON DEPTH, SIZE, FLOW, AND CONSTRUCTION OF MANHOLE). IF A HIGHER ACCURACY IS NEEDED, ADDITIONAL TIME, EQUIPMENT, AND PERSONNEL WILL BE REQUIRED TO ENTER THE MANHOLE AND RETRIEVE SAID INFORMATION.

MANHOLE LOCATIONS SHOWN ARE TO CENTER OF LID, NOT CENTER OF STRUCTURE.

LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 27,  
TOWNSHIP 3 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN  
CITY OF CANBY, CLACKAMAS COUNTY, OREGON

FIELD WORK DATES: 1/02/2013 TO 1/07/2013



POSTLEWAIT  
ESTATES,  
PHASE 2

POSTLEWAIT  
ESTATES

VICKERS  
TOPOGRAPHIC SURVEY  
CANBY, OREGON

Harper  
Houf Peterson  
Righellis Inc.

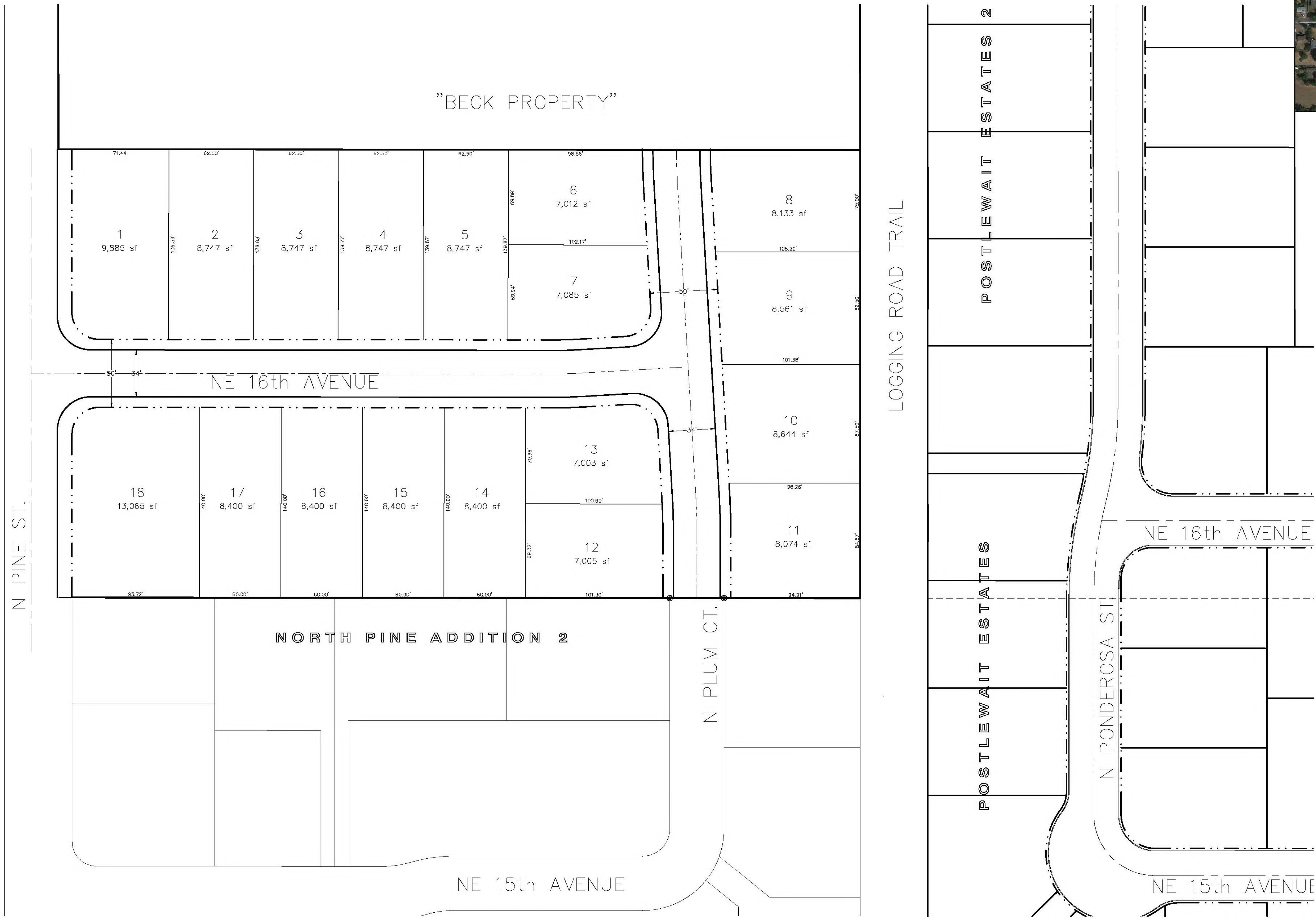
ENGINEERS • PLANNERS  
LANDSCAPE ARCHITECTS • SURVEYORS  
205 SE Spokane Street, Suite 200, Portland, OR 97202  
phone: 503.221.1131 www.hhpr.com fax: 503.221.1171

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
OREGON  
JULY 10, 1996  
PATRICK M. GAYLORD  
2767  
RENEWAL DATE 6-30-2015

DESIGNED:	JTH	PMG	DATE:	01/21/2014
DRAWN:				
CHECKED:				
DATE:				
DESCRIPTION:				
NO.				
DATE				
R	E	V	I	S
I	O	N		
S				

SHEET NO.  
1 OF 1  
JOB NO.  
SXE-09



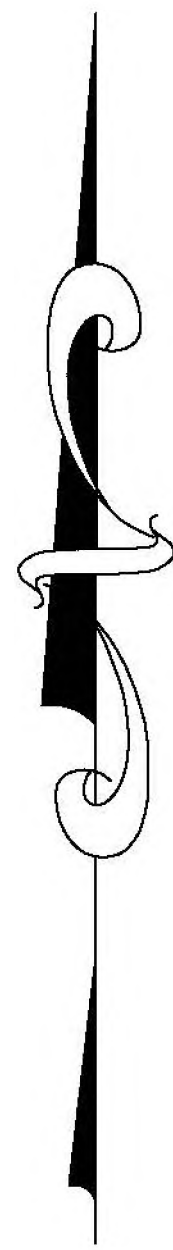
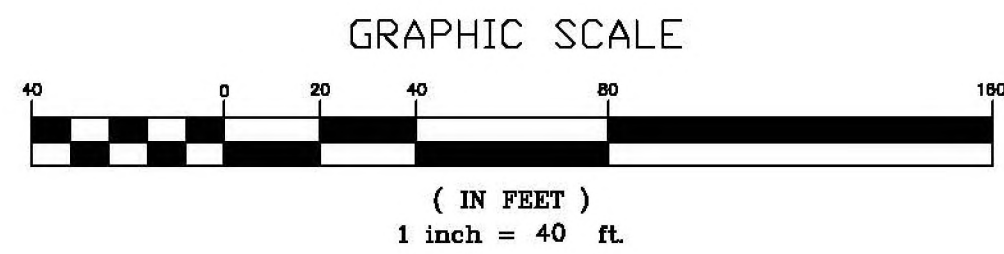


SITE ADDRESS:  
1546 N. PINE STREET  
CANBY, OR 97013

APPLICANT:  
RAY FRANZ & CONNIE VICKER  
10921 MARTIN LANE NE  
AURORA, OR 97002  
(503) 678-5769

LEGAL DESCRIPTION:  
T3S, R1E, SECT 27C  
TAX LOT 2600

SITE SIZE:  
4.47 ACRES



REVISIONS	BY

**PROPOSED ANNEXATION**  
**1546 N. PINE STREET**  
Ray Franz & Connie Vicker

General Land Use Plan

**SISUL ENGINEERING**  
5715 PORTLAND AVENUE  
CLATSOP, OREGON 97027  
(503) 667-0188

DATE	FEB., 2014
SCALE	1"=40'
DRAWN	PS
JOB	SGL13-063
SHEET	<b>1</b>
OF 1	SHEETS



# MEMORANDUM



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

DATE: March 5, 2014

TO: Bryan Brown, City of Canby

FROM: Chris Maciejewski, PE, PTOE  
Steve Boice, PE  
Kate Drennan

SUBJECT: Canby N Pine Street Annexation Transportation Impact Analysis

P#11010-033-000

This memorandum evaluates the transportation impacts associated with the proposed annexation and land use rezone of a five acre site along N Pine Street in Canby, Oregon. The site is located at 1546 N Pine Street (tax lot 2600) just north of NE 15th Avenue and currently features a single family home. The site is located within the Urban Growth Boundary (UGB), but outside the current Canby city limits. It is currently zoned RRFF-5 (Rural Residential Farm Forest) by Clackamas County. The proposed land use action is to annex the site into the City of Canby, and rezone the site from RRFF-5 to R-1 (Low Density Residential). This change in zoning is consistent with the City's Comprehensive Map designation of this area as LDR (Low Density Residential).

Our understanding is that the applicant does not intend to obtain land use development approval for a specific development at this time. Therefore this Transportation Impact Analysis (TIA) is focused on satisfying Oregon Transportation Planning Rule (TPR) requirements (OAR 660-12-0060) and ensuring that there are adequate transportation facilities to accommodate the development of the site.

Although N Pine Street is under the jurisdiction of Clackamas County, the City's standards have been applied for this analysis since it is likely that the City may take over jurisdiction of N Pine Street in the future¹.

---

¹ Phone conversation with Bryan Brown, City of Canby, February 19, 2014.

### Project Site

The project site consists of a five acre parcel in the north-east portion of Canby. A proposal for the site development can be found attached to this memorandum. The land is currently undeveloped except for a single family home in the southwest corner. It is bordered on the east by Logging County Road, a paved multiuse trail, and on the west by N Pine Street. North of the parcel is the "Beck Property", and a single family housing development borders the parcel on the south perimeter. Clackamas County has designated the parcel as RRFF-5, but the City of Canby has more recently designated the area as low density residential according to their Comprehensive Plan Map, seen in Figure 1.

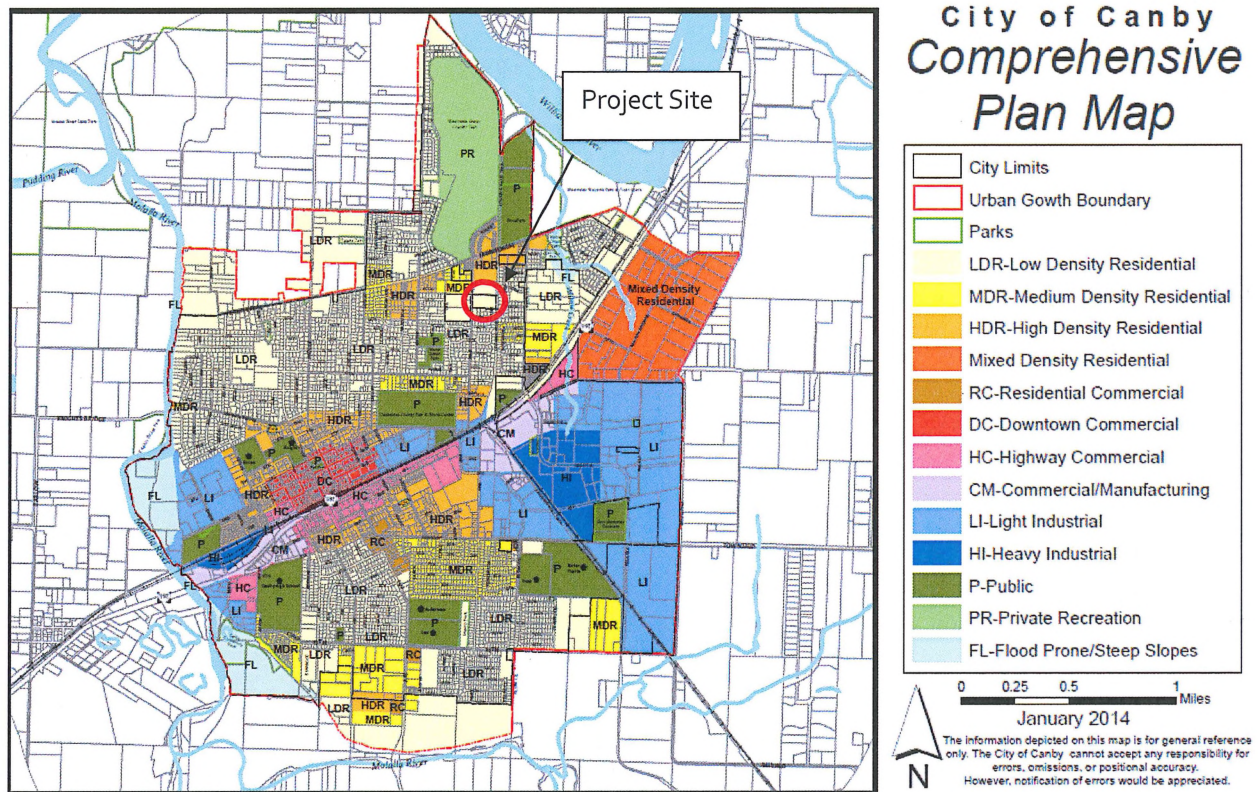


Figure 1: Canby Comprehensive Plan Map

### Site Access and Connectivity

N Pine Street along the project site frontage is classified as a collector by the City of Canby. The road is not striped and the paved width varies between 20 to 22 feet. The portion of roadway fronting the site does not have any shoulder, sidewalk, or bike lane. The posted speed of N Pine Street is 25 miles-per-hour (mph).

The following sections summarize site access to the property, intersection sight distance, and multi-modal connectivity to the project site to determine the adequacy of public facilities serving the site.





### Site Access

The proposed site plan has two proposed access points via two new local roads. The first is NE 16th Avenue, connecting the interior of the site with N Pine Street at the west perimeter. The second is an extension of N Plum Court, which currently terminates at the southeast corner of the site. Both streets are proposed to have 50 foot cross-sections, with a curb to curb width of 34 feet. This is consistent with City local street standards.

The City retains access standards based upon the functional classification of its streets. The primary access point is NE 16th Avenue which Canby classifies as a collector. This encourages shared driveways and a minimum spacing of 250 feet between roadways and 100 feet between driveways as shown in Table 1. There is an existing driveway to the site for a single family household located approximately 230 feet north of NE 15th Avenue. The proposed construction of NE 16th Avenue for ingress and egress to the site would meet the City's access spacing standards. This roadway would be located approximately 370 feet north of NE 15th Avenue and 140 feet north of the existing driveway.

**Table 1: Access Spacing Standards for City Street Facilities²**

Street Facility	Minimum Spacing of Roadways	Minimum Spacing of Driveways	Minimum Spacing of Roadway to Driveway
Arterial	660 feet	330 feet or combine	330 feet
Collector	250 feet	100 feet or combine	100 feet
Neighborhood Route/ Local	150 feet	10 feet	50 feet

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² City of Canby TSP, 2010, Table 7-2



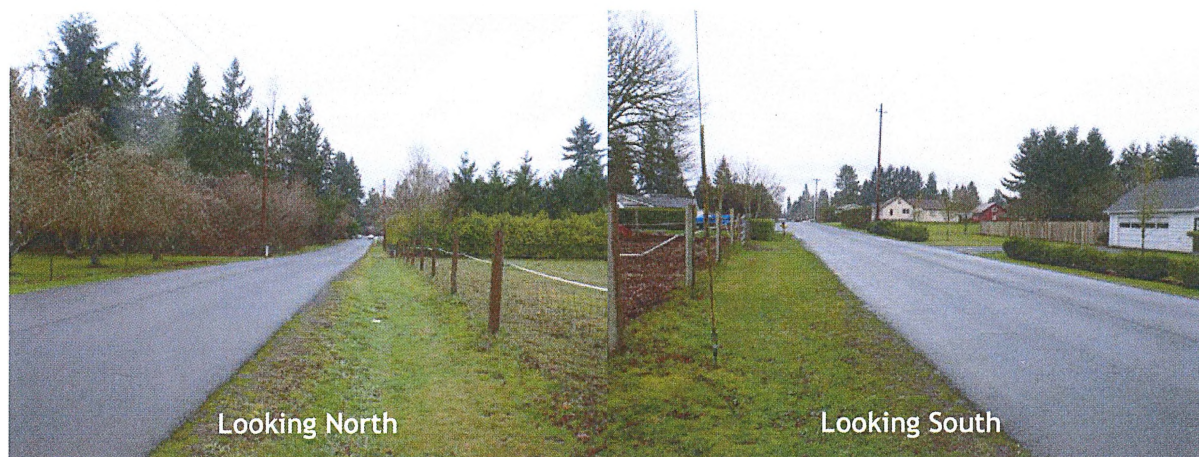
### Intersection Sight Distance

Intersection sight distance was reviewed in the field to ensure adequate safety at site access points³. The measurements are provided in Table 2 and are compared to the American Association of State Highway and Transportation Officials (AASHTO) requirements based on the posted speed of 25 mph along N Pine Street⁴.

**Table 2: Intersection Sight Distance Summary for Proposed Access Point - NE 16th Avenue/N Pine Street**

Criteria	Intersection Sight Distance	
	Looking North	Looking South
Field Measurement (feet)	>300 ft	>300 ft
AASHTO Standard (feet)	240 ft	280 ft
Standard Met?	YES	YES

As indicated in the table and illustrated in Figure 2, intersection sight distance would be met at the access point at the proposed NE 16th Avenue to N Pine Street.



**Figure 2: Intersection Sight Distance (Looking North and South from Proposed NE 16th Avenue)**

³ Site visit conducted by DKS Associates, February 20, 2014.

⁴ A Policy on Geometric Design of Highways and Streets, American Association of State Highway and Transportation Officials, Table 9-6: Decision Intersection Sight Distance and Table 9-8: Design Intersection Sight Distance, 2011.



### ***Multi-Modal Connectivity***

There are currently no sidewalks on N Pine Street directly adjacent to the site. There is a four and half foot sidewalk on the east side of N Pine Street which terminates at the southern perimeter of the site. The sidewalk resumes on the east side of N Pine Street approximately 335 feet from the northern perimeter of the site.

To meet the City's collector standards, the roadway would need to be widened and rebuilt. Collector standards call for a six foot bike lane, eight foot parking lane, an optional landscaping strip, and a six to eight foot sidewalk on each side of the road. Along the site's west frontage to N Pine Street, it is recommended that the development provide half-street roadway improvements including curb, sidewalks, and appropriate set-back for bike lanes in the future. These improvements should be coordinated with City staff, and may include half-street improvements to County standards. Internal connectivity should be provided when the site develops, and external connections to the existing N Pine Street sidewalk network would allow for good pedestrian connectivity.

There is currently poor bicycle connectivity to the site due to N Pine Street's narrow roadway width and no shoulders or bicycle lanes. If the roadway is rebuilt to collector standards, the street's bicycle lanes would create connectivity with the nearest major roadway at NE Territorial Road, which currently has bicycle lanes. Additionally, the Logging County Road is a multi-use trail bordering the eastern perimeter of the site. There is an existing connection to this facility located just south of the site along N Plum Court. Additionally it is our understanding that a new trail connection would be provided with the future development of the property to the north thus providing two direct access points within 300 feet. The Logging Country Road provides a stress-free walking and bicycling link to nearby NE Territorial Road, as well as a grade separated crossing of Hwy 99E for north-south travel throughout Canby.

While the TSP does not propose improvements for N Pine Street in the immediate vicinity of the site, any internal circulation or improvement adjacent to the development should be done in coordination with the City of Canby.

### ***Transportation Planning Rule***

The intent of the TPR (OAR 660-12-0060) is to ensure that future land use and traffic growth is consistent with transportation system planning, and does not create a significant impact on the surrounding transportation system beyond currently allowed uses. The TPR allows a change in land use zoning in the event that a zone change would make the designation consistent with both the Comprehensive Plan and the Transportation System Plan (TSP). The allowance (found in Section 9) was added to the TPR in December 2011 and fits the circumstances of the project parcel. Specifically, section 9 states:

*"If a proposed rezoning is consistent with the existing comprehensive plan map designation, and consistent with the acknowledged transportation system plan, then it can be approved without considering the effect on the transportation system. Special provisions in subsection (c) apply if the area was added to the urban growth boundary (UGB)."*

Since the site is already within the UGB, provisions from subsection (c) would not apply. The Parcel located at N Pine Street meets this allowance because the site is designated as low density residential in the City's





Comprehensive Plan. Additionally, in the most recent TSP, the traffic modeling forecasted growth to 2030 and the traffic analysis zone for this area assumed LDR land use and found the surrounding transportation system would meet operating standards.⁵

### ***Findings***

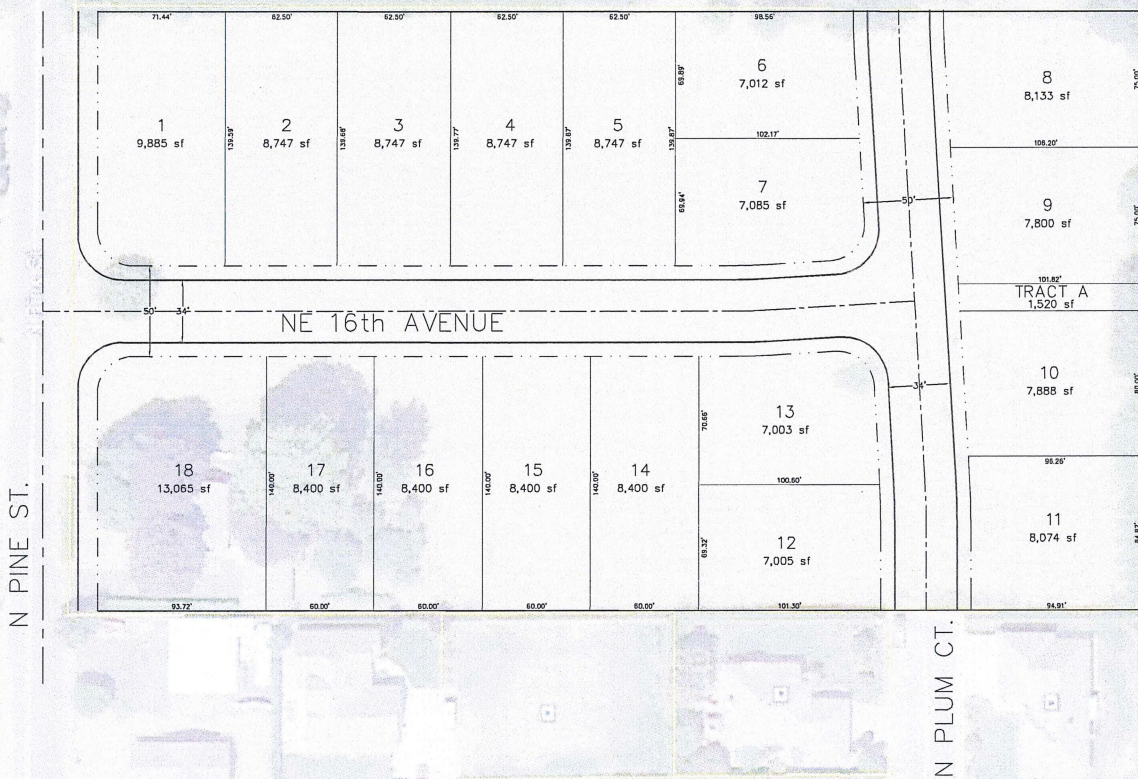
Based upon the analysis presented in this memorandum, the following items are recommended for the annexation of the of the 5-acre site along N Pine Street (consisting of tax lot 2600) to ensure consistency with City standards.

- The site was designated as Low Density Residential in the Comprehensive Plan and the change in land use was assumed for trip modeling in the 2010 Canby Transportation System Plan. Therefore, TPR requirements are met.
- The concept plan for the site would meet access spacing standards and intersection sight distance requirements. Any new trees, fences, or retaining walls should be set back to maintain adequate visibility. Prior to occupation of the site, sight distance at the new project access point will need to be verified, documented, and stamped by a registered professional Civil Engineer licensed in the State of Oregon.
- The parcel would have multimodal connectivity through nearby access to the County Logging Road multimodal trail north and south of the site and through recommended frontage improvements, including half street improvements along N Pine Street to City's collector street standards. Because the current street does not meet the collector standard for cross-section, the developer should maintain proper setback for future right-of-way.
- The concept plan proposes to construct NE 16th Avenue and N Plum Court to the City's local road standards, including required right-of-way and sidewalks. Appropriate intersection traffic control should be provided where new roadways intersect.

---

⁵ Future Needs Report, Travel Demand and Land Use, Canby Transportation System Plan, 2010

"BECK PROPERTY"



PLAN A SITE PLAN 12-23-13





PLAN B SITE PLAN 12-23-13



# City of Canby

**Date: July 16, 2014**

**From: Bryan Brown, Planning Director**

**RE: ANN/ZC 14-02**

---

At their June 9 and June 23 meetings, the Canby Planning Commission recommended that annexation and zone change File #ANN/ZC 14-02 – for a 31.60 acre track of real property and the adjacent half-street of right-of-way located on the north side of SE 13th Avenue just west of the logging road trail – be approved by Council. The Planning Commission's Final Findings reflect this recommendation and specify that the Council decision be as follows:

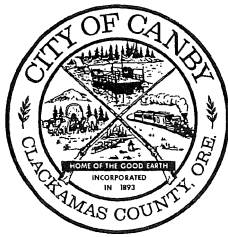
1. Approve Annexation/Zone Change 14-02 and set for submission to the electorate for a vote of the people for the November general election;
2. That the required accompanying Development Concept Plan be adopted by the City Council prior to granting a change in zoning classification; and,
3. Upon annexation, the zoning of the subject property be designated as R-1 and R1.5 as indicated by the Zoning Designation Concept Plan map.

**Sample motion:** I move to approve Annexation/Zone Change File #ANN/ZC 14-02 pursuant to the above recommendations by the Planning Commission.

**Attachments:**

- Planning Commission Final Findings
- Planning Commission Annexation Public Hearing Draft Minutes (7.09.14)
- Staff Report to the Planning Commission with public comments
- Applicant's submittal, including application forms, narrative, neighborhood meeting notes, pre-application meeting minutes, legal description and survey, Development Concept Plan Maps, and Traffic Study





BEFORE THE PLANNING COMMISSION  
OF THE CITY OF CANBY

A REQUEST FOR APPROVAL OF )  
ANNEXATION, ZONE CHANGE, )  
AND DEVELOPMENT CONCEPT )  
PLAN FOR PROPERTY )  
NORTH OF SE 13TH AVENUE )  
WEST OF LOGGING ROAD TRAIL )

FINDINGS, CONCLUSION & FINAL ORDER  
ANN/ZC 14-02  
HUGH & ROBERTA BOYLE  
DANIEL & MARY STOLLER  
GERALDINE K MARCUM  
JERRY & CYNTHIA RICE  
RALPH A NETTER

**NATURE OF THE APPLICATION**

The Applicant's sought approval for an annexation/zone change application and adoption of a development concept plan #ANN/ZC 14-02 of 31.60 acres of real property described as Tax Lots 400, 500, 600, 700, & 800, Section 3, T4S, R1E, WM (Assessor Map 4 1E 03) and 0.50 acres consisting of one-half of the adjacent street right-of-way of SE 13th Avenue, Clackamas County, Oregon. The property is zoned County EFU (Exclusive Farm Use) and is requested to be zoned city R-1 (Low Density Residential) and R 1.5 (Medium Density Residential).

**HEARINGS**

The Planning Commission considered applications ANN/ZC 14-02 after the duly noticed hearing on June 9, 2014 during which the Planning Commission recommended by a 5-0 vote that the City Council approve ANN/ZC 14-02 per the recommendation contained in the staff report.

**CRITERIA AND STANDARDS**

In judging whether or not an annexation and zone change application shall be approved, the Planning Commission determines whether criteria from the *City of Canby Land Development and Planning Ordinance* are met, or can be met by observance of conditions. Applicable criteria and standards were reviewed in the Planning Commission staff report dated June 9, 2014 and presented at the June 9, 2014 public hearing of the Planning Commission.

**FINDINGS AND REASONS**

The Planning Commission considered applications ANN/ZC 14-02 at a public hearing held on June 9, 2014 during which the staff report was presented, including all attachments, and a power point presentation from both staff and subsequently by the applicant's engineering representative were entered into the record. Staff recommended that the Planning Commission forward a recommendation of approval to the City Council for the proposed annexation, new zoning designations, and adoption of the development concept plan submitted by the applicants.

After hearing public testimony, and closing the public hearing, the Planning Commission made the following additional findings beyond those contained in the staff report to arrive at their decision and support their recommendation:

- Testimony from applicant's engineer indicated that more than 10 years back, Canby was issuing over 100 single family permits per year. The more recent history provided by staff indicated an

approximate 45 lot per year average consumption rate with a high of 201 in 2006 and only 4 permits in both 2008 and 2009. Based on the information Sisul collected about the number of platted residential lots remaining from City records he concluded the current available platted lot supply was well less than one-year and clearly fell under the 3-year buildable supply considered by City policy to be adequate when considering annexation applications.

- The applicants engineer indicated the proposed 3.4 acre park was sized to provide approximately 127 lots which would receive an equivalent Park SDC credit in lieu of the value of the park dedication.
- The applicants engineer indicated that the Concept Plan was designed so development could move forward by individual tax lots or as a whole, with each of the north/south main access streets located on a single tax lot so a single property owner could develop without the neighboring owner should the properties not be all annexed or developed together.
- It was understood that land owners would pay for a temporary sanitary sewer pump station to serve their development if an industrial development has not yet triggered the City's installation of a permanent lift station near the intersection of Mulino Road and SE 13th Avenue in accordance with the Sewer Master Plan if and when service is needed for their development.
- The Commission accepted proponent testimony from Gordon Root with Stafford Land Development Company who indicated that the annexation is necessary to help promote a better jobs and housing balance which is key to filling up the Pioneer Industrial Park.
- Applicant owners, Dan and Mary Stoller's comments indicating that annexation and eventual development of this area would help to provide improved safety for those utilizing the logging road trail as they circle down along SE 13th Avenue without needed improvements today was acknowledged.
- The Commission reviewed an alternative smaller park plan noted by applicant owner Ralph Netter and presented by engineering representative Pat Sisul in case there was concern about the City's ability to maintain additional parks. The Commission noted that it was rare to come to agreement about where a park should be located between the City and property owners and that we should take advantage of this mutual agreement and extensive planning that has been done in accepting the proposed 3.4 acre park design.

#### **CONCLUSION**

In summary, the Planning Commission adopted the findings contained in the staff report, concluded that the annexation/zone change/and development concept plan meet all applicable approval criteria, and approved Files #ANN/ZC 14-02 as stated below. The Planning Commission's order is reflected below.

#### **ORDER**

Based on the application submitted and the facts, findings and conclusions of the staff report, and the supplemental findings from the public hearing, the Planning Commission recommended to the City Council **APPROVAL** of annexation and zone change applications **ANN/ZC 14-02** as follows:

1. ANN/ZC 14-02 be approved for submission to the electorate for a vote of the people;
2. That the accompanying Development Concept Plan be adopted by the City Council prior to granting a change in zoning classification; and,
3. Upon annexation, the zoning of the subject property be designated as R-1 and R 1.5 as indicated by the Zoning Designation Concept Plan map.

I CERTIFY THAT THIS ORDER recommending **APPROVAL** of ANN/ZC 14-02 was presented to and **APPROVED** by the Planning Commission of the City of Canby.

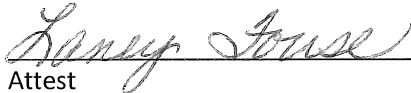
DATED this 9th day of June, 2014



Tyler Smith  
Planning Commission Chair



Bryan Brown  
Planning Director



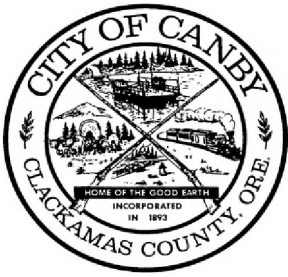
Attest

**ORAL DECISION:** June 9, 2014

<i>Name</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
<i>Tyler Smith</i>	✓			
<i>John Savory</i>	✓			
<i>Shawn Hensley</i>	✓			
<i>John Serlet</i>	✓			
<i>Larry Boatright</i>	✓			
<i>Vacant</i>				
<i>Vacant</i>				

**WRITTEN DECISION:** June 23, 2014

<i>Name</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
<i>Tyler Smith</i>	✓			
<i>John Savory</i>	✓			
<i>Shawn Hensley</i>				
<i>John Serlet</i>	✓			
<i>Larry Boatright</i>	✓			
<i>Vacant</i>				
<i>Vacant</i>				



## PLANNING COMMISSION

### Minutes

Monday, June 9, 2014

7:00 PM

City Council Chambers – 155 NW 2nd Avenue

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**PRESENT:** Commissioners Tyler Smith, Shawn Hensley, John Savory, John Serlet, and Larry Boatright

**STAFF:** Bryan Brown, Planning Director, Angie Lehnert, Associate Planner, and Laney Fouse, Planning Staff

**OTHERS:** Connie Vicker, Ray Franz, Pat Sisul, Ralph Netter, Morgan Will, Gordon Root, Rick Waible, Dan Stoller, and Mary Stoller

**1. CALL TO ORDER**

Chair Smith called the meeting to order at 7:00 pm.

**2. CITIZEN INPUT ON NON-AGENDA ITEMS – None.**

**3. MINUTES**

- a. Approval of the May 12, 2014 Planning Commission Minutes

***Motion:** A motion was made by Commissioner Hensley to approve the May 12, 2014 minutes as written, Commissioner Savory seconded. Motion passed 5/0.*

- b. Approval of the May 28, 2014 Planning Commission Minutes

Chair Smith wanted staff to confirm the final findings were approved by consensus instead of a vote. There should be a vote on final findings.

***Motion:** A motion was made by Commissioner Serlet to approve the May 28, 2014 minutes as written, Commissioner Hensley seconded. Motion passed 5/0.*

**4. PUBLIC HEARING**

- a. Consider a request from Ray N. Franz and Connie E. Vicker for approval to: 1) Annex 4.47 acres of real property and .15 acres of North Pine Street right-of-way; 2) Change the zone district from Clackamas County RRFF-5 (Rural Residential Farm Forest) to City of Canby R-1 Low Density Residential for property at 1546 North Pine Street, and 3) Approve a Development Agreement to be recorded and run as a covenant with the land (**ANN 14-01/ZC 14-01**).

Chair Smith read the public hearing format. The Commissioners had no conflict of interest or ex parte contact to declare.

Angie Lehnert, Associate Planner, entered her staff report into the record. She clarified the zone district was currently RRFF-5 (Rural Residential Farm Forest). The proposed property was 4.47 acres to be zoned R-1 and .15 acres

for a half street improvement on Pine. This was a Type 4 application that required final approval from Council. The annexation would allow development of 18-19 single family residences. The submitted traffic study did not find any significant issues. A neighborhood meeting was held and the primary concern was a desire for the land not to be developed into apartments, which was not possible in an R-1 zone. The Code required a Development Agreement for this property. The applicant submitted an Agreement which would ensure that 16th and Plum Court would be extended, addressed public facilities, Park SDCs would be assessed in lieu of putting in a park, and the property would have to go through a subdivision process after it was annexed. Half street improvements would be required on Pine at the time of development. Citizens commented that they would like to see a pathway to the Logging Road be developed, and that was a decision to be made at the subdivision stage. Utility providers did not raise any concerns about utilities. The City currently had about a year's supply of platted lots based on today's rate of demand. That was not taking into account other subdivisions which were not platted yet but had recently been approved or property which had not yet been annexed. This property had not been farmed for years and was not large enough to be a viable farm. Staff recommended approval.

Chair Smith opened the public hearing.

***Applicant:***

Pat Sisul, Sisul Engineering, was representing the applicants. This was an area in transition from rural to urban and now was the time to bring this property into the City. There was a house on the property, but it was mainly pasture and in an area of low density residential housing. The one comment they heard at the neighborhood meeting was residents did not want an apartment complex and the neighborhood was assured the property would be annexed as R-1. He discussed the buildable lands analysis they had done for this application. Canby had about a 10 month supply of plated lots in the single family zones. There were a lot of steps from getting through the annexation process to getting homes built on the ground. Homes in this subdivision would not be able to be built until late 2015. There was a shortage of land in the City and they were still well below the three year supply even with a few subdivisions coming in. The development plan would include a new street, 16th Avenue, extension of Plum Court, and a pedestrian walkway, although staff discouraged the pedestrian walkway as it was not needed and could be difficult to maintain. He explained the anticipated street plan of the adjacent Beck property that would connect to Plum Court and have a pedestrian connection to the Logging Road Trail. The property could be served by utilities in Pine Street and the Logging Road Trail. Storm drainage would be handled by the North Redwood Advanced Financing District. This was currently the last property in the County on the east side of Pine Street. The timing was right to bring this into the City.

***Proponents:***

Gordon Root with the Stafford Land Company presently has a contract for purchase of the Beck Property. They were going to submit an application for 19 lots and would be including a connection to the Logging Road Trail and extending properties to serve this site. He thought this would be an excellent annexation to continue to meet the City's buildable land supply.

There were no opponents, neutral testimony, or rebuttal.

Chair Smith closed the public hearing at 7:36 pm.

***Motion:*** *A motion was made by Commissioner Savory to recommend approval of ANN 14-01/ZC 14-01 to the City Council, Commissioner Hensley seconded. Motion passed 5/0.*

The written findings would be brought back to the next meeting.

Chair Smith was in support of the annexation and liked that some of the lots were planned to be larger.

- b. Consider a request from Daniel & Mary Stoller, Geraldine K. Marcum, Jerry & Cynthia Rice, Ralph A. Netter, and Hugh & Roberta Boyle for approval to: 1) Annex 31.10 acres of real property and .50 acres of SE 13th Avenue right of way; 2) Change the zone district from Clackamas County Exclusive Farm Use (EFU) to City of Canby R-1 Low Density Residential and R-1.5 Medium Density Residential for property located North of SE 13th Avenue, east of South Teakwood Street and west of the Logging Road Trail & the Sequoia Parkway Extension, and 3) adopt a Development Concept Plan (**ANN 14-02/ZC 14-02**).

Chair Smith read the public hearing format. The Commissioners had no conflict of interest and no ex parte contact to declare. Commissioner Boatright lived nearby and Chair Smith jogged near the site.

Bryan Brown, Planning Director, entered his staff report into the record. This was a large annexation with five different property owners. He explained that two of the tax lots were proposed to be R-1 Low Density Residential while the rest would be R-1.5 Medium Density Residential. A park was being proposed on the largest lot owned by the Stollers which had easy connections to the Logging Road Trail and to the nearby school. He reviewed the approval criteria. A Development Concept Plan was required and all necessary public utilities were either existing or would be made available by the developer. This particular property would need a new sanitary lift station developed to serve this part of town. There could be a timing issue for when the property was annexed and when they wanted to develop as to whether the Master planned permanent lift station would be in place, or the developer would construct a temporary lift



station to meet their needs. A traffic study was done, however there was flexibility regarding how many units would be developed and where they would be placed. That was why the Development Concept Plan was so important that if there were several developers over time, the development would fit together in an efficient development. The Concept Plan was very thorough and met all of the Transportation System Plan proposals for connectivity. The proposal is for a 3.42 acre park, however there has been some recent concern about obtaining additional park land due to the most recent City proposed budget which is to reduce two park maintenance employees and the resulting ability to maintain future parks. However, the City needs to take advantage of opportunities for acquiring new park land when there are willing land owners in areas identified as needing parks that have great assets to contribute to the City's park system. If the properties are annexed, the future park location will be locked in through adoption of the Development Concept Plan with the annexation. There were existing homes on the properties and as they are redeveloped those homes would more than likely be removed. There was a need for more buildable land in the City. Staff recommended approval of the annexation, Development Concept Plan, and assigning the R-1 and R-1.5 zoning.

Commissioner Savory asked about the expense of building a temporary lift station as opposed to building a permanent one.

Mr. Brown explained if the property was to be developed right away, a temporary lift station would need to be sited and built. The City had not yet secured the property for the permanent lift station indicated in the Master sewer plan. The developer has the ability to put the temporary one in immediately if the development needed it. A permanent lift station would eventually be built, but was expensive and additional development would need to come online before it was justified. It was unclear if the applicant was going to pay for the temporary lift station or the City or exactly where it would be sited, but it would likely be near the Logging Road Trail or on the developers property.

Chair Smith opened the public hearing.

***Applicant:***

Pat Sisul of Sisul Engineering was representing the applicants. He explained the annexation consisted of five of the six properties in the Development Concept Plan area. The sixth property was not proposing annexation at this time, but was included in the Development Concept Plan. If the annexation should fail, the Development Concept Plan would still be in effect and would not have to be redone. The Development Concept Plan was designed so development could move forward by individual tax lots or as a whole, with each of the north/south main access streets located on a single tax lot so a single property owner could develop without the neighboring owner should the properties not be all annexed or developed together. He discussed the area surrounding the annexation, buildable lands inventory, proposed zoning, existing conditions on the site, street plan and

connections, storm drainage which would be dry wells, and sewer and water connections.

The Sewer Master Plan called for a permanent pump station at the intersection of 13th Avenue and Mulino Road. It was meant to serve a large area of the City. It was understood the land owners would pay for a temporary sanitary sewer pump station to serve their development if an industrial development had not yet triggered the City's installation of a permanent lift station. They would prepay the System Development Charges to finance the construction of the temporary lift station. The temporary station would be constructed at the corner of Sequoia Parkway and 13th Avenue.

The proposed 3.42 acre park was meant to be a passive park for walking and riding bikes, not for a playground or ball fields. The park was sized to provide for approximately 127 lots which would receive an equivalent Park SDC credit in lieu of the value of the park dedication. He explained the proposed design of the park.

Testimony from Mr. Sisul indicated that more than 10 years back, Canby was issuing over 100 single family permits per year. The more recent history provided by staff indicated an approximate 45 lot per year average consumption rate with a high of 201 in 2006 and only 4 permits in both 2008 and 2009. Based on the information Mr. Sisul collected the number of platted residential lots remaining from City records and concluded the current available platted lot supply was well less than one-year and clearly fell under the 3-year buildable supply considered by City policy to be adequate when considering annexation applications.

***Proponents:***

Gordon Root from Stafford Land Development Company liked working in Canby which was just out of reach of Metro where larger lots and single level homes could be built. The annexation was necessary to help promote a better jobs and housing balance which was key to filling up the Pioneer Industrial Park. It also provided a diversity of housing mix. It would be developed in phases and there was a housing demand. He thought the annexation should go forward.

Ralph Netter, applicant, commended Mr. Sisul for keeping the property owners working together. He had owned his property for several years and there had been interest from developers trying to purchase it and bring it into the City earlier. Since then there had been annexations and the City was on three sides of the property. He questioned with the cuts in the City's budget if the park could be maintained. There was an option to make the park smaller. Regarding the pump station, he thought development on the property would be slow and in phases which meant a temporary station would need to be installed unless an industrial property developed. He thought now was the right time to annex the property.

Dan Stoller, applicant, made comments indicating that annexation and eventual development of this area would help to provide improved safety for those utilizing the Logging Road Trail as they circled down along SE 13th Avenue. Sidewalks, lighting, and reduced speeds would be huge benefits to the neighborhood.

Mary Stoller, applicant, thought by having a nice development area like this it would provide additional tax revenues for the schools and enhance the school system. She was looking forward to the park and was excited to go forward.

There were no opponents or neutral testimony.

Mr. Sisul offered a rebuttal. This was a good mix of R-1 and R-1.5 and in the buildable lands analysis there were only seven lots of R-1.5 available as of February. There was always a shortage of R-1.5 lots in Canby. Regarding the option of making the park smaller, the budget issue came up after the application was submitted. If the Planning Commission felt park maintenance was an issue, there was an alternative plan for a 1.2 acre park. It was going to be a passive park with one restroom and would be low maintenance.

Chair Smith closed the public hearing at 8:46 pm.

Commissioner Hensley asked if the park issue was in the purview of the Commission to decide.

Mr. Brown said the location fit with the Parks Master Plan. They were enthusiastic about the option of getting a larger park as a resource to bank until it could be adequately developed and maintained. The Commission could also support the smaller park because it fit within the Parks Master Plan to have one in this location.

Chair Smith thought if the owners were willing to dedicate the land, he was in favor of making it as big as possible.

The consensus was in favor of the larger park.

Commissioner Savory said the restroom facility was inadequate, but did not know if it should be addressed at this time. He thought the restroom should be gender specific.

Chair Smith stated that decision would come later.

***Motion:** A motion was made by Commissioner Savory to recommend approval of ANN 14-02/ZC 14-02 to the City Council, Commissioner Serlet seconded. Motion passed 5/0.*

**5. NEW BUSINESS – None.**

**6. FINAL DECISIONS – None.**

**7. ITEMS OF INTEREST/REPORT FROM STAFF**

- a. *Next Planning Commission meeting scheduled for Monday, June 23, 2014*
  - *Eli Subdivision (SUB 14-03)*
  - *Final Findings – Annexations*
- b. *Canby Square (Pre-App held June 4, 2014)*
- c. *Faist Subdivision (Neighborhood meeting held June 4, 2014)*
- d. *Beck Subdivision (Neighborhood meeting scheduled for June 12, 2014)*

Mr. Brown reviewed the agenda items scheduled for the June 23 meeting, redevelopment in Canby Square, and upcoming subdivision applications.

**8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION -**

None.

**9. ADJOURNMENT - Chair** Smith adjourned the meeting at 8:55 pm.

The undersigned certify the June 9, 2014 Planning Commission minutes were presented to and APPROVED by the Planning Commission of the City of Canby.

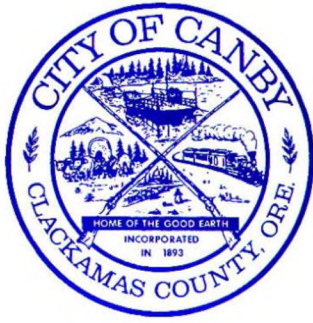
DATED this 14th day of July, 2014

_____  
Bryan Brown, Planning Director

_____  
Laney Fouse, Minutes Taker

Assisted with Preparation of Minutes – Susan Wood





# City of Canby

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## **SITE AND DESIGN REVIEW STAFF REPORT**

**FILE #: ANN 14-02/ZC 14-02**

**Prepared for the June 9, 2014 Planning Commission Meeting**

**LOCATION:** North of SE 13th Avenue, east of S. Teakwood Street & west of the Logging Road Trail & Sequoia Parkway Extension

**ANNEXATION PROPERTY SIZE:** The site is 32.10 acres – real property-31.60 acres, SE 13th Avenue ROW- 0.50 acres

**TAX LOTS:** Tax Lots 400, 500, 600, 700 & 800; Sec. 3, T4S R1E WM (Assessor Map 4 1E 03)

**COMPREHENSIVE PLAN DESIGNATION:** Low & Medium Density Residential (LDR & MDR)

**CURRENT ZONING DESIGNATION:** Clackamas County: Exclusive Farm Use (EFU)

**PROPOSED ZONING:** City: Low & Medium Density Residential (R-1 & R-1.5)

**OWNER/APPLICANT:** Five Different Owners for the 5 Tax Lots: TL 400 – Daniel & Mary Stoller; TL 500 – Geraldine K. Marcum; TL 600 – Jerry & Cynthia Rice; TL 700 – Ralph A. Netter; TL 800 – Hugh & Roberta Boyle

**APPLICATION TYPE:** Annexation/Zone Change (Type IV)

**CITY FILE NUMBER:** ANN/ZC 14-01

**DATE OF REPORT:** May 29, 2014

**DATE OF PUBLIC HEARING:** June 9, 2014

## **I. PROJECT OVERVIEW & EXISTING CONDITIONS**

A group of property owners in the southeastern portion of the Canby area have come together for the expressed purpose of annexing their properties to the City of Canby. Property owners Boyle, Netter, Rice, Marcum and Stoller own a total of 30.67 acres in contiguous parcels located north of SE 13th Avenue, south of Baker Prairie Middle School, generally east of S. Teakwood Street, and west of Sequoia Parkway Extension and the old Logging Road Trail.

The City of Canby's annexation ordinance requires a Concept Development Plan for the Tax Lots which are a part of this annexation request. This has encouraged the group of property owners to band together to provide adequate planning for further expansion of this area to eventually include an additional residential neighborhood. The group of property owners involved with this annexation has work together to meet the Concept Development Plan requirements for the area which has allowed them to more fairly distribute the annexation cost and eventual cost of development which includes the dedication of a new City park which is entirely on one property.

The existing annexation area is located within the City of Canby's Urban Growth Boundary. The City of Canby Comprehensive Plan has planned for ultimate urbanization of this area and its intended land use. The Comprehensive Plan Map indicates residential use with a portion shown at low density and a portion at medium density. The area is currently within Clackamas County's jurisdiction and is currently zoned as Exclusive Farm Use (EFU). This annexation request is to rezone the properties involved to the corresponding City zoning of R-1 and R 1.5 in accordance with the City's Comprehensive Plan Map land use designation. These zoned districts will take effect if annexed as indicated in this application with the Netter (Tax Lot 700) and Boyle (Tax Lot 800) being zoned R-1 – low density residential; and the Stoller (Tax Lot 400), Marcum (Tax Lot 500), and Rice (Tax Lot 600) being zoned R-1.5 – medium density residential.

The applicable Concept Development Plan (DCP) area as indicated in the annexation ordinance includes one additional tax lot (Herrod - 401) which is not part of or requesting to be annexed at this time. The DCP is intended to address City of Canby infrastructure requirements for the DCP area and the Development Concept Plan is to be adopted by the City Council prior to granting a change in zoning classification. The DCP is not a specific development proposal as this will come later after the property is annexed. The DCP provides a clear understanding and framework of how the properties must be developed by being adopted with the annexation.

## **II. ATTACHMENTS**

- A.** Application forms for each property owner – 5
- B.** Submitted Written Narrative containing:
  - a. Introduction
  - b. Description of the Site and Surrounding Area
  - c. Facilities and Services – Statement on Adequacy of Infrastructure Services
  - d. Neighborhood meeting held
  - e. Applicant's Explanation of Conformance with all Required Approval Criteria

- C. Chart of Available Platted Lot Supply in Canby
- D. Neighborhood Meeting Notes/Attendance List/Notification Letter
- E. Pre-Annexation application Meeting Minutes
- F. Consent to Annexation Petition
- G. Survey of Property to Be Annexed and Legal Description of Private Property and ½ of adjacent 13th Avenue Right-of-Way to be Annexed
- H. Tax Lot Ownership Survey
- I. Maps: Aerial Vicinity Map, Assessor Map, Canby Comprehensive Plan Map, Proposed Annexation Area Map
- J. Development Concept Plan Submittal Packet
  - a. Purpose
  - b. Existing Conditions
  - c. Opportunities and Constraints
  - d. Concept Plan
  - e. Utility Service
  - f. Park Dedication & Reimbursement to Stoller
  - g. Development Concept Plan Maps 1-9
- K. Traffic Analysis - contracted by applicant with City's Consulting Traffic Engineer
- L. Agency/Citizen Comments

### III. **APPLICABLE REVIEW CRITERIA & FINDINGS**

Major approval criteria used in evaluating this application include the following Chapters from the *City of Canby's Municipal Code including the Land Development and Planning Ordinance* (Title 16):

- 16.84 Annexations
- 16.54 Amendments to Zoning Map
- 16.89 Application and Review Procedures
- 16.16 R-1 Low Density Residential Zone
- 16.18 R-1.5 Medium Density Residential Zone

*City of Canby Comprehensive Plan Policies and Implementation Measures*

*Clackamas County/City of Canby Urban Growth Management Agreement (UGMA)*

*State Statutes- ORS 195.065 and 222*

**Staff Report Approach:** This staff report incorporates and references the findings within the applicant's written narrative submittal to acknowledge compliance with applicable approval criteria when determined to be appropriate. The applicant submitted a land supply analysis in conjunction with their application for which staff assisted with some data.

Excerpts from the code are highlighted below in **gray**, with findings and discussion after the code citations within a red box. If not discussed below, other standards from the Code are either considered to be fully met by the applicants submittal and findings and/or do not warrant discussion.

## ***Chapter 16.84 Annexation Compliance***

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### ***16.84.040. A.1.b. Annexation Development Map.***

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

***1. The City of Canby Annexation Development Map shall determine which properties are required to submit either (See Figure 16.84.040):***

***a. A Development Agreement (DA) binding for all properties located within the boundaries of a designated DA area as shown on the City of Canby Annexation Development Map. The terms of the Development Agreement may include, but are not limited to:***

- 1. Timing of the submittal of an application for zoning***
- 2. Dedication of land for future public facilities including park and open space land***
- 3. Construction of public improvements***
- 4. Waiver of compensation claims***
- 5. Waiver of nexus or rough proportionality objections to future exactions***
- 6. Other commitments deemed valuable to the City of Canby***

***For newly annexed properties that are within the boundaries of a DA area as designated on the City of Canby Annexation Development Map: A Development Agreement shall be recorded as a covenant running with the land, binding on the landowner's successors in interest prior to the City Council granting a change in zoning classification.***

***b. A Development Concept Plan (DCP) binding for all properties located within the boundaries of a designated DCP area as shown on the City of Canby Annexation Development Map. A Development Concept Plan shall address City of Canby infrastructure requirements including:***

- 1. Water***
- 2. Sewer***
- 3. Storm water***
- 4. Access***
- 5. Internal Circulation***
- 6. Street Standards***
- 7. Fire Department requirements***
- 8. Parks and open space***

***For newly annexed properties that are within the boundaries of a DCP area as designated on the City of Canby Annexation Development Map: A Development Concept Plan shall be adopted by the Canby City Council prior to granting a change in zoning classification. (Ord. 1294, 2008)***

***Findings:*** The applicant's engineer has provided an extensive packet of information with their



Concept Plan to address City of Canby future infrastructure requirements for the area. A great deal of engineering level work has gone into planning for how the concept plan defined area would best be developed and served by all necessary infrastructure. A traffic analysis of the entire site was completed to address traffic impacts associated with likely full development of the property in accordance with the zoning district requesting. The surrounding roadways and intersections were found to have sufficient capacity to accommodate the proposed annexation, zone change, and development concept plan. The Transportation Planning Rule requirements of State Statute were determined to have been met. All necessary utility services are generally available or can be made available through service line extensions to the annexation area. The Concept Plan maps indicate along with the Concept Plan & Utility Service narrative the options for necessary infrastructure services to serve this area. Actual development will trigger a City SDC eligible project to install either a temporary or permanent sanitary sewer lift station near Mulino Road and SE 13th Avenue intersection. Stormwater management for street runoff will be handled with the installation of new public underground injection wells and the associated catch basins and pollution control manholes for water quality treatment. Private property runoff will be handled on-site with underground injection devices within the individual yard areas. A future city park is proposed to be dedicated in-lieu of payment of the park system development charge for an equivalent value exchange as determined by an appraisal at the time it is to be dedicated to the City. The applicant on whose property the proposed park is located desires to retain the option to develop the park as part of the value exchange as indicated on the detailed park plan sheet of the Development Concept Plan. Staff has negotiated for the dedication of this park finding it is a desirable property for park and recreation purposes conforming with and as set forth in the Canby Park and Recreation Master Plan and Acquisition Plan. This criterion is determined to be fully met.

*Criteria 16.84.040.A.2 Analysis of the need for additional property within the city limits shall be provided. The analysis shall include the amount of developable land (within the same class of zoning – low density residential, light industrial, etc.) Currently within the city limits; the approximate rate of development of those lands; and how the proposed annexation will affect the supply of developable land within the city limits. A supply of developable residential land to provide for the anticipated population growth over the following three years is considered to be sufficient.*

**Findings:** A land needs analysis is required with all annexations to assess the current amount of developable land within the same class of that proposed. A 3-year supply of developable R-1 and R 1.5 zoned land is to be considered sufficient. The City Council previously provided a defined policy direction to staff that analysis of actual number of platted lots based on a reasonable assessment of the expected consumption rate moving forward is the appropriate metric to utilize in determining the adequacy of the developable land supply. The applicant submitted an analysis indicating that there are 33 R-1 and 7 R 1.5 vacant platted lots remaining as an inventory within the city limits. The city has had an average absorption rate of nearly 45 lots per year for the last 10 years. This indicates that the supply of readily available platted lots with all necessary infrastructures is below a one-year supply. If annexed, this property would add approximately three years to the buildable land supply. It will likely take 2 to 3 years for this land to be fully platted and the lots made available. Staff concurs and incorporates the applicant's narrative as findings that indicate this criterion is met.



Criteria 16.84.040.A.3 Statement of potential physical, aesthetic and related social effects of the proposed development on the community as a whole and on the neighborhood of which it will become a part; and proposed actions to mitigate identified concerns, if any. A neighborhood meeting is required as per Table 16.89.020 of the City of Canby Land Development and Planning Ordinance.

**Findings:** This staff report incorporates the relevant section of the applicant's narrative as findings. Future development is anticipated to develop the site at a net density of 5.52 units per acre. Potential traffic generation has been shown to be within the capabilities of the surrounding road system with no mitigation necessary. The addition of a new neighborhood park is considered a plus for this future developing area. Staff does not foresee any significant impacts from the proposal or need to mitigate any identified concerns. Staff agrees that the future development indicated by the Development Concept Plan indicates that this development will "fit" in with the character of this part of town. This applicable criterion is considered to be satisfied.

Criteria 16.84.040.A.4 Statement of availability, capacity and status of existing water, sewer, drainage, transportation, park and school facilities.

**Findings:** This staff report incorporates the relevant section of the applicant's narrative as findings. The applicants submitted Development Concept Plan maps fully demonstrate how utility infrastructure will be made available, and no capacity issues were identified by City departments and agencies at the pre-application meeting. The proposed public park will be beneficial in serving this area of Canby. There are significant tree resources available for the park area and it provides easy direct access to the logging road trail. This applicable criterion has or can be met at the time of development.

Criteria 16.84.040.A.5 Statement of increased demand for such facilities to be generated by the proposed development, if any, at this time.

**Findings:** Staff accepts the relevant section of the applicant's narrative as findings. Staff finds that the applicant narrative is sufficient and the applicable criteria are or can be met.

Criteria 16.84.040.A.6 Statement of additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand.

**Findings:** This staff report incorporates the relevant section of the applicant's narrative as findings. All necessary utility extensions are straight forward to serve this area when development occurs if annexed. A temporary sanitary sewer lift station or permanent lift station will be necessary to serve this area and would be installed by the City utilizing SDC funding. Staff finds that the applicant narrative is sufficient and this criterion is or can be met.

Criteria 16.84.040.A.7 Statement outlining method and source of financing required to provide additional facilities, if any.

**Findings:** This staff report incorporates the relevant Section of the applicant's narrative as findings. The applicant will pay the necessary costs of their own development. There are some regional infrastructure improvements that will fall to the City as capital projects expenditures to accommodate development of this area. At some point, a new permanent regional sanitary sewer lift station at SE 13th Avenue and Mulino Road will be necessary. A temporary regional sanitary sewer lift station at SE 13th Avenue and Sequoia Parkway may provide an interim solution to serve residential development in this area if it occurs prior to further industrial development which will likely trigger installation of the permanent regional lift station. Staff finds that the applicant narrative is sufficient and the applicable criteria are or can be met.

*Criteria 16.84.040.A.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.*

**Findings:** The staff report incorporates the applicant's narrative as findings. Only the change in zoning map amendment that accompanies this annexation request is necessary to accommodate the Development Concept Plan as proposed. Staff finds that this criterion has been met.

*Criteria 16.84.040.A.9 Compliance with other applicable city ordinances or policies.*

**Findings:** Staff incorporates the relevant section of the applicant's narrative as applicable findings that would indicate compliance with all city ordinances and policies.

*Criteria 16.84.040.A.10 Compliance of the application with the applicable sections of Oregon Revised Statutes Chapter 222.*

**Findings:** Staff incorporates the relevant section of the applicant's narrative as findings. The application complies with all applicable Oregon Revised Statutes. The applicable criteria can be met.

## ***Chapter 16.54 Amendments to the Zoning Map Analysis***

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The assignment of an appropriate zoning district is a part of any annexation application within the City of Canby. The approval criteria are similar to that for approval of an annexation.

### ***16.54.010 & 0.20 & 0.30 Amendments to the Zoning Map***

**Findings:**  
16.54.010 – Authorization to initiate amendments: All five property owners have authorized initiation of the proposed annexation and map amendment by signing an application form. This criterion has been met.  
16.54.020 – Application and Fee: The map amendment application and associated fee were received from the applicants. This criterion has been met.



16.54.030 – Public Hearing on Amendment: Upon the Planning Commission holding a hearing and making a recommendation and the City Council holding its own hearing and making a decision this criterion will be fulfilled.

**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;*

**Findings:** Staff incorporates the relevant section of the applicant's narrative as sufficient findings to show this criterion has been met.

**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)*

**Findings:** Staff incorporates the relevant section of the applicant's narrative as sufficient findings to show this criterion has been met. No problem or issues in the extension of utility services have been raised by City service providers that would prevent services at the time of development. The City will need to provide a temporary lift station to provide sanitary sewer service for the area.

**16.08.150 Traffic Impact Study (TIS)**

**A.** *Determination based on information provided by the applicant about the proposed development, the city will determine when a TIS is required and will consider the following when making that determination.*

- 1. Changes in land use designation, zoning designation, or development standard.*
- 2. Changes in use or intensity of use.*
- 3. Projected increase in trip generation.*
- 4. Potential impacts to residential areas and local streets.*
- 5. Potential impacts to priority pedestrian and bicycle routes, including, but not limited to school routes and multimodal street improvements identified in the TSP.*
- 6. Potential impacts to intersection level of service (LOS).*

**Findings:** The Transportation Planning Rule within State Statute (OAR 660-12-0060-9) requires that there be a record of traffic generation findings which are consistent with the City's Transportation System Plan with any Comp Plan Map Amendment or Zoning Map Amendment. Therefore, staff required that a Traffic Impact Study be prepare for this application. The TIS is included as attachment K to this staff report. The findings of the TIS determined that the zone change contemplated and the resulting traffic if developed as allowed was assumed for trip modeling in the 2010 Canby Transportation System Plan, and therefore the Transportation



Planning Rule requirements are met. The zone change from the proposed annexation would not have any significant effect on the surrounding transportation network, and no mitigation measures would be required to satisfy TPR requirements. This review criterion is met.

## ***Chapter 16.89.060 Process Compliance***

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### **16.89.060 Type IV Decision.**

For certain applications, the City Council makes a final decision after a recommendation by the Planning Commission. These application types are referred to as Type IV decisions.

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

**B. Neighborhood meetings.** The applicant may be required to present their development proposal at a neighborhood meeting (see Section 16.89.070). Table 16.89.020 sets the minimum guidelines for neighborhood review but the Planning Director may require other applications to go through neighborhood review as well.

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

**D. Public notice and hearings.** The public notice and hearings process for the Planning Commission's review of Type IV applications shall follow that for Type III applications, as provided in subsections 16.89.050.D and 16.89.050.E.

### **E. Decision process.**

1. Approval or denial of a Type IV decision shall be based on the standards and criteria located in the code.

2. The hearings body shall issue a final written order containing findings and conclusions recommending that the City Council approve, approve with conditions, or deny the application.

3. The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts.

4. In cases involving attorneys, the prevailing attorney shall prepare the findings, conclusions, and final order. Staff shall review and, if necessary, revise, these materials prior to submittal to the hearings body.

### **F. City Council proceedings:**

1. 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, approve with conditions, or deny the recommendation of the Planning Commission.
2. The City Council may question those individuals who were a party to the public hearing conducted by the Planning Commission if the Commission's record appears to be lacking sufficient information to allow for a decision by the Council. The Council shall hear arguments based solely on the record of the Commission.
3. The City Council may choose to conduct public hearings on Comprehensive Plan amendments, amendments to the text of this title, zone map amendments, and annexations. If the Council elects to conduct such hearings, it may do so in joint session with the Planning Commission or after receiving the written record of the Commission. (Ord. 1080, 2001)

**Findings:** Annexations are processed as a Type IV "quasi-judicial" process which is considered through a public hearing with a recommendation made by the Planning Commission and decision by the City Council if they determine to set the request for voter approval on the November, 2014 general ballot. The notice requirements are the same as for Type III applications. Notice of this application and the Planning Commission and Council Hearing dates to be held was made to surrounding property owners on May 20, 2014, at least 20-days prior to the hearing. The applicant provided prior notification on February 6, 2014 and held a neighborhood meeting on February 20, 2014 and provided a summary of that meeting as attachment D to this report. The site was posted with a Public Hearing Notice sign on May 30, 2014. A notice meeting ordinance requirements of the public hearings was published in the Canby Herald on June 4, 2014. A pre-application meeting was held on January 23, 2014. The Planning Commission submits a recommendation to the City Council for a decision to refer the annexation to the voters for a general election on November, 2014. These findings indicate that all processing requirements have been satisfied with this application to date.

### ***Public Testimony Received***

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Notice of this application and opportunity to provide comment was mailed to owners of lots within 500 feet of the subject properties and to all applicable public agencies and City departments on May 20, 2014. As of the date of this Staff Report, the following comments were received by City of Canby from the following persons/agencies:

#### **Agency/City Department Comments.**

Comments were received from the following agencies/city departments:

- Dan Kiser, field engineer with NW Natural indicated that they would not have any comments.
- Robin & Charlie Bergin, who reside at 1739 SE 11th Place indicated they have some concerns with the additional traffic that might use S. Teakwood Street that currently is not built to full city standard width and has no sidewalk on the east side. They also believe traffic is already congested by school buses who use this street and the Baker

Prairie Middle School drop-off and pick up times. (See attached email)

### ***Conclusion Regarding Consistency with the Standards of the Canby Municipal Code***

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Staff concludes, as detailed in the submittal from the applicant and as indicated here in this staff report, including all attachments hereto, that:

1. The applications and proposed use is in conformance with applicable sections of the City's Comprehensive Plan and Land Development and Planning Ordinance when the conditions contained in this staff report are applied.
2. A satisfactory Development Concept Plan and explanatory narrative was submitted as required by the annexation ordinance detailing how all necessary infrastructure to the area proposed to be annexed will serve the area.
3. The proposed annexation meets the approval criteria set forth in CMC 16.84.040.A.
4. The zoning of the property, if annexed, should be R-1 and R 1.5 as indicated in the application and pursuant to the approval criteria set forth for map amendments in CMC 16.54.040.
5. The proposed annexation's requested zoning districts of R-1 and R 1.5 is in conformance with the Comprehensive Plan Land Use Plan Map.
6. The application complies with all applicable Oregon Revised Statutes.
7. There are sufficient public and private agency utility and service capacity to serve the site at the anticipated development intensity, noting that either a temporary or permanent regional sanitary lift station to be provided by the City will be necessary to serve eventual development.
8. In accordance with the UGMA with Clackamas County, this proposed annexation application includes one-half of the adjacent road right-of-way with the properties proposed for annexation.
9. It has been determined there is currently well below a three-year supply of developed R-1 and R 1.5 residential zoned lots available within the City limits – a policy set by the Canby City Council to guide and assist decisions on annexation requests. Therefore, the supply does not exceed a three-year supply and there is a "need" for low to moderate density residential zoned land for development at this time.

### ***16.89 Recommendation***

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Based on the application submitted and the facts, findings and conclusions of this report, but without benefit of a public hearing, Staff recommends that the Planning Commission recommend to the City Council that:

1. ANN 14-02 be approved for submission to the electorate for a vote of the people;
2. That the accompanying Development Concept Plan be adopted by the City Council prior to granting a change in zoning classification; and,
3. Upon annexation, the zoning of the subject property be designated as R-1 and R 1.5 as indicated by the Zoning Designation Concept Plan map.

# **Application for Annexation**

## **SE 13TH Avenue Property Owners**

### **Canby, OR 97013**

Owner / Applicants:	Tax Lot 400 Daniel & Mary Stoller 2220 SE 13 th Avenue Canby, OR 97013	Tax Lot 500 Geraldine K. Marcum 2192 SE 13 th Avenue Canby, OR 97013
	Tax Lot 600 Jerry & Cynthia Rice 2134 SE 13 th Avenue Canby, OR 97013	Tax Lot 700 Ralph A. Netter 356 NW 14 th Avenue Canby, OR 97013
	Tax Lot 800 Hugh & Roberta Boyle 1966 SE 13 th Avenue Canby, OR 97013	
	Location North of 13 th Avenue, east of S. Teakwood Street & west of the Logging Road Trail & the Sequoia Parkway extension.	
	Legal Description Tax Lots 400, 500, 600, 700 & 800 Sec. 3, T4S R1E WM (Assessor Map 4 1E 03)	
Zone	Current: County EFU Proposed: City: R-1 & R-1.5 consistent with Comp Plan designations	
Proposal	Annexation of 32.10 acres into the City of Canby 31.60 Acres of real property & 0.50 Acres of SE 13 th Avenue right-of-way (to centerline)	



## I. Application Forms



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

## LAND USE APPLICATION

### ANNEXATION Process Type IV

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

☐ Applicant Name: Daniel Stoller Phone: 503/616-8031  
Address: 2220 SE 13th Avenue Email: dmstoller@canby.com  
City/State: Canby, OR Zip: 97013

☐ Representative Name: PAT SISUL, SISUL ENGINEERING Phone: (503) 657-0188  
Address: 375 PORTLAND AVENUE Email: patsisul@sisulengineering.com  
City/State: GLADSTONE, OR Zip: 97027

☐ Property Owner Name: Daniel Stoller Phone: 503/616-8031  
Signature: [Signature]  
Address: 2220 SE 13th Avenue Email: dmstoller@canby.com  
City/State: Canby, OR Zip: 97013

☐ Property Owner Name: Mary Stoller Phone: 503/680-7920  
Signature: [Signature]  
Address: 2220 SE 13th Avenue Email: dmstoller@canby.com  
City/State: Canby, OR Zip: 97013

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

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

#### **PROPERTY & PROJECT INFORMATION:**

2220 SE 13th Avenue 10.86 41E03 00400  
Street Address or Location of Subject Property Total Size of Property Assessor Tax Lot Numbers

Residential/Farm EFU  
Existing Use, Structures, Other Improvements on Site Zoning Comp Plan Designation

Residential Housing (noted medium density in Canby Urban Growth Boundary)  
Describe the Proposed Development or Use of Subject Property

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

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

Fee \$2,640

**OWNERS**

**APPLICANT****

Name Daniel & Mary Stoller

Name Daniel Stoller

Address 2220 SE 13th Avenue

Address 2220 SE 13th Avenue

City Canby State OR Zip 97013

City Canby State OR Zip 97013

Phone 503/680-7920 Fax _____

Phone 503/616-8031 Fax _____

E-mail dmstoller@canby.com

E-mail dmstoller@canby.com

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

<input checked="" type="checkbox"/> Owner	<input checked="" type="checkbox"/> Email	<input checked="" type="checkbox"/> US Postal	<input type="checkbox"/> Fax
<input checked="" type="checkbox"/> Applicant	<input checked="" type="checkbox"/> Email	<input checked="" type="checkbox"/> US Postal	<input type="checkbox"/> Fax

**OWNER'S SIGNATURE** _____

*Mary Jo Stoller*

**DESCRIPTION OF PROPERTY**

Address 2220 SE 13th Avenue, Canby, OR 97013

Tax Map 41E03

Tax Lot(s) 00400

Lot Size 10.86  
(Acres/Sq.Ft.)

Existing Use Farm EFU

Proposed Use Medium Density Residential Housing

Existing Structures 2,300 sq. ft residence w/barn

Zoning EFU Farm ^{CURRENT} MDR - MEDIUM DENSITY RES. ^{PROPOSED} CITY: R-1.5 Comprehensive Plan Designation within Canby Urban Growth Boundary

Project Description ANNEXATION & ZONE CHANGE

Previous Land Use Action (If any) _____

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.**



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

## LAND USE APPLICATION

### ANNEXATION Process Type IV

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

☐ Applicant Name: Same as owner Phone: _____  
Address: _____ Email: _____  
City/State: _____ Zip: _____

☐ Representative Name: PAT SISUL, SISUL ENGINEERING Phone: (503) 657-0188  
Address: 375 PORTLAND AVENUE Email: patsisul@sisulengineering.com  
City/State: GLADSTONE, OR Zip: 97027

☐ Property Owner Name: Geraldine K. Marcum Phone: 503-266-6694  
Signature: Geraldine K. Marcum  
Address: 2192 SE 13TH AVENUE Email: gerrym@kinetictraining.com  
City/State: CANBY, OR Zip: 97013

☐ 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>2192 SE 13TH AVENUE</u>	<u>5.93 AC</u>	<u>4 1E 03 TAX LOT 500</u>
Street Address or Location of Subject Property	Total Size of Property	Assessor Tax Lot Numbers
	<u>CURRENT: EFU</u>	
<u>ONE SINGLE FAMILY HOME, MULTIPLE AGRICULTURAL BLDGS</u>	<u>PROPOSED: R-1S</u>	<u>MDR - MEDIUM DENSITY RES.</u>
Existing Use, Structures, Other Improvements on Site	Zoning	Comp Plan Designation

ANNEXATION FOR FUTURE RESIDENTIAL DEVELOPMENT  
Describe the Proposed Development or Use of Subject Property

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



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

Fee \$2,640

**OWNERS**

**APPLICANT****

Name GERALDINE K. MARLUT

Name SAME AS OWNER

Address 2192 SE 13TH AVENUE

Address _____

City CANBY State OR Zip 97013

City _____ State _____ Zip _____

Phone (503) 244-4694 Fax _____

Phone _____ Fax _____

E-mail geryme@kinetictraining.com

E-mail _____

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

Geraldine K. Marcut

**DESCRIPTION OF PROPERTY**

Address 2192 SE 13TH AVENUE

Tax Map 4 IE 03

Tax Lot(s) 500

Lot Size 5.93  
(Acres/Sq.Ft.)

Existing Use ONE SINGLE FAMILY HOME & AGRICULTURAL

Proposed Use SAME

Existing Structures ONE HOME, MULTIPLE AGRICULTURAL BUILDINGS

EXISTING: COUNTY EFD  
Zoning PROPOSED: CITY R-1.5

Comprehensive Plan Designation MDR

Project Description ANNEXTION & ZONE CHANGE

Previous Land Use Action (If any) _____

**FOR CITY USE ONLY**

File #:

Date Received:

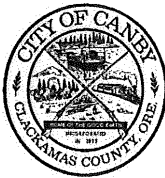
By:

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.**



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

## LAND USE APPLICATION

### ANNEXATION

### Process Type IV

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

☐ Applicant Name: SAME AS OWNERS Phone: _____  
Address: _____ Email: _____  
City/State: _____ Zip: _____

☐ Representative Name: PAT SISUL, SISUL ENGINEERING Phone: (503) 657-0188  
Address: 375 PORTLAND AVENUE Email: pat.sisul@sisulengineering.com  
City/State: GLADSTONE, OR Zip: 97027

☒ Property Owner Name: Jerry R Rice Phone: _____  
Signature: [Signature]  
Address: 2134 SE 13th AV Email: _____  
City/State: Canby, Or Zip: 97013

☒ Property Owner Name: Cynthia A. Rice Phone: 503-475-2366  
Signature: [Signature]  
Address: 2134 SE 13th Ave Email: goagranngoat@yahoo.com  
City/State: Canby, Or Zip: 97013  
Cynthia.Farrier.rice@gmail.com

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>2134 SE 13th AVENUE</u>	<u>4.95 AC</u>	<u>4 IE 03 TAX LOT 600</u>
Street Address or Location of Subject Property	Total Size of Property	Assessor Tax Lot Numbers
<u>ONE HOME WITH MULTIPLE AGRICULTURAL BUDGS</u>	<u>CURRENT: EFU</u>	<u>MEDIUM DENSITY RESIDENTIAL</u>
Existing Use, Structures, Other Improvements on Site	<u>PROPOSED: R-1.5</u> Zoning	Comp Plan Designation

ANNEXATION TO ALLOW FOR FUTURE RESIDENTIAL DEVELOPMENT  
Describe the Proposed Development or Use of Subject Property

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

**CITY OF CANBY  
ZONE MAP CHANGE APPLICATION**

Fee \$2,640

**OWNERS**

**APPLICANT****

Name Jerry & Cynthia Rice  
Address 2134 SE 13th AV  
City Canby State OR Zip 97013  
Phone 503-475-2366 Fax _____  
E-mail gogrannygoat@yahoo.com

Name Jerry & Cynthia Rice  
Address 2134 SE 13th AV  
City Canby State OR Zip 97013  
Phone 503-475-2366 Fax _____  
E-mail cynthia.farrier.rice@gmail.com  
gogrannygoat@yahoo.com

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

<input checked="" type="checkbox"/> Owner	<input checked="" type="checkbox"/> Email	<input checked="" type="checkbox"/> US Postal	<input type="checkbox"/> Fax
<input checked="" type="checkbox"/> Applicant	<input checked="" type="checkbox"/> Email	<input checked="" type="checkbox"/> US Postal	<input type="checkbox"/> Fax

**OWNER'S SIGNATURE**

Jerry & Cynthia Rice

**DESCRIPTION OF PROPERTY**

Address 2134 SE 13th AVENUE

Tax Map 4 1E 03

Tax Lot(s) 600

Lot Size 4.95  
(Acres/Sq.Ft.)

Existing Use ONE SINGLE FAMILY HOME W/ AGRICULTURAL

Proposed Use SAME

Existing Structures ONE HOME WITH MULTIPLE AGRICULTURAL & OUT BUILDINGS

Current: COUNTY EFD  
Zoning PROPOSED: CITY R-1.5

Comprehensive Plan Designation MDR - MEDIUM DENSITY RES.

Project Description ANNEXATION & ZONE CHANGE

Previous Land Use Action (If any) _____

**FOR CITY USE ONLY**

File #:

Date Received:

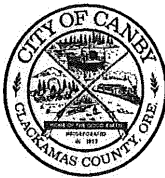
By:

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.**



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

## LAND USE APPLICATION

### ANNEXATION

### Process Type IV

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

☐ Applicant Name: SAME AS OWNER Phone: _____  
Address: _____ Email: _____  
City/State: _____ Zip: _____

☐ Representative Name: PAT SISUL, SISUL ENGINEERING Phone: (503) 657-0188  
Address: 375 PORTLAND AVENUE Email: patsisul@sisulengineering.com  
City/State: GLADSTONE, OR Zip: 97027

☒ Property Owner Name: Ralph A. Netter Rev. Trust Phone: 503-789-4926  
Signature: Ralph A. Netter Trst  
Address: 356 N.W. 14th Ave. Email: TRNetter@yahoo.com  
City/State: Canby, Or. Zip: 97013

☐ 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:

S.E. 13th St. Street Address or Location of Subject Property  
8.83 ac. Total Size of Property  
700 Assessor Tax Lot Numbers  
NONE Existing Use, Structures, Other Improvements on Site  
CURRENT: EFU Zoning  
PROPOSED: R-1 Zoning  
LDR - LOW DENSITY RESIDENTIAL Comp Plan Designation

ANNEXATION FOR FUTURE DEVELOPMENT  
Describe the Proposed Development or Use of Subject Property

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



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

Fee \$2,640

**OWNERS**

**APPLICANT****

Name Ralph A. Netter rev. Trust  
Address 356 N.W. 14th Ave.  
City Canby State Or. Zip 97013  
Phone 503-789-4926 Fax _____  
E-mail _____

Name SAME AS OWNER  
Address _____  
City _____ State _____ Zip _____  
Phone _____ Fax _____  
E-mail _____

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

Ralph A. Netter Trust

**DESCRIPTION OF PROPERTY**

Address SE. 13th

Tax Map 41E03

Tax Lot(s) 700

Lot Size 8.83 ac.  
(Acres/Sq.Ft.)

Existing Use Farm

Proposed Use SAME

Existing Structures 0

EXISTING: COUNTY EPU  
Zoning PROPOSED: CITY R-1

Comprehensive Plan Designation LDR

Project Description ANNEXATION & ZONE CHANGE

Previous Land Use Action (If any) _____

**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.**



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

## LAND USE APPLICATION

### ANNEXATION Process Type IV

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

☒ Applicant Name: Hugh R Boyle Phone: 503-266-2303  
Address: 1966 S.E. 13th Ave. Email: hubert@canby.com  
City/State: Canby OR Zip: 97013

☐ Representative Name: PAT SISUL, SISUL ENGINEERING Phone: (503) 657-0188  
Address: 375 PORTLAND AVENUE Email: patsisul@sisulengineering.com  
City/State: GLADSTONE, OR Zip: 97027

☐ Property Owner Name: Hugh R Boyle Phone: 503-266-2303  
Signature: Hugh R Boyle  
Address: 1966 SE 13th Ave. Email: hubert@canby.com  
City/State: Canby OR Zip: 97013

☐ Property Owner Name: Roberta M. Boyle Phone: 503-266-2303  
Signature: Roberta M Boyle  
Address: 1966 S.E. 13th Ave Email: hubert@canby.com  
City/State: Canby OR Zip: 97013

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

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

#### PROPERTY & PROJECT INFORMATION:

1966 S.E. 13th Ave. Canby OR 0.94 41E03 00800  
Street Address or Location of Subject Property Total Size of Property Assessor Tax Lot Numbers  
ONE SINGLE FAMILY HOME WITH OUT BUILDINGS CURRENT: EFU  
Existing Use, Structures, Other Improvements on Site Zoning LDR - LOW DENSITY RESIDENTIAL  
Comp Plan Designation

ANNEXATION FOR FUTURE DEVELOPMENT  
Describe the Proposed Development or Use of Subject Property

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

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

Fee \$2,640

**OWNERS**

**APPLICANT****

Name Hugh R. & Roberta M Boyle

Name SAME AS OWNER

Address 1966 SE 13th Ave.

Address _____

City Canby State OR Zip 97013

City _____ State _____ Zip _____

Phone 503-266-2303 Fax n/a

Phone _____ Fax _____

E-mail hubert@canby.com

E-mail _____

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**

Hugh R Boyle

Roberta M Boyle

**DESCRIPTION OF PROPERTY**

Address 1966 SE 13th Ave.; Canby OR 97013

Tax Map 41 E 03

Tax Lot(s) 00800

Lot Size 0.94  
(Acres/Sq.Ft.)

Existing Use ONE SINGLE FAMILY HOME

Proposed Use SAME

Existing Structures ONE HOME WITH OUT BUILDINGS

EXISTING: COUNTY EAU  
Zoning PROPOSED: CITY R-1

Comprehensive Plan Designation LDR

Project Description ANNEXATION & ZONE CHANGE

Previous Land Use Action (If any) _____

<b>FOR CITY USE ONLY</b>	
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.**

## **II. Written Narrative**



## **I. Introduction**

A group of property owners in the southeasterly portion of the Canby area have come together for the expressed purpose of annexing their properties to the City of Canby. Property owners Boyle, Netter, Rice, Marcum and Stoller own a total of 32.10 acres in contiguous parcels located north of SE 13th Avenue, south of Baker Prairie Middle School, generally east of S. Teakwood Street, and west of Sequoia Parkway Extension and the old Logging Road Trail.

Based on the recent growth of the Canby area, the applicants have determined that the time is right for annexation to the City of Canby. Site development is generally proposed in accordance with the Conceptual Development Plan map submitted as part of the application for annexation, but timing of development may depend on other factors. Therefore, the purpose of the annexation is to allow adequate planning for further expansion of the southeastern Canby area to include an additional residential area. The area proposed for annexation has proposed zoning of R-1 (Low Density Residential) for the Boyle and Netter parcels, and R-1.5 (Medium Density Residential) for the Rice, Marcum and Stoller parcels. It should be noted that a separate parcel owned by the Herrod (Tax Lot 401) is included in the proposed Development Concept Plan, but is not included in the annexation request.

There has been prior annexation of the Faist property east of S. Teakwood Street and of a Canby School District parcel located in the “notched out” area in the northeast corner of the Development Concept Plan area. Neither the Faist property nor the Canby School District property has been formally proposed for development, although the northern portion of the Faist property is currently being planned for a proposed development. Both of these properties have been included in the Conceptual Development Plan for this annexation request in order to illustrate potential street extensions and connections. These street extensions and connections will facilitate service connections with the properties that are proposed for the current annexation request.

West of S. Teakwood Street and south of S.E. 13th Avenue there is a current development proposal for a 41 lot subdivision that is proceeding through the City’s approval process. Other larger residential developments have recently been reviewed and approved by the city in the area west of S. Teakwood Street and south of SE 13th Avenue. Tofte Farms is one example of such development activity. All in all, this area of southeasterly Canby has been one of the more active areas of the City in the past decade with annexations and residential development proposals. Seeking to take advantage of the recent growth trend in the Canby area, and the future outlook for further expansion and growth, the group of property owners have banded together to further the advantages that Canby has to offer and to more fairly distribute the cost of development. To this end, this annexation is applied for.

As part of the annexation process, the group of property owners must request a proposed zoning to change the designation of the site to Low and Medium Residential. Although the site is within the Canby Urban Growth Boundary, Clackamas County’s Comprehensive Plan has the subject area designated for Agricultural Resource. Therefore, an amendment to the city’s zoning map is required. Because the site is currently zoned Exclusive Farm Use (EFU) in Clackamas County, it must be zoned differently once it is annexed. The city’s designation on its Comprehensive Plan is LDR

and MDR, Low and Medium Density Residential. These designations allow for zoning to R-1 and R-1.5 as proposed.

No other regulatory actions are requested, whether conditional use, variance, or other action. The development proposed by the group of property owners can be accommodated on the subject site without any other regulatory actions. The Development Concept Plan reflects the plan for future development as envisioned by the property owners.

For the record, the group of property owners proposing annexation is:

- Hugh and Roberta Boyle
- Ralph Netter
- Jerry and Samantha Rice
- Gerry Marcum
- Dan and Mary Stoller

A sixth property, owned by Kelly Herrod, is located inside the Development Concept Plan Area, but is not included in the proposed annexation.

## **II. Description of the Site and Surrounding Area**

The 32.10 acre site is a nearly square area, with the northwesterly corner removed, or “notched out”. This is the area owned by the Canby School District that has been included for conceptual planning purposes along with the Faist property to the west. This proposed annexation area is comprised of five (5) tax lots, varying from one (1.0) acre to 10.86 acres in size. The legal description of the parcels is Tax Lot 400 (Stoller), 500 (Marcum), 600 (Rice), 700 (Netter), and 800 (Boyle) in Tax Map 4S-1E-03. These five tax lots comprise 31.60 acres of the total 32.10 acre annexation. Also included in 0.50 acre of SE 13th Avenue right of way.

The following is a listing of the property ownerships and the area of ownership. See the attached copy of the Assessor’s map, surveyor’s legal description and surveyor’s map for additional dimensional information:

TL400	10.86 acres	Stoller
TL500	5.93 acres	Marcum
TL600	4.95 acres	Rice
TL700	8.86 acres	Netter
TL800	1.00 acre	Boyle
	<u>0.50 acre</u>	SE 13 th Ave right of way
	32.10 acres	

The Faist property abuts the annexation area to the west and Baker Prairie Middle School abuts the property to the north. Somewhat further to the west and north of SE 13th Avenue are the Ackerman Center and the Canby Adult Center. The Hope Village campus is also to the southwest, east of Ivy Street and south of 13th Avenue. Adjacent properties to the east and south are under agricultural use located in Clackamas County.

The annexation area is generally level with only minor topographical features. The high point of the site is at 180 MSL in the southwesterly most corner, while the low point is at 170 MSL in the northeasterly most corner. The 11 foot change of elevation spread across the large area makes the site seem relatively flat overall.

The site is similar in character to most of the surrounding area in the southeasterly Canby area. The area is currently rural in nature and contains larger lot single-family and agricultural uses. Development is limited, but has been encroaching into the neighborhood from the west and north. The area is served by SE 13th Avenue, which is the most significant east-west street in the vicinity. North-south streets are currently limited, but the city has nearly completed the Sequoia Parkway extension just to the east of the annexation area that will provide convenient north-south connections to the site. Access to the site is currently limited to SE 13th Avenue because through streets have not yet been fully developed in this area of Canby. However, with residential development of the Faist property, more east-west street connections will be available to serve the annexation area.

There continues to be considerable farming activity in the immediate vicinity, most of which is located outside the city limits. Urban development is gradually encroaching into this neighborhood and most urban infrastructure has been extended to the edge of the annexation area. As such, local services and facilities should be available for the proposed annexation area or can be made available through short service extensions.



### **III. Facilities and Services**

Based on the level of development surrounding the subject site, necessary facilities and services are available for the proposed annexation at the proposed R-1 and R-1.5 zoning designations.

Water: Water is provided through Canby Utility's Water Department. There is a 14-inch water line located in S.E. 13th Avenue to the southwest corner of the site at the southeast corner of the Faist property. The City of Canby and Canby Utility has also recently installed a new 14-inch water main to the southeast corner of the site as a part of the Sequoia Parkway extension. Water to serve future homes in the proposed annexation area will be provided from a connection between these two mains and the loop that will be created. Alternatively, there are also 8 inch water lines in S.E. 10th Avenue, S.E. 10th Place, S.E. 11th Avenue, S.E. 11th Place, and S.E. 12th Avenue that connect to an 8-inch main in S Teakwood Street. These lines will be extended into the proposed annexation area with development of the Faist parcel;

Sanitary Sewer: Sanitary sewer is provided by the City of Canby. The nearest sewer collection system was installed in S. Teakwood Street and in SE 13th Avenue at the southwest corner of the site with the Faist Addition subdivisions. Manholes in S. Teakwood Street are located at each of the numbered streets and could be used for to serve some of the DCP area by gravity service to the west if the Faist property is developed prior to the annexation area. Without development of the Faist property, a small portion of the southwest portion of the site could gravity flow to the western-flowing main in SE 13th Avenue.

The future sanitary sewer system for the annexation area will depend upon what order the properties are annexed and developed, as urban utility lines are not typically permitted to cross land zoned Exclusive Farm Use by Clackamas County. If all properties are annexed at one time, it would allow for a more efficient sanitary sewer system to be created as easements could be created across City zoned properties even if the properties did not all develop simultaneously.

Much of the annexation area is planned to drain east to a dry sanitary main being installed in the Sequoia Parkway extension that will be usable for this development. When it is needed, the city will build a temporary pump station near the intersection of Sequoia Parkway and SE 13th Avenue. A permanent pump station will be constructed at a later date at Mulino Road and 13th Avenue when there is a need for the facility and after the City has acquired the land for the facility. The permanent pump station will make sanitary sewer service available throughout the entire local vicinity. Construction of the pump station and the associated gravity and force mains will be paid for with Systems Development fees collected on the various properties. The project will be completed by the City of Canby when the first development project has been approved that requires the pump station. Annexation of property will not trigger the need for the pump station to be completed;



Storm Drainage: Roof drains from homes developed within subdivisions will be directed to infiltration systems located on each individual lot. Street drainage will be directed to sumped catch basins and pollution control manholes for water quality treatment and then to dry wells located throughout the development area for disposal through underground injection. Other than the roof drain systems, all storm drainage facilities are proposed to be public facilities. The public facilities are consistent with the newly adopted City of Canby Stormwater Master Plan and the Canby Public Works Design Standards. At the time development proposals are submitted, the storm water management devices will be determined in greater detail.

Fire Protection: Fire protection for the local neighborhood is currently provided by Canby Fire Department, which serves all of the City of Canby and the surrounding area. Service to this site could come from the existing fire facilities within the city. Canby Fire has indicated that it can serve the property when annexed, and if the property is developed consistent with adopted standards, then Canby Fire Department will be able to serve future developments. However, specific comments regarding service are withheld until consideration of detailed development applications;

Police Protection: Police protection is currently provided by the Clackamas County Sheriff's Department, since the subject site is not within the city limits. At annexation, service will transfer to the Canby Police Department;

Schools: The site is within the Canby School District. Students from this development would attend Lee Elementary School, Baker Prairie Middle School, and Canby High School;

Parks: Park facilities in the city are administered by the Canby Parks Department. New park facilities will be provided in the northeast corner of the annexation area as the annexation area develops. The park facilities will be owned by the City and will be for use by all residents and visitors;

Private Utilities: Private utilities providing service for telephone, natural gas, cable, garbage and recycling collection are all available in the general neighborhood. These utilities generally operate on a franchise basis. Electrical power is provided through Canby Utility's Electrical Department in conjunction with PGE. Dry utilities such as power, communications and natural gas are available in the southwest corner of the site at the southeast corner of the Faist property in SE 13th Avenue. Alternatively, dry utilities are also available in S. Teakwood Avenue and would be available to the annexation area through development of the Faist property.

#### **IV. Neighborhood Meeting**

A requirement of the annexation process is the holding of an informative neighborhood meeting. The purpose is to inform neighbors within 500 feet of any point of the subject site of the proposal to annex the site to the city. This meeting is not limited to neighbors, but any interested party may attend. A mailing list was prepared a notice was sent by the applicant's group to every name and address on the Clackamas County Assessor's records within 500 feet of any part of the subject site.

The neighborhood meeting was held on Thursday, February 20, 2014 at the Canby Senior Center. Approximately 20 neighbors, property owners, and/or interested individuals attended this open meeting. Those names are on the sign-in sheet that accompanies this application. In addition, a summary of the meeting was prepared and also accompanies the application for annexation.

Notes of the meeting were taken by Mary Stoller, and these notes are submitted as part of the overall application package.

With the holding of the informative neighborhood meeting, this requirement has been fulfilled.

## **V. Approval Criteria**

There are a number of approval criteria contained in the Canby Municipal Code that must be addressed as part of the application for annexation. As part of the annexation process, an amendment to the Canby Comprehensive Plan is required to provide a designation to the properties to be annexed, which were previously (prior to annexation) designated "Agricultural Resource" by Clackamas County. In addition, a zone change must also be requested concurrently with the annexation. The bulk of the criteria are contained in CMC 16.84 Annexations and CMC 16.54 Amendments to Zoning Map, although there are other criteria to address including Policy 6, and others, of the Canby Comprehensive Plan; any criteria and/or requirements contained in the Urban Growth Management Agreement with Clackamas County; and State Statutes, ORS 195.065 and 222. Finally, we have addressed CMC 16.16, R-1 Low Density Residential Zone and CMC 16.18, R-1.5 Medium Density Residential Zone because the R-1 and R-1.5 zones are what the applicants request as part of the zone map amendment process.

### **CMC 16.84, Annexations**

The specific criteria under which the City will consider the annexation request are contained in CMC 16.84.040 Standards and criteria. These criteria are addressed as follows:

- A. The following criteria shall apply to all annexation requests.
1. *The City of Canby Annexation Development Map shall determine which properties are required to submit either (See Figure 16.84.040):*

a. *A Development Agreement (DA) binding for all properties located within the boundaries of a designated DA area as shown on the City of Canby Annexation Development Map.*

Finding: Because the subject 32.10 acre site is not within a designated Development Area on the City's Annexation Development Map, this particular criterion is not applicable to the proposed annexation.

b. *A Development Concept Plan (DCP) binding for all properties located within the boundaries of a designated DCP area as shown on the City of Canby Annexation Development Map.*

Finding: The subject 32.10 acre site is located within the Southeast Canby DCP Area, as identified on Figure 16.84.040, and is subject to the requirements of a Development Concept Plan. As such, a DCP has been prepared for the site area. Through the creation of a DCP for the site area, this criterion has been fulfilled.

2. *Analysis of the need for additional property within the city limits shall be provided. The analysis shall include the amount of developable land (within the same class of zoning – low density residential, light industrial, etc.) currently within the city limits; the approximate rate of development of those lands; and how the proposed annexation will affect the supply of developable land within the city limits. A supply of developable residential land to provide for the anticipated population growth over the following three years is considered to be sufficient;*



*Finding:* The applicant has reviewed available data and determined that the City currently is limited in its supply of R-1 Low Density Residential land and R-1.5 Medium Density Residential land within the City limits due to the influx of new housing starts that have occurred over the last 10 to 15 years.

Data on buildable lands includes the City Comprehensive Plan updated in 2007, a 1999 Land Needs Study prepared by OTAK Inc. and a School District Enrollment forecast prepared by Portland State University Population Research Center dated February 2009. However, a recent analysis performed by Sisul Engineering provides the most current – and telling - information of all. All of these sources when taken together lead to the same conclusion – the City of Canby is deficient in a three year supply of available platted residential lots throughout the city. Although the Comprehensive Plan was updated in 2007, considerable important changes have taken place since that time. Because the economy has been rebounding since 2011, and because development never really “stopped” as a result of the down economy that began in 2006, the city has been seeking to “absorb” approximately 45 single family sized lots per year.

The most recent information assembled by Sisul Engineering (dated February 21, 2014) indicates that through subdivisions dating back to 1991 and partitions dating back to 2007, there are currently 33 lots remaining in the R-1 zoned areas of the city, and 7 lots remaining in the R-1.5 zoned areas. Taken together, there are a total of 40 lots remaining in the city's inventory, where the city seeks to maintain an inventory that would allow for an absorption of approximately 45 lots per year. See spreadsheet by Sisul Engineering that is included in this application package. Based upon this information, the city's supply of available, platted lots is considerably deficient and requires a “re-stocking” through platting and partitioning of numerous additional lots.

The criterion calls for two parts: 1) To identify buildable lands within the City, and 2) Identify the rate of development of those lands. The analysis completed by Sisul Engineering indicates the available supply of developable lands, and also indicates how many lots have been developed in the same period of time.

The Development Concept Plan for the 32.10 annexation area indicates that there is potential for approximately 135 lots, which would represent a three year supply in itself. In addition, other projects could be expected to come on line within that period of time, adding to the inventory. To offset that supply, absorption of lots should increase as the economy continues to improve, leading to a balancing of the supply and demand in terms of developable lots over a reasonable and acceptable period of time.

The result of the analysis demonstrates that there is far less than a three-year supply of R-1 Low Density Residential and R-1.5 Medium Density Residential lands within the city's platted, available and developable inventory. Such a deficiency can be addressed through annexation of lands that are appropriate to be zoned R-1 and R-1.5, as is the case for this 32.10 acre site. Adding 31.60 acres of developable land to the current supply would not immediately increase the supply of platted, available lots, as the land would have to be developed and platted in order increase the supply of land. Development of the proposed annexation area will likely occur over a several year period and may result in



periods of time where more than 3 years worth of supply is available, followed by periods where less than 3 years of supply are available as properties are developed and platted.

According to the “Growth Priorities” map on page 32 of the Plan, the subject site is within a *Priority Area*, which is seen as the area where growth will take place initially. The annexation of the subject site certainly falls within the first priority to preserve and protect agricultural land and to provide area efficiently for urbanizable land, fulfilling this element of the Plan. This conversion of land from rural (agricultural) to urban (residential) is an orderly means of development in Canby.

While the Comprehensive Plan suggests growth in the city to a population of approximately 20,000 by the year 2000, the economic downturn that began in the middle of the first decade of 2000 derailed that expectation somewhat, although the projected population of 20,000 by the year 2000 was not going to be realized in any event. Nevertheless, it is important that Canby continue its growth in a means other than the red-hot single family process that occurred in the first half of the first decade of the new millennium. The annexation and development of the site for residential development will help the city to grow, and to regain the balance from the debacle of “underwater” development that occurred until a recovery began slowly in recent years.

With development of approximately 135 units on 32.60 acres (the entire developable Concept Plan area), figuring a net development area of 24.45 acres (75%), a net density of 5.52 units per acre, would lead to a growth of approximately 270 persons based on a conservative household size of 2.0 persons. This growth will benefit the city because of the economic support that these citizens will provide to the community. It is likely, however, that this level of growth may be somewhat higher with families occupying new homes that will occur in these single family residential zones.

However, the annexation would not be finalized until a public vote occurred in November, 2014. As the annexation involves multiple properties, applications for subdivisions may be submitted in multiple applications as all of the properties are under separate ownership. Likely the first subdivision application would not be approved until summer of 2015 at the earliest. Construction could begin in the fall of 2015, but could be delayed until spring 2016. It is likely that the first new dwellings in the proposed annexation site would not become available until the the summer or fall of 2016—approximately two years from now. The length and complexity of the approval process, even without an annexation, makes it difficult to predict the rate at which lots are developed and used.

If annexed, this property would add approximately three years to the buildable land supply and, when subdivided, an equivalent time period to the platted, available land supply. Although the land would be annexed at one time, it is anticipated that the land would be platted incrementally. The first new lots would be anticipated to become available in 2016, at a point when most of the currently available lot will have been developed.

The first two Goals of the *Urban Growth Element* identify the need to preserve and protect agricultural lands that are outside the city's UGB. Because the subject site is within the UGB, and is directly contiguous to the existing city limits, the annexation of the subject site is a natural step in the development of Canby. In addition, the site is to be part of a designated DCP area, and should be one of the first areas annexed to the city. Because the proposed development is on land that would eventually be annexed at some time, its use as agricultural land is limited in scope and time frame. Further, only a portion of this 32.10 acre site is in agricultural use, with some of the five (5) tax lots being used simply for single family rural residential uses.

While particular attention is paid to Policy No. 6 of the Land Use Element through this review process, other Policies are also just as important. The first Policy, *"Canby shall guide the course of growth and development so as to separate conflicting or incompatible uses while grouping compatible uses"*, serves to describe perfectly the proposed annexation and development of the subject site. With much of the Faist property having already been platted and other subdivision projects in process in the southeast Canby area (e.g., Dinsmore Estates 2), the synergistic relationship of this area is evident. The annexation is supported by **Implementation Measure H** which states, *"Continue to work towards a gradual increase in the density and intensity of development allowed within the City, discouraging wasteful development practices and designs."* Fulfillment of this Policy and Implementation Measures is the goal of the applicant's development plans.

Policy No. 2 states *"Canby shall encourage a general increase in the intensity and density of permitted development as a means of minimizing urban sprawl."*, and **Implementation Measures A and C** support that proposed annexation and subsequent development, seeking to increase the range of housing opportunities and diversity of housing types.

Policy No. 3 states *"Canby shall discourage any development which will result in overburdening any of the community's public facilities and services."* Information is available, and the Development Concept Plan explains how there is adequate infrastructure is available to allow development of the subject site as proposed. Therefore, the proposed annexation and subsequent development is in compliance with this Policy and its implementation measures.

Policy No. 4 states *"Canby shall limit development in areas identified as having an unacceptable level of risk because of natural hazards."* The subject site is not within any area identified as a natural hazard area, and is no less developable than any other similar site not within a natural hazard area, regardless of location within the city. Because this site does not have an "H" overlay on it, this Policy is not specifically applicable to this site.

Finally, Policy No. 5 states *"Canby shall utilize the land use map as the basis of zoning and other planning or public facility decisions."* The "Residential" Comprehensive Plan designation, and the commensurate R-1 and R-1.5 zoning, allow for annexation and development in keeping with the city's Comprehensive Plan, with no further changes, variances, revisions or etc.



Because the annexation area fronts on and has direct driveway access to S.E. 13th Avenue, it will be likely that any development of the subject site may continue to use S.E. 13th Avenue as the main point of access. However, it is also possible that the subject site will be able to take access through the undeveloped portion of the Faist property and the Canby School District property. The traffic analysis prepared for the project indicates that the developed site will have an acceptable level of impact on S.E. 13th Avenue and other streets in the immediate vicinity because the planned zoning will be consistent with the zoning anticipated by the Comprehensive Plan.

3. *Statement of potential physical, aesthetic, and related social effects of the proposed development on the community as a whole and on the neighborhood of which it will become a part; and proposed actions to mitigate identified concerns, if any. A neighborhood meeting is required as per Table 16.89.020 of the City of Canby Land Development and Planning Ordinance.*

Finding: The R-1 and R-1.5 zoning districts were formulated to promote and allow low to medium density residential development in Canby. The 33.10 acre Development Concept Plan area is planned to accommodate approximately 135 future lots, which is in keeping with development that has already taken place in the same general area of southeasterly Canby. The roughly 30 acre annexation area is similar in size to the 30 acres developed with the (5) phases of the Faist Addition subdivision and is of smaller size than the Tofte Farms neighborhood farther southwest

With the sites planned single family residential use, the physical impacts of development could be somewhat predictable for this local neighborhood area, given the fact that the planned subdivision will be of similar scale to other residential developments that already exist in the immediate area. Other than nearby schools, virtually all development in this neighborhood area is residential development, dominated by the existing single family subdivisions.

Considering that the site may develop with approximately 135 units at a density of about 5.52 units per net acre, in keeping with the established character of the current area, residential development would appear to have a predictable impact on the local neighborhood. Additional development similar to the character of the proposed subdivision would definitely “fit in” with the character of the area to the extent that mitigation would not be necessary. Assuming that the expansion area would be required to do site landscaping and provide local park facilities, its aesthetic value as a planned neighborhood would be a “plus” to any city.

From the aesthetic perspective, residential development as proposed would have the most acceptable impacts because the design of the units, the materials used, the colors used, and the patterns of development would certainly be the least intrusive and most compatible. They would virtually match the existing subdivisions in the general vicinity and would require little to no mitigation. Even single family detached dwelling development would have more aesthetic impact because it would be of the same character as the adjacent existing development, with a similar density.

There are social differences between urban residential development, and between types of residential development. Residential development usually tends to have a few peaks and valleys based on the local economy, and continues to have that “new” appearance for some time after it is built. The proposed development of single family dwellings will result in perhaps the most continuous compatible appearance, because this is a growth area in Canby, and new development is expected and encouraged here. Thus the community’s residents become better with each other, resulting in a relatively closely knit neighborhood with valuable social connections.

Overall, residential development, and particularly the type proposed for this site, will have more significant positive impacts on the area neighborhood from the physical, aesthetic, and social perspectives. These positive impacts also require fewer mitigation measures, and measures that are less measurable.

With regard to a neighborhood meeting, such meeting was held on Thursday, Feb. 20, 2014 at the Canby Senior Center. It was attended by about 20 persons who had questions and comments about the idea of annexation of the subject site area. Project Engineer Patrick Sisul, P.E., provided an explanation of the project, the process, and answered questions regarding the project. It is important to note that there were no negative comments of substance. This neighborhood meeting meets the requirement of the Canby Municipal Code.

**4. *Statement of availability, capacity and status of existing water, sewer, drainage, transportation, and school facilities.***

**Finding:** For analysis of water, sanitary sewer, storm water management, local surface water drainage, and other necessary utilities, please see the Development Concept Plan, attached with this application for annexation. This document indicates that future expansion of infrastructure and utilities will not be inhibited by the proposed annexation and subsequent development.

With regard to park and school facilities, the proposed annexation is of sufficient size to create additional need and demand for local park facilities, regardless of whether what level of residential use the site were to be developed for. While some open space and/or small “neighborhood” park development would be desirable, any such open space and/or park development would be appropriately scaled and would contribute significantly to the local neighborhood. The City has indicated that they desire a minimum 3-acre park to be located in the northeast corner of the annexation area. The Development Concept Plan included with this application indicates the location of the proposed 3.429 acre park.

With regard to schools, the development proposed for single family living will have some impact on schools, primarily because single family residential neighborhoods add students to the existing student population, thus creating some pressure on existing school facilities. However, because the development of this site is a longer term project, absorption of students into the school population and adaptation of school facilities to the increased number of students can be anticipated and planned for. Because the development of this proposed annexation area will be incremental, the addition of students to the school population is gradual as opposed to “all at once”. In addition, the students added



to the school population are of a range of ages from 6 to 18, thereby spreading the impact over the range of classes from K (Kindergarten) to 12th grade. Further, taxes paid by the residents of this new neighborhood help with overall school funding. And finally, parents, and residents in general, are often good partners with the schools when it comes to tutoring, reading, and other useful activities, especially for the younger aged students.

**5. *Statement of increased demand for such facilities to be generated by the proposed development, if any, at this time;***

**Finding:** Should annexation take place, residential subdivisions will eventually occur on this site. It is anticipated that there will be approximately 135 new lots created in the Development Concept Plan area, slightly less on the lots currently proposed for annexation. Additional housing units are needed already, as is evident from the inventory and needs analysis prepared with this application. Because the previously annexed and planned areas adjacent to the subject site (Faist and Canby School District properties) will be ultimately developed as single family homes on individual lots, more than 135 lots will ultimately be developed in this area of southeast Canby.

As the children of the “baby boomers” come of family age, the need for housing is increasing. Satellite cities such as Canby, Sandy, Wilsonville, Forest Grove and others are experiencing growth pressures and demand for housing for those who choose to live in places other than the central city. In addition, the development of commercial and industrial lands in these satellite cities provide jobs and income for many of the new homeowners. Population growth requires new facilities and services, and the gradual growth of cities like Canby is a recognized fact in the scheme of overall growth of the greater metropolitan area. With new subdivisions of single family homes, the character of Canby will continue to develop, and this character will add even more to the City of Canby.

There is increasing need for new single family dwellings at the present time, given the current economic situation and the trend of increasing construction that is happening. Generally speaking, this also applies to multifamily housing and for commercial and industrial development. In Canby, at the present time, there is increasing demand for new single family housing in light of the improving economy, and there are more projects under construction, including those in southeast Canby.

**6. *Statement of additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand;***

**Finding:** The proposed annexation and development as planned would require increased demand for most facilities, services, and utilities. Sanitary sewer, water service, storm drainage management, and street improvements by the applicant/developers will be needed as properties are developed. The Development Concept Plan submitted with this application describes the availability of public facilities and services necessary for the development of the site. However, these changes will be required for the actual physical development of the subject site, not for the annexation.

7. *Statement outlining the method and source of financing required to provide additional facilities, if any:*

Finding: The applicants will pay the necessary costs of their own development. Because of the Sequoia Parkway extension, the need to extend a major water line along S.E. 13th Avenue, and the need for a temporary regional sanitary sewer lift station at S.E. 13th Avenue and Sequoia Parkway and for a permanent regional sanitary sewer lift station S.E. 13th Avenue and S. Mulino Road, there will be some costs of upgrades and improvements that will fall to the city as capital projects expenditures. Otherwise, the applicants will pay for the other extensions and improvements that are more localized to the development site.

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;*

Finding: No comprehensive plan text or map amendment is being requested. In conjunction with the request for annexation to the City, the applicants are requesting a zone map amendment to rezone this property upon annexation and provide the site with the proper zoning, which would be a combination of R-1, Low Density Residential and R-1.5, Medium Density Residential. These are the zones identified by the Comprehensive Plan as being the appropriate for this site. The existing zone, Exclusive Farm Use (EFU) in Clackamas County, would become a combination of R-1 and R-1.5 upon annexation to Canby. The planning for the site has been based on the R-1, Low Density Residential and R-1.5, Medium Density Residential zones being applied upon annexation.

9. *Compliance with other applicable city ordinances or policies;*

Finding: Other official documents that are applicable to the requested annexation include Policy #6 of the of the land use element of the Comprehensive Plan; two state statutes (ORS 195.065 and ORS 222); and the Urban Growth Management Agreement (UGMA) between Clackamas County and the City of Canby. These documents are addressed in other parts of this application narrative.

10. *Compliance of the application with the applicable sections of Oregon Revised Statutes, Chapter 222.*

Finding: Compliance with ORS222 is addressed in another section of this application narrative.

There are no additional criteria in this section of the Canby Municipal Code that are applicable to the annexation application.



#### **CMC 16.54, Amendments to the Zoning Map**

As part of the overall process, the zone must be changed on the site once the annexation is completed. This would be the final step in the process. Chapter 16.54, Amendments to the Zoning Map, contain the criteria for review and the process that is to be followed for the zone change. Section 16.54.040, Standards and Criteria, contain two (2) specific criteria that must be addressed and satisfied in order for the requested zone change to be approved. In this case, the zone change will be from Exclusive Farm Use (EFU) in Clackamas County to R-1 Low Density Residential and R-1.5 Medium Density Residential in Canby. The zone that might have been applied universally to the site, R-1 Low Density Residential, will not be applied universally because the process goes directly from annexation to a combination of the two zones, R-1 and R-1.5, as part of this application package. The proposed zoning under the R-1 Low Density Residential designation will not be applied universally because the zoning designation will be changed when the new zone designations are applied. Therefore, the process will skip the R-1 universal zoning designation on the site in favor of the combination of R-1 and R-1.5 zoning designations.

As part of the annexation of any land area to the City of Canby, an Amendment to the Zoning Map of the City of Canby is required in order to change the existing zoning (EFU) applied by Clackamas County and to apply the zoning as designated by the city's Comprehensive Plan.

It is anticipated that development of the subject 33.10 Development Concept Plan area will yield approximately 135 lots, or about 5.52 units per net acre. Single family housing is a permitted use by the both the R-1 and R-1.5 zones at the density proposed by the DCP. No variances, conditional uses, or other dispensations for the provisions of the Canby Municipal Code are necessary to accomplish the stated goals for this site.

#### **16.54.010, Authorization to initiate amendments**

**Finding:** In this case, the application is initiated and submitted by the property owners Boyle, Netter, Rice, Marcum, and Stoller. By signing the application form, the property owners have authorized initiation of the proposed annexation and amendment. After the application has been deemed complete, it will be scheduled for a public hearing before the Canby Planning Commission. Therefore, this criterion will be fulfilled.

#### **16.54.020, Application and fee**

**Finding:** The application for an amendment to the zoning map to apply the designated R-1 and R-1.5 zones is submitted to the City along with the required fee. The city will follow the procedures set forth in CMC 16.89. Therefore, this criterion is satisfied.

#### **16.54.030, Public hearing on amendment**

**Finding:** The Planning Commission will schedule a public hearing once the application is deemed complete. Following the Planning Commission's public hearing and recommendation, the City Council will hold its own public hearing to make a final decision. By holding these public hearings, this criterion will be fulfilled.

16.54.040, Standards and criteria

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;*

Finding: The zone change to R-1 Low Density Residential and R-1.5 Medium Density Residential from EFU (Exclusive Farm Use) on the 32.10 acre site will allow the applicants to plan and develop the site in uniformity and consistency. With the plan to develop this total site for single family dwellings, the subject site would be out of "kilter" if it were to be zoned anything else.

Policy 6 is addressed below and demonstrates that the proposed development plan is an integral part of the Canby community and demonstrates an important element of growth and development that is desirable in Canby. Development for housing will be consistent with plans, goals and policies of the city, county, state and local districts. And the plan will preserve functions and local aspects of sensible and practical land conservation and development. Any individual plans prepared by these jurisdictions and agencies will continue to be consistent with the newly annexed 32.10 acre parcel. Therefore, this criterion will be satisfied.

B. *Whether all required public facilities and services exist or will be provided concurrent with development to adequately meet the needs and any use or development which would be permitted by the new zoning designation.*

Finding: The subject 32.10 acre site is currently served by subsurface septic systems and wells. These facilities will not be suitable for the level of housing proposed by this application. When planned and developed the site will require full services and facilities. As part of the previous annexations in the same vicinity, services and facilities were reviewed and it was determined that such new development would be adequately blended in to the existing city systems. The same applies to this site where services can be upgraded and improved to be adequate for the level of development proposed. The Development Concept Plan, submitted with this application, demonstrates how accommodations can be made for development of this site within the framework of the city's systems.

As noted in the summary of utility services in the Development Concept Plan, all services required for development of the site (i.e., water, sanitary sewer, surface water drainage and management, fire and police protection, etc.) are in place or can be extended or upgraded and improved to provide the proposed development with an adequate level of facilities and services. No problems or issues in the extension of utility services have been raised by City service providers that would prevent services at the time of development. As such, development of the site under the proposed R-1 Low Density Residential and R-1.5 Medium Density Residential zones will fulfill this criterion.

16.54.060, Improvement conditions



Finding: Any reasonable requirements for improvement of public and private facilities and services for the subject site will be undertaken by the applicants/developers. Where required, the applicants/developers will pay for those improvements. Where possible, and where oversizing or “late comers agreements” are appropriate, the applicants would request that some recapture of funds expended for expansion of facilities and services whose scope is beyond that of just the development of the subject site be provided back to the applicants.

Under subsection B., any required improvements should not reduce housing densities below those anticipated through this application in its calculations of the ultimate number of units to be built.

Compliance with both A. and B. of this criterion will have been satisfied with the application of specific improvement conditions as imposed by the City.

16.54.070, Record of amendments

Finding: Appropriate and applicable records must be kept by the City. This particular criterion is not the responsibility of the applicant.

#### **CMC 16.16, R-1 Low Density Residential Zone**

#### **CMC 16.18, R-1.5 Medium Density Residential Zone**

#### **City of Canby Comprehensive Plan Policies and Implementation Measures**

Policy No. 6 of the Canby Comprehensive Plan states,

*“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.”*

Finding: The southeast area of Canby is perhaps a unique area of Canby due to more growth in single family development having taken place in this part of the city over the past decade. The southeast area is a viable and valuable part of the community and has the ability to absorb a significant amount of growth and development.

In recognition of the southeastern area of Canby, the City should recognize and encourage the type of growth, stability, and character that recent growth and development brings to Canby. Continuing to allow, and in fact, encourage growth and development in this area of Canby will provide more options residential housing in Canby.

A traffic study, commissioned by the City of Canby and paid for by the applicants, has concluded the site was designated as Low and Medium Density Residential in the Comprehensive Plan and the change in land use was assumed for trip modeling in the 2010 Canby Transportation System Plan. Therefore, TPR requirements are met.

**Clackamas County/City of Canby Urban Growth Management Agreement (UGMA)**

The UGMA is codified as part of Resolution 519, dated Sept. 23, 1992, and requires certain actions and procedures for a variety of action relative to lands within the Urban Growth Management Boundary area. The UGMA contains seven (7) specific issues on which the City of Canby and Clackamas County agree. Those sections are identified and addressed as follows:

1. *Boundary*

Finding: The subject site is within the Urban Growth Boundary of Canby, thus satisfying this criterion.

2. *Comprehensive Planning, Plan Amendments and Public Facilities Planning for Lands in Unincorporated UGMB;*

Finding: The subject site is within the UGB, and has been included in long range planning for land use, traffic, services and facilities, utilities, and all similar and appropriate elements. The planning designation proposed for this site is consistent with the designated on the Canby Comprehensive Plan map (Low and Medium Density Residential). Finally, zoning is proposed to be consistent with what the city foresees as being appropriate for this site (R-1 and R-1.5). Upon annexation, the city will assume all planning responsibilities for the subject site. Once the site is annexed to the city by final legislative action, Clackamas County will have no further jurisdiction over or interest in the subject site. Therefore, this criterion is fulfilled.

3. *Development Proposals for Unincorporated UGMB Areas;*

Finding: This criterion does not apply because the formal development proposal by the applicants will be presented to the city once annexation has become effective, following regular city procedures.

4. *County Notice to and Coordination with the City;*

Finding: This criterion is not applicable because any development action will take place within the City of Canby, once annexation is effected, not within the jurisdiction of Clackamas County.

5. *City Notice to and Coordination with the County;*

Finding: Because this is a proposed annexation, the City is required under **A.** to notify Clackamas County of the impending action. This notification may also apply to **B.**

6. *City Annexation and Sewer, Water and Road Service;*

Finding: Under **A.** of this criterion, the City agrees to undertake any annexations in accordance with process and procedures agreed to by the County. In **B.**, The only public roadway that is affected is a portion of S.E. 13th Avenue that is directly adjacent to the southerly property line of the subject site.

As such, the applicant may be require to construct a “half street improvement” along the frontage of S.E. 13th Avenue to current City of Canby standards.

In **B.** on page 4 of the UGMA, all required facilities, services and utilities will be within the limits of the long range planning studies and tools for such public infrastructure. Please refer to the discussion on utility services in the Development Concept Plan submitted with this application for annexation.

For **C.** on page 4 of the UGMA, Public water and sanitary sewer are not currently available to the site for use in site development, but can be made available upon approval of the annexation application. This subject site is not, however, a health hazard. And for **D.** on page 4, the purpose of the proposed annexation is to obtain city services and facilities, and to develop under the jurisdiction of the City of Canby.

#### 7. *Terms of Agreement*

*Finding:* This UGMA is between the City of Canby and Clackamas County. However, no part or measure of the proposed annexation of the subject site, nor the subsequent development for approximately 135 residential lots, violates or otherwise circumvents the measures required under this UGMA.

Therefore, all criterion of this UGMA have been satisfied and/or fulfilled.



## **State Statutes – ORS 195 and ORS 222**

- ORS 195.065 requires various agreements between jurisdictions when urban services are to be provided. The Clackamas County Urban Growth Management Agreement (UGMA) states what agency will provide which services. While the applicants will benefit from the existence of such an agreement, the proposed annexation will not create any special or heretofore unforeseen circumstances where the provisions of the UGMA will not apply. The proposed annexation is exactly in keeping with what the City of Canby envisioned within its urban growth area. No new agreements, or any deviation from the provisions of the existing UGMA, will be required for this proposed annexation of this 32.10 acre site.
- ORS 222 requires several issues be considered prior to an annexation becoming effective. For example, ORS 222.040 provides that an annexation shall not become effective until an election has been conducted. Part of the process of applying for an annexation is meeting the application deadline in order that internal actions by the Planning Commission and City Council take place prior to the election. The city will provide proper notice as required, and agreements with local service providers will be enacted regarding inclusion of the subject site for service purposes after annexation (ORS 222.005). The procedures specified under ORS 222.111 will be followed by the city, which is the city's duty rather than one assigned to the applicant. Other sections such as ORS 222.130 (Annexation election; notice); ORS 222.150 (Election results); ORS 222.160 (Procedure when annexation is submitted to city vote); ORS 222.177 (Filing of annexation records with Secretary of State); and ORS 222.180 (Effective date of annexation) are all parts of the process the city must follow for any annexation.

Sections ORS 222.510 through ORS 222.830, as applicable, deal with the change of service jurisdiction for properties that will be serviced with urban services (water, sanitary sewer, fire protection, etc.) that may have been provided by other non-urban area providers while within the jurisdiction of Clackamas County. The heading of this section of the ORS Chapter is "Annexation of Public Service Districts" and deals with the transfer of service rights and obligations once a property is annexed. Whatever is required under these sections will be accomplished as part of the city's annexation process.

This annexation does not involve a merger of cities, an "island" annexation, or any health abatement, as included in sections included in ORS 222.700's; ORS 222.800's; or ORS 222.900's. Therefore, the proposed annexation complies with, meets, or otherwise fulfills all specific requirements contained in the appropriate and applicable sections of ORS, Ch. 222.



**AVAILABLE PLATTED LOTS IN CANBY**

(Available lots include lots that have been sold, but a building permit has not yet been issued. Once a building permit has been issued it is no longer considered to be available.)

SUBDIVISIONS – Platted Lots									
Year	Plat #	Subdivision Name		Total Lots	Total Permitted	R-1 Remaining	R-1.5 Remaining	R-2 Remaining	Total Remaining
1991	2995	North Pine Addition No. 2		13	12	1			1
2004	3947	Yorkfield (Apollo Homes)		136	110			7	7
2005	4089	Kraft Place		4	1	3			3
2006	4095	Bremer Court		7	5	2			2
2006	4140	Northwood Estates (Phase One)		41	33	8			8
2006	4120	Postlewait Estates Phase 2		18	16	2			2
2006	4202	Locust Corner		8	5	3			3
2006	4218	Dinsmore Estates (R-1.5 was replatted)		14	9	5			5
2006	4162	Knott Commons		10	7			3	3
2014	4376	Dinsmore Estates West		7	0		7		7
		Lots remaining in subdivisions				24	7	10	41
PARTITIONS (2007-2014) – Platted Lots									
Year	Plat #	Development File / Applicant		Total Lots	Total Built	R-1 Remaining	R-1.5 Remaining	R-2 Remaining	Total Remaining
2008	PP2008-022	MLP06-13	Bud & Joann Fawver (NW 6 th )	2	1			1	1
2008	PP2008-100	MLP07-02	Brett Kacalek (N Maple)	2	1	1			1
2008	PP2008-103	MLP07-05	Williford & Schellenberg (S Knott)	2	1			1	1
2009	PP2009-036	MLP08-02	City of Canby (N Maple)	3	0	3			3
2009	PP2009-038	MLP07-04	Philip Poole (NW Territorial)	3	1	2			2
2009	PP2009-048	MOD05-02 /SUB04-06	WVCC (NE 34 th Court)	2	0	2			2
2011	PP2011-013	MLP10-01	Gerry Engler (N Juniper)	2	1	1			1
2011	PP2011-038	LLA10-02	Robert Zimmer (NW 5 th )	3	1			2	2
		Lots remaining in partitions				9	0	4	13
						R-1 Remaining	R-1.5 Remaining	R-2 Remaining	Total Remaining
		Total lots remaining				33	7	14	54

### III. Neighborhood Meeting Notes

February 6, 2014

RE: Neighborhood Meeting for proposed Annexation into the City of Canby

Dear SE Canby Property Owner or Resident,

You are invited to attend a neighborhood meeting to discuss the proposed annexation of property located along SE 13th Avenue in Canby. The meeting is scheduled for 7:00 pm Thursday, February 20th, 2014 at the Canby Adult Center, 1250 S Ivy Street.

The property proposed for annexation includes six parcels located on the north side of SE 13th Avenue east of S Teakwood Street, west of the Sequoia Parkway extension and south of Baker Prairie Middle School. The area totals approximately 32 acres and includes the following tax lots, Section 3, Township 3 South, Range 1 East, Tax Lots 400, 401, 500, 600, 700 & 800 (see attached map).

The City of Canby Comprehensive Plan identifies Tax Lots 400, 401, 500 & 600 as medium-density residential, R-1.5 and Tax Lots 700 & 800 as low-density residential R-1. The current proposal is for annexation only, no development is proposed at this time. We will provide general information concerning the proposed annexation and will be happy to answer any questions that you have.

Thank you for your time and we look forward to seeing you at the meeting.

Sincerely,

Property owners:

Dan & Mary Stoller, Hugh and Roberta Boyle, Kelly Herrod, Gerry Marcum, Jerry & Samantha Rice, and Ralph Netter

Consultant:

Pat Sisul, Sisul Engineering

## Neighborhood Meeting Attendance Sheet

February 20, 2014

	Name	Address
1.	Craig & Kristin Morris	1744 SE 10th Place
2.	Dan & Mary Staller	2220 SE 13th, Canby OR
3.	Denny Marcum	2192 SE 13th Ave. Canby, OR
4.	Larry Faust	2187 SE 13th Ave
5.	Tim & Connie Faust	1866 SE 13th Ave
6.	Dennis Lindy & Brad Kennedy	2185 SE 13th Ave
7.	Larry & Betty Faust	1866 - S.E. 13th Canby
8.	Tom Anderson	9575 SW PINE, Tigard, OR 97223
9.	Cynthia Jerry Rice	2134 SE 13th Ave Canby, OR 97013
10.	Joel Landrep	2134 SE 13th Ave Canby, OR 97013
11.	Ralph Netter	536 N.W. 14th Ave. Canby
12.	Gordon Root	485 SW 5th State St LO 97031
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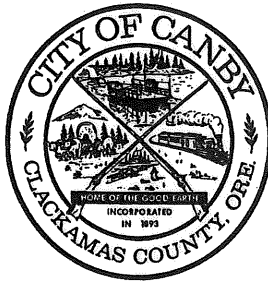


CANBY ADULT CENTER  
13th AVENUE NEIGHBORHOOD MEETING  
Thursday, February 20, 2014 @ 7:00 pm

Pat Sisul from Sisul Engineering hosted the meeting. A sign in sheet was passed around for those present. Property owners present were: Ralph Netter, Gerri Marcum, Dan & Mary Stoller and Jerry & Samantha Rice. These were a few comments/questions by attendees:

- Were these going to be single family residences? There were concerns over possible high density apartment/townhouse designs going in by Dennis Kenagy, 13th Avenue property owner as well as others. They were concerned about this devaluing the neighboring area. Pat made a comment that the size and design of the proposed lots would not accommodate townhouses and also that the intent by the property owners was for single family houses.
- Will the City of Canby be purchasing the park space? Pat commented that there has not yet been a response from the City on this. There could be an option for the city to develop the park or the property owners.
- Is the park going to be fenced? It was indicated that there could be partial fencing along the bike path but that it will have openings for walking path access but the school fence line would remain as that was put in by the school district. Pat had also indicated that a few parking spaces would be factored into the park area for road access.
- There was a comment made over having 1 large park and how was the compensation to Stoller's going to work out for the park dedication? Pat indicated a compensation agreement was presently being worked out by his firm.
- Ralph Netter asked how the Industrial properties would pay for the Mulino Rd. pump station? Pat indicated that the SCD's will go to pay for the cost.
- Gordon Root of Stafford Land Company introduced himself then proceeded to ask Larry and Betty Faist if they have approved of "the roads crossing through their property? He asked if they were ready to develop. He then proceeded to explain the difficulty of getting properties (especially multiple) annexed and then developed at the same time, and then went in to greater detail....
- Gordon let property owners know that he would like to sit down and "talk with all of us". He handed out his business card to each of us. His associate Mr. Anderson was present also.
- Pat noted that there are presently 57 buildable lots in Canby and that there is a need for a 3 years buildable supply which Canby does not presently meet.
- The question was raised that what was the next step? Then when is the Planning Commission meeting.

## IV. Pre-application Meeting Minutes



## **Pre-Application Meeting**

**SE 13th Avenue Subdivision - Annexation**  
**January 23, 2014**  
**10:30 am**

### **Attended by:**

Hassan Ibrahim, Curran-McLeod Engineering, 503-684-3478  
Pat Sisul, Sisul Engineering, 503-657-0188  
Doug Quan, Canby Utility, Water Dept., 971-563-6314  
Gary Stockwell, Canby Utility, Electric Dept., 503-263-4307  
Nick Netter, Contractor, 503-708-9979  
Renate Mengleberg, Economic Development, 503-266-0701  
Jeff Snyder, Parks Department, 503-266-0732

Ralph Netter, Owner, 503-789-4926  
Dan Mickelsen, 503-266-0698  
Dave Michaud, Wave Broadband, 971-338-3270  
Dan Stoller, Owner, 503-616-8031  
Tom Scott, Canby School District Board, 503-266-5488  
Bryan Brown, Planning Department, 503-266-0702

***This document is for preliminary use only and is not a contractual document.***

### **SISUL ENGINEERING, Pat Sisul**

- We are here today to discuss the annexation for SE 13th Avenue beyond the Faist addition subdivision, Ralph being one of the property owners and there are a total of six different property owners.
- We are looking today at a development concept plan and need a master plan for the whole area before anyone can annex their property. We do not know how many will apply for annexation at this time, we are thinking all six and it would be on the November's 2014 election.
- Pat described the different lot layouts for each of the land owners on approximately 32 acres. The Canby School District's lots are already in the city limits. The Faist's property adjacent to this project have 10 acres they are holding onto it.
- We are trying to figure out the utilities and the services for the annexation. This is the current concept plan we are going with and the streets will intersect with S Teakwood Street and in the future the streets will be generally extended across the Faist's property. We planned out Canby School District's property as well because it looked different without that piece included. We are looking at a park area on Stoller's property where there are a lot of large trees and Matilda has her heart set on having a park there. We went through six different layouts to get to this one and we have met with Bryan and Matilda to discuss planning issues. One of the issues we discussed were how many access points to SE 13th Avenue because we cannot meet the access spacing between Sequoia Parkway and S Teakwood Street. They felt two access points to SE 13th Avenue were necessary for the number of lots in this area. They thought an access spacing exception could be approved for this subdivision and Planning would support it because there are no accesses east or west.
- Pat stated he expected the lot layouts will change when the individual subdivision will be developed and it may be possible to run the water line through an easement. Doug said we do go through private property with easements anymore due to liability issues.

**CURRAN-MCLEOD ENGINEERING, Hassan Ibrahim**

- We will discuss the sanitary sewer first. Pat and I have had a long discussion over the phone and this is just for the record. We talked about the east end of the Faist property's frontage and there is a manhole approximately 10 feet deep and I am not sure about the topography and how far can we get and Pat said approximately to S Vine and SE 11th Place because the land comes up and then falls back toward the north. Hassan said Dan did some research and there is a manhole located at S Teakwood and SE 10th Place at 15-1/2 feet deep, which triggers you have to go across the Faist's property and I do not know if that is possible. The first two options are determined on who develops first and how things work out, but the most economical and feasible option is coming to Sequoia Parkway. We have a dry line built as part of the Sequoia Parkway extension and I think we have two connections coming off of Sequoia Parkway and ultimately when this projects comes into play the sewers will have to go down to Mulino Road prompting a pump station to be built and pumped back to Township Road. Pat stated we do not know who is going to develop first, it would be likely either Ralph Netter or Dan Stoller because they both control the access points. Ralph has S Vine Street and Dan would control S Walnut Street as it is currently setup. It make sense if Dan's goes first and goes out to Sequoia Parkway, if it happened that way and developed from east to west, would we need to put sewer into SE 13th Avenue? Hassan said we want to demonstrate this property can be served with sewer and the sewer ends right here on SE 13th Avenue and Pat said it was 10 feet deep. Hassan asked how much fall and Pat said approximately 7 feet. I do not have a survey topographic on it, but it looks like 7 to 8 feet going back. Hassan said judging from this manhole according to Dan Mickelsen's numbers we may be able to cover this property in terms of sewer and if we can serve this property from S Teakwood or SE 13th Avenue we would have to definitely to extend it. Pat said if Ralph's or the school district's went first and if Faist was already in, I think everyone would try to bring the sewer in coming west to east from S Teakwood and be gravity. Ralph asked where the gravity would go to and Pat said there are sewer manholes at every one of the intersections on S Teakwood Street. Ralph asked how deep in S Teakwood and Dan said at SE 11th Avenue and S Teakwood the manhole is 10.6 feet, SE 10th Place is 15.6 feet, 11th Place is 9.06 feet, SE 10th Avenue is 7.85 feet and dead ends at SE 12th Avenue at 7.4 feet. I do not know if that is useful. Hassan said we have options on providing sewer, we just need to study it a little bit more and come up with a plan. Pat said the plan we will present to Council would be how we will connect to here if it is available and if Faist have an interest in developing before this property develops. We would bring as much east as possible, there are some in this corner we can gravity out and the rest of it will probably have to go to the pump station. Hassan said that would trigger the pump station at Mulino Road. Pat asked who will build the sewer line from Sequoia Parkway to Mulino Road and Hassan said the City will probably do it. Hassan said there will be some System Development Charge (SDC) credits for building of the sewer and you and I talked about what they will be entitled to and I will talk to Curt a little more on this subject of SDC credits. Pat asked if the sewer line going from Sequoia Parkway to Mulino Road be an advanced financing district. Hassan said it would be SDC, I would think. Pat said are you saying it will be paid by SDC's? Hassan said either the developer will build it and then they will get SDC credits for the lots and there is a lot of disparity between the cost and what will be entitled to in terms of SDC versus a cost to



build the system. There may be another way of paying for it, maybe the city will put it in and then the property owners will pay the SDC's or the city pay the difference. We will work something out, again I will talk to Curt about this issue. Bryan said he did not know much about this subject, but you are talking about the lift station and you have to get the sewer line to it. I am thinking in the worst case scenario, the city is in terrible financial straits, not having enough SDC funds, no money to do the job and they would have to build the sewer line. The issue would be how much would it cost and would it be equal to the amount of sewer SDC's being collected and hopefully that will not be the case. Hassan said I hope that will not happen, but in most cases the developer puts it in and they get the SDC credit, again it is the cost we will look at it. Pat said he thought the cost would be high for any one of these parcels by itself. Hassan concurred. Discussion ensued about where the pressure line from the pump station would be heading, S Township Road or SE 13th Avenue and the consensus was SE 13th Avenue.

- I do not have any problem with the layout of the streets, but I want to point out and assuming all the turning radius and cul-de-sacs meet the public works standards. We talked about the streets and S Teakwood is being downgraded in the Transportation System Plan (TSP) to a local street not a collector anymore. Bryan said the entire circulation and S Teakwood would be local streets and the answer was correct. SE 13th Avenue is an arterial street and it is under the jurisdiction of Clackamas County and it will have to be built to our TSP and it has to be 46 feet wide and right now it is 44 feet wide. This will trigger (2) 6 foot bike lanes, (2) 11 foot traffic lanes and (1) 12 foot center lane. Pat asked if he had any problems with the intersection access spacing because we have from S Teakwood to S Vine Street is 622, S Vine Street to S Walnut Street is 626 and S Walnut Street to Sequoia Parkway is 417. The minimum spacing is 660 to 1,000 feet on an arterial and we talked about this with Bryan and there are exceptions allowed when there are restrictions around the development. We cannot get access on two of the four sides. Hassan said he thought they could support it, but there will have to be a traffic study at one point and they may have to put some restrictions here because of the proximity between Sequoia Parkway and S Walnut Street. Bryan said I think we should proceed with a traffic study because they will need one for the annexation application and the TPR analysis is required to change the zoning. They will be analyzing the impact and the difference the traffic allowed today within the county zoning versus what would be allowed when it is rezoned to city zoning districts. I think you are going to propose the zoning is the same that corresponds with the comprehensive plan sets today and Pat said yes. Bryan said there will be two different zoning districts on this property like it is in the comprehensive plan. The traffic study will probably need to address those two location points on SE 13th Avenue and we can provide some input to DKS. Hassan said I am sure the county will have a say in it since the road remains under their jurisdiction. I am not sure how their access spacing is compared to the city's spacing.
- Dan, Jerry and I discussed LID versus drywells. We were thinking instead of drywells if there is a possibility of having the water quality in this section of the dedicated park land. Pat said he discussed this with Matilda whether there could be a possibility of doing water quality swales in the park area and she felt it was unlikely the parks would support it. Hassan said we were thinking of just a small part or section of the park to build a regional facility for the whole thing in this area as opposed to drywells. You and I talked about what to do for an

LID, do we do swales or rain gardens and on local streets they are tough to implement. Pat asked the facility you are talking about, are you thinking for just water quality and it would drain and Hassan stated for disposal. Pat said part of the problem would be, if this piece goes first (Netter) how do you get the water over there. Hassan said we need to implement the LID somehow and we thought it would be easier to maintain as a regional facility and if it does not work we need to figure out how to apply the new LID standards. Pat said he thought something over there could be an option, but my guess is it would not be credited as park land, it would be a storm water facility. Bryan said we could begin the park, but you would not get full credit because I do not think the parks would like a storm water facility and who would maintain it. Hassan said we would maintain it and Bryan said it would be an alternative to us taking care of all these parallel planter strip swales and Hassan said not if we do a regional facility disposal. Bryan asked do we want it on city property and Hassan said we are taking over the park what difference will it make. Discussion followed. Pat asked about the northeast corner, which is owned by the city and if it can be used. Hassan said he talked to Jerry and he stated it should not have be on city property when it is no benefit to the city when it serves this whole development. It should be part of the Stoller's property not physically put on city. Pat said I understand and I am looking at all the trees we are trying to save and if it was graded out for a storm water facility it will take out a significant number of the trees. We have done this before for parks and it works, but there are a lot of streets here and how big and deep will this facility be to retain one hundred percent of the runoff from the site because we do not get the infiltration rate at the 6 to 8 foot depth as we get at 26 feet. Bryan asked if this city property at the NE corner had any practical use and if we could add it to the proposed park and if part of the park could be used for a regional storm water retention because it does not have trees on it and we could save the trees. Dan Stoller stated it already has a 10 inch open pipe, which drains into it and Hassan said it dumps out into this property and the answer was yes. Dan said the ditch line follows the walking path and the pipe dumps into it and Dan Mickelsen said he thought nothing goes through it. Dan Stoller said theoretically it was going to drain to the ditch, but nothing ever does. Pat handed out a picture depicting the City of Portland's standard swales and Bryan asked if there were certain streets you are proposing. Pat said he was looking at where there were opportunities to do this and of course it would be where you will not have driveways. Renate asked if it would be the property owner's responsibility to maintain the swales. Pat said it was one of the questions he wanted to discuss, if something like this were to be done who would be expected to do the maintenance, an HOA, homeowner or the city. Hassan said there is a criteria for this design and with all due respect if the property owners do not maintain it, it will not meet the criteria for the swales performance. Pat said if we did something like this it would not be expect to be the storm water facility for the development. I would think it would have water flowing in, flow through and flow out into a catch basin to a drywell or some other type of facility. Gary said it would be a huge maintenance issue for whoever is responsible. Pat said he understood and do they have to be irrigated and the answer was yes. Hassan said the intent is to get away from drywells and Bryan said it was a tough issue for the city and we have been looking for a solution, but on long term maintenance and staffing that might be needed and it is what we have adopted. Discussion followed on maintenance of swales. Pat said the city will need to meet and discuss if the city will allow UIC's or do

water quality and Bryan said it reads unless there is no other reasonable alternative and I think they have a reasonable way to do something other than a UIC.

- Is this park going to be a general park or for just the community within this subdivision and Pat said it will be a public park. Hassan said is there going to be any type of a parking for the park and Pat said at the meeting we had with Matilda and she did not indicate she wanted parking. She wanted a restroom facility and we just figured people would park long the street in the subdivision. We know being so close to the ball fields and on weekends people are definitely going to be parking around here and taking the short cut to the soccer or baseball fields. There is no way to avoid it and even though it is city park and it is intended primarily for the people who live in this area as something to use, it will not have a lot of playground equipment and be more of a natural passage facility. It will have existing large trees, next to the bike trail and people can pull off from the pathway and enjoy the park and I do not think Matilda wanted to take a portion of the three acres and dedicate it to a parking lot. Hassan said they would have access to the logging bridge road and they would not have to have an access connection and Pat said we had connections to the pathway on earlier plans, but I felt with the access off of SE 13th Avenue and the fact there will be sidewalks also we probably did not need it and Hassan agreed.

#### **CANBY UTILITY, WATER DEPARTMENT, Doug Quan**

- There is a 14 inch water line in SE 13th Avenue and stops at the corner of the Boyle property just west of the house and it would have to be extended to Sequoia Parkway.
- Connections into the subdivision will be into S Vine and S Walnut Streets and connections out to Sequoia Parkway from SE 11th, SE 10th and SE 10th Place. We can go through the park to connect since it is not private property and if there are any dead ends created the automatic blow off stations will be installed and as this subdivision progresses it will be moved. It will be interesting on how you decide you want to do the 14 inch main line in SE 13th Avenue since there are six property owners along the roadway and how it develops and preferable the 14 inch main goes in one shot. Pat said if these properties go and we bring water from Sequoia Parkway and Doug said the 14 inch water main still has to be built. Pat asked if they could set the money aside for the main line extension to have it built at one time and Doug said the answer would have to go to the general manager and board of directors. In order to do the subdivision the main line extension has to be done. Pat asked about the water main in Sequoia Parkway and Doug said it was live and is a 14 inch water main. Hassan asked if they would get SDC's for upsizing the water line and Doug said he did not think so and Pat said they should get an oversize credit for putting in a water line larger than an 8 inch main. They should get the difference between the costs of a 14 inch line to the cost of an 8 inch line, it is what is typical. Bryan said the city has oversizing provisions in our ordinances and Doug said he did not know if Canby Utility has such a thing. Pat asked if Doug would follow up on the oversizing credit and let me know what your ordinances reads.
- On the two cul-de-sacs if we do not do a looped street the fire hydrants need to come out into S Walnut Street and we would let you drop the size of those mains down into the cul-de-sacs. It would be more reasonable to you instead of going to an automatic blow off stations. Pat asked what size of pipe and Doug said in the 4 inch range. As the subdivision builds you will have to move the automatic blow off stations.

- Eight inch ductile iron through the subdivision.
- You will need to watch for any conflicts with the elevations of the sewers because it looks like we may be fairly close in a couple of spots. Our water line depths are between 30 to 36 inches deep.

**CITY OF CANBY, EROSION CONTROL, Dan Mickelsen**

- Do you think Faist will be open to having an easement at SE 10th Place and cut across their property? It cannot be more than 400 feet and Pat said the Faist's have for years thought they may sell their property from SE 11th Place north, but the discussions have not gone anywhere. I do not know how serious they would be giving up an easement.
- Dan said he would like to see the entire subdivision property frontage on SE 13th Avenue completed at one time and not piecemealed. Nick said the problem with that is the land is not annexed yet. Pat said if this annexation gets defeated and they could come back and annex in one at a time, but what we need to do is get the master plan approved and probably all six property owners would look to annex the first time around. Hassan said it would get back to the cost of developing the entire length of frontage on SE 13th Avenue and the money does not work itself out with all six property owners. Pat said you could ask for the design of the whole road. Dan described how S Ivy Street was miss matched and would like to see the new roadway match the existing roadways. Pat said he understood about how standards change when you have not built in six years. We can set up a vertical profile and as long as the arterial road standards do not change from the 46 foot width, we can have a design for the entire frontage. Hassan said we will require for the first subdivision application horizontal and vertical alignment on SE 13th Avenue.
- Dan asked how Dan Stoller got these 2 lots here. Pat said he has not landed those lots yet. The city wants 3 acres of park and this area and at one time it made sense, but nothing has been done. The idea was to swap 15,000 square feet here for 15,000 square feet there, but there are some questions and I have not heard the answer from the city as to whether the city attorney is comfortable with it. Jeff and Bryan stated the city attorney is not comfortable with it and the land swap will not happen.

**WAVE BROADBAND, David Michaud**

- We request the final trench plans for us to design and build. Pat asked if they had any issue with serving this area right now and David said he did not know where their plan is actually at, but we will build to it. We do have conduit down the new Sequoia Parkway and have crossings available if need be. Pat asked if they have service to S Teakwood and SE 13th Avenue. I had this conversation with Gary and if Boyle does not develop the right-of-way dedication stops in front of the Faist property and the utilities are back at the edge of the right-of-way. If Ralph wants to develop and we do not have a dedication from Boyle, it is possible the right-of-way can jog out and come back in when Netter does his. Doug said their water main is close to the curb line and Pat said it is only a 10 foot dedication and the curb is out in front of that. Hassan said it was 22 feet off of centerline and it is a 30 foot half right-of-way and if the water line is more than 2 feet out in front of the curb it would be okay. Does that present any problems and David said no and if you give me your email I can actually do a screen shot of our design and send it to you.



**CANBY UTILITY, ELECTRIC DEPARTMENT, Gary Stockwell**

- At this stage of the game being an annexation, the technical aspect serving this subdivision is going to have to wait and see how it develops. There are certain requirements I will need to tie into the new Sequoia Parkway and the Faist's have an effect on the tie-ins with the existing Faist Subdivision. The main utility source sits at the corner of the Faist/Boyle property and we are able to serve the development.
- We will have to get in front of our existing utilities and get to Sequoia Parkway at some point to complete our feeder system.
- Canby Utility has an annexation policy with Portland General Electric (PGE) and is approved and sanctioned by the PUC. Upon annexation PGE will visit the individual properties and they will make an evaluation of their equipment on site and come up with a cost/value. Traditionally Canby Utility would pay the fee at the time of development and include it into your development fees. What I think is occurring now is PGE does not want to pay us and still operate the equipment, they are deferring payment until the time of development. Just be aware as property owners develop there is an additional fee, depending on how much equipment you have serving their property. Gary said he has no way of anticipating what the cost will be. Ralph asked if there was electrical coming down Sequoia Parkway and Gary said he had a conduit system in Sequoia and there is no power available there yet. What would be nice is to have SE 13th Avenue extended and this is not just small transformers, but will be underground feeder lines and I will place an 8 foot x 10 foot vaults. Once this is developed on SE 13th Avenue there will be one lot where I will need an additional easement because I will have set one of these larger vaults, either at Boyle or Netter's property.
- We have to complete the frontage of the property to tie-in and each one of these proposed streets if the Faist's goes along with you or you get permission to build the road through, each one of these are a point of contact. Ralph asked if it would be problem if the Faist's decide not to develop and Gary said at some point SE 11th Place and SE 12th Avenue will get developed and I will tie back. Ralph said what if Hugh Boyle decided not to give the 10 foot easement by the time I want to develop and Gary said it may require to go back an additional distance to tie into my existing duct and I can make a 45 degree or field sweep transition out in the street, we can get conduit down there and make it usable. It will also depend on the other utilities in the street and if we have to cross the street. Ralph said the power is only available from SE 13th Avenue and not Sequoia Parkway. Gary said until someone in the industrial area develops out there and pays the fees there really is no power on this section of Sequoia Parkway. We have a couple of crossing on Sequoia Parkway and how they line up, I do not know at this time, but it can be done in the future. Pat asked Hassan if the as-builts for the Sequoia Parkway extension would show the water and electric lines and Hassan said we have the as-builts for the electric but they may have shifted a little bit in the field. I can send them to you.
- Jerry and I have been talking about street lighting and the city does not have a policy and we are trying to come up one. Hopefully by the time it develops, we should have a policy in place. Pat asked what style of lighting is along SE 13th Avenue and Gary stated the post top style and the lighting has changed and we are using the cobra heads. On arterial streets we use a 30 foot mounting height and on the residential streets we use a 20 foot mounting height.

**CITY OF CANBY, PARKS DEPARTMENT, Jeff Snyder**

- I would like to make some clarifications, the only areas in considerations are in the yellow, no school district or Faist property and the answer was yes. Jeff said he had concerns about the narrow strips and it was my understanding the parks would only be interested in having some parking along S Walnut Street. I think you could get 6 to 8 parallel spaces and Pat said there will be parking available on both sides of the street. Bryan said maybe you would like vertical parking rather than parallel and you can get more spaces. Discussion followed on the type of parking. Jeff said if they did parallel parking we would have room for our trucks and trailers to do maintenance.
- Are the sewer and water being stubbed to the site? Pat said we could go two different ways, either we would be doing the design and installation of the park and the neighbors would have the say as to what came into the park or it would have to be approved as part of the master plan and the discussion was a drinking fountain and a restroom and water and sewer would be stubbed in. I do not remember the type of building Matilda was talking about, I think a one seat. Tom said he thought it was a drop in type building, we did not go into very much detail. Pat said we are trying to find a way to fund the park, the equity between all the owners in this development is the most difficult thing to solve, Dan Stoller is giving up a lot of land for the park and how does he get reimbursed. The monies need to come out even because the SDC monies (\$4,900 per lot) to do compare to the developable land Stoller is giving up.
- Jeff said we had a Park and Recreational board meeting and they wanted at a minimum to develop some sort of parking along the frontage of the park. Pat said the streets will be 34 feet with two travel lanes and parking on both sides and Hassan concurred. Pat said there is approximately 190 feet of park frontage and it is about 22 feet per stall, which works out to be about 8 to 9 spaces. Jeff said the crew will take up 4 spaces with a truck and trailer doing maintenance work. Pat said we could make the street a little wider here and bump it out and move the sidewalk back into the park a little farther. Jeff said he would like it bumped in to have people and kids get out safely from their cars. Hassan asked if they were thinking of trading and Pat said he was not thinking of trading he was thinking of providing something a little wider than the 7 feet and bump it out another 3 to 4 feet and it would be defined for parking at the park. Jeff said it would make everyone happy if we add parking there.

**CANBY SCHOOL DISTRICT, BOARD MEMBER, Tom Scott**

- The school district's property is not part of this project and will they be included in this park reimbursement or dedication and Pat said no. This area is sufficient park land for the 20 lots in the school district's area, but it is up to the city as to whether they want it to be a park or fee in lieu of land. We just set it up this way and if the city chooses they do not want these lineal parks then you could pay the fee in lieu and get 3 lots instead. Jeff said this is for future development and not part of this plan and Pat said yes.

**CITY OF CANBY, PLANNING DEPARTMENT, Bryan Brown**

- Bryan handed out his comments for SE 13th Avenue Annexation. I have addressed questions you had about the annexation process for this project of approximately 32 acres. The way I

read the code and the master fee schedule, there is a base fee of \$1,850 and then \$55 per acre and the total of \$3,610 for your annexation application. You will need to submit a zoning map with this application and we have in the past charged a fee for zoning map amendment on some and not on others. I am thinking since your zoning is corresponding to the comprehensive plan map designations we would not charge you, but you do need the application form. Pat asked if it needed to be signed by all six property owners and Bryan said he thought so. Pat said both applications and Bryan said yes. We will only charge you for the annexation application. We do require \$2,500 election deposit and any charges the city incurs related to setting up the ballot and if we do not use it all you will get a refund.

- There is a potential cost from the county for setting up the election. My understanding is if anything goes on the November general election ballot there is usually no cost, but a special election or anything else you are totally responsible for whatever the county will charge.
- We talked about the need for a traffic study and generally speaking you should try to get this done when you submit with your applications. We have a one or two month leeway where the study can be being done to make your deadline for your application. At some point it will become problematic if the study does not get done and we would need definitive answers. Pat said do we have DKS prepare it and Bryan said yes. You need to get started if you are heading for this deadline in February and start with the scoping work with the \$500 deposit to the city. Once complete it will tell you how much the study will cost. Pay the fee and you have a choice of using DKS or someone else, but the scope is required to be done by DKS.
- You have completed your concept plan and there might be some changes needed because of the storm water issues and we will help you. To my knowledge the city has not done a concept plan before, we have done development agreements with annexations. I do not really know how this will look and I am visualizing a drawing or two will probably answer what the criteria in the code states about the eight different infrastructure requirements, maybe a narrative or something could get adopted with the concept plan if needed. For instance, if you do a regional storm water detention and possibly have an agreement to go along with this concept plan, which reads if this part of ownership develops first then they will agree to dedicate a drainage easement across their property temporarily to get to their regional detection facility or something of the like. Pat said we discussed we were going cut the lots off when we do the development concept plan and show streets, park, storm water facility and if there will be a storm water facility and Bryan said he thought it would work.
- I need to look at the Oregon Revised Statutes again and reread Chapter 222 and see if there is anything in the state's statutes, which is applicable and our code reads you are bound by any applicable regulations of the state. Pat said he looked through it yesterday and did not see anything and Bryan said he could not remember if there was anything applicable.

#### **CITY OF CANBY, ECONOMIC DEVELOPMENT, Renate Mengelberg**

- This housing development is in the proximity of the Pioneer Industrial Park and we are in the process of working with Clackamas County on concept plans for the Weygrandt properties showing railroad spurs onto the 14 acre site. We want you to be aware there could be a potential of an industrial building with rail service across the street from this development and we are designing the spur towards the back of the building and there should not be too

much excessive noise. I just want you to be aware. Dan asked how they would access the Weygrandt property and Renate said it would be off of Sequoia Parkway.



## V. Annexation Petition

# **ANNEXATION PETITION CITY OF CANBY, OREGON**

Consent to annex is hereby given by the undersigned, who represent more than half the owners of land in the territory, and who also own more than half of the land and real property in the contiguous territory, which represents more than half of the assessed value of all real property in the contiguous territory. By signing below I indicate my consent to and support of being annexed into the City of Canby, Oregon. I also consent to allow my signature (below) to be used for any application form required for this annexation.

Note: This Petition may be signed by qualified persons even though they may not know their property description or precinct number.

Signature	Printed Name	I AM A*			Property Description				Precinct #	Date
		PO	RV	OV	Lot #	¼ Sec	Twnshp	Range		
<i>Ralph Natter</i>	Ralph Natter	✓			700	03	4S	1E		
<i>Mary Stoller</i>	Mary Stoller	✓			400	03	4S	1E		
<i>Geraldine Marcum</i>	Geraldine Marcum	✓			500	03	4S	1E		
						03	4S	1E		
						03	4S	1E		
						03	4S	1E		
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						03	4S	1E		
						03	4S	1E		
						03	4S	1E		
						03	4S	1E		

- * PO = Property Owner  
RV = Registered Voter  
OV = Owner and Registered Voter

**SURVEY NUMBER:** _____

## ***Record of Survey***

SITUATED IN THE NORTHEAST 1/4 OF SECTION 3,  
TOWNSHIP 4 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN  
CLACKAMAS COUNTY, OREGON

FEBRUARY 28, 2014 SCALE: 1" = 100'

FOR: SE 13TH AVENUE PROPERTY OWNERS

**LEGEND:**

- - DENOTES FOUND MONUMENT AS NOTED.
  - STRAIGHT AND FLUSH WITH THE SURFACE.
  - UNLESS NOTED OTHERWISE.
- YPC - YELLOW PLASTIC CAP (INScribed AS NOTED)
- IP - INSIDE DIAMETER IRON PIPE
- IR - IRON ROD
- D1 - DEED 2013-052847
- D2 - DEED 85-10970
- D3 - DEED 2005-043347
- D4 - DEED 92-44429
- D5 - DEED 2009-051839
- P1 - PARTITION PLAT NO. 1993-35
- P2 - PLAT "T" "TAUST ADDITION" (PLAT 3510)
- R1 - RS 7338
- R2 - PS 28130
- R3 - SN 2006-111
- M - MEASURED DISTANCE
- CL - CENTERLINE
- R/W - RIGHT OF WAY LINE

**NARRATIVE:**

THE BASIS OF BEARINGS IS THE SOUTH LINE OF PARTITION PLAT NO. 1993-55. THIS SURVEY WAS PERFORMED TO SET OUT THE EXTERIOR BOUNDARIES OF THOSE TRACTS DESCRIBED IN DEEDS 85-10970 (D2) 2009-051838, 92-44429, 2011-016438 AND 76-18244 CLACKAMAS COUNTY RECORDS.

NORTH LINE: HELD THE MONUMENTS AT THE SE CORNER NE 1/4 OF THE NW 1/4 OF SECTION 3 AND THE SE CORNER OF PARTITION PLAT NO. 1933-55.

WEST LINE: HELD THE MONUMENTS AT THE SE CORNER NE 1/4 OF THE NW 1/4 OF SECTION 3 AND THE SE CORNER OF TRACT 'A' "FAIST ADDITION" AND EXTENDED THE LINE 40.00' TO ESTABLISH THE CENTER OF SECTION 3 PER SAID "FAIST ADDITION".

SOUTH LINE: HELD CENTER OF SECTION 3 (ESTABLISHED ABOVE) AND THE MONUMENT AT THE SE CORNER OF DEED 2013-052847 (D1) AS BEING 20' NORTHERLY OF THE CENTERLINE. ESTABLISHED THE NORTH RIGHT OF WAY LINE 20' FROM THE CENTERLINE.

EAST LINE: HELD THE MONUMENT AT THE SE CORNER OF PARTITION PLAT NO. 1993-55 AND THE MONUMENTS ALONG THE EAST LINES OF DEED (D1) AND (D2) AS SHOWN.

HERROD TRACT: HELD THE FOUND MONUMENTS PER (D1).

CANBY SCHOOL DISTRICT NO. 88 TRACT: HELD THE FOUND MONUMENTS  
PER SURVEY NO. 2006-111.

THIS SURVEY WAS PREPARED USING  
HEWLETT-PACKARD PRODUCT NO. 51845A  
INK ON HWAN WMF POLYESTER FILM

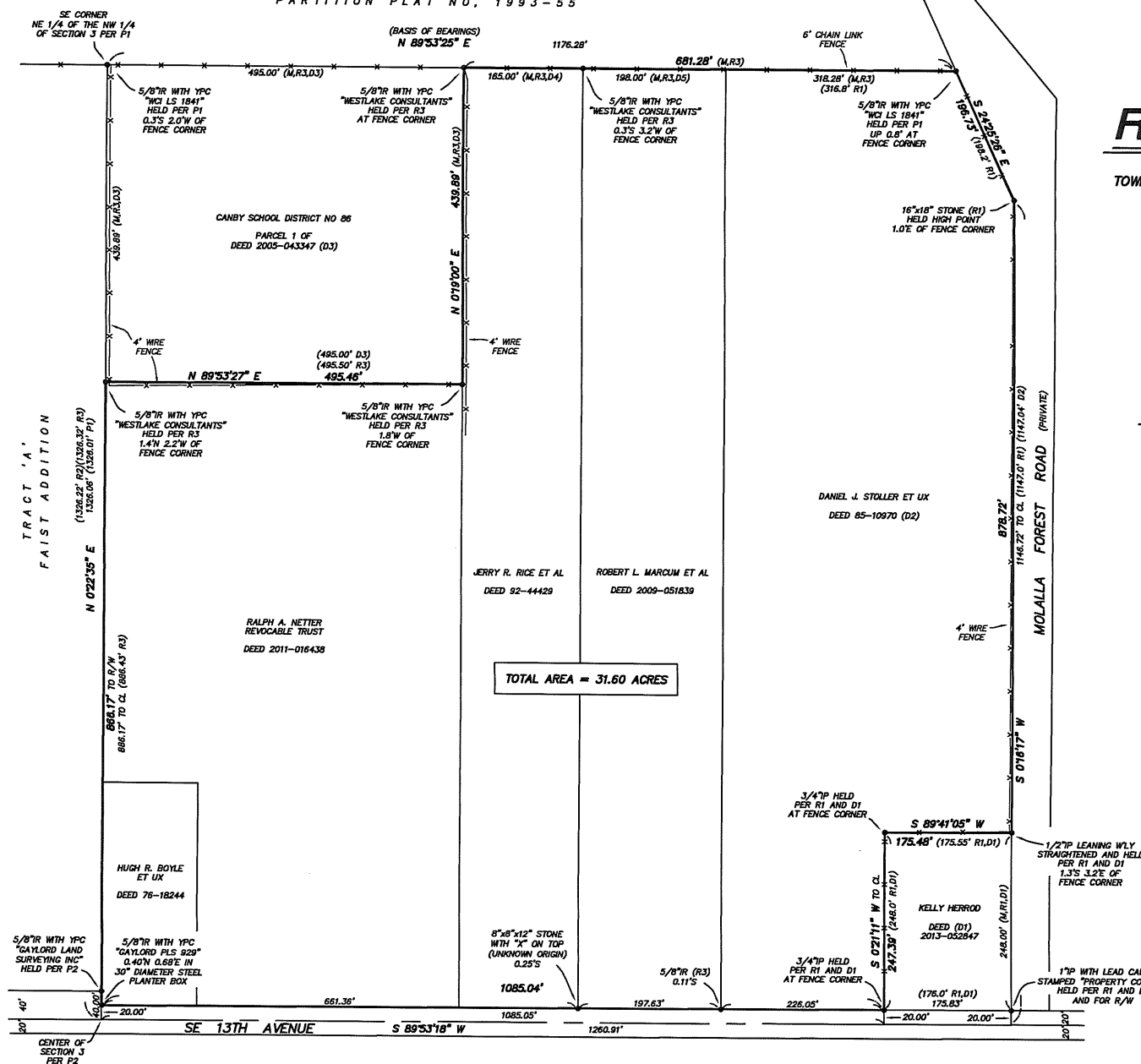
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

Fruto 44

OREGON  
JULY 26, 1985  
KENNETH D. GRIFFIN  
2147

RENEWAL: 6/30/15  
0533-RS

**GRIFFIN LAND SURVEYING INC.**  
6107 SW MURRAY BLVD. #409  
BEAVERTON, OR. 97008  
PHONE: (503)201-3116



# Griffin Land Surveying Inc.

6107 SW Murray Blvd. #409 – Beaverton, OR. 97008

Office: (503)201-3116

February 28, 2014

SE 13th Avenue Property Owners

Project: 0533

## Total Property Description

Tax Lots 400, 500, 600, 700, 800 Map 41E03

Clackamas County, Oregon

A tract of land situated in the Northeast 1/4 of Section 3, Township 4 South, Range 1 East, Willamette Meridian, in the County of Multnomah, State of Oregon, being more particularly described as follows:

Commencing at the center of said Section 3; thence N 0°22'35" E, 20.00 feet to the North right of way line of SE 13th Avenue and the Point of Beginning; thence continuing N 0°22'35" E along the East line of "FAIST ADDITION", a subdivision filed in Clackamas County Plat Records, 866.17 feet to the Southwest corner of that tract described by Deed to Canby School District No. 86, recorded in Document No. 2005-043347, Clackamas County Records; thence N 89°53'27" E along the South line of said Canby School District tract, 495.46 feet to the Southeast corner thereof; thence N 0°19'00" E along the East line of said Canby School District tract, 439.89 feet to the South line of Parcel 1, Partition Plat No. 1993-55, Clackamas County Plat Records; thence N 89°53'25" E along the South line of said Parcel 1, 681.28 feet to the Southeast corner thereof; thence S 24°25'26" E along the East line of that tract described by Deed to Daniel J. Stoller, et ux, recorded in Document No. 85-10970, Clackamas County Records, 196.73 feet; thence S 0°16'17" W continuing along the East line of said Stoller tract, 878.72 feet to a 1/2" Iron Pipe at the Northeast corner of that tract described by Deed to Kelly Herrod, recorded in Document No. 2013-052847, Clackamas County Records; thence S 89°41'05" W along the North line of said Herrod tract, 175.48 feet to a 3/4" Iron Pipe at the Northwest corner thereof; thence S 0°21'11" W along the West line of said Herrod tract, 247.39 feet to a 3/4" Iron Pipe at the Southwest corner thereof, being on the North right of way line of said SE 13th Avenue; thence S 89°53'18" W along said North right of way line being 20.00 feet, when measured at right angles, from the centerline, 1085.04 feet to the point of beginning.

Contains 31.60 acres.





# Griffin Land Surveying Inc.

6107 SW Murray Blvd. #409 – Beaverton, OR. 97008

Office: (503)201-3116

February 28, 2014

**SE 13th Avenue Property Owners**

Project: 0533

## **SE 13th Avenue Right of Way Description**

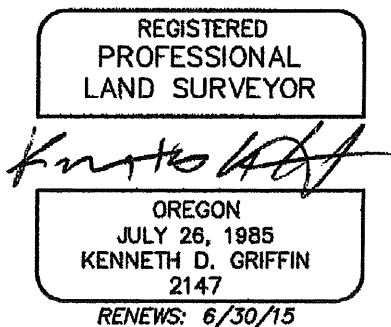
Map 41E03

Clackamas County, Oregon

A tract of land situated in the Northeast 1/4 of Section 3, Township 4 South, Range 1 East, Willamette Meridian, in the County of Multnomah, State of Oregon, being more particularly described as follows:

Beginning at the center of said Section 3; thence N 0°22'35" E, 20.00 feet to the North right of way line of SE 13th Avenue; thence N 89°53'18" E along said North right of way line being 20.00 feet, when measured at right angles, from the centerline, 1085.04 feet to the Southwest corner of that tract described by Deed to Kelly Herrod, recorded in Document No. 2013-052847, Clackamas County Records; thence S 0°21'11" W, 20.00 feet to the centerline of said SE 13th Avenue; thence S 89°53'18" W along said centerline, 1085.05 feet to the point of beginning.

Contains 21,701 square feet.



**13TH AVENUE PROPERTY OWNERS  
TAX LOTS 400, 500, 600, 700, 800 MAP 41E03  
CLACKAMAS COUNTY, OREGON**

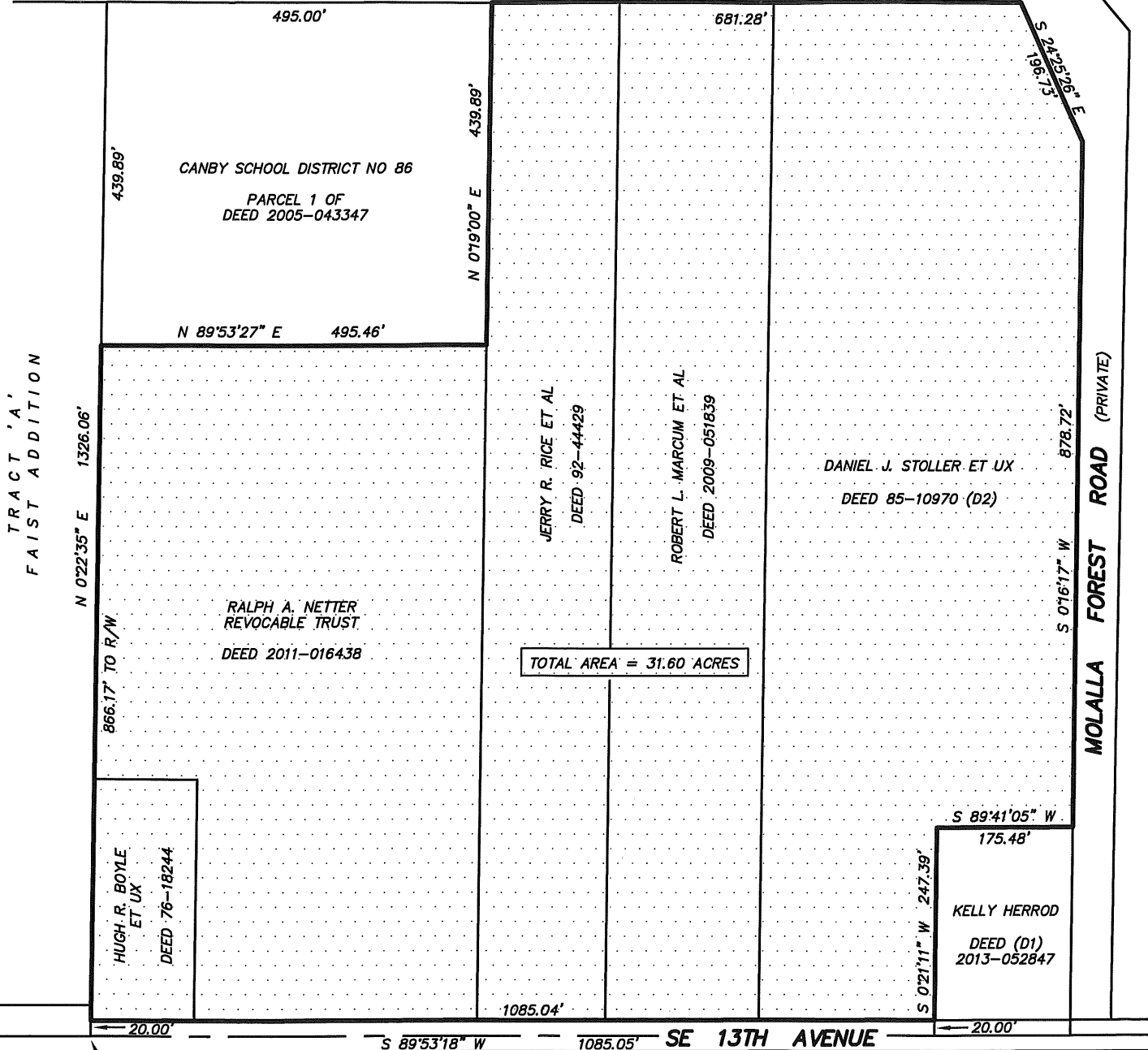
SCALE: 1" = 200'



SE CORNER  
NE 1/4 OF THE NW 1/4  
OF SECTION 3

PARCEL 1  
PARTITION PLAT NO. 1993-55

N 89°53'25" E



CENTER OF  
SECTION 3

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Kenneth D. Griffin*

OREGON  
JULY 26, 1985  
KENNETH D. GRIFFIN  
2147

RENEWS: 6/30/15

**GRIFFIN LAND SURVEYING INC.**

6107 SW MURRAY BLVD. #409  
BEAVERTON, OR. 97008

(503) 201-3116  
City Council Packet Page 164 of 327

## VII. Maps

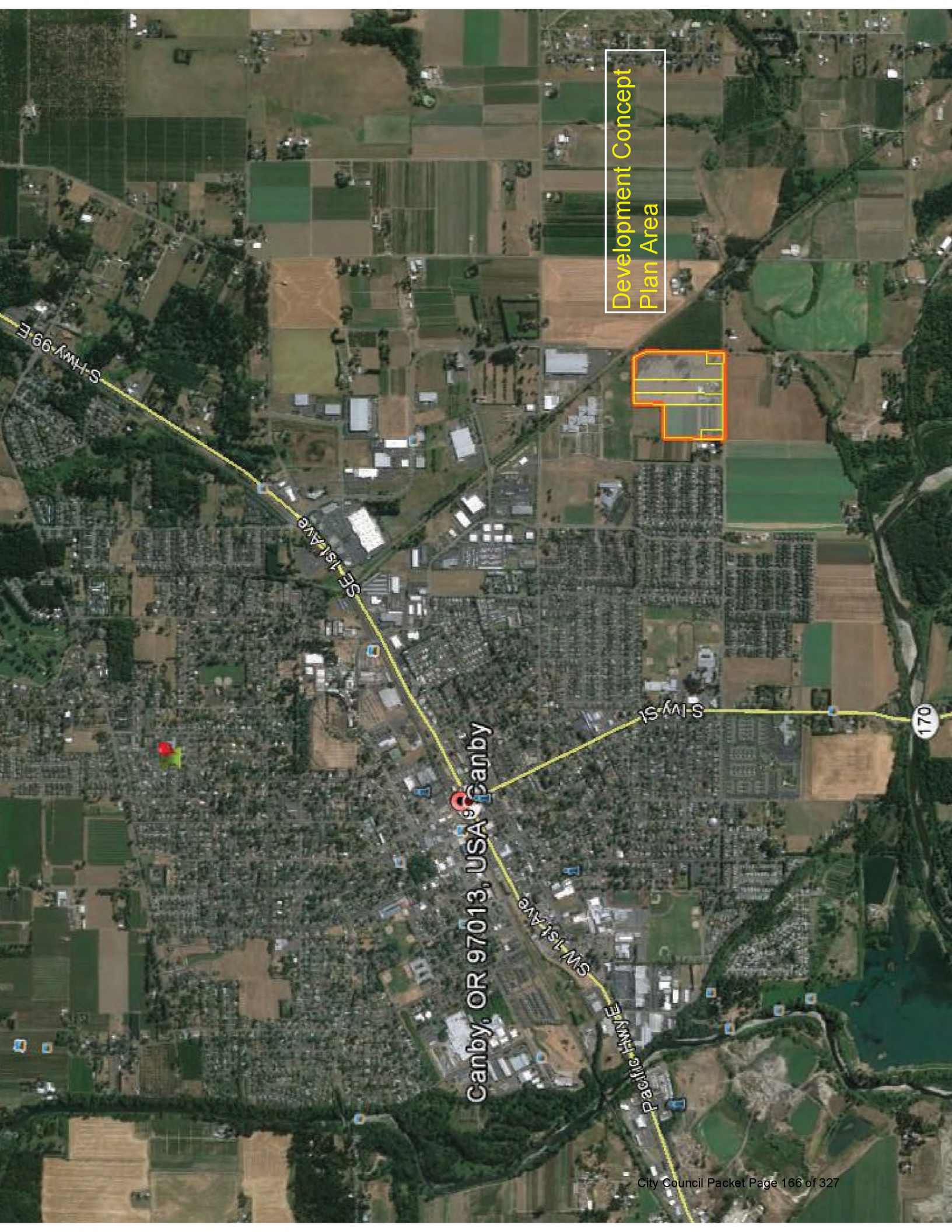
a. Vicinity Map

b. Assessor Map

c. Comprehensive Plan Map

d. Proposed Annexation

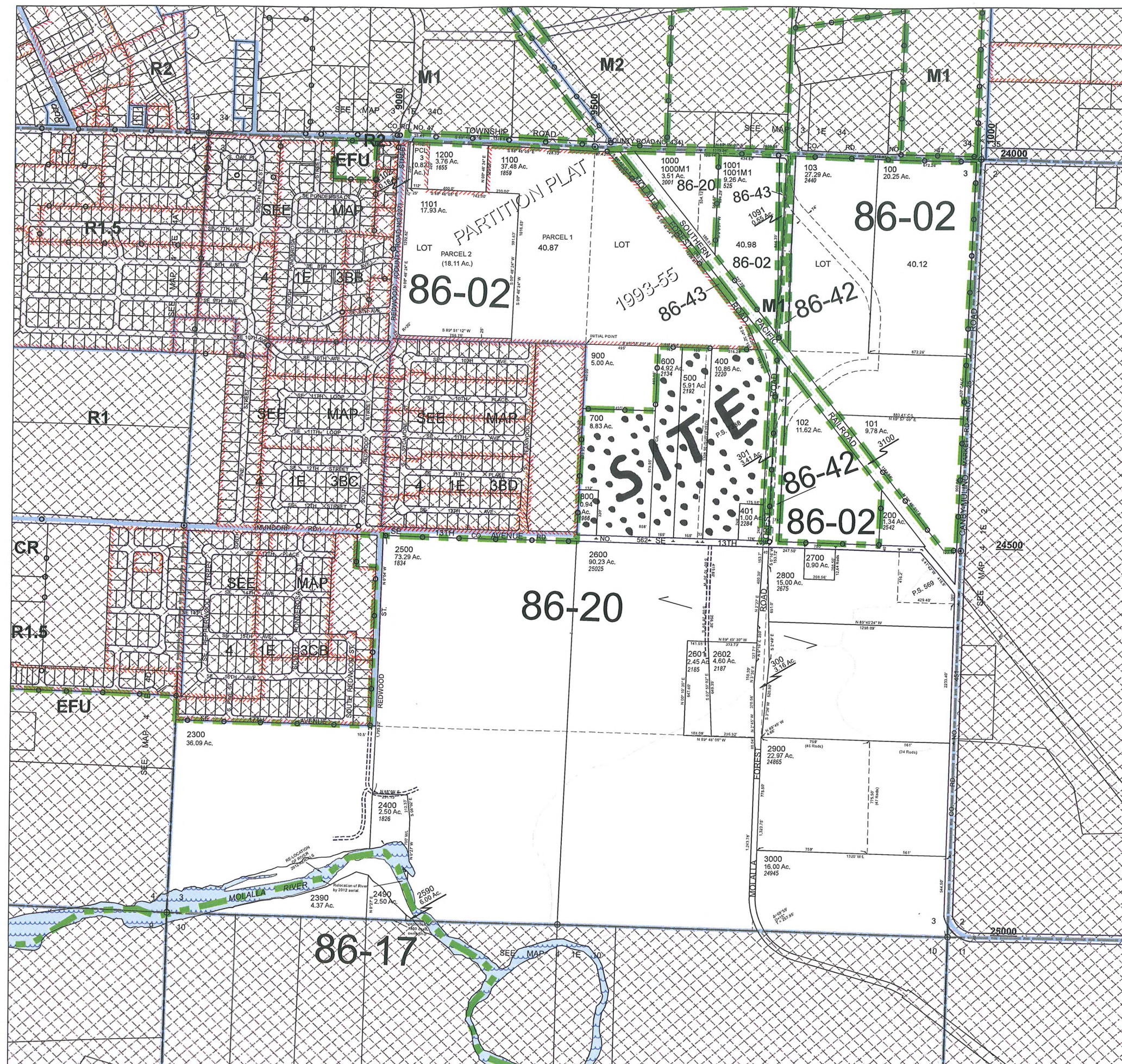




Development Concept  
Plan Area

Canby, OR 97013, USA



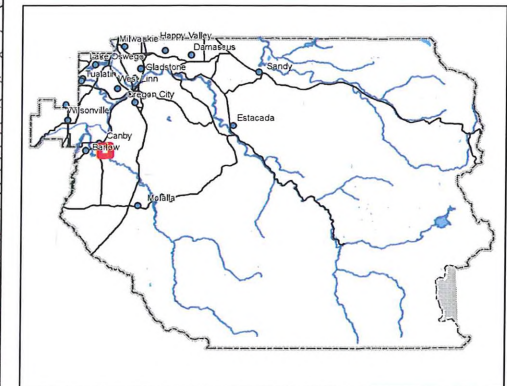


SECTION 3 T.4S. R.1E. W.M.  
CLACKAMAS COUNTY  
1" = 400'

Cancelled Taxlots

1300
1301
1400
1500
1600
1700
1801
180
1190
1800
1900
2001
2100
2200
290
2000
2002
2003
1250
193
192

- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- TaxCodeLines
- Map Index
- WaterLines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor 20'



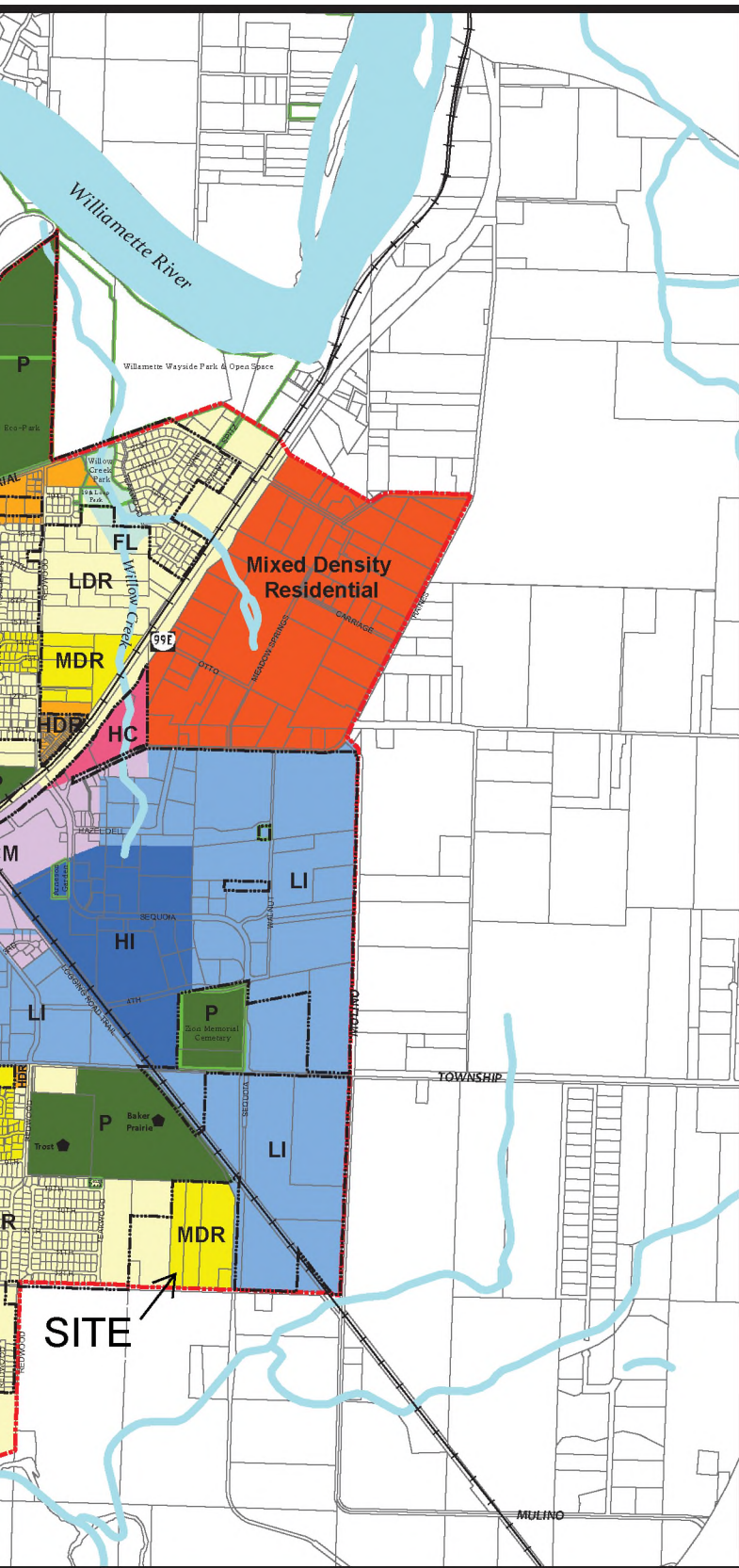
THIS MAP IS FOR ASSESSMENT  
PURPOSES ONLY

2/10/2014

4 1 E 03



# City of Canby Comprehensive Plan Map



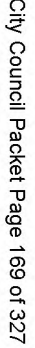
- City Limits
- Urban Growth Boundary
- Parks
- LDR-Low Density Residential
- MDR-Medium Density Residential
- HDR-High Density Residential
- Mixed Density Residential
- RC-Residential Commercial
- DC-Downtown Commercial
- HC-Highway Commercial
- CM-Commercial/Manufacturing
- LI-Light Industrial
- HI-Heavy Industrial
- P-Public
- PR-Private Recreation
- FL-Flood Prone/Steep Slopes



0 0.25 0.5 1 Miles

January 2014

The information depicted on this map is for general reference only. The City of Canby cannot accept any responsibility for errors, omissions, or positional accuracy. However, notification of errors would be appreciated.





Prepared by Sisul Engineering  
375 Portland Avenue, Gladstone, OR 97027  
Phone (503) 657-0188    [www.sisulengineering.com](http://www.sisulengineering.com)



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- III. Opportunities and Constraints
- IV. Concept Plan
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  - 1. Ownership
  - 2. Zoning Designations
  - 3. Existing Conditions
  - 4. Street Plan
  - 5. Drainage
  - 6. Sanitary Sewer
  - 7. Waterline
  - 8. Parks
  - 9. Park Details

# **I. Purpose**

City of Canby Municipal Code (CMC) Section 16.84 establishes criteria under which the City of Canby will consider annexation requests. The City of Canby Annexation Development Map (Figure 16.84.040) shall determine which properties are required to submit either:

- a. A Development Agreement (DA) binding for all properties located within the boundaries of a designated DA area as shown on the City of Canby Annexation Development Map; or
- b. A Development Concept Plan (DCP) binding for all properties located within the boundaries of a designated DCP area as shown on the City of Canby Annexation Development Map.

A group of property owners in the southeasterly portion of the Canby area have come together for the expressed purpose of annexing their properties into the City of Canby. Their contiguous properties are located north of SE 13th Avenue, south of Baker Prairie Middle School, east of S Teakwood Avenue and west of the Sequoia Parkway extension and the Logging Road Trail. These properties are located in a designated DCP area shown on the City of Canby Annexation Development Map.

The purpose of this Development Concept Plan is to address the specific requirement of the City of Canby Municipal Code Section 16.84 to prepare a Development Concept Plan for the properties prior to annexation.

## II. Existing Conditions

The roughly 32 acre DCP area is nearly square, with the northwesterly corner removed, or “notched out”. This “notched out” area is owned by the Canby School District and is already inside the Canby city limits. The DCP area is comprised of six (6) tax lots, varying from one (1.0) acre to 10.86 acres in size. The parcels are located in Tax Map 4S-1E-03 and include the following properties and ownerships:

TL400	10.86 acres	Stoller
TL401	1.00 acre	Herrod
TL500	5.93 acres	Marcum
TL600	4.95 acres	Rice
TL700	8.86 acres	Netter
TL800	1.00 acre	Boyle

The site is adjacent to and abuts the Faist property to the west, and Baker Prairie School to the north. To the east and south the land is vacant and in agricultural use. Somewhat further to the west and north of SE 13th Avenue is the Ackerman Center and the Canby Adult Center.

The site appears nearly flat, but there is an 11 foot grade change across the site, with only minor topographical features. The high point of the site is at 180 MSL in the southwest corner, while the low point is at 170 MSL in the northeast corner.

The site is similar in character to most of the surrounding area in the southeasterly Canby area. The area is currently rural in nature and contains larger lot single-family and agricultural uses. The land is generally flat and level, but slopes gently off to the northeast. Development is limited in this area. The area is served by SE 13th Avenue, which is the most significant east-west street in the vicinity. Access from any direction other than SE 13th Avenue is difficult because through streets have not yet been fully developed in this area of Canby. North-south streets are currently limited, but the City of Canby is currently constructing the Sequoia Parkway extension just to the east of the subject site that will provide convenient north-south connectivity when completed.

While urban development is gradually increasing into this neighborhood there continues to be considerable farming activity in the immediate vicinity, most of which is located outside the city limits. Several homes located on large farm and non-farm use properties still remain in this local area. With the urban development, the urban infrastructure has been extended to the boundaries of the Concept Plan Area. As such, local services and facilities are generally available or can be made available through service line extensions.

### **III. Opportunities and Constraints**

The DCP area is similar in character to much of the surrounding area in southeast Canby in that it is rural in nature and contains larger lot single-family and agricultural uses. The land is generally flat and level, but slopes gently off to the northeast. Development is limited immediately surrounding the DCP area, but it has been creeping in on the site since the late 1990's when the Faist Addition subdivisions to the west were developed. In the early 2000's the Tofte Farms subdivisions were developed a little farther south and west of Faist Addition and then in the mid-2000's Baker Prairie Middle School and American Steel were developed north of the DCP area. Current construction in this area includes the City of Canby's Sequoia Parkway extension project which is extending Sequoia Parkway from SE Township Rd to SE 13th Avenue. The Sequoia Parkway extension is expected to be completed in the summer of 2014.

**Baker Prairie Middle School** – The school is located along the northern boundary of the DCP area and will provide convenient access for middle school aged students of future residential developments. The school has large athletic fields located near the site which will provide for active recreational opportunity areas on weekends, during summers, and at other times when school is not in session.

**Bike and Walking Trails** – A bicycle trail is located on the Baker Prairie Middle School site along the northern edge of the DCP area and the City-owned Logging Road Trail is located along the eastern side. These two trails provide for recreational opportunities and alternative transportation possibilities for future residents of this area.

**Sequoia Parkway extension** – The Sequoia Parkway extension will provide for convenient north-south access through Canby and for quick access to 99E shopping areas and restaurants. Vehicular access to Sequoia Parkway from the DCP area will not be permitted.

**Railroad** – A railroad spur line is located slightly off the northeast corner of the DCP area. Access across the railroad is limited.

**SE 13th Avenue** – SE 13th Avenue is a designated arterial roadway in the City of Canby Transportation System Plan. The roadway provides convenient east-west trips between S Mulino Road and 99E. Because SE 13th Avenue is an arterial, intersections are limited to a spacing guideline established by the City.

**Trees on Stoller parcel** – The Stoller parcel has a large stand of mature trees that is somewhat out of character for properties in this area. The trees are located southwest of the intersection of the Baker Prairie Middle School pathway and the Logging Road Trail in the northeast corner of the DCP area.



## IV. Concept Plan

Zoning: The DCP proposes to use the zoning identified in the City of Canby Comprehensive Plan. The Comprehensive Plan identifies two separate zoning designations for the DCP area, LDR-Low Density Residential and MDR-Medium Density Residential. The two properties on the west side of the DCP area, Boyle and Netter (Tax Lots 700 & 800), are indicated as LDR-Low Density Residential and the DCP identifies that these two properties have City of Canby R-1 Low Density Residential Zoning applied at the time of annexation. These two properties will act as the transition from the R-1 properties located farther west to the R-1.5 zoning that will be applied to the four eastern properties located in the DCP. The four eastern properties, Stoller, Herrod, Marcum & Rice (Tax Lots 400, 401, 500 & 600) are indicated as MDR-Medium Density Residential on the Comprehensive Plan and the DCP agrees that this zoning is appropriate for these properties. MDR properties will have City of Canby R-1.5 Medium Density Residential Zoning applied at the time of annexation.

Canby Municipal Code (CMC) Chapter 16.16 (R-1 Low Density Residential Zone) permits lots created in the R-1 zone to be developed with one single family dwelling per lot in addition to other allowed uses. CMC Chapter 16.18 (R-1.5 Medium Density Residential Zone) permits lots created in the R-1.5 zone to be developed with uses permitted in the R-1 zone or with two or three family dwellings (one duplex or tri-plex on each lot). The DCP proposes to limit uses permitted outright in the R-1.5 zone to those uses permitted outright in the R-1 zone. Two-family and three-family uses would be permitted as Conditional Uses only. The owners of the land in the DCP area do not feel that multiple family dwellings are the proper fit for this particular R-1.5 zoned area and therefore want to set the bar higher for allowing that type of construction.

Streets: The DCP proposes to make connections to logical extensions of existing roadways in the Faist Addition subdivisions to the west of the DCP area and also proposes to make logical connections to SE 13th Avenue along the southern end of the site that are consistent with the planned local street connections anticipated in Figure 7-8 of the Canby TSP. Access to the north is blocked by Baker Prairie Middle School and access to the east is blocked by the Logging Road Trail and inability to connect to the new Sequoia Parkway extension.

East-west streets in the DCP area include extensions of SE 10th Avenue, SE 10th Place, SE 11th Avenue, SE 11th Place, SE 12th Avenue. SE 13th Avenue borders the DCP area to the south and will be improved with half-street improvements at the time of development.

New north-south streets in the DCP area that will intersect with SE 13th Avenue include S Vine Street and S Walnut Street. These two streets are anticipated by Figure 7-8 of the Canby TSP. Vine and Walnut will utilize the alphabetical tree street naming pattern for streets that generally travel north and south. Other north-south streets near the DCP area include Redwood, Sycamore & Teakwood to the west and Sequoia Parkway to the east. Sequoia Parkway is a unique street name that does not fit the established street naming pattern in the City.

Parks: Existing City parks in this area of Canby include Legacy Park and Faist Park both located west of the DCP area. Legacy Park is located adjacent to the Ackerman School grounds and features playgrounds, soccer fields, a picnic shelter and a meditation garden. Faist Park is a 15,041 sq. ft. parcel located west of Teakwood Avenue at the entrance to Baker Prairie Middle School. Faist Park is currently unimproved.

The DCP proposes to create a new 3.429-acre park in the northeast corner of the DCP area to serve the residents of this site, the neighborhood and the entire City of Canby. The park will take advantage of a large stand of trees located on the Stoller parcel in the northeast corner of the site and will include passive recreational opportunities such as walkways, picnic tables, and benches. The City Parks Department has determined that this property would make for an excellent park site and it is anticipated to be used as a location for picnicking or resting by people who use the City's Logging Road trail or the Baker Prairie Elementary School pathway. Park improvements such as a restroom, walkways, benches and tables may be constructed by project developers or may be developed by the City of Canby.

Per the City of Canby's park dedication formula, a park dedication of 3.429 acres will satisfy the need for 127 new lots. If more than 127 new lots are created in the DCP area, the additional lots will satisfy the City Parks SDC obligation through payment of the City SDC fee. See Section VI Parks, for additional information.

## V. Utility Service

Based on the level of development surrounding the subject site, necessary facilities and services are available for the proposed annexation at the proposed R-1 and R-1.5 zoning designations. The applicant had a pre-application meeting with the City of Canby utility service providers and all utilities are available in the DCP area or can be made available through development of the site.

Water: Water is provided through Canby Utility's Water Department. A 14-inch water line installed during development of the Faist Addition subdivisions is located in S.E. 13th Avenue at the southwest corner of the site. The City of Canby and Canby Utility are also installing a new 14-inch water main to the southeast corner of the site as a part of the Sequoia Parkway extension. Water to serve homes in future developments will be provided through a connection between these two mains and the loop that will be created. Alternatively, there are 8 inch water lines in S.E. 10th Avenue, S.E. 10th Place, S.E. 11th Avenue, S.E. 11th Place, and S.E. 12th Avenue that connect to an 8 inch water main in S. Teakwood Street. These 8-inch mains can be extended through into the proposed annexation area with development of the remainder of the Faist parcel west of the DCP area;

Sanitary Sewer: Sanitary sewer is provided by the City of Canby. The nearest sewer collection system was installed in S. Teakwood Street and in SE 13th Avenue at the southwest corner of the site with the Faist Addition subdivisions. Manholes in S. Teakwood Street are located at each of the numbered streets and could be used for to serve some of the DCP area by gravity service to the west if the Faist property is developed prior to the DCP area. Without development of the Faist property, a small portion of the southwest portion of the site could gravity flow to the western-flowing main in SE 13th Avenue.

The exact layout of the future sanitary sewer system for the DCP area will depend upon what order the properties are annexed and developed, as urban utility lines are not typically permitted to cross land zoned Exclusive Farm Use by Clackamas County. Properties located on the western side of the DCP area will need to be able to drain to the main line in Sequoia Parkway in order to develop. This will either occur by construction of a sanitary sewer main line through the DCP area or by construction of a sanitary sewer main line in SE 13th Avenue along the southern edge of the DCP area.

In any case, much of the annexation area is planned to drain east to a dry sanitary main being installed in the Sequoia Parkway extension that will ultimately be usable for this development. When it is needed, the city will build a temporary pump station near the

intersection of Sequoia Parkway and SE 13th Avenue. A permanent pump station will be constructed at a later date at Mulino Road and 13th Avenue when there is a need for the facility and after the City has acquired the land for the facility. The permanent pump station will make sanitary sewer service available throughout the entire local vicinity as the permanent pump station is not only needed for the DCP area, but it is also needed to serve a large portion of the light industrial area to the east and northeast of Sequoia Parkway. Construction of the pump station and the associated gravity and force mains will be paid for with Systems Development fees collected on the various properties. The project will be completed by the City of Canby when the first development project has been approved that requires the pump station. Annexation of property will not trigger the need for the pump station to be completed;

Storm Drainage: Roof drains from homes within the subdivision will be directed to privately owned and maintained infiltration facilities on each individual lot. Street drainage will be directed to sumped catch basins and pollution control manholes for water quality treatment and then to dry wells located throughout the development area for disposal through underground injection. All street storm drainage facilities are proposed to be public facilities consistent with the newly adopted City of Canby Stormwater Master Plan and the Canby Public Works Design Standards. When development proposals are submitted, the issue of storm water management and drywell location can be discussed in greater detail.

Private Utilities: Private utilities providing service for telephone, natural gas, cable, garbage and recycling collection are all available in the general neighborhood. These utilities generally operate on a franchise basis. Electrical power is provided through Canby Utility's Electrical Department in conjunction with PGE. Dry utilities such as power, communications and natural gas are available to the DCP area in the southwest corner of the site where the utilities were stubbed to during construction of the Faist Addition subdivisions and some utilities will be available to the eastern side of the DCP area with the completion of the Sequoia Parkway extension. Alternatively, dry utilities are also available in S. Teakwood Avenue and would be available to the DCP area with development of the remainder of the Faist property.



## **VI. Park Dedication & Reimbursement to Stoller**

### Park Dedication:

General: A new 3.429-acre park, tentatively named “Stoller Park”, will be located in the northeast corner of the DCP area will serve residents of this site, the neighborhood and the entire City of Canby. The park will take advantage of a large stand of trees located on the Stoller property in the northeast corner of the site. The park will include passive recreational opportunities such as walkways, picnic tables, and benches and it will include a restroom facility. The park will allow for neighborhood residents to give their children a little more space to run, throw a ball or a Frisbee than is available on a typical lot. Neighborhood residents will also be able to use the park to sit and enjoy a book, walk their dog, or to access the nearby bike/pedestrian trails. With the parks location being adjacent to the City’s Logging Road Trail and the Baker Prairie Middle School bike path, it is anticipated that the park will also be used as a destination for people from all over Canby to picnic or rest when using these two trails.

Park Value: The entire 3.429 acre park is located within the boundary of the 10.86 acre Stoller property. The park land cannot be sold to the City of Canby prior to annexation of the Stoller property, as Clackamas County’s Exclusive Farm Use zoning will not permit further division of the property. Once the Stoller property has been annexed into the City, negotiations concerning selling the park land to the City of Canby can begin. The value of the park land will be established based on an MAI appraisal prepared jointly for the City of Canby and the Stollers. The City cannot pay more than the appraised value. If the park is sold to the City as unimproved land, Stollers would be paid by the City based on the value of raw park land. If the land is improved or partially improved as a park prior to its sale to the City, then the appraised value would be based on the value of the park land together with the improvements. It is the Stollers choice as to whether they want to improve the park land prior to selling it to the City. Park improvements are anticipated to include a restroom, walkways, benches and picnic tables.

Park SDC Obligation: Per the City of Canby’s park dedication formula of 2.7 people per single family home and 0.01 acres of park per person, a 3.429 acre park satisfies the need for 127 new lots. If more than 127 new lots are created in the DCP area, the additional lots will satisfy the City Parks SDC obligation through payment of the City SDC fee. It is assumed that the five existing homes will be granted a waiver of SDC fees upon annexation into the City of Canby and that these SDC rights will transfer to a future lot on each parent parcel that currently contains a home.

The division of the park dedication credits will be allocated to the DCP parcels according to Table A, below:

Table A: Park System Development Charge Credits by Owner:

A	B	C	D	E
Tax Lot	Owner	Existing Home Park Credit	Total Number of lots	
			Satisfied by Park Dedication	not paying a park SDC
TL 400	Stoller	1	33	34
TL 401	Herrod	1	0	1
TL 500	Marcum	1	30.5	31.5
TL 600	Rice	1	25.5	26.5
TL 700	Netter	0	37.5	37.5
TL 800	Boyle	1	0.5	1.5
Total		5	127	132

Table A, Column D identifies the number of park SDC credits satisfied for each owner by the park dedication. Taken together with the Existing Home Park Credits shown in Table A, Column C, they equal the number of lots not expected to pay a Park SDC, Column E. If the City of Canby will not allow the Existing Home Park Credit to transfer from an existing home to a new home, then the Table A, Column D will equal the total number of lots not paying a Park SDC. The City of Canby should note whether the Existing Home Park Credit can transfer from an existing home to a new home during the review of the Development Concept Plan.

If a parcel develops fewer lots than anticipated by Table A, the park area is not expected to be reduced. However, Park SDC credits can be transferred between owners if two owners agree to such a transfer. Therefore, if one parcel develops fewer lots and another parcel develops more lots than anticipated by Table A above, Park SDC credits can be transferred between owners. If no such transfer occurs, additional lots would satisfy the additional City Park SDC obligation through payment of a City Park SDC fee.

The City of Canby Development Services Department shall develop a system through which they can track the number of park credits allocated to each parcel, the number used and the number remaining. Issuance of Park SDC Credit Certificates is one method of tracking Park SDC Credits.

### Reimbursement to Stollers:

General: In this particular Development Concept Plan Area it has been determined that the most suitable location for a park site, due to both to significant trees in that area and because of the large bridge structure constructed for the Sequoia Parkway extension that would be a deterrent to homes backing up to it, is an area in the northeast portion of the DCP area. The owners of that parcel, the Stollers, are willing to allow that area to be designated for a park site, however, the equity issues between themselves and the others in the annexation area has to be resolved, as designating the majority of the park site on the Stollers' parcel both increases the number of lots the other owners in the annexation area can develop and reduces the number of lots the Stollers can develop.

Agreement Required: The Stollers and the other four owners participating in the annexation request have come to a general agreement of how to resolve the equity issue. A development agreement between the five property owners must be signed prior to annexation establishing the methodology and timing for how the Stollers will be reimbursed by the owners/developers of the other benefitting properties. A development agreement between the five property owners requesting annexation shall be acknowledged by all five property owners and recorded with the Clackamas County before the Canby City Council refers the ballot to the voters. For the annexation request submitted in February, 2014, the due date for the City Council to refer the ballot to the voters is anticipated to be August 20, 2014. The development agreement between the property owners shall be signed and recorded prior to this date, or the annexation request shall not be sent before the voters. A copy of the recorded agreement shall be delivered to the City of Canby Development Services Department prior to the August 20, 2014 City Council meeting.

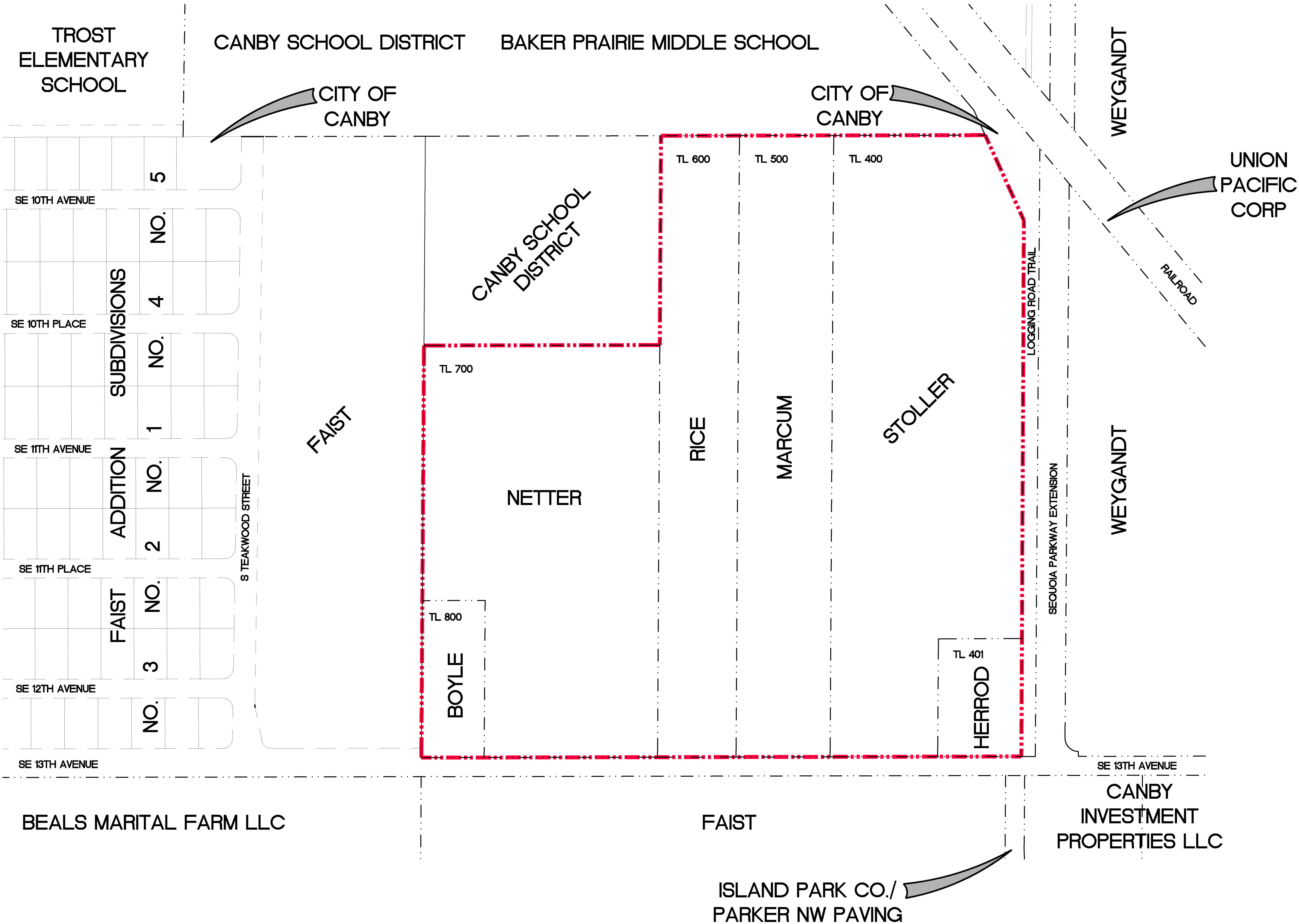
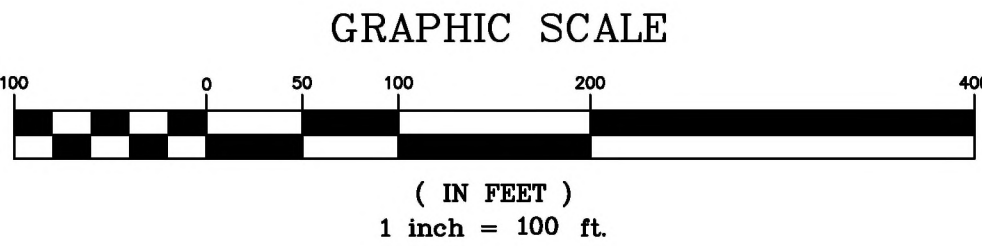
Herrod: Property: One of the six properties in the DCP area, the Herrod property (Tax Lot 401), is not participating in the February, 2014 annexation request. Because Herrod is not participating in the current annexation, Herrod has no obligation to work through the details of the DCP that the other owners are participating in. The Herrod property has intentionally been excluded as a beneficiary of the park dedication. When annexed, homes developed on the Herrod property will satisfy their park SDC obligation to the City of Canby through payment of the appropriate City Park SDC fee.

## **VII. Development Concept Plan Maps**

1. Ownership
2. Zoning Designations
3. Existing Conditions
4. Street Plan
5. Drainage
6. Sanitary Sewer
7. Waterline
8. Parks
9. Park Details



----- = CONCEPT PLAN AREA BOUNDARY



REVISIONS	BY
REVISED BOUNDARY 5-5-14	PS

SE 13th Avenue Concept Plan  
SE 13th Avenue Property Owners  
BOYLE, MARCUM, NETTER, RICE & STOLLER

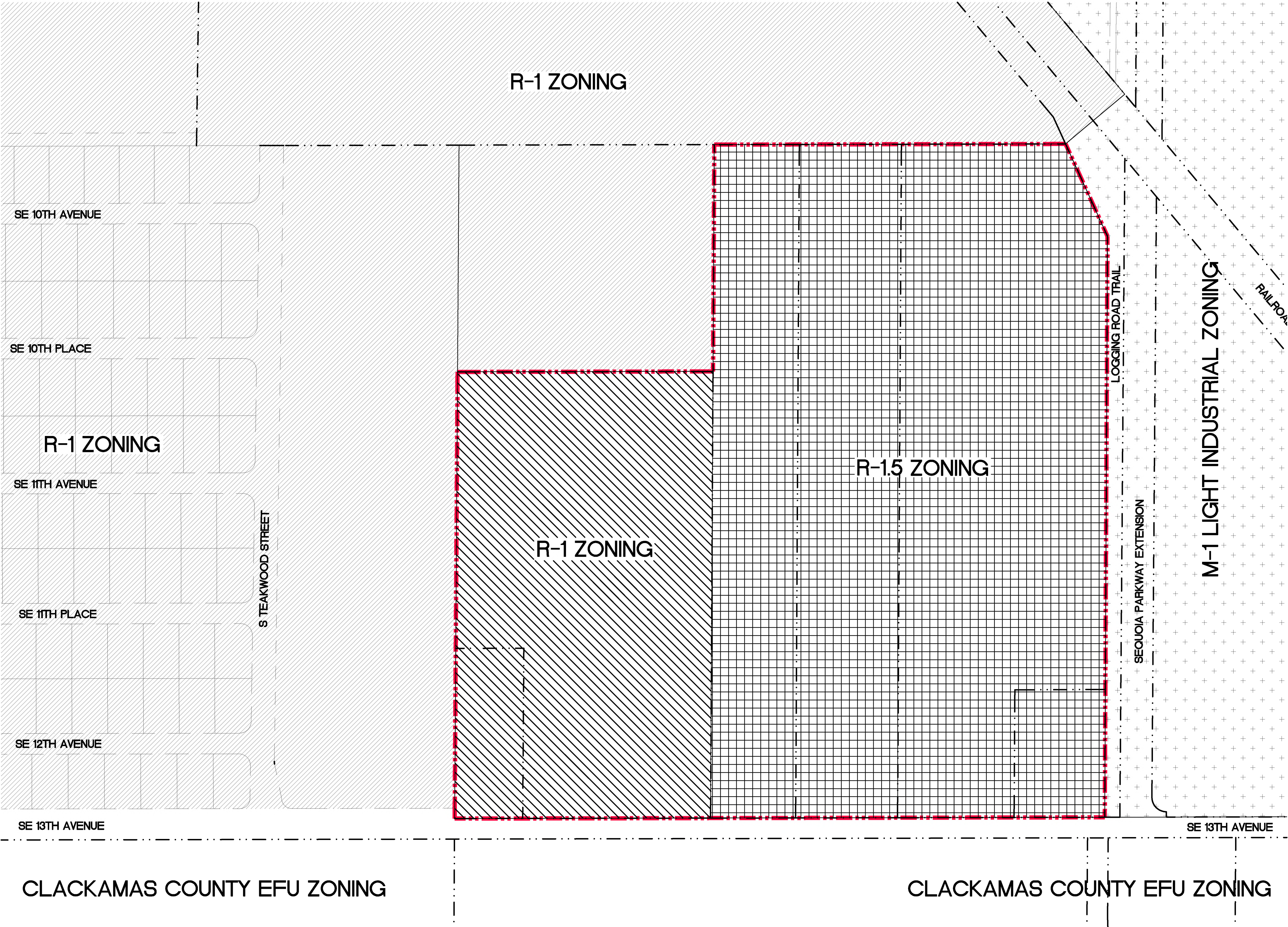
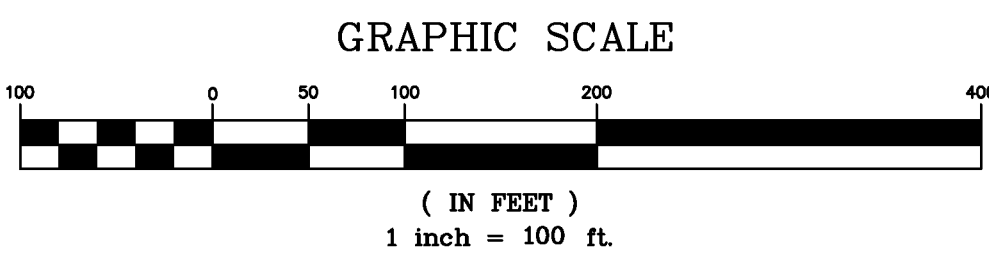
Ownership

**ISUL ENGINEERING**  
3715 PORTLAND AVENUE  
CLATSOP, OREGON 97027  
(503) 687-0188  
© 2014 ISUL ENGINEERING

DATE	FEB., 2014
SCALE	1" = 100'
DRAWN	PS
JOB	SGL05-032A
SHEET	1
OF	9 SHEETS



NOTE: THE DEVELOPMENT CONCEPT PLAN ALLOWS FOR THE FOLLOWING USES PERMITTED OUTRIGHT:  
USES PERMITTED OUTRIGHT IN THE R-1 ZONE, CMC CHAPTER 16.16.10.



LEGEND:

CURRENT:

- CITY R-1
- CITY R-1.5
- CITY M-1

- COUNTY EFU

PROPOSED:

- CITY R-1
- CITY R-1.5

REVISIONS	BY
REVISE: BOUNDARY 5-5-14	PS

SE 13th Avenue Concept Plan  
SE 13th Avenue Property Owners

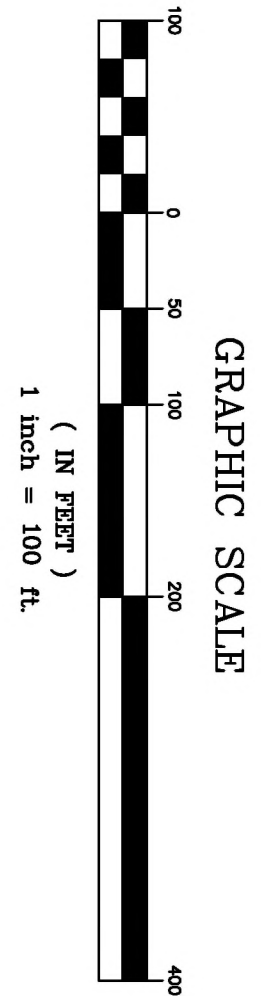
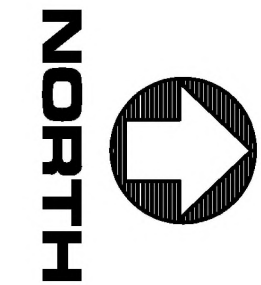
BOYLE, MARCUM, NETTER, RICE & STOLLER

Zoning Designations

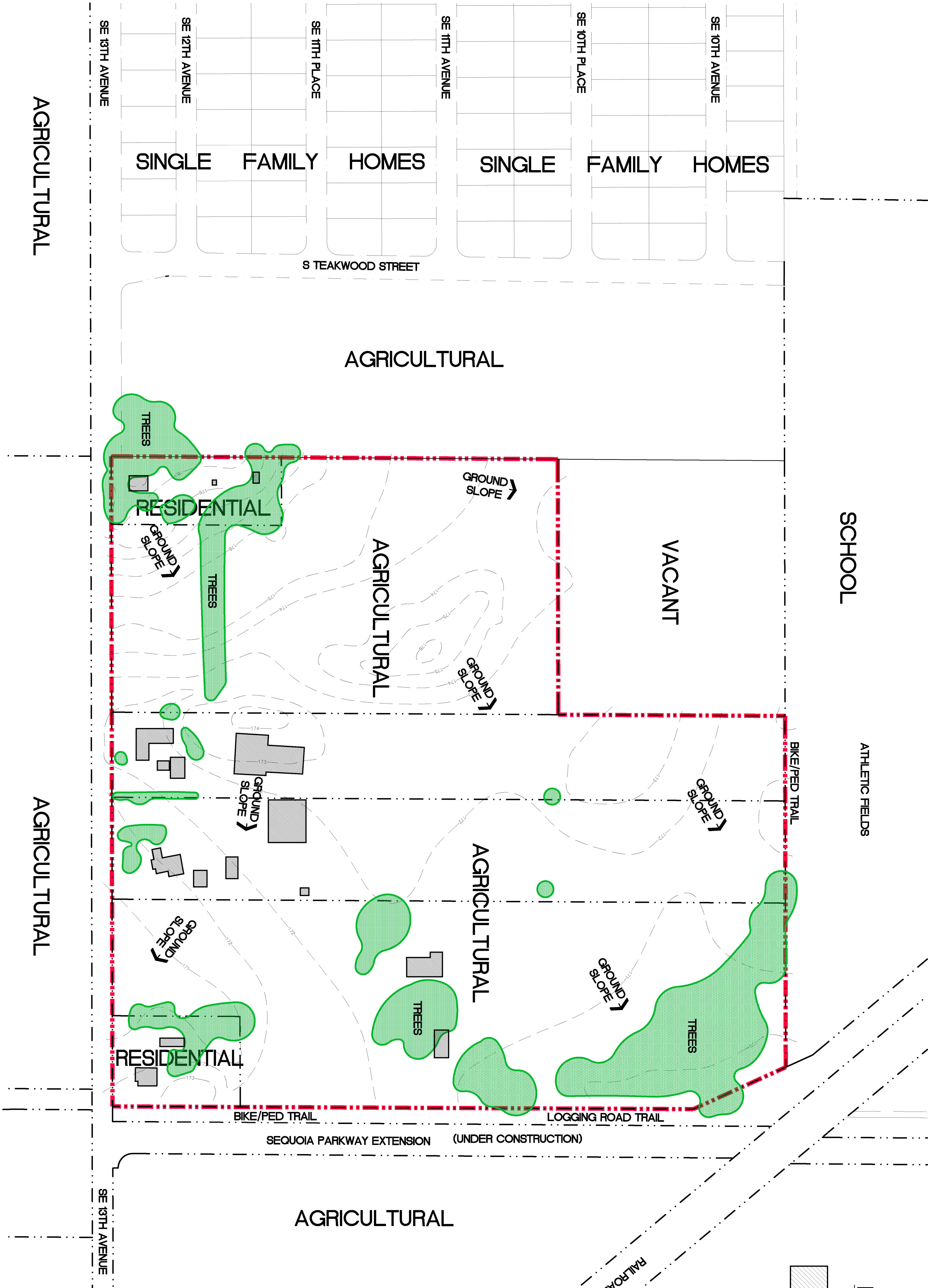
**SISUL ENGINEERING**  
3715 PORTLAND AVENUE  
CLACKAMAS, OREGON 97027  
(503) 687-0188

DATE	FEB., 2014
SCALE	1" = 100'
DRAWN	PS
JOB	SGL05-032A
SHEET	2





LEGEND:



SE 13th Avenue Concept Plan  
SE 13th Avenue Property Owners

BOYLE, MARCUM, NETTER, RICE & STOLLER

Existing Conditions

**SISUL ENGINEERING**  
375 PORTLAND AVENUE  
GLADSTONE, OREGON 97027  
(503) 667-0188

DRAWING

DATE FEB., 2014

SCALE 1" = 100'

DRAWN PS

JOB SGL05-032A

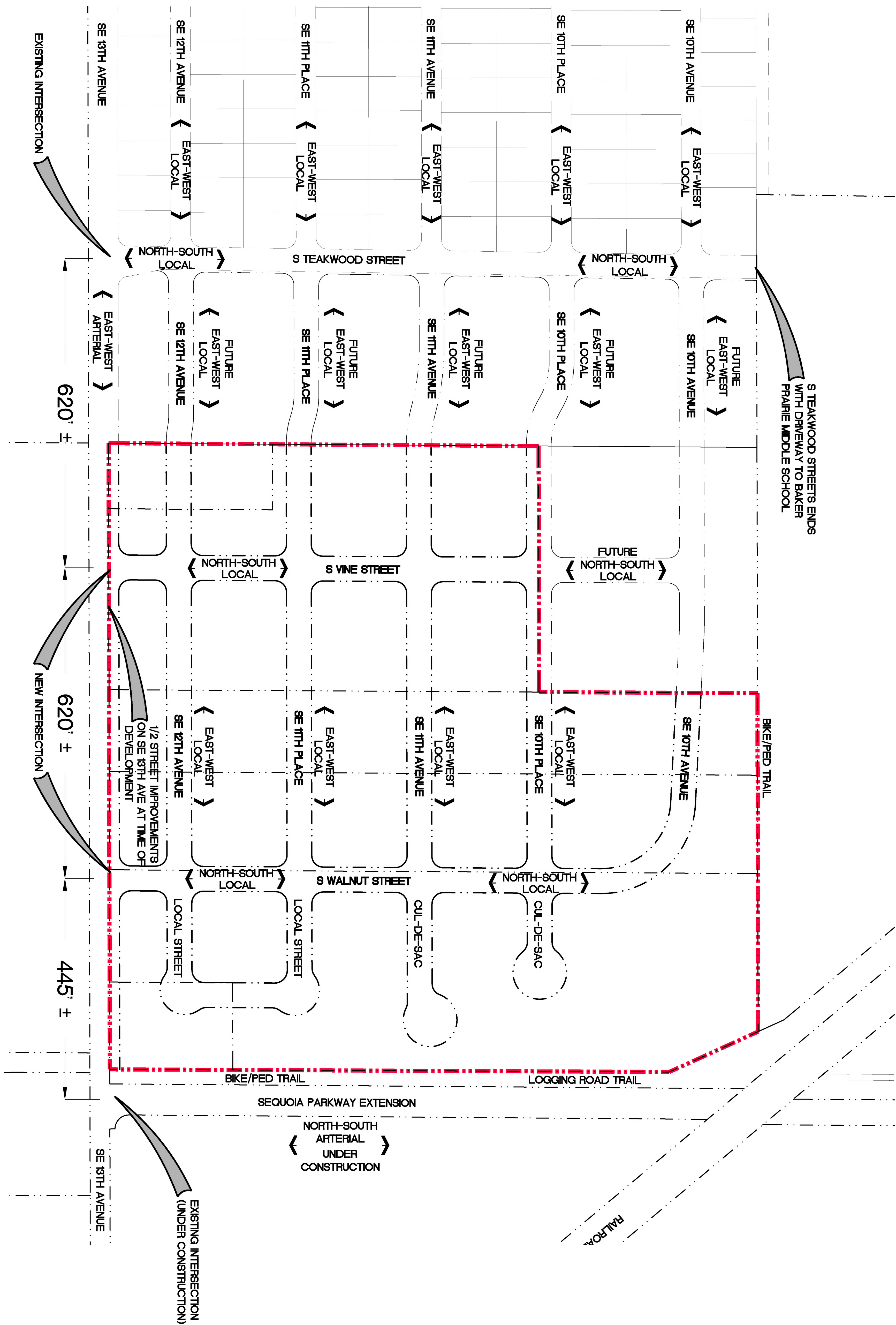
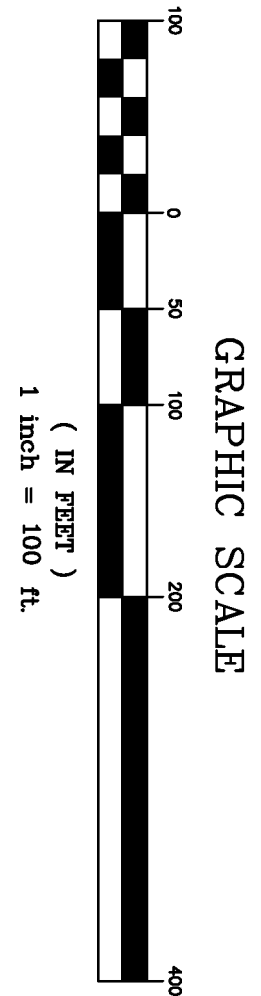
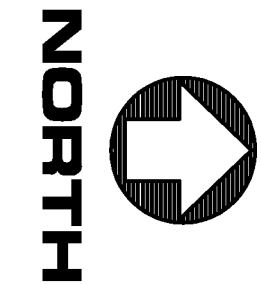
SHEET

3

OF 9 SHEETS

REVISIONS	
BY	DATE
PS	02-14





REVISIONS	
BY	DATE
PS	02-14-2014

SE 13th Avenue Concept Plan  
SE 13th Avenue Property Owners

BOYLE, MARCUM, NETTER, RICE & STOLLER

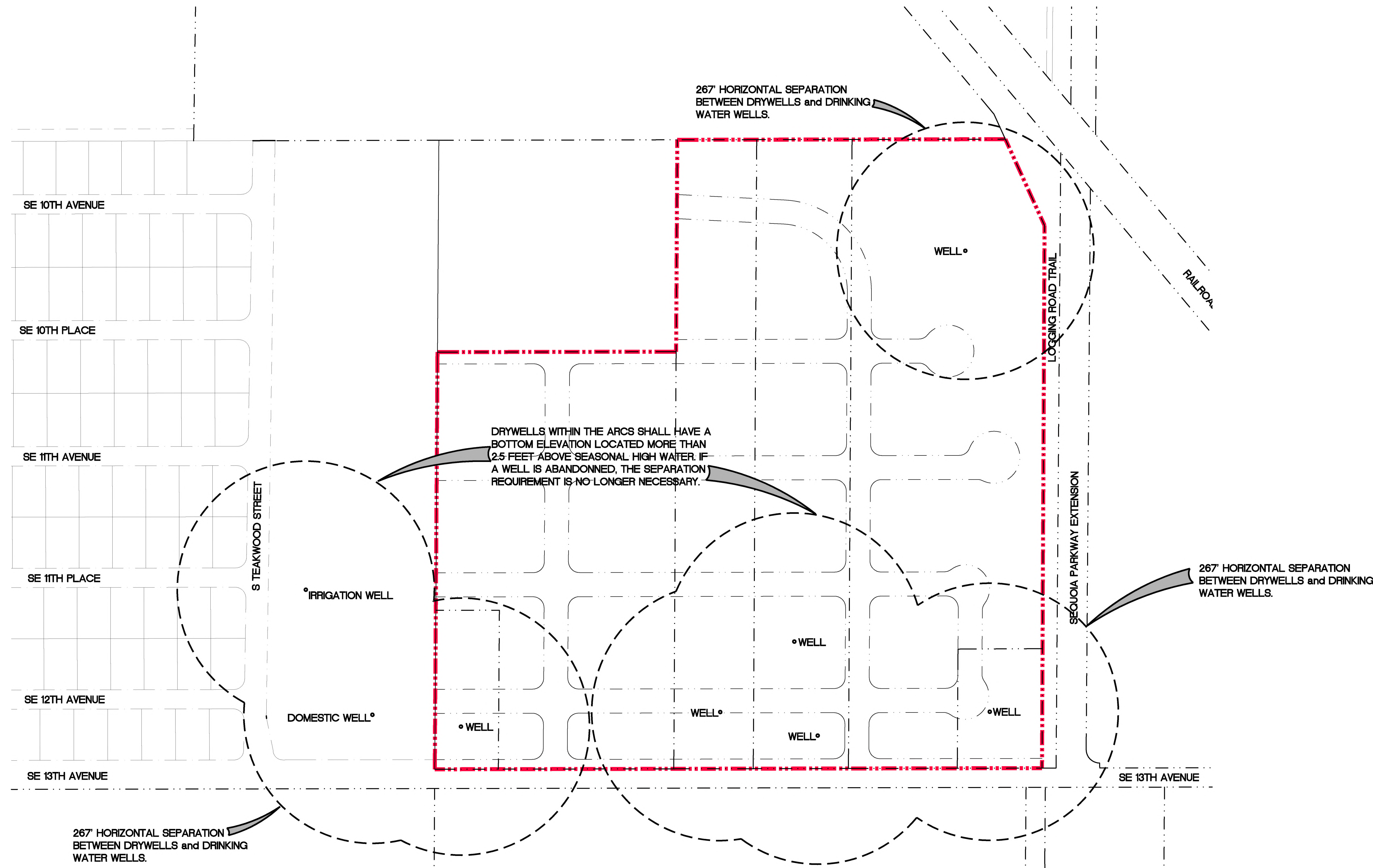
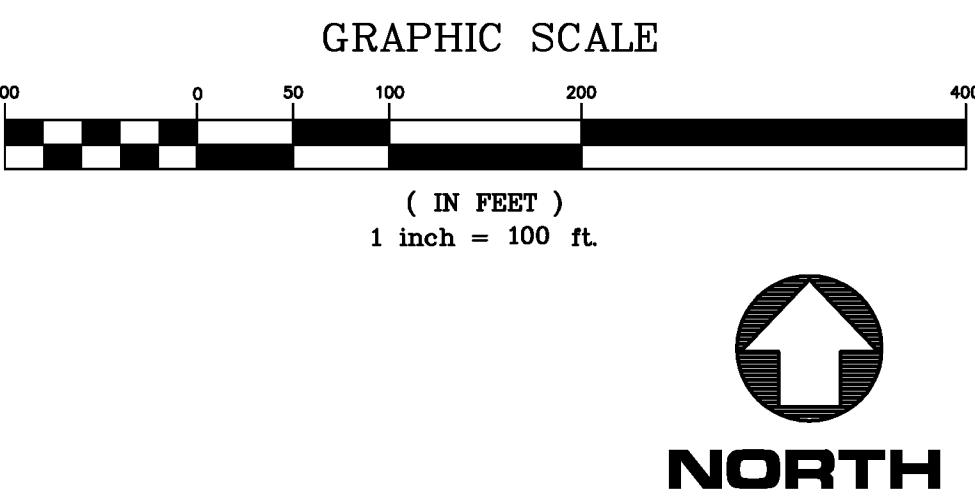
Street Plan

**SISUL ENGINEERING**  
375 PORTLAND AVENUE  
GLADSTONE, OREGON 97027  
(503) 667-0188

DATE	FEB., 2014
SCALE	1" = 100'
DRAWN	PS
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JOB	SQL05-032A
SHEET	4
OF	9 SHEETS



5. AS DEPICTED ON FIGURE 4 IN APPENDIX A OF THE CANBY STORMWATER MASTER PLAN, THE DEPTH TO SEASONAL HIGH GROUNDWATER IN THE CONCEPT PLAN AREA IS BETWEEN 40 AND 50 FEET. TYPICAL DRYWELL DEPTH IS 26 FEET.
6. DRYWELLS IN NEIGHBORING SUBDIVISIONS TO THE WEST HAVE SHOWN THE ABILITY TO ACCOMMODATE MORE THAN 1/2 ACRE OF PUBLIC STREET. DRYWELLS IN THIS AREA ARE ANTICIPATED TO ACCOMMODATE A SIMILAR DRAINAGE AREA.
7. ROOF RUNOFF FROM SINGLE FAMILY HOMES WILL BE DISPOSED OF THROUGH THE INSTALLATION OF UNDERGROUND INJECTION CHAMBERS OR MINI-SUMPS LOCATED IN THE YARD AREA AROUND THE HOMES, AS IS TYPICAL WITH MOST HOMES IN CANBY. ROOF DRAIN DISPOSAL SYSTEMS ON INDIVIDUAL LOTS WILL BE PRIVATELY OWNED AND MAINTAINED.
8. NO DRAINAGEWAYS OR STREAMS ARE LOCATED IN THE DEVELOPMENT CONCEPT PLAN AREA.



REVISIONS	BY
REVISE BOUNDARY 5-5-14	PS

**SE 13th Avenue Concept Plan**

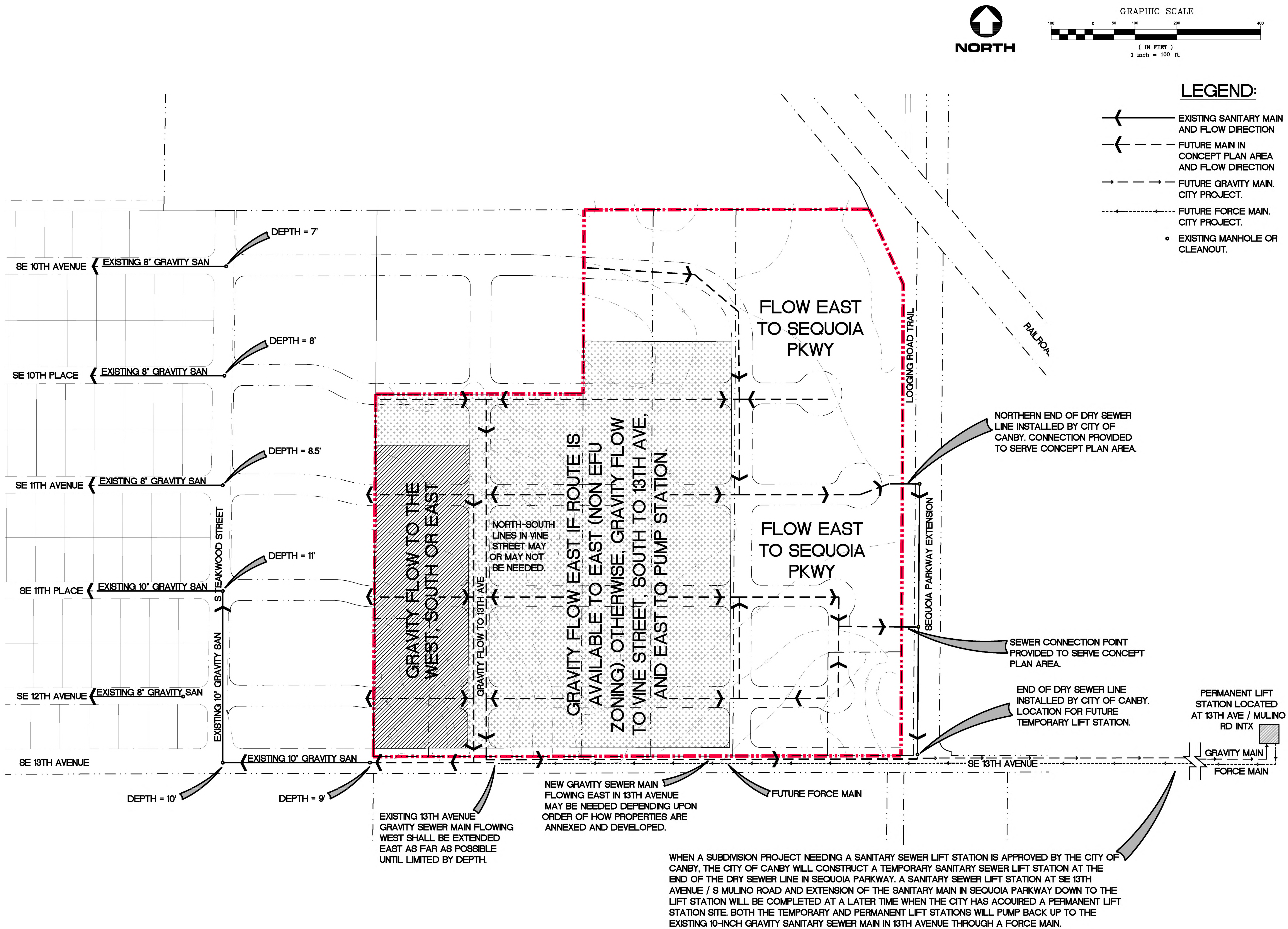
BOYLE, MARCUM, NETTER, RICE &amp; STOLLER

# Drainage

**SISUL ENGINEERING**  
375 PORTLAND AVENUE  
GLADSTONE, OREGON 97027  
(503) 857-0188

DATE	FEB., 2014
SCALE	1" = 100'
DRAWN	PS
JOB	SGL05-032A
SHEET	5
OF 9	SHEETS





REVISIONS	BY
REVISE: BOUNDARY AND SANITARY IN 13TH IF NECESSARY. 5-9-14	PS

SE 13th Avenue Concept Plan

SE 13th Avenue Property Owners

Sanitary Sewer



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375 PORTLAND AVENUE  
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(503) 687-0188

DATE FEB., 2014

SCALE 1" = 100'

DRAWN PS

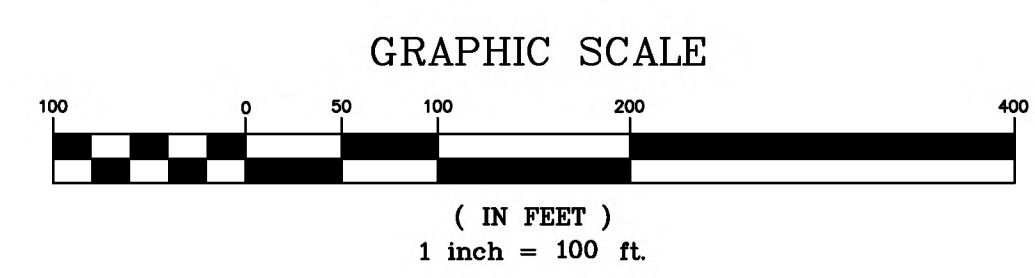
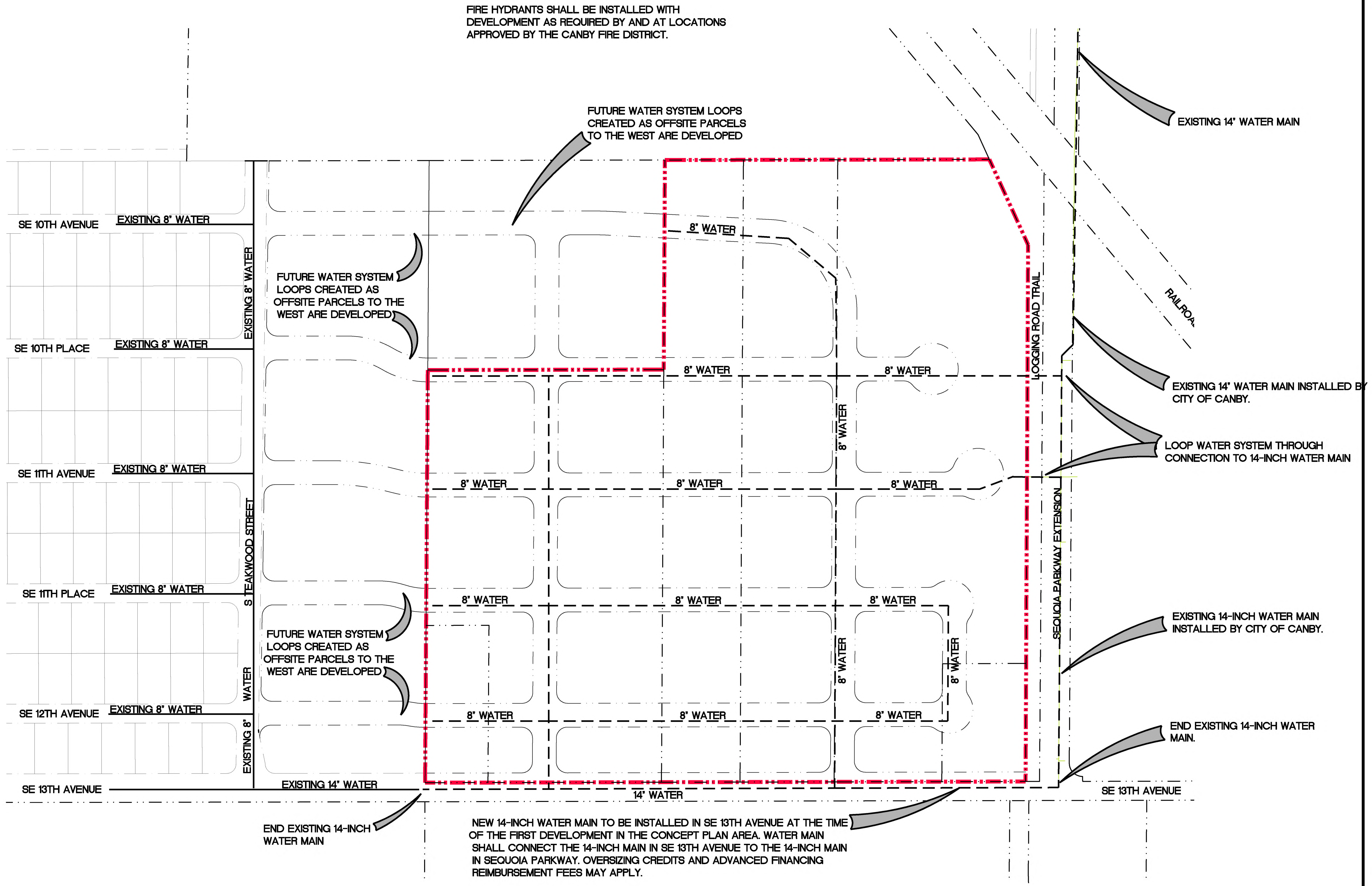
JOB SGL05-032A

SHEET

6

OF 9 SHEETS





REVISIONS	BY
REVISE: BOUNDARY 2-5-14	PS

**SE 13th Avenue Concept Plan**  
**SE 13th Avenue Property Owners**

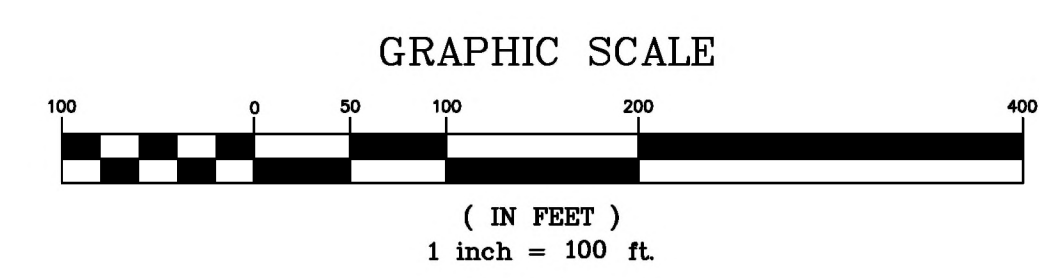
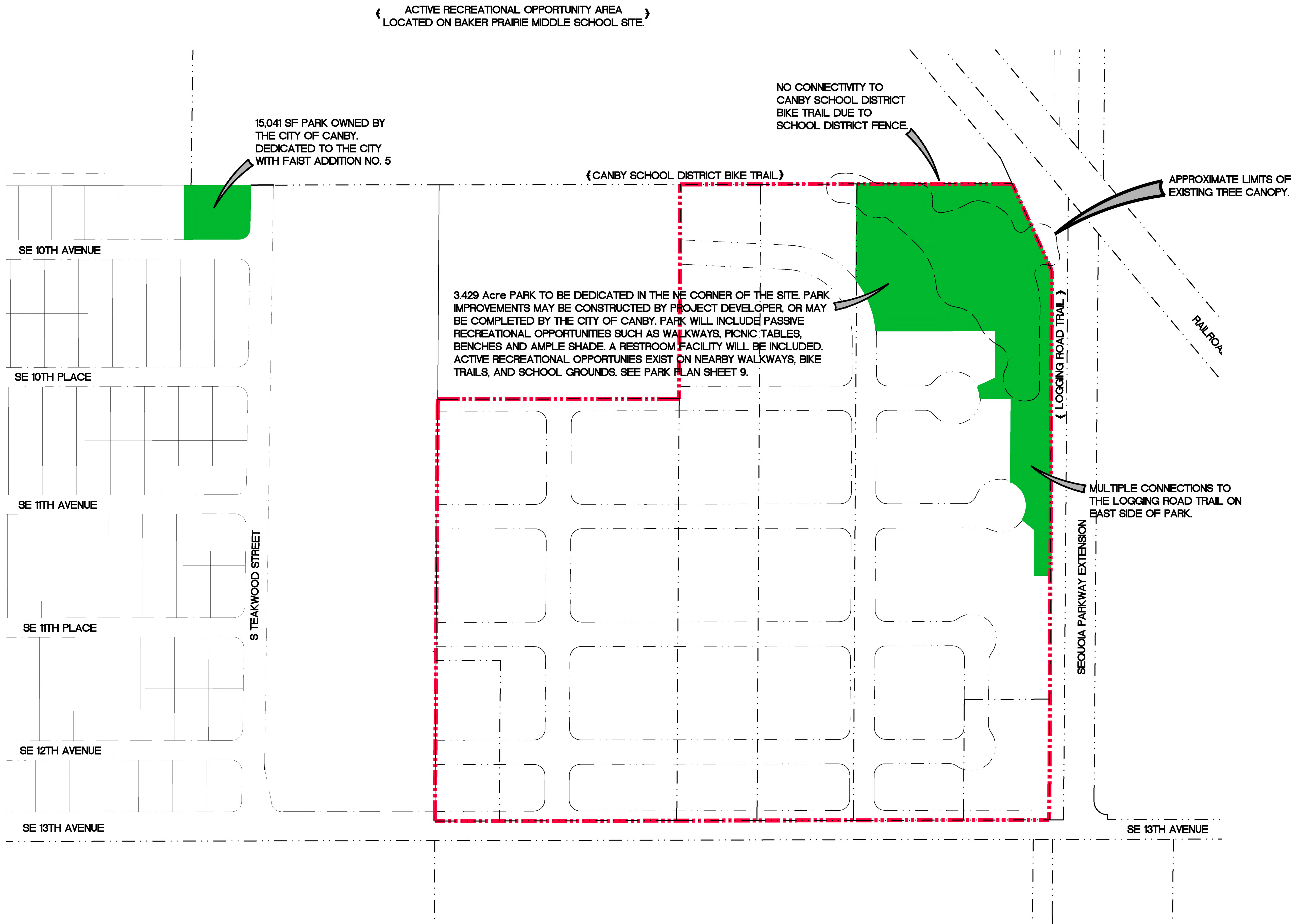
BOYLE, MARCUM, NETTER, RICE & STOLLER

**Waterline**

**SISUL ENGINEERING**  
3715 PORTLAND AVENUE  
CLATSOP, OREGON 97027  
(503) 687-0188

DATE	FEB., 2014
SCALE	1" = 100'
DRAWN	PS
JOB	SGL05-032A
SHEET	<b>7</b>
OF 9	SHEETS





REVISIONS	BY
REVISE: BOUNDARY & PARK SIZE, 5-5-14	PS

# SE 13th Avenue Concept Plan

## SE 13th Avenue Property Owners

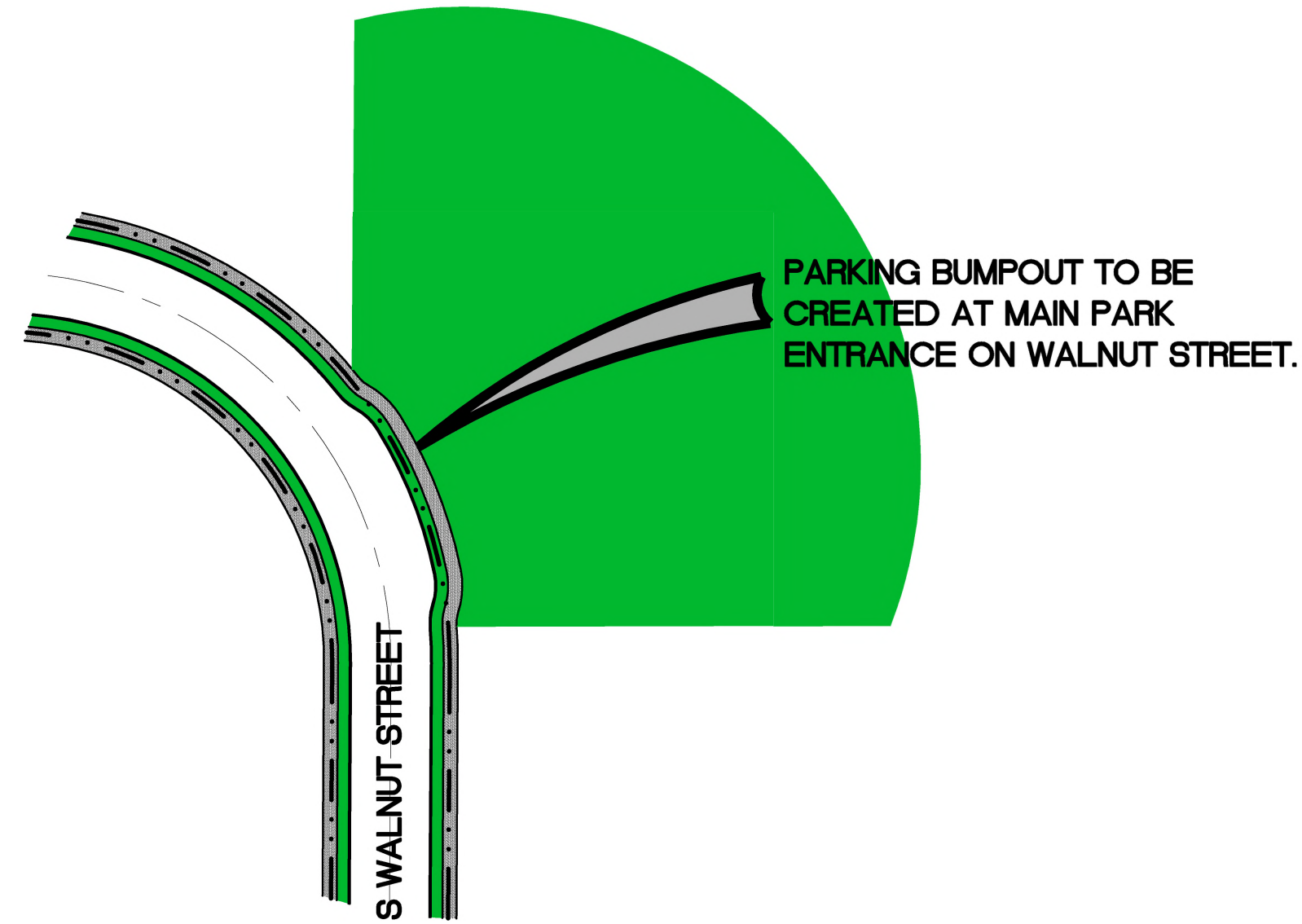
BOYLE, MARCUM, NETTER, RICE & STOLLER

### Parks

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CLATSOP, OREGON 97027  
(503) 687-0188

DATE	FEB., 2014
SCALE	1" = 100'
DRAWN	PS
JOB	SGL05-032A
SHEET	8
OF 9	SHEETS





PARKING STRIP

### OZARK I

*Small, single flush, fully accessible.*

The Ozark I is an economical single flush building that meets ADA. It has a small overall footprint and can be placed next to an existing restroom to bring a park up to ADA standards or placed in smaller neighborhood parks. The Ozark I comes with sink, toilet, interior and exterior lights, and electric exhaust fan. It can have an optional urinal and stainless steel fixtures. The Ozark I's chase area also can be used for storage. The Ozark I is small in size, but big in value.

**Durability:** The Ozark I is engineered and designed for long-life in extreme conditions. The building meets or exceeds the effects of a Zone 4 earthquake, a 140mph wind load and a 250 pounds per square foot snow load.

**Maintenance:** The Ozark I is extremely easy to maintain. With our steel reinforced 5,000 psi concrete construction, the building will not rot, rust, or burn. The building interior is primed and painted with white paint to reflect natural light from the Lexan windows mounted in heavy steel frames cast into the walls.

Cleaning of the building interior is easily accomplished with a brush and warm soapy water. The walls and roof structure are made of "colored through concrete," coated with an exterior stain, followed by an anti-graffiti sealer.

**Meets UPAS, A.D.A. and Title 24 statute of the State of California**

**Vandal resistant building & toilet components**

**4" thick steel reinforced concrete walls**

**5" thick steel reinforced concrete roof & floors**

**Quick installation and hookup at the jobsite**

**Available in (25) different and unique earthtone colors**

**Barnwood, stucco, exposed aggregate, or split face block exterior wall textures**

**Color shake, ribbed metal, or exposed aggregate exterior roof textures**

**Custom textures and colors available**

*Shown with barnwood textured walls, cedar shake textured roof.

**CXT**

RESTROOM FACILITY



DETAILED PARK PLAN



REVISIONS	BY
NEW SHEET 5-5-14	PS

SE 13th Avenue Concept Plan  
SE 13th Avenue Property Owners

BOYLE, MARCUM, NETTER, RICE & STOLLER

Park Details

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CLATSOP, OREGON 97027  
(503) 687-0188  
CLATSOP, OREGON

DATE	FEB., 2014
SCALE	1" = 100'
DRAWN	PS
JOB	SGL05-032A
SHEET	9
OF 9	SHEETS



## IV. AGENCY/CITIZEN COMMENTS

## Bryan Brown

---

**From:** Robin Bergin <bergin@canby.com>  
**Sent:** Monday, May 26, 2014 4:40 PM  
**To:** Bryan Brown  
**Subject:** Re-zoning of property

These comments are in response to the "Notice of Public Hearing & Request for Comments" regarding the application to annex & zone properties North of SE 13th Ave., East of S. Teakwood St. And west of the Logging Road Trail.

The current condition and usage patterns of Teakwood St. does not allow for additional traffic that an another residential neighborhood would bring. Teakwood street is a narrow road that does not allow for safe passage of 2-way traffic, especially if there is a vehicle parked on the West side of the street or if one of those vehicles is a school bus. The congestion created by the First Student busses, plus Baker Prairie Middle School drop-off & pick-up times, adds a miserable amount of traffic to contend with in our small, quiet residential neighborhood.

We also like to walk our dogs along the easement (grassy area West of the row of large trees) so our dogs are not relieving themselves on people's lawns and flower beds. Without a dog park in town our options are limited for places we can walk our dogs were they can relieve themselves and without imposing on private property. This means that we are walking the very edge of the pavement while our dogs are up in the grass to avoid being hit by a school bus or 2-way traffic. Often our walks have to be postponed until later in the evening, instead of being able to walk them when it is convenient for us.

The idea of additional traffic in our small neighborhood that we are already forced to share with the traffic from Baker Prairie and the busses for both Canby AND North Marion School Districts, seems more than reasonable for the current condition of our street. Adding to that, without 1. significantly widening of the road, 2. re-routing of bus and school traffic, and 3. opening the long-talked about dog park, is unreasonable in our opinion.

Respectfully,  
Robin & Charlie Bergin  
1739 SE 11th Pl.  
Canby, OR  
(503) 266-2544  
5/26/2014

Sent from my iPad



# City of Canby

**Date: July 16, 2014**

**From: Bryan Brown, Planning Director/Angie Lehnert, Associate Planner**

**RE: Text Amendment File #TA 14-01**

---

At their May 28, 2014 meeting, the Canby Planning Commission recommended that Text Amendment File #TA 14-01 be approved by Council. This text amendment contains various amendments to the industrial zone chapters of Chapter 16, the Land Development and Planning Ordinance.

Some of the original proposed language additions were not recommended by the Planning Commission and some additional deletions were proposed by the Planning Commission. The proposed code revisions in the Council packet contain sidebar notes that identify where these changes were made by the Planning Commission. The minutes from the May 28, 2014 Planning Commission meeting are also included in the Council's packet.

One written comment was received by email from the property owner of the Trend Business Center. The Planning Commission reviewed this comment and made adjustments to the text amendments accordingly to address the concerns raised in the email. Staff has since received feedback from the owner of Trend property owner; they have expressed no objections to the way it reads as presented to Council.

The following items are included in the Council packet:

- Staff Report to the Planning Commission
- Proposed text amendments
- Email from the owner of Trend Business Center
- Minutes from the May 28, 2014 Planning Commission meeting

**Sample motion:** I move to approve the proposed text amendments and approve File #TA 14-01.





# City of Canby

---

## TEXT AMENDMENT STAFF REPORT

FILE #: TA 14-01

Prepared for the April 28, 2014 Planning Commission Meeting

**APPLICANT:** City of Canby

**APPLICATION TYPE:** Text Amendment (Type IV)

**CITY FILE NUMBER:** TA 14-01

### I. **Overview:**

City Staff is requesting consideration of a text amendment to streamline, clarify, and update the development review process for industrially zoned land in the Canby Pioneer Industrial Park. This would include extending the existing Type II process procedures already in place in the Canby Downtown Overlay District to the Pioneer Industrial Park/I-O Industrial Overlay Zone. A Type II process allows a project to be approved by the Planning Director in lieu of the Planning Commission. Currently all industrial projects must come to the Planning Commission for approval – a process that can take several months if meetings are full with other projects.

- The Canby Pioneer Industrial Park is the economic engine of the community, providing well-paying jobs, high assessed value, and locations for traded sector companies that bring back wealth and investment to Canby. It now is home to thirteen companies, providing 750 jobs and over \$78 million in investment. As the economy picks up and more activity will be coming, staff is looking for ways to have the development review process be business friendly, predictable, and expeditious. We know that industrial siting decisions are very competitive between communities and states. They tell us that certainty and speed can make a dramatic difference in their choosing Canby over other sites.
- After reviewing existing processes and best practices, staff recommends making the Type II review process for developments in the Canby Pioneer Industrial Park (in the I-O Overlay Zone) an option. This would allow projects that clearly meet the zoning code and overlay requirements to apply for approval by decision of the Planning Director. This simple change has the potential to save significant process time and staff resources for approving projects. Any development proposals that do not fully meet code standards, present alternative standards, or proposals considered to otherwise meet the intent of the city standards would continue to be reviewed by the Planning Commission. This process allows the Planning Commission to use their judgment in approving alternative solutions for projects that meet the intent of the code without forcing the applicant to use the expensive, time consuming, and staff intensive variance process.

### II. **ATTACHMENTS**

- A. Proposed text amendments

III. **Summary of Proposed Changes:**

- **Chapter 16.30 C-M Heavy Commercial Manufacturing Zone** – Tighter screening requirements
- **Chapter 16.32 M-1 Light industrial Zone** – Tighter screening requirements
- **Chapter 16.34 M-2 Heavy Industrial Zone** – Tighter screening requirements and edits to the Conditional Use Review Matrix
- **Chapter 16.35 Canby Industrial Area Overlay (I-O) Zone** – Clarify location of zone, reduce job creation requirements, make freestanding warehouses a conditional use process, allow planning director approval of metal elements, allow for drought tolerant plants, design review matrix cleanup, and various language revisions
- **Chapter 16.49 Application for Site and Design Review** - Add the I-O Overlay to the Type II option and minor grammatical revision

IV. **APPLICABLE CRITERIA & FINDINGS**

Major approval criteria used in evaluating this application were the following Chapters from the *City of Canby's Land Development and Planning Ordinance* (Zoning Code):

- 16.88 General Standards & Procedures
- 16.89 Application and Review Procedures

Excerpts from the code are highlighted below in **gray**, with findings and discussion after the citations in **red**. If not discussed below, other standards from the Code are either met fully, not applicable, and/or do not warrant discussion.

**16.88 General Standards and Procedures**

---

**16.88.160 Amendments to text of title.**

**A. Authorization to Initiate Amendments.** *An amendment to the text of this title 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.*

**Findings:** City staff has initiated amendments to the text of the *Canby Land Development and Planning Ordinance*. The intent of the proposed amendment is to implement an expedited development review option for new developments within the Canby Industrial Overlay Zone and to make other minor revisions and clarifications. This proposal is considered to be a means to help meet the City Council and City Vision aspiration goal to “Promote Industrial and Business Growth Affording Economic Prosperity and Quality Job Creation While Maintaining Quality of Life and Improving the Overall Tax Base for the Community”. The Planning Commission shall make a recommendation to approve or deny this application to the Canby City Council after holding a public hearing. The City Council shall also conduct a public hearing before making a final decision on these proposed text amendments.

**D. Standards and Criteria.** *In judging whether or not this title should be amended or changed, the Planning Commission and City Council shall consider:*



1. 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;

Applicable Comprehensive plan Elements and goals:

**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.

**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.

**Environmental concerns element**

Goals:

- To protect identified natural and historical resources.
- To prevent air, water, land, and noise pollution.
- To protect lives and property from natural hazards.

**Transportation element**

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

**Public facilities and services element**

Like other cities, Canby must be able to provide adequate public facilities and services to support the community's growth and quality of life

**Economic element**

Goal: to diversify and improve the economy of the city of Canby

**Housing element**

Goal: to provide for the housing needs of the citizens of Canby

**Energy conservation element**

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

**Findings:** The proposed text amendment does not conflict with the policies of the Comprehensive Plan, including the elements and goals listed above.

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;

**Findings:** The proposed edits are considered to be a viable and desirable option toward improving the development process in the Canby Pioneer Industrial Park and will clarify additional provisions and requirements of the code within the industrial zoned districts. The proposed changes therefore serve the public need and do not affect the code's protection of Canby's health, safety, and general welfare.

5. *Statewide planning goals.*

**Findings:** This proposal is not in conflict with statewide planning goals. The Oregon Department of Land Conservation and Development (DLCD) has been notified of this proposal.

**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.*

**Findings:** The proposed text amendments do not conflict with the above standards.

**16.89 Application and Review Procedures**

**Findings:** This text amendment is following a Type IV process which requires final approval by City Council Ordinance. Therefore, the Planning Commission will make a recommendation of approval or denial of this application to City Council. Notice of this application has forwarded to applicable agencies and notice of public hearings will also be posted at the Development Services Building, City Hall, and published in the *Canby Herald*. All public hearing, application requirements, and Type IV application procedures will be met.

**V. Decision**

Based on the application submitted and the facts, findings, and conclusions of this report, Staff recommends that the Planning Commission recommend City Council **approval** of Text Amendment File #TA 14-01.

**Sample motion:** I move to recommend City Council approval of Text Amendment #DR 14-01.



## Angeline Lehnert

---

**From:** Scott McCormack <Scott@MCCORMACKPROP.COM>  
**Sent:** Wednesday, May 28, 2014 2:20 PM  
**To:** Bryan Brown  
**Cc:** Angeline Lehnert  
**Subject:** McCormack Properties Opposition to Two Sections of the #TA 14-01 Staff Report

Bryan,

This email is being submitted by McCormack Properties. We are the owners of Trend Business Center located in the Canby Pioneer Industrial Park. We are real estate developers, offering the buildings at Trend Business Center for lease or sale. We also have additional land in the Canby Pioneer Industrial Park for future buildings.

The purpose of this email is to submit our opposition to two sections of Staff Report File # TA 14-01 being presented at the Canby Planning Commission meeting on May 28, 2014.

1. We oppose a portion of the proposed new tighter screening requirements for Chapters 16.30, 16.32, 16.34.

Currently the proposed change reads:

“Areas that accommodate large vehicles, busses, freight maneuvering, and loading areas that abut a public road or a residential zone shall be screened from view by a site-blocking fence, landscaping, or berm.”

We have underlined “a public road” as the words that we oppose and request to be removed. A common type of industrial building design is called a “Front Loaded Building”, this type of building has loading docks on the front side of the building. This type of building is a common design found in numerous industrial parks and there is an existing building with this design already in the Canby Pioneer Industrial Park. There are many industrial companies that require this type of building design due to the product flow of their process. At Trend Business Center we have master plans that show front loaded buildings as some of our future buildings. We have presented these plans to potential users that require this type of design. The above proposed change would require screening at the front of such a building. The screening along the front of the building would be both unsightly and add additional costs that ultimately would cause the type of companies that require front loaded buildings not to come to Canby. Therefore, we propose to remove the words “a public road” from the proposed changes.

2. We also oppose the change to Chapter 16.49 that reads:

“In the Canby Pioneer Industrial Park, a proposed freestanding warehouse that is not associated with an outright permitted use on the same property must go through the conditional use process.”

We oppose this in its entirety and request it be completely removed. A warehouse is a permitted use for zones in the Canby Pioneer Industrial Park. There are warehouses already existing in the park, including the buildings at Trend Business Center that were designed for the flexibility of multiple potential uses, including as a freestanding warehouse. This section would prevent businesses that need warehouse space from locating to the Canby Pioneer Industrial Park. If this proposed change was added due to concerns of a potentially low employment count in a warehouse, I would respectfully point out this concern is eliminated by the code requiring a minimum number of employees per developed acre.

Thank you,

Scott McCormack  
McCormack Properties  
7190 SW Sandburg Street, Suite #5  
Tigard, Oregon  
Phone: 503-624-4649  
Fax: 503-624-8949

## Chapter 16.30

### C-M HEAVY COMMERCIAL MANUFACTURING ZONE

#### Sections:

**16.30.010 Uses permitted outright.**

**16.30.020 Conditional uses.**

**16.30.030 Development standards.**

#### **16.30.010 Uses permitted outright.**

Uses permitted outright in the C-M zone shall be as follows:

- A.** A use permitted outright in a C-2 zone, other than dwelling units;
- B.** Contractor's equipment yard;
- C.** Dwelling for watchman or caretaker working on premises;
- D.** Fuel distribution, wholesale;
- E.** Laundry or Laundromat, with or without dry cleaning operation;
- F.** Motor or rail freight terminal;
- G.** Railroad trackage and related facilities;
- H.** Stone cutting and sales;
- I.** Tire retreading, recapping and sales;
- J.** Transfer or storage;
- K.** Utility storage or service yard;
- L.** Similar heavy commercial, storage, or light manufacturing uses as determined by the Planning Commission.
- M.** Attached WTS facilities (see 16.08.120).
- N.** Detached WTS facilities (monopole), less than 100 feet in height (see 16.08.120). (Ord. 890 section 30, 1993; Ord. 740 section 10.3.29(A), 1984; Ord. 981 section 27, 1997; Ord. 1237, 2007)

**16.30.020 Conditional uses.**

Conditional uses in the C-M zone shall be as follows:

- A. A use permitted outright in an M-1 zone and not listed in section 16.30.010 or below;
- B. A use permitted conditionally in a C-1 or C-2 zone, other than dwelling units, and not listed in section 16.30.010 or below;
- C. Other light industrial uses as determined by the Planning Commission;
- D. Detached WTS facilities (monopole), equal to or over 100 feet in height (see 16.08.120); (Ord. 740 section 10.3.29(B), 1984; Ord. 981 section 28 & 29, 1997; Ord. 1237, 2007)

**16.30.030 Development standards.**

The following subsections indicate the required development standards of the C-M zone:

- A. Minimum lot area: none.
- B. Minimum width and frontage: none.
- C. Minimum yard requirements:
  - 1. Street yard: twenty feet where abutting Highway 99-E and S. Ivy Street. Gas station canopies shall be exempted from the twenty foot setback requirements. Remaining property none, except ten feet where abutting a residential zone. Sign setbacks along Highway 99-E and S. Ivy Street are to be measured from the face of the curb rather than the lot line. Where no curb exists, the setback shall be measured from the property line. Other than signs which are nonconforming structures and street banners which have been approved per the requirements of the Uniform Sign Code, no signs will be allowed to be located within, or to project over, a street right-of-way.
  - 2. Interior yard: none, except ten feet where abutting a residential zone.
- D. Maximum building height:
  - 1. Freestanding signs: thirty feet;
  - 2. All other structures: forty-five feet.
- E. Maximum lot coverage: sixty percent.
- F. Other regulations:
  - 1. Vision clearance distances shall be fifteen feet from any alley or driveway and thirty feet from any other street or railroad.
  - 2. Except in cases where existing building locations or street width necessitate a more narrow design, sidewalks eight feet in width shall be required:



- a. In those locations where angle parking is permitted abutting the curb, and
- b. For property frontage along Highway 99-E.

3. ~~3.~~ All setbacks to be measured from the foundation line of the building. Overhangs shall not exceed two feet. (Ord 830 section 9, 10, 1989; Ord. 802 section 7 [part], 1987; Ord. 740 section 10.3.29(C), 1984; Ord. 981 section 50, 1997; Ord. 1237, 2007)

3.4. Outside storage areas abutting a residential zone shall be screened from view by a site-blocking fence, landscaping, or berm.

**Comment [d1]:** The Planning Commission elected to not include "abutting a public road" as well.

**Comment [d2]:** The Planning Commission elected to not include the following staff proposed language: "Areas that accommodate large vehicles, busses, freight maneuvering, and loading areas that abut a public road or a residential zone shall be screened from view by a site-blocking fence, landscaping, or berm"

## Chapter 16.32

### M-1 LIGHT INDUSTRIAL ZONE

#### Sections:

**16.32.010 Uses permitted outright.**

**16.32.020 Conditional uses.**

**16.32.030 Development standards.**

#### **16.32.010 Uses permitted outright.**

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

- A.** Manufacturing, fabricating, processing, compounding, assembling or packaging of products made from previously prepared materials such as cloth, plastic, paper, metal, wood (but not including sawmills or lumber mills), the operation of which will not result in
  - 1. The dissemination of dusts, gas, smoke, fumes, odors, atmospheric pollutants or noise which exceed Oregon Department of Environmental Quality standards
  - 2. Danger by reason of fire, explosion or other physical hazard;
  - 3. Unusual traffic hazards;
- B.** Automobile body shop, or heavy repair shop;
- C.** Contractor's equipment or storage yard;
- D.** Dwelling for watchman or caretaker working on the property;
- E.** Food processing plant;
- F.** Fuel distribution, wholesale or retail;
- G.** Ice or cold storage plant;
- H.** Laundry or dry-cleaning plant;
- I.** Lumber yard;
- J.** Machinery, farm equipment or implement sales, service or rent;
- K.** Motor or rail freight terminal;

- L.** Railroad trackage and related facilities;
- M.** Restaurant, when related and incidental to primary industrial uses of the area;
- N.** Service station, when related and incidental to primary industrial uses of the area;
- O.** Stone, marble, or granite cutting;
- P.** Tire retreading or recapping;
- Q.** Transfer and storage company;
- R.** Utility storage or service yard;
- S.** Veterinarian's office or animal hospital;
- T.** Warehouse
- U.** Wholesale distribution, including warehousing and storage;
- V.** Wireless or cellular communications facility/tower;
- W.** Other light industrial uses as determined by the Planning Commission;
- X.** Business or professional office, when related and incidental to primary industrial uses of the area;
- Y.** Public building or uses such as fire station, or park or playground.
- Z.** Attached WTS facilities (see 16.08.120).
- AA.** Detached WTS facilities (monopole or lattice tower), under 150 feet in height and at least 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).
- BB.** Detached WTS facilities (monopole), under 100 feet in height and less than 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).
- CC.** Detached WTS facilities (monopole), equal to or over 150 feet in height and at least 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).
- DD.** Minor public facility. (Ord. 890 section 31, 1993; Ord. 749 section 1(A), 1984, Ord. 740 section 10.3.31(A), 1984; Ord. 995 section 10 & 11, 1996; Ord. 981 section 30 & 31, 1997; Ord. 1019 section 10, 1999; Ord 1237, 2007)

**16.32.020 Conditional uses.**

Conditional uses in the M-1 zone shall be as follows:

- A. Commercial recreation uses;
- B. Motels, hotels and similar accommodations;
- C. Other heavy commercial or light industrial uses as determined by the Planning Commission;
- D. Waste and/or recycling transfer operations.
- E. Detached WTS facilities (monopole), equal to or over 100 feet in height and less than 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).
- F. Detached WTS facilities (lattice tower), equal to or over 150 feet in height and at least 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).
- G. Major public facility, except as modified by Section 16.32.010. (Ord. 960, section 2, 12/18/96; Ord. 890, section 32, 1993; Ord. 740 section 10.3.31(B), 1984; Ord. 981 section 32, 1997; Ord 1237, 2007)

**16.32.030 Development standards.**

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

- A. Minimum lot area: five thousand square feet;
- B. Minimum width and frontage: fifty feet;
- C. Minimum yard requirements:
  - 1. Street yard: twenty feet where abutting Highway 99-E and S. Ivy Street. Gas station canopies shall be exempted from the twenty foot setback requirements. Remaining property none, except ten feet where abutting a residential zone. Sign setbacks along Highway 99-E and S. Ivy Street are to be measured from the face of the curb rather than the lot line. Where no curb exists, the setback shall be measured from the property line. Other than signs which are nonconforming structures and street banners which have been approved per the requirements of the Uniform Sign Code, no signs will be allowed to be located within, or to project over, a street right-of-way.
  - 2. Interior yard: none, except ten feet where abutting a residential zone.
- D. Maximum building height:
  - 1. Freestanding signs: thirty feet;
  - 2. All other structures: forty-five feet.



E. Maximum lot coverage: no limit.

F. Other regulations:

1. Vision clearance distances shall be fifteen feet from any alley or driveway and thirty feet from any other street or railroad.

~~2. Outside storage abutting or facing a lot in a residential zone shall be enclosed by a site-blocking fence or berm. The fence or berm shall be so designed as to screen the storage from view from the residential zone and shall be of such material and design as will not detract from adjacent residences.~~

2. All setbacks to be measured from the foundation line of the building. Overhangs shall not exceed two feet.

3. Prior to issuance of a building permit, wireless/cellular towers require written certification of approval/compliance from the Federal Communications Commission, Federal Aviation Administration and the Oregon Department of Transportation (Department of Aeronautics). (Ord 890 section 33, 1993; Ord. 830 section 11, 12, 1989; Ord. 740 section 10.3.31(C), 1984; Ord. 955 section 12, 1996; Ord. 981 section 51, 1997; Ord. 1237, 2007)

4. Outside storage areas abutting a residential zone shall be screened from view by a site-blocking fence, landscaping, or berm.

**Comment [d1]:** The Planning Commission elected to not include "abutting a public road" as well.

**Comment [d2]:** The Planning Commission elected to not include the following staff proposed language: "Areas that accommodate large vehicles, busses, freight maneuvering, and loading areas that abut a public road or a residential zone shall be screened from view by a site-blocking fence, landscaping, or berm"

## Chapter 16.34

### M-2 HEAVY INDUSTRIAL ZONE

#### Sections:

**16.34.010 Uses permitted outright.**

**16.34.020 Conditional uses.**

**16.34.030 Development standards.**

#### **16.34.010 Uses permitted outright.**

Uses permitted outright in the M-2 zone shall be as follows:

- A. A use permitted outright in an M-1 zone. (Ord. 740 section 10.3.33(A), 1984)

#### **16.34.020 Conditional uses.**

Conditional uses in the M-2 zone shall be as follows:

- A. Aggregate removal operations;
- B. All other uses when evaluated on the standards and criteria specified in Chapter 16.50 and the point system set out in Table 16.34.020 for evaluating heavy industrial development proposals.
- C. Detached WTS facilities (monopole), equal to or over 100 feet in height and less than 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).
- D. Detached WTS facilities (lattice tower), equal to or over 150 feet in height and at least 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120). (Ord. 740 section 10.3.33(B), 1984; Ord. 981 section 33, 1997)

#### **16.34.030 Development standards.**

The following subsections indicate the required development standards of the M-2 zone:

- A. Minimum lot area: five thousand square feet;
- B. Minimum width and frontage: fifty feet.
- C. Minimum yard requirements:
  - 1. Street yard: none, except twenty feet where abutting a residential zone;
  - 2. Interior yard: none, except twenty feet where abutting a residential zone.
- D. Maximum building height:
  - 1. Freestanding signs: thirty feet;

2. All other structures: forty-five feet.

E. Maximum lot coverage: no limit.

F. Other regulations:

1. Vision clearance distances shall be fifteen feet from any alley or driveway and thirty feet from any other street or railroad;

~~2. Outside storage abutting or facing a lot in a residential zone shall be enclosed by a site-blocking fence or berm. The fence or berm shall be so designed as to screen the storage from view from the residential zone and shall be of such material and design as will not detract from adjacent residences. (Ord. 890 section 34, 1993; Ord. 740 section 10.3.33(C), 1984; Ord 1237, 2007)~~

3. Outside storage areas abutting a residential zone shall be screened from view by a site-blocking fence, landscaping, or berm.

**Comment [d1]:** The Planning Commission elected to not include "abutting a public road" as well.

**Comment [d2]:** The Planning Commission elected to not include the following staff proposed language: "Areas that accommodate large vehicles, busses, freight maneuvering, and loading areas that abut a public road or a residential zone shall be screened from view by a site-blocking fence, landscaping, or berm"

### M-2 Conditional Use Review Matrix Table 16.34.020

Explanation: When considering conditional use applications for the M-2 Zone, Each of the following characteristics will be evaluated by the Planning Commission and assigned a certain number of points (positive and negative). A net point total of "0" will be considered to be the prerequisite for approval of an ~~industrial~~ M-2 conditional use. In entering its findings of fact for its decision, the Commission shall indicate its findings regarding the following:

CRITERIA	POINTS
Traffic impacts, particularly heavy truck traffic and its impact on non-industrial areas and streets	-10 - 0
Noise impacts, especially loud and high-pitched noise and noise expected to occur at night	-10 - 0
Air pollution, including odors as well as measurable pollutants	-10 - 0
Water pollution, including impacts on groundwater and surface water as well as any unusual or hazardous discharges to the city sewage treatment facility	-10 - 0
Water consumption, especially where city water is utilized rather than a private source	-10 - 0
Electrical consumption	-10 - 0
Other adverse impacts, which may include factors not listed above or may be used to add more negative point to any of the items already listed, where extreme adverse impacts are expected	-40 - 0
Tax benefits to the community, particularly for property taxes beyond the costs of providing public services	0 - +20
Total number of persons to be employed	0 - +10
Number of local persons who can expect to be employed, based upon percentages of skilled, semi-skilled and unskilled positions	0 - +10
Reliance <del>on industry</del> on locally produced resources and locally processed materials	0 - +10
Export characteristics and residual benefits to other local industries	0 - +10

Other community benefits, including particularly advantageous design characteristics, etc. May also be used to add more positive points to each of the factors listed above where extremely beneficial impacts are expected	0 - +40
<a href="#">Low Impact Design and sustainability Features</a>	<a href="#">0 - +20</a>



## Chapter 16.35

### CANBY INDUSTRIAL AREA OVERLAY (I-O) ZONE

#### Sections:

- 16.35.010 Purpose.**
- 16.35.020 Applicability.**
- 16.35.025 Pre-application review and conditions of approval.**
- 16.35.030 Uses permitted outright.**
- 16.35.040 Conditional uses.**
- 16.35.045 Prohibited uses.**
- 16.35.050 Development standards.**
- 16.35.060 Design guidelines.**
- 16.35.070 I-O design review matrix.**

#### **16.35.010 Purpose.**

The purpose of the Canby Industrial Area Overlay (I-O) zone is to implement the design guidelines and standards of the Canby Industrial Area Master Plan (Master Plan):

- A. Provide efficient circulation and access;
- B. Allow flexibility in siting development, including a range of industrial and commercial/industrial land uses;
- C. Provide visual continuity for streetscapes and developments;
- D. Encourage durable, high quality building materials.

The zone is intended to ensure high-quality industrial development with a mix of employment types and uses. (Ord. 1008 section 1 [part], 1998; Ord. 1057 section 2 [part], 2000)

#### **16.35.020 Applicability.**

It is the policy of the City of Canby to apply the I-O zone to all lands within the [Canby Pioneer Industrial Park](#) Master Plan area and other areas determined by the City, ~~upon annexation or prior to application for development permit~~ [as defined in the Industrial Area Master Plan](#). The Master Plan area generally includes the area bound by Highway 99E and 1st Avenue to the north, Mulino Road to the east, SE 13th Avenue to the south, and ~~Molalla Western Railroad~~ [the Molalla Forest Logging Road Trail](#) to the west. The I-O zone has the following affect with regard to other chapters of this ordinance:

- A. Incorporates the Canby Industrial Area Master Plan into Title 16. The Master Plans design guidelines, standards, and plan maps are hereby incorporated by reference.

- B. Permits land uses which are permitted by the underlying zone districts (C-M, M-1, M-2), with some exceptions.
- C. Replaces selected development standards contained in the C-M, M-1, and M-2 zones, for continuity and quality of site design within the Master Plan area.
- D. Utilizes the City's processes for development review, including land divisions, conditional uses, and design reviews. Provides a design review matrix (i.e., replacing the table in Chapter 16.49) which is tailored to the Master Plan area.
- E. Provides additional conditional use standards to ensure development compatibility.
- F. Lists uses that are prohibited outright due to incompatibility with the goals for the area. (Ord. 1008 section 1 [part], 1998; Ord. 1057 section 2 [part], 2000)

#### **16.35.25 Pre-application review and conditions of approval**

- A. A pre-application meeting with utility and service providers is required prior to any land use application, building permit application, or business license application in the I-O zone, unless this requirement is waived by the City Planner. The City Planner shall provide application forms for this purpose indicating all required information. The pre-application meeting shall allow utility and service providers to make a detailed assessment of the proposed use prior to forming a recommendation on approval. In addition, this meeting will allow the City to evaluate whether a Conditional Use Permit will be required.
- B. At the pre-application meeting, the City shall determine the need for a Hazardous Materials Management Plan. If required by the City, the applicant shall prepare a plan meeting the relevant sections of the Oregon Fire Code as determined by the City. The Plan shall allow utility and service providers to review the health and safety impacts of any proposed use and ensure an adequate plan will be in place to address those impacts prior to forming a recommendation on approval.
- C. The Planning Commission or City Council may impose conditions to protect public health and safety on any discretionary land use application. (Ord. 1057 section 2 [part], 2000; Ord. 1237, 2007)

#### **16.35.030 Uses permitted outright.**

Unless limited by sections 16.35.040 or 16.35.045, uses permitted outright in the C-M zone, M-1 zone, and M-2 zone are permitted outright in the I-O zone, subject to the respective zone district boundaries. (Ord. 1008 section 1 [part], 1998; Ord. 1057 section 2 [part], 2000)

#### **16.35.040 Conditional uses.**

Unless limited by subsection A below or section 16.35.045, conditional uses permitted in the C-M zone, M-1 zone, and M-2 zone are permitted as conditional uses in the I-O zone, subject to the respective zone district boundaries.

- A. Any proposed site development, change in use, land division, or other action that

results in any of the following requires conditional use approval in the I-O zone:

~~1. Less than 12 employees per developed acre. For the purposes of this section only, "developed" means all areas used for buildings, landscaping, vehicle maneuvering and parking areas, outdoor storage, and other areas occupied by the use. For the purposes of this section only, employees means full-time equivalents unless the City specifically allows other interpretations;~~

**Comment [d1]:** The Planning Commission proposed to eliminate this requirement altogether. Staff had proposed to change the criteria to "less than 6 employees per developed acre."

2. 1. More than 60 acres total in I-O zoning that is occupied by a single use or business. For the purposes of this section, businesses classified in the same NAICS industry group (four-digit code) are considered to be in the same use. This section is intended to apply cumulatively to all properties in the zone;

3. 2. Utilization of any public service or utility to such an extent that the utility would not be able to supply all other uses projected in its current long-range plans;

4. 3. Uses requiring an H occupancy under the Oregon Structural Specialty Code;

5. 4. In any C-M zoning overlain by I-O zoning, any retail or commercial use with a building footprint exceeding 50,000 square feet;

6. 5. In any M-1 or M-2 zoning overlain by I-O zoning, any retail or commercial use not related to or supportive of the primary industrial use of the park; or

7. 6. In any M-1 or M-2 zoning overlain by I-O zoning, retail areas occupying more than 15% of the building footprint ~~or more than 3,000 square feet.~~

B. To approve a conditional use in the I-O zone, the Planning Commission shall find that each of the following additional criteria are either met, or can be met by observance of conditions, unless it is not applicable:

**Comment [d2]:** Staff proposed adding the language "In the Canby Pioneer Industrial Park, a proposed freestanding warehouse that is not associated with an outright permitted use on the same property must go through the conditional use process." The Planning Commission omitted this edit.

1. The proposed use is compatible with the industrial nature of the park and will have minimal negative impact on the development and use of surrounding properties;

2. The proposed use does not pose a threat to public health or safety; and

3. The proposed use is beneficial to the overall economic diversity and vitality of the City.

These criteria are in addition to those provided in Section 16.50.010. In all other aspects, the conditional use process shall be as specified in Chapter 16.50. (Ord 1008 section 1 [part], 1998, Ord. 1057 section 2 [part], 2000; Ord. 1237, 2007).

#### **16.35.045 Prohibited uses.**

The following uses are prohibited in the I-O zone:



- A. Slaughter house;
- B. Rendering, reduction, or distillation of, or manufacturing from, animals, fish and their by-products;
- C. Auto, truck or motorcycle race track;
- D. Auto, truck, or motorcycle wrecking or salvage yard;
- E. Scrap metal storage and sales;
- F. Reclamation or manufacturing of steel barrels or drums;
- G. Dump or landfill, including rubbish, slag, organic materials, offal, or garbage in general;
- H. Livestock feeding pen, other than those associated with existing agricultural uses;
- I. Fireworks manufacturing or the manufacturing of ammunition or explosives;
- J. Nuclear power plant or similar use;
- K. Curing and storage of hides;
- L. Incinerator, smelter, blast furnace, or coke oven;
- M. Manufacture of oils, gasoline, or products made directly from petroleum, other oils, or tar products;
- N. Fertilizer production;
- O. Creosote production;
- P. Insecticide production;
- Q. Tire manufacturing;
- R. Saw, shingle, or lumber mill; and
- S. In any M-1 or M-2 zoning overlain by I-O zoning, commercial or retail uses over 50,000 square feet are prohibited.

This list should not be used to imply that any other use is permitted. (Ord. 1057 section 2 [part], 2000)

**16.35.050 Development standards.**

The following subsections indicate the required development standards of the I-O zone. These standards replace the standards of the C-M zone, M-1 zone, and M-2 zone, as follows:

**A.** Minimum lot area: none.

**B.** Minimum lot width and frontage: none.

**C.** Minimum yard requirements (measured from building foundation to right-of-way line):

1. Street yards(s): 20 feet for buildings up to 25 feet in height; 35 feet for buildings between 25 feet and 45 feet in height. Parking and internal drives (except curb cuts and entrance drives) are prohibited within the required 20 foot street yard.

2. Interior yard: 10 feet, except 20 feet where abutting a residential zone. Common-wall lot lines (attached buildings), and development which provide shared parking and circulation with abutting developments, are exempt from interior yard standards.

**D.** Maximum building height: 45 feet.

**E.** Maximum lot coverage: 60 percent in the C-M zone; none in the M-1 and M-2 zones.

**F.** Street access (curb cuts) spacing shall be a minimum of 200 feet on designated parkway and collector streets.

**G.** Street right-of-way improvements shall be made in accordance with the [Canby Transportation System Plan \(TSP\)](#), ~~circulation plan, and streetscape/street section standards of the Industrial Area Master Plan.~~

**H.** Building orientation standards. The following standards are intended to ensure direct, clear, and convenient pedestrian access:

1. Development in the M-1 zone and M-2 zone shall provide at least one public entrance facing the street. A direct pedestrian connection shall be provided between the primary building entrance and public sidewalk.

2. Developments within the C-M zone shall provide continuous, straight-line pedestrian connections between the street(s), buildings, and parking areas.

**I.** Right-of-way plantings: Street trees and ground cover plantings shall be installed with development, as approved by the City. Shrubs are prohibited within the public right-of-way.

**J.** Metal building exteriors are prohibited, except that the Planning ~~Commission~~ [Director](#) may approve architectural metal elements that accent and enhance the aesthetics of building entrances and office areas ~~when approving a Type II~~

Application, or the Planning Commission when approving a Type III Application.

K. Lighting shall be required for all streets, sidewalks, and pedestrian ways. Applications for land division approval and site plan review shall include photometric plans.

L. Shared access: The City may require the provision of shared access drives through the land division review process. Shared access drives are intended to maintain adequate driveway spacing and circulation along the designated Parkway and Collector streets.

M. All landscaped areas shall be irrigated - unless drought tolerant plants are installed and watered until well established and replaced in event of failure.

N. Other regulations: The C-M zone, M-1 zone, and M-2 zone provide other applicable regulations related to vision clearance, Highway 99E sidewalk width, setback measurement, outside storage, and wireless/cellular tower certification. (Ord. 1008 section 1[part], 1998; Ord. 1237, 2007; Ord. 1299, 2008)

**16.35.060 Design guidelines.**

The Industrial Area Master Plan provides design guidelines for reviewing development applications. The guidelines, which are incorporated into Table 16.35. ~~040000~~, encourage:

A. Flexibility to align local streets based on parcelization and development requirements;

B. Tree retention, planting of large (3-inch) caliper trees, and use of lawn/ground cover planting in front yard setbacks;

C. Placement of buildings at or near the setback line;

D. Placement of parking areas to the side or rear of buildings;

E. Placement of smaller commercial buildings at or near the street;

F. Building entries visible from the street with direct pedestrian connections;

G. Use of quality building materials;

H. Architectural detail to break up and articulate large surfaces and volumes, and to accentuate building entries; and

I. Open space retention and trail connections, as designated by the Master Plan. (Ord. 1008, section 1[part], 1998)

**16.35.070 I-O Design review matrix.**

The City uses the following matrix to evaluate compliance with the I-O design guidelines. The matrix substitutes for the general design review matrix provided in Chapter 16.49. Design



review applications must comply with all other applicable provisions of Chapter 16.49, and achieve scores equal to or greater than the minimum acceptable scores in the matrix. (See Master Plan for illustrations.)

A. Exception: The City may reduce the minimum acceptable score(s) upon finding that certain provisions do not apply to a proposed development.

Industrial Overlay Design Review Matrix  
**Table 16.35.040**

CRITERIA	Possible Scores
<b>Parking</b>	
Parking areas located to the side or rear of buildings as viewed from public right-of-way: <50% of parking spaces=0; 50%-75%=1; <u>75%-100%=2</u> .	0 1 2
Increase minimum interior parking lot landscape over the base 15%: 15%-18%=0; 18%-22%=1; >22%=2.	0 1 2
Increase the <u>base</u> number of trees <u>required by 16.49.120 (all landscape islands must contain 1 tree, 1 tree for every 40' along the required setback); planted within buffers and/or within the parking area</u> : 100%-105% of base requirement=0; 105%-110% of base requirement=1; >110%=2. <del>*The base requirement is determined based on total parking area/number of spaces, and parking setback perimeter, see Chapter 16.49.120.</del> (# of trees proposed/# of trees required x100=% of base requirement)	0 1 2
Number of parking spaces <u>provided</u> : (% of required minimum): >110%=0; 110%-105%=1; 105%-100%=2. <u>See Table 16.10.050 for required parking.</u> (# of spaces proposed/# of spaces required x100=% of required minimum)	0 1 2
<b>Minimum Acceptable Score</b>	<b>4 points</b>

**Comment [d3]:** Parking is encouraged but not required to be at the side or rear; requiring parking to be at the side or rear was briefly contemplated but making such a change was not recommended by staff or the Planning Commission.

<b>Transportation/Circulation</b>	
<del>Proposed local street alignments: Street not proposed = 0; Street(s) proposed with some modification to master plan = 1; proposed street(s) approximate recommended alignments = 2. Note: the Planned Parkway and collector streets are required elements, except as indicated by the Industrial Area Master Plan</del>	<del>0 1 2</del>
Design <del>of all pedestrian ways</del> (private, on-site <u>pedestrian pathways</u> ): <u>6' painted ways=0; 6' brick/paver ways=1; 6' brick/paver &amp; raised concrete ways=2</u> six feet wide, raised concrete with painted crosswalks (standard) = 0; standard with brick or similar pavers for pathways and crosswalks = 1; greater than 6 feet wide (inclusive of curb) and use of brick or similar pavers for pathways and crosswalks = 2	0 1 2
Number of pedestrian connections between the street sidewalk and internal circulation system: One connection = 0 Two <u>or more</u> connections = 1	0 1 2
<b>Minimum Acceptable Score (some provisions may not apply)</b>	<b><u>2-3</u> points</b>

**Comment [d4]:** No streets really left to build in the IO Zone

**Tree Retention, Open Space conservation and Trail Connections**

Preserves trees as recommended by arborist or City Planning Department: <50% of recommended trees preserved=0; 50%-75%=1; 75%-100%=2	0 1 2
Replaces trees that were recommended for retention: No=0; Yes=1. Mitigation based on reasonable tree replacement ratio.	0 1
When site includes designated open space, park or trail connection: proposal does not dedicate or establish easement for designated open space/park or trail connection=0; dedicated or establishes easement=1; dedicated land/right-of-way and constructs improvements=2.	0 1 2
<b>Minimum Acceptable Score (some provisions may not apply) — 3 points</b>	

**Comment [d5]:** No trees left to retain. If trail connections are desired they can be required as a condition with park dedications per 16.120 or just as a general condition per 16.49

**Landscaping**

Trees installed at 3 inch caliper: <25% of trees=0; 25%-50%=1; 50%-100%=2.	0 1 2
Usable outdoor amenity provided with development (e.g., water features, plazas, seating areas, and similar features): no=0; yes=1; yes and <u>for public use access provided (i.e., through an easement)</u> =2.	0 1 2
<u>Amount of grass (less grass is better) (% of total landscaped area)</u> >50%=0; 25%-50%=1; <25%=2 <del>Amount of grass or other plantings used for ground cover treatment: &lt;75%=0; 75%-90%=1; 90%-100%=2.</del>	0 1 2
<b>Minimum Acceptable Score 3 points</b>	

**Building Appearance and Orientation**

Building orientation at or near the street: parking or drive separates building from street=0; at least 20% of elevation within 5 feet of minimum setback=1; at least 20% of elevation is at minimum setback=2.	0 1 2
Building entrances visible from the street: no=0; yes=1.	0 1
Buildings use quality materials: concrete, wood, or wood siding=0; concrete masonry, stucco, or similar material=1; brick or <u>stone similar appearance</u> =2.	0 1 2
Articulation and/or detailing to break up large building surfaces and accentuate the building entrance(s): no=0; yes=2.	0 2
<b>Minimum Acceptable Score 4 points</b>	

**Comment [d6]:** Staff and the Planning Commission contemplated adding Low Impact Design incentives but elected not to because of the staff time required to determine an effective point structure and because adding a LID category may impede rather than help applicants.

## Chapter 16.49

### SITE AND DESIGN REVIEW

#### Sections:

- 16.49.010 Findings and objectives.
- 16.49.020 Establishment of the Site and Design Review Board.
- 16.49.025 Establishment of a site and design review committee.
- 16.49.030 Site and design review plan approval requirements.
- 16.49.035 Application for Site and Design Review.
- 16.49.040 Criteria and standards.
- 16.49.050 Conditions placed on site and design review approvals.
- 16.49.060 Time limit on approvals.
- 16.49.065 Bicycle and pedestrian facilities.
- 16.49.070 Authority and intent.
- 16.49.080 General provisions for landscaping.
- 16.49.090 Specifications for tree and plant materials.
- 16.49.100 Landscaping installation and maintenance.
- 16.49.110 Landscape area credit for preservation of existing trees and tree groves.
- 16.49.120 Parking lot landscaping standards.
- 16.49.130 Revegetation in unlandscaped areas.
- 16.49.140 Minor revisions to approved landscaped plans.
- 16.49.150 Parking lots or paving projects.

#### 16.49.010 Findings and objectives.

A. The City Council finds that excessive uniformity, dissimilarity, inappropriateness, or poor quality of design in the exterior appearance of structures and signs, and the lack of proper attention to site development and landscaping, in the business, commercial, industrial and certain residential areas of the city hinders the harmonious development of the city; impairs the desirability of residence, investment or occupation in the city; limits the opportunity to attain the optimum use and value of land and improvements; adversely affects the stability and value of property; produces degeneration of property in such areas with attendant deterioration of conditions affecting the peace, health and welfare of the city; and destroys a proper relationship between the taxable value of property and the cost of municipal services thereof.

B. The City Council declares that the purpose and objectives of site development requirements and the design review procedures are to:

1. Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of said development.



3. Temporary public structures which will be removed within two (2) years of placement.
4. Commercial and industrial accessory structures under 500 square feet.
5. Temporary commercial tent/canopy structures, which meet the Uniform building or Fire Code, and which will be removed within thirty (30) days of placement.
6. Temporary Vendor activity permitted pursuant to Section 16.08.140.
7. Parking lot or paving projects. If no buildings or structures are involved, paving or parking lot development in excess of 2,500 square feet of impervious surface is exempted from a Type III site and design review. However, parking lot and paving projects in excess of 2,500 square feet of impervious surface require Type I site plan review. All new paved areas and parking lots in excess of 2,500 square feet must meet the requirements of Section 16.49.150.
8. Single family or two-family dwellings and their accessory structures, and any alterations or remodeling thereof.
9. Minor public facilities.
10. Approved Public Art Murals as defined in CMC Chapter 2.80.020.

**C.** Construction, site development and landscaping shall be carried out in substantial accord with the approved site and design review plan. Review of the proposed site and design review plan and any changes thereto shall be conducted in accordance with site and design review procedures.

**D.** No fence/wall shall be constructed throughout a project that is/was subject to site and design review approval where the effect or purpose is to wall said project off from the rest of the community unless reviewed and approved by the Planning Commission. (Ord. 1315, 2009; Ord. 1237, 2007; Ord. 1080, 2001; Ord. 1019 section 2, 1999; Ord. 981 sections 52&53, 1997; Ord. 955 section 23, 1996; Ord. 890 section 43, 1993; Ord. 848, Part III, section 1, 1991; Ord. 1341, 2011)

#### **16.49.035 Application for Site and Design Review**

**A.** For site and design review projects in the Downtown Canby Overlay Zone ([DCO](#)) or in the Canby Industrial Area Overlay Zone ([CIAO](#)), applicants may choose one of the following two processes:

1. Type II – If the applicant meets all applicable site and design review standards set forth in Chapters 16.41 ([Downtown Canby Overlay Zone](#)) and 16.49; or Chapter 16.35 (Canby Industrial Area Overlay Zone) and 16.49. the applicant shall submit a Type II application for approval pursuant to the approval criteria set forth in 16.49.040 A; or

2. Type III – If the applicant proposes the use of alternative methods or materials to meet the intent of the site and design review standards set forth in Chapter 16.41.070, the applicant shall submit a Type III application for approval pursuant to the approval criteria set forth in 16.49.040.B.3. The applicant must still meet all applicable requirements of Chapter 16.49.

B. All other projects subject to site and design review approval pursuant to Section 16.49.030 are subject to the Type III procedural requirements set forth in Chapter 16.89. The applicant shall submit a Type III application for approval pursuant to the approval criteria set forth in 16.49.040. (Ord 1296, 2008)

#### **16.49.040 Criteria and standards.**

A. — In review of a Type II Site and Design Review Application described in Section 16.49.035.A.1, the Planning Director shall, in exercising his powers, duties or functions, determine whether there is compliance with the DCO, and CIAO site and design review standards.

B.A. In review of a Type III Site and Design Review Application, the Board shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the following:

1. The proposed site development, including the site plan, architecture, landscaping and graphic design, is in conformance with the standards of this and other applicable city ordinances insofar as the location, height and appearance of the proposed development are involved; and
2. The proposed design of the development is compatible with the design of other developments in the same general vicinity; and
3. The location, design, size, color and materials of the exterior of all structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity.
4. The proposed development incorporates the use of LID best management practices whenever feasible based on site and soil conditions. LID best management practices include, but are not limited to, minimizing impervious surfaces, designing on-site LID stormwater management facilities, and retaining native vegetation.
5. The Board shall, in making its determination of compliance with this Ordinance, shall use the matrix in Table 16.49.040 to determine compatibility unless this matrix is superseded by another matrix applicable to a specific zone or zones under this title. An application is considered to be compatible with the standards of Table 16.49.040 if the following conditions are met:
  - a. The development accumulates a minimum of 60 percent of the total possible number of points from the list of design criteria in Table 16.49.040; and



b. At least 10 percent of the points used to comply with (a) above must be from the list of LID Elements in Table 16.49.040. (Ord. 1338, 2010).

**C.B.** In review of a Type II Site and Design Review Application described in Section 16.49.035.A.1, the Planning Director shall, in exercising his powers, duties or functions, determine whether there is compliance with the DCO site and design review standards.

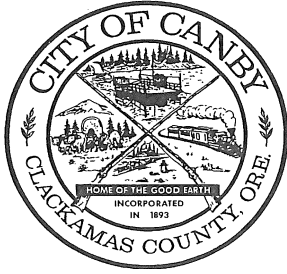
**D.C.** In review of a Type III Site and Design Review Application, the Board shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the INTENT of the design review standards set forth in this Ordinance.

**E.D.** The Board shall, in making its determination of compliance with the above requirements, be guided by the objectives and standards set forth in this Ordinance. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed development. If the site and design review plan includes utility facilities or public utility facility, then the City Planner shall determine whether those aspects of the proposed plan comply with applicable standards.

**F.E.** The Board shall, in making its determination of compliance with the requirements set forth, consider the effect of its action on the availability and cost of needed housing. The Board shall not use the requirements of this section to exclude needed housing types. However, consideration of these factors shall not prevent the Board from imposing conditions of approval necessary to meet the requirements of this section. The costs of such conditions shall not unduly increase the cost of housing beyond the minimum necessary to achieve the purposes of this ordinance.

**G.F.** As part of the site and design review, the property owner may apply for approval to cut trees in addition to those allowed in Chapter 12.32, the city Tree Ordinance. The granting or denial of said application will be based on the criteria in Chapter 12.32. The cutting of trees does not in and of itself constitute change in the appearance of the property which would necessitate application for site and design review. (Ord. 848, Part III, section 2, 1991; Ord. 955 section 24 & 25, 1996; Ord 1237, 2007, Ord 1296, 2008)





## PLANNING COMMISSION

### Minutes

Monday – May 28, 2014

7:00 PM

City Council Chambers – 155 NW 2nd Avenue

Commissioners: Tyler Smith, John Savory, Shawn Hensley, John Serlet, and Larry Boatright

Planning Staff: Bryan Brown, Planning Director, Angie Lehnert, Associate Planner, and Laney Fouse, Planning Staff

Others: Craig Lewelling and Deone Mateson

#### 1. CALL TO ORDER

Chair Smith called the meeting to order at 7 pm.

#### 2. MINUTES

a. *Planning Commission Minutes of April 28, 2014*

**Motion:** Commissioner Savory moved to approve the April 28, 2014 Planning Commission Minutes, Commissioner Serlet seconded. Motion passed 5/0.

#### 3. CITIZEN INPUT ON NON-AGENDA ITEMS - None

#### 4. PUBLIC HEARING

*TA 14-01 Code Streamlining Industrial Development (continued from May 12, 2014)*

Chair Smith re-opened the public hearing.

Angie Lehnert, Associate Planner, entered her staff report into the record. She reviewed the text amendments one by one. She said there was one comment from Scott McCormack, owner of Trend Business Center in the Canby Industrial Park about screening in the loading areas. She said it was preferable for some businesses to have loading areas in the front of industrial buildings, however it was difficult to screen such loading areas completely. In a previous version, the parking was to be on the side or the rear, but that had been changed. The point of these revisions was to streamline the process, not put more restrictions, and it was up to the Commission to decide on this provision. In the existing Code it says loading areas should be screened from public view with landscaping, walls, or other means as approved. Staff's intent was to address concerns about existing outdoor storage that wasn't screened and bus parking areas that weren't currently required to be screened.

Chair Smith said there were three options for the screening, landscaping, fence, or a berm. He questioned if the landscaping would need to screen it completely or if the applicant needed only to have landscaping in the front.

Bryan Brown, Planning Director, said the proposed wording made the McCormacks nervous as they had a building planned that would front 4th Avenue that had loading areas in the front of the building. They were nervous to see choices they were trying to market now that might not be allowed by what

the Code said. There was a question regarding how strict the screening would be. The trend was now for loading docks to be in the front and some type of landscaping might be possible, but they were against the idea of needing to screen a loading area from a public road.

Commissioner Serlet said it made a lot of sense what the McCormacks said and he had the same views especially for industrial parks. He thought a storage area should be screened to some degree, but not a loading dock.

Commissioner Hensley agreed with that direction as this was an industrial area abutting a public road.

Commissioner Savory also agreed as it would restrict the type of activity on the site. There should be more flexibility in the type of business that went in.

Commissioner Boatright would rather see a loading dock than an old beat up fence 10 years from now.

Ms. Lehnert said there was clarification on page 12 that this was a conditional use as it is not an outright permitted use and explained the changes she made in the review matrix for evaluating conditional uses in the M2 zone. Added in the matrix was a low impact design and sustainability features category.

Chair Smith asked about the industry standard for use of these matrixes as the City used a lot of matrixes to determine whether or not to approve an application.

Mr. Brown said matrixes were supposed to provide more flexibility to developers and to produce better quality development by accumulating more points in the matrix instead of prescribing what each project absolutely had to have. Planning consultants developed these Codes after hours of debate on what should be included. He had mixed feelings about them and thought they were difficult for staff and developers to evaluate, however the flexibility was a good thing.

Ms. Lehnert reviewed the language clean up on page 14 clarifying the boundary of the Industrial Park and comments from this morning had been made about page 16.

The goal of the existing #1 and addition of #8 was to discourage warehouses that didn't create a lot of jobs. However, warehouses were a permitted use. Since the aim was more employees, she recommended just using #1.

Commissioner Serlet questioned how the six employees per developed acre would be enforced.

Mr. Brown said in the past staff had ignored that provision which was why the number was being lowered from 12 to 6. The Council wanted employee intensive businesses, which was why this provision was put in there. The McCormacks supported keeping the provision with the lower number and supported what was trying to be achieved in the Industrial Park. They did not think #8 was needed.

Ms. Lehnert suggested for #7 crossing out the "or more than 30,000 square feet" which made it a little more permissive to encourage industrial and not retail in the M1 and M2 zones but still allowed a mix of uses. Page 18 was just a clean-up of the language including how to determine street right of ways by the TSP, revisions to the proposed Type II process, accommodations for those who wanted to use drought tolerant plants, and grammatical corrections. The matrix was revised to clarify the requirement for the trees. There were no more streets to build in the overlay zone so the street alignments were not applicable. The revisions to the second pedestrian walkway element clarified the categories and point possibilities and lowered the points needed to pass. The tree retention section was not applicable anymore because there were not any areas left with large groves of trees. The outdoor amenities section was changed to more precise language. There was rewording about points

for landscaping. Staff discussed building materials, which was somewhat controversial, as metal buildings were not allowed. The McCormacks liked that there were higher quality buildings in the Industrial Park. She proposed not including a low impact design matrix at this time. She said on page 24 and 25 the Type II process language was added along with grammatical corrections and renumbering.

Commissioner Hensley asked what the purpose of this change was because it seemed to create more work for staff instead of less.

Mr. Brown clarified that there was the potential of cutting off 30 days in the process by going through a Type II process. It was more important to businesses in the Industrial Park than it would be to commercial businesses downtown to be able to have that reduction of time when they were shopping around for a location. He used Shimadzu as an example. The idea came out of the Visioning process to expedite and facilitate development in the Industrial Park.

Chair Smith asked for a provision for appeal of the Type II decision. He thought it should come to the Planning Commission.

Ms. Lehnert confirmed an appeal of a Planning Director decision would come before the Planning Commission.

Mr. Brown said appeal of a Type II process would make it a longer process than if they had come before the Planning Commission to start with. The assumption was appeals were rare.

Chair Smith thought the Type II process would streamline the process and make it more cost effective for the applicant.

Commissioner Savory thought there should be more discussion regarding page 16, the number of employees per developed acre. Commissioner Serlet supported the intent but didn't think it was doable.

**Motion:** Commissioner Savory moved to strike subsection 1, the requirement for 6 employees per developed acre, Commissioner Serlet seconded. Motion passed 5/0.

**Motion:** Chair Smith moved to strike subsection 8 as recommended by staff, Commissioner Savory seconded. Motion passed 5/0.

Chair Smith said regarding page 6, subsection 4, he wanted to keep the screening next to residential zones, but not next to a public road. The new wording would be "outside storage areas abutting a residential zone shall be screened from view by a site blocking fence, landscaping, or berm."

**Motion:** Chair Smith moved to amend 16.30.030(F).4, 16.32.030(D).4, 16.34.030(F).2 as proposed, Commissioner Savory seconded. Motion passed 5/0.

Commissioner Savory asked if the McCormack's concerns had been adequately addressed. Chair Smith explained how they had been addressed by the language that had been taken out.

**Motion:** Commissioner Savory moved to adopt TA 14-01, Code streamlining industrial development as amended, Commissioner Serlet seconded. Motion passed 4/1 with Commissioner Hensley opposed.

## **5. FINAL FINDINGS**

### **a. McDonald's Rebuild (DR 14-03/LLA 14-02)**



Commissioner Serlet asked about getting answers from ODOT regarding the provision for truck access on the driveway between the two businesses. Mr. Brown said that wording was included in the findings. It had not been done yet, but was in the construction approval process.

There was consensus to approve the final findings, conclusion, and final order for the McDonald's Rebuild (DR 14-03/LLA 14-02).

**6. ITEMS OF INTEREST/REPORT FROM STAFF**

- a. June 9, 2014 two annexations
- b. Open Counter unveiling
- c. Sequoia Parkway Extension Grand Opening

Mr. Brown reviewed the agenda for June 9. The Open Counter unveiling would be held on June 4 and Sequoia Parkway Extension Grand Opening would be held on June 9.

**7. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION**

None

**9. ADJOURNMENT**

Chair Smith adjourned the meeting at 8:05 pm.

The undersigned certify the May 28, 2014 Planning Commission minutes were presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 9th day of June, 2014

  
Bryan Brown, Planning Director

_____  
Laney Fouse, Minutes Taker

Assisted with Preparation of Minutes – Susan Wood

**ORDINANCE NO. 1398**

**AN ORDINANCE AMENDING CHAPTERS 16.30, 16.32, 16.34, 16.35, AND 16.49 OF  
TITLE 16 OF THE CANBY MUNICIPAL CODE**

**WHEREAS**, the City of Canby initiated amendments to the text of Title 16 of the Canby Municipal Code, the *Canby Land Development and Planning Ordinance*, in order to clarify standards of industrial zones and to add a Type II process for industrial park developments. The amendments to Title 16 of the Canby Municipal Code, the *Canby Land Development and Planning Ordinance*, are attached in Exhibit A.

**WHEREAS**, the Planning Commission held a public hearing on May 28, 2014, during which the citizens of Canby were given the opportunity to present testimony on these proposed changes; and

**WHEREAS**, the Planning Commission found that the standards and criteria of the *Canby Comprehensive Plan* and the *Canby Land Development and Planning Ordinance* concerning text amendments were satisfactorily met, and therefore recommended by a vote of 4-1 to forward a recommendation of approval to the City Council, and

**WHEREAS**, the City Council, after reviewing the text amendment, supporting materials, and testimony at a public hearing on July 16, 2014, found that the proposed amendments comply with the *Canby Comprehensive Plan* and the *Canby Land Development and Planning Ordinance*; the plans and policies of the county, state, and local districts; will preserve the function and local aspects of land conservation and development; that there is a public need for the change; that the amendment will serve the public need better than any other change which might be expected to be made; that the amendment preserves and protects the health, safety, and general welfare of the residents in Canby; and that the amendments comply with statewide planning goals; and therefore

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

- 1) The City Council hereby approves Text Amendment file TA 14-01; and
- 2) The City Council approves the amendments of Title 16, the City of Canby *Land Development and Planning Ordinance*, as detailed in Exhibit A.

**SUBMITTED** to the Canby City Council and read the first time at a regular meeting thereof on July 16, 2014 and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and to come before the City Council for final reading and action at a regular meeting thereof on August 6, 2014, commencing at the hour of 7:30 PM in the Council Meeting Chambers located at 155 N.W. 2nd Avenue, 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 August 6, 2014 by the following vote:

YEAS _____

NAYS _____

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Brian Hodson  
Mayor

ATTEST:

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Kimberly Scheafer, MMC  
City Recorder



## **Exhibit A:**

Amendments to Title 16 of the Canby Municipal Code, the *Canby Land Development and Planning Ordinance*

## Chapter 16.30

### C-M HEAVY COMMERCIAL MANUFACTURING ZONE

#### Sections:

**16.30.010 Uses permitted outright.**

**16.30.020 Conditional uses.**

**16.30.030 Development standards.**

#### **16.30.010 Uses permitted outright.**

Uses permitted outright in the C-M zone shall be as follows:

- A.** A use permitted outright in a C-2 zone, other than dwelling units;
- B.** Contractor's equipment yard;
- C.** Dwelling for watchman or caretaker working on premises;
- D.** Fuel distribution, wholesale;
- E.** Laundry or Laundromat, with or without dry cleaning operation;
- F.** Motor or rail freight terminal;
- G.** Railroad trackage and related facilities;
- H.** Stone cutting and sales;
- I.** Tire retreading, recapping and sales;
- J.** Transfer or storage;
- K.** Utility storage or service yard;
- L.** Similar heavy commercial, storage, or light manufacturing uses as determined by the Planning Commission.
- M.** Attached WTS facilities (see 16.08.120).
- N.** Detached WTS facilities (monopole), less than 100 feet in height (see 16.08.120). (Ord. 890 section 30, 1993; Ord. 740 section 10.3.29(A), 1984; Ord. 981 section 27, 1997; Ord. 1237, 2007)

**16.30.020 Conditional uses.**

Conditional uses in the C-M zone shall be as follows:

- A. A use permitted outright in an M-1 zone and not listed in section 16.30.010 or below;
- B. A use permitted conditionally in a C-1 or C-2 zone, other than dwelling units, and not listed in section 16.30.010 or below;
- C. Other light industrial uses as determined by the Planning Commission;
- D. Detached WTS facilities (monopole), equal to or over 100 feet in height (see 16.08.120); (Ord. 740 section 10.3.29(B), 1984; Ord. 981 section 28 & 29, 1997; Ord. 1237, 2007)

**16.30.030 Development standards.**

The following subsections indicate the required development standards of the C-M zone:

- A. Minimum lot area: none.
- B. Minimum width and frontage: none.
- C. Minimum yard requirements:
  - 1. Street yard: twenty feet where abutting Highway 99-E and S. Ivy Street. Gas station canopies shall be exempted from the twenty foot setback requirements. Remaining property none, except ten feet where abutting a residential zone. Sign setbacks along Highway 99-E and S. Ivy Street are to be measured from the face of the curb rather than the lot line. Where no curb exists, the setback shall be measured from the property line. Other than signs which are nonconforming structures and street banners which have been approved per the requirements of the Uniform Sign Code, no signs will be allowed to be located within, or to project over, a street right-of-way.
  - 2. Interior yard: none, except ten feet where abutting a residential zone.
- D. Maximum building height:
  - 1. Freestanding signs: thirty feet;
  - 2. All other structures: forty-five feet.
- E. Maximum lot coverage: sixty percent.
- F. Other regulations:
  - 1. Vision clearance distances shall be fifteen feet from any alley or driveway and thirty feet from any other street or railroad.
  - 2. Except in cases where existing building locations or street width necessitate a more narrow design, sidewalks eight feet in width shall be required:



- a. In those locations where angle parking is permitted abutting the curb, and
- b. For property frontage along Highway 99-E.

3. ~~3.~~ All setbacks to be measured from the foundation line of the building. Overhangs shall not exceed two feet. (Ord 830 section 9, 10, 1989; Ord. 802 section 7 [part], 1987; Ord. 740 section 10.3.29(C), 1984; Ord. 981 section 50, 1997; Ord. 1237, 2007)

3.4. Outside storage areas abutting a residential zone shall be screened from view by a site-blocking fence, landscaping, or berm.

**Comment [d1]:** The Planning Commission elected to not include "abutting a public road" as well.

**Comment [d2]:** The Planning Commission elected to not include the following staff proposed language: "Areas that accommodate large vehicles, busses, freight maneuvering, and loading areas that abut a public road or a residential zone shall be screened from view by a site-blocking fence, landscaping, or berm"

## **Chapter 16.32**

### **M-1 LIGHT INDUSTRIAL ZONE**

#### **Sections:**

**16.32.010 Uses permitted outright.**

**16.32.020 Conditional uses.**

**16.32.030 Development standards.**

#### **16.32.010 Uses permitted outright.**

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

- A.** Manufacturing, fabricating, processing, compounding, assembling or packaging of products made from previously prepared materials such as cloth, plastic, paper, metal, wood (but not including sawmills or lumber mills), the operation of which will not result in
  - 1.** The dissemination of dusts, gas, smoke, fumes, odors, atmospheric pollutants or noise which exceed Oregon Department of Environmental Quality standards
  - 2.** Danger by reason of fire, explosion or other physical hazard;
  - 3.** Unusual traffic hazards;
- B.** Automobile body shop, or heavy repair shop;
- C.** Contractor's equipment or storage yard;
- D.** Dwelling for watchman or caretaker working on the property;
- E.** Food processing plant;
- F.** Fuel distribution, wholesale or retail;
- G.** Ice or cold storage plant;
- H.** Laundry or dry-cleaning plant;
- I.** Lumber yard;
- J.** Machinery, farm equipment or implement sales, service or rent;
- K.** Motor or rail freight terminal;

- L.** Railroad trackage and related facilities;
- M.** Restaurant, when related and incidental to primary industrial uses of the area;
- N.** Service station, when related and incidental to primary industrial uses of the area;
- O.** Stone, marble, or granite cutting;
- P.** Tire retreading or recapping;
- Q.** Transfer and storage company;
- R.** Utility storage or service yard;
- S.** Veterinarian's office or animal hospital;
- T.** Warehouse
- U.** Wholesale distribution, including warehousing and storage;
- V.** Wireless or cellular communications facility/tower;
- W.** Other light industrial uses as determined by the Planning Commission;
- X.** Business or professional office, when related and incidental to primary industrial uses of the area;
- Y.** Public building or uses such as fire station, or park or playground.
- Z.** Attached WTS facilities (see 16.08.120).
- AA.** Detached WTS facilities (monopole or lattice tower), under 150 feet in height and at least 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).
- BB.** Detached WTS facilities (monopole), under 100 feet in height and less than 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).
- CC.** Detached WTS facilities (monopole), equal to or over 150 feet in height and at least 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).
- DD.** Minor public facility. (Ord. 890 section 31, 1993; Ored. 749 section 1(A), 1984, Ord. 740 section 10.3.31(A), 1984; Ord. 995 section 10 & 11, 1996; Ord. 981 section 30 & 31, 1997; Ord. 1019 section 10, 1999; Ord 1237, 2007)



**16.32.020 Conditional uses.**

Conditional uses in the M-1 zone shall be as follows:

- A. Commercial recreation uses;
- B. Motels, hotels and similar accommodations;
- C. Other heavy commercial or light industrial uses as determined by the Planning Commission;
- D. Waste and/or recycling transfer operations.
- E. Detached WTS facilities (monopole), equal to or over 100 feet in height and less than 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).
- F. Detached WTS facilities (lattice tower), equal to or over 150 feet in height and at least 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).
- G. Major public facility, except as modified by Section 16.32.010. (Ord. 960, section 2, 12/18/96; Ord. 890, section 32, 1993; Ord. 740 section 10.3.31(B), 1984; Ord. 981 section 32, 1997; Ord 1237, 2007)

**16.32.030 Development standards.**

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

- A. Minimum lot area: five thousand square feet;
- B. Minimum width and frontage: fifty feet;
- C. Minimum yard requirements:
  - 1. Street yard: twenty feet where abutting Highway 99-E and S. Ivy Street. Gas station canopies shall be exempted from the twenty foot setback requirements. Remaining property none, except ten feet where abutting a residential zone. Sign setbacks along Highway 99-E and S. Ivy Street are to be measured from the face of the curb rather than the lot line. Where no curb exists, the setback shall be measured from the property line. Other than signs which are nonconforming structures and street banners which have been approved per the requirements of the Uniform Sign Code, no signs will be allowed to be located within, or to project over, a street right-of-way.
  - 2. Interior yard: none, except ten feet where abutting a residential zone.
- D. Maximum building height:
  - 1. Freestanding signs: thirty feet;
  - 2. All other structures: forty-five feet.

E. Maximum lot coverage: no limit.

F. Other regulations:

1. Vision clearance distances shall be fifteen feet from any alley or driveway and thirty feet from any other street or railroad.

~~2. Outside storage abutting or facing a lot in a residential zone shall be enclosed by a site-blocking fence or berm. The fence or berm shall be so designed as to screen the storage from view from the residential zone and shall be of such material and design as will not detract from adjacent residences.~~

2. All setbacks to be measured from the foundation line of the building. Overhangs shall not exceed two feet.

3. Prior to issuance of a building permit, wireless/cellular towers require written certification of approval/compliance from the Federal Communications Commission, Federal Aviation Administration and the Oregon Department of Transportation (Department of Aeronautics). (Ord 890 section 33, 1993; Ord. 830 section 11, 12, 1989; Ord. 740 section 10.3.31(C), 1984; Ord. 955 section 12, 1996; Ord. 981 section 51, 1997; Ord. 1237, 2007)

4. Outside storage areas abutting a residential zone shall be screened from view by a site-blocking fence, landscaping, or berm.

**Comment [d1]:** The Planning Commission elected to not include "abutting a public road" as well.

**Comment [d2]:** The Planning Commission elected to not include the following staff proposed language: "Areas that accommodate large vehicles, busses, freight maneuvering, and loading areas that abut a public road or a residential zone shall be screened from view by a site-blocking fence, landscaping, or berm"

## Chapter 16.34

### M-2 HEAVY INDUSTRIAL ZONE

#### Sections:

**16.34.010 Uses permitted outright.**

**16.34.020 Conditional uses.**

**16.34.030 Development standards.**

#### **16.34.010 Uses permitted outright.**

Uses permitted outright in the M-2 zone shall be as follows:

- A. A use permitted outright in an M-1 zone. (Ord. 740 section 10.3.33(A), 1984)

#### **16.34.020 Conditional uses.**

Conditional uses in the M-2 zone shall be as follows:

- A. Aggregate removal operations;
- B. All other uses when evaluated on the standards and criteria specified in Chapter 16.50 and the point system set out in Table 16.34.020 for evaluating heavy industrial development proposals.
- C. Detached WTS facilities (monopole), equal to or over 100 feet in height and less than 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).
- D. Detached WTS facilities (lattice tower), equal to or over 150 feet in height and at least 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120). (Ord. 740 section 10.3.33(B), 1984; Ord. 981 section 33, 1997)

#### **16.34.030 Development standards.**

The following subsections indicate the required development standards of the M-2 zone:

- A. Minimum lot area: five thousand square feet;
- B. Minimum width and frontage: fifty feet.
- C. Minimum yard requirements:
  - 1. Street yard: none, except twenty feet where abutting a residential zone;
  - 2. Interior yard: none, except twenty feet where abutting a residential zone.
- D. Maximum building height:
  - 1. Freestanding signs: thirty feet;



2. All other structures: forty-five feet.

E. Maximum lot coverage: no limit.

F. Other regulations:

1. Vision clearance distances shall be fifteen feet from any alley or driveway and thirty feet from any other street or railroad;

~~2. Outside storage abutting or facing a lot in a residential zone shall be enclosed by a site-blocking fence or berm. The fence or berm shall be so designed as to screen the storage from view from the residential zone and shall be of such material and design as will not detract from adjacent residences. (Ord. 890 section 34, 1993; Ord. 740 section 10.3.33(C), 1984; Ord 1237, 2007)~~

3. Outside storage areas abutting a residential zone shall be screened from view by a site-blocking fence, landscaping, or berm.

**Comment [d1]:** The Planning Commission elected to not include "abutting a public road" as well.

**Comment [d2]:** The Planning Commission elected to not include the following staff proposed language: "Areas that accommodate large vehicles, busses, freight maneuvering, and loading areas that abut a public road or a residential zone shall be screened from view by a site-blocking fence, landscaping, or berm"

### M-2 Conditional Use Review Matrix Table 16.34.020

Explanation: When considering conditional use applications for the M-2 Zone, Each of the following characteristics will be evaluated by the Planning Commission and assigned a certain number of points (positive and negative). A net point total of "0" will be considered to be the prerequisite for approval of an ~~industrial~~ M-2 conditional use. In entering its findings of fact for its decision, the Commission shall indicate its findings regarding the following:

CRITERIA	POINTS
Traffic impacts, particularly heavy truck traffic and its impact on non-industrial areas and streets	-10 - 0
Noise impacts, especially loud and high-pitched noise and noise expected to occur at night	-10 - 0
Air pollution, including odors as well as measurable pollutants	-10 - 0
Water pollution, including impacts on groundwater and surface water as well as any unusual or hazardous discharges to the city sewage treatment facility	-10 - 0
Water consumption, especially where city water is utilized rather than a private source	-10 - 0
Electrical consumption	-10 - 0
Other adverse impacts, which may include factors not listed above or may be used to add more negative point to any of the items already listed, where extreme adverse impacts are expected	-40 - 0
Tax benefits to the community, particularly for property taxes beyond the costs of providing public services	0 - +20
Total number of persons to be employed	0 - +10
Number of local persons who can expect to be employed, based upon percentages of skilled, semi-skilled and unskilled positions	0 - +10
Reliance <del>on industry</del> on locally produced resources and locally processed materials	0 - +10
Export characteristics and residual benefits to other local industries	0 - +10

Other community benefits, including particularly advantageous design characteristics, etc. May also be used to add more positive points to each of the factors listed above where extremely beneficial impacts are expected	0 - +40
<a href="#">Low Impact Design and sustainability Features</a>	<a href="#">0 - +20</a>

## Chapter 16.35

### CANBY INDUSTRIAL AREA OVERLAY (I-O) ZONE

#### Sections:

- 16.35.010 Purpose.**
- 16.35.020 Applicability.**
- 16.35.025 Pre-application review and conditions of approval.**
- 16.35.030 Uses permitted outright.**
- 16.35.040 Conditional uses.**
- 16.35.045 Prohibited uses.**
- 16.35.050 Development standards.**
- 16.35.060 Design guidelines.**
- 16.35.070 I-O design review matrix.**

#### **16.35.010 Purpose.**

The purpose of the Canby Industrial Area Overlay (I-O) zone is to implement the design guidelines and standards of the Canby Industrial Area Master Plan (Master Plan):

- A. Provide efficient circulation and access;
- B. Allow flexibility in siting development, including a range of industrial and commercial/industrial land uses;
- C. Provide visual continuity for streetscapes and developments;
- D. Encourage durable, high quality building materials.

The zone is intended to ensure high-quality industrial development with a mix of employment types and uses. (Ord. 1008 section 1 [part], 1998; Ord. 1057 section 2 [part], 2000)

#### **16.35.020 Applicability.**

It is the policy of the City of Canby to apply the I-O zone to all lands within the [Canby Pioneer Industrial Park](#) Master Plan area and other areas determined by the City, ~~upon annexation or prior to application for development permit~~ [as defined in the Industrial Area Master Plan](#). The Master Plan area generally includes the area bound by Highway 99E and 1st Avenue to the north, Mulino Road to the east, SE 13th Avenue to the south, and ~~Molalla Western Railroad~~ [the Molalla Forest Logging Road Trail](#) to the west. The I-O zone has the following affect with regard to other chapters of this ordinance:

- A. Incorporates the Canby Industrial Area Master Plan into Title 16. The Master Plans design guidelines, standards, and plan maps are hereby incorporated by reference.



- B.** Permits land uses which are permitted by the underlying zone districts (C-M, M-1, M-2), with some exceptions.
- C.** Replaces selected development standards contained in the C-M, M-1, and M-2 zones, for continuity and quality of site design within the Master Plan area.
- D.** Utilizes the City's processes for development review, including land divisions, conditional uses, and design reviews. Provides a design review matrix (i.e., replacing the table in Chapter 16.49) which is tailored to the Master Plan area.
- E.** Provides additional conditional use standards to ensure development compatibility.
- F.** Lists uses that are prohibited outright due to incompatibility with the goals for the area. (Ord. 1008 section 1 [part], 1998; Ord. 1057 section 2 [part], 2000)

#### **16.35.25 Pre-application review and conditions of approval**

- A.** A pre-application meeting with utility and service providers is required prior to any land use application, building permit application, or business license application in the I-O zone, unless this requirement is waived by the City Planner. The City Planner shall provide application forms for this purpose indicating all required information. The pre-application meeting shall allow utility and service providers to make a detailed assessment of the proposed use prior to forming a recommendation on approval. In addition, this meeting will allow the City to evaluate whether a Conditional Use Permit will be required.
- B.** At the pre-application meeting, the City shall determine the need for a Hazardous Materials Management Plan. If required by the City, the applicant shall prepare a plan meeting the relevant sections of the Oregon Fire Code as determined by the City. The Plan shall allow utility and service providers to review the health and safety impacts of any proposed use and ensure an adequate plan will be in place to address those impacts prior to forming a recommendation on approval.
- C.** The Planning Commission or City Council may impose conditions to protect public health and safety on any discretionary land use application. (Ord. 1057 section 2 [part], 2000; Ord. 1237, 2007)

#### **16.35.030 Uses permitted outright.**

Unless limited by sections 16.35.040 or 16.35.045, uses permitted outright in the C-M zone, M-1 zone, and M-2 zone are permitted outright in the I-O zone, subject to the respective zone district boundaries. (Ord. 1008 section 1 [part], 1998; Ord. 1057 section 2 [part], 2000)

#### **16.35.040 Conditional uses.**

Unless limited by subsection A below or section 16.35.045, conditional uses permitted in the C-M zone, M-1 zone, and M-2 zone are permitted as conditional uses in the I-O zone, subject to the respective zone district boundaries.

- A.** Any proposed site development, change in use, land division, or other action that

results in any of the following requires conditional use approval in the I-O zone:

~~1. Less than 12 employees per developed acre. For the purposes of this section only, "developed" means all areas used for buildings, landscaping, vehicle maneuvering and parking areas, outdoor storage, and other areas occupied by the use. For the purposes of this section only, employees means full-time equivalents unless the City specifically allows other interpretations;~~

**Comment [d1]:** The Planning Commission proposed to eliminate this requirement altogether. Staff had proposed to change the criteria to "less than 6 employees per developed acre."

2. 1. More than 60 acres total in I-O zoning that is occupied by a single use or business. For the purposes of this section, businesses classified in the same NAICS industry group (four-digit code) are considered to be in the same use. This section is intended to apply cumulatively to all properties in the zone;

3. 2. Utilization of any public service or utility to such an extent that the utility would not be able to supply all other uses projected in its current long-range plans;

4. 3. Uses requiring an H occupancy under the Oregon Structural Specialty Code;

5. 4. In any C-M zoning overlain by I-O zoning, any retail or commercial use with a building footprint exceeding 50,000 square feet;

6. 5. In any M-1 or M-2 zoning overlain by I-O zoning, any retail or commercial use not related to or supportive of the primary industrial use of the park; or

7. 6. In any M-1 or M-2 zoning overlain by I-O zoning, retail areas occupying more than 15% of the building footprint ~~or more than 3,000 square feet.~~

B. To approve a conditional use in the I-O zone, the Planning Commission shall find that each of the following additional criteria are either met, or can be met by observance of conditions, unless it is not applicable:

**Comment [d2]:** Staff proposed adding the language "In the Canby Pioneer Industrial Park, a proposed freestanding warehouse that is not associated with an outright permitted use on the same property must go through the conditional use process." The Planning Commission omitted this edit.

1. The proposed use is compatible with the industrial nature of the park and will have minimal negative impact on the development and use of surrounding properties;

2. The proposed use does not pose a threat to public health or safety; and

3. The proposed use is beneficial to the overall economic diversity and vitality of the City.

These criteria are in addition to those provided in Section 16.50.010. In all other aspects, the conditional use process shall be as specified in Chapter 16.50. (Ord 1008 section 1 [part], 1998, Ord. 1057 section 2 [part], 2000; Ord. 1237, 2007).

#### **16.35.045 Prohibited uses.**

The following uses are prohibited in the I-O zone:

- A. Slaughter house;
- B. Rendering, reduction, or distillation of, or manufacturing from, animals, fish and their by-products;
- C. Auto, truck or motorcycle race track;
- D. Auto, truck, or motorcycle wrecking or salvage yard;
- E. Scrap metal storage and sales;
- F. Reclamation or manufacturing of steel barrels or drums;
- G. Dump or landfill, including rubbish, slag, organic materials, offal, or garbage in general;
- H. Livestock feeding pen, other than those associated with existing agricultural uses;
- I. Fireworks manufacturing or the manufacturing of ammunition or explosives;
- J. Nuclear power plant or similar use;
- K. Curing and storage of hides;
- L. Incinerator, smelter, blast furnace, or coke oven;
- M. Manufacture of oils, gasoline, or products made directly from petroleum, other oils, or tar products;
- N. Fertilizer production;
- O. Creosote production;
- P. Insecticide production;
- Q. Tire manufacturing;
- R. Saw, shingle, or lumber mill; and
- S. In any M-1 or M-2 zoning overlain by I-O zoning, commercial or retail uses over 50,000 square feet are prohibited.

This list should not be used to imply that any other use is permitted. (Ord. 1057 section 2 [part], 2000)

**16.35.050 Development standards.**



The following subsections indicate the required development standards of the I-O zone. These standards replace the standards of the C-M zone, M-1 zone, and M-2 zone, as follows:

**A.** Minimum lot area: none.

**B.** Minimum lot width and frontage: none.

**C.** Minimum yard requirements (measured from building foundation to right-of-way line):

1. Street yards(s): 20 feet for buildings up to 25 feet in height; 35 feet for buildings between 25 feet and 45 feet in height. Parking and internal drives (except curb cuts and entrance drives) are prohibited within the required 20 foot street yard.

2. Interior yard: 10 feet, except 20 feet where abutting a residential zone. Common-wall lot lines (attached buildings), and development which provide shared parking and circulation with abutting developments, are exempt from interior yard standards.

**D.** Maximum building height: 45 feet.

**E.** Maximum lot coverage: 60 percent in the C-M zone; none in the M-1 and M-2 zones.

**F.** Street access (curb cuts) spacing shall be a minimum of 200 feet on designated parkway and collector streets.

**G.** Street right-of-way improvements shall be made in accordance with the [Canby Transportation System Plan \(TSP\)](#), ~~circulation plan, and streetscape/street section standards of the Industrial Area Master Plan.~~

**H.** Building orientation standards. The following standards are intended to ensure direct, clear, and convenient pedestrian access:

1. Development in the M-1 zone and M-2 zone shall provide at least one public entrance facing the street. A direct pedestrian connection shall be provided between the primary building entrance and public sidewalk.

2. Developments within the C-M zone shall provide continuous, straight-line pedestrian connections between the street(s), buildings, and parking areas.

**I.** Right-of-way plantings: Street trees and ground cover plantings shall be installed with development, as approved by the City. Shrubs are prohibited within the public right-of-way.

**J.** Metal building exteriors are prohibited, except that the Planning ~~Commission~~ [Director](#) may approve architectural metal elements that accent and enhance the aesthetics of building entrances and office areas. ~~when approving a Type II~~

Application, or the Planning Commission when approving a Type III Application.

K. Lighting shall be required for all streets, sidewalks, and pedestrian ways. Applications for land division approval and site plan review shall include photometric plans.

L. Shared access: The City may require the provision of shared access drives through the land division review process. Shared access drives are intended to maintain adequate driveway spacing and circulation along the designated Parkway and Collector streets.

M. All landscaped areas shall be irrigated - unless drought tolerant plants are installed and watered until well established and replaced in event of failure.

N. Other regulations: The C-M zone, M-1 zone, and M-2 zone provide other applicable regulations related to vision clearance, Highway 99E sidewalk width, setback measurement, outside storage, and wireless/cellular tower certification. (Ord. 1008 section 1[part], 1998; Ord. 1237, 2007; Ord. 1299, 2008)

**16.35.060 Design guidelines.**

The Industrial Area Master Plan provides design guidelines for reviewing development applications. The guidelines, which are incorporated into Table 16.35. ~~040000~~, encourage:

A. Flexibility to align local streets based on parcelization and development requirements;

B. Tree retention, planting of large (3-inch) caliper trees, and use of lawn/ground cover planting in front yard setbacks;

C. Placement of buildings at or near the setback line;

D. Placement of parking areas to the side or rear of buildings;

E. Placement of smaller commercial buildings at or near the street;

F. Building entries visible from the street with direct pedestrian connections;

G. Use of quality building materials;

H. Architectural detail to break up and articulate large surfaces and volumes, and to accentuate building entries; and

I. Open space retention and trail connections, as designated by the Master Plan. (Ord. 1008, section 1[part], 1998)

**16.35.070 I-O Design review matrix.**

The City uses the following matrix to evaluate compliance with the I-O design guidelines. The matrix substitutes for the general design review matrix provided in Chapter 16.49. Design

review applications must comply with all other applicable provisions of Chapter 16.49, and achieve scores equal to or greater than the minimum acceptable scores in the matrix. (See Master Plan for illustrations.)

A. Exception: The City may reduce the minimum acceptable score(s) upon finding that certain provisions do not apply to a proposed development.

Industrial Overlay Design Review Matrix  
**Table 16.35.040**

CRITERIA	Possible Scores
<b>Parking</b>	
Parking areas located to the side or rear of buildings as viewed from public right-of-way: <50% of parking spaces=0; 50%-75%=1; <u>75%-100%=2</u> .	0 1 2
Increase minimum interior parking lot landscape over the base 15%: 15%-18%=0; 18%-22%=1; >22%=2.	0 1 2
Increase the <u>base</u> number of trees <u>required by 16.49.120 (all landscape islands must contain 1 tree, 1 tree for every 40' along the required setback); planted within buffers and/or within the parking area</u> : 100%-105% of base requirement=0; 105%-110% of base requirement=1; >110%=2. <del>*The base requirement is determined based on total parking area/number of spaces, and parking setback perimeter, see Chapter 16.49.120.</del> (# of trees proposed/# of trees required x100=% of base requirement)	0 1 2
Number of parking spaces <u>provided</u> : (% of required minimum): >110%=0; 110%-105%=1; 105%-100%=2. <u>See Table 16.10.050 for required parking.</u> (# of spaces proposed/# of spaces required x100=% of required minimum)	0 1 2
<b>Minimum Acceptable Score</b>	<b>4 points</b>

**Comment [d3]:** Parking is encouraged but not required to be at the side or rear; requiring parking to be at the side or rear was briefly contemplated but making such a change was not recommended by staff or the Planning Commission.

<b>Transportation/Circulation</b>	
<del>Proposed local street alignments: Street not proposed = 0; Street(s) proposed with some modification to master plan = 1; proposed street(s) approximate recommended alignments = 2. Note: the Planned Parkway and collector streets are required elements, except as indicated by the Industrial Area Master Plan</del>	<del>0 1 2</del>
Design <del>of all pedestrian ways</del> (private, on-site <u>pedestrian pathways</u> ): <u>6' painted ways=0; 6' brick/paver ways=1; 6' brick/paver &amp; raised concrete ways=2</u> six feet wide, raised concrete with painted crosswalks (standard) = 0; standard with brick or similar pavers for pathways and crosswalks = 1; greater than 6 feet wide (inclusive of curb) and use of brick or similar pavers for pathways and crosswalks = 2	0 1 2
Number of pedestrian connections between the street sidewalk and internal circulation system: One connection = 0 Two <u>or more</u> connections = 1	0 1 2
<b>Minimum Acceptable Score (some provisions may not apply)</b>	<b><u>2-3</u> points</b>

**Comment [d4]:** No streets really left to build in the IO Zone



**Tree Retention, Open Space conservation and Trail Connections**

Preserves trees as recommended by arborist or City Planning Department: <50% of recommended trees preserved=0; 50%-75%=1; 75%-100%=2	0 1 2
Replaces trees that were recommended for retention: No=0; Yes=1. Mitigation based on reasonable tree replacement ratio.	0 1
When site includes designated open space, park or trail connection: proposal does not dedicate or establish easement for designated open space/park or trail connection=0; dedicated or establishes easement=1; dedicated land/right-of-way and constructs improvements=2.	0 1 2
<b>Minimum Acceptable Score (some provisions may not apply) — 3 points</b>	

**Comment [d5]:** No trees left to retain. If trail connections are desired they can be required as a condition with park dedications per 16.120 or just as a general condition per 16.49

**Landscaping**

Trees installed at 3 inch caliper: <25% of trees=0; 25%-50%=1; 50%-100%=2.	0 1 2
Usable outdoor amenity provided with development (e.g., water features, plazas, seating areas, and similar features): no=0; yes=1; yes and <u>for public use access provided (i.e., through an easement)</u> =2.	0 1 2
<u>Amount of grass (less grass is better) (% of total landscaped area)</u> >50%=0; 25%-50%=1; <25%=2 <u>Amount of grass or other plantings used for ground cover treatment: &lt;75%=0; 75%-90%=1; 90%-100%=2.</u>	0 1 2
<b>Minimum Acceptable Score 3 points</b>	

**Building Appearance and Orientation**

Building orientation at or near the street: parking or drive separates building from street=0; at least 20% of elevation within 5 feet of minimum setback=1; at least 20% of elevation is at minimum setback=2.	0 1 2
Building entrances visible from the street: no=0; yes=1.	0 1
Buildings use quality materials: concrete, wood, or wood siding=0; concrete masonry, stucco, or similar material=1; brick or <u>stone similar appearance</u> =2.	0 1 2
Articulation and/or detailing to break up large building surfaces and accentuate the building entrance(s): no=0; yes=2.	0 2
<b>Minimum Acceptable Score 4 points</b>	

**Comment [d6]:** Staff and the Planning Commission contemplated adding Low Impact Design incentives but elected not to because of the staff time required to determine an effective point structure and because adding a LID category may impede rather than help applicants.

## Chapter 16.49

### SITE AND DESIGN REVIEW

#### Sections:

- 16.49.010 Findings and objectives.
- 16.49.020 Establishment of the Site and Design Review Board.
- 16.49.025 Establishment of a site and design review committee.
- 16.49.030 Site and design review plan approval requirements.
- 16.49.035 Application for Site and Design Review.
- 16.49.040 Criteria and standards.
- 16.49.050 Conditions placed on site and design review approvals.
- 16.49.060 Time limit on approvals.
- 16.49.065 Bicycle and pedestrian facilities.
- 16.49.070 Authority and intent.
- 16.49.080 General provisions for landscaping.
- 16.49.090 Specifications for tree and plant materials.
- 16.49.100 Landscaping installation and maintenance.
- 16.49.110 Landscape area credit for preservation of existing trees and tree groves.
- 16.49.120 Parking lot landscaping standards.
- 16.49.130 Revegetation in unlandscaped areas.
- 16.49.140 Minor revisions to approved landscaped plans.
- 16.49.150 Parking lots or paving projects.

#### 16.49.010 Findings and objectives.

A. The City Council finds that excessive uniformity, dissimilarity, inappropriateness, or poor quality of design in the exterior appearance of structures and signs, and the lack of proper attention to site development and landscaping, in the business, commercial, industrial and certain residential areas of the city hinders the harmonious development of the city; impairs the desirability of residence, investment or occupation in the city; limits the opportunity to attain the optimum use and value of land and improvements; adversely affects the stability and value of property; produces degeneration of property in such areas with attendant deterioration of conditions affecting the peace, health and welfare of the city; and destroys a proper relationship between the taxable value of property and the cost of municipal services thereof.

B. The City Council declares that the purpose and objectives of site development requirements and the design review procedures are to:

1. Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of said development.

2. Discourage monotonous, unsightly, dreary and inharmonious development.
3. Promote the city's natural beauty and visual character and charm by insuring that structures, signs and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of structures, signs and other improvements.
4. Protect and enhance the city's appeal to tourists and visitors and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business, commercial and industrial properties.
5. Stabilize and improve property values and present blighted areas and thus increase tax revenue.
6. Achieve the beneficial influence of pleasant environments for living and working on behavioral patterns and thus decrease the cost of governmental services.
7. Foster civic pride and community spirit so as to improve the quality and quantity of citizen participation in local government and in community growth, change and improvement.
8. Sustain the comfort, health, tranquility and contentment of residents and attract new residents by reason of the city's favorable environment and thus promote and protect the peace, health, and welfare of the city.
9. Determine the appropriate yard setbacks, building heights, minimum lot sizes and sign sizes, when authorized to do so by city ordinance.
10. Encourage the use of Low Impact Development (LID) techniques to manage stormwater through the use of natural features, protect native vegetation, preserve and create open space, and minimize impervious surfaces. (Ord. 848, Part I, section 1, 1991, Ord. 1338; 2010)

**C.** Alternatives for how the Design Review Board or a Design Review Committee is organized give the City the flexibility to use several options, including a Design Review Board that consists of Planning Commission members only, or a Board with a broader representation that can be expanded when appropriate. Provisions also allow for creation of a Design Review Committee which would be strictly advisory in nature. (Ord 1296, 2008)

#### **16.49.020 Establishment of the Site and Design Review Board.**

**A.** The City may establish a Site and Design Review Board whose members, terms of office and manner of transacting business shall be as prescribed in the following subsections:



1. The Board shall be responsible for reviewing and commenting upon the following applications which may be directed to it through the development process: those portions of proposed site and design review plans which pertain to architectural features, applications concerning historic structures and sign applications under the following circumstances:

- a. Where the applicant has elected not to go through an administrative (Type II) review process;
- b. Where the proposal does not meet the City's administrative (Type II) architectural design standards;
- c. Where administrative (Type II) design review standards do not exist for the project; or
- d. Where an administrative (Type II) design review decision has been appealed.

If no Site and Design Review Board is established, the Planning Commission is responsible for reviewing all applicable land use applications and is responsible for the above duties of the Site and Design Review Board.

2. Other duties. The City Council may, by order, direct the Board to review and comment on other matters which the Council determines are or may be within the Board's areas of expertise.

3. Qualifications of members. The Board shall consist of at least four and up to seven members of the Canby City Planning Commission, and one member from the City Council pro-tem (temporary) non-voting; and up to four additional individuals who represent interests or expertise related to development, architectural design, business or other viewpoints related to the design and development process. These provisions allow the Board to consist of Planning Commission members only, if desired.

4. Appointment and term. Members of the Planning Commission shall be appointed as required by section 16.06.030. Non-Planning Commission members shall be appointed by the City Council.

5. Vacancies and removal. Vacancies on the Design Review Board or removal of Design Review Board members shall be governed by section 16.06.030.

6. Chairman. The duly appointed chairman of the Planning Commission shall also serve as chairman for site and design review applications in accordance with Chapter 16.06 if the Planning Commission Chairperson serves on the Design Review Board. If the Planning Commission Chairperson does not serve on the Board, a Design Review Board Chairperson will be selected by a majority of Design Review Board members.

7. Voting. A quorum for the transaction of business shall be a simple majority of Design Review Board members. The chairperson shall be counted to determine a quorum and shall have the same voting powers as other members of the Board. Each member shall have one vote. A majority vote of the members shall be required for all Board actions.

8. Meetings and records. The Board shall hold regular meetings as required. Site and design review applications will be reviewed as a regular agenda item.

9. Rules. The Board may adopt and amend rules to govern the conduct of its business, consistent with the provisions of this Code. (Ord 1296, 2008)

**16.49.025 Establishment of a site and design review committee.**

A. The City Council may appoint a design review committee to provide additional guidance related to design review applications.

1. The committee shall be responsible for reviewing and commenting upon the following applications which may be directed to it through the development review process: those portions of proposed site and design review plans which pertain to architectural features, and applications concerning historic structures under the following circumstances:

a. Where the applicant has elected not to go through an administrative (Type II) review process;

b. Where the proposal does not meet the City's administrative (Type II) architectural design standards;

c. Where administrative (Type II) design review standards do not exist for the project; or

d. Where an administrative (Type II) design review decision has been appealed.

2. Nature of committee's review. The committee's review and recommendations are strictly advisory to Planning Department staff and the City's Design Review Board.

3. Qualifications of members. The Committee shall consist of at least five and up to seven members, including individuals who represent interests or expertise related to development, architectural design, business or other viewpoints related to the design and development process.

4. Appointment and term. Members of the Design Review Committee shall be appointed by the City Council, considering recommendations of the Planning Director.

5. Vacancies and removal. Vacancies on the Design Review Committee and removal of Design Review Committee members shall be approved by the City Council.

6. Meetings and records. The committee shall hold regular meetings, which shall conform with all legal requirements of the Oregon public meetings law. Site and design review applications will be reviewed as a regular agenda item.

7. Rules. The committee may adopt and amend rules to govern the conduct of its business, consistent with the provisions of this Code and Oregon public meetings law. (Ord 1296, 2008)

**16.49.030 Site and design review plan approval required.**

A. The following projects require site and design review approval, except as exempted in B below:

1. All new buildings.
2. All new mobile home parks.
3. Major building remodeling above 60% of value.
4. Addition of more than 5,000 square feet of additional gross floor area in a one year period.
5. Construction activity which causes a decrease in pervious area in excess of 2,500 square feet in a one year period.

None of the above shall occur, and no building permit for such activity shall be issued, and no sign permit shall be issued until the site and design review plan, as required by this ordinance, has been reviewed and approved by the Board and their designees for conformity with applicable criteria.

B. The following are exempt from site and design review (but still may require a site plan review and/or building permit):

1. Signs that are not a part of a reviewable development project. Signs that are a part of a reviewable development project, and that are proposed more than two (2) years beyond the final occupancy of the reviewed development.
2. Alterations or remodeling that do not change the exterior of the building.



3. Temporary public structures which will be removed within two (2) years of placement.
4. Commercial and industrial accessory structures under 500 square feet.
5. Temporary commercial tent/canopy structures, which meet the Uniform building or Fire Code, and which will be removed within thirty (30) days of placement.
6. Temporary Vendor activity permitted pursuant to Section 16.08.140.
7. Parking lot or paving projects. If no buildings or structures are involved, paving or parking lot development in excess of 2,500 square feet of impervious surface is exempted from a Type III site and design review. However, parking lot and paving projects in excess of 2,500 square feet of impervious surface require Type I site plan review. All new paved areas and parking lots in excess of 2,500 square feet must meet the requirements of Section 16.49.150.
8. Single family or two-family dwellings and their accessory structures, and any alterations or remodeling thereof.
9. Minor public facilities.
10. Approved Public Art Murals as defined in CMC Chapter 2.80.020.

**C.** Construction, site development and landscaping shall be carried out in substantial accord with the approved site and design review plan. Review of the proposed site and design review plan and any changes thereto shall be conducted in accordance with site and design review procedures.

**D.** No fence/wall shall be constructed throughout a project that is/was subject to site and design review approval where the effect or purpose is to wall said project off from the rest of the community unless reviewed and approved by the Planning Commission. (Ord. 1315, 2009; Ord. 1237, 2007; Ord. 1080, 2001; Ord. 1019 section 2, 1999; Ord. 981 sections 52&53, 1997; Ord. 955 section 23, 1996; Ord. 890 section 43, 1993; Ord. 848, Part III, section 1, 1991; Ord. 1341, 2011)

#### **16.49.035 Application for Site and Design Review**

**A.** For site and design review projects in the Downtown Canby Overlay Zone ([DCO](#)) or in the Canby Industrial Area Overlay Zone ([CIAO](#)), applicants may choose one of the following two processes:

1. Type II – If the applicant meets all applicable site and design review standards set forth in Chapters 16.41 ([Downtown Canby Overlay Zone](#)) and 16.49; or Chapter 16.35 (Canby Industrial Area Overlay Zone) and 16.49. the applicant shall submit a Type II application for approval pursuant to the approval criteria set forth in 16.49.040 A; or

2. Type III – If the applicant proposes the use of alternative methods or materials to meet the intent of the site and design review standards set forth in Chapter 16.41.070, the applicant shall submit a Type III application for approval pursuant to the approval criteria set forth in 16.49.040.B.3. The applicant must still meet all applicable requirements of Chapter 16.49.

B. All other projects subject to site and design review approval pursuant to Section 16.49.030 are subject to the Type III procedural requirements set forth in Chapter 16.89. The applicant shall submit a Type III application for approval pursuant to the approval criteria set forth in 16.49.040. (Ord 1296, 2008)

#### **16.49.040 Criteria and standards.**

A. — In review of a Type II Site and Design Review Application described in Section 16.49.035.A.1, the Planning Director shall, in exercising his powers, duties or functions, determine whether there is compliance with the DCO, and CIAO site and design review standards.

B.A. In review of a Type III Site and Design Review Application, the Board shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the following:

1. The proposed site development, including the site plan, architecture, landscaping and graphic design, is in conformance with the standards of this and other applicable city ordinances insofar as the location, height and appearance of the proposed development are involved; and
2. The proposed design of the development is compatible with the design of other developments in the same general vicinity; and
3. The location, design, size, color and materials of the exterior of all structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity.
4. The proposed development incorporates the use of LID best management practices whenever feasible based on site and soil conditions. LID best management practices include, but are not limited to, minimizing impervious surfaces, designing on-site LID stormwater management facilities, and retaining native vegetation.
5. The Board shall, in making its determination of compliance with this Ordinance, shall use the matrix in Table 16.49.040 to determine compatibility unless this matrix is superseded by another matrix applicable to a specific zone or zones under this title. An application is considered to be compatible with the standards of Table 16.49.040 if the following conditions are met:
  - a. The development accumulates a minimum of 60 percent of the total possible number of points from the list of design criteria in Table 16.49.040; and



b. At least 10 percent of the points used to comply with (a) above must be from the list of LID Elements in Table 16.49.040. (Ord. 1338, 2010).

**C.B.** In review of a Type II Site and Design Review Application described in Section 16.49.035.A.1, the Planning Director shall, in exercising his powers, duties or functions, determine whether there is compliance with the DCO site and design review standards.

**D.C.** In review of a Type III Site and Design Review Application, the Board shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the INTENT of the design review standards set forth in this Ordinance.

**E.D.** The Board shall, in making its determination of compliance with the above requirements, be guided by the objectives and standards set forth in this Ordinance. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed development. If the site and design review plan includes utility facilities or public utility facility, then the City Planner shall determine whether those aspects of the proposed plan comply with applicable standards.

**F.E.** The Board shall, in making its determination of compliance with the requirements set forth, consider the effect of its action on the availability and cost of needed housing. The Board shall not use the requirements of this section to exclude needed housing types. However, consideration of these factors shall not prevent the Board from imposing conditions of approval necessary to meet the requirements of this section. The costs of such conditions shall not unduly increase the cost of housing beyond the minimum necessary to achieve the purposes of this ordinance.

**G.F.** As part of the site and design review, the property owner may apply for approval to cut trees in addition to those allowed in Chapter 12.32, the city Tree Ordinance. The granting or denial of said application will be based on the criteria in Chapter 12.32. The cutting of trees does not in and of itself constitute change in the appearance of the property which would necessitate application for site and design review. (Ord. 848, Part III, section 2, 1991; Ord. 955 section 24 & 25, 1996; Ord 1237, 2007, Ord 1296, 2008)



**Table 16.49.040 Site Design Review Menu**

As part of Site and Design Review, the following menu shall be used as part of the review. In order to “pass” this table 60% of total possible points shall be earned,  
10% of the total possible points must be from LID elements

Design Criteria	Possible Points				
Parking	0	1	2	3	4
Screening of parking and/or loading facilities from public right-of-way	Not screened	Partially screened	Fully screened	-	-
Parking lot lighting provided	No	Yes	-	-	-
Parking location (behind building is best)	Front	Side	Behind	-	-
Number of parking spaces provided (% of minimum required)	>120%	101-120%	100%	-	-
Screening of Storage Areas and Utility Boxes	0	1	2	3	4
Trash storage is screened from view by solid wood fence, masonry wall or landscaping.	No	Yes	-	-	-
Trash storage is located away from adjacent property lines.	0 - 10 feet from adjacent property	11 - 25 feet from adjacent property	>25 feet from adjacent property	-	-
Utility equipment, including rooftop equipment, is screened from view.	Not screened	Partially screened	Fully screened	-	-
Access	0	1	2	3	4
Distance of access to nearest intersection.	≤70 feet	71 - 100 feet	>100 feet	-	-
Pedestrian walkways from public street/sidewalks to building entrances.	One entrance connected.	-	Walkways connecting all public streets/sidewalks to building entrances.	-	-

Pedestrian walkways from parking lot to building entrance.	No walkways	Walkway next to building only	Walkways connecting all parking areas to building entrances		
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Design Criteria	Possible Points				
Tree Retention	0	1	2	3	4
Percentage of trees retained	<10%	10-50%	51-75%	>75%	-
Replacement of trees removed	<50%	≥50%	-	-	-
Signs	0	1	2	3	4
Dimensional size of sign (% of maximum permitted)	>75%	50-75%	<50%	-	-
Similarity of sign color to building color	Not similar	Somewhat similar	Similar	-	-
Pole sign used	Yes	No	-	-	-
Building Appearance	0	1	2	3	4
Style (similar to surroundings)	Not similar	Somewhat similar (1 or 2 points possible depending on level of similarity)		-	-
Color (subdued and similar to surroundings is better)	Neither	Similar or subdued	Both	-	-
Material (concrete, wood and brick are best)	Either 1 or 2 points may assigned at the discretion of the Site and Design Review Board				
Size of building (smaller is better)	>20,000 square feet	≤20,000 square feet	-	-	-
Provision of public art (i.e. murals, statues, fountains, decorative bike racks, etc.)	No	-	-	-	Yes
Landscaping	0	1	2	3	4
Number of non-required trees provided	-	At least one tree per 500 square feet of landscaping.	-	-	-
Amount of grass (less grass is better) (% of total landscaped area)	>50%	25-50%	<25%	-	-
Low Impact Development (LID)	0	1	2	3	4
Use of pervious paving materials (% of total paved area)	<10%	-	10-50%	51-75%	>75%

Provision of park or open space area	None	-	Open space (Generally not for public use)	-	Park (public or privately owned for public use)
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Design Criteria	Possible Points				
Use of drought tolerant species in landscaping (% of total plants)	<25% drought tolerant	-	25-50% drought tolerant	51-75% drought tolerant	>75% drought tolerant
Provision of additional interior parking lot landscaping (% of minimum required)	100%	101-110%	111-120%	>120%	-
Provision of an eco-roof or rooftop garden (% of total roof area)	<10%	-	-	10-50%	>50%
Parking integrated within building footprint (below-grade, structured parking, or tuck-under parking) (% of total on-site parking)	<10%	-	-	10-50%	>50%
Disconnecting downspouts from city stormwater facilities	None	Some downspouts disconnected	All downspouts disconnected	-	-
Shared parking with adjacent uses or public parking structure (% of total required parking spaces)	None	<50%	≥50%	-	-
Provision of rain gardens/bioretention areas for stormwater runoff (% of total landscaped area)	None	-	10-50%	51-75%	>75%
	<b>Total Possible Points = 71, 60%=42.6 points, 10%=7.1 points</b>				

(Ord 1296, 2008; Ord 1338, 2010)

#### **16.49.050 Conditions placed on site and design review approvals.**

**A.** A site and design review approval may include restrictions and conditions. These restrictions and conditions shall be reasonably conceived to:



1. Protect the public from the potentially deleterious effects of the proposal; and/or
2. Fulfill the need for services created, increased or in part attributable to the proposal; and/or
3. Further the implementation of the requirements of the Canby Municipal Code.

**B.** The following types of conditions may be contemplated, and the listing below is intended to be illustrative only and not to be construed as a limitation of the authority granted by this section.

1. Development Schedule. A reasonable time schedule may be placed on construction activities associated with the proposed development, or any portion thereof.
2. Dedications, Reservation. Dedication or reservation of land, or fee in lieu thereof for park, open space purposes, rights-of-way, bicycle or pedestrian paths, green way, riverbank or easements; the conveyance of title or easements to a homeowners' association.
3. Construction and Maintenance Guarantees. Security from the property owners in such an amount that will assure compliance with approval granted.
4. Plan Modification. Changes in the design or intensity of the proposed development, or in proposed construction methods or practices, necessary to assure compliance with this ordinance.
5. Off-Site Improvements. Improvements in public facilities, including public utilities, not located on the project site where necessary to assure adequate capacity and where service demand will be created or increased by the proposed development. The costs of such improvements may be paid for in full while allowing for recovery of costs from users on other development sites, or they may be pro-rated to the proposed development in proportion to the service demand projected to be created on increases by the project. If determined appropriate by the city based on specific site conditions, off-site roadway improvements may be required to accommodate bicycle and pedestrian travel consistent with the TSP and applicable sections of this code.
6. Other Approvals. Evaluation, inspections or approval by other agencies, jurisdictions, public utilities or qualified consultants may be required for all or any part of the proposed development.
7. Access Limitation. The number, location and design of street accesses to a proposed development may be limited or specified where necessary to maintain the capacity of streets to carry traffic safely, provided that sufficient access to the

development is maintained. (Ord. 890 section 44, 1993; Ord. 848, Part III, section 3, 1991; 1340, 2011)

8. Screening. The Planning Commission may require additional screening with landscaping, decorative fencing, decorative walls, or other means in order to screen outdoor storage areas, rooftop/ground mechanical equipment, garbage/recycling areas, or other visual clutter.

#### **16.49.055**

(Ord. 1019 section 4, 1999; del. by Ord. 1111, 2003)

#### **16.49.060 Time limit on approval.**

Site and Design Review Board approvals shall be void after twelve (12) months unless:

**A.** A building permit has been issued and substantial construction pursuant thereto has taken place, as defined by the state Uniform Building Code; or

**B.** The Planning Department finds that there have been no changes in any ordinances, standards, regulations or other conditions affecting the previously approved project so as to warrant its resubmittal. (Ord. 848, Part III, section 4, 1091)

#### **16.49.065 Bicycle and pedestrian facilities.**

Developments coming under design review shall meet the following standards:

**A.** The internal walkway system shall be extended to the boundaries of the property to adjoining properties developed or zoned for commercial, public, or multi-family uses. The walkway shall connect to an existing walkway system on adjoining property or be located so as to provide for development of a logical connection in the future when the adjoining property is developed or redeveloped.

**B.** On-site facilities shall be provided to accommodate safe and convenient pedestrian and bicycle access within new subdivisions, multi-family developments, planned development, shopping centers, and commercial districts, and connecting to adjacent residential areas and neighborhood activity centers. Residential developments shall include streets with sidewalks and accessways.

**C.** For new office parks and commercial development:

**1.** At least one sidewalk connection between the proposed development and each abutting commercial or office property shall be provided. One connection shall also be provided to each neighborhood.

**2.** Walkways shall be provided to the street for every 300 feet of developed frontage.

**3.** Walkways shall be direct with minimal driveway crossings.

**4.** Walkways shall be linked to the internal circulation of the building.

5. Walkways shall be at least five feet wide and shall be raised, or have different paving materials when crossing driveways or other vehicle maneuvering areas. (Ord. 1043 section 3, 2000)

D. Use of permeable surfacing materials for walkways is encouraged whenever site and soil conditions make it feasible. Permeable surfacing includes, but is not limited to, paving blocks, turf blocks, and porous asphalt. All permeable surfacing shall be designed, constructed, and maintained in accordance with the Canby Public Works Design Standards. (Ord. 1339, 2010)

E. Developments that abut the Molalla Forest Road multi-use path shall provide a pedestrian/bicycle access to the path. The city may determine the development to be exempt from this standard if there is an existing or planned access to the path within 300 feet of the development. (Ord. 1340, 2011)

**16.49.070 Landscaping provisions, Authority and intent.**

The purpose of this section is to establish standards for landscaping within the City of Canby in order to enhance the environmental and aesthetic quality of the city:

A. By encouraging the retention and protection of existing trees and requiring the planting of trees in new developments;

B. By using trees and other landscaping materials to temper the effects of the sun, wind, noise and air pollution;

C. By using trees and other landscaping materials to define spaces and uses of the specific areas;

D. Through the use of trees and other landscaping materials as a unifying element within the urban environment; and

**16.49.080 General provisions for landscaping.**

A. The standards set forth in this section are minimum standards for landscaping.

B. The purpose of these landscaping standards is to provide uniform standards for the development and maintenance of the landscaping of private property and public rights-of-way. The purpose of landscaping is to improve the livability of residential neighborhoods, enhance the customer attraction of commercial areas, increase property values, improve the compatibility of adjacent uses, provide visual separation and physical buffers between incompatible adjacent land uses, provide visual relief from the expanse of parking lots, screen undesirable views, contribute to the image and appeal of the overall community, and mitigate air and noise pollution.

These standards are also intended to facilitate Low Impact Development (LID) techniques through the retention of existing native vegetation and mature, healthy trees, to the extent feasible. Additional LID related goals of this chapter are to: reduce erosion and storm water runoff; preserve and promote urban wildlife habitats;



reduce the amount of carbon dioxide in the air; shade and reduce the temperature of adjacent waterways; and enhance the streetscapes along the city's public rights-of-way with an emphasis on trees and LID stormwater facilities.

**C.** The minimum area requirement for landscaping for developments coming under design review shall be the percentage of the total land area to be developed as follows. Parking lot landscaping area is included in calculating the following landscape areas:

1. Fifteen (15) percent for all industrial and commercial zones (except the Downtown-Commercial zone, but including the Commercial-Residential zone).
2. Seven and one-half (7.5) percent for the Downtown-Commercial zone.
3. Thirty (30) percent for all residential zones.

**D.** LID stormwater management facilities, such as rain gardens and bioretention areas, may be counted toward the minimum landscaping requirement when they are located on private property. LID facilities in the public right-of-way cannot be counted toward the minimum landscaping requirement. The integration of LID stormwater management facilities within required landscaping must be approved by the city and shall comply with the design and construction standards set forth in the Canby Public Works Design Standards.

**E.** Trees and other plant materials to be retained shall be identified on the landscape plan. The Site and Design Review Board encourages the retention, to the extent practicable, of existing healthy trees and vegetation.

**F.** During the construction process:

1. The owner or the owner's agent shall provide above and below ground protection for existing trees and plant materials identified to remain.
2. Trees and plant materials identified for preservation shall be protected by chain link fencing placed around the tree, at the drip line.
3. If it is necessary to fence within the drip line, such fencing shall be specified by a qualified arborist, nurseryman or landscape architect.
4. Neither top soil storage nor construction material storage shall be located within the drip line of trees designated to be preserved.
5. Where site conditions make necessary grading, building, paving, trenching, boring, digging, or other similar encroachment upon a preserved tree's drip line area, such grading, paving, trenching, boring, digging or similar encroachment shall only be permitted under the direction of a qualified arborist, nurseryman or

landscape architect. Such direction must assure that the health needs of trees within the preserved area can be met.

**6.** Tree root ends shall not remain exposed.

**G.** Landscaping under preserved trees shall be compatible with the retention and health of said trees.

**H.** When it is necessary for a preserved tree to be moved in accordance with the Tree Ordinance, the landscaped area surrounding said tree or trees shall be maintained and replanted with trees which relate to the present landscape plan, or if there is no landscaping plan, then trees which are complimentary with existing, nearby landscape materials.

**I.** Any required landscaped area shall be designed, constructed, installed and maintained so that within three (3) years, the ground shall be covered by living grass or other plant material. (The foliage crown of trees shall not be used to meet this requirement.) A maximum of five percent of the landscaped area may be covered with bark chips, mulch, or other similar materials. A maximum of five percent of the landscaped area may be covered with rock, stones, walkways, or other similar material acceptable to the Board. Required sidewalks shall not be used to meet the landscaping requirements.

**J.** All trees and plant materials shall be healthy, disease-free, damage-free, well-branched stock, characteristic of the species. The use of tree and plant species native to the Pacific Northwest is encouraged. Any new street tree planted must be included on the city's list of approved tree species.

**K.** Landscaping methods should be guided by the provisions of the most recent edition of the Sunset Western Garden Book or similar publication.

**L.** The following guidelines are suggested to insure the longevity and continued vigor of plant materials:

- 1.** Select and site permanent landscape materials in such a manner as to produce a hardy and drought-resistant landscaped area.
- 2.** Consider soil type and depth, spacing, exposure to sun and wind, slope and contours of the site, building walls and overhangs, and compatibility with existing native vegetation preserved on the site or in the vicinity.

**M.** All plant growth in landscaped areas of developments shall be controlled by pruning, trimming or otherwise, so that:

- 1.** It will not interfere with designated pedestrian or vehicular access; and
- 2.** It will not constitute a traffic hazard because of reduced visibility.

3. It will not hinder solar access considerations.

N. After completion of site grading, topsoil is to be restored to exposed cut and fill areas to provide a suitable base for seeding and planting.

O. All planting areas shall be graded to provide positive drainage.

P. Neither soil, water, plant materials nor mulching materials shall be allowed to wash across roadways or walkways. (Ord. 890 section 49, 1993; Ord. 854 section 1, 1991; Ord. 848, Part IV, section 2, 1990; Ord. 955 section 26, 1996; Ord 1237, 2007; Ord. 1338, 2010)

**16.49.090 Specifications for tree and plant materials.**

A. Deciduous Trees. Deciduous shade and ornamental trees shall be a minimum of two inch (2") caliper, measured six inches (6") above ground, balled and burlapped. Bareroot trees will be acceptable to plant during their dormant season. Trees shall be well branched and characteristically shaped specimen.

B. Coniferous Trees. Coniferous trees shall be a minimum five feet (5') in height above ground, balled and burlapped. Trees shall be well branched and characteristically shaped specimen.

C. Evergreen and Deciduous Shrubs. Evergreen and deciduous shrubs shall be at least one (1) to five (5) gallon size. Shrubs shall be characteristically branched. Side of shrub with best foliage shall be oriented to public view.

D. Ground covers. Ground covers shall be fully rooted and shall be well branched or leafed.

E. Lawns. Lawns shall consist of grasses, including sod, or seeds of acceptable mix within the local landscape industry. Lawns shall be 100 percent coverage and weed free. (Ord. 890 section 46, 1993; Ord. 848, Part IV, section 3, 1990)

**16.49.100 Landscaping installation and maintenance.**

A. Except as allowed by subsection (2), all landscaping and exterior improvements required as part of the site and design review approval shall be completed prior to the issuance of any certificate of occupancy.

B. A temporary certificate of occupancy may be issued prior to the complete installation of all required landscaping and exterior improvements if security equal to 110 percent of the cost of the landscaping and exterior improvements, as determined by the Site and Design Review Board or City Planner, is filed with the city, assuring such installation within a time specified by the Board, but not to exceed six (6) months after occupancy. The applicant shall provide the cost estimates of landscaping materials and installation to the satisfaction of the Site and Design Review Board, City Planner, or city forester, prior to approval of the security. Security may consist of a



faithful performance bond payable to the City of Canby, cash, certified check, time certificate of deposit, or assignment of a savings account; and the form shall meet with the approval of the City Attorney. If the installation of the landscaping or other exterior improvements is not completed within the period specified by the Board or City Planner, the security may be used by the city to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the city shall be returned. The final landscape and exterior improvement inspection shall be made prior to any security being returned. Any portion of the plan not installed, not installed properly, or not properly maintained shall cause the inspection to be postponed until the project is completed, or shall cause the security to be used by the city.

**C.** All landscaping approved through the site and design review process shall be continually maintained, including necessary watering, weeding, pruning and replacement, in a manner substantially similar to that originally approved by the Site and Design Review Board, unless later altered with Board approval. (Ord. 890 section 47, 1993; Ord. 848, Part IV, section 4, 1990)

**16.49.110 Landscape area credit for preservation of existing trees and tree groves.**

**A. Policy.** It being the policy of the City of Canby to preserve healthy, mature trees wherever possible within its city limits, a system of landscape area credits is hereby established as an incentive for property owners and developers to preserve existing healthy, mature trees and to include them in the landscape plan for a proposed development.

**B. Purpose.** The primary goal of the landscape credit is to prevent haphazard removal and destruction of trees and tree groves, in order to preserve the ecological health, aesthetic character, and quality of life in Canby. Tree retention provides substantial benefits, including but not limited to erosion prevention, reduction in storm-water runoff, improved water and air quality, energy conservation, carbon sequestration, reductions in the development impacts on the stormwater drainage system, and better transition between adjacent land uses.

**C. Landscape Credit.**

**1. Program for Landscape Credit.** One hundred percent (100%) of the area preserved under any mature, healthy tree or grove of trees retained in the landscape (as approved by the Site and Design Review Board) may be counted directly toward the percentage of landscaping required for a development.

**2. Limit to Landscape Area Credit.**

**a.** Landscape credit for preserved trees or tree groves shall not eliminate or reduce the landscaping requirements pertaining to parking lots, buffering, and screening.

b. Landscape credits for individual trees shall not comprise more than 40 percent of the total landscape requirement. For example, in districts requiring 15 percent landscaping, preserved tree area shall not count toward more than 9 percent of the requirement).

c. Landscape credits for preserved tree groves shall not comprise more than 60 percent of the total landscape requirement. A grove is defined as a stand of three or more healthy, mature trees located close together to provide some overlap in canopy coverage.

**3. Trees Near a Property Line:**

a. When the drip line of a tree extends beyond the owner's property line, credit can be granted for that portion of the drip line within the property line if that area exceeds 75 percent of the total drip line area. Trees so close to the property line that their drip line area is less than 75 percent of the total, can only be given credit if a qualified arborist, nurseryman or landscape architect can assure the survival of the tree and its long term health if root damage is sustained by future development on the adjacent property.

b. Where trees have been preserved near a property line, such that the drip line of the tree spreads onto adjacent property, credit can be obtained by the adjacent property owner for protection of the drip line area that extends onto that adjacent property.

D. Trees and tree groves to be preserved and counted toward the landscape credit shall be identified on the landscape plan. (Ord. 890 section 48, 1993; Ord. 848, Part IV, section 5, 1990; Ord. 1338, 2010)

**16.49.120 Parking lot landscaping standards.**

A. General Provisions. In addition to the objectives stated in section 2 of this ordinance, goals of parking lot standards are to create shaded areas in parking lots to reduce glare, enhance the visual environment, and encourage the use of LID practices. The design of the parking area shall be the responsibility of the developer and should consider visibility of signage, traffic circulation, comfortable pedestrian access, and aesthetics. Trees shall not be cited as a reason for applying for or granting a variance on placement of signs.

B. Application. Parking lot landscaping standards shall apply to any surface passenger vehicle parking area of ten (10) spaces or more, or to any paved vehicular use area 3,500 square feet or larger on the same tax lot or on contiguous tax lots under common ownership. Any paved vehicular area which is used specifically as a utility storage lot or a truck loading area shall be exempt from landscaping requirements within a parking lot.

C. Landscaping Within a Parking Lot.

1. Area within a parking lot shall include the paved parking and maneuvering area, as well as any area within ten (10) feet of any exterior face of curb surrounding the paved parking and maneuvering area.
2. Each interior landscaped area shall be a minimum of six (6) feet wide, unless the area is added to the required perimeter landscaping.
3. The use of LID best management practices in parking lots is encouraged whenever site and soil conditions make it feasible. Such practices include, but are not limited to, permeable surfacing materials, and integrating LID stormwater management facilities into the required landscaping areas.

**D. Computing Minimum Area Required to be Landscaped Within a Parking Lot.** Minimum area required to be landscaped within a parking lot shall be as follows:

1. Fifteen (15) percent for all residential, industrial, and commercial zones
2. Five (5) percent for the Downtown-Commercial Zone for any off-street parking spaces provided.
3. Ten (10) percent for the Core Commercial (CC) sub-area of the Downtown Canby Overlay Zone for any off-street parking spaces provided.

**E. All parking areas with more than 16 spaces shall include landscape islands to break up the parking area into rows of not more than 8 contiguous parking spaces.**

1. Landscape islands shall have a minimum area of 48 square feet and a minimum width of six (6) feet.
2. Landscape islands shall contain at least one tree that meets the standards in section (F) below.
3. Landscape islands may be counted toward the minimum parking lot landscaping requirements.

**F. Criteria for Trees in Parking Lots.** Deciduous, evergreen and/or shade trees shall meet the following criteria:

1. Reach a mature height of approximately forty (40) feet. Trees must be approximately two-inch (2") caliper at the time of planting.
2. Cast moderate to dense shade in summer.
3. Be long lived, i.e., live to be over approximately sixty (60) years.
4. Do well in an urban environment:

- a. Be pollution tolerant; and
  - b. Be tolerant of direct and reflected heat.
- 5. Require little maintenance:
  - a. Be mechanically strong;
  - b. Be insect and disease resistant; and
  - c. Require little pruning.
- 6. Be resistant to drought conditions.
- 7. Be barren of fruit production.

**G. Perimeter of Parking and Loading Areas:**

- 1. Screening of parking and loading areas is required. Within three (3) years of planting, screening shall be of such height and density as to shield vehicle headlights from head-on visibility.
- 2. In addition, one (1) deciduous, evergreen and/or shade tree shall be planted every forty (40) feet, minimum, along the required setback of the vehicular use area.

**H. Irrigation System or Available Water Supply Required.** Landscaped areas shall be provided with automatic irrigation systems or a readily available water supply with at least one (1) outlet located within approximately 150 feet of all plant materials to be maintained. (Ord. 890 section 49, 1993; Ord. 848, Part IV, section 6, 1990, Ord 1296, 2008; Ord. 1338, 2010)

**16.49.130 Revegetation in unlandscaped areas.**

The purpose of this section is to ensure erosion protection for those areas which are not included within the landscape percentage requirements so that eventually native plants will re-establish themselves, and so that trees will not be lost due to uncontrolled erosion.

**A. Replanting.** Where natural vegetation has been removed or damaged through grading in areas not affected by the landscaping requirement and that are not to be occupied by structures or other improvements, such areas shall be replanted with materials approved by the Site and Design Review Board.

**B.** Plant materials shall be watered at intervals sufficient to assure survival and growth for a minimum of two (2) growing seasons. (Ord.848, Part IV, section 7, 1990)

**16.49.140 Minor revisions to approved landscaped plans.**

Minor revisions (less than 10 percent of the landscaped area) to the approved landscaped plans shall be reviewed and approved by the City Planner. The City Planner shall report any



minor revisions to the Site and Design Review Board at the next available Board meeting. (Ord. 890 section 50, 1993)

**16.49.150    Parking lots or paving projects.**

All new paving or parking lot projects which create over 2,500 square feet of impervious surface and any new paving added to existing paving areas which creates a total of more than 2,500 square feet of impervious surface must meet City storm drainage requirements, parking lot landscaping standards and the drainage and access standards of the Oregon Department of Transportation (if applicable). Applicants for such paving projects must submit an application to the Planning Department. Application procedures shall be as described in Chapter 16.89. (Ord. 1019 section 3, 1999; Ord. 1080, 2001)

**ORDINANCE NO. 1403**

**AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH OWEN EQUIPMENT OF PORTLAND, OREGON FOR THE PURCHASE OF ONE (1) 2014 VACTOR TRUCK FOR THE CANBY COLLECTIONS DEPARTMENT; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Canby wishes to purchase one (1) 2014 Vactor Truck for the Canby Collections Department; and

**WHEREAS**, the cost of the vehicle and equipment will be paid by the Canby Sewer Combined Fund which has budgeted said purchase for the fiscal year 2013-2014; and

**WHEREAS**, in accordance with ORS Chapter 279 and Canby Public Purchasing Rules as set forth in Ordinance No. 1170 and Resolution No. 897, Exhibit A, Section G (18), the City wishes to utilize an existing solicitation from another governmental agency; and

**WHEREAS**, NJPA awarded Vactor of Streator, IL a contract to supply Vactor vehicles to State and Public Agencies in accordance with NJPA Contract # 022014-FSC and Owen Equipment (Vactor Dealership) is able to provide one (1) 2014 Vactor Truck in the amount of \$400,000.00; and

**WHEREAS**, the City Council meeting and acting as the Contract Review Board for the City of Canby has reviewed this proposed sales price, reviewed the staff report and believes it to be in the best interest of the City to purchase this vehicle from Owen Equipment; and

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

Section 1. The Mayor and City Administrator are hereby authorized and direct to make, execute and declare in the name of the City of Canby and on its behalf, an appropriate contract with Owen Equipment of Portland, Oregon, for the total purchase price of \$400,000.00.

Section 2. In so much as it is in the best interest of the citizens of the City of Canby, Oregon to provide the Collections Department with this vehicle without further delay, and to better serve the citizens of Canby, an emergency is hereby declared to exist and this ordinance shall therefore take effect immediately upon its enactment after final reading.

**2nd Reading**

**SUBMITTED** to the Canby City Council and read the first time at a regular meeting thereof on June 18, 2014, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and to come before the City Council for final reading and action at a regular meeting thereof on July 16, 2014, commencing at the hour of 7:30 PM in the City Council Chambers located at 155 NW 2nd Avenue, 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 July 16, 2014 by the following vote:

YEAS_____ NAYS_____

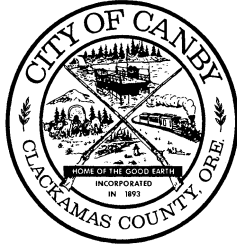
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Brian Hodson  
Mayor

ATTEST:

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Kimberly Scheafer, MMC  
City Recorder



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

**AN APPLICATION TO AMEND THE )  
CANBY MUNICIPAL CODE, CHAPTER )  
16 OF THE LAND DEVELOPMENT )  
AND PLANNING ORDINANCE )**

**FINDINGS, CONCLUSION & FINAL ORDER  
TA 14-01  
CITY OF CANBY**

**NATURE OF APPLICATION**

The City of Canby initiated amendments to the text of the Title 16 of the Canby Municipal Code, the *Canby Land Development and Planning Ordinance*, in order to clarify standards of industrial zones and to add a Type II process for industrial park developments.

**CRITERIA AND STANDARDS**

In judging whether or not this legislative land use amendment of Title 16 of the *Canby Municipal Code* should be amended, the Planning Commission and City Council must consider the following criteria from Chapter 16.88 of the *Land Development and Planning Ordinance*:

1. 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.

**FINDINGS AND REASONS**

The Planning Commission held a public hearing May 28, 2014 and the City Council held a public hearing on July 16, 2014, during which the staff report was presented. The Planning Commission recommended approval of the proposed text amendments.

The City Council adopted the findings contained in the TA 14-01 staff report dated April 28, 2014, and concluded that the text amendment meets all of the approval criteria, as reflected in the written Order below.

**CONCLUSION**

The Canby City Council concludes that the proposed amendment complies with the *Comprehensive Plan* of the city, and the plans and policies of the county, state, and local districts, and will preserve functions and local aspects of land conservation and development.



**ORDER**

**THE CANBY CITY COUNCIL HEREBY APPROVES TA 14-01.**

**I CERTIFY THAT THIS ORDER** approving **TA 14-01** was presented to and **APPROVED** by the Canby City Council.

Dated this 16th day of July, 2014.

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Brian Hodson  
Mayor

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Bryan Brown  
Planning Director

**ORAL DECISION – July 16, 2014**

AYES:

NOES:

ABSTAIN:

ABSENT:

**WRITTEN FINDINGS – July 16, 2014**

AYES:

NOES:

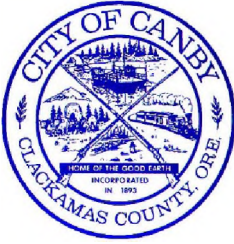
ABSTAIN:

ABSENT:

**ATTEST:**

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Kimberly Scheafer, MMC  
City Recorder



**City of Canby Bi-Monthly Report**  
**Department: Administration**  
**For Months of: May & June 2014**

To: The Honorable Mayor Hodson & City Council  
From: Kim Scheafer, MMC, City Recorder  
Prepared by: Erin Burckhard, Office Specialist II  
Through: Amanda Zeiber, Interim City Administrator/HR Director  
Date: July 7, 2014

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1. **Business Licenses** – Ninety-five (95) new business licenses were issued during the months of May & June 2014. This compares to 47 new licenses issued during May & June 2013. Forty-four (44) business licenses were inactivated during the months of May & June 2014. This compares to 29 inactivated during the same period in 2013. Two hundred fifty-eight (258) business license renewals were sent out, compared to 239 in 2013. The total number of businesses licensed with the City of Canby is 1,193 of which 651 have Canby addresses.
2. **Complaints/Inquiries** – Thirteen (13) complaints/inquiries were received during May & June 2014, all of which have been resolved. Three (3) follow-up cards were mailed and one was returned with excellent/good ratings.
3. **Cemetery -**
  - Total property purchases recorded: May = 5 June = 6
  - Total interments recorded: May = 8 June = 6
4. **Training/Meetings** –
  - Kim Scheafer, Sue Ryan, and Erin Burckhard attended an Ethics Training class in June
5. **Special Animal Permits** – No special animal permits was issued during May & June 2014.
6. **Sidewalk/Park Vending Permit** – None.
7. **Liquor Licenses Processed** – No liquor license applications were processed during this time period.
8. **Miscellaneous** – Due to budget constraints the position of Deputy City Recorder was eliminated effective June 30.



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

**TO:** *Honorable Mayor Hodson and City Council*  
**FROM:** *Renate Mengelberg, Economic Development Director*  
*Jamie Stickel, and Main Street Manager*  
**THROUGH:** *Amanda Zeiber, Interim City Administrator*

**RE:** *BI-MONTHLY STAFF REPORT May – June 2014*  
*ECONOMIC DEVELOPMENT DEPARTMENT*

### **Economic Development Updates**

The following projects are funded through Urban Renewal.

**Business Recruitment:** Staff developed proposals for three leads from Business Oregon:

- Project Clark – a titanium manufacturer looking to build a volume manufacturing facility to make aerospace and oil industry precision components. They propose building an 80,000 square foot building on 4 to 12 acres and would employ 120.
- Project Mola – a clean technology firm looking for a 15 to 20 acre site with space for a 150,000 square foot manufacturing facility that could employ up to 400.
- Project Zoom – A Midwest high tech manufacturer is looking for a 10,000 to 15,000 square foot industrial space that would employ 25 over 3 years.

Other: Staff has worked with a developer representing a precision metals manufacturer from Portland looking for about 6 acres to construct a build to suit building.

**Business Retention:** A new business outreach program was launched in late May. City, County and Business Oregon staff, the Mayor and Chamber of Commerce Director are joining forces to reach out to Canby's major employers. So far we have met with seven companies including: Pioneer Pump, MEC, Potters Industries, Oldcastle (formerly Bowco), Pumpteck, Product Manufacturing, and Cascade Engineering Technologies. We have learned that several businesses are expanding their facilities and many are adding jobs. Business is good or stable for all of them. Many want to be more engaged with the community and several want to participate in Manufacturing Day tours for Canby high school students. Consistent challenges include finding skilled people and increasing sales.

**Final Team Track Findings:** This study to explore options to make rail service to Canby area businesses is now complete. Additional research and recommendations were developed for what a potential facility could offer and probable costs associated with construction. Two concept plans were developed, one for a minimal Team Track facility and a second for a more intensive transload facility. Costs range from \$1.72 million to \$3 million. The cities role in this project is to explore the potential of this opportunity and facilitate private sector investment and development as it emerges.

**OpenCounter launched / next steps** – This new program makes the Canby permitting process for businesses and entrepreneurs looking at existing buildings and space easier. Companies can access information online or at a new workstation at the development services office. The program was officially launched on June 10th. The next phase of the work has begun. We are now focusing on how to make the process for new industrial and commercial construction for buildings just as easy. This phase should be completed in July. The final phase will add residential development to the program. That work should begin later this summer.

**Sequoia Parkway Grand Opening:** Staff coordinated a ceremony to celebrate the completion of the \$4.2 million, Urban Renewal funded Sequoia Parkway extension from Township Road to 13th Avenue. The yearlong project built a road, a bridge over the Oregon Pacific Railroad line and extended most utilities. This project makes over 60 acres of prime industrial land development ready. The event featured a ribbon cutting, presentations by council members, a classic car parade and refreshments. About 70 people attended and the event was covered in the Canby Herald several times.

### **Main Street Updates**

The following projects are funded through Urban Renewal.

#### ***Promotion***

- **Downtown Canby First Friday** – The May 2nd and June 6th First Friday program featured eight and ten businesses respectively, including several new businesses to downtown Canby. Outreach to new downtown businesses is underway to encourage them to participate. First Friday events are promoted through targeted Facebook advertisements, flyers, and brochures to bring more families and children downtown.
- **Summer and Fall Event Planning:** The committee is ramping up their efforts for upcoming summer and early fall events. Task forces will be launched to engage new people in the program. Planning for the 2nd annual “Kiss Summer Goodbye” Party is underway. The event will take place on Saturday, September 6th in Wait Park.
- **Downtown Draw** – The Downtown Draw article provides insights into a variety of downtown businesses and the people who run them. It is featured on the Canby Main Street website, on facebook, and in the e-newsletter.
  - The June Downtown Draw featured **The Fitness Studio** located at 181 N. Grant. They provide exercise classes, small group workouts and personalized training geared to build strenght, endurance or build toward events.
  - The May Downtown Draw featured **Canby Rental and Equipment** located on 476 NW 1st Avenue. This rapidly growing company has been under the same ownership for three generations since 1979. They sell, rent and repair a wide variety of equipment for construction, home remodeling, or garden projects and furniture and supplies for events.



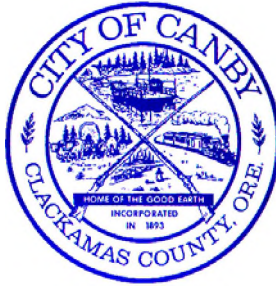
## ***Organization***

- **Historic Review Board**

- Work on intensive level historical review will launch in July. The study will compile details on up to five of the city's most historic commercial buildings. This research will guide and educate property owners and provide a solid foundation to any future historic preservation work. Information gathered in the intensive level study will also be featured on historic plaques for the buildings and future historic promotion efforts such as walking tours and brochures.
- The second initiative just launching is the creation of up to five historic façade renderings for key downtown buildings of different architectural styles, vintages and current uses. This work will be completed by the end of September.

## ***Design***

- **Arts & Culture Advisory Council of Canby** – The Arts & Culture Advisory Council of Canby received five responses from its first *Call to Artists* for sculptures along 1st Avenue. Two concepts were chosen that represent Canby's history and culture. Contracts have been signed with the artists and they have begun work on their creations. The sculptures should be installed by the end of September.
- **The Design committee** will be asking the community "*What does Canby mean to you?*" in hopes of generating ideas to be used in the future. The Design Committee intends to display submissions at the Kiss Summer Goodbye party on Saturday, September 6th and have the public vote on the submissions.



## **Bi-Monthly Finance Department Report**

**To:** Mayor Brian Hodson & City Council Members  
**From:** Haley Fish, Finance Director  
**Through:** Amanda Zeiber, Interim City Administrator  
**Covering:** May & June 2014  
**Compiled by:** Suzan Duffy

In addition to providing services and responding to inquiries from both internal and external customers, and performing the tasks listed statistically on the last page, the Finance Department reports the following items of interest this period.

- Completion and presentation of the **Proposed Budget for 2014-2015** led this period's activities. The Budget Committee held 4 meetings before approving the budget and forwarding it to the Council where it was adopted June 18th. A **supplemental budget** for the current year was also adopted.

- **Entry of the final budget numbers into Caselle** was completed in so that new accounts and budget levels will be ready for on-going activity July 1st. A **final budget document** will be prepared in the next period.

- The **Audit and Financial Oversight Committee** held 2 meetings this period to review a proposed draft reserve policy and investment policy.

- The **Master Fee Schedule** was updated and changes adopted to be effective July 1st. The increase to sewer rates was noticed to ratepayers in June.

- Notification of intent to certify certain of the most **delinquent sewer accounts to the property tax rolls** was sent. A few of these have been paid in full in response.

- In **Accounts Payable**, groundwork was laid for setting up new blanket purchase orders for the new fiscal year, while at the same time a concerted effort was made to pull in all invoices ahead of the June 30th year-end cutoff to limit the number of accrual entries that will be required.

- To the extent possible, cross training was completed to try to mitigate **the impact of the loss of the Utility customer service position and Transit Tax Specialist position** due to reorganization and budget constraints. We were grateful to Carla Ahl and Tracy Harris for continuing to contribute to the team during this difficult period for all of us. They, and the other employees whose positions were eliminated, will be missed.

- Finance staff participated in the following meetings and trainings this period:

- PERS Outreach Presentation
- OSCP Government Accounting & Auditing Conference
- Oregon Government Ethics Commission training

Statistics this period:

- **Accounts Payable**

Invoices:	676
Invoice entries:	1113
Encumbrances:	22
Manual checks:	8
Total checks:	402

- **Payroll**

Timesheets processed:	601
Total checks and vouchers:	681
New hires/separations:	5/6

- **Transit Tax Collection**

Forms sent:	820
Delinquent notices sent:	*
Non-filed notices sent:	*
Collection notices sent:	0
Accounts sent to collections:	0
Accounts opened/closed:	101/38
Returns posted:	360

*Notices were sent, but count is unknown

- **Utility Billing**

Bills sent:	9137
Counter payments:	304
Accounts opened and closed:	154
Lien payoffs:	8
Lien payoff inquiries:	33
Collection notices sent:	0
Accounts sent to collections:	0

- **General Ledger**

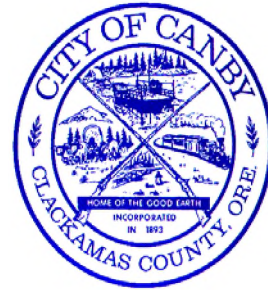
Total Journal entries:	253
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- **Cash Receipts Processed**

Finance:	1043
Utility:	541



CANBY PUBLIC LIBRARY  
BI-MONTHLY STAFF REPORT  
May - June 2014



TO: Honorable Mayor Hodson and City Council

FROM: Melissa Kelly, Library Manager/Director of Operations

THROUGH: Amanda Zeiber, Interim City Administrator/HR Director

DATE: 2014

**Youth & Family Programming:**

Families & children visit the library for weekly storytimes, monthly movie nights, family programs & game nights. On May 3, the library welcomed over 100 children & families to our annual Día Children's Day Book Day Celebration in Wait Park, featuring an author reading by Amy Costales, a Latino dance performance by Estampa Mexicana, crafts, games, raffles, community booths, face painting, and a free book for every child in attendance. Later in the month, over 40 children attended our Pete the Cat party in honor of Children's Book Week, with local storyteller and musician Brad Clark.

Also at the end of May and beginning of June, 45 3rd graders from Ninety-One School and 59 1st graders from Knight School visited for tours of the Library and information about our Summer Reading Program.

The library kicked off its Summer Reading Program in June with well-attended special events and a new weekly storytime featuring Granny Goose. The Knights of Veritas entertained over 100 people on June 13 with a sword-fighting demonstration and exciting yet educational introduction to knighthood, arms, armor, combat, and chivalry of the middle ages. Our second performance of the summer featured Jugglemania entertainer Rhys Thomas and was attended by over 170... definitely an overflow crowd! Both performers did an excellent job of weaving science and reading tips into their presentations.

Teens had something to look forward to as well, with two "Teen Only" summer reading events in the month of June: Dr. Who Trivia Night encouraged teens to come dressed up as their favorite character, and Science Night spurred their imaginations with build-your-own projects like bridges & catapults.

**Adult Programming:**

The library also offers a wide range of programs to engage adults. In May, the library hosted a

series of Master Gardener workshops, on topics such as growing berries and how to attract butterflies and hummingbirds to your garden. The hummingbird class was particularly popular, with more than 20 adults in attendance.

A 3-part genealogy workshop attracted family heritage seekers to the library in June, taught by Carol Jackson, a genealogy consultant with 35 years of experience. The series was well-attended with a total of 30 people participating. Carol Jackson provided the workshops free of charge to the library.

### **Community Involvement:**

Volunteers donated 308.5 hours in May and June, helping the library by pulling holds, sorting, shelving, processing and mending books, staffing the Friends of the Library Bookstore, and assisting with library programming and events.

### **Other Staff Highlights:**

Two children's computers "broke ground" in the library in June! Youth services staff were thrilled to finally be able to purchase dedicated children's computers to provide educational software to children & families in Canby. From a company called Advanced Workstations in Education (A.W.E.), each computer is loaded with educational games, e-books, and activities based on S.T.E.M. and early literacy learning outcomes. A bilingual Early Literacy Station is available for children ages 2-8 and an After School Edge station is available for youth ages 6-12.

The library now has its own Facebook page! We are posting 2-3 times per day on topics such as Summer Reading, movie nights, cultural passes, cool databases, and other highlights of our collections, services, and programs.

Canby High School student Jocelyn Diaz began a library internship at the end of June. She will be developing bilingual programming and assisting with other library projects over the summer and throughout the next school year.

Library patrons are now greeted by a "Canby Public Library" sign when they visit the library. The signage was installed the second week of June, just in time for new residents to find the library and sign up their kids for the summer reading program! Kudos to Dan Mickelson for finding and installing a cost-friendly alternative.

Library Directors in Clackamas County are working towards RFID tagging in all of our libraries. Melissa is one of three directors on the steering committee. We have presented cost estimates to each library and are now working to get a commitment from each library, then we will start developing an implementation timeline. All libraries in the county will need to participate at the base level (tagging) before any of us can move forward with other RFID equipment such as automated sorters and RFID-enabled self-check stations and security gates. Canby is committed at the base level to tag our materials, with the goal of also purchasing security gates

and self-check stations for the new library (with the possibility of adding automated materials handling in the future). Implementation costs for RFID tagging in Canby are estimated at \$13,000 with an annual ongoing cost of \$2,200. To implement at the next level including self-check stations & security gates, setup costs are estimated at \$66,000 with an ongoing annual cost of \$7,250.

# PLANNING & DEVELOPMENT SERVICES MAY/JUNE 2014 BI-MONTHLY REPORT



**TO:** *Honorable Mayor Hodson and City Council*  
**FROM:** *Bryan Brown, Planning Director*  
**DATE:** *July 7, 2014*  
**THROUGH:** *Amanda Zeiber, Interim City Administrator*

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The following report provides a summary of the Planning and Development Services activities for the months of May and June, 2014. Please feel free to call departmental staff if you have questions or desire additional information about any of the listed projects or activities. This report includes planning activities, a listing of land use applications and building permit site plan review coordination projects.

## **Planning Activities**

- 1. North Redwood Master Plan.** The senior planner continued to work on revisions to the scope of work. After voicing concern with communication style and the direction of the project, all parties agreed to reassign a new ODOT project manager. A meeting was held to hash out final scope of work revisions, and final drafting was completed. A meeting is scheduled on July 7 with hopes of approving the final scope of work amongst the project team which should allow the project to move forward. Although the project has been delayed, it appears ODOT has found additional funding to help keep critical aspects of the project intact on the new timeline which should be made public soon. Staff is exploring the best option in how to handle the no longer needed Otto Road Hwy 99E overpass project listed in the TSP that will significantly impact planning alternatives within the North Redwood Master Plan area.
- 2. Dog Park.** The friends of the Canby Dog Park are going public to recruit volunteers to maintain the dog park. Their strategy is to garner additional community support for park maintenance. To date they have: created and distributed new brochures, contacted other agencies regarding dog park maintenance requirements, made a presentation and answered questions and promoted the dog park at “yappy hour” at the new Nature’s Pet Market in Canby, and updated their website at [www.facebook.com/CanbyDogPark](http://www.facebook.com/CanbyDogPark).
- 3. Northwood’s Phase II Boulevard Park.** Improvements associated with this Park Plan will be moving forward in conjunction with the subdivision improvements which are currently underway by the developer. The subdivision streets, including those adjacent to the Boulevard Park are now in place.
- 4. NE Canby Master Plan.** The current draft plan needs to be revised through consensus on a new land use/zoning scheme around an agreed upon location for a new industrial access route (Otto Road) to 99E. One alternative which involves a single property owner involves evaluation of the feasibility of crossing a wetlands area and the required mitigation. This project is still on hold as staff is engaged in the North Redwood Master Plan project.



- 5. Buildable Land Analysis.** The senior planner worked closely with a GIS intern to make great mapping strides toward identifying the potential infill development possibilities of most of the City's existing parcels. This mapping work is helping to define the infill and redevelopment assumptions which will be the basis for determining current land capacity for the land needs study. The data analysis will identify and map re-developable and infill potential, current vacant parcels and platted lots, and determine need for each land use type for the next 20 year period based on the city's official population projection.
- 6. Code Streamlining Text Amendment.** The economic development director and planning director began discussion and drafted a proposal to implement an expedited development review option for new development projects within the Canby Industrial Master Plan area (Pioneer Industrial Park). The Planning Commission recommended forwarding the text amendment to the Council for their review in July with a couple of revisions.

### **Land Use Application Activity**

#### **7. Pre-Application Conference(s) Held:**

- Argonaut Investments - presented a proposal to remodel the façade of one series of tenant spaces and to tear down and build a slightly larger new retail building at the northwest corner of the Canby Square shopping center (PRA 14-05).

#### **8. Land Use Applications Submitted May 1 through June 30, 2014:**

<b>CASE #</b>	<b>APPLICANT</b>	<b>DESCRIPTION</b>	<b>LOCATION</b>
FP 14-01	Jason Bristol	Final Plat to implement a 2 lot partition to allow one new home	NW corner of NE 10 th Avenue & N Maple Street
MLP 14-01	Ed Netter Homes	Partition 3 contiguous R-2 zoned lots for building 3 pares (6 units) of attached townhomes	462 & 480 SW 3 rd Avenue
MOD 14-01	Northwood Estates Phase II Developer	Modification to the previously approved construction plan positioning of the sidewalk along NW 10 th Avenue	Portion of NW 10 th Avenue within Northwood Estates, Phase II between Birch and Grant Streets
PLP 14-01	St. Patrick Church	Parking Lot Paving project with 2 new driveways onto NW 10 th Avenue	498 NW 9 th Avenue

## 9. Pre-Construction Conference(s) Held:

- Trend Building C – a proposed industrial building in Pioneer Industrial Park presented engineered construction plans for approval by agency providers on May 13 (PRC 14-01)

## 10. PC Meeting Items Reviewed:

- Approved McDonalds Rebuild – a Site and Design Review and Lot Line Adjustment (Consolidation) for a new 4,597 square foot restaurant building on a larger site at 701 and 709 SW 1st Avenue (DR 14-03/LLA 14-02)
- Made final recommendation to Council on proposed Text Amendment for an expedited Type II development review option within the Canby Industrial Overlay Zone area on May 28 agenda (TA 14-01).
- Recommended approval of Annexation and associated Zone Change and Development Agreement by owners Ray Franz and Connie Vicker for 4.47 acres and adjacent right-of-way from RRFF-5 County zoning to R-1 City zoning for property at 1546 N. Pine on June 9 agenda (ANN/ZC 14-01)
- Recommended approval of Annexation and associated Zone Change and adoption of Concept Development Plan by multiple property owners for 31.60 acres and adjacent right-of-way from Exclusive Farm Use (EFU) County zoning to R-1 & R-1.5 City zoning on property located north of SE 13th Avenue east of S. Teakwood Street and west of the Logging Road Trail on June 9 agenda (ANN/ZC 14-02)
- Approved Eli Estates – a 10 lot residential subdivision located on the east side of S. Ivy Street just west of Dinsmore Estate Phase II on June 23 agenda (SUB 14-03).
- Approved final orders for the two previous listed annexation applications on the June 23rd agenda.

## 11. Save Downtown Canby 2nd Appeal of Council Action on Fred Meyer Fuel Facility (LUBA No. 2013-114):

- The hearing in front of LUBA was scheduled for July 1, after written arguments were submitted ahead of time. A motion was made at the hearing to allow submittal of additional arguments within 7 days. Results from LUBA are expected toward the end of July.

## 12. Site Plans Reviewed for County Building Permit for May and June, 2014 (Zoning Conformance and Authorization for Release of County Building Permit)

### Site Plan Application Reviews for May and June 2014

SP 14-42	Craig Shinn	Kitchen Remodel	645 NE 22nd Ave
SP 14-41	James Hunsacker	Room & Bathroom Addition	1624 SE 11th Place
SP 14-40	Carl Mead	Room & Garage Addition	644 NW 13th Ave
SP 14-39	Erin Blatter/Kevin Bineham	Dormer Addition	455 N Cedar St
SP 14-38	AT&T Mobility	Add 3 antennas to existing facility	1976 SE Township Rd
SP 14-37	Gary Roe	Detached Carport	675 N Aspen St

SP 14-36	Matt Snyder	Home Addition & Remodel	443 NW 3rd Ave
SP 14-35	Lee & Sandy Cundiff	Single Family Residence	1337 N Fir St
SP 14-34	Carroll, Inc.	Covered Patio Addition	E27CC01600
SP 14-33	JRJ Architects/Providence Medical	Medical Office Remodel	200 S Hazel Dell Way
SP 14-32	LES Inc.	Single Family Residence	172 SE 16th Ave
SP 14-31	LES Inc.	Single Family Residence	132 SE 16th Ave
SP 14-30	LES Inc.	Single Family Residence	110 SE 16th Ave
SP 14-29	Sprint Cell Tower	Modify antennas on existing tower	31E34C00300
SP 14-28	Oldcastle Precast	Add gas tank for manufacturing	31E3404300
SP 14-27	Scott Scarborough	Patio Cover	1256 SE 14th Ave
SP 14-26A	Shimadzu	New Walls & Door Non-load bearing	1900 SE 4th Ave
SP 14-26	AJ Howard	Home Addition & Remodel	665 N Holly
SP 14-25	Pro-Active	Pallet racks at Pro-Active	1200 SE 2nd

### **Misc. Applications Reviews for May and June 2014**

FP 14-01	Final Plat	Jason Bristol
MLP 14-01	6 lots - Minor Land Partition	Ed Netter Construction
MOD 14-01	Modify Sidewalk Location	Northwood Estates Phase II
PLP 14-01	New Parking Lot	St. Patrick Church
PRA 14-05	Canby Square 3 Building	Argonaut Investments
SN 14-04	Sign	Canby Transit
SN 14-05	Sign	Walgreens
TV 14-01	Temporary Vender - Fireworks	Canby Four Square Church
TV 14-02	Temporary Vender - Fireworks	Canby Music Boosters

### **Active Permit Finals by Clackamas County 2014**

#### **May**

- ✚ Single Family Residence – White River Const. – NW - 13th Ave
- ✚ Single Family Residence – LES, Inc. – S Lupine St
- ✚ Single Family Attached Home – Crisp Homes – NW 1st Ave.
- ✚ Single Family Attached Home – Crisp Homes – NW 1st Ave.

#### **June**

- ✚ Single Family Residence – White River Homes – N Elm St
- ✚ Pad for Development – Hazel Dell Way – Bowen
- ✚ Single Family Residence – Concept Comfort Homes - N Locust
- ✚ Single Family Residence – Netter Construction – N Laurelwood



**City of Canby Bi-Monthly Report**  
**Department: Police**  
**May-June 2014**

To: The Honorable Mayor Hodson & City Council  
From: Chief Bret Smith  
Date: July 7, 2014

**Monthly Stats**

Description	April	May
Calls for Service	1303	1549
Custodies	38	36
All Incident Reports	234	231
Traffic Citations	411	559
Parking Citations	1	2
False Alarm Calls	22	37
Abandoned Vehicle / Parking Complaint Calls	8	10
Animal Complaints	8	11
Other Ordinance Viol. Complaints	15	14
Total Code Enforcement Calls for Service	21	25

Note: Reporting period above - 1 month behind bi-monthly period to capture more accurate and up-to-date statistics.

**Meetings & Events Attended – Chief Smith / Lt. Tro**

- Monthly Police Chiefs – Milwaukie PD
- Chief Steve Bartol – Milwaukie PD
- Canby Rotary – Lt. Tro
- Youth Center Board Mtg. – The Canby Center
- Diversion Pilot Training
- Facility Tour to Group Mackenzie staff
- Lt. Davis CCSO
- Oregon Fallen Law Enforcement Memorial – DPSST Aumsville OR
- Parrott Creek Ranch - Luncheon
- Canby High School Classroom Visit
- MRE Training (Mobile Report Entry) RegJIN
- Beamish Leadership Training
- Canby Industrial Forum – CPD Community Room
- Sequoia Parkway Overpass Grand Opening
- Scott Gustafson – Canby
- Canby Fire Chief Interview Panel & Candidates Public Reception
- Speak at Kiwanis Monthly meeting
- Clackamas County Mid-Managers
- Canby Adult Center lunch service – Monthly
- C800 Meeting / Fire & Law Services (CCOM – Clackamas County Dispatch)



- Clackamas County Communications (CCOM 911) Users – Monthly
- Steve Mygrant – Clackamas County Assistant DA
- Chief Ron Noble - McMinnville PD/Retirement
- Chief Steve Bartol – Milwaukie PD

Detailed reports for specific departmental programs are attached, submitted by the program supervisor.

Officer Jeremy Holstad  
Report for Month of April 2014

Traffic Officer: 60 Patrol: 351  
Total: 411

Traffic Officers: 0 Patrol: 2  
**Total: 2**

Traffic Officer: _____ Patrol: 8  
**Total: 8**

Traffic Officers: 11 Patrol: 10  
Total: 21

Injury (Patrol): 1  
Non-Injury (Patrol): 8  
Hit & Run (Traffic Officer): 2  
Hit & Run (Patrol): 2  
**Total Crashes: 12**

Traffic Officer: 2

Officer Jeremy Holstad  
Report for Month of May 2014

## City Council Packet Page 291 of 327

**To: Lt. Tro**  
**From: Sgt. Kitzmiller**  
**Date: 06-03-14**  
**Re: May '14 Monthly Report**

**Tactical Entry Team**

TET monthly training was scheduled for May 22nd, but due MRE training and individual officer's vacations we did not have enough team members available to conduct the training.

On May 6th TET members assisted Canby Detectives with the attempted service of a narcotic search warrant in Gladstone. After several hours of surveillance, Detectives made the decision not to serve the warrant at that time.

**Training**

During the month of May, Sgt. Sommer and Sgt. Green attended a week long instructor course in preparation for the implementation of the new mobile report writing system MRE. Officers also began attending a mandatory 2 day user course.

May 5-9 Officer Scharmota attended a 40 hour Crisis Intervention Training course that focused on dealing with the mentally ill.

Due to the attempted coordination of a narcotic search warrant on May 7th and limited officer availability, the scheduled May firearms training was cancelled.

May 12-22 Sgt. Green, Det. Ethington, and Det. Murphy attended a multi-agency Detective Academy.

(Please see the attached training calendar for additional department training.)

Respectfully,



Sgt. Doug Kitzmiller



**To: Lt. Tro**  
**From: Sgt. Kitzmiller**  
**Date: 06-30-14**  
**Re: June '14 Monthly Report**

**Tactical Entry Team**

On June 26th we conducted TET Training at the vacant Lone Elder Grange building. Officer Scharmota and Officer Smith instructed a flash/sound diversionary device refresher course. We reviewed department policy and proper procedures for deploying diversionary devices, then ran practical application scenarios at the grange.

On June 17th a few TET members assisted Detectives and Patrol with the service of search warrant on S. Ivy St. Canby. The suspect and the residence were secured without incident.

On June 18th TET served a search warrant for Detective on N. Ivy St. Canby. The warrant was served without incident and resulted in the seizure of suspected meth and marijuana.

**Training**

On June 11th Sgt. Schoenfeld and Officer Fetters instructed firearms training at Canby Rod and Gun Club. The focus on the training was close quarter use of the patrol rifle.

On June 19th and 25th all City of Canby employees attended mandatory ethics training.

(Please see the attached training calendar for additional department training.)

Respectfully,



Sgt. Doug Kitzmiller

# SCHEDULED TRAINING

## *May 2014*

Sommer Green	April 28- May 2	MRE Training	Beaverton
Scharmota	May 5-9	CIT Training	PSTC
All Officers	May 7	Department Firearms Training	CRGC
Green Ethington Murphy	May 12-22	Detectives Academy	PSTC
TET	May 22	TET Training	TBA

## *June 2014*

All Officers	June 19&25	Ethics Workshop	Canby PD
TET	June 26	TET Training	TBA

## *July 2014*

TET	July 31	TET Training	TBA
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## *August 2014*

TET	August 28	TET Training	TBA
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## **May 2014 Monthly K9 Report**

Prepared by Sergeant Tim Warren  
Thursday June 6th, 2014

**K-9 Activity -** K9's tactically supported officer safety assisting officers with building searches and warrant arrests. K9's also assisted patrol, Detectives and outside agencies with narcotic related searches of rooms, packages, and vehicles. K9's attended monthly training and K9 Officers hosted training to Clackamas County agencies.

### **MONTHLY SUMMARY:**

**Officer Warren / Freddy**— **Two deployments.** Two searches for Canby. One was to assist detectives where we initiated a traffic stop yielding Meth and Marijuana. Second search was assisting patrol on a traffic stop where I obtained consent to search and had a positive alert on the exterior of the car yielding Marijuana.

**Officer Farmer / Deorak** — **Two Deployments.** Officer Farmer and Deorak had One deployment for Canby Officers serving a Felony warrant as Officer Safety and a flight deterrent. Subject surrendered due to K9 present. The second deployment was a track for CCSO. No subject was located.

### **Concerns / goals**

# Memo

**To:** Lieutenant Jorge Tro  
**From:** Detective Sergeant Frank Schoenfeld  
**Date:** June 9, 2014  
**Re:** Monthly Report for May 2014

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Training:

5/7/14 – Rescheduled May Firearms Training for 6/11/14

5/13/14 – 5/14/14 - MRE Training Beaverton PD

5/19/14 – 5/20/14 – Review search warrants for Detective Academy at PSTC

Details:

5/27/14 – Interview with CCC Criminal Justice Student for school assignment

*****See individual monthly reports attached for training and meetings attended by detectives, Evidence Technician, and SRO.*****

During the weeks of May 12th through the 16th and May 19th through the 23rd, two Canby Police detectives attended the 2014 Detective's Academy at the Clackamas County PSTC. This detective's academy was a new multi-agency effort put on by PPB and law enforcement agencies in the Clackamas County area. This detective's academy was sponsored by the Clackamas County Major Crimes Team and it modeled the detective's academy normally put on by PPB every two years.

Earlier this month we received a report on a local Canby runaway. As the investigation started, we learned that the young girl involved was possibly prostituting herself in the Portland area. We found multiple postings on websites like Backpage.com where the girl was soliciting. With the help of PPB's Prostitution Unit, PPB undercover officers set up at date with the youth and she was taken into custody for our Runaway. Since her apprehension, she has been cooperating with PPB's Prostitution Unit and I was advised that a couple of arrests have been made after a human trafficking case was generated.

Toward the end of the month we received a peculiar report from The Trevor Project which is a victims assistance program based in the Los Angeles California area. We were advised by Trevor Project that they had received a call on their hotline from a Canby, Oregon girl who alleged that she had been raped by her drug dealer. After making several attempts to contact the juvenile female victim, we were finally able. She advised that two years ago, when she was twelve years old, she had obtained some



marijuana from a local marijuana dealer known to Canby Police. Last year we arrested this marijuana dealer after a search warrant was executed at his residence.

The search warrant was generated after a series of controlled marijuana buys from his residence. The victim in this rape claimed that the suspect had raped her, on the Molalla Forest Road in Canby, because she owed him money for the marijuana she got from him. The victim claims that her current suicidal tendencies are a result of this rape. The victim described different ways to CPD detectives, how she wanted to commit suicide. A safety plan was implemented and DHS was involved.

The victim is scheduled for a Children's Center interview. Detectives plan to make contact with the suspect following the Children's Center interview.

In early May, Canby Police completed a series of controlled methamphetamine purchases from a suspect in Gladstone who is supplying dealers in the city of Canby. Knowing the suspect possesses weapons and the tactics involved in making an entry into his residence, the decision was made to try and take the subject off away from his residence. After several attempts, the decision was made to discontinue surveillance on the location until the suspect calms down and is back doing business at the same volume he was. Since our last controlled purchase, the informant used has disappeared. We have since sent the informant's charges to the DA and the informant, as of recent, has been arrested on her charges.

The plan now is to pick up surveillance on the location and either view the volume of traffic to and away from the location or stop a few customers coming and going to freshen our search warrant. We hope to have the search warrant executed by the beginning of July.

A few weeks ago we received information from the El Paso Police Department that a Canby resident was receiving stolen iPad's in the mail. Canby Police detectives coordinated an effort to make contact with the subject receiving the property in Canby. Stolen property was recovered. El Paso Police are continuing the investigation in their city.

Throughout May detectives have received information from an informant who is in custody at the Clackamas county jail. The informant provided information about a European Kindred related homicide that occurred in Portland. The informant also provided information about the locations of possible stolen firearms as well as information involving another inmate who disposed of the body. Detectives have involved Portland Homicide Division and one of the firearms has been recovered. This firearm is unconfirmed stolen at this time. The case is still active.

At the end of the month, detectives have made two separate controlled purchases in the city of Canby with two different marijuana and methamphetamine dealers. We hope to have both search warrants executed in June.

This month, the computer forensics detective continues to examine computers seized during the homicide and make available an extremely large quantity of digital evidence to the defense for discovery purposes. This is closely being overseen by the Clackamas County DA's Office. We have already filled 9 copies on 9 different 500GB external hard drives in order to make this happen. We are also filling several flash drives with cell phone information for the same purposes.

The homicide case continues to progress. We have proffered with one suspect (the shooters live-in girlfriend) who has agreed to help the case. We will also be proffering with another suspect (the suspect with the shooter at the time of the murder) who wants to help himself and the case out. This proffer will occur in the first week of June.

The Elder Abuse case involving a local business called the Canby Psychic Reader has been sent to the US Attorney's Office for prosecution on 4 suspects. This case has been a collaborated effort with the IRS and as of last week, has reached a total of \$12,000,000.00 stolen from the victim. This

investigation is ongoing and will be for some time as investigators continue to discover cash and assets that belong to the victim or were purchases with the victim's money.

This month our detective assigned to the NWRCFL has started receiving cases from the FBI to investigate. He will be here at Canby PD at least one day a week and has transferred most of the work he is doing at the Canby Police Department to the lab in Portland.

*****For SRO and Property and Evidence Monthly Reports see attached*****

# Memo

**To:** Lieutenant Jorge Tro  
**From:** Detective Sergeant Frank Schoenfeld  
**Date:** July 1, 2014  
**Re:** Monthly Report for June 2014

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Training:

6/11/14 – Firearms Training/Instructed Rifle Course  
6/19/14 – City Wide Ethics Training at CPD  
6/26/14 – TET Training at Lone Elder Grange Hall/Flashbang Cert.

Search Warrants:

6/17/14 – GARZA Search Warrant 421 S. Ivy Street Canby, OR.  
6/18/14 – Walstead Search Warrant 460 N. Ivy Street Canby, OR.

Call-Out:

6/28/14 – FLANAGAN Death Investigation

*****See individual monthly reports attached for training and meetings attended by detectives, and Evidence Technician. SRO has been assigned to patrol for the summer vacation while school is not in session.*****

On June 13th Detective Murphy assisted the US Marshall's in the 100 block of NE 5th Street in Canby by locating a wanted fugitive. While at the suspect location, Detective Murphy located several packaged baggies of methamphetamine and \$1,100.00 cash. The suspect was arrested and charged state-side for the drugs and the cash is in the civil-forfeiture process.

During the month of June detectives executed two search warrants at different locations on Ivy Street (see above). These were two separate search warrants that were generated after a series of controlled marijuana purchases. In both cases, the suspects were charged with PCS/DCS and DHS was brought into the investigation due to the fact children were present.

During the last week of the month detectives purchased methamphetamine from a location in Gladstone, OR. from a dealer supplying a subject in the Canby area. We hope to have a second purchase made within the first couple of weeks in July and a search warrant executed by the end of July.

June was a busy month for DHS related calls. We have been busy with 307's and I have had to start assigning some of the child abuse calls to the narcotics and computer forensics detectives.

The homicide case continues to progress. We have proffered with one suspect (the shooters live-in girlfriend) who has agreed to help the case. This month we proffered with the subject standing with the shooter at the time of the shooting. Through each of these proffers, we have been able to identify two more subjects that are involved with the investigation and hope to have them interviewed by the first week of July. The investigation is moving smoothly for a homicide investigation.

This month I called detectives out on a Saturday after getting a call from patrol regarding a suspicious death investigation they were dispatched to. A 34 year old man had died in his sleep. Due to the age and good condition of the deceased, we conducted interviews with his girlfriend and family in an effort to discover what may have happened. Other than possibly an addiction to pain medication he was allegedly taking for his back, we discovered that he may have ingested some methadone the day before for pain. We were unable to discover any history with heroin or other illicit drugs other than the occasional use of marijuana. After interviewing the deceased's father, we learned that a couple weeks prior to his death, he had a sever throat infection that was apparently causing some restrictions.

The Clackamas County Medical Examiner mentioned that from initial appearances, the deceased may have aspirated at the time of his death. An autopsy is scheduled within the next couple of weeks and we should know more but as of right now it clearly appears the subject died do to natural causes or complications with his previous illness.

As mentioned above, we have been getting a large volume of investigations that have included DHS. Some these investigations were started at the patrol level as well as 307's. Of the 6 cases received this month only, 4 have been investigated fully and suspended and two have been forwarded to the DA for consideration (see Ethington's monthly report attached for case details).

This month we selected 4 new Mobile Data Analyzer's to help out with our ever-increasing volume of digital evidence, especially that evidence seized from cell phones. Towards the end of July, we hope to get the 4 selected through a crash-course on the use of the Cellebrite. I figure that this training can be taught by Detective Floyd and Officer Smith. I am also looking at hosting the 3 day Cellebrite certification course taught by Cellebrite here at CPD. Other agencies like Milwaukie PD, West Linn PD, Woodburn PD, and possible Oregon City PD, are interested as well. This certification is expensive and I am hoping that Cellebrite will offer some free spots if we host the training.



# Canby Swim Center Report

**From:** Eric Laitinen, Aquatic Program Manager

**Date:** July 1, 2014

**Re:** Year End Report

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The Canby Swim Center just finished a great year. Attendance was down from last year only 1,200 swims due to less school lessons, therefore we were ahead in many other areas. The same goes for revenue, we made over \$200,000 in revenue for only the second time, last year being the first.

June has been very busy with people in the water from 5am until 9:30pm. It has really helped to have the Canby School District end school two weeks earlier this year. Today starts a new year and since it is 100 degrees today I expect a very busy day today. We have all the Canby Schools scheduled for the upcoming school year and summer is in full swing. Summer has 60 swimmers in it and the Canby Gators continue to swim through the summer with their 60 swimmers. Masters continue to train and race at meets and triathlons throughout the area. We have several new staff and they are learning quickly and they should all be up to speed by fall.

The Canby Gator Grinder went off very well as usual. The weather was forecast for rain this year but the sun came out that Saturday morning in June and the weather was great.

Thank you all that helped including the Canby Police and Streets departments.

**FROM :** ERIC LAITINEN, AQUATIC PROGRAM MANAGER  
**SUBJECT:** Attendance Numbers for May 2014  
**DATE:** Year End Report 2013-14

CANBY SWIM CENTER May	ADMIT 2013	ADMIT 2014	PASS 2013	PASS 2014	TOTAL 2013	TOTAL 2014	YTD TOTAL 12-13	YTD TOTAL 13-14
MORNING LAP	58	43	261	311	319	354	3694	3661
ADULT RECREATION SWIM	46	25	510	435	556	460	5859	4977
MORNING WATER EXERCISE	53	73	372	378	425	451	4426	4931
PARENT/ CHILD	204	200	0	0	204	200	1640	1166
MORNING PUBLIC LESSONS	165	152	0	0	165	152	4196	4025
SCHOOL LESSONS	1063	1020	0	0	1063	1020	4511	3406
NOON LAP	123	117	299	298	422	415	3439	3685
TRIATHLON CLASS	6	12	0	0	6	12	45	108
AFTERNOON PUBLIC	259	249	5	6	264	255	3949	3617
PENGUIN CLUB	0	0	342	324	342	324	1727	2105
CANBY H.S. SWIM TEAM	0	0	0	0	0	0	2133	2261
CANBY GATORS	0	0	1083	1016	1083	1016	8505	9698
MASTER SWIMMING	20	0	20	60	40	60	505	433
EVENING LESSONS	1495	1388	0	0	1495	1388	11129	10682
EVENING LAP SWIM	67	58	40	33	107	91	1360	1212
EVENING PUBLIC SWIM	540	505	22	27	562	532	4782	4045
EVENING WATER EXERCISE	48	43	70	51	118	94	1228	1159
ADULT LESSONS	0	0	0	0	0	0	76	93
GROUPS AND RENTALS	208	394	0	0	208	394	3034	2868
KAYAK	0	0	0	0	0	0	0	0
OUTREACH SWIMMING	0	0	0	0	0	0	488	516
TOTAL ATTENDANCE	4,355	4,279	3,024	2,939	7,379	7,218	66726	64648

**FROM :** ERIC LAITINEN, AQUATIC PROGRAM MANAGER  
**SUBJECT:** Attendance Numbers for June 2014  
**DATE:** Year End Report 2013-14

CANBY SWIM CENTER JUNE	ADMIT 2013	ADMIT 2014	PASS 2013	PASS 2014	TOTAL 2013	TOTAL 2014	YTD TOTAL 12-13	YTD TOTAL 13-14
MORNING LAP	31	50	302	331	333	381	4027	4042
ADULT RECREATION SWIM	34	59	454	522	488	581	6347	5558
MORNING WATER EXERCISE	38	76	438	394	476	470	4902	5401
PARENT/ CHILD	198	270	0	0	198	270	1838	1436
MORNING PUBLIC LESSONS	951	1429	0	0	951	1429	5147	5454
SCHOOL LESSONS	390	0	0	0	390	0	4901	3406
NOON LAP	77	62	279	259	356	321	3795	4006
TRIATHLON CLASS	0	0	0	0	0	0	45	108
AFTERNOON PUBLIC	490	678	26	83	516	761	4465	4378
PENGUIN CLUB	0	0	250	695	250	695	1977	2800
CANBY H.S. SWIM TEAM	0	0	0	0	0	0	2133	2261
CANBY GATORS	0	0	781	695	781	695	9286	10393
MASTER SWIMMING	0	0	0	40	0	40	505	473
EVENING LESSONS	1304	1451	0	0	1304	1451	12433	12133
EVENING LAP SWIM	59	62	60	76	119	138	1479	1350
EVENING PUBLIC SWIM	729	556	50	25	779	581	5561	4626
EVENING WATER EXERCISE	72	48	45	55	117	103	1345	1262
ADULT LESSONS	0	0	0	0	0	0	76	93
GROUPS AND RENTALS	725	604	0	0	725	604	3759	3472
KAYAK	0	0	0	0	0	0	0	0
OUTREACH SWIMMING	75	195	0	0	75	195	563	711
TOTAL ATTENDANCE	5,173	5,540	2,685	3,175	7,858	8,715	74584	73363



May & June, 2014  
Monthly Reports

Facilities Maintenance– Dan Mickelsen  
Fleet Service – Joe Witt  
Parks Department – Jeff Snyder

# Facilities Maintenance

## May & June 2014

### Prepared by Dan Mickelsen

Wow I can't believe its July already. I am starting once again to get to what I call my "to do list" it is pretty much made up of preventative things I can do to prolong the normal wear and tear. I spent quite a bit of time going over some of my purchasing of supplies. As of July I will be receiving the paper products City wide from a new vendor for a significant savings.

Police Dept; 7 w/o requests. I received an e-mail saying there was no water in the sinks in the public rest rooms. On my way there I was thinking "what now" and sure enough they were right, the woman's side had water but nothing in the men's side. Well it took only a minute to realize that now we need batteries to get the water to work. A couple days later the same thing with the other rest room. So I've added to my "to do list" change batteries on the plumbing fixtures. Also if you have been in that area in early spring the cotton woods dump an untold amount of seeds or cotton everywhere. This year I managed to get the gutters cleaned before the next rain and then I installed fine mesh gutter guards on the affected gutters. Now I can just blow them off once or twice a year. Along with the gutter issue and cotton wood mess the outside air intakes on the HVAC equipment have to be closely monitored. I only had to clean them four or five times. While doing the seasonal maintenance on the HVAC system I noticed an alarm in the main panel room. It was the main surge protector for the entire building and it would not reset. It read that we had 9,003 hits which the mfg. says is well within limits. After a week or two of calls I finally scheduled an outage for the building. After ten minutes or so I brought things back up to power and the unit reset. Enough on the Police Dept. 43 hrs total.

Adult Center; 3 w/ requests. For the past few years the Adult Center has wanted and needed a walk in freezer and additional cooler space. The placement of the unit has been a real problem. I attended a meeting to give what input I could on the building and low and behold they did it. Rather than try and put something outside they did some interior work and placed the unit inside. It's really nice! I also change burned out lamps on egress and exit fixtures. There were also lighting problems that a contractor had to repair. 5.75 hrs total.



City Hall; 7 w/o requests. With some of the shifting of work spaces lately I had two additional return air ducts piped in for the HR dept. Hopefully this will freshen the air and make the work spaces more comfortable. I also got price quotes on interior painting and carpet cleaning at the old P.D. Light switches were replaced as well as one of the sockets on the flag pole fixture, and files and shelves were moved. I did spend some time building a new window for the City Hall attic. The window has to be removed to change out lamps that shine on the flags. The last 30 years has taken its toll on the window. 23.25 hrs total.

Finance Dept; 2 w/o requests. One of the desks in finance can raise up and down. It quit working which would have been fine if you were say 40 inches tall. I took it apart and broken wires appeared. I re soldered all of the connections and bingo back in business. I also replace a ceiling hung heat/ac deflector. 4.5 hrs total.

Library; 11 w/o requests. Wow the highlight for me was finally getting the go ahead on signage for the library. It had been on again, off again since the building was refaced several years ago. The low point was a sewer back up from a floor drain. Someone flushed something they shouldn't have. I, as well as library staff assisted Serve-Pro in moving items that had not been affected. The area was isolated and fans and dehumidifiers were put in place. After all the moisture was gone and the area was disinfected I re plumbed the hot water heater and installed new cove base mouldings. Other plumbing issues were dealt with as well as sound proofing an exhaust fan in the panel/server room. Furniture was hauled from Clackamas Co. surplus as well as re setting all of the thermostats for summer time. 48.5 hrs total.

I T Dept; 3 w/o requests. I was asked to assist in setting up a self-service counter in planning. The first idea was scratched due to an A.D.A. conflict. So I moved over a desk from storage to be used as the self service area. I didn't know it but the split AC unit in their office has been leaking down the wall since it was installed. It appears to have been installed incorrectly. After getting my hands on an installers manual, I re piped the over flow drain as the condensation pan was over flowing. Hasn't dripped a drop since. 9.25 hrs total.

Facilities Maintenance pg. 3

Shop complex; Aside from doing lighting and some lock repairs most was routine maintenance. Cleaning gutters, treating the roof for moss, overhead door inspection and lubing and re setting the thermostats for summer temps. 15.5 hrs total

Public Works; I did 6 ESC applications and inspections along with my weekly drive by inspections. I also attended the pre-con for the Trend – D development. Also a mandatory meeting was attended for ethics training. 26 hrs total

## Fleet Services

Bi-Monthly Report : May / June 2014  
Prepared by Joe Witt, Lead Mechanic

### May 2014

Department	Work Orders	Labor Cost	Material Cost	Fuel Cost	Total Cost
Administration	1	\$52.50	\$11.00	\$51.93	\$115.43
Adult Center	3	\$821.25	\$120.62	\$919.05	\$1,860.92
Collections	6	\$1,267.50	\$1,761.92	\$469.48	\$3,498.90
Facilities	1	\$37.50	\$0.00	\$134.56	\$172.06
Fleet Service	0	\$0.00	\$0.00	\$129.51	\$129.51
Parks	8	\$2,355.00	\$317.17	\$1,586.27	\$4,258.44
Police	24	\$10,908.75	\$2,172.90	\$11,245.31	\$24,326.96
Streets	13	\$2,771.25	\$1,143.59	\$2,522.12	\$6,436.96
Transit (CAT)	31	\$8,072.95	\$1,090.93	\$11,850.69	\$21,014.57
Wastewater Treatment	1	\$67.50	\$15.00	\$647.66	\$730.16
Total Work Orders Processed for the Month	<b>88</b>	Totals*			<b>\$62,543.91</b>

*Total includes labor, materials and fuel for all departments:

**Note: May Fuel Cost Includes April 16, 2014 to April 30, 2014**

### June 2014

Department	Work Orders	Labor Cost	Material Cost	Fuel Cost	Total Cost
Administration	1	\$33.75	\$0.00	\$85.79	\$119.54
Adult Center	2	\$431.25	\$53.65	\$303.33	\$788.23
Collections	5	\$855.00	\$168.38	\$341.00	\$1,364.38
Facilities	1	\$30.00	\$0.00	\$0.00	\$30.00
Fleet Service	0	\$0.00	\$0.00	\$0.00	\$0.00
Parks	16	\$3,078.75	\$389.57	\$495.35	\$3,963.67
Police	32	\$8,077.50	\$4,981.29	\$3,668.71	\$16,727.50
Streets	12	\$3,633.75	\$936.73	\$751.32	\$5,321.80
Transit (CAT)	27	\$6,544.75	\$2,520.84	\$3,815.86	\$12,881.45
Wastewater Treatment	9	\$4,650.00	\$1,136.63	\$113.93	\$5,900.56
Total Work Orders Processed for the Month	<b>105</b>	Totals*			<b>\$47,097.13</b>

*Total includes labor, materials and fuel for all departments: **Note: June Fuel Cost is only for the first part of June 2014 (June 1 to June 15)**

### Fleet Service Highlights

Fleet Service working with other City Departments kept the City's vehicles and equipment on the road performing their duties.

**Parks Maintenance**  
By Jeff Snyder, Parks Maintenance Lead Worker  
May – June 2014

**Park Renovations**

Wilderness International is still working on the installation of a fishing platform for the Community Park pond. The group is also working on wetlands restoration and the restoration of the wetlands trail.

Northwood phase-II boulevard / green space is currently under construction.

The architectural landscape lighting at the Vietnam Era Veterans Memorial has been upgraded. The Memorial Board has been very proactive in keeping the site looking good.

**Park Maintenance**

The mowing season has been in full swing the last two months. Staffs time has been occupied with edging, string trimming and shrub bed maintenance. Weed spraying and pruning has also occupied our time. All the irrigation systems have been turned on and adjusted for the warmer weather. Building maintenance and asset repairs were made as they were discovered. Pressure washing and trail maintenance was also performed. The boom mowing of the Cities natural areas is now under way. Storm debris was still being removed from the parks as the events occurred. Valley Green was contracted once again to do weed control in the parks turf areas. The weed control application saves time and money by reducing the need for mowing as things start to dry out. NW Tree Specialists was contracted to remove hazard limbs at Baker Prairie Cemetery.

The Parks Department spent 3 hours addressing graffiti and vandalism the last two months. Regular maintenance was performed at the 37 areas the Parks Department is responsible for, the Adult Center, Arneson Gardens Horticultural Park, Baker Prairie Cemetery, City Hall, Community Park (River), CPIP sign, Disc Golf Park, Eco Park natural area, Faist V property, Holly & Territorial welcome sign property, Hulbert's welcome sign property, Klohe Fountain, Library, South Locust Street Park, Logging Road Trail and Fish Eddy/Log Boom property, Maple Street Park, Nineteenth Loop Natural area, Northwood Estates Park, Police Department landscaping, Simnitt Property, Skate Park, Shop Ground, Swim Center, Legacy Park, Territorial Estates Future CLC Park, Finance Building, Transit Bus Stop, Triangle Park, Vietnam Era Veterans Memorial, Wait Park & Willow Creek Wetlands, 6.1 acre off of Sequoia, Knights Bridge right of way, WWTP property, Berg Parkway right of way and S. Teakwood right of way.

**Meetings attended**

I attended a Park and Recreation Board meeting.

I attended meetings with Russ from Wilderness International regarding Community Park.

I met with Paul Welty from Innovative Nightscapes for lighting at the Veterans Memorial.

We all attended a fire drill.

I met with Jerry to discuss a fertilizer and watering schedule for the hanging flower baskets.

Michael Nakano took and passed his CPSI test. (certified playground safety inspector)

Mark Olney and Ken Daniels attended a playground installation workshop.

**For your Information**

The Parks Department is responsible for 222 acres of property.

I amended the parks budget to reflect 3 FTE's

I wrote and categorized a summary of the land that the Parks Department currently maintains.



Tech Services Department  
Bi-Monthly Report for May and June, 2014

From: Amanda Zeiber  
Prepared By: Bryce Frazell  
Date: July 7, 2014

## KEY

**Sessions** (total number of sessions to your site)

**Users** (total number of unique users to your site – unduplicated visits)

**Pageviews** (total number of pages viewed on your site – repeated views of a single page are counted)

**Pages per Session** (average number of pages viewed per session - repeated views of a single page are counted)

**Average Session Duration** (average session length of all users)

**Bounce Rate** (percent of single-page sessions – visits in which a person left your site from the entrance page)

**New Sessions/Users** (percent of total users who came your site for the first time)

## Google Analytics Summary Report: May and June 2014

<u>Audience Overview</u>	<u>May</u>	<u>June</u>
Sessions (site visits)	8,380	8,779
Users/unique visitors	5,810	6,083
Page Views	22,357	22,152
Pages per Session	2.67	2.52
Average Session Duration	2 min 5 sec	2 min 8 sec
Bounce Rate (% of single-page visits)	49.92%	51.65%
New Sessions/Users	61.68%	58.77%

*Significant increases in site visits, unique users and page views for the months of May and June.*

<u>New Vs. Returning Visitors</u>	<u>May</u>	<u>June</u>
New	61.74%	58.80%
Returning	38.26%	41.20%

<u>Browser &amp; Operating System</u>	<u>Top 5 Browsers Used:</u>	
	Internet Explorer (27.55%)	Google Chrome (27.98%)
	Safari (25.62%)	Internet Explorer (26.81%)
	Google Chrome (24.87%)	Safari (24.58%)
	Firefox (11.54%)	Firefox (10.29%)
	Android Browser (9.14%)	Android Browser (9.19%)

*Internet Explorer users continued to decrease in May (from 31.83% in April) and down again in June.*

<u>Overview (Technology)</u>	<u>May</u>	<u>June</u>
Desktop	62.61%	59.67%
Mobile	28.50%	32.17%
Tablet	8.89%	8.17%

*Slight increase in mobile users/decrease in desktop users in June.*

<u>Mobile Devices (top 3)</u>	<u>May</u>	<u>June</u>
	iPhone	iPhone
	iPad	iPad
	Not Set	Not Set

<u>Landing Pages (formerly Pages Visited): Top 5</u>	<u>May</u>	<u>June</u>
	City Home Page	City Home Page
	Swim Center Home Page	Swim Center Home Page
	CAT Home Page	CAT Home Page
	Job Openings	CAT Routes
	CAT Routes	Job Openings

# Audience Overview

May 1, 2014 - May 31, 2014

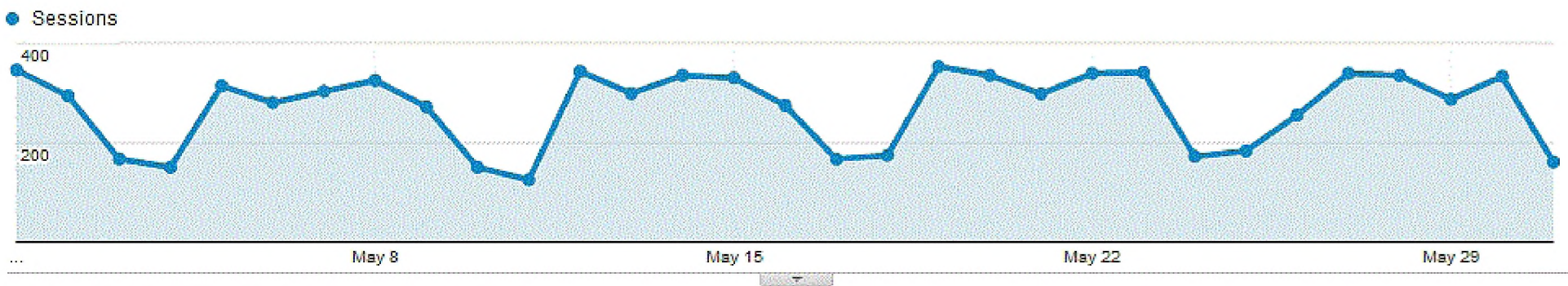
Email Export Add to Dashboard Shortcut

All Sessions 100.00% + Add Segment

## Overview

Sessions VS. Select a metric

Hourly Day Week Month



Sessions 8,380	Users 5,810	Pageviews 22,357
Pages / Session 2.67	Avg. Session Duration 00:02:05	Bounce Rate 49.92%
% New Sessions 61.68%		





# New vs Returning

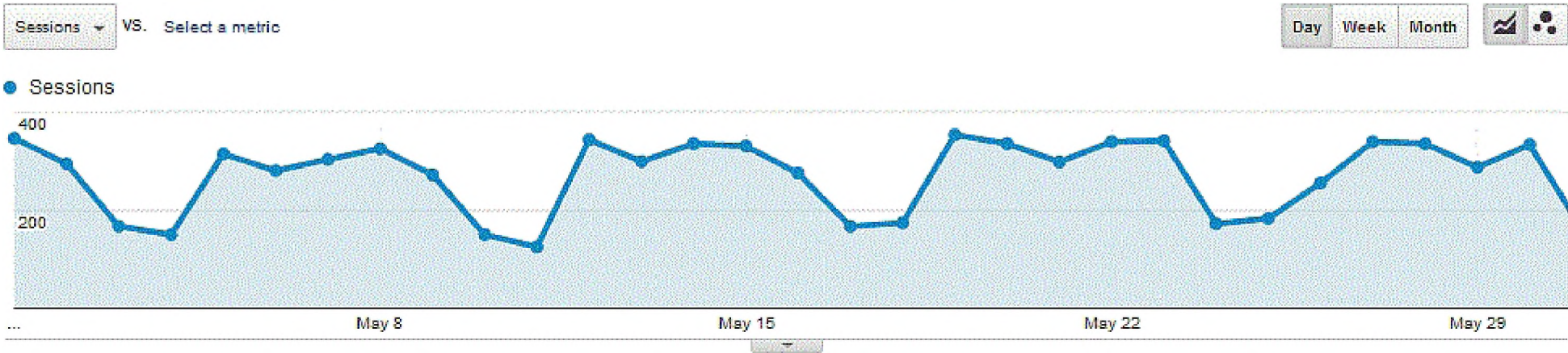
Customize Email Export Add to Dashboard Shortcut

All Sessions  
100.00%

+ Add Segment

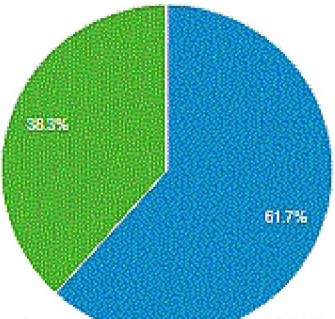
## Explorer

Summary Site Usage Ecommerce



Primary Dimension: User Type

Plot Rows	Secondary dimension	Sort Type	Default		advanced				
<input type="checkbox"/>	User Type	Sessions	↓	Sessions	Contribution to total:	Sessions			
		8,380		8,380					
		% of Total: 100.00% (8,380)		% of Total: 100.00% (8,380)					
<input type="checkbox"/>	1. New Visitor	5,174		61.74%					
<input type="checkbox"/>	2. Returning Visitor	3,206		38.26%					





Browser & OS

Customize Email Export Add to Dashboard Shortcut



All Sessions  
100.00%



+ Add Segment

Explorer

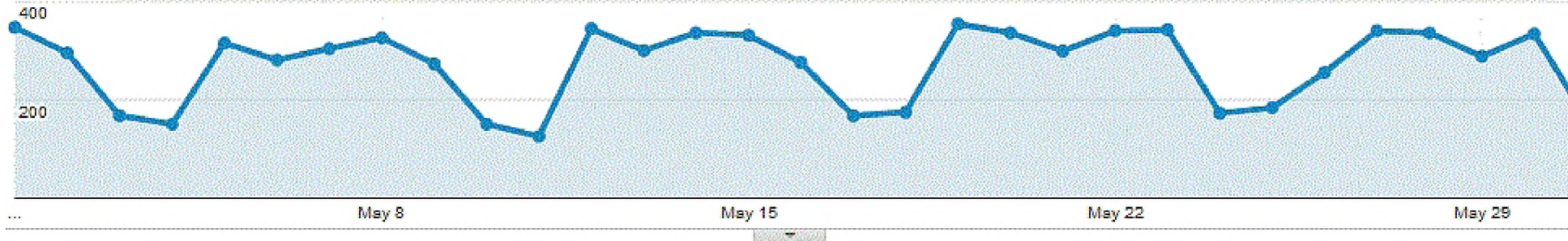
Summary Site Usage Ecommerce

Sessions VS. Select a metric

Day Week Month



Sessions

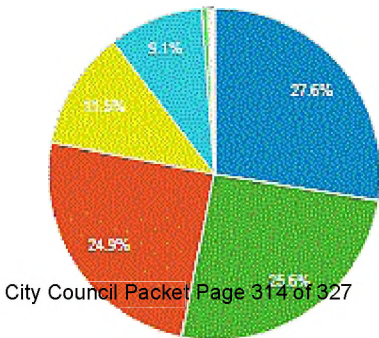


Primary Dimension: Browser Operating System Screen Resolution Screen Colors Flash Version Other

Plot Rows Secondary dimension Sort Type: Default

advanced

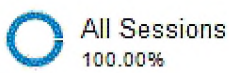
Browser		Sessions	Sessions	Contribution to total: Sessions
		8,380 % of Total: 100.00% (8,380)	8,380 % of Total: 100.00% (8,380)	
1.	Internet Explorer	2,309	27.55%	
2.	Safari	2,147	25.62%	
3.	Chrome	2,084	24.87%	
4.	Firefox	967	11.54%	
5.	Android Browser	766	9.14%	
6.	Amazon Silk	50	0.60%	
7.	Opera	14	0.17%	





Overview

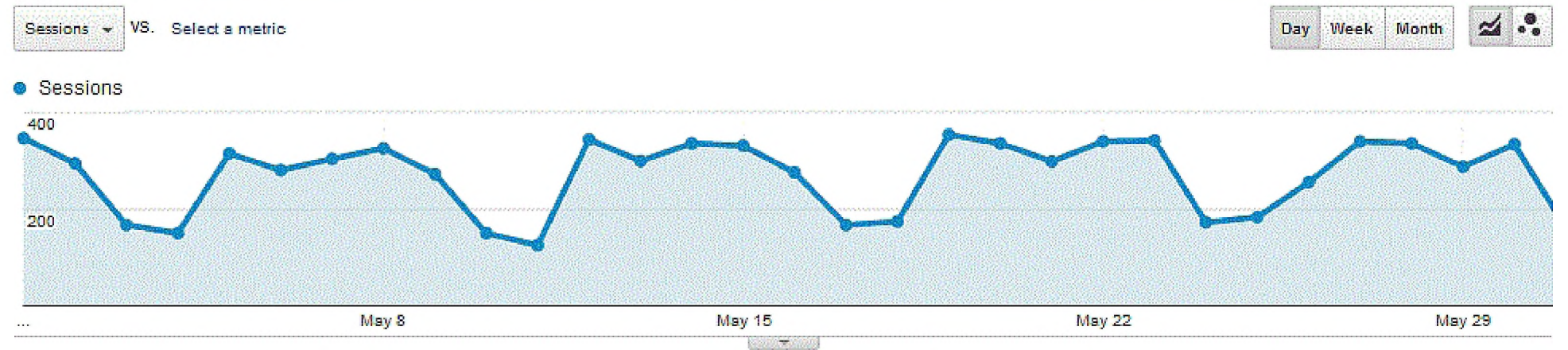
Customize Email Export Add to Dashboard Shortcut



+ Add Segment

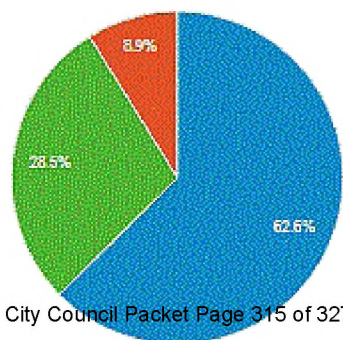
Explorer

Summary Site Usage Ecommerce



Primary Dimension: Device Category

Plot Rows	Secondary dimension	Sort Type: Default		advanced					
Device Category	Sessions		Sessions	Contribution to total: Sessions					
	8,380	% of Total: 100.00% (8,380)	8,380	% of Total: 100.00% (8,380)					
1. desktop	5,247		62.61%						
2. mobile	2,388		28.50%						
3. tablet	745		8.89%						





Devices

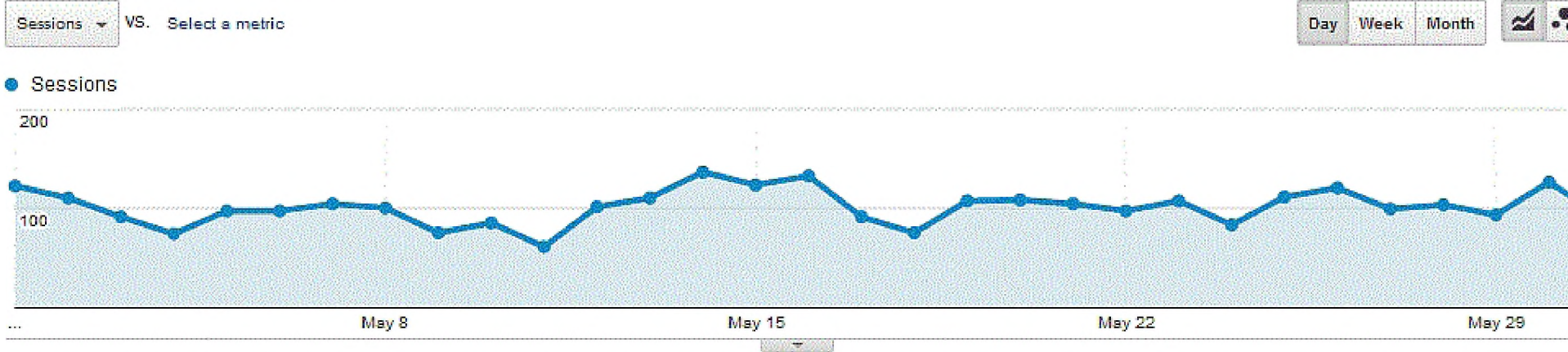
Customize Email Export Add to Dashboard Shortcut

All Sessions  
37.39%

+ Add Segment

Explorer Map Overlay

Summary Site Usage Ecommerce

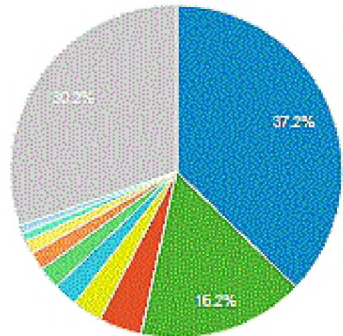


Primary Dimension: Mobile Device Info Mobile Device Branding Service Provider Mobile Input Selector Operating System Other

Plot Rows Secondary dimension Sort Type: Default

Mobile Device Info	Sessions	Sessions
	3,133 % of Total: 37.39% (8,380)	3,133 % of Total: 37.39% (8,380)
1. Apple iPhone	1,165	37.18%
2. Apple iPad	509	16.25%
3. (not set)	132	4.21%
4. Samsung GT-P5210 Galaxy Tab 3 10.1	90	2.87%
5. Samsung GT-I9300 Galaxy S III	74	2.36%

Contribution to total: Sessions





Email

Export

Add to Dashboard

Shortcut



All Sessions

100.00%

+ Add Segment

Explorer

Entrance Paths

Summary

Site Usage

Ecommerce

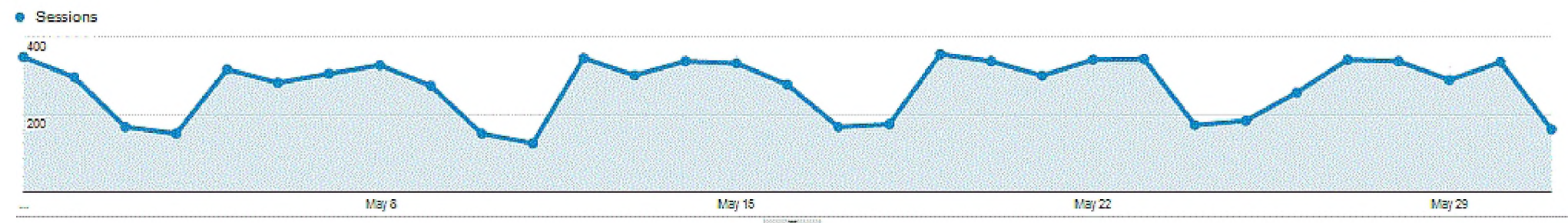
Sessions

vs. Select a metric

Day

Week

Month



Primary Dimension: Landing Page

Other

First Rows

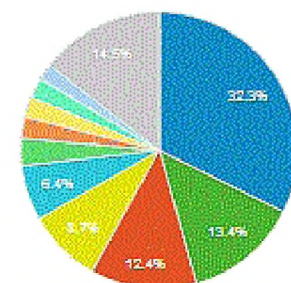
Secondary dimension

Sort Type: Default

advanced

Landing Page	Sessions	Sessions
	8,380	8,380
	% of Total: 100.00% (8,380)	% of Total: 100.00% (8,380)
1. /	2,707	32.30%
2. /Departments/swim/swimcenter.htm	1,122	13.39%
3. /transportation/CAThomepage.htm	1,038	12.39%
4. /Jobs/jobopenings.htm	728	8.69%
5. /transportation/routes.htm	540	6.44%
6. /Departments/swim/schedule.htm	267	3.19%
7. /cityservices/cityserv.htm	206	2.46%
8. /Departments/pw_operations/parks/park_facilities.htm	202	2.41%
9. /Departments/court/court.htm	195	2.33%
10. /Departments/pw_operations/parks/parks.htm	161	1.92%

Contribution to total: Sessions





# Audience Overview

Email Export Add to Dashboard Shortcut

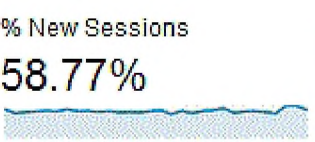
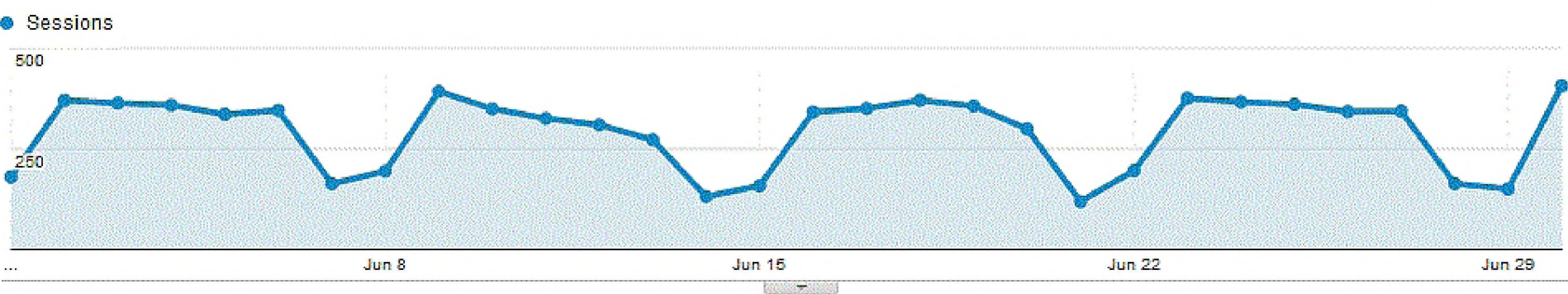
All Sessions  
100.00%

+ Add Segment

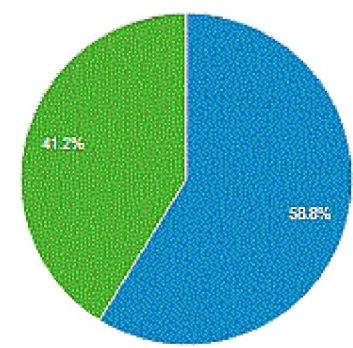
## Overview

Sessions VS. Select a metric

Hourly Day Week Month



New Visitor Returning Visitor





New vs Returning

Jun 1, 2014 - Jun 30, 2014

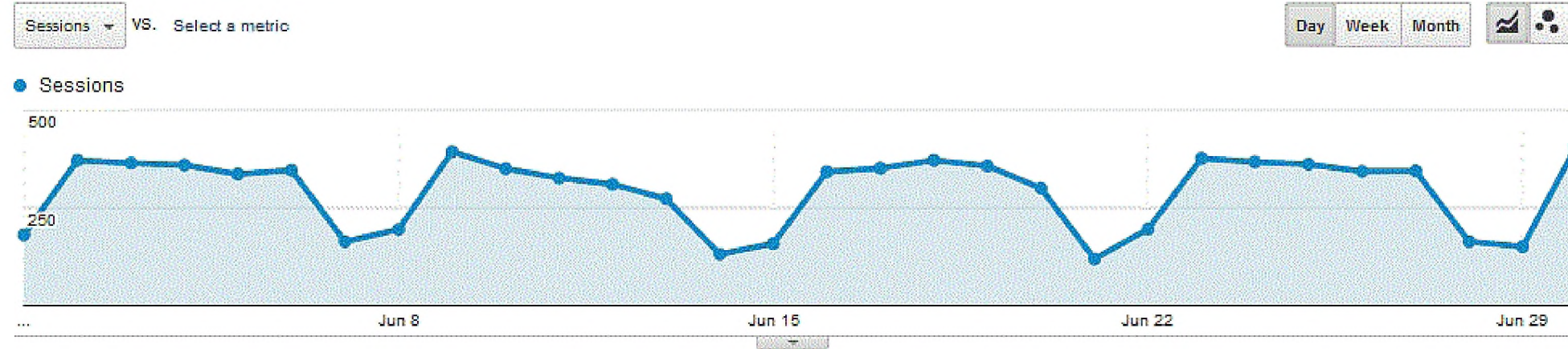
Customize Email Export Add to Dashboard Shortcut

All Sessions  
100.00%

+ Add Segment

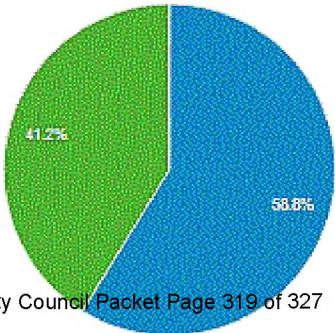
Explorer

Summary Site Usage Ecommerce



Primary Dimension: User Type

Plot Rows	Secondary dimension	Sort Type: Default		advanced				
<input type="checkbox"/>	User Type	Sessions	Sessions	Contribution to total: Sessions				
		8,779 % of Total: 100.00% (8,779)	8,779 % of Total: 100.00% (8,779)					
<input type="checkbox"/>	1. New Visitor	5,162	58.80%					
<input type="checkbox"/>	2. Returning Visitor	3,617	41.20%					





# Browser & OS

Customize Email Export Add to Dashboard Shortcut



All Sessions  
100.00%



+ Add Segment

## Explorer

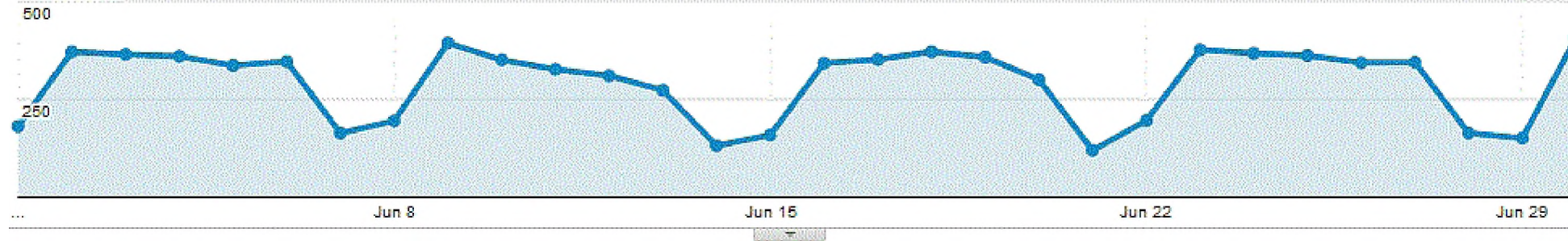
Summary Site Usage Ecommerce

Sessions VS. Select a metric

Day Week Month



Sessions

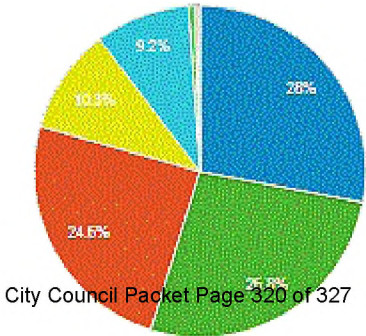


Primary Dimension: Browser Operating System Screen Resolution Screen Colors Flash Version Other

Plot Rows Secondary dimension Sort Type: Default

advanced

	Browser	Sessions	Sessions	Contribution to total:
				Sessions
		8,779	8,779	
		% of Total: 100.00% (8,779)	% of Total: 100.00% (8,779)	
	1. Chrome	2,456	27.98%	
	2. Internet Explorer	2,354	26.81%	
	3. Safari	2,158	24.58%	
	4. Firefox	903	10.29%	
	5. Android Browser	807	9.19%	
	6. Amazon Silk	55	0.63%	
	7. Safari (in-app)	23	0.26%	





Overview

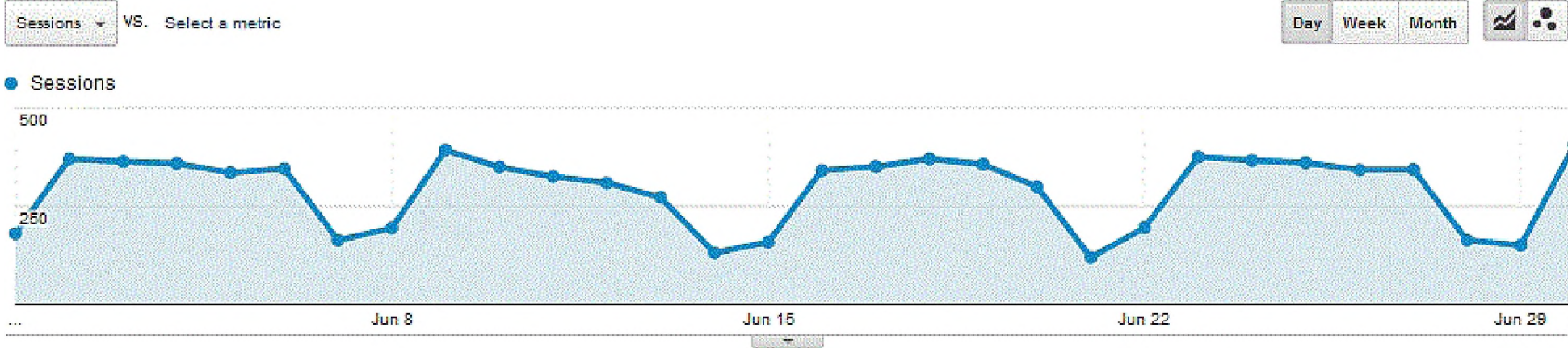
Customize Email Export Add to Dashboard Shortcut

All Sessions  
100.00%

+ Add Segment

Explorer

Summary Site Usage Ecommerce



Primary Dimension: Device Category

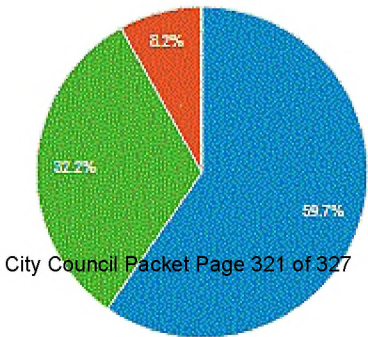
Plot Rows

Secondary dimension

Sort Type: Default

advanced

<input type="checkbox"/>	Device Category	Sessions	Sessions	Contribution to total: Sessions
		8,779 % of Total: 100.00% (8,779)	8,779 % of Total: 100.00% (8,779)	
<input checked="" type="checkbox"/>	1. desktop	5,238	59.67%	
<input checked="" type="checkbox"/>	2. mobile	2,824	32.17%	
<input checked="" type="checkbox"/>	3. tablet	717	8.17%	





Devices

Customize Email Export Add to Dashboard Shortcut



All Sessions  
40.33%



+ Add Segment

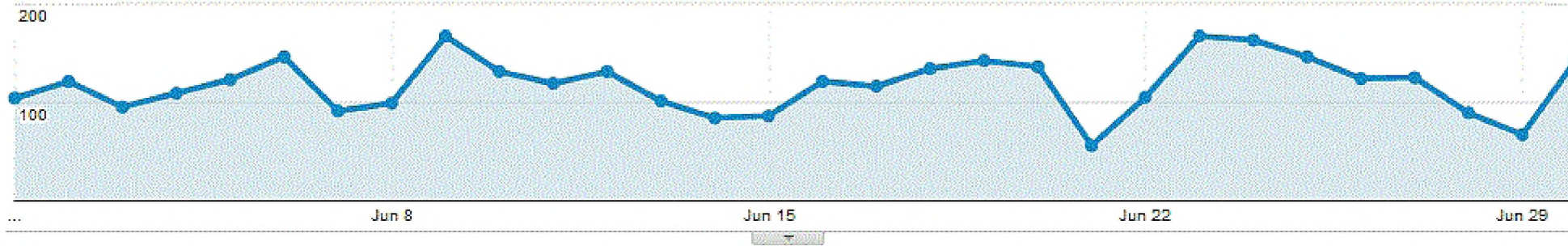
Explorer Map Overlay

Summary Site Usage Ecommerce

Sessions VS. Select a metric

Day Week Month

Sessions

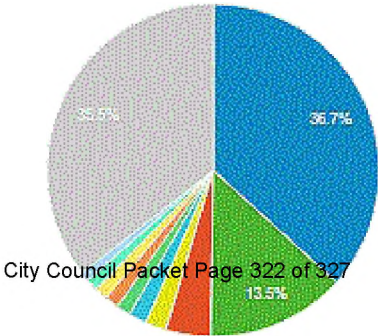


Primary Dimension: Mobile Device Info Mobile Device Branding Service Provider Mobile Input Selector Operating System Other

Plot Rows Secondary dimension Sort Type: Default

advanced

Mobile Device Info		Sessions	Sessions	Contribution to total:
		3,541 % of Total: 40.33% (8,779)	3,541 % of Total: 40.33% (8,779)	Sessions
1.	Apple iPhone	1,300	36.71%	
2.	Apple iPad	479	13.53%	
3.	(not set)	155	4.38%	
4.	Apple iPod	72	2.03%	





Landing Pages

Email Export Add to Dashboard Shortcut

All Sessions  
100.00%

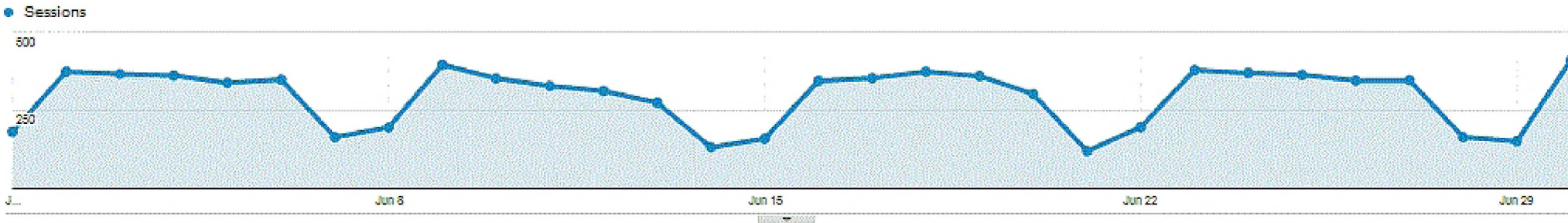
+ Add Segment

Explorer Entrance Paths

Summary Site Usage Ecommerce

Sessions vs. Select a metric

Day Week Month



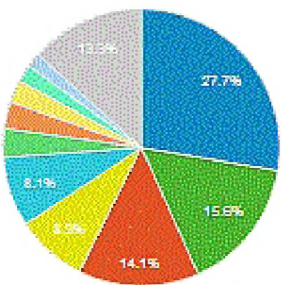
Primary Dimension: Landing Page Other

Plot Rows Secondary dimension Sort Type: Default

advanced

Landing Page			Sessions	Sessions
			8,779 % of Total: 100.00% (8,779)	8,779 % of Total: 100.00% (8,779)
1.	/		2,428	27.66%
2.	/Departments/swim/swimcenter.htm		1,372	15.63%
3.	/transportation/CAThhomepage.htm		1,238	14.10%
4.	/transportation/routes.htm		732	8.34%
5.	/Jobs/jobopenings.htm		713	8.12%
6.	/Departments/swim/schedule.htm		295	3.36%
7.	/Departments/pw_operations/parks/park_facilities.htm		272	3.10%
8.	/Departments/court/court.htm		234	2.67%
9.	/Departments/pw_operations/parks/parks.htm		176	2.00%
10.	/Departments/departments.htm		148	1.69%

Contribution to total: Sessions





# City of Canby Bi-Monthly Report

## Department: Transit



For: the months of May & June, 2014

Date: July 7, 2014

Prepared by: Julie Wehling

Through: Amanda Zeiber, Interim City Administrator

### 1) Funding Issues:

- a) Monthly Elderly and Disabled transportation reports were submitted to TriMet.
- b) CAT's two-year grant agreement for Special Transportation Fund (STF) and Special Transportation Operating (STO) funding in the amounts of \$241,925.00 and \$82,400 respectively was executed on May 27th.
- c) CAT's annual grant contract for Rural and Small City 5311 funding (\$323.580) was executed on May 21st for FY 2014-15.
- d) CAT's grant application for \$60,000 in a planning funds (to complete a Transit Master Plan) was recommended for funding by the Public Transit Division to the Public Transportation Advisory Committee (PTAC) at their meeting on May 12th.

### 2) Ridership:

Ridership for FY 2013-14 is down by 18.68 percent as compared to the previous fiscal year. During this report period CAT provided:

- a) 8,800 rides in May (10.92% fewer than May of 2013).
  - 1,668 demand responsive rides (Shopping Shuttle & Dial-A-Ride). This is 6.71% more than were provided during May of 2013.
  - 5,275 to Oregon City (10.5% fewer rides than May of 2013).
  - 1,857 to Woodburn (13.58% fewer rides than May of 2013)
- b) 8,806 rides in June (.19% fewer rides than June of 2013).
  - 1,423 demand responsive rides (Shopping Shuttle & Dial-A-Ride). This is 2.88% more rides than were provided during June of 2013.
  - 5,375 to Oregon City (6.8% more rides than June of 2013)
  - 1,967 to Woodburn (6.37% fewer rides than June of 2013).

The ridership slide downward seems to have leveled off. At the end of FY 2013-14 rides are averaging 8,648 per month. In FY 2012-13 we averaged 10,635 per month and in FY 2012-11 the monthly average was 12,556.



Updates:

- a) The Rider of the Month for May was Monica Duque and in June it was Peggy Mendenhall. Each rider was given CAT memorabilia and a free pass of their choice.
- b) Canby Area Transit - CAT has a facebook page.

4) Collisions

- a) No collisions in May or June

5) Training/Meetings/Conferences Attended: City staff, contractors and/or volunteers represented CAT in the following venues:

- a) From May 6th – 9th Julie Wehling attended the Beamish Group Developing Worthy Leaders – The Leadership Academy presented by the Canby Police Department.
- b) MV held driver training meetings on May 10th and June 14th.
- c) The Transit Advisory Committee held their regular meetings on May 15th and June 19th.
- d) On May 29th Nancy Muller, Julie Wehling, and Kristie Chilcote gave a transit bus orientation to 2 classes of 3rd graders from Knight Elementary School.
- e) On June 12th Julie Wehling participated in a webinar on Disadvantaged Business Enterprise (DBE) Program Goal Setting Methodology.
- f) On June 16th Nancy Muller successfully completed Easter Seals Project Action's "Practices in Paratransit Service". This was a 4 week 4 module online/webinar training.



## **City of Canby Bi-Monthly Report**

### **Department: Wastewater Treatment Plant**

### **For Months of:**

### **May & June 2014**

To: The Honorable Mayor Hodson & City Council  
From: Dave Conner, Lead Operator  
Through: Amanda Zeiber, City Administrator  
Date: July 1, 2014

#### **Facility Operations & Maintenance**

The water quality for the months of May and June remained excellent with no violations. Plant Operators maintain daily operations of the plant as we move into our more stringent summer compliance monitoring.

Plant personnel are keeping up with all preventative maintenance, operations, laboratory testing and FOG abatement which include some of the following:

- Drained and cleaned both North and south Clarifiers.
- Vemco temperature download and calibration.
- Effluent flow meter calibration check.
- Started to add lime to Biosolids for test odor control.
- Finished cleaning North and South ponds.
- Replaced ebara mixer in the south basin.
- Painted the lab and shop.
- Replaced and repaired filters on aquadisk.
- Repaired ABS Mixer motor.
- Daily plant check, lab, and process control.
- Routine daily maintenance, repairs, and cleaning of plant.

#### **FOG (fats, oils and grease) Program**

##### **May**

- Pump Outs: 18
- Inspections: 3

##### **June**

- Pump Outs: 22
- Inspections: 4

## **Biosolids Program**

- Belt press ran 19 days in May.
- 7 loads to Heard Farms, 210 wet tons.
- Belt press ran 18 days in June.
- 6 Loads to Heard Farms, 174 wet tons.

## **Daily Lab Activity**

### **Monthly / Weekly NPDES Permit Tests**

- TSS
- BOD
- CBOD
- Ammonia
- E-coli
- Alkalinity
- pH
- Total Flow
- UV Dosage

### **Monthly / Weekly Lab**

- TSS
- Nitrite / Nitrate
- UV Transmittance
- Completed NPDES permit renewal packet.

## **Meetings and Training Attended**

These meetings, conference's or training were completed by either one or more of the wastewater treatment plant personnel (Dave Conner, Don Steiner, Bob Wengert, Bruce Shelquist or Dave Frahm)

- F.O.G committee meeting.
- Ethics training.
- Process control class.
- Adobe
- Daily staff and operations meeting.