



## AMENDED AGENDA

### CANBY CITY COUNCIL REGULAR MEETING

August 3, 2011

7:30 PM

Council Chambers

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

*Mayor Randy Carson*

*Council President Walt Daniels*

*Councilor Richard Ares*

*Councilor Tim Dale*

*Councilor Traci Hensley*

*Councilor Brian Hodson*

*Councilor Greg Parker*

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### CITY COUNCIL REGULAR MEETING

1. **CALL TO ORDER – 5:30 PM** – City Hall Conference Room – The Council will immediately go into Executive Session with the Regular Session following at 7:30 PM in the Council Chambers.
2. **EXECUTIVE SESSION:** ORS 192.660(2)(h) Pending Litigation, ORS 192.660(2)(i) Performance Evaluation of Public Officer, and ORS 192.660(3) Labor Negotiations,
3. **OPENING CEREMONIES**
  - A. Pledge of Allegiance and Moment of Silence
  - B. Vietnam Memorial Dedication Proclamation

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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 July 20, 2011 City Council Work Session and Regular Meeting
9. **PUBLIC HEARING**
  - A. ANN 11-01 Hope Village Annexation

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**10. RESOLUTIONS & ORDINANCES**

- A. Res. 1111, Referring to Electorate a Five Year Local Option Levy for the Swim Center at the Rate of \$0.49 per \$1,000.00 Assessed Value Beginning in FY 2012-2013; and Repealing Resolution 932 Pg. 78
- B. Res. 1113, Approving Annexation of 4 Acres Which Shall Be Zoned R-2 High Density Residential, Pending Annexation Approval by the Electorate Pg. 82
- C. Ord. 1347, Amending the Cable Television Franchise Agreement Between the City of Canby and WaveDivision VII, LLC (2<sup>nd</sup> Reading) Pg. 85
- D. Ord. 1348, Authorizing a Contract with Envirosight, LLC for the Purchase of Sewer Camera Equipment with Owen Equipment of Portland Acting as the Local Sales Representative for the Equipment (2<sup>nd</sup> Reading) Pg. 90
- E. Ord. 1349, Amending the Cable Television Franchise Agreement Between the City of Canby and Canby Telephone Association Pg. 92

**11. NEW BUSINESS**

- A. ANN 11-01/AC 11-01 Findings, Conclusions & Order Pg. 74

**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 at 503.266.4021 ext. 233. A copy of this Agenda can be found on the City's web page at [www.ci.canby.or.us](http://www.ci.canby.or.us). City Council and Planning Commission Meetings are broadcast live and can be viewed on OCTS Channel 5. For a schedule of the playback times, please call 503.263.6287.





Office of the Mayor

# Proclamation

## Vietnam Era Veterans Memorial Committee Appreciation Month

WHEREAS, it is at all times fitting for our community to consider and honor veterans of all eras throughout the year; and

WHEREAS, in light of the upcoming dedication of the Vietnam Era Veterans Memorial on August 6, 2011, the City of Canby particularly wishes to set aside the entire month of August to honor the Vietnam Era Veterans Memorial Committee; and

WHEREAS, the Vietnam Era Veterans Memorial Committee led the efforts of local and regional citizens, service groups, businesses, and veteran's groups for over a decade to plan and build the Vietnam Era Veterans Memorial on Highway 99E; and

WHEREAS, it is very rare for a grass roots group to both create a bold vision and actually bring it to fruition over such a lengthy time period; and

WHEREAS, this bold vision for a stunning Vietnam Era Veterans Memorial is now achieved with the installation of the statue "A Hero's Prayer" completing the themes of courage, compassion, and humanity during the challenging era; and

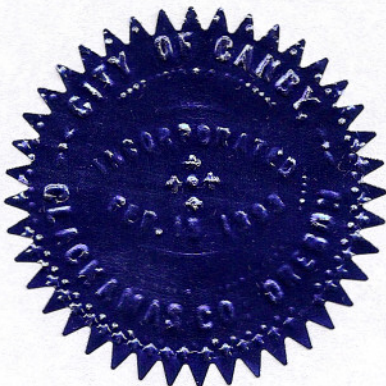
WHEREAS, this project has the added benefits of bringing a fine art sculpture to the City of Canby environs, being a memorable visitor attraction, and providing a place of extraordinary healing and peace; and

WHEREAS, the entire Canby community, and indeed the entire region, can be proud of the memorial which will stand now and in the future as a tribute to the veterans of that era, wherever they served.

NOW, THEREFORE, I, Randy Carson, Mayor of the City of Canby, hereby proclaim the month of August as Vietnam Era Veterans Memorial Committee Appreciation Month and encourage all citizens to recognize their extraordinary efforts on behalf of Vietnam Era Veterans and the community, and also to continue to support veterans organizations, honor the veterans in their families and workplaces, and remember the heroism and sacrifices of our veterans throughout the history of our country.

Given unto my hand this 3rd day of August 2011.

Randy Carson  
Mayor





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

**TO:** *Honorable Mayor Carson and City Council*  
**FROM:** *Bryan Brown, Planning Director*  
**THROUGH:** *Greg Ellis, City Administrator*  
**DATE:** *August 03, 2011*  
**RE:** *Annexation & Zone Change Application (ANN 11-01/ZC 11-01)*

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## **Summary**

Hope Village has submitted an application to the City of Canby to annex 4.0 acres of property located adjacent to the existing Hope Village senior housing campus more particularly located adjacent and east of the 1600 Block of S. Fir Street in the southwesterly portion of Canby. (See Attachment 1 – Locator Map).

The property is designated as High Density Residential (R2) on the City of Canby Comprehensive Plan Map as a result of an approved Comprehensive Plan Amendment CPA 03-03. An area annexed to the city shall be automatically be classified in the zone which best conforms to the land use map of the Comprehensive Plan, pursuant to Canby Municipal Code (CMC) 16.08.040; therefore, if the property is annexed, the zone which best conforms to the land use map of the Comprehensive Plan is High Density Residential (R2).

In January, 2011 Hope Village approached the City Council pursuant to CMC 16.84.090 to request an exemption from the Development Concept Plan process for which a waiver was granted.

Upon receipt of the Planning Commission's recommendation on this application, and after conducting a second public hearing to receive additional testimony on the application the City Council may vote to either approve or deny the application. If the City Council approves the annexation application, the City Recorder will return to Council with a ballot title appropriate to forward the question to Canby voters for the general election to be held on November 08, 2011.

Staff has prepared a suggested approval resolution (see Attachment 4) and Council Final Order (see Attachment 5) for your information based on the Planning Commission recommendation and to facilitate continued processing of this request to a vote should the Council look favorably on this request at this time.

## **Recommended Council Action**

The Planning Commission forwarded the following recommendation to City Council:

- The Planning Commission recommends that City Council approve ANN 11-01/ZC 11-01 and submit to the electorate for vote, and upon annexation the zoning of the property be designated as High Density Residential (R2), pursuant to the conditions and findings presented in the June 30<sup>th</sup> staff report and the supporting findings from the public hearing held. (Passing 6-0).

## **Background**

The Planning Commission held a public hearing on July 18, 2011 concerning this annexation and zone change application. The Planning Commission found that the annexation application and zone change meets all of the approval criteria set forth in Canby Municipal Code (CMC) 16.84 and 16.54 respectively based upon information presented at the public hearing, Commission deliberations (see Attachment 2 - Planning Commission draft minutes), and the findings presented in the prepared June 30, 2011 staff report (*see Attachment 3 – Planning Commission staff report*).

### **Alternatives**

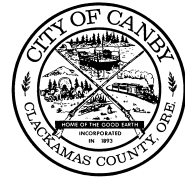
1. As an alternative to the recommended action, the City Council may choose to deny the annexation application based upon modified findings, in which case the annexation will not be submitted to the voters of Canby.

### **Attachments**

1. Locator Map
2. Planning Commission Minutes (Draft) of July 18, 2011
3. Planning Commission Staff Report and Exhibits of June 30, 2011
4. Prepared Approval Resolution
5. Prepared Council Final Order

## STAFF REPORT TO THE PLANNING COMMISSION

*FOR THE CITY OF CANBY, OREGON*



### SECTION I APPLICATION SUMMARY

**APPLICANT:**

Robert Price  
3935 NE 72<sup>nd</sup> Ave  
Portland OR 97213

**OWNER:**

Hope Village Inc.  
1535 S Ivy  
Canby, OR 97013

**LEGAL DESCRIPTION:**

Tax Lots 900 and 1000 of Tax Map 4S-1E-4D

**LOCATION:**

Tax Lot Numbers 900 and 1000 of Tax Map 4S-1E-4D; abutting Hope Village Senior Housing.

**COMP. PLAN DESIGNATION:**

High Density Residential (HDR)  
City of Canby

**PREVIOUS FILE NO.:**

CUP91-05/PUD91-01; DR96-16; LLA02-04; LLA03-01 (CPA/ZC 03-03)

**STAFF:**

Markus Mead  
Associate Planner

**DATE OF REPORT:**

June 30, 2011

**ZONING DESIGNATION:**

Exclusive Farm Use (EFU)  
Clackamas County

### SECTION I PROPOSAL

The applicant is requesting to annex approximately 4 acres of land on two lots. A zoning map amendment is proposed and required by Canby Municipal Code (CMC) as a property is brought into the City limits. The applicant is proposing the R-2 High Density Residential zone district to be aligned with the City of Canby's Comprehensive Plan Designation of High Density Residential (HDR). Note: Hope Village owns both of the tax lots and has stated an intent to develop the 4-acre site with senior housing similar in character and design to the existing units, such that the entire site will have a similar appearance and function as a part of the senior housing campus. However, no concurrent development proposal, site plan or land use is submitted with this annexation and zone change application. The proposed zone permits a variety of residential uses at a 14-unit per acre minimum density. Therefore, for purposes of analysis, only the effects of annexation and zone change should be considered. Specific development impacts will be considered in subsequent applications.

### SECTION II STAFF RECOMMENDATION

Based upon the findings in this Staff Report, public comment received to date, and without benefit of testimony at a public hearing, Staff recommends **APPROVAL** of



Annexation 11-01, pursuant to the conditions presented in this Staff Report and that Staff recommends that the Planning Commission recommend to City Council that:

1. ANN 11-01 be approved for submission to the electorate for vote; and
2. Upon annexation, the zoning of the subject property be designated as High Density Residential (R-2) pursuant to the conditions presented in this Staff Report in Section XII.

### **SECTION III      APPLICABLE REVIEW CRITERIA**

Canby Municipal Code (CMC) Title 16:

16.84 Annexations

16.54 Amendments to Zoning Map

### **SECTION IV      BACKGROUND**

The City's Comprehensive Plan Map currently identifies the subject properties with the Residential-Commercial (R-C) designation. However, this is one of several mapping errors recently found on the Comprehensive Plan Map. The subject properties have been confirmed to be designated High Density Residential (HDR) via Comprehensive Plan Amendment 03-03. In anticipation of adopting the NE Canby Master Plan, Council approved CPA 03-03 that included several areas of the City. This CPA redesignated the subject properties to High Density Residential. The City's Comprehensive Plan Map has not been updated with this designation for the subject properties nor the remaining areas. This is now being addressed by Staff.

Through the majority of this annexation application, Staff and the applicant believed the properties to be designated R-C. Staff discovered the error on June 16, 2001, the day before the initial staff report was due for the June 27, Planning Commission hearing. Staff contacted the applicant to determine if they desired to continue pursuing the applications. They responded affirmatively as the new/correct designation allows for their desired density outright without pursuing a Planned Unit Development and the senior housing density bonus of CMC 16.82.050 which would have been required with the R-C designation.

Staff then sent an updated property owner notice, rescheduled the Planning Commission and City Council Hearing dates, reposted an updated notice on the property and resent a notice to the Canby Herald to be in compliance with notice and due process requirements. Staff also resent a request for comments to service and utility providers and partner agencies.

The applicant did not supply amended narrative information. This is because this information was supplied with the previous Comprehensive Plan designation and it was Staff's error to not update the Plan maps. Thus, it not the applicant's burden to revise their narrative information and the onus is on Staff to perform the land supply and consumption calculations required by the annexation ordinance. These calculations are contained in this Staff Report. Other than these calculations, the applicant's narrative provides information relevant to the remaining evaluation criteria.

## **SECTION V SUMMARY OF MAJOR CONSIDERATIONS**

### **Development Concept Plan Waiver/Infrastructure Analysis**

As stated in CMC 16.84.090 Exceptions; “*The City Council may authorize an exception to any of the requirements of this chapter.*” The City Council exempted the Development Concept Plan (DCP) requirement for this application at its January 19, 2011 regular meeting. Development Concept Plans describe existing capacity and projected need for a pre-defined area subject to future annexation and help assure utility/service availability for subsequent individual property annexations. The utilities and services include: Water, Sewer, Stormwater, Street Access, Internal Circulation, Street Standards, Fire Department requirements and Parks and open space. Thus, the applicant is exempted from creating a Development Concept Plan for the area analyzing the infrastructure requirements in CMC 16.84.040.b.1-8.

The Concept Plan area as defined within the annexation code is much larger than the four acres proposed for annexation. The previous Council decision to waive the Concept Plan requirement recognized the difficulty in obtaining property owner agreement to a single concept plan in this particular area due to past history and felt that future infrastructure considerations within the area could be adequately addressed without the concept plan for the entire area in this instance.

Staff and associated utility providers typically analyze infrastructure capacity, projected demand and future expansion for annexation proposals. They were encouraged to consider future needs for the entire concept area while focusing on the area requested to be annexed. The Development Concept Plan usually would generate information needed to analyze this capacity and demand. Thus, the information needed to conduct this analysis is not provided as completely as it would be with a DCP. Staff determined a solution to request this information from the applicant for their proposed annexation only and analyze the utility and service extension alternatives in conjunction with the applicant. This information has been somewhat provided by the applicant and has been generated in part by Staff review.

To consider the utility and service provision aspects of the annexation application, the following were reviewed:

1. What infrastructure/utilities are needed to serve the likely intensity of development for this site and in this area
  - a. Are any upgrades needed
    - i. If so, what are they?
2. What infrastructure/utilities are needed to serve the minimum development intensity this site and in this area
  - a. Are any upgrades needed
    - i. If so, what are they?



3. Are any infrastructure/utilities planned to be located on, across, or adjacent to the proposed property?
4. Does the annexation conform to applicable City Policies, Goals and Codes as well as State Statutes?
5. What are the adjacent and proximate Comprehensive Plan Designations; what is intended to be developed nearby and what are the potential needs including:
  - a. Vehicle Access
  - b. Vehicle/pedestrian/bike connections
  - c. Utility connections
  - d. Other service needs
6. Are the Zone Change criteria sufficiently addressed?
7. What are the traffic considerations at maximum development?

The consideration is to understand that no proposed density or development intensity is supplied and the minimum density of 56-units per acre and likely density of 66-units should be used for utility and service provision discussions. Utility and Service providers have stated that there is sufficient capacity in all services and utilities to supply the subject area and beyond with existing capacity and/or specific upgrades performed during subsequent development.

### **Proposed Density**

Many annexation proposals contain example development proposals to provide decision makers and the public with likely development intensity. In this case, these development proposals are reviewed through subsequent applications (e.g. Site and Design Review, Subdivisions etc.) and are not technically necessary for annexation review. In fact, the applicant is under no obligation to develop the site plan as proposed in an annexation application and the presented site plan could be misleading. Annexation review is for utility and service provision and future needs and to review the proposed zoning district's compatibility with the City's Comprehensive Plan designation(s) for the annexation area.

In this application, there is no site plan associated with the proposal. The area is identified on a tax map. The applicant is proposing the High Density Residential (R-2) zone, which is the zone anticipated by the adopted Comprehensive Plan. Staff is using both the minimum residential density under the R-2 zone and likely density to forecast service and utility provision needs as well as potential impacts such as traffic. Although it is logical to assume, based on the applicant's stated intent, location and property owner that the annexation area would become an extension of Hope Village, there is no assurance that it would be so. Development Standards including density will be reviewed at the Development Review/Subdivision application time.

Permitted outright density would conform to the standards of Chapter 16.20.030. The minimum density is 14 dwelling units per acre. This would require a minimum of 56 units on the subject properties. No maximum density is stated in this zone. Thus, Staff is using

the applicant's stated dwelling unit desire of 66 units total as the maximum density for analysis purposes.

The consideration is to understand that no proposed density or development intensity is supplied and the maximum should be used for utility and service provision.

## **SECTION V. PROCESS**

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 it will be on the voter ballot for a general vote to be decided. This application requires notice to property owners and residents within a 500 foot radius from property limits; a neighborhood meeting is required. The Type IV review process is described in further detail in Canby Municipal Code (CMC) 16.89.060.

There is a 20 day notice period and 10 day appeal period. The Planning Commission submits a recommendation to the City Council for a decision of referring the annexation to the voters for a general election.

Notice of this application and this hearing was mailed to owners of lots within 500 feet of the subject properties on June 3, 2011 ending on June 27, 2011; a 27 day period. A second notice was sent on June 17, 2011 with comment period ending on July 11, 2011; a 27 day period.

The applicant held two neighborhood meetings. A summary of comments has been supplied by the applicant.

The site is required to be posted with a public hearing notice 10 days prior to the Hearing. This site was posted on June 10, 2011. The site was reposted with a revised notice on June 27, 2011.

A public hearing notice is required to be posted at City Hall at least 10 days prior to the Hearing. This notice was posted on June 13, 2011.

A pre-application conference is required and was held on February 9, 2011.

## **SECTION VI. STAFF REPORT APPROACH**

This Staff Report includes the relevant portions of the applicant's narrative as findings to describe compliance for applicable regulations found in Section VII, Review for Conformance With Applicable Approval Criteria. The applicant's narrative evaluated the Residential Commercial Plan Designation and thus the land supply analysis is inaccurate due to the mapping error described in Section IV of this report. These portions are not adopted and this Staff Report contains updated land supply analyses. The remainder of the applicant's narrative is relevant. This narrative is found in Exhibit A of this Staff Report. Each criterion references findings that identify the associated narrative sections.

Note: This application is to consider the annexation area (including the Annexation and Zone Change Applications); not any site plan or associated applications.

## **SECTION VII. REVIEW FOR CONFORMANCE WITH APPLICABLE APPROVAL CRITERIA**

### ***DEVELOPMENT AGREEMENT ANALYSIS:***

*16.80.040.b. 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. The burden of proving the appropriateness of the annexation is greatest for those proposals which are least in keeping with the phased growth concept;*

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

**Findings:** The subject annexation properties do not lie within a defined Development Agreement area so are exempt from the above provisions so this criterion is not applicable. (See Figure 16.84.040). The properties are within a Development Concept Area. As stated in CMC 16.84.090 Exceptions; *"The City Council may authorize an exception to any of the requirements of this chapter."* The City Council exempted the Development Concept Plan (DCP) requirement for this application at its January 19, 2011 regular meeting.

Development Concept Plans describe existing capacity and projected need by the annexation area and help assure utility/service availability for subsequent properties. The utilities and services include: Water, Sewer, Stormwater, Street Access, Internal Circulation, Street Standards, Fire Department requirements and Parks and open space. Thus, the applicant is exempted from creating a Development Concept Plan for the area analyzing the infrastructure requirements in CMC 16.84.040.b.1-8. Therefore, this criterion has been exempted and is not applicable.

## ANNEXATION ANALYSIS

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:** This criterion has essentially three analysis elements:

1. Developable land supply (within the same class of zoning)
2. Rate of development
3. Proposal effects.

Analysis Element 1: amount of developable land (within the same class of zoning within the City Limits. The three data sources for this data are the City's Comprehensive Plan and the 1999 Land Needs Analysis which describe land supply for the UGB and subdivision tracking spreadsheets used for land consumption that are updated with each relevant staff report.

### *UGB Land Supply*

The Comprehensive Plan has not been updated to include any development projections for any subsequent period of time. Although portions of the Comprehensive Plan have been updated in 2007, the buildable lands analysis has not been substantially updated since approximately 2000. Thus, the Land Needs Analysis is used to reference land supply within the UGB. This is used as a reference for projected land need and available supply. According to Table 14 of the Land Needs Analysis below, there are 43.53 gross acres of buildable (vacant and underdeveloped) High Density Residential (R-2) designated land within the Urban Growth Boundary (UGB). (The number of acres within the city limits is described below.)

Table 14					
Summary of Gross Buildable Residential Lands 1/ Canby Urban Growth Boundary					
	Low Density Residential (R-1)	Medium Density Residential (R-1.5)	Medium Density Residential Commercial (RC)	High Density Residential (R-2)	Total
Vacant	193.56	2.3	1.19	17.72	214.77
Underdeveloped 2/	588.65	4.95	3.19	25.81	622.6
Total Buildable Acres	782.21	7.25	4.38	43.53	837.37

Notes:  
1/ Derived from Appendix C. Gross buildable land area is net of steep slopes and wetland/floodplains.  
2/ Reflects estimate of underdeveloped parcels with more than 1/2 acre in buildable lands.



According to Table 15 of the Land Needs Analysis below, there is a 56.2 acre deficiency between the UGB supply and the demand within the planning period (to 2020).

**Table 15**  
**Summary of Residential Land Needs**  
**Canby Urban Growth Boundary**  
**Year 1999 through 2020**

	Gross Vacant Supply (Acres) 1/	Gross Underdeveloped Supply (Acres) 1/	Less Public Facility Requirements 2/	Remaining Gross Developable Acres
Low Density (R-1)	193.56	588.65	(101.60)	680.61
Med. Density (R-1.5 & RC)	3.49	8.14		11.63
High Density (HDR)	17.72	25.81		43.53
<b>Total</b>	<b>214.77</b>	<b>622.6</b>	<b>(101.60)</b>	<b>735.77</b>

	Most Likely Demand 3/	Land Supply Overage (Deficiency)
Low Density (R-1)	367.8	312.8
Med. Density (R-1.5 & RC)	148.5	(134.8)
High Density (HDR)	99.7	(56.2)
<b>Total</b>	<b>614.0</b>	<b>121.7</b>

*Notes:*  
1/ derived from city of Canby supply inventory dated March 13, 1999.  
2/ derived from city of Canby estimated of public facilities requirements ; assumes 25 acres needed for parks, 35 acres for schools, 24 acres for wetlands, and 17.6 acres for planned water and sewer facilities.  
3/ reflects net demand after accounting for 99 units of infill housing, which is 37% of all potential infill opportunities.

### *Three-Year Land Supply*

Canby generally considers a 3-year supply of buildable lands (for each residential zoning district) to be sufficient; The City Council has determined that only platted lots and/or approved units should be included in the calculations; annexed land that has not been subdivided will not be included in the analysis. The Council has also determined that annexations that will significantly exceed the 3-year supply would not meet the annexation criteria for need.

The latest figures available from the most recent R-2 annexation staff report in 2006 indicate there are 137 units of un-used capacity in high density residential, or a projected 2.66 years of land inventory in this category. This supply is less than the three year supply desired by Council and less than the five years cited in ORS 197.296(5(b)) This analysis identified no unplatted lots. The only high density residential that has been realized since the May 2006 Buildable Lands Analysis is in a 2008 annexation proposal ANN08-03 for 2 acres of land developing 22 dwelling units maximum. The subdivision has not been platted. Although this staff report found very similar figures to those of the 2006 staff report, data was not cited and confirmation of its numerical inputs could not be found. Thus, the 2006 data was used because of the relatively small number of dwelling units of the 2008 annexation and the inability to confirm the 2008 data as well as the unplatted status of this annexation. The 2006 supply is analyzed and the 22 units are added to the final calculations as they have not been platted.

The 2.66 year supply as of May 2006 would have, in theory and on average been consumed by approximately the end of the 2008 calendar year; which was approximately 2.5 years ago. Although the housing market has significantly decreased by nearly every metric, there is still housing demand and it is likely that some of the available/constructed units have been occupied. This is seen in Figure 1 below which shows 38 available R-2 zoned units which is a 0.73-year supply at the average consumption rate of 51.6 units/acre. Thus, the 2006 2.66 year supply below would have been exhausted and replaced with a 0-year supply approximately 2.5 years ago. With no new supply (platted parcels) in the interim, there would be approximately a 2.5-year need, combined with the existing supply would yield a -1.75-year (2.5 year supply + 0.73 year capacity) supply deficit of R-2-zoned land.

### *Platted Lots:*

**Buildable Lands Inventory May 29, 2006  
R-2 High Density Residential**

<i>Property Owner</i>	<i>Tax Map</i>	<i>Tax Lot</i>	<i>Size (acres)</i>	<i>Zoning</i>	<i>Units</i>	<i>Units Built</i>	<i>Units Available</i>
Marnella - Garden Crossing	3 1E 34B	200	4.67	R-2	55	55	0
Valentine Meadows				R-2	16	16	0
Apollo Homes	4 1E 05	401	14.21	R-2	136	32	104
Pine Place				R-2	4	0	4
Bristol			0.3	R-2	4	0	4
Pine Station			0.97	R-2	11	0	11
Territorial Road Townhomes			0.91	R-2	14	0	14
<b>R-2 Total Lots</b>			<b>21.06</b>		<b>240</b>	<b>103</b>	<b>137</b>

**5 year average 51.6 units/year = 2.66 years**

*Figure 1: Source City of Canby Density 2011 (Updated from 2010)*

Year	Approved Developments	Pre-Existing Units	Units	Built	Percent Built
<b>Single Family Attached</b>					
1995	Manor on the Green	0	30	24	80%
1996	T&J Meadows	1	8	8	100%
1997	Forsythe Field	1	18	16	94%
1997	Eileen's Acres	2	6	6	100%
2001	Redwood Corner	0	12	10	83%
2002	Ivy Gardens (Row Houses)	0	5	5	100%
2003	Valentine Meadows	0	16	16	100%
2004	Apollo Homes (townhomes)	0	62	58	94%
2004	Knotty Pine - R2	0	4	4	100%
2005	Pine Station - R2	0	11	11	100%
2005	Brown Bark Estates - R2	0	14	14	100%
2006	Knott Commons - R2	0	10	5	50%
2005	Woody - R2	1	4	1	50%
2004	Apollo (Darcy's Country) R2 - Attached and detached homes see file	0	136	132	97%
<b>Subtotal</b>		<b>4</b>	<b>336</b>	<b>310</b>	<b>92%</b>
<b>Units Available</b>				<b>26</b>	
<b>Multifamily</b>					
1989	N. Knott Apartments	0	10	10	100%
1990	Maple Terrace Apartments	0	28	28	100%
1992	Redwood Terrace Apartments	0	57	57	100%
1994	Marion South Apartments	0	92	92	100%
1995	Pine Terrace Apartments	0	40	40	100%
1995	Canby Apartments	0	76	76	100%
1997	Walt West Apartment	0	8	8	100%
1999	Casa Verde Apartments	0	26	26	100%
2000	Meyer	12	12	0	100%
2001	Canby Grove Apartments	0	86	86	100%
2003	Ivy Gardens (MF - Complete)	0	2	2	100%
<b>Subtotal</b>		<b>12</b>	<b>437</b>	<b>425</b>	<b>97%</b>
<b>Units Available</b>				<b>12</b>	

Units Available: 38

**5 year average 51.6 units/year = 0.73 years**

Supply conclusions from the 1999 Land Needs Analysis:

- There are 43.53 gross acres of buildable (vacant and underdeveloped) High Density Residential (R-2) designated land within the Urban Growth Boundary (UGB).
- There is an anticipated 56.2 acre deficiency in High Density Residential land within the City's Urban Growth Boundary.
- At the time of the Land Needs Analysis, the proposal area was designated Residential-Commercial. CPA03-03 added this four acres and an additional parcel of 11 acres to the HDR designation. Including the ANN08-03 two acres, the deficiency is  $(56.2 - (11 + 4 + 2)) = 38.2$  acres of deficiency within the UGB.

Supply conclusions from the Buildable Lands Inventory May 29, 2006

- There was a 2.66 year supply of high density residential units that have been platted within the City limits that equates to 137 units or 18.88 acres.
- There is one unplatted lot remaining within Canby's City Limits which is approximately 2 acres and 22 units. Thus, nearly all remaining High Density Land available to be platted is outside the City Limits and within the UGB.

Supply conclusions from City of Canby Density 2011; Subdivision tracking

- There are 38 Units currently Available within the City Limits. This equates to 0.73 years of high density residential units available.
- Using an average consumption rate stated in the Comprehensive Plan, and adjusting for interim time interval, there is a deficiency of 1.77 years of residential units.

There is less than a three-year supply of High Density Residential (R-2) zoned land as desired by the Canby City Council. There is a High Density Residential (R-2) zone deficiency within the City Limits and a long-term High Density Residential (HDR) designation deficiency within the UGB. Therefore, the supply does not exceed a three-year supply and there is a "need" for high density residential land.

Criterion 2: Approximate Rate of Development and  
Criterion 3: How The Proposed Annexation Will Affect The Supply Of Developable Land  
Within The City Limits

Two rates are described in two documents; a previous measured rate in Staff's subdivision tracking sheet and a forecasted rate in the Land Needs Analysis. The documented rate is shown above and is 51.6 units/year. The current housing market is an anomalous situation and the years since 2006 have not been added to this to reduce the consumption. In table 11 below, the Land Needs Analysis forecasted annual need of 44 units of consumption per year.

Based on the number of vacant platted lots in the R-2 zoning district, the total supply of buildable lands available for high density residential development equals a -1.77 year supply. There are 38 Units currently Available within the City Limits and no R-2-zoned unplatted land within the UGB. The proposed annexation would at a minimum add 56 and potentially add 66 new units and 4.0 acres into the City Limits. This 66-unit addition to the 38 units equals 104 available units within the City Limits. This equates to a 2.015-year supply at 51.6 units per year of average consumption. Thus, this addition would bring the buildable lands supply total to a 0.25-year supply; which is still less than the desired three years.

The Land Needs Analysis forecasted annual need of 44 units of consumption per year. This consumption demand would yield a -0.02-year existing supply and with the proposed 66-units, yield a 1.27-year supply. (demand: 44 units \* 3 years = 132 units; and supply: (38 existing + 66 proposed) = 104 = 132/104 = 1.27). Although this would gain a larger land supply, there would still be a need for R-2 land as it is less than the desired three-year supply.

Table 11  
Projected Net New Housing Demand  
Canby Urban Growth Area  
1991 to 2020  
Most Likely Shift-Share Population Forecast

Demographic and Housing Factors 1/	Est. 1998	Proj. Change 1998-2020
Population	12,178	8,822
Households	4,347	3,552
Est. Dwelling Units	4,414	3,643
Less Units Approved not Built		274
<b>Projected Net New Plots/Dwellings 1998-2020</b>		<b>3,369</b>

	Recent Market Scenario 2/	Most Likely Scenario 3/	Lower Density Scenario 4/
<b>Sensitivity Analysis of Demand</b>			
% Low Density (1 unit, detached)	28%	40%	52%
Number of Plots/Dwellings	943	1,348	1,752
Annual Average Demand	43	61	80
% Low Density (manuf. homes)	12%	10%	7%
Number of Plots/Dwellings	404	320	236
Annual Average Demand	18	15	11
% Medium Density (2-4 units in structure)	24%	22%	19%
Number of Plots/Dwellings	809	744	640
Annual Average Demand	37	33	29
% High Density (5+ units in structure)	36%	29%	22%
Number of Plots/Dwellings	1,213	977	741
Annual Average Demand	55	44	34
<b>All Plots/Dwellings</b>			
Number of Plots/Dwellings	3,369	3,369	3,369
Annual Average Demand 1998 to 2020	153	153	153

Notes:  
1/ derived from Table 10.  
2/ based on actual approved dwelling types between 1990 and 1998.  
3/ represents a mid-point between low and high density forecasts.  
4/ low density distribution is most consistent with existing dwelling mix.

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. The applicant's narrative describes the potential impacts and mitigation measures. Staff does not identify any significant impacts that are not described in the applicant's narrative and agree that the physical aesthetic and related social effects of annexation and zoning R2 are not significant. Additionally, the neighborhood meetings are described in other sections of this report. Staff finds that the applicant narrative is sufficient for the purposes of this staff report and the applicable criteria are or can be met.

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 applicant's narrative describes the potential impacts and mitigation measures. Staff does not identify any significant impacts that are not described in the applicant's narrative and agree that, according to utility provider statements, utility capacity is available, drainage and transportation are sufficiently available and that park and school facilities would not significantly impacted if developed as senior housing. However, if developed as medium or high-density residential units, there would be school enrollment impacts. Staff has considered the potential for this annexation to develop as non-senior housing and determined the possibility to be insignificant. A condition of approval has been proposed that should non-senior housing be developed that this criterion be re-evaluated.

Transportation capacity is the service for which there was any possible limitation. With the R-C Comp. Plan designation and a commercial use, there would have been many more trips than with high density residential and many more than with high density senior-specific housing (see Exhibit B). The City's Traffic Engineer proposed a 60-trip "cap" to limit potential commercial trips within existing system capacity. However, under R-2 zoning, even at likely maximum development of 80 apartment units, the total PM Peak trips would only be 50 trips; under the trip-cap threshold. The City's Traffic Engineer performed a Transportation Impact Study (TIS) for the R-C designation, but revised the trip estimations in subsequent correspondence (see Exhibit C). The TIS is still valid because the potential trips generated by maximum R-C commercial development intensity would be greater than the minimum residential intensity under R-2. Additionally, the R-2 likely maximum density would not break that cap threshold. Lastly, other components of the TIS that reviewed adequacy of the public facilities to serve the site (sight access and connectivity) are still valid.

Staff finds that the applicant narrative is sufficient for the purposes of this staff report and the applicable criteria are or can be met.



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:** This Staff Report incorporates the relevant Section of the applicant's narrative as findings. The applicant narrative describes the facility demand by proposed development. However, this application is not for concurrent development and the minimum and likely development should be considered for the purposes of this report. The applicant describes the need for high density housing in Canby and also specifically for senior housing. Criterion A.2 describes there is a need for high-density residential development. Thus, there is a demand for high-density housing and, as the applicant states, for this specific type of housing. Staff finds that the applicant narrative is sufficient for the purposes of this staff report 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. According to utility provider statements, utility capacity is available, no facilities need increasing as a result of this proposal. Staff finds that the applicant narrative is sufficient for the purposes of this staff report and the applicable criteria are 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. No financing is needed. Staff finds that the applicant narrative is sufficient for the purposes of this staff report and the applicable criteria are not applicable 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:** This Staff Report incorporates the relevant Section of the applicant's narrative as findings. Staff finds that the applicant narrative is sufficient for the purposes of this staff report and the applicable criteria can be met.

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

**Findings:** This Staff Report incorporates the relevant Section of the applicant's narrative as findings. As stated in the conclusions section of this report, this application complies with all applicable city ordinances and policies. Staff finds that the applicant narrative is sufficient for the purposes of this staff report and the applicable criteria can be met.

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

**Findings:** This Staff Report incorporates the relevant Section of the applicant's narrative as findings. As stated in the conclusions section of this report, this application complies with all applicable Oregon Revised Statutes. Staff finds that the applicant narrative is sufficient for the purposes of this staff report and the applicable criteria can be met.

## **ZONING MAP AMENDMENT ANALYSIS**

CMC Section 16.08.040 states that 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. CMC Section 16.54.040 sets forth approval criteria for an amendment to the zoning map.

**Criteria 16.54.040.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.*

The referenced policy states:

*POLICY NO. 6: Canby Shall Recognize The Unique Character Of Certain Areas And Will Utilize The Following Special Requirements, In Conjunction With The Requirements Of The Land Development And Planning Ordinance, In Guiding The Use And Development Of These Unique Areas.*

**Findings:** This Staff Report incorporates the relevant Section of the applicant's narrative as findings. Staff concludes with the essence of the applicant's findings that Comprehensive Plan Policy 6 is satisfied. This area is not an "Area of Special Concern". Additionally, the applicant is proposing a land use in accordance with the Comprehensive Plan and zoning standards. Because there are no conflicts or items that warrant significant investigation, Staff finds that the applicant narrative is sufficient for the purposes of this staff report and the applicable criteria can be met.

**Criteria 16.54.040.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:** This Staff Report incorporates the relevant Section of the applicant's narrative as findings. Staff concludes with the essence of the applicant's findings. Additionally, the application was forwarded to all public facility and service providers for comment as well as a pre-application conference held with this as a discussion topic. All respondents to date indicated that adequate public facilities are available or will become available through development of the property. Therefore, 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.

## **SECTION VIII**

## **PUBLIC INPUT RECEIVED**

Neighborhood Meeting – The applicant held two neighborhood meetings. A summary of comments was supplied by the applicant and found in Exhibit F of this report. The area of discussion was the entire DCP area and not limited to the Hope Village-owned properties. But, the Hope Village development was the central point of the meeting and Staff believes, satisfies the intent of a neighborhood meeting.

Discussion points centered on local access using Fir and Ivy Streets, existing and potential future traffic issues on both Fir and Ivy Streets, local services and utilities such as water, sanitary sewer, surface water drainage, and other local utilities, and impacts of annexation and development on properties that may not be included in either the DCP or annexation, or both. Some local property owners were concerned about the impacts of larger scale development on their individual properties, especially if they choose not to be annexed. Individual property taxes were also a concern of local property owners.

The benefits of annexation to the City of Canby were discussed, as well as the future of the Southwest Canby area, since all of the area is within the Canby UGB and, theoretically, would be ultimately annexed into the city and potentially developed for residential uses. Some folks expressed concerns for the loss of the “rural” lifestyle, with individual homes on larger pieces of property. Some felt that the future inability to maintain horses and other farm animals was not worth the gain of property values, and the loss of properties large enough to raise fruits and vegetables was just “urban encroachment”. Others felt that “it is about time” to join the city. There were numerous opinions regarding a myriad of issues. All agreed that annexation to the city and future urban development will be a complicated issue and needed to be closely reviewed.

Staff Response to neighborhood comments: future traffic issues are discussed in the TIS and have been found to be having no significant (unplanned) impact. Local utilities and drainage have been analyzed by service providers and the City Engineer and found to have adequate capacity and ability to serve the site. The area is Comprehensively-planned for development; thus, development impacts are anticipated. The same development impacts to adjacent residents also increase their property values accordingly by being within the UGB. Taxes would not change for non-subject properties.

Public Comments – Notices were mailed to residents and owners of property within 500 feet of the subject property. To date, the City has received 13 public comments. All comments are in strong support of the annexation and subsequent likely development. Any comments received by the City before the public hearing will be brought to the public hearing and distributed to the Planning Commission at that time.

## SECTION IX                      COMMENTS SUMMARY

Comments were received from the following agencies/departments:

- City Engineer
- Canby Telcom
- Clackamas County Transportation
- City Traffic Engineer
- Canby Utility
- Canby Public Works

### Clackamas County Comments:

The "County Maintained Roads Within The City of Canby" Map does show S. Fir as a County Maintained Road. The 1992 City of Canby/Clackamas County Urban Growth Management Area Agreement (UGMA) states:

- B. For newly annexed areas, upon annexation, the City shall assume jurisdiction of County roads and local access roads except arterials that are within or abutting the area annexed. As a condition of jurisdiction transfer for County roads and local access roads not built to City street standards on the date of the final decision on the annexation, the County agrees to pay to the City a sum of money equal to the cost of a two (2") inch asphaltic concrete overlay with the width of the then-existing pavement; however, if the width of pavement is less than twenty (20) feet, the sum shall be calculated for an overlay twenty (20) feet wide. The cost of asphaltic concrete overlay to be used in the calculation shall be the average of the most current asphaltic concrete overlay projects performed by each of the City and County. Arterial roads will be considered for transfer on a case-by-case basis.

"EXHIBIT I"

3

Terms of transfer for arterial roads will be negotiated and agreed to by both jurisdictions. The above described provisions are not intended to prevent alternative arrangements where mutually agreed to by the City and County.



In accordance with the 1992 UGMA, Clackamas County requests that approval of an annexation include a transfer of jurisdiction of Fir Street from Clackamas County to the City of Canby.

#### City Engineer Comments Summary:

We have reviewed the submitted application for annexation on the above mentioned project and have the following comments:

1. Sanitary sewer service connection to this parcel is the biggest challenge and we see two possible options and are as follows:
  - a. there is an existing gravity sanitary sewer system in S. Fir Street, this system is approximately 4 feet deep, if the existing terrain of the land does not permit gravity flow to the existing system, a gravity service lateral can be constructed to the public right-of-way boundary and a private pressure line from the future building to this connection point.
  - b. the least desirable option is to construct a gravity sewer line from the site to the existing sewage pump at Tofte Farms development on the east side of S. Ivy Street.
2. Half street improvements along the entire site frontage with S. Fir Street will be required and constructed to Clackamas County Standards to include curbs, sidewalks, street lights, landscaping and utilities extended to the project boundary as necessary.
3. All private storm drainage must be retained on-site.

We have no concerns about the proceedings with this project subject to the above stated comments.

#### Canby Public Works Comments Summary

Similar to the City Engineer describing half-street improvements, sanitary sewer challenges and on-site stormwater detention.

#### City Traffic Engineer Conclusions (excerpt from TIS Addendum Exhibit C):

*It terms of the TPR "impact analysis", the bottom line is that the TSP included approximately 60 peak hour trips for the parcels. [This is the] number of trips included in the TSP that established the baseline for the TPR analysis.*

*...[the likely maximum density would be] 80 apartments as reasonable worst case for 4 acres (20 units per acre) given HDR zoning. 80 apartments would be about 50 trips in the peak hour...which is close to the 60 trips included in the TSP. Therefore, the proposed rezone to HDR would comply with TPR by not significantly exceeding the number of trips planned for in the TSP. So from an impact analysis point of view, the only change would be that the trip-cap is probably no longer needed as a condition of approval.*

**SECTION X**                      **CONCLUSION REGARDING CONSISTENCY WITH THE  
STANDARDS OF THE CANBY MUNICIPAL CODE**

Staff concludes, as detailed herein this staff report, including all attachments hereto,

1. The use is in conformance with applicable sections of the City's Comprehensive Plan and the Zoning Ordinance when all of the conditions contained in this Staff Report are applied.
2. A development agreement is not applicable to this annexation per CMC Figure 16.84.040.
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-2 pursuant to the approval criteria set forth in CMC 16.54.040.
5. The proposed annexation's desired zoning district of R-2 is in conformance with the City of Canby's Comprehensive Plan Map with the map amendments of CPA03-03 applied.
6. The application complies with all applicable Oregon Revised Statutes.
7. There are sufficient public and private utility and service capacity to serve the site at minimum development intensity.
8. The TSP included approximately 60 peak hour base-line trips for the parcels. Future likely maximum residential development of the subject area would be less than the peak anticipated trips.
9. The "County Maintained Roads Within The City of Canby" Map does show S. Fir as a County Maintained Road.
10. If developed as non-senior residential units, there would be school enrollment impacts.
11. There is less than a three-year supply of High Density Residential (R-2) zoned land within the City limits as desired by City policy set by the Canby City Council. There is a High Density Residential (R-2) zone deficiency within the City Limits and a long-term High Density Residential (HDR) designation deficiency within the UGB. Therefore, the supply does not exceed a three-year supply and there is a "need" for high density residential land.

## **SECTION XI**                      **DECISION**

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 City Council that:

1. ANN 11-01 be approved for submission to the electorate for vote; and
2. Upon annexation, the zoning of the subject property be designated as High Density Residential (R-2) pursuant to the conditions presented in this Staff Report in Section XII.

## **SECTION XII**                      **CONDITIONS OF APPROVAL**

Approval of this application is based on submitted application materials as indicated in Exhibits A. Approval is strictly limited to the submitted proposal and is not extended to any other development of the property. Any modification of development plans not in conformance with the approval of application file no. ANN11-01, including all conditions of approval, shall first require an approved modification in conformance with the relevant sections of the Canby Municipal Code.

### **Conditions Unique to this Proposal**

Prior to Issuance of building permit for any subsequent development the following must be completed:

1. Complete all required half street improvements along the entire site frontage with S. Fir Street will be required and constructed to Clackamas County Standards to include curbs, sidewalks, street lights, landscaping and utilities extended to the project boundary as necessary when an application for development of these properties is submitted.
2. The City shall perform a transfer of jurisdiction of Fir Street from Clackamas County to the City of Canby.
3. Should non-senior housing be developed, Canby area schools should be consulted for enrollment impacts.

### **Exhibits:**

- A. Applicant's Submittal
- B. Transportation Impact Study
- C. Transportation Impact Study - addendum
- D. Service Provider Comments
- E. Comprehensive Plan Land Use Map
- F. Neighborhood Meeting Notes

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## **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. 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 16.24, Commercial/Residential Zone because the C-R zone is what Hope Village requests 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 four 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 by Hope Village.
    - 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 four acre site is located within the Southwest Canby DCP Area and would be subject to the requirements of a Development Concept Plan. However, Hope Village requested that the Canby City Council exempt Hope Village's proposed four acre annexation. At its meeting on January 19, 2011, the Canby City Council, after due consideration of the facts and the issues, unanimously voted to exempt Hope Village's proposed four acre annexation from the requirement for preparation of a DCP. Therefore, this criterion is not applicable to the proposed annexation by Hope Village.
  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 has a very limited supply of commercial/residential land within

the City limits due to the influx of new housing starts that have occurred over the last 10 to 15 years, some of which utilized other sites that are zoned CC-R for this residential development.

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. Although the Comprehensive Plan was updated in 2007, the populations and buildable lands component of the plan were not updated and the data dates back to 1980. The 1999 Buildable Lands Analysis is now over 10 years old. Therefore the most useful data includes the 2009 PSU School District Enrollment Study as well as available GIS information. Even this information was not totally helpful in identifying the amount of vacant and available buildable lands that are zoned C-R within the City.

The criterion calls for two parts: 1) to identify buildable lands within the City, and 2) Identify the rate of development of those lands. To answer the first part GIS was used to identify areas of potential development within the same zoning classification as the proposed annexation. Within the Southwest Canby DCP area there is a total of approximately 65 acres, 10.96 acres of which is designated R-C on the City's Comprehensive Plan, of which the subject site comprises 4.0 acres, or approximately 36.5%.

However, there are 17.8 acres of residential/commercial designated lands within the city (see Figure III-1 on page 65 of the Plan). Of these 17.8 acres, according to information provided by the city, most acres are already developed, leaving precious few acres available for use and development. Even if the development of these lands is for residential use, they have been taken out of the "vacant and available" category for future development.

The Figure illustrates that "0" acres of Residential/Commercial land are within the UGB, resulting in an overall total of 17.8 acres throughout. Unfortunately, this Figure requires updating because 10.96 acres of residential/commercial land is within the Southwest Canby DCP area and is not included in the total of lands designated Residential/Commercial in this Figure. Therefore, approximately 28.76 acres of Residential/Commercial land, in total, are part of the city's Plan. The subject site represents about 14% of that total.

If the city maintains 3.428 total acres within its city limits and its UGB, the 28.76 acres of Residential/Commercial represents 0.8% of the total land area. The subject site, then, represents 0.1% of the total. This is a very small percentage, and overall amount of land to be annexing to the city and developing as originally envisioned when the residential/commercial designation was applied.

While the C-R zoned lands are available for both residential and lower scale commercial development, most of the developed C-R sites have been developed for residential purposes, with a few home occupations. According to the information from the Comprehensive Plan, the city contains approximately 17.8 acres of commercial/residential zoned land. Since a portion of this acreage is already developed, and with residential uses, the amount of C-R zoned land may be deficient in the greater scheme of things. Adding 4.0 acres to that inventory

will increase the overall inventory of C-R zoned land. Nevertheless, the C-R zoned land within the city will continue to be at a relatively minimal level.

According to the "Growth Priorities" map on page 32 of the Plan, the subject site is within *Priority Area "A"*, 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, senior living) is an orderly means of development in Canby.

While the Comprehensive Plan suggests a growth in the city to a population of approximately 20,000 by the year 2000, the current economic downturn has derailed that expectation. 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 senior living as part of an expansion of Hope Village will help the city to grow, but in a different manner than in the recent years.

With development of 66 units on four acres, a growth of approximately 99 persons based on a conservative household size of 1.5 persons. This growth will benefit the city because of the economic support that senior citizens will provide to the community. It is likely, however, that this level of growth is higher than what will occur in the single family residential zones.

With regard to employment, as with other areas of C-R zoned land, while the development of the subject site will be for residential purposes, because it will be part of Hope Village, the site will in fact support an undetermined level of employment. The site will be strictly senior residential development, but will support a minor level of employment. This will not be the 6 persons per acre that is predicted in the Comprehensive Plan, or 24 over the entire four acre site. Levels are likely to be considerably less than 24 persons. Based on the description of the residential/commercial area where the land is "presently almost entirely in residential use, although some home occupation businesses exist", that pattern is likely to continue to exist with the proposed four acre annexation and subsequent development. On that basis, the residential/commercial lands are providing an acceptable level of population growth, but may be deficient in the jobs that are created.

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 Hope Village, and cannot be developed by Hope Village in any other alternative location. But because the proposed development is on land that would eventually be annexed, its use as agricultural land is limited in scope and time frame.

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 four acre site. The specific development of senior housing as an expansion of Hope Village could occur practically no where else in Canby. Grouping compatible uses is exactly what Hope Village is proposing. 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 Hope Village's expansion 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, as well as allowing the use of density bonuses (such as the senior living bonus) as a means of encouraging development.

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 an engineer's report indicates that adequate infrastructure is available to allow development of the subject site as proposed by Hope Village. 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 that is 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 R-C Comprehensive Plan designation, and the commensurate C-R zoning, allow for annexation and development in keeping with the city's Comprehensive Plan, with no further changes, variances, revisions or etc.

On page 58 of the Comprehensive Plan, the "*Residential/Commercial*" areas are "*intended to provide a unique opportunity for mixed uses while maintaining a special focus on the access and traffic problems of S. Ivy Street.*" Any development by Hope Village will continue to use Ivy Street as the primary point of access and the main travel route to/from Hope Village and the center of Canby. However, traffic concerns are allayed when the traffic analysis indicates that the developed site will have a minimal impact on Ivy Street, and using the "trip cap" determination for site generated traffic, traffic will fall into an "acceptable" range.

Otherwise, there is 6.96 acres of remaining R-C land (10.96 acres less 4.0 acres = 6.96 acres) within the Southwest Canby DCP area that may be annexed and developed at some time in the future, thus leaving additional future opportunities

for development under the C-R zoning requirements. As such, the annexation of the subject four acre site means that not all of the residential/commercial land within the city and its UGB area will be used and a sufficient amount will remain available.

On page 63 of the Comprehensive Plan, an area identified as Area "C" is the 10.96 acres of future residential/commercial land available for future city annexation and development. The proposed annexation, and the process utilized to review and evaluate that area has been followed as required, recognizing the availability of Residential/Commercial designated lands in the southwestern Canby area.

**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-C district was formulated to allow a combination of commercial and residential development. The maximum commercial development on the subject site would allow approximately 50,000 square feet of office development, and up to 68 units of maximum residential density, assuming a senior housing bonus is applied. Other commercial and residential uses would provide lesser densities.

Because this site is currently vacant and undeveloped, the physical impacts of development could be somewhat significant for this local neighborhood area, given the fact that there is no other more intensive scale of office development in the immediate area. Virtually all development in this neighborhood area is residential development, largely dominated by the existing Hope Village senior living development, at 33 acres in size.

Certainly, a development of 50,000 square feet of office development would have a potential significant impact on the existing character of the area, whereas a residential development would more closely fit the existing character. Considering that Hope Village proposes to develop the site with approximately 66 units of senior housing, in keeping with the established character of the current Hope Village, residential development would appear to have less impact on the local neighborhood. Additional development similar to the existing Hope Village character 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, its aesthetic value as a senior housing community would be a "plus" to any neighborhood. Any expansion of Hope Village would likely hardly be noticeable once construction is completed and the units are occupied.

Should the site be developed for any commercial purposes, the need for mitigation would be likely, and the extent of the mitigation measures would be dictated by the scope and scale of the commercial development. As such, there would be a significant difference between any commercial development on the subject site, and any residential development, especially the type proposed by Hope Village.



From the aesthetic perspective, residential development as proposed by Hope Village would have the least amount of impact because the design of the units, the materials used, the colors used, and the patterns of development would certainly be the least intrusive. They would virtually match the existing Hope Village development and would require no mitigation. Even single family detached dwelling development would have more aesthetic impact because it is not of the same character as the adjacent existing Hope Village development, with a lower density.

Any commercial development would have a greater impact than residential development, from the aesthetics point of view. A development of 50,000 square feet would theoretically be on a single level on the subject four acre site, but could be a multi-story development depending on the proposed design. Extensive area for surface parking would also be in place, and would likely be more evident than any parking for residential development. Perhaps the biggest difference is that there is no existing larger scale commercial development in the immediate neighborhood area, creating an instantaneous aesthetic and social difference. Mitigation through design would be an important element in any commercial development in order to best integrate such commercial development into the fabric of the local neighborhood.

There are social differences between residential and commercial development, and between types of residential development. Most commercial development tends to be a five-day-a-week, eight to ten hours a day type function, whereas residential development is the proverbial "24/7". The fact that most commercial development results in times when the commercial area is vacant and unpopulated could lead to significant peaks and valleys in transportation impacts, as well as use of local infrastructures and utilities. Residential development usually tends to have fewer peaks and valleys, and continues to have that "in use" appearance.

The proposed development of senior housing by Hope Village will result in perhaps the most continuous "in use" appearance, because seniors move around somewhat less and stay closer to home. Thus the community's residents become better acquainted with each other, resulting in a more closely knit neighborhood with greater social connections. While this closer connection occurs with single family dwellings, it tends to be invisible with commercial development where people focus on the commercial area simply for jobs and business, leaving out most social aspects of development.

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

**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

attached report by John Middleton, P.E. of ZTec Engineers. Mr. Middleton has worked closely with city staff and outside utility providers to establish the response to this criterion. Also see the attached copy of Minutes from the Pre-Application Meeting that took place on 02-09-11. Both of these documents indicate that future expansion of infrastructure and utilities will not be inhibited by the proposed annexation and subsequent development.

The traffic analysis prepared by DKS Associates addresses the transportation element of the proposed annexation, in compliance with the requirement of this criterion.

With regard to park and school facilities, the proposed annexation is not of sufficient size to create significant additional demand for local park facilities, especially if the site were to be developed for commercial use. While some open space and/or small "vest pocket" park development would be possible with commercial development, any such open space and/or park development would be relatively small scale and would add relatively little to the local neighborhood. The final site plan will provide landscaped areas between and around the new buildings, for the benefit of all.

For this area of southwest Canby, creation of additional open space and/or parks will likely be a consideration as future development takes place on a larger scale. The opportunity for additional open space and/or park development will present itself when a full scale DCP is prepared for this area and additional larger areas of land are annexed into the city.

With regard to schools, the development proposed by Hope Village for senior housing will have no adverse impact on schools, primarily because senior communities add zero (0) students to the existing student population, thus creating no pressure on existing school facilities. Further, taxes paid by the residents of Hope Village help with school funding. And finally, seniors are often good partners with the schools when it comes to tutoring, reading, and other useful activities, especially for the younger aged students. There really is no downside to having senior housing in Canby.

Single family housing, on the other hand, puts significant pressures on the local schools. While single family dwellings pay property taxes to help support schools, they usually house the students who require these schools. Multifamily housing, because of its density of development, provides more students to the system than any other form of housing.

Like the senior housing, any commercial development will not provide students into the local school system. However, commercial development pays significant taxes to support the schools. This is perhaps the best scenario, that is, to produce no students while paying significant taxes for support of the local schools.

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

Finding: If referring to a specific use as proposed for the subject site, should annexation take place, the proposed Hope Village expansion will take

place on this site. There will be approximately 66 new units for seniors, in keeping with the existing Hope Village facilities. These additional units are needed already, as Hope Village has maintained a continuous waiting list for those who seek senior housing in a community setting.

As the "baby boomers" come of retirement age, senior living has virtually become a whole new way of life. Continuing Care Retirement Communities (CCRC) providing care in many ways and CCRC's are springing up in many locations. While Hope Village, Summerfield in Tigard, Summerplace in east Portland, King City and Charbonneau all provide for senior living, but they do it in a variety of ways. Hope Village is not a CCRC, but plans to do it "their way", following a successful formula that has worked for many years. As we know, a certain "aging of America" is well underway, and the need for senior housing becomes more acute. The demand for senior housing is greater than the supply. While approximately 66 units will not solve any problems with regard to senior housing, the added units will help Hope Village and will add even more to the City of Canby.

There is less need for new single family dwellings at the present time, given the current economic situation and the lack of construction that is happening. Generally speaking, this also applies to multifamily housing and certainly for commercial office space. In Canby, at the present time, there is little to no demand for offices. However, some multifamily projects continue in spite of the economy, but there are few of those projects under construction, especially in Canby.

We believe the best project for this site is for senior living as an expansion of Hope Village. Once annexation is completed Hope Village will continue forth with plans for those new units.

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: Indications thus far are that the proposed annexation and development as visualized by Hope Village would not require increased demand for any facilities, services, or utilities. The site could be developed by Hope Village without any changes to the city systems.

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

Finding: Hope Village will pay the necessary costs of its own development. Beyond that position, and because no additional facilities will be required as a result of the development proposed by Hope Village on the subject site, this requirement will be satisfied.

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, Hope Village is requesting a zone map amendment to rezone this property upon

annexation and provide the site with the proper zone, which would be C-R, Residential/Commercial (Section 16.24). This is the zone identified by the Comprehensive Plan as being the appropriate zone for this site. The existing zone, Exclusive Farm Use (EFU) in Clackamas County, would become R-C upon annexation to Canby based on Hope Village's application.. All of Hope Village's planning has been based on the C-R, Residential/Commercial zone being applied to the site upon annexation. Hope Village is very agreeable to having the C-R zone applied to its site. The application for this zone map amendment accompanies the application for annexation in order that both be acted upon in due process.

**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 Code that are applicable to the annexation application.

**City of Canby Comprehensive Plan**

Policy No. 6 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: Hope Village is fast becoming, or perhaps already has become a unique area of Canby which should be recognized by the City. Hope Village is the uppermost example of senior living in Clackamas County. Hope Village is a viable and valuable part of the community. Hope Village residents give to the city, the local schools, and they support local businesses. Hope Village provides a perfect example of senior living in a time when senior living has become virtually a separate category of "residential development and living". Providing Hope Village the opportunity to expand by annexing four acres to the city will help the community recognize the value of Hope Village.

In recognition of the Hope Village area of southwestern Canby, the City should recognize and encourage the type of growth, stability, and character that Hope Village already brings to Canby. Allowing Hope Village to expand modestly will provide more options in senior housing, not only in Canby but throughout the Willamette Valley.

**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 (R-C). Finally, zoning is proposed to be consistent with what the city foresees as being appropriate for this site (C-R). 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 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 development proposal by Hope Village 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 Fir Street that is directly adjacent to the westerly property line of the subject site. As such, the applicant will be required to construct a "half street improvement" along the frontage of Fir Street to current city standards. The city may then include this public right of way as part of the annexed area, assuming jurisdiction of that part of Fir Street from Clackamas County. Anything done with regard to the other half of that portion of Fir Street is entirely up to the city and is not the responsibility of Hope Village.

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 see the report by John Middleton, P.E. of ZTec Engineers, Inc., and the notes from the Pre-Application Meeting held on Feb. 9, 2011.

For **C.** on page 4 of the UGMA, Public water and sanitary sewer are already available to the site for use in site development. 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 four acre site, nor the subsequent development for approximately 66 senior living units, 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 Hope Village 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. Hope Village's 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 a four 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.

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

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 delete the existing zoning applied by Clackamas County and to apply the zoning as designated by the city's Comprehensive Plan, or other zone as requested. Currently, the zoning of the four acre site is EFU, Exclusive Farm Use by Clackamas County. However, the site is designated R-C, Residential/Commercial, by the city's Comprehensive Plan. The corresponding zone district is C-R, Residential/Commercial.

The proposed development plan by Hope Village for the subject site will be approximately 66 senior housing units. This allowance for senior housing is provided as a permitted use by the C-R zone at the density required by Hope Village. As such application for an Amendment to the Zoning Map for the planned C-R zone suits Hope Village just fine. No other variances, conditional uses, or other dispensations for the provisions of the Canby Municipal Code is necessary for Hope Village to accomplish its stated goal for this site. Assuming C-R zoning is applied to the subject site, single family residential uses are permitted as they are permitted outright in the R-1.5 zone which is the basis for residential development in the C-R zone.

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

Finding: In this case, the application is initiated and submitted by the property owner, Hope Village, Inc. 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 C-R zone is submitted to the City along with the required fee of \$2,640. 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. By holding the public hearing, 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 thereof, 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: Policy 6 is set forth and addressed previously in this application narrative. There appears to be little more to add, other than the point that Hope Village is seeking to have the appropriate R-C, Residential/Commercial Comprehensive Plan designation applied to the subject site, and the commensurate C-R, Commercial/Residential zone applied to the site.

**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.*

Finding: As noted in (1) the Pre-Application Meeting notes, dated February 9, 2011, and attached to this application, and (2) the summary of services and service requirements for the proposed development as prepared by John Middleton, P.E. of ZTec Engineers, Inc. and also attached, it appears that all services required for development of the subject site (i.e., water, sanitary sewer, surface water drainage and management, fire and police protection, etc.) are all in place and can provide the proposed development with an adequate level of facilities and services. Some improvements must be made, such as the half street improvement of Fir St. for the entire frontage of the subject site, and the extension of water and sanitary sewer service, in order for the site to become fully developable. However, it has been noted that there are no unforeseen problems or issues in the extension of those services at the time of development.

16.54.060, Improvement conditions

Finding: Any reasonable requirements for improvement of public and private facilities and services in order to effect the proposed development of the subject site by Hope Village will be undertaken by Hope Village. Where required, Hope Village will pay for those improvements. Where possible, and where a "late comers agreement" is appropriate, Hope Village 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 Hope Village.

Under subsection **B.**, any required improvements should not reduce housing densities below those anticipated by Hope Village in its calculations of the 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 16.24, C-R Residential/Commercial Zone**

CMC sections 16.24.010 (Uses permitted outright) and 16.24.020 (Conditional uses) define the types of uses that can be accomplished in the C-R zone. Based on 16.24.010.A which allows "uses permitted outright in the R-1.5 zone," the type of use anticipated by Hope Village is allowed.

Finding: The type of senior housing development is allowable in the C-R zone, thus resulting in compliance with this criterion.

CMC 16.24.030 (Development standards) identifies the standards for lot area, width and frontage, minimum yard requirements, maximum building height, maximum lot coverage, and other regulations as may be appropriate. Hope Village does not anticipate any difficulties in developing the subject site with the type of senior housing proposed by Hope Village.



Finding: The proposed development by Hope Village can be done within the limits of the standards contained in this criterion. Therefore, this criterion will be satisfied.

## TECHNICAL MEMORANDUM

**DATE:** March 8, 2011

**TO:** Bryan Brown, City of Canby

**FROM:** Chris Maciejewski, PE, PTOE  
Brad Coy, EIT

**SUBJECT:** Hope Village Rezone Traffic Impact Study



P11010-004

This memorandum evaluates the transportation impacts associated with the proposed rezone of the 4-acre Hope Village site in Canby, Oregon. Our understanding is that the applicant does not intend to obtain land use development approval for a specific use at this time. Therefore, this evaluation is focused on reviewing the adequacy of public facilities to satisfy Oregon Transportation Planning Rule (TPR) requirements for rezones (OAR 660-12-0060) based on a consistency with the City's Transportation System Plan (TSP) in the future horizon year. This analysis does not satisfy City of Canby regulations for a specific site plan under a near-term year of opening. Land use approval for a specific use would be addressed through subsequent applications and may require additional traffic impact evaluation depending on the proposed use and its unique site plan.

The sections of this memorandum document the project site, proposed rezone, TPR evaluation, and site access and connectivity review.

### Project Site

Figure 1 shows the project site, which is located immediately south of the existing Hope Village development in southeast Canby. The site has frontage on South Fir Street on the west and extends approximately 1,000 feet east (almost to South Ivy Street). The site is located outside of the current City limits but within the Canby Urban Growth Boundary (UGB). It is composed of two vacant parcels that are currently zoned EFU (Exclusive Farm Use) by Clackamas County.



The proposed land use action is to annex the subject property into the City of Canby and change the zoning to RC (Residential-Commercial).<sup>1</sup> The RC zoning for the site is consistent with the City of Canby Comprehensive Plan. However, the proposed rezone would potentially allow more intense uses to develop on the site (in a reasonable worst-case scenario) compared to either the existing zoning or the average land use density assumed when preparing the City's TSP. Therefore, the analysis documented next in this memorandum is needed to ensure the site satisfies Oregon Transportation Planning Rule (TPR) requirements for rezones (OAR 660-12-0060).

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## Transportation Planning Rule (TPR) Evaluation

Transportation Planning Rule (TPR) evaluation is needed for the proposed zone change to either (A) ensure the zone change results in future traffic levels consistent with those assumed in the City's Transportation System Plan (TSP) or (B) identify mitigation measures needed to ensure no significant effect results from the proposed zone change. For a TPR analysis, reasonable worst-case impacts caused by the potential additional site traffic resulting from the zone change are typically evaluated.

To determine the potential for increased traffic at the project site, trip generation estimates were performed for the existing and proposed zoning scenarios (listed in Table 1) using trip rates provided by the Institute of Transportation Engineers (ITE).<sup>2</sup> As listed, the baseline trip generation used for the site as part of the City's TSP was approximately 50 to 60 p.m. peak hour trips.<sup>3</sup> If the site developed consistent with existing Exclusive Farm Use (EFU) zoning (i.e., one single-family dwelling unit), then the site would only generate 1 p.m. peak hour trip. Under the proposed Residential-Commercial (RC) zoning, a reasonable worst-case development is a 50,000 square-foot office building, which would generate 112 p.m. peak hour trips. Therefore, the proposed rezone could generate an additional 50 to 60 p.m. peak hour trips compared to the TSP.

**Table 1: Zone Change Land Use and Trip Generation Comparison**

<b>Trip Generation Description</b>	<b>Land Use (ITE Code)</b>	<b>P.M. Peak Hour Trips</b>
<b>City TSP Planning Assumption</b>		
City's Transportation System Plan (TSP)	Medium Density Residential	60
<b>Comparison of Trip Generation Estimates</b>		
Existing Exclusive Farm Use (EFU) Zoning	1 Single-Family Detached Dwelling Unit (ITE 210)	1
Reasonable Worst-Case Development of Proposed Residential-Commercial (RC) Zoning	50,000 ft <sup>2</sup> Office (ITE 710)	112

The project applicant has indicated that their desired use of the site is likely an expansion of the Hope Village Community, which would generate trips similar to an assisted living facility. Therefore, instead of mitigating for the potential off-site impacts of the reasonable worst-case under the proposed zoning, a trip-cap mitigation that limits the site land use intensity to a level consistent with the TSP (i.e., 60 p.m. peak hour trips) is possible. This trip-cap would be compatible with the applicant's potential use (30 to 40 p.m. peak hour trips) and would satisfy TPR requirements for traffic impact.

<sup>2</sup> *Trip Generation, 8<sup>th</sup> Edition*, Institute of Transportation Engineers, 2008

<sup>3</sup> *Technical Memorandum #3: Canby TSP – Future Forecasting*, DKS Associates, March 31, 2010.



## Site Access and Connectivity

Site access and multi-modal connectivity were also evaluated for the project site to determine the adequacy of public facilities serving the site.

### Site Access

Two potential site access options for the site include providing a new driveway onto Fir Street or connecting to the private Hope Village street network. The applicant has indicated that if the site is developed as part of Hope Village, then access would be provided internally to the existing Hope Village street network.<sup>4</sup> However, if the site does not develop as part of Hope Village, then access to Fir Street could be required.

The feasibility of direct access to Fir Street was evaluated for the required sight distance and access spacing distance. Because Fir Street is designated as a local street, driveway spacing standards would allow the project site to access Fir Street with a new driveway anywhere on the project frontage.<sup>5</sup> In addition, a site visit was made to determine whether there are any potential intersection sight distance concerns along the project frontage. Figure 2 shows photographs taken from the project site. As shown, Fir Street is straight, flat, and open, resulting in no current sight distance concerns along the property frontage.



Figure 2: Views of Fir Street from the Project Frontage

<sup>4</sup> Hope Village Expansion – Annexation: Pre-Application Meeting Notes, Comment by Bob Price (Hope Village), February 9, 2011.

<sup>5</sup> *Canby Transportation System Plan (TSP)*, December 2010; Table 7-2.

Another access issue to consider on the site is the ability to accommodate future expansion to the south with future annexations of lands within the UGB. Depending on the selected uses for the site and the expected compatibility of future development to the south, street stubs may be recommended (consistent with the Local Street Connectivity Plan in the Canby TSP<sup>6</sup>).

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

The project site has basic multi-modal connectivity needs. On the west frontage, the project will need to provide half-street roadway improvements (including curb and sidewalks) on Fir Street. These improvements should be coordinated with City staff, and may include half-street improvements to County standards.<sup>7</sup> The pedestrian and bicycle improvement plans provided in the City's TSP<sup>8</sup> do not identify any pedestrian or bicycle projects in the site vicinity. However, internal connectivity should be provided when the site develops, and external connections to the existing Hope Village sidewalk network would allow for good pedestrian and bicycle connectivity to both Fir Street and Ivy Street.

## **Findings**

Based upon the analysis presented in this memorandum, the proposed rezone was found to potentially generate off-site impacts under a reasonable worst-case trip generation scenario. To mitigate those potential impacts and meet the requirements of OAR 660-012-0060-2-c (altering land use designations, densities, or design to reduce automobile demand), the following mitigation is recommended for the proposed rezone:

- Adopt a trip-cap overlay to the zoning of the site to limit weekday p.m. peak hour trip generation to 60 motor vehicle trips.

Corresponding with future development of the site, frontage improvements and multi-modal connectivity can feasibly be provided to adequately serve the site. No additional mitigations are recommended to assure adequate public facilities.

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

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<sup>6</sup> *Canby Transportation System Plan (TSP)*, December 2010; Figure 7-8 (Local Street Connectivity).

<sup>7</sup> Hope Village Expansion – Annexation: Pre-Application Meeting Notes, Comments by Hassan Ibrahim (Curran-McLeod Engineering) and Dan Mickelsen (City of Canby Public Works), February 9, 2011.

<sup>8</sup> *Canby Transportation System Plan (TSP)*, December 2010; Figure 5-1 (Pedestrian Improvements) and Figure 6-1 (Bicycle Improvements).

## Markus Mead

---

**From:** Chris Maciejewski <csmd@dkssassociates.com>  
**Sent:** Wednesday, June 29, 2011 8:04 PM  
**To:** Markus Mead  
**Cc:** rprice5956@comcast.net; Craig Gingerich; Bryan Brown  
**Subject:** Re: Revised public hearing dates

Here are my thoughts:

In terms of the TPR "impact analysis", the bottom line is that the TSP included approximately 60 peak hour trips for the parcels. Whether or not the land use was in error, it is the number of trips included in the TSP that established the baseline for the TPR analysis.

So now we have a proposed rezone that would bring the property to High Density Residential. I would have probably estimated something like 80 apartments as reasonable worst case for 4 acres (20 units per acre) given HDR zoning. 80 apartments would be about 50 trips in the peak hour...which is close to the 60 trips included in the TSP. Therefore, the proposed rezone to HDR would comply with TPR by not significantly exceeding the number of trips planned for in the TSP. So from an impact analysis point of view, the only change would be that the trip-cap is probably no longer needed as a condition of approval.

The other components of the TIS that reviewed adequacy of the public facilities to serve the site (sight access and connectivity) are still valid.

So if you don't want the trip-cap, it might be possible to revise the TIS. Otherwise, it should still be good to go.

Thanks,

Chris

--

Christopher S. Maciejewski, P.E., P.T.O.E.

***DKS Associates***

**TRANSPORTATION SOLUTIONS**

1400 SW 5th Avenue, Suite 500, Portland, Oregon 97201

Office: 503.243.3500 | Mobile: 503.916.9610

[csmd@dkssassociates.com](mailto:csmd@dkssassociates.com) | [www.dkssassociates.com](http://www.dkssassociates.com)

On Wed, Jun 29, 2011 at 3:17 PM, Markus Mead <[meadm@ci.canby.or.us](mailto:meadm@ci.canby.or.us)> wrote:

Bob,

June 15, 2011

## **MEMORANDUM**

**TO:** Mr. Markus Mead, Associate Planner  
City of Canby

**FROM:** Hassan Ibrahim, PE  
Curran-McLeod, Inc.

**RE: CITY OF CANBY  
HOPE VILLAGE EXPANSION (ANN 11-01)**

We have reviewed the submitted application for annexation on the above mentioned project and have the following comments:

1. Sanitary sewer service connection to this parcel is the biggest challenge and we see two possible options and are as follows:
  - a) there is an existing gravity sanitary sewer system in S. Fir Street, this system is approximately 4 feet deep, if the existing terrain of the land does not permit gravity flow to the existing system, a gravity service lateral can be constructed to the public right-of-way boundary and a private pressure line from the future building to this connection point.
  - b) the least desirable option is to construct a gravity sewer line from the site to the existing sewage pump at Tofte Farms development on the east side of S. Ivy Street.
2. Half street improvements along the entire site frontage with S. Fir Street will be required and constructed to Clackamas County Standards to include curbs, sidewalks, street lights, landscaping and utilities extended to the project boundary as necessary.
3. All private storm drainage must be retained on-site.

We have no concerns about the proceedings with this project subject to the above stated comments.



# CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE, June 14 2011

TO:      ☒ FIRE  
         ☒ POLICE  
         ☒ PUBLIC WORKS – Darwin Tramel  
         ☒ PUBLIC WORKS – Dan Mickelen  
         ☒ CANBY ELECTRIC  
         ☐ CANBY WATER  
         ☒ CITY ENGINEER  
         ☒ CANBY TELCOM  
         ☐ NW NATURAL  
         ☐ WAVE  
         ☐ CANBY DISPOSAL  
         ☒ CITY ATTORNEY  
         ☒ BIKE AND PEDESTRIAN COMM  
         ☐ PGE  
         ☐ CANBY AREA TRANSIT  
         ☐ OTHER \_\_\_\_\_  
  
         ☐ CANBY POST OFFICE  
         ☒ CLACKAMAS COUNTY ASSESSOR  
         ☐ CLACKAMAS COUNTY 911  
         ☒ CLACKAMAS COUNTY TRANSPORTATION  
         ☐ TRAFFIC SAFETY COMMITTEE  
         ☒ CLACKAMAS COUNTY  
         ☒ CANBY SCHOOL DISTRICT  
         ☒ OREGON DEPT. TRANSPORTATION  
         ☐ ODOT/REGION 1/DIST 2B  
         ☐ STATE OF OREGON/REVENUE  
         ☐ ECONOMIC DEVELOPMENT DEPARTMENT  
         ☒ PARKS AND RECREATION  
         ☒ CITY TRANSPORTATION ENGINEER  
         ☒ BUILDING OFFICIAL  
         ☐ OTHER \_\_\_\_\_  
         ☐ OTHER \_\_\_\_\_

The City has received ANN 11-01, an application from Hope Village to approximately 4 acres of land in two lots. A zoning map amendment is proposed. The applicant is proposing the C-R Commercial-Residential zone district to be aligned with the City of Canby's Comprehensive Plan Designation. The lot is zoned EFU; Exclusive Farm Use (Section 401 Clackamas County Zoning And Development Ordinance). The Tax Lot Numbers are 900 and 1000 of Tax Map 4S-1E-4D, abutting Hope Village Senior Housing. No development or scheme is proposed at this time.


Please review the enclosed application and return comments to Markus Mead ([meadm@ci.canby.or.us](mailto:meadm@ci.canby.or.us)) by Wednesday, June 22, 2011. Thank you.

**Comments:**

Canby Utility has the ability to provide electrical service to this property in the future.

**Please check one box and sign below:**

- ☒ Adequate Public Services (of your agency) are available  
☒ Adequate Public Services will become available through future development  
☐ Adequate public services are not available and will not become available

Signature:  Date: 6-16-11

Title: Line Foreman Agency: Canby Utility Electric Dept.

**CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE, June 14 2011

TO:

<input checked="" type="checkbox"/> FIRE	<input type="checkbox"/> CANBY POST OFFICE
<input checked="" type="checkbox"/> POLICE	<input checked="" type="checkbox"/> CLACKAMAS COUNTY ASSESSOR
<input checked="" type="checkbox"/> PUBLIC WORKS – Darwin Tramel	<input type="checkbox"/> CLACKAMAS COUNTY 911
<input checked="" type="checkbox"/> PUBLIC WORKS – Dan Mickelen	<input checked="" type="checkbox"/> CLACKAMAS COUNTY TRANSPORTATION
<input checked="" type="checkbox"/> CANBY ELECTRIC	<input type="checkbox"/> TRAFFIC SAFETY COMMITTEE
<input type="checkbox"/> CANBY WATER	<input checked="" type="checkbox"/> CLACKAMAS COUNTY
<input checked="" type="checkbox"/> CITY ENGINEER	<input checked="" type="checkbox"/> CANBY SCHOOL DISTRICT
<input checked="" type="checkbox"/> CANBY TELCOM	<input checked="" type="checkbox"/> OREGON DEPT. TRANSPORTATION
<input type="checkbox"/> NW NATURAL	<input type="checkbox"/> ODOT/REGION 1/DIST 2B
<input type="checkbox"/> WAVE	<input type="checkbox"/> STATE OF OREGON/REVENUE
<input type="checkbox"/> CANBY DISPOSAL	<input type="checkbox"/> ECONOMIC DEVELOPMENT DEPARTMENT
<input checked="" type="checkbox"/> CITY ATTORNEY	<input checked="" type="checkbox"/> PARKS AND RECREATION
<input checked="" type="checkbox"/> BIKE AND PEDESTRIAN COMM	<input checked="" type="checkbox"/> CITY TRANSPORTATION ENGINEER
<input type="checkbox"/> PGE	<input checked="" type="checkbox"/> BUILDING OFFICIAL
<input type="checkbox"/> CANBY AREA TRANSIT	<input type="checkbox"/> OTHER _____
<input type="checkbox"/> OTHER _____	<input type="checkbox"/> OTHER _____

The City has received ANN 11-01, an application from Hope Village to (1) Annex 4.0 acres of land; and (2) Change the zoning from Clackamas County Exclusive Farm Use (EFU) to City of Canby (R-2) High Density Residential zone district to be aligned with the City of Canby's actual Comprehensive Plan Designation. The lot is zoned EFU; Exclusive Farm Use (Section 401 Clackamas County Zoning And Development Ordinance). The Tax Lot Numbers are 900 and 1000 of Tax Map 4S-1E-4D, abutting Hope Village Senior Housing. No development or scheme is proposed at this time.

Please review the enclosed application and return comments to Markus Mead ([meadm@ci.canby.or.us](mailto:meadm@ci.canby.or.us)) by Wednesday, June 29, 2011. Thank you.

Comments:

*See ATTACHED*

**Please check one box and sign below:**

- ☐ Adequate Public Services (of your agency) are available
- ☒ Adequate Public Services will become available through future development
- ☐ Adequate public services are not available and will not become available

Signature: *Dan Mickelen* Date: *6/17/2011*

Title: *PUBLIC WORKS* Agency: *CITY OF CANBY*

To: Markus Mead

From: Dan Mickelsen  
City of Canby Plan Preview

Re: Hope Village Expansion ANN11-01

1. The portion of S Fir St is a County Road. It will need to be brought up to County or City standards which ever is the more stringent. The road will need ½ St. improvements with an additional 4ft for a total of 20 ft. Also sidewalks will need to be extended to the southern most property line. Sidewalks may also need to be added to the S.Ivy St. side as well.
2. Sanitary Sewer: Both the Sanitary lines on S. Fir and on S.Ivy are very shallow. The Sanitary line on S. Fir will need to be extended to the South property line of the development. The future development may have to be split with ½ of sanitary going to Fir and the other ½ going to Ivy. The Ivy St line as it flows north is at near capacity well before it reaches S. Township Rd. With that said I know that somewhere in a Sewer Master Plan there was talk of an additional Lift Station added to provide services to the remaining Tofte Farms subdivision and to any development on the West side of Hwy 170. As it stands no future development can take place beyond this point without pumping, and this may need to be pumped as well. Keep in mind that this would have to be a private grinder pump set up as I believe there are restrictions for a municipality pumping from one lift station to another.
3. Storm Water will need to be contained onsite. There was talk of locating some type of storm water facility on the adjoining property but if this would happen there would need to be some type of agreement especially if it is on a separate tax lot.

**CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

**DATE, June 14 2011**

<b>TO:</b>	<input checked="" type="checkbox"/> FIRE	<input type="checkbox"/> CANBY POST OFFICE
	<input checked="" type="checkbox"/> POLICE	<input checked="" type="checkbox"/> CLACKAMAS COUNTY ASSESSOR
	<input checked="" type="checkbox"/> PUBLIC WORKS – Darwin Tramel	<input type="checkbox"/> CLACKAMAS COUNTY 911
	<input checked="" type="checkbox"/> PUBLIC WORKS – Dan Mickelen	<input checked="" type="checkbox"/> CLACKAMAS COUNTY TRANSPORTATION
	<input checked="" type="checkbox"/> CANBY ELECTRIC	<input type="checkbox"/> TRAFFIC SAFETY COMMITTEE
	<input type="checkbox"/> CANBY WATER	<input checked="" type="checkbox"/> CLACKAMAS COUNTY
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	<input type="checkbox"/> CANBY DISPOSAL	<input type="checkbox"/> ECONOMIC DEVELOPMENT DEPARTMENT
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	<input checked="" type="checkbox"/> BIKE AND PEDESTRIAN COMM	<input checked="" type="checkbox"/> CITY TRANSPORTATION ENGINEER
	<input type="checkbox"/> PGE	<input checked="" type="checkbox"/> BUILDING OFFICIAL
	<input type="checkbox"/> CANBY AREA TRANSIT	<input type="checkbox"/> OTHER _____
	<input type="checkbox"/> OTHER _____	<input type="checkbox"/> OTHER _____

The City has received ANN 11-01, an application from Hope Village to approximately 4 acres of land in two lots. A zoning map amendment is proposed. The applicant is proposing the C-R Commercial-Residential zone district to be aligned with the City of Canby's Comprehensive Plan Designation. The lot is zoned EFU; Exclusive Farm Use (Section 401 Clackamas County Zoning And Development Ordinance). The Tax Lot Numbers are 900 and 1000 of Tax Map 4S-1E-4D, abutting Hope Village Senior Housing. No development or scheme is proposed at this time.

Please review the enclosed application and return comments to Markus Mead ([meadm@ci.canby.or.us](mailto:meadm@ci.canby.or.us)) by **Wednesday, June 22, 2011**. Thank you.

**Comments:**

PLEASE SEE ATTACHMENT.

**Please check one box and sign below:**

- ☐ Adequate Public Services (of your agency) are available
- ☒ Adequate Public Services will become available through future development
- ☐ Adequate public services are not available and will not become available

**Signature:** \_\_\_\_\_

**Date:** JUNE 14<sup>TH</sup> 2011

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

CSP ENGINEER

**Agency:** \_\_\_\_\_

CANBY TELCOM



June 14<sup>th</sup>, 2011

Comments from Canby Telcom for Hope Village Expansion:

Future communication services to the new expansion of Hope Village campus will become available through the development; at that time the developer will be required to provide trenches for placing underground communication facilities from existing connection point.

Canby Telcom will try to design communication route following the power route as much as possible to minimize trenching; however, additional trenches may be required.

There is no development fee.

Contact Information:

Engineering Manager	Scott Hallock	503-266-8255
Associate Engineer	Dinh Vu	503-266-8201
Construction Inspector	Ron Stenger	503-266-8290
Customer care center		503-266-8111

## Markus Mead

---

**From:** Hixson, Robert <roberth@co.clackamas.or.us>  
**Sent:** Monday, June 20, 2011 2:48 PM  
**To:** Markus Mead  
**Subject:** RE: Hope Village Annexation - Canby - ANN11-01 Request For Comments

Hi Markus,

You are correct that the designation would not result in revision of the comments regarding transfer of jurisdiction of Fir Street.

Thanks,

Robert Hixson

Clackamas County, DTD Engineering  
150 Beavercreek Road Oregon City, OR 97045  
503-742-4708 (phone) 503-742-4659 (fax)  
[roberth@co.clackamas.or.us](mailto:roberth@co.clackamas.or.us)  
Office hours: 7:00 AM - 5:30 PM Monday through Thursday  
County offices are closed on Fridays

---

**From:** Markus Mead [mailto:meadm@ci.canby.or.us]  
**Sent:** Monday, June 20, 2011 2:44 PM  
**To:** Hixson, Robert  
**Subject:** RE: Hope Village Annexation - Canby - ANN11-01 Request For Comments

Robert,

Thank you for your comments.

We have discovered that the area is not designated Residential/Commercial in the Comp. Plan. It is designated High Density Residential.

Will any of these comments change or would you have additional comments with this revised designation? I don't assume so, but I want to be sure.

Markus

Markus Mead  
Associate Planner  
City of Canby  
Phone: 503-266-7001 X262  
Email: [meadm@ci.canby.or.us](mailto:meadm@ci.canby.or.us)  
Website: <http://www.ci.canby.or.us/index.htm>  
111 NW 2nd Avenue  
PO Box 930  
Canby, OR 97013

---

**From:** Hixson, Robert [mailto:roberth@co.clackamas.or.us]  
**Sent:** Monday, June 20, 2011 1:12 PM  
**To:** Markus Mead  
**Subject:** RE: Hope Village Annexation - Canby - ANN11-01 Request For Comments

Hi Markus,

In accordance with the 1992 UGMA, Clackamas County requests that approval of an annexation include a transfer of jurisdiction of Fir Street from Clackamas County to the City of Canby.

If you have any questions or require further clarification, please reply to this e-mail message or call me at the listed phone number.

Sincerely,

Robert Hixson

Clackamas County, DTD Engineering  
150 Beaver Creek Road Oregon City, OR 97045  
503-742-4708 (phone) 503-742-4659 (fax)  
[roberth@co.clackamas.or.us](mailto:roberth@co.clackamas.or.us)  
Office hours: 7:00 AM - 5:30 PM Monday through Thursday  
County offices are closed on Fridays

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**From:** Markus Mead [mailto:meadm@ci.canby.or.us]

**Sent:** Thursday, June 16, 2011 3:06 PM

**To:** Markus Mead; Bob Godon; Bryan Brown; Dan Mickelsen; Dinh Vu ; Gary Stockwell; Hassan Ibrahim; Jerry Nelzen; Tro, Jorge; Larry Hepler; Matilda Deas; NW Natural; Renate Mengelberg; Fire Dist Canby; Traffic Engineer; Hixson, Robert; Sonya.B.KAZEN@odot.state.or.us; Property Tax Information

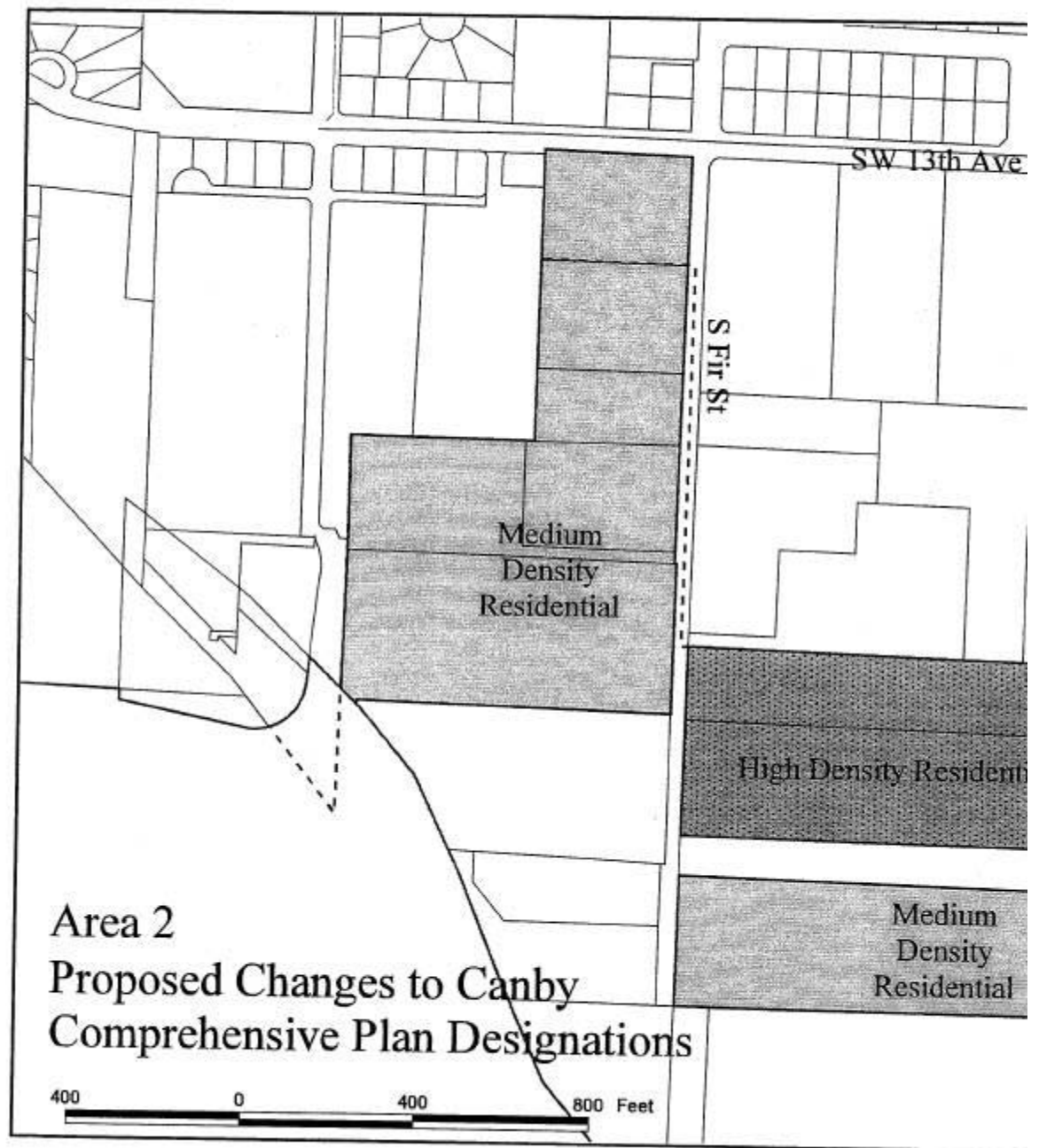
**Subject:** RE: Hope Village Annexation - Canby - ANN11-01 Request For Comments

All,

City Staff has discovered that the area including the proposed annexation taxlots is inaccurately identified in its Comprehensive Plan Designation. It is currently shown as R-C, Residential Commercial, anticipating either medium-density residential development or service-type commercial. The actual designation is High Density Residential (HDR) intended for medium to high density residential development as shown on the below map.

The annexation proposal does not include a concurrent development proposal, site plan or land use with this annexation and zone change application. For purposes of analysis, only the effects of annexation and zone change should be considered. This will be the maximum effects permitted by the proposed zone, which is High Density Residential. Unfortunately, within this zone, identifying the maximum density is not possible. Within this zone, there is only a minimum density and no maximum. Minimum density is 14 units per acre or 56 units with these four acres. The applicant has informally proposed 68 units. This exceeds the minimum. Thus, for your impact assessment consider the minimum and the informal proposal for 68 units. Specific development impacts will be considered in subsequent applications.





Markus Mead  
Associate Planner  
City of Canby  
Phone: 503-266-7001 X262  
Email: [meadm@ci.canby.or.us](mailto:meadm@ci.canby.or.us)  
Website: <http://www.ci.canby.or.us/index.htm>  
111 NW 2nd Avenue  
PO Box 930  
Canby, OR 97013

**From:** Markus Mead

**Sent:** Tuesday, June 14, 2011 3:34 PM

**To:** Bob Godon; Bryan Brown; Dan Mickelsen; Dinh Vu ; Gary Stockwell; Hassan Ibrahim; Jerry Nelzen; Jorge Tro; Larry Hepler; Matilda Deas; NW Natural; Renate Mengelberg; Tgary@canbyfire.org; Traffic Engineer

**Subject:** Hope Village Annexation - Canby - ANN11-01 Request For Comments



The City has received ANN 11-01, an application from Hope Village to approximately 4 acres of land in two lots. A zoning map amendment is proposed. The applicant is proposing the C-R Commercial-Residential zone district to be aligned with the City of Canby's Comprehensive Plan Designation. The lot is zoned EFU; Exclusive Farm Use (Section 401 Clackamas County Zoning And Development Ordinance). The Tax Lot Numbers are 900 and 1000 of Tax Map 4S-1E-4D, abutting Hope Village Senior Housing. No development or scheme is proposed at this time.

Please review the enclosed application and return comments to Markus Mead, by Wednesday, June 23, 2011.

Thank you

Markus Mead  
Associate Planner  
City of Canby  
Phone: 503-266-7001 X262  
Email: [meadm@ci.canby.or.us](mailto:meadm@ci.canby.or.us)  
Website: <http://www.ci.canby.or.us/index.htm>  
111 NW 2nd Avenue  
PO Box 930  
Canby, OR 97013

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[Forget previous vote](#)

4 IE 4D

1<sup>st</sup> = 200<sup>th</sup>

SEE MAP 4 IE 4A

0000

0005

4 IE 4 DA

24800

25000

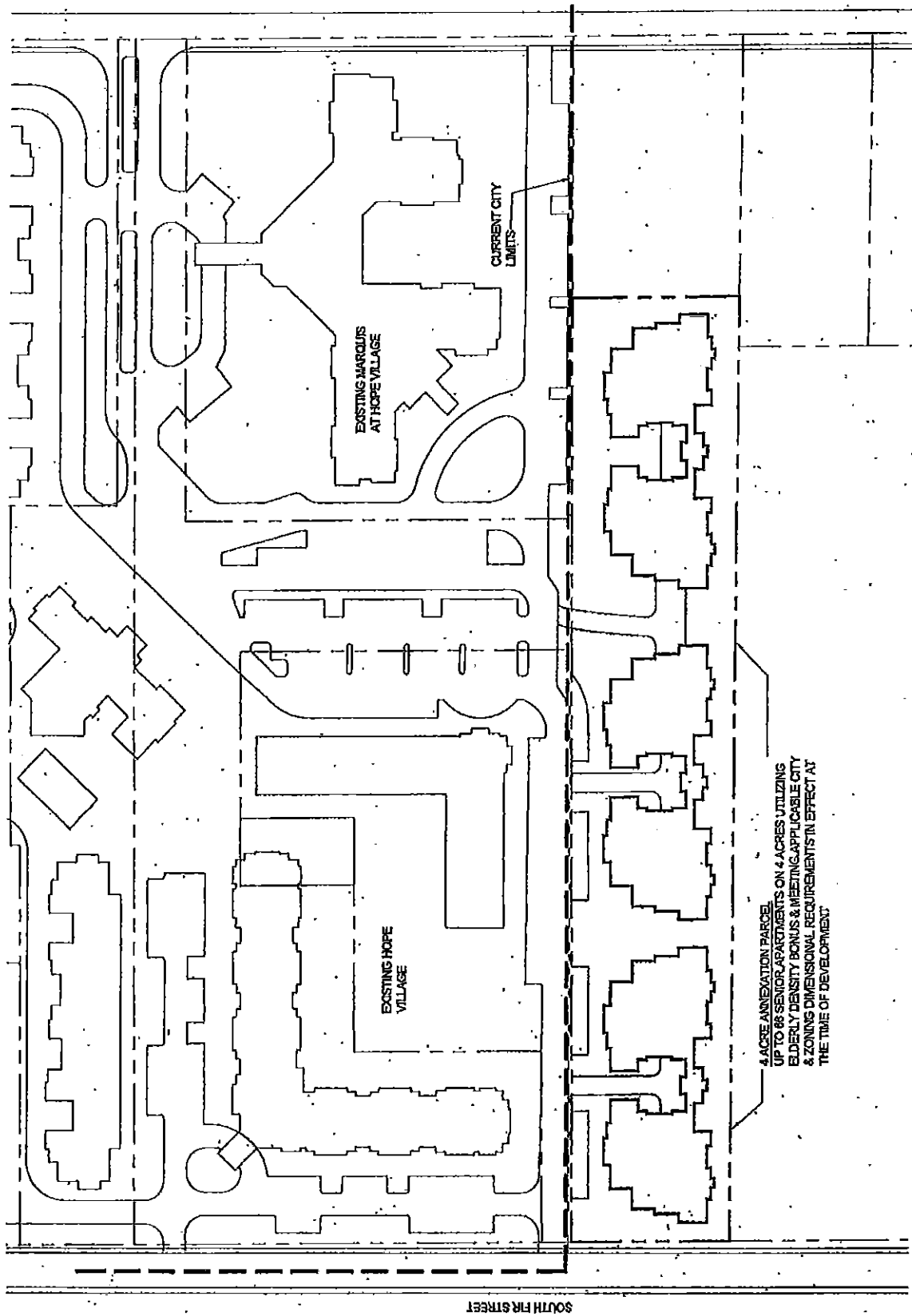
F.H.D.

4 IE 4D  
BOOK 35

SITE OF PROPOSED ANNEXATION  
TL 900 (3.0 AC.) & 1000 (1.0)

EXISTING NOPB VILLAGE  
CAMPUS





1. CONCEPTUAL HOPE VILLAGE 4 ACRE SITE PLAN  
SCALE: 1"=100'-0"



## **ZTec Engineers, Inc.**

Civil ♦ Structural ♦ Surveying

3737 SE 8<sup>th</sup> Ave.

John McL. Middleton, P.E.

Portland, OR 97202

Ronald B. Sellards, P.E

Chris C. Fischborn, P.L.S.

(503) 235-8795

FAX: (503) 233-7889

E-mail: john@ztecengineers.com

### **HOPE Village 4 Ac. parcel Annexation**

#### **Infrastructure Availability and Needs**

The 4 Ac. parcel Annexation site will require sewer, water, power, communication and natural gas facilities available to serve the parcel. These facilities are all available adjacent to the site.

Sewer: Public Sewer service is available adjacent to the NW corner of the site in S. Fir St. right of way. The 4' deep sewer manhole provides gravity sewer service to the site. Since the starting point for the sewer is so shallow and the on-site grades are not yet determined it cannot be confirmed that gravity sewer service is available to the entire site. If gravity service is not possible a private sewage pump station may be required to provide service for the site. This station would be installed, owned and maintained by Hope Village. The station would be sized to accommodate the maximum development possible on the annexation site based on the requested C-R, Commercial Residential Zoning.

The annexation site is a small portion of the Southwest Canby Development Concept Plan (DCP) area. The future annexation plans for the DCP area will need to address how sewer service will be provided to the rest of the area. The proposed sewer connection to the S Fir St public sewer to serve future development of the 4 Ac. Annexation Site will not adversely impact service delivery to the rest of the DCP area. There are sewer service options available to serve the rest of the DCP area, gravity sewer service in S. Fir St., S. Elm St. and S Ivy St., and a possible public sewage pump station associated with future annexation of property between S. Ivy St and S. Redwood St. A combination of these options will provide sewer service to the rest of the DCP.

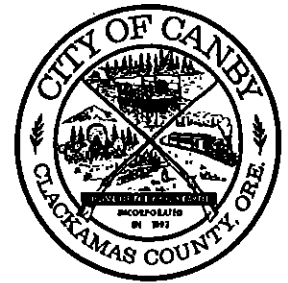
Water : A public 10" water line is available 24' north of the site in Hope Village. This line is part of a looped system between S. Fir St. and S. Ivy St. and will provide adequate service for all the domestic water and fire protection needs of the annexation site.

Power, Communications and Natural Gas: Power, communications and natural gas facilities are all available adjacent to the site. It is reasonable to assume there is sufficient capacity to service this relatively small site. If additional facilities are required

to meet the anticipated demand they can be provided by the utility company in conjunction with the property developer.

Storm Drainage: There is no public storm drainage collection system in the area. It is anticipated that on-site treatment and disposal facilities for storm water runoff will be included in the development plans for this site. Surface treatment swales and planters can be incorporated into the grading and landscape design. In addition filter catch basins and drywells can be part of the treatment and disposal system. All UIC components will need to be registered with DEQ.

Public Improvements: The frontage on S Fir St. will need to be improved to City of Canby standards for the east half of the right of way as part of the development of the annexation site. The improvements will probably include a roadside swale for storm water treatment and disposal. In addition the public water line in S. Fir St. will need to be extended south to the south property line of the 4 Ac. parcel.



## **Pre-Application Meeting**

### **Hope Village Expansion - Annexation**

**February 9, 2011**

**10:30 am**

#### **Attended by:**

Terry Smith, NW Natural, 503-931-0422  
Dan Mickelsen, Public Works, 503-266-4021  
Bryan Brown, Planning, 503-266-7001  
Bob Price, Hope Village, 503-807-9009  
Craig Gringerich, Hope Village, 503-266-9810

Gary Stockwell, CU Electric, 503-263-4307  
Larry Hepler, CU Oper. Supervisor, 503-263-4322  
Dinh Vu, Canby Telecom, 503-266-8201  
Hassan Ibrahim, Curran-McLeod, 503-684-3478  
Markus Mead, Planning, 503-266-7001

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

#### **HOPE VILLAGE, Bob Price**

- Hope Village has acquired 4 acres directly south of existing campus. The acreage is a slim rectangle site which goes east to west and the idea is Hope Village will expand onto it. The allowable density including the senior housing bonus would be 67 to 68 units and we brought a conceptual site plan. This will be the continuation of what Hope Village already is and we will keep the same design of the units. We do not know if they will be single, double or triple stories, it has yet to be determined by the architect. This is just a conceptual sketch and we are not sure this is what it will be; access will be internal from the existing Hope Village campus. We do not anticipate accessing off of S Fir Street on the west end of the site and there is no adjacent access on the east side because there is another intervening parcel separating the eastern edge of our site from S Ivy Street.
- Bob asked since this will be an extension of Hope Village can we do storm water infiltration somewhere within the campus rather than on the 4 acre parcel. Hassan said I do not see this as a problem as long as it is contained on site and is under the same ownership because these are two separate parcels. We would have to have an agreement concerning the parcels and storm system drainage.

#### **CITY OF CANBY, PLANNING DEPARTMENT, Markus Mead**

- Markus explained the application was more conceptual in nature than most of our pre-applications where we have a development proposed with certain square footage or dwelling units and impervious surface coverage with utility needs. We do not have it with this site because the application is only for annexation and zone change and what we need to be doing at this time is what will be the utility service needs for this area including all surrounding parcels for future growth for our master plan.
- There are a few questions for this parcel and area and they are:
  1. What services are needed and proposed;
  2. Use type and intensity and upgrades needed to the system;
  3. What type of infrastructure is proposed for the utilities for our master/capital improvement plans;
  4. Does this annexation conform to the actual comprehensive plan goals which include service provisions as well State Statutes and the like;
  5. What are the traffic considerations for this area?



- I would like to discuss the application sequence and the first application filed by the dead line at the end of this month. We will be looking at the Annexation and Zone applications along with County zoning. Following the Annexation and Zoning decision you will be submitting a Site and Design Review application which will include a more detailed site plan. Along with this you will need a Conditional Use permit for the development and we will hold an additional pre-application conference and also a Lot Line application.
- This Annexation is a type 4 public procedure meaning property owners/residences need to be notified and the title companies can perform it for you.
- You could if you wanted to submit all the application concurrent but you would have to have them to us by the end of the month. Bob said it would be highly unlikely we would go beyond the annexation stage.
- This pre-application is valid for one-year.
- Markus asked if the existing streets inside the Hope Village complex are private and the answer was yes. In the Design Review application I would suggest to add travel distances on the private streets. Use Manhattan distance not the street line distances for the public streets so the Fire Department will know the distance.
- Markus was giving advice to the representatives on how to submit the Annexation application (i.e. taxation, impacts to the City, housing supply, school capacity, parks supplies, etc.). Having this type of data will help us all in the long run.
- There are standards and criteria within the State Statute which will definitely need to be documented and I can talk more of this with you later. I will add the zone you have chosen as commercial residential and this usage is permitted outright and is a stackable zone and you will not have to do this as part of the Annexation proposal but for the density calculations. This is based on lot area and we will review more of this when we get into the Design Review.
- There are also two different criteria in the Zone Map Amendment Chapter and it does reference a comprehensive plan policy and this will depend on the plan.
- Most of the questions have been answered except for access to the site between S Fir to S Ivy Streets and the TSP does not go down to local street level. We need to discuss bike and pedestrian pathway accesses and make you aware of the access between S Fir and Ivy Streets in the future. Bob said we dealt with this last year and with these 4 acres it is a non-issue. Markus said you will need to think about pathways in your site for bikes and pedestrians.

**CANBY UTILITY, ELECTRIC DEPARTMENT, Gary Stockwell**

- At this point we have utilities available to the site for your conceptual plan.
- When you get the Annexation and plan in place with the number of units we can come up with a design to serve it and at this time there is power available. Bob asked if the general power grid in this area is suitable for any new project. Gary stated we have adequate supplies. Markus said the applicants have to have statements from all of you stating all utilities are available and are adequate to handle this area. Bryan said they have to this information in front of the Council to have the Annexation go the voters for approval, so we needed written documentation to adequately convince the Council and Gary said this meeting is on tape for public record and these minutes taken can be used for quoting me or give us a Pre-Application Request Form generated from your office and we can put it in writing. Bryan said whatever is said here we will put it in our staff report. Gary said it would be fine.

**CURRAN-MCLEOD ENGINEERING, Hassan Ibrahim**

- I looked at the conceptual plan and I do not have any problems with it, however I do want to mention that S Fir Street is under Clackamas County jurisdiction you will need to have the ½ street improvements to County's standards. Ultimately there are provisions to take over the street by the City and at this time I do not know where we are in the process, I just want you to be aware of it. I believe the width of S Fir Street is 36 ft curb to curb and you will have to do 16 ft plus another 4 ft minimum on other side, totaling a minimum of 20 ft. Along with the street improvements there will be sidewalks the length of the frontage and landscaping.
- Just south of the existing exit there is a sewer manhole only 4 ft deep right now and I know at one point we discussed the southerly portion of the surrounding parcels to have a pump station to get up to the manhole located here. If I remember correctly there is no restriction to SW 13<sup>th</sup> but as we get closer to 2<sup>nd</sup> Avenue the line needs to be upgraded and it is part of the master plan. I need to check on that, once we get the letter from you stating adequate service is available, I will confirm it. Discussion ensued on the upsizing of the sewer mains for the master plan. This does not affect Hope Village and servicing their Annexation.
- The Transportation Plan states there will be connection east to west, connecting S Fir to S Ivy Streets. It will not be part of this project but there is some map connecting these two streets.
- Storm drainage will have to be infiltrated on site. We are working on storm standards for the City and have not been adopted them yet.
- I want to revisit the storm being redirected to the adjoining property to the north because they will have a similar access. If the two are not consolidated and stay as separate entities and if this parcel in the future sells separately, not saying it will, we need to think about the access and storm issues.
- Hassan said he thought there was a plan with a cost figure for placing a sewer lift station for this area and he would look into it and give the information to Bryan.

**NW NATURAL, Terry Smith**

- Considering all the units built in Hope Village are utilizing gas, are you considering having gas to these units and the answer was yes. Terry said we have a 2" polyethylene gas main down S Fir Street and there would be no problem feeding your property from that area. The only thing I have a problem with is your complex is fed three different ways; off our 4" gas main on S Ivy Street, 2" main off of SW 13<sup>th</sup> Avenue and a 2" fed off of S Fir Street. Personally I would like to tie the two runs of S Fir and S Ivy Streets together, because if one breaks down we can rely on the other. This will be something we can take up in the future, but for now yes it can be served to this site.

**CANBY TELCOM, Dinh Vu**

- We are ready and available for your project. After you develop your site plan we will go along the route in the power trench. So we have no problems.

**CANBY UTILITY, WATER DEPARTMENT, Larry Hepler**

- The site is adjacent to existing facilities; development of this property will require the extension of the main line to the most southerly property line on S Fir Street. Adequate water service is available to the property.
- Appropriate System Development Charges will apply before construction.

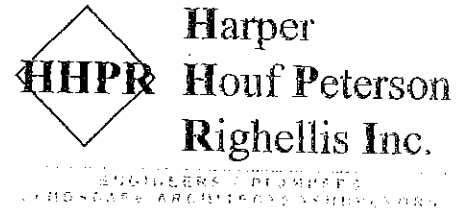
**CITY OF CANBY, PUBLIC WORKS, Dan Mickelsen**

- I will go back and retouch on what Hassan said and the sanitary sewer is available you must extend it the most southerly property line.
- Half street improvements, curb, sidewalks on S Fir Street.
- We do have sanitary service which goes beyond your exit/entrance on S Ivy Street. But you are just as shallow there as you are on S Fir Street. I believe the long term scenario was anything beyond here heading towards the river goes to a pump station across the roadway and feeds the area to Tofte Farms sanitary. Discussion ensued about the future sanitary sewer master plan.
- Keep all storm on site.

**CITY OF CANBY, PLANNING DEPARTMENT, Bryan Brown**

- You received a copy of DKS's scoping and the answer was yes. Bryan stated he left a message with Todd Mobley of Lancaster; I gave him the instructions in which he needs to follow the scoping path by DKS. Bryan explained the Traffic Control study. Bob asked about the consultants because when he talked to Todd they stated they were consultants for the City of Canby along with DKS. So then we may have a choice between DKS or Lancaster to have this completed? Bryan stated it could be a complicated factor, I have not really considered it; we will need to discuss this some more. Bob said that would be fine and you can talk to Todd. Bryan said we have made a switch and are following Traffic Studies through DKS, so I do not know. Bob said we can discuss this next week after you have talked to Todd.

HVI-01



November 29, 2010

Honorable Melody Thompson,  
Mayor of the City of Canby  
and Canby City Councilors  
% Bryan Brown, Planning Director  
182 N. Holly St.  
P.O. Box 930  
Canby, OR 97013

**Subject: Hope Village Expansion and Annexation - Request for Exemption  
from the Development Concept Plan (DCP) Requirement**

Dear Mayor Thompson and members of the City Council:

As a representative of Hope Village, Inc., through this letter we request an exemption to the requirement for a "Development Concept Plan" (DCP) for specific property to be proposed for annexation to the City of Canby. Under Title 16 of the Canby Municipal Code, Chapter 16.84 would require annexation to the City by a vote of the people. Prior to a vote of the people, Section 16.84.040.A.1.b requires a "Development Concept Plan" be prepared illustrating all of the elements identified in 16.84.040.A.1.b, 1 through 8, with review and approval by the Canby Planning Commission and Canby City Council.

Over the past 2 years, Hope Village has been working on a growth plan for the Hope Village campus, with the idea that properties which Hope Village would acquire would be annexed to the City of Canby. Originally, Hope Village was looking at a considerably larger area for annexation. However, Hope Village's goals have changed to the point where the land needs have been significantly reduced. At this point in time, Hope Village is only anticipating the annexation of Tax Lots 900 and 1000 (T4S, R1E, Section 9, SE ¼) which lie directly adjacent to and south of the existing Hope Village campus. These two tax lots are 3.0 acres and 1.0 acre, respectively and both have a Comprehensive Plan designation of "CR", or "Residential/Commercial". Hope Village recently purchased these two properties from the Scott family.

Because this four acre site area is small in comparison to the overall 60-acre DCP that would be required, and because the site is contiguous to and will be served by the existing Hope Village campus, Hope Village seeks an exemption to the requirements of Section 16.84.040 through an exemption under the provisions of Section 16.84.090 of the Municipal Code. Section 16.84.090 states:

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 approved criteria to an election cannot be granted except as provided in the Oregon Revised Statutes.

Section 16.84.040 requires that the first to annex property into the City that is within a DCP area complete a plan for the entire DCP. We believe this is overly burdensome given the limited site area and the limited development potential of the proposed annexation that makes up only six (6) to seven (7) percent of the entire DCP area. Therefore, we request an exemption under the provisions of Section 16.84.090 of the Canby Municipal Code. The specific reasons or findings for this exemption request are as follows:

1. This four acre site area is of limited development potential because it is limited in size and access, and has limited serviceability based on sanitary sewer and surface water drainage capacities. It is possible, depending on the scale of development proposed by Hope Village, that a small private pump station may be necessary. In addition, since there is no public storm drainage system in the area, all storm drainage will be through on-site disposal systems;
2. This site area is directly adjacent to and south of the existing Hope Village campus, meaning that Hope Village is able to propose a very specific site development plan that will involve only the uses appropriate to Hope Village on this 4-acre site;
3. While Hope Village had numerous discussions regarding a sale with the McMartin family, owners of the properties to the south of the Scott property, no suitable sale agreement was reached;
4. The McMartin family already has a master plan for their approximately 32 acres to the south of the Hope Village site area, and are not willing to see that plan changed. While no city approval has been given to the McMartins for their master plan, this would make Hope Village responsible for the DCP that would include all of the McMartin property, a situation that neither Hope Village nor the McMartin family are comfortable with;
5. Further, the McMartin family does not want its properties included in a DCP over which they have little to no control.

Based on these findings, Hope Village requests that the Canby City Council exempt Hope Village's four acre site area (Tax Lots 900 and 1000 in T4S, R1E, SE ¼ of Section 9) from the requirements of Chapter 16.84 requiring a Development Concept Plan prior to approval by the City Council that this proposed annexation be moved forward to a future ballot before the citizens of Canby.

We would be happy to answer any questions, or have any discussion with city staff regarding this request. Thank you for your consideration.

Sincerely,

  
Robert Price

## **Meeting Notes**

**Dates:** November 12 & 18<sup>th</sup>. 2009

**Time:** 7:00 PM

**Place:** Hope Village Conference Room

### **Attending**

**Planners:** Dennis Russell, Jerry Barkman, Dan Purgiel, Bob Price & Board members-Pat Hershberger, Bob Kaufman

**Neighbors:** Brenda Mootz, Ed Netter, Tom Scott, Rod & Carol Beck, Brian Christiansen, Angela Sorensen, Craig Morris, Duane & Sandra McMartin and several family members.

The purpose of the meeting was to discuss with local residents, property owners and other interested parties the concept of creation of a Development Concept Plan (DCP) for the Southwest Canby area, and more specifically, the annexation of an undetermined amount of land to the City of Canby. The purpose of the DCP and subsequent annexation would be to allow Hope Village, Inc. to develop lands that are currently undeveloped or developed only for local residential uses into additional campus facilities for Hope Village.

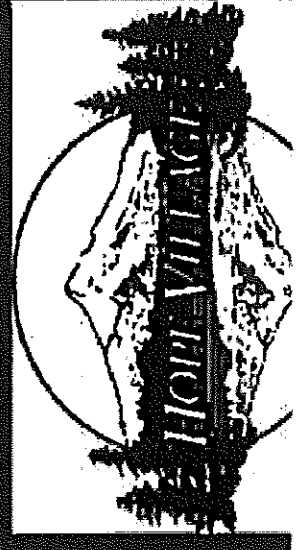
At this time, the DCP and potential annexation could encompass as much as 64 acres, extending from the existing Hope Village campus on the north to the Canby UGB on the south (the bluff just above the Molalla River), and from Fir Street on the west to Ivy Street on the east. Based on individual property owner interest, additional properties west of Fir Street may also be included.

Discussion points centered on local access using Fir and Ivy Streets, existing and potential future traffic issues on both Fir and Ivy Streets, local services and utilities such as water, sanitary sewer, surface water drainage, and other local utilities, and impacts of annexation and development on properties that may not be included in either the DCP or annexation, or both. Some local property owners were concerned about the impacts of larger scale development on their individual properties, especially if they choose not to be annexed. Individual property taxes were also a concern of local property owners.

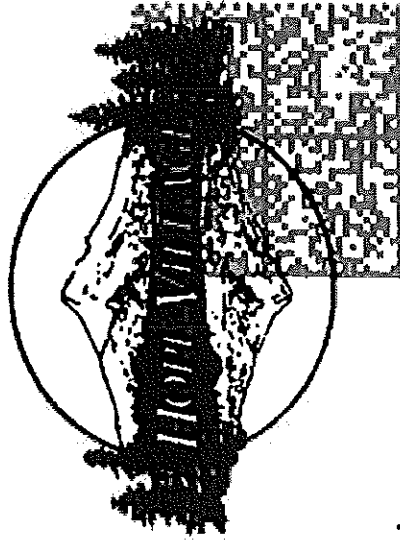
The benefits of annexation to the City of Canby were discussed, as well as the future of the Southwest Canby area, since all of the area is within the Canby UGB and, theoretically, would be ultimately annexed into the city and potentially developed for residential uses. Some folks expressed concerns for the loss of the "rural" lifestyle, with individual homes on larger pieces of property. Some felt that the future inability to maintain horses and other farm animals was not worth the gain of property values, and the loss of properties large enough to raise fruits and vegetables was just "urban encroachment". Others felt that "it is about time" to join the city. There were numerous opinions regarding a myriad of issues. All agreed that annexation to the city and future urban development will be a complicated issue and needed to be closely reviewed.

***Adjourned*** 8:25 PM

# Please Attend Hope Village's Meeting About Our Future Plans



**Where Hope Village**  
(Community Center Building)  
1535 South Ivy Street  
Canby Oregon 97013



UNITED STATES POSTAGE



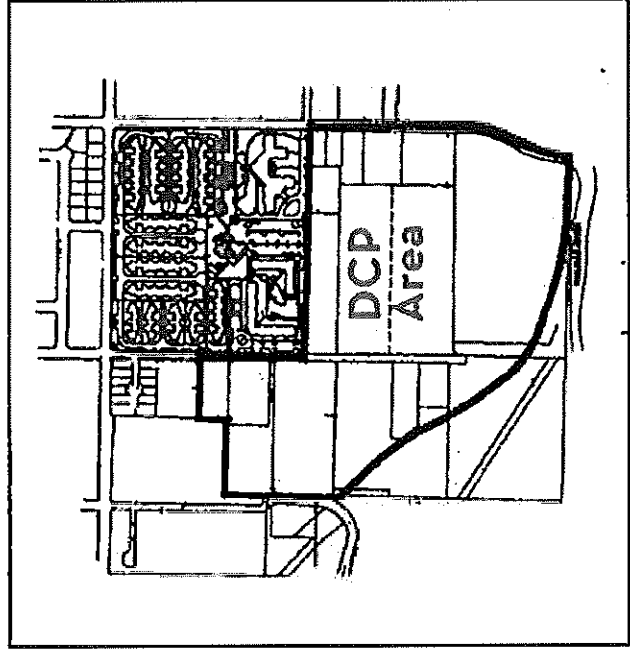
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\$ 000.00  
MAILED FROM ZIP CODE 97209

**When** Thursday November 12th at 7 pm **or**  
Wednesday November 18th at 8 pm

Please attend an important informational meeting. Hope Village is planning for the future and has secured an option on some property to the south. The City requires that the land be annexed and a Development Concept Plan (DCP) be developed within our neighborhood area.

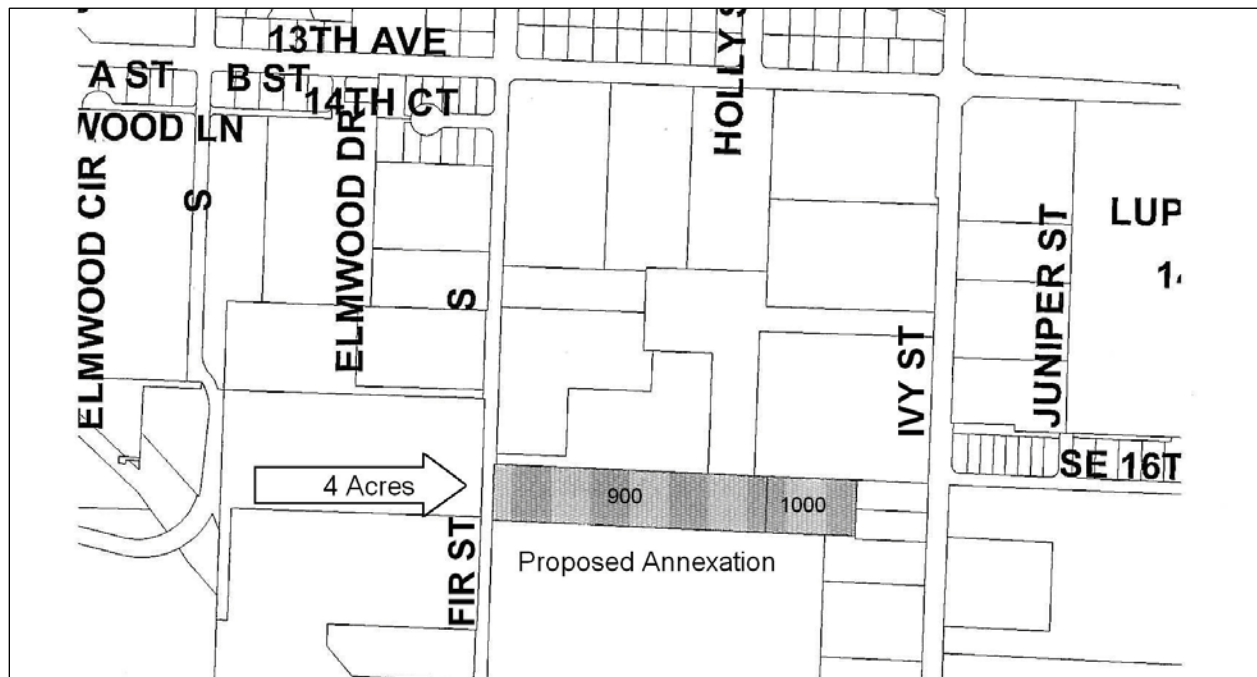
Hope Village is required by the City to include your property when developing this plan.

Please plan to attend one of the two meetings on the dates listed above to discuss Hope Village's plans and how it relates to this City required DCP annexation plan for general zoning, streets, utilities and parks for our neighborhood. Drinks and refreshments will be served.





Locator map



City File #: ANN 11-01 / ZC 11-01

Applicant: Hope Village

Tax Map: 4S-1E-4D

Tax Lots: 900 and 1000

**MINUTES**  
**CANBY PLANNING COMMISSION**  
7:00 PM – July 18, 2011  
City Council Chambers – 155 NW 2<sup>nd</sup> Avenue

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**PRESENT:** Chair Dan Ewert, Vice Chair Jan Milne, Commissioners Sean Joyce, Chuck Kocher, Randy Tessman and John Proctor.

**ABSENT:** Commissioners Misty Slagte

**STAFF:** Bryan Brown, Planning Director; and Sandra Dockendorf

**OTHERS** Patricia Hershberger, Bill Vermillion, Robert Price, Jeff Scott, Brian Hodson, Ron Berg, Craig Gingerich and Roger Skoe

**PRESENT:**

1. **CALL TO ORDER** 7:00 pm

2. **CITIZEN INPUT** None

3. **PUBLIC HEARINGS**

a. **Hope Village Annexation & Zone Change ANN 11-01/ZC11-01** – The applicant is requesting an annexation and zone change to four acres into the City of Canby on the east side of the 1600 block of S Fir street.

Chair Ewert read the public hearing format.

Bryan Brown, Planning Director entered the June 30, 2011 MR. Brown reported there had been a mistake in the zoning comp plan map causing the applicant to request the wrong zoning district and land needs analysis. Mr. Brown stated the mistake report into record and the correct zoning been met. He had also stated that Hope Village had been approved as exempt from the DCP process by council action. Mr. Brown made it clear that by being exempt they have no control over what is built on the property as long as the zoning regulations are met for that property when annexation occurs.

Chair Ewert opened the public hearing.

**Applicant:** Craig Gingerich Executive Director of Hope Village supported the project with facts. He suggested that by adding more housing it would increase the financial aspects to Canby. He stated the facility already existing has low traffic impact and did not foresee any change in the future project. He stated they had no objections to the staff report or findings. He also stated that there were people in the audience that would speak on support of Hope Village. Mr. Gingerich ended by stating that the only interest they had in the land was to add to Hope Village.

Patricia Hershberger, a member of Hope Village Board of Directors, gave a short history on Hope Village and what it has done for the community.

**Proponents:**

Jeff Scott has lived across from Hope Village for 8 years. Mr. Scott states they keep the landscape in great shape, they have never caused any problems, and he is in favor of the expansion of Hope Village.

Bill Vermillion has been a resident of Hope Village for 1 year. He along with many others does a lot of their shopping here in Canby. He believes by adding to the facility it will bring more money to the City of Canby.

**Opponents:** None

**Neutral:** None

**Rebuttal:** None

Chair Ewert closed the public hearing.

#### **Commission Deliberations:**

Commissioner Milne stated she was in favor of Hope Village and liked what they had brought to the community thus far. Mrs. Milne complimented brown on a thorough presentation and indicated the application was well put together and Canby needs this kind of applications. This is a positive step for Canby to provide more options for seniors.

Kocher indicated great idea for expansion and necessary process to obtain growth.

Commissioner Ewert commented on the project saying that he believed that Hope Village is a great asset to Canby and that he was on the commission when they originally sought approval and noted that at that time they said " if this works, we will be back to expand. He indicated that about 1/3 of his neighbors have moved to Hope Village overtime.

#### **Discussion:**

Commissioner Tessman moved to approve **ANN 11-01/ZC11-01**; pursuant to the conditions presented in the June 30<sup>th</sup> staff report and the findings from tonight's public hearing. It was seconded by Commissioner Milne. The motion passed 6-0.

**4. NEW BUSINESS** No new business

#### **5. MINUTES**

**May 23, 2011-** Commissioner Milne moved to approve minutes of May 23, 2011 as presented. Motion seconded by Commissioner Tessman and passed 4-0 with 2 absent

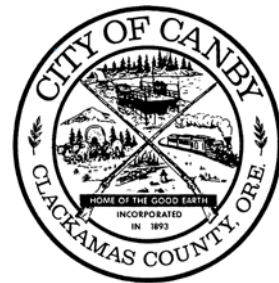
**June 6, 2011 -** Commissioner Tessman moved to approve minutes of June 6, 2011 with change noted by Commissioner Milne to indicate Sean Joyce was absent. Motion seconded by Commissioner Milne and passed 6-0

**July 11, 2011-** Commissioner Tessman moved to approve minutes of July 11, 2011 as presented. Motion seconded by Commissioner Milne and passed 6-0 with all in agreement even though most were not in attendance.

**7. ITEMS OF INTEREST FROM STAFF** Mr. Brown announced Markus Mead had for new posotion. He stated that the city will soon be advertising for a replacement confirming it

will remain a part time position. Mr. Brown also confirmed the next meeting is canceled due to no new business.

8.     **ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION**                     **None**
9.     **ADJOURNMENT at 8:04PM.**



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

**A REQUEST TO ANNEX 4  
ACRES OF LAND INTO THE  
CITY OF CANBY** )  
)  
)

**FINDINGS, CONCLUSIONS & ORDER  
ANN 11-01/ZC 11-01**

### **NATURE OF APPLICATION**

Hope Village, Inc. seeks to annex 4 acres of property adjacent to their senior housing complex into the City of Canby for future expansion and have R2 High Density Residential zoning assigned to the property.

### **HEARINGS**

The Planning Commission held a public hearing and considered this application at its meeting on July 18, 2011. The Planning Commission forwarded a recommendation of approval to City Council. The City Council held a second public hearing to consider the application and the Planning Commission's recommendation at its August 3, 2011, meeting. Planning Director Bryan Brown presented a staff report. Craig Gingerich and Robert Price spoke on behalf of the applicant. The Council voted to approve the annexation and zone change application and to forward the application on to the Canby voters for a final decision on this matter.

### **CRITERIA AND STANDARDS**

The Planning Commission forms a recommendation for the City Council to consider after conducting a public hearing. If the City Council approves the application, that approval is forwarded to Canby voters as a ballot measure where a final decision is reached during a general election. Section 16.84 and Section 16.54 of the Canby Municipal Code states the applicable review criteria when reviewing a proposed annexation and zone change for which the Council shall give ample consideration, including the following:

1. Whether the subject property is required to submit either a Development Agreement or a Development concept Plan;
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 of which it will become a part;
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 meeting the increased demand and a 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;
11. For a map amendment, consider 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;
12. For a map amendment, 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 AND REASONS**

The City Council deliberated on all evidence and testimony presented at the August 3, 2011, public hearing. The City Council incorporates the prepared June 30, 2011 staff report, including all attachments thereto, the Planning Commission recommendation, and Council deliberations as support for its decision.

### **CONCLUSION**

The City Council concludes that, based on the findings and conclusions contained in the June 30, 2011 staff report, including all attachments thereto, the Planning Commission recommendation, together with testimony received and Council deliberations at the August 3, 2011 public hearing:

1. The assigned zone is in conformance with applicable sections of the City's Comprehensive Plan and the Zoning Ordinance when the conditions contained in the staff report and adopted by the Council are applied.
2. The zoning of the property, if annexed, should be R2 pursuant to the approval criteria set forth in CMC 16.54.040.
3. An analysis of the need for additional property within the city limits has been provided, including the amount of developable land 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 as set forth in CMC 16.84.040.A. There is less than a three-year supply of High Density Residential (R2) zoned land within the City limits as desired by city policy when annexing land. There is a High Density Residential (R2) zone deficiency within the City limits and a long-term High Density Residential (HDR) designation deficiency within the UGB. Therefore, there is a need for high density residential land.
4. Adequate access is available to the site.
5. Adequate public facilities and services are available to service potential development of the subject property.
6. The annexation proposal is in compliance with other applicable City ordinances or policies.

7. The annexation proposal complies with all applicable sections of Oregon Revised Statutes Chapter 222.
8. No natural hazards have been identified on the subject property, and there are no specially designated open spaces, scenic, historic or natural resource areas identified on the subject property.
9. The overall impact which is likely to result from the annexation and development shall not have a significant adverse effect on the economic, social and physical environment of the community, as a whole.
10. A development agreement is not applicable to this annexation per CMC Figure 16.84.040, and that the City Council exempted the Development Concept Plan requirement for this application at its January 19, 2011 regular meeting.
11. The annexation and subsequent likely development conforms to the Transportation System Plan which included approximately 60 peak hour base-line trips for the subject parcels. The future likely maximum residential development of the subject area would be less than the peak anticipated trips.
12. The "County Maintained Roads within the City of Canby" shows S. Fir Street as a county maintained road and in accordance with our Urban Growth Management Agreement will be transfer jurisdiction for maintenance purposes upon development of the property.
13. If the annexed property were developed as non-senior residential units, there would be school enrollment impacts but senior housing is the expected use.

## **DECISION:**

The City Council **APPROVED** annexation and zone change application **ANN 11-01/ZC 11-01** with provisions and conditions as follows:

1. Upholding previous Council action to grant an exception pursuant to CMC 16.84.090 to waive the Development Concept Plan requirement;
2. That ANN 11-01/ZC 11-0109-01 as indicated in the June 30, 2011 staff report is approved for submission to the electorate for vote;
3. That the zoning of the property upon annexation should be designated as R2 High Density Residential; and
4. That prior to issuance of building permit for any subsequently approved development, that all required half street improvement along the entire site frontage with S. Fir Street will be required to be constructed to appropriate standards;
5. That the City shall perform a transfer of jurisdiction of the adjacent S. Fir Street from Clackamas County to City of Canby upon development of the property;
6. Should non-senior housing be develop, Canby area schools should be consulted for enrollment impacts.

**ORDER**

**IT IS ORDERED BY THE CANBY CITY COUNCIL** that annexation **ANN 11-01/ZC 11-01** is **APPROVED** and will be forwarded to Clackamas County Elections Department to appear on the November 04, 2011, general election ballot.

**I CERTIFY THAT THIS ORDER** approving **ANN 11-01/ZC 11-01** was presented to and **APPROVED** by the Canby City Council.

DATED this **3<sup>rd</sup>** day of August, 2011.

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Randy Carson, Mayor  
City of Canby

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Bryan Brown  
Planning Director

**ATTEST:**

**WRITTEN FINDINGS – August 3, 2011**

AYES:

NOES:

ABSTAIN:

ABSENT:



## **RESOLUTION NO. 1111**

**A RESOLUTION AUTHORIZING AND DIRECTING THE CITY RECORDER TO CERTIFY TO THE CLACKAMAS COUNTY CLERK A MEASURE SUBMITTING TO THE ELECTORATE FOR THE NOVEMBER 8, 2011 ELECTION, A PROPOSED FIVE YEAR, LOCAL OPTION LEVY FOR THE SWIM CENTER AT THE RATE OF \$0.49 PER \$1000.00 ASSESSED VALUE BEGINNING IN FISCAL YEAR 2012-2013; AND REPEALING RESOLUTION NO 932.**

**WHEREAS**, the Canby City Council has determined that there is a need to acquire additional funds to continue to fund the current level of service and provide pool maintenance at the Canby Swim Center for the next five years; and

**WHEREAS**, ORS 280.040, et. seq., authorizes the City to submit a measure to City voters which, if approved, would allow the City to collect a local option tax levy for operational purposes;

**NOW THEREFORE, IT IS HEREBY RESOLVED** by the City Council of the City of Canby, as follows:

1. An election is hereby called for the purpose of submitting to the qualified voters of the City the question of authorizing a five-year local option levy in the amount of \$0.49 per \$1000.00 assessed value per year, commencing in fiscal year 2012-2013.
2. The City Recorder of the City of Canby is hereby authorized and directed to certify to the Clackamas County Clerk for submission to the voters at the November 8, 2011 election, the Notice of City Measure. Such Notice of City Measure Election is attached to this Resolution in proper form and adopted by the City.
2. The City Recorder of the City of Canby is further authorized and directed to submit a Summary of the Measure to be placed in the voter's pamphlet explaining in clear and concise language the affect of such ballot measure. Such summary is attached to this Resolution in proper form and adopted by the City.
4. The City Recorder, the City Administrator and the City Attorney are hereby authorized to do all other necessary and proper acts to place the ballot measure before the voters at the November 8, 2011 election.

**IT IS FURTHER RESOLVED**, that Resolution No 923 enacted on August 16, 2006 is hereby repealed.

This Resolution shall take effect on August 3, 2011.

ADOPTED this 3rd day of August, 2011, by the Canby City Council.

---

Randy Carson  
Mayor

ATTEST:

---

Kimberly Scheafer, CMC  
City Recorder

## Notice of City Measure Election

**SEL 802**

rev 01/10: ORS 250.035, 250.041,  
250.275, 250.285, 254.095, 254.465

### City and Notice Information

Notice is hereby given on August 4, 2011, that a measure election will be held in

City of Canby Oregon on November 8, 2011.

Name of City or Cities

Date of Election

The following shall be the ballot title of the measure to be submitted to the city's voters:

### Caption 10 words

FIVE-YEAR LOCAL OPTION LEVY FOR SWIM CENTER OPERATIONS.

### Question 20 words

SHALL THE CITY IMPOSE \$0.49 PER \$1,000.00 OF ASSESSED PROPERTY VALUE FOR FIVE YEARS, 2012-2017, FUNDING SWIM CENTER OPERATIONS?

### Summary 175 words

This measure asks Canby voters to approve a five-year local option tax levy for the Canby Swim Center. The additional property tax revenue would be used to fund current swim center services and provide for future pool maintenance. This levy is based on a fixed rate of \$0.49 per \$1,000.00 of assessed property value. The average home in Canby has a market value of \$253,316.00; however, taxes are calculated on the home's assessed value of \$187,925.00 according to the Clackamas County Assessor. Using this example, the increase in property taxes would be approximately \$13.15 over the property taxes paid for the tax year 2011-2012. The levy would be imposed for five years, beginning in fiscal year 2012-2013. Estimated total amount of money to be raised by this tax is \$2,791,553.00 with the estimated amount raised each year as follows:

2012-2013	\$525,783.00
2013-2014	\$541,566.00
2014-2015	\$557,823.00
2015-2016	\$574,567.00
2016-2017	\$591,814.00

The estimated tax cost for this measure is an ESTIMATE ONLY based on the best information available from the county assessor.

*The following authorized city official hereby certifies the above ballot title is true and complete, which includes publication of notice and the completion of the ballot title challenge process.*

Signature of Authorized City Official not required to be notarized

Date Signed mm/dd/yy

Kimberly Scheafer

City Recorder

Printed Name of Authorized City Official

Title

## **EXPLANATORY STATEMENT FOR VOTERS PAMPHLET**

### **MEASURE APPROVING A FIVE-YEAR LOCAL OPTION LEVY FOR THE CANBY SWIM CENTER**

Measure No. \_\_\_\_\_

Word Total 298 (500 max)

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Since 1970, the Canby Swim Center has provided swimming lessons for all ages, water exercise and therapy classes, lap swimming, water safety training, parent-child classes, the Canby Gators swim club and the Penguin Club (a junior swim team during the summer). The Swim Center is also available for competition swimming and for private rentals.

Currently, funding for the maintenance and operation of the swim center is provided by three sources including fees, concession sales and the five-year Swim Center Levy approved by the voters in 2007. The fees and concession sales provide approximately 32% of the total operating revenue leaving the remaining 68% to be funded by the local option levy. Renewal of this levy would allow the swim center to continue to maintain the present level of service and provide scheduled maintenance for the center for the next five years. Absent the passage of this levy, there is no identified source of additional funding to keep the Swim Center operating.

The Swim Center is currently staffed with a full-time certified Facility Operator, a full time certified Program Manager and a full time Program Coordinator, as well as part-time certified lifeguards and swim instructors.

The levy is based on a fixed rate of \$.49 per \$1000.00 of assessed property value. According to the Clackamas County Tax Assessor, the average home in Canby has a market value of approximately \$253,316.00; however, property taxes are calculated on the home's assessed value of approximately \$187,925.00. Using this example, the increase in property taxes would be approximately \$13.15 over the total property taxes paid for the tax year 2011-2012. The estimated total amount of money to be raised by this tax is \$2,791,553.00 over the five year period. The estimated tax cost for this measure is an ESTIMATE ONLY based on the best information available from the county assessor.

#### **CITY OF CANBY**

---

Kimberly Scheafer, CMC  
City Recorder

---

Date

## **RESOLUTION NO. 1113**

### **A RESOLUTION APPROVING ANNEXATION OF 4 ACRES OF LAND WHICH SHALL BE ZONED R-2 HIGH DENSITY RESIDENTIAL, PENDING ANNEXATION APPROVAL BY THE CANBY ELECTORATE.**

**WHEREAS**, Hope Village owns real property described as Clackamas County Tax Lot 900 and 1000 of Tax Map 4S-1E-4D, and is otherwise located adjacent to and east of the approximate 1600 Block of S. Fir Street as depicted on locator map attached as Exhibit A; and

**WHEREAS**, Hope Village have submitted an application to the City of Canby requesting annexation of 4 acres of land, and the assignment of the R-2 High Density Residential zone district which conforms with the Canby Comprehensive Plan Map; and

**WHEREAS**, the Canby Planning Commission held a public hearing on July 18, 2011, after which the Planning Commission recommended to the City council that the annexation be approved, and that the zoning of the property upon annexation be designated as requested; and

**WHEREAS**, the City Council received a record of the Planning Commission's public hearing, together with Commission's recommendation of approval on July 18, 2011;

**NOW THEREFORE, IT IS HEREBY RESOLVED** by the City Council of the City of Canby, as follows:

1. The City Council hereby approves annexation and zoning map amendment application case no. ANN 11-01/ZC 11-01 for submission to the Canby electorate for vote; a legal description of the property to be annexed in the form of a Tax Lot locator map is attached hereto this Resolution as Exhibit A.
2. Upon annexation, the zoning of the 4 acres of annexed land shall be designated as R-2 High Density Residential and indicated as such on the official zoning map for the City of Canby.

3. This Resolution shall take effect August 3, 2011.

ADOPTED this 3rd day of August, 2011, by the Canby City Council.

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Randy Carson  
Mayor

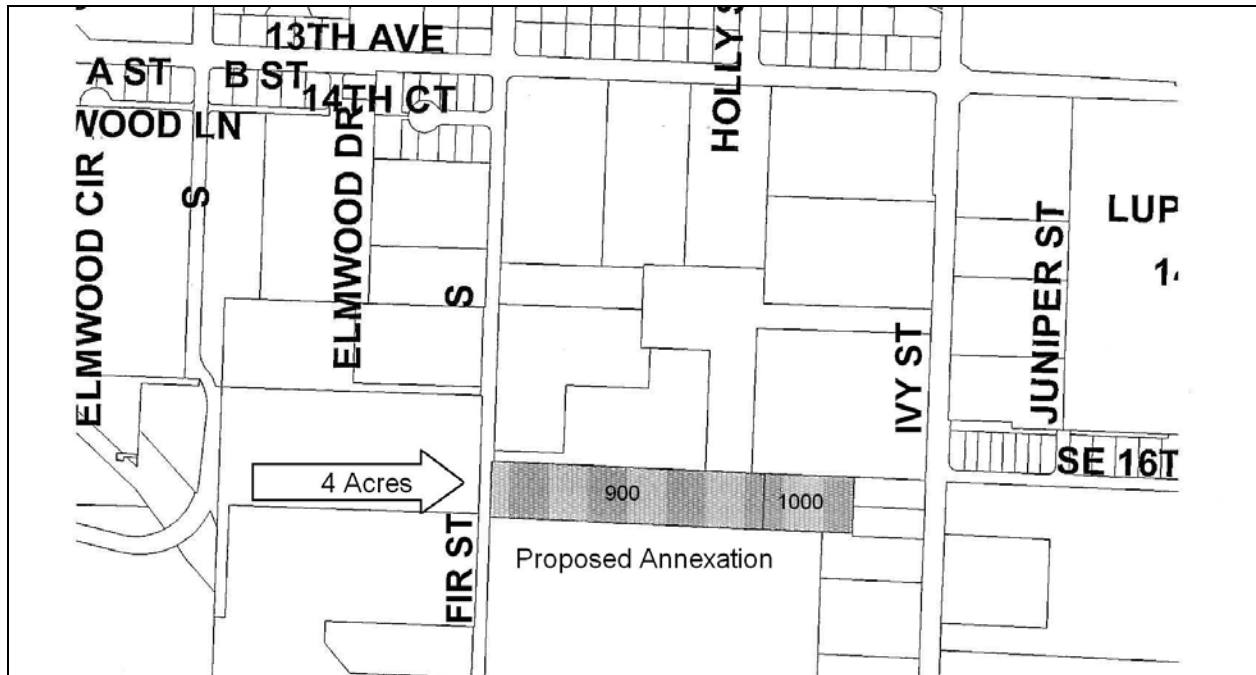
ATTEST:

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Kimberly Scheafer, CMC  
City Recorder

EXHIBIT "A"

Locator map



City File #: ANN 11-01 / ZC 11-01

Applicant: Hope Village

Tax Map: 4S-1E-4D

Tax Lots: 900 and 1000

## **ORDINANCE NO. 1347**

### **AN ORDINANCE AMENDING THE CABLE TELEVISION FRANCHISE AGREEMENT BETWEEN THE CITY OF CANBY AND WAVEDIVISION VII, LLC AND DECLARING AN EMERGENCY.**

**WHEREAS**, on April 8, 1999, the City of Canby granted a twelve year franchise to Willamette Broadband, LLC, effective May 7, 1999 (the “Franchise”). The Franchise was subsequently assigned to North Willamette Broadband, LLC in 2001, and the City approved the transfer to WaveDivision VII, LLC, a Washington Limited Liability Company, doing business as Wave Broadband (“Wave”) in 2007 ; and

**WHEREAS**, the Franchise was to expire on May 7, 2011, and the parties agreed to extend the term through June 6, 2011, to allow additional time to reach agreement on a longer term extension of the agreement; and

**WHEREAS**, the City and Wave did not intend to allow the franchise to expire without extension, but the City inadvertently did not extend the Franchise while discussions about the longer term extensions continued; and

**WHEREAS**, the City and Wave have agreed to extend the term of the Franchise to expire on March 4, 2017, which is consistent with the expiration date of the cable franchise agreement the City granted to a competitive cable service provider in the City, Canby Telephone Association; and

**WHEREAS**, the City and Wave have agreed to amend the Franchise to reflect the new expiration date and to address several other issues raised by Wave; and

**WHEREAS**, the City finds it is in the public interest to amend Franchise as set forth in this Ordinance, and that such amendment be effective as of June 6, 2011, to ensure that Wave has a continuous franchise from the City; now therefore

#### **THE CITY OF CANBY ORDAINS AS FOLLOWS:**

Section 1. The City of Canby hereby amends the Franchise with Wave as follows, with all other provisions, terms and conditions of the Franchise remaining unchanged and in full force and effect except as expressly stated herein:

- A. All references in the Franchise to “Grantee,” “Franchisee,” or “North Willamette Telecom” shall mean WaveDivision VII, LLC.



- B. Section 1.1 of the Franchise shall read as follows: “The City of Canby, Oregon (hereafter Grantor) is authorized to and by this Franchise agreement does grant to WaveDivision VII, LLC (hereafter Grantee) a nonexclusive Franchise through March 4, 2017, revocable as provided herein, to construct, operate and maintain a cable communications system in the City.”
- C. Section 3.1: The phrase “for a 12-year period” shall be deleted from the first sentence.
- D. The first sentence of the first paragraph of Section 3.3 of the Franchise shall be deleted in its entirety and replaced with the following: “Except as otherwise provided herein for revocation, the term of this Franchise and all rights, privileges, obligations and restrictions pertaining thereto shall be through March 4, 2017, at which time the franchise shall expire and be of no force and effect.”
- E. The phrase “twelve (12) year” shall be deleted from the first sentence of the second paragraph and from the last sentence of the last paragraph of Section 3.3 of the Franchise.
- F. Section 6.5(c)(i): The phrase “and continuing throughout its term,” shall be deleted from the first sentence of Section 6.5(c)(i). After the first sentence of Section 6.5(c)(i), the following sentence shall be added: “No sooner than September 1, 2011, Grantee shall provide one percent (1%) of its gross revenues earned providing cable services within the City as support for PEG access.” After the first paragraph in Section 6.5(c)(i), the following paragraph shall be added: “In the event of a change in federal law that permits the Grantor or its Designated Access Provider to use the support set forth in this Section 6.5(c)(i) for non-capital costs without such support being treated as a franchise fee, Grantee shall, within sixty (60) days of the effective date of the change in law, provide a total of two percent (2%) of its gross revenues earned providing cable services within the City as support for PEG access.”
- G. The following paragraph shall be added at the end of Section 6.5(c)(ii): “Grantor shall cause Canby Telephone Association, a competitive cable service provider in the City, to contribute eight hundred sixty two dollars (\$862.00) per month to Grantor, which Grantor shall promptly pay to the Grantee. Grantor and Grantee agree that this amount represents one half (1/2) of the rent for the portion of the access facility occupied by Grantor’s Designated Access Provider as of June 6, 2011 (which is approximately eighty-seven percent (87%) of the leased space), the remainder of which is used by the Grantee. In the event that the rent for the leased space changes during the term of this Agreement pursuant to the terms of a valid lease agreement between Grantee and the owner of the leased space, then Grantor shall cause Canby Telephone Association to contribute one half (1/2) of the adjusted rental amount for the portion of the access facility occupied by Grantor’s Designated Access Provider. Grantor and Grantee further agree that if the Designated Access Provider’s proportionate use of the access facility increases or decreases by five percent (5%) or more, the payment required under this paragraph shall be increased or decreased in

proportion to the change. Grantor's obligation to make the payment set forth in this paragraph shall cease if Canby Telephone Association no longer provides cable services in the City or if the Designated Access Provider stops using the access facility.

- H. Section 9.1 shall be deleted in its entirety and replaced with the following: "The parties shall be subject to the provisions of 47 U.S.C. 547 (Section 627 of the Cable Act), as amended from time to time. It is not intended that this Agreement diminish the rights of either Grantor or Grantee under Section 627 of the Cable Act, and any provision of the Agreement that purports to diminish such right shall be deemed superseded by the Cable Act."

Section 2. The amendments to the Franchise set forth in this Ordinance shall take effect as of June 6, 2011, provided that Wave files with the City its written acceptance of the amendments, in the form attached hereto as Exhibit A, by the effective date of this Ordinance. If Wave fails to timely file its written acceptance, this Ordinance shall be null and void and the Franchise will be of no further force or effect.

Section 3. Emergency Declared. Inasmuch as it is in the best interest of the citizens of Canby, Oregon, to ensure uninterrupted cable service, an emergency is hereby declared to exist and this Ordinance shall therefore take effect immediately upon its enactment after final reading.

**SUBMITTED** to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, July 6, 2011, 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 Wednesday, August 3, 2011, commencing at the hour of 7:30 PM in the City Council Chambers located at 155 NW 2<sup>nd</sup> Avenue in Canby, Oregon.

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Kimberly Scheafer, CMC  
City Recorder

**PASSED** on second and final reading by the Canby City Council at a regular meeting thereof on the 3<sup>rd</sup> day of August, 2011, by the following vote:

YEAS\_\_\_\_\_

NAYS\_\_\_\_\_

\_\_\_\_\_  
Randy Carson  
Mayor

ATTEST:

\_\_\_\_\_  
Kimberly Scheafer, CMC  
City Recorder

**EXHIBIT A**

**ACCEPTANCE**

City Administrator  
City of Canby  
P.O. Box 930  
Canby, Oregon 97013

The undersigned, WaveDivision VII, LLC, does hereby accept the amendments to its Franchise with the City of Canby as set forth in Ordinance No.1347, approved at first reading on July 6, 2011, and does hereby agree that it will comply with and abide by all of the provisions, terms and conditions of the Franchise as amended, subject to applicable federal, state and local law. This acceptance is conditioned upon passage and approval of Ordinance No. 1347 by the City of Canby at second reading on August 3, 2011.

WAVEDIVISION VII, LLC

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

## **ORDINANCE NO. 1348**

### **AN ORDINANCE AUTHORIZING THE MAYOR OR CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH ENVIROSIGHT, LLC OF RANDOLPH, NEW JERSEY FOR THE PURCHASE OF SEWER CAMERA EQUIPMENT WITH OWEN EQUIPMENT OF PORTLAND OREGON ACTING AS THE LOCAL SALES REPRESENTATIVE FOR THE EQUIPMENT; AND DECLARING AN EMERGENCY.**

**WHEREAS**, pursuant to the City of Canby's public contracting rules, the City has heretofore received three (3) written quotes for the purchase of sanitary sewer camera equipment for use by the City's Public Works Department for inspection and maintenance of sanitary sewer lines in the City; and

**WHEREAS**, the quoting companies are as listed below and a tabulation of all items is attached herein:

<b>No.</b>	<b>Company</b>	<b>Total Basic Quote</b>
1.	General Equipment of Portland, OR	\$ 119,875.00
2.	Aries of Fresno, CA	\$ 116,674.00
3.	Owen Equipment of Portland, OR	\$ 105,599.07

**WHEREAS**, the Canby City Council, acting as the City's Contract Review Board, met on Wednesday, July 20, 2011, and considered the quotes and reports and recommendations of the City staff, including the staff recommendation that the low responsive quote be selected; and

**WHEREAS**, the Canby City Council determined that the low responsive quote was that of Owen Equipment of Portland, Oregon for the Envirosight camera equipment; now therefore

### **THE CITY OF CANBY ORDAINS AS FOLLOWS:**

Section 1. The Mayor and/or City Administrator are hereby authorized and directed to make, execute, and declare in the name of the City of Canby and on its behalf, an appropriate contract with Envirosight, LLC of Randolph, New Jersey for the purchase of sanitary sewer camera equipment with Owen Equipment of Portland, Oregon acting as the local sales representative for the quoted amount of \$ 105,599.07. A copy of the HGACBuy Contract Pricing Worksheet is attached hereto and marked as Exhibit "A" and by this reference incorporated herein.

**2nd Reading**

Section 2. Inasmuch as it is in the best interest of the citizens of Canby, Oregon, to complete this purchase as soon as possible to obtain the camera equipment for immediate use by the City's Public Works Department, an emergency is hereby declared to exist and this ordinance shall therefore take effect immediately upon its enactment after final reading.

**SUBMITTED** to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, July 20, 2011; ordered posted as required by the Canby City Charter and scheduled for second reading on Wednesday, August 3, 2011, after the hour of 7:30 pm at the Council Meeting Chambers located at 155 NW 2<sup>nd</sup> Avenue, Canby, Oregon.

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Kimberly Scheafer, CMC  
City Recorder

**PASSED** on second and final reading by the Canby City Council at a regular meeting thereof on the 3<sup>rd</sup> day of August, 2011, by the following vote:

YEAS\_\_\_\_\_

NAYS\_\_\_\_\_

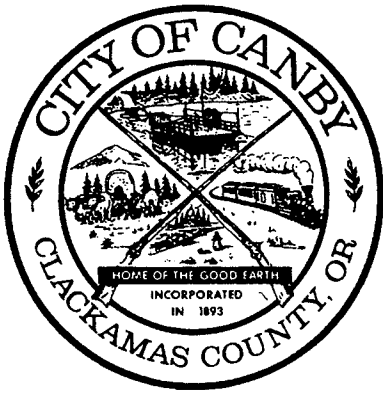
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Randy Carson  
Mayor

ATTEST:

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Kimberly Scheafer, CMC  
City Recorder



# City of Canby

Office of the City Attorney

July 27, 2011

Memo to: Mayor/City Council

From: John H. Kelley, City Attorney

Re: Ordinance No. 1349 - Amending cable franchise agreement with Canby Telephone Association (CTA)

Nancy Werner believes she has successfully completed her negotiations with CTA regarding the changes in the cable franchise agreement. She has talked with Roger Reif over the past few days and he indicates he thinks the changes proposed which are exactly the changes in WaveBroad franchise are acceptable.

The changes include decreasing the PEG fees CTA pays from 4.5% to 1%; the agreement that if the federal law changes that permits use of these funds for operations and maintenance costs, (CAP Act), CTA would begin paying 2% to the City for PEG fees; agreement that CTA would pay to the City, \$862.00 per month as a contribution to the rent for the access facility; and the language changes in section 9.1 indicating that current provisions of Cable law shall govern the parties in the event CTA offers the City the right to purchase the cable operation.

Roger doesn't have Ketih Galitz's and the CTA Board's approval yet, so not absolutely sure we have agreement. We will know soon. If we don't have agreement and can't work it out before the meeting, we'll pull the Ordinance from the agenda.

## **ORDINANCE NO. 1349**

### **AN ORDINANCE AMENDING THE CABLE TELEVISION FRANCHISE AGREEMENT BETWEEN THE CITY OF CANBY AND CANBY TELEPHONE ASSOCIATION AND DECLARING AN EMERGENCY.**

**WHEREAS**, on February 2, 2005, the City of Canby granted a twelve year cable television franchise to Canby Telephone Association, effective March 4, 2005 (the “Franchise”); and

**WHEREAS**, the City of Canby granted a cable television franchise to the predecessor of WaveDivision VII, LLC prior to granting the Franchise, the terms of which are nearly identical to the Franchise; and

**WHEREAS**, the City is considering amending the terms of its cable franchise with WaveDivision VII, LLC, and to ensure compliance with the Cable Act and the rules enacted by the Federal Communications Commission, and to maintain competitive equity between the two cable operators, the City is offering the same substantive amendments to Canby Telephone Association; and

**WHEREAS**, the City finds it is in the public interest to amend the Franchise as set forth in this Ordinance; now therefore,

#### **THE CITY OF CANBY ORDAINS AS FOLLOWS:**

Section 1. The City of Canby hereby amends the Franchise with Canby Telephone Association as follows, with all other provisions, terms and conditions of the Franchise remaining unchanged and in full force and effect except as expressly stated herein:

- A. Section 6.5(c) (i): The phrase “and continuing throughout its term,” shall be deleted from the first sentence of Section 6.5(c) (i). After the first sentence of Section 6.5(c) (i), the following sentence shall be added: “No sooner than September 1, 2011, Grantee shall provide one percent (1%) of its gross revenues earned providing cable services within the City as support for PEG access.” After the first paragraph in Section 6.5(c) (i), the following paragraph shall be added: “In the event of a change in federal law that permits the Grantor or its Designated Access Provider to use the support set forth in this Section 6.5(c) (i) for non-capital costs without such support being treated as a franchise fee, Grantee shall, within sixty (60) days of the effective date of the change in law, provide a total of two percent (2%) of its gross revenues earned providing cable services within the City as support for PEG access.”



- B. The following paragraph shall be added at the end of Section 6.5(c) (ii): “Canby Telephone Association shall contribute eight hundred sixty two dollars (\$862.00) per month to Grantor, which Grantor shall pay to WaveDivision VII, LLC, a competitive cable service provider in the City, as a contribution to the rent for the access facility. Grantor and Grantee agree that this amount represents one half (1/2) of the rent for the portion of the access facility occupied by Grantor’s Designated Access Provider as of June 6, 2011 (which is approximately eighty-seven percent (87%) of the leased space). In the event that the rent for the leased space changes during the term of this Agreement pursuant to the terms of a valid lease agreement between WaveDivision VII, LLC and the owner of the leased space, then Canby Telephone Association shall contribute one half (1/2) of the adjusted rental amount for the portion of the access facility occupied by Grantor’s Designated Access Provider. Grantor and Grantee further agree that if the Designated Access Provider’s proportionate use of the access facility increases or decreases by five percent (5%) or more, the payment required under this paragraph shall be increased or decreased in proportion to the change. Grantee’s obligation to make the payment set forth in this paragraph shall cease if WaveDivision VII, LLC, no longer provides cable services in the City or if the Designated Access Provider stops using the access facility. In the event WaveDivision VII, LLC no longer provides cable services in the City, Grantee agrees to assume the obligations currently being funded by WaveDivision VII, LLC within thirty (30) days of written notice from Grantor.”
- C. Section 9.1 shall be deleted in its entirety and replaced with the following: “The parties shall be subject to the provisions of 47 U.S.C. 547 (Section 627 of the Cable Act), as amended from time to time. It is not intended that this Agreement diminish the rights of either Grantor or Grantee under Section 627 of the Cable Act, and any provision of the Agreement that purports to diminish such right shall be deemed superseded by the Cable Act. Notwithstanding the foregoing, Grantee’s Telecommunications Services under Ordinance Number 1053 are not subject to this right of purchase.”

Section 2. Emergency declared. Inasmuch as it is in the best interest of the citizens of Canby, Oregon, to ensure uninterrupted cable service, an emergency is hereby declared to exist and this Ordinance shall therefore take effect immediately upon its enactment after final reading. If Canby Telephone Association fails to timely file its written acceptance, this Ordinance shall be null and void and of no further force or effect.

**SUBMITTED** to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, August 3, 2011, 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 council meeting thereof on Wednesday, August 17, 2011, commencing at the hour of 7:30 PM in the City Council Chambers located at 155 NW 2<sup>nd</sup> Avenue in Canby, Oregon.

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Kimberly Scheafer, CMC  
City Recorder

**PASSED** on second and final reading by the Canby City Council at a regular meeting thereof on the 17<sup>th</sup> day of August, 2011 by the following vote:

YEAS\_\_\_\_\_

Nays\_\_\_\_\_

---

Walt Daniels  
Council President

ATTEST:

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Kimberly Scheafer, CMC  
City Recorder

**EXHIBIT A**

**ACCEPTANCE**

City Administrator  
City of Canby  
P.O. Box 930  
Canby, Oregon 97013

The undersigned, Canby Telephone Association, does hereby accept the amendments to its Franchise with the City of Canby as set forth in Ordinance No. 1349, approved at first reading on August 3, 2011, and does hereby agree that it will comply with and abide by all of the provisions, terms and conditions of the Franchise as amended, subject to applicable federal, state and local law. This acceptance is conditioned upon passage and approval of Ordinance No. 1349 by the City of Canby at second reading on August 17, 2011.

CANBY TELEPHONE ASSOCIATION

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

## **Management Team Meeting Minutes**

**July 18, 2011**

**2:00 PM**

### **City Hall Conference Room**

In attendance: Amanda Klock, Bryan Brown, Sue Engels, Julie Wehling, Eric Laitinen, Penny Hummel, and Kim Scheafer.

#### Kim Scheafer

- Interviewing Court OS II applicants on July 25
- New Deputy City Recorder starts July 27
- On vacation the week of August 8 and August 22

#### Penny Hummel

- There was an article in the *Canby Herald* about the “Let’s Talk Together Program”
- Library was represented at the Canby Cares Health Fair

#### Amanda Klock

- AFSCME contract is going before the City Council on Wednesday
- Health insurance information will be sent out to staff this week

#### Sue Engels

- Bonds are in the process of being issued for the new police department
- Budget Committee want to get forecasting information in the fall

#### Julie Wehling

- On vacation July 23 – August 6
- Transition from OHAS to MV went well
- Most of the complaints that have been received were regarding cuts to mid-day service
- Transit radios will need to be upgraded

#### Eric Laitinen

- City Council will be discussing the swim levy rate on Wednesday

*Minutes taken by Kim Scheafer*

## **Management Team Meeting Minutes**

**July 25, 2011**

**2:00 PM**

### **City Hall Conference Room**

In attendance: Greg Ellis, Amanda Klock, Renate Mengelberg, Bryan Brown, Sue Engels, Eric Laitinen, Penny Hummel, and Kim Scheafer.

#### Kim Scheafer

- Reviewed Agenda for August 3 City Council Meeting
- Interviewed Court OS II applicants
- New Deputy City Recorder starts July 27
- On vacation August 4 in the afternoon through August 12

#### Greg Ellis

- New Police Department groundbreaking is on August 11 at 10:30 AM
- 3 on 3 basketball tournament is on July 30
- Vietnam Memorial Dedication is on August 6

#### Penny Hummel

- Received \$2,000 from Target for literacy program
- Councilor Traci Hensley is the new liaison to the Library Board

#### Sue Engels

- Working on preparing for audit
- Received a Certificate of Achievement for Excellence in Financial Reporting for eighth year in a row

#### Eric Laitinen

- Grant was submitted for swim lessons for 4<sup>th</sup> grade students which includes transportation. Will find out in October if they are a recipient.

#### Bryan Brown

- Associate Planner position has been posted
- Will contact Canby Center regarding relocation plans

#### Renate Mengelberg

- Interviewing RARE students
- Industrial Community Workshop was well attended
- Welcomed Martin & Ziegler to Canby
- First Friday in July was well attended

*Minutes taken by Kim Scheafer*