

# **AGENDA**

## **CANBY CITY COUNCIL MEETING**

**April 18, 2007, 7:30 P.M.**

**Council Chambers**

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

**Mayor Melody Thompson**

**Council President Walt Daniels**

**Councilor Teresa Blackwell**

**Councilor Paul Carlson**

**Councilor Randy Carson**

**Councilor Tony Helbling**

**Councilor Wayne Oliver**

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### **WORK SESSION**

**6:00 P.M.**

**City Hall Conference Room**

**182 N Holly**

The City Council will be meeting in a Work Session to receive training on public meeting and record laws.

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### **CITY COUNCIL MEETING**

#### **1. CALL TO ORDER**

- A. Pledge of Allegiance and Moment of Silence
- B. Barbershop Singing Week Proclamation

Pg. 1

#### **2. COMMUNICATIONS**

#### **3. 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.)*

#### **4. MAYOR'S BUSINESS**

#### **5. COUNCILOR COMMENTS & LIAISON REPORTS**

#### **6. CONSENT AGENDA**

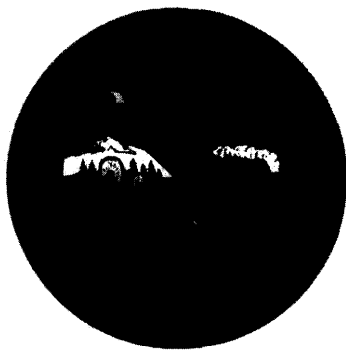
*(This section allows the City Council to consider routine items that require no discussion and can be approved in one comprehensive motion. An item may be discussed if it is pulled from the consent agenda to New Business.)*

- A. Approval of Accounts Payable \$765,016.34
- B. Approval of Minutes of the April 4, 2007 City Council Work Session and Regular Meeting
- C. Appointments to City Budget Committee

Pg. 2

7. **PUBLIC HEARINGS**
  - A. ZC 07-02 (STJ LLC) Pg. 4
  - B. ROW 07-01 (Corder) **CONTINUED FROM 3-21-07** Pg. 40
8. **RESOLUTIONS & ORDINANCES**
  - A. Res. 950, Establishing Fees for the Canby Swim Center Pg. 73
  - B. Ord. 1235, Vacating Five Feet of the Public Right-of-Way on the East Side of North Maple Street Fronting Tax Lot 2503 of Map 3-1E-28DD Pg. 42
  - C. Ord. 1236, Authorizing Contract with Cedar Mill Construction for Construction of Restroom and Support Facilities for Maple Street Park and Legacy Park Pg. 78
  - D. Ord. 1239, Amending the Zoning Map of the City of Canby, Clackamas County, Oregon for Tax Lots 1500 & 1501 of Tax Map 3-1E-27CB Pg. 6
9. **NEW BUSINESS**
  - A. Request for Letter from Canby Area Chamber of Commerce Regarding Canby Community Visitors Destination Action Plan Pg. 80
10. **CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS**
11. **CITIZEN INPUT**
12. **ACTION REVIEW**
13. **EXECUTIVE SESSION:** ORS 192.660(2)(d) Labor Negotiations and ORS 192.660(2)(h) Pending Litigation
14. **ADJOURN**

\*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Kim Scheafer at 503.266.4021 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

“Barbershop Singing Week”

WHEREAS, the Canby-based Oregon Trail Pitchpipers Barbershop Chorus is presenting their 41<sup>st</sup> Annual Show in Canby; and

WHEREAS, the Oregon Trail Pitchpipers Chorus will be performing in this great event at the Richard R. Brown Fine Arts Center and will be joined by other competing quartets and choruses; and

WHEREAS, this year’s Annual Barbershop Singing Show will be held on May 4-5, 2007 with two performances; and

WHEREAS, the City of Canby, by virtue of this proclamation recognizes the wholesome entertainment and outstanding contribution to American music made by barbershop singers everywhere over the course of our nation’s history.

NOW, THEREFORE, I, Melody Thompson, by virtue of the authority vested in me as the Mayor of the City of Canby, do hereby proclaim April 29 through May 5, 2007 as

## *BARBERSHOP SINGING WEEK*

In the City of Canby and urge all citizens to attend one of the two performances of the 41<sup>st</sup> Annual Barbershop Singing Show at the Richard R. Brown Fine Arts Center on May 4-5, so that this form of musical entertainment and its rich heritage may be enjoyed by all.

Given unto my hand this 18<sup>th</sup> day of April, 2007 in the City of Canby, Oregon.

Melody Thompson  
Mayor

Term to Exp. 6.30.2010

RECEIVED  
APR 02 2007  
CITY OF CANBYCITY OF CANBY  
APPLICATION  
BOARD/COMMITTEES/COMMISSIONS/COUNCIL OF CANBY

Date: 4/2/07  
 Name: Scott Gustafson Occupation: Insurance Agent  
 Home Address: \_\_\_\_\_  
 Employer: Gustafson Ins. Position: Owner  
 Daytime Phone: \_\_\_\_\_ Evening Phone: \_\_\_\_\_  
 E-Mail Address: scott@gustafsonins.com  
 For which position are you applying? Budget Comm - 6/30/07 Term

What are your community interests (committees, organizations, special activities)?  
CBO - Board Member, Chaplain's Fund - Canby  
Fire District.

Experience and educational background: BS - Business Administration  
Warren Pacific College - Business Owner in  
Canby for 25 years

Reason for your interest in this position: To assist in City Financial  
Budgeting Process

List any other City or County positions on which you serve or have served: None

Information on any special membership requirements: None

Referred by (if applicable): Self

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

## THANK YOU FOR YOUR WILLINGNESS TO SERVE CANBY

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

Phone: 503.266.4021 Fax: 503.266.7961

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

9-30-05

2

Term to Exp. 6.30.09

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

Date: 4-6-07

Name: GARY A. POTTER Occupation: RETIRED

Home Address: \_\_\_\_\_

Employer: N/A Position: \_\_\_\_\_

Daytime Phone: ✓ Evening Phone: SAME

E-Mail Address: gpotter@canby.com

For which position are you applying? City Budget Committee

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

CHAMBER of Commerce, Photography

Experience and educational background: LANDSCAPE Arch BS OSU

1966, 30+ YEARS in STATE GOVERNMENT, 8 YRS

Private Sector CONSULTANT (info systems)

Extensive experience with citizen involvement

Reason for your interest in this position: Community involvement, As

Residents of Canby we are very interested

in the welfare of our community

List any other City or County positions on which you serve or have served: NONE

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

Referred by (if applicable): PAUL CARLSON

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

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

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Phone: 503.266.4021 Fax: 503.266.7961

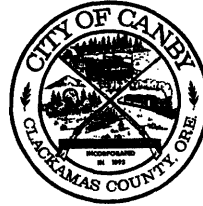
**RECEIVED**

**APR 06 2007**

**CITY OF CANBY**

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

9-30-05



# Memorandum

**To:** Honorable Mayor Thompson and City Council;  
**CC:** S.T.J. LLC, Applicant  
**From:** Kevin C. Cook, Associate Planner  
**Date:** 4/9/2007  
**Re:** Proposed Zone Change for 1295 NE Territorial Rd. (City file ZC 07-02)

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**Issue:** **ZC 07-02**, an application to change the zoning designation for two parcels totaling 0.89 acres. The current zoning on the parcels is R-1 Low Density Residential. The applicant proposes to amend zoning to reflect the Comprehensive Plan designation. No development plans are associated with the zone change at this time.

**Synopsis:** The City Council has final approval authority on zone change applications. The Planning Commission holds a public hearing and then makes a recommendation to the Council. The Council now holds a new public hearing and may accept additional testimony.

**Recommendation:** Zone changes are adopted by Ordinance. Staff and the Planning Commission recommend that the City Council **approve ZC 07-02 by adopting Ordinance 1239.**

**Rationale:** The Planning Commission voted to recommend that the City Council approve the zone change application, finding that it met all requirements of the Comprehensive Plan and Land Development and Planning Ordinance. Approval of this application would allow high density development to occur consistent with the Comprehensive Plan designation for this area.

**Options:** **1. Approve ZC 07-02 as proposed.** The Planning Commission recommends this option.

**2. Deny ZC 07-02.** This option is not recommended because the Planning Commission found that the application meets all applicable criteria and standards.

**3. Approve ZC 07-02 with conditions.** This option is not recommended because all needed conditions will be addressed through the approval of future development.

**Attached:**

1. Ordinance 1239
2. 3/14/07 Staff Report
3. Planning Commission findings

## **ORDINANCE NO. 1239**

### **AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON FOR TAX LOTS 1500 & 1501 OF TAX MAP 3-1E-27CB.**

**WHEREAS**, an application was filed with the City by S.T.J. LLC to change the zoning of two parcels totaling 0.89 acres from Low Density Residential (R-1) to High Density Residential (R-2); and

**WHEREAS**, a public hearing was conducted by the Canby Planning Commission on March 26, 2007 after public notices were mailed, posted and printed in the Canby Herald, as required by law; and

**WHEREAS**, the Canby Planning Commission heard and considered testimony regarding the proposed zone change at the public hearing. At the conclusion of the public hearing, the Planning Commission voted 7-0 to recommend that the City Council approve the application. The Findings, Conclusions and Order was approved by the Planning Commission and forwarded to the Council with its recommendation; and

**WHEREAS**, the Canby City Council considered the matter and the recommendation of the Planning Commission following a public hearing held at its regular meeting on April 18, 2007; and

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

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

Section 1. Tax Lots 1500 & 1501 OF TAX MAP 3-1E-27CB is rezoned from Low Density Residential (R-1) to High Density Residential (R-2) as called for in Canby's Comprehensive Plan.

Section 2. The Mayor, attested by the City Recorder, is hereby authorized and directed to make the appropriate change on the City's zoning map in accordance with the dictates of Section 1 of this Ordinance.

**SUBMITTED** to the Council and read the first time at a regular meeting thereof on April 18, 2007 ordered posted in three (3) public and conspicuous places in the City for a period of



five (5) days, as authorized by the Canby City Charter; and to come up for final reading and action by the Canby City Council at a regular meeting thereof on May 2, 2007, commencing after the hour of 7:30 p.m., at the Council's regular meeting chambers at the Canby City Hall in Canby, Oregon.

\_\_\_\_\_  
Kimberly Scheafer  
City Recorder - Pro Tem

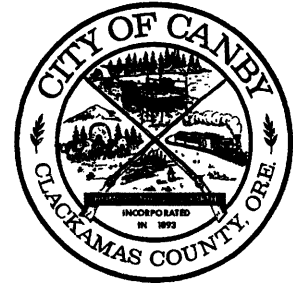
**PASSED** on the second and final reading by the Canby City Council at a regular meeting thereof on May 2, 2007 by the following vote:

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

\_\_\_\_\_  
Melody Thompson, Mayor

ATTEST:

\_\_\_\_\_  
Kimberly Scheafer  
City Recorder Pro Tem



## **- STAFF REPORT -**

**APPLICANT:**

S.T.J., LLC  
214 SW 2<sup>nd</sup> Ave  
Canby, OR 97013

**FILE NO.:**

ZC 07-02

**OWNER:**

S.T.J., LLC  
214 SW 2<sup>nd</sup> Ave  
Canby, OR 97013

**STAFF:**

Kevin C. Cook  
Associate Planner

**LEGAL DESCRIPTION:**

Tax Lots 1500 & 1501  
of Tax Map 3-1E-27CB

**DATE OF REPORT:**

March 14, 2007

**LOCATION:**

South of NE Territorial Road  
and west of the Molalla Forest Road

**DATE OF HEARING:**

March 26, 2007

**COMP. PLAN DESIGNATION:**

High Density Residential (R-2)

**ZONING DESIGNATION:**

Low Density Residential (R-1)

***I. APPLICANT'S REQUEST:***

The applicant is seeking to change the zoning designation for two parcels totaling 0.89 acres. The current zoning on the parcels is R-1 Low Density Residential. The applicant proposes to amend zoning to reflect the Comprehensive Plan designation. No development plans are associated with the zone change at this time.

***II. APPLICABLE REGULATIONS***

**City of Canby General Ordinances:**

16.20	R-2 High Density Residential Zone
16.54	Amendments to Zoning Map
16.88	General Standards

## **Oregon Administrative Rules**

OAR 660-012 Transportation Planning Rule

### ***III. MAJOR APPROVAL CRITERIA***

#### **16.54.040 - Amendments to the Zoning Map - Standards and Criteria**

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

- A. The Comprehensive Plan of the City, giving special attention to Policy 6 of the Land Use Element and implementation measures therefore, and the plans and policies of the County, state and local districts in order to preserve functions and local aspects of land conservation and development;
- 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.

### ***IV. FINDINGS***

#### **A. Background and Relationships**

The site is located south of NE Territorial Road and west of the Molalla Forest Road. Tax lots 1500 and 1501 are zoned R-1. Adjacent properties are also designated High Density Residential in the Comprehensive Plan. There is an existing residence located on Tax Lot 1501.

Adjacent uses include single family subdivisions (west and east, across the Molalla Forest Road); apartments (south); large lots not yet subdivided or annexed (east across the Molalla Forest Road); and the golf course with associated residential development (north). Water and Sewer are available from NE Territorial Road.

#### **B. Comprehensive Plan Consistency Analysis**

##### ***ii. URBAN GROWTH ELEMENT***

**GOAL: 1) TO PRESERVE AND MAINTAIN DESIGNATED AGRICULTURAL AND FOREST LANDS BY PROTECTING THEM FROM URBANIZATION.**

- 2) **TO PROVIDE ADEQUATE URBANIZABLE AREA FOR THE GROWTH OF THE CITY, WITHIN THE FRAMEWORK OF AN EFFICIENT SYSTEM FOR THE TRANSITION FROM RURAL TO URBAN LAND USE.**

**iii. LAND USE ELEMENT**

**GOAL: TO GUIDE THE DEVELOPMENT AND USES OF LAND SO THAT THEY ARE ORDERLY, EFFICIENT, AESTHETICALLY PLEASING AND SUITABLY RELATED TO ONE ANOTHER.**

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

**ANALYSIS:** *Eventual high density residential development is consistent with nearby development and with the Comprehensive Plan.*

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

**ANALYSIS:** *This application would permit residential development on the subject parcel. The proposed zone change will allow an increase in density as opposed to encouraging urban sprawl.*

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

**Analysis:** *A "Request for Comments" has been sent to all public facility and service providers (please see discussion under Public Services Element).*

Policy #6: **CANBY SHALL RECOGNIZE THE UNIQUE CHARACTER OF CERTAIN AREAS AND WILL UTILIZE THE FOLLOWING SPECIAL REQUIREMENTS, IN CONJUNCTION WITH THE**

**REQUIREMENTS OF THE LAND DEVELOPMENT  
AND PLANNING ORDINANCE, IN GUIDING THE  
USE AND DEVELOPMENT OF THESE UNIQUE  
AREAS.**

*The parcel is not located within an area of special concern.*

**ENVIRONMENTAL CONCERNS ELEMENT**

**GOALS: TO PROTECT IDENTIFIED NATURAL AND HISTORICAL  
RESOURCES.**

**TO PREVENT AIR, WATER, LAND, AND NOISE  
POLLUTION.**

**TO PROTECT LIVES AND PROPERTY FROM NATURAL  
HAZARDS.**

*The subject property is surrounded by urbanized parcels and has no known steep slopes, historic resources, expansive soils, or wetlands, and is not located in a flood plain. Compared with urban sprawl, increased residential density reduces overall vehicle miles traveled and thus an energy savings is realized.*

**Applicable Policies:**

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

**Analysis:** *Subsequent development of the proposed subdivision must meet stormwater management approval from DEQ, the City Engineer and Canby Public Works prior to the issuance of building permits.*

**TRANSPORTATION ELEMENT**

**GOAL: TO DEVELOP AND MAINTAIN A  
TRANSPORTATION SYSTEM WHICH IS SAFE,  
CONVENIENT AND ECONOMICAL.**

**Applicable Policies:**

Policy #1: Canby shall provide the necessary improvements to city streets...in an effort to keep pace with growth.

Analysis:     *Existing street and utility improvements are sufficient to support future development.*

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

Analysis:     *Any needed sidewalks will be provided as a condition of future development.*

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

Analysis:     *The Canby Police Department and Canby Fire District received notice of the proposed partition. Neither agency returned comment as of the date of this report.*

#### ***PUBLIC FACILITIES AND SERVICES ELEMENT***

**GOAL: TO ASSURE THE PROVISION OF A FULL RANGE OF PUBLIC FACILITIES AND SERVICES TO MEET THE NEEDS OF THE RESIDENTS AND PROPERTY OWNERS OF CANBY.**

Applicable Policies:

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

Analysis:     *All public facility and service providers were sent a "Request for Comments." Returned comments indicate that utilities and services are available to the site. No neighborhood comments have been received.*

#### **CONCLUSION REGARDING CONSISTENCY WITH THE POLICIES OF THE CANBY COMPREHENSIVE PLAN:**

Review of the goals, policies, and implementation measures of the

Comprehensive Plan indicates that the proposed Zone Map Change and proposed subdivision, with recommended conditions of approval, is consistent with Canby's Comprehensive Plan. Development of the parcels shall comply with applicable provisions of the City of Canby Land Development and Planning Ordinance, Building Codes, and other County and State regulations.

**Evaluation Regarding Zone Map Amendment Criteria:**

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

- A. The Comprehensive Plan of the city, giving special attention to Policy 6 of the land use element and implementation measures therefore, and the plans and policies of the county, state and local districts in order to preserve functions and local aspects of land conservation and development;

*See discussion in part III.2, above.*

- 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.

*All utilities and City facilities are available or will become available through development.*

**Conclusion Regarding Consistency with the Policies of the Canby Comprehensive Plan:**

Staff concludes that the proposed Zone Change is consistent with the policies of the Comprehensive Plan. The subject parcel is currently zoned R-1 but the Comprehensive Plan designation recommends eventual R-2 zoning as proposed. The proposed Zone Change will provide for efficient development of the property.

**Transportation Planning Rule:**

The City Traffic Engineer has submitted findings regarding the Transportation Planning Rule (See Exhibit 1).

**V. CONCLUSION**

This proposal to amend the Current Zoning map is appropriate in light of the Goals and

Policies of the Comprehensive Plan. All public facilities and services exist or will be provided concurrent with the development of the property. Any redevelopment of the subject property will require Site and Design Review approval from the Canby Planning Commission prior to construction.

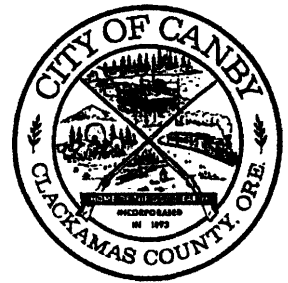
## ***VI. RECOMMENDATION***

Based on the findings and conclusions presented in this report, and without benefit of a public hearing, staff recommends that the Planning Commission recommend approval of ZC 07-02 to the City Council.

### **Exhibits:**

1. TPR findings – provided by Lancaster Engineering
1. Applicant's submittal Packet
2. Responses to Request for Comments





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

<b>A REQUEST TO CHANGE ZONING FROM LOW DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL</b>	) ) )	<b>FINDINGS, CONCLUSION &amp; FINAL ORDER ZC 07-02 (S.T.J., LLC)</b>
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**NATURE OF APPLICATION**

The applicant is seeking to change the zoning designation for two parcels totaling 0.89 acres. The current zoning on the parcels is R-1 Low Density Residential. The applicant proposes to amend zoning to reflect the Comprehensive Plan designation. No development plans are associated with the zone change at this time.

**HEARINGS**

The Planning Commission held a public hearing and considered this application at its meeting of March 26, 2007.

**CRITERIA AND STANDARDS**

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

- A. The Comprehensive Plan of the city, giving special attention to Policy 6 of the land use element and implementation measures therefore, and the plans and policies of the county, state and local districts in order to preserve functions and local aspects of land conservation and development;
- 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 AND REASONS**

After holding a public hearing and considering the March 14, 2007 staff report, the Planning Commission deliberated and reached a decision on March 26, 2007 recommending approval of the applicant's request for zone change to the City Council. The Planning Commission finds that the applicant's request is in compliance with the Comprehensive Plan of the City of Canby and the Commission adopts the findings and conclusions contained in the March 14, 2007 staff report.

## **CONCLUSION**

The Planning Commission concludes that, with regards to the zone change:

A. This application is in compliance with all elements of the Comprehensive Plan of the City, including Policy 6 of the Land Use Element, and the plans and policies of the County, state and local districts.

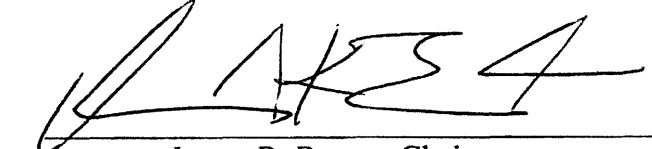
B. All required public facilities and services exist or will be provided concurrent with development to adequately meet the needs of any use or development which would be permitted by the new zoning designation.

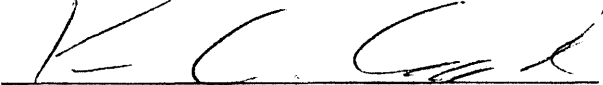
## **RECOMMENDATION**

**IT IS RECOMMENDED BY THE PLANNING COMMISSION** of the City of Canby that the Canby City Council approves **ZC 07-02**.

**I CERTIFY THAT THIS ORDER** recommending approval of **ZC 07-02** was presented to and **APPROVED** by the Planning Commission of the City of Canby.

DATED this 9<sup>th</sup> day of April 2007.

  
for James R. Brown, Chair  
Canby Planning Commission

  
Kevin Cook  
Associate Planner

**ATTEST:**

**ORAL DECISION – March 26, 2007**

AYES: Brown, Ewert, Gamble, Holte, Milne, Molamphy, Taylor

NOES:

ABSTAIN:

ABSENT:

**WRITTEN FINDINGS – April 9, 2007**

AYES: Ewert, Gamble, Milne, Molamphy, Taylor

NOES:

ABSTAIN:

ABSENT: Brown, Holte



March 15, 2007

Kevin Cook  
City of Canby Planning  
170 NW 2<sup>nd</sup> Avenue  
Canby, OR 97013

*RE: Tom Scott Property - Zone Change*

Dear Kevin:

This letter has been written to address the Transportation Planning Rule impacts from the zone change of tax lots 1500 and 1501. The zoning designation is proposed to be changed from the existing R-1 (Low-Density Residential) to R-2 (High-Density Residential). The Comprehensive Plan designation for both tax lots is R-2.

The site is located on the south side of Territorial Road west of Molalla Forest Road, a pedestrian accessway through the City. The site is a "flag" lot and access is via the "flagpole" to Territorial Road. There is no other access to the site.

The Transportation Planning Rule (TPR) requirements are intended to provide a safe, convenient and economic transportation system through the planning horizon. Allowing a new zoning designation on a site could result in a more traffic-intensive use to be developed on that site.

Under the existing zoning, a maximum of four single-family homes could be constructed on the site. These homes would generate four evening peak hour trips. The proposed zoning designation would allow up to 18 townhouse units to be constructed. A townhouse development could generate up to nine evening peak hour trips. Therefore, the proposed zone change could increase the number of trips on the City's streets by five evening peak hour trips. There have been no intersections near the site that have been identified with either safety or operational issues through the planning horizon. Five additional peak hour trips will not degrade the nearby intersections to unacceptable levels.

A maximum of 38 weekday trips could be generated under the existing zoning with up to 106 weekday trips under the proposed zoning. The proposed zone change would increase the





Kevin Cook  
March 15, 2007  
Page 2 of 2

number of weekday trips by up to 68 trips. Territorial Road is classified an *Arterial* and has been designed to carry moderately high volumes of traffic. The road is currently functioning well below its intended capacity and is expected to continue to function below capacity through the planning horizon. Sixty-eight additional weekday trips will not change the functional classification of Territorial Road or any of the nearby streets.

The City's Transportation System Plan (TSP) outlines the improvements that will be needed in order for the system to function adequately through the planning horizon. Since the TSP is based on build-out under the existing Comprehensive Plan designations, a more traffic-intensive use could cause additional improvements to be needed in order for the transportation system to continue to function adequately.

Most importantly, the proposed zone change will bring the subject properties into compliance with the Comprehensive Plan designation of R-2. Therefore, the trips that could result from future development of the site under the R-2 zoning designation were included in the analyses prepared for the TSP. The conclusions and recommendations of the TSP will not be changed after the proposed zone change. No mitigation would be necessary beyond what has been recommended in the TSP.

In conclusion, the proposed zone change will have no significant effect on the transportation system.

If you have any questions about this letter, please don't hesitate to call me.

Yours truly,

Catriona Sumrain  
Transportation Analyst

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

Fee \$2,640

**OWNERS**

**APPLICANT\*\***

Name S.T.J., LLC

Name Same

Address 214 SW 2<sup>nd</sup> Avenue

Address \_\_\_\_\_

City Canby State OR Zip 97013

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone 503-266-5488

Fax 503-266-4570

Phone \_\_\_\_\_

Fax \_\_\_\_\_

E-mail tomscott@scott-investments.com

E-mail \_\_\_\_\_

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

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

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

**DESCRIPTION OF PROPERTY**

Address 1295 NE Territorial Rd; Canby OR 97013

Tax Map 31E27CB

Tax Lot(s) 1500, 1501

Lot Size 0.89 Acre  
(Acres/Sq.Ft.)

Existing Use Single Family Residential

Proposed Use Future R-2 Residential

Existing Structures One single-family residence

Zoning R-1

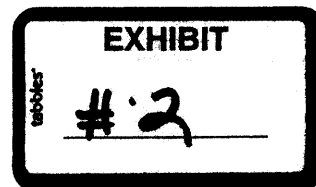
Comprehensive Plan Designation HDR

Project Description Zone change to allow future R-2 residential development

Previous Land Use Action (If any) Annexation ANN 06-02 Approved; ANN 05-02 Denied by voters

FOR CITY USE ONLY	
File # :	<u>2C07-02</u>
Date Received:	<u>4/12/07</u> By: <u>[Signature]</u>
Completeness:	
Pre-App Meeting:	
Hearing Date:	

**\*\*If the applicant is not the property owner, they must attach documentary evidence of their authority to act as agent in making this application.**



## ZONE CHANGE APPLICATION: INSTRUCTIONS TO APPLICANTS

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

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

Applicant      City  
Check          Check

- |                                     |                                     |  |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | A. Comprehensive Plan designation of the property.   |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | B. The application shall be accompanied by a written statement on 8 ½ x 11" paper and electronically in MS Word explaining the existing use of the property and the need for the change in zoning.   |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | C. A list of property owners within 500 feet of the subject property, on mailing labels (1" x 2-5/8") and in electronic form. <b>If the address of a property owner is different from the address of a site, a label for each unit on the site must also be prepared and addressed to "occupant."</b> A list of property owners may be obtained from a title insurance company or from the County Assessor. If applicable, labels must be prepared for any property owners and sites that will be "islanded" by the proposed annexation. |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | D. Appropriate fee.  |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | E. Twenty (20) copies of the application and all corresponding attachments on 8.5"x11" paper and electronically in .pdf format.  |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | F. Site plan, drawn to scale (not greater than 1"=50') on paper no less than 8.5"x11" and no larger than 18"x24" and .pdf format indicating:   |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | 1. The location of existing buildings (if any);  |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | 2. The location of streets, sewer, water, electric, and other utility services;  |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | 3. Major topographic and landscape features.   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | G. One (1) copy in written format and .pdf format of the minutes of the neighborhood meeting as required by Municipal Code 16.89.020 and 16.89.070. The minutes to include the date of the meeting and a list of attendees.  |

3. Staff will check the application, making sure that it is complete and all fees are paid. Copies of the application materials are routed to various City/State/County departments, as applicable, for their comments. Along with the comments received from others, the application is reviewed for completeness. The City Planner will accept or return the application with a written list of omissions within thirty (30) calendar days of the submittal.
4. Staff investigates the request, writes a staff report, places a public notice in the newspaper, notifies surrounding property owners, and makes all facts relating to the request available to the

Planning Commission and all interested parties.

5. The staff report will be available ten (10) days prior to the hearing.
6. The Planning Commission holds a public hearing after the determination of a complete application. At the hearing the staff report is presented. Testimony is presented by the applicant, proponents and opponents, followed by rebuttal from the applicant.
7. The Commission then issues findings of fact which support approval, modification or denial of the application and passes such recommendation on the City Council for final action within forty (40) calendar days after the close of the hearing.

---

## **STANDARDS AND APPROVAL CRITERIA FOR A ZONE CHANGE**

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

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

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

### **16.54.060 IMPROVEMENT CONDITIONS**

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



**Application for Zoning Map Amendment**

**SUBMITTED  
BY  
APPLICANT**

Applicant/Owner	S.T.J., LLC 214 SW 2 <sup>nd</sup> Avenue Canby, OR 97013
Representative	Sisul Engineering 375 Portland Avenue Gladstone, OR 97027 (503) 657-0188 Contact: Pat Sisul
Location	South of NE Territorial Road and west of the Molalla Forest Road
Legal Description	Tax Lots 1500 and 1501 (Parcels 1, 2 and 3 of PP 1992-182), T3S R1E Section 27CB, WM
Comprehensive Plan	High Density Residential
Present Zone	R-1 (Low Density Residential Zone)
Proposed Zone	R-2 (High Density Residential Zone)
Site Size	0.89 Acres (38,768.4 square feet)
Proposal	Amend the Zoning Map and apply the "R-2" zoning designation for Tax Lots 1500 and 1501 (Parcels 1, 2 and 3 of PP 1992-182), consistent with the Comprehensive Plan.

## **SITE DESCRIPTION**

The site is located south of NE Territorial Road and west of the Molalla Forest Road. The site has approximately 21.5 feet of frontage on NE Territorial Road.

Tax Lots 1500 and 1501 are zoned R-1. Adjacent properties share the "High Density" plan designation and zoning designation for properties within the city limits. Properties to the south, east, and west are designated "Low Density" and zoned R-1, except for properties not yet annexed.

The site is occupied by a residence (Parcel 1 of the Partition Plat), which will remain on the site. A few trees are located in the vicinity of the residence and along the south site boundary. The site is nearly flat, with no noticeable physical features or identified constraints.

Adjacent uses include single family subdivisions (west and east, across the Molalla Forest Road); apartments (south); large lots not yet subdivided or annexed (east across the Molalla Forest Road); and the golf course with associated residential development (north).

Public sanitary sewer and domestic water will be available primarily from NE Territorial Road. Storm water will be collected and directed to on-site infiltration facilities.

## **PROPOSAL**

The application requests a change in zoning designation to R-2, consistent with the "High Density Residential" Comprehensive Plan designation.

## APPLICABLE CRITERIA AND STANDARDS

### Identification of Applicable Criteria and Standards

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

1. Comprehensive Plan

Urban Growth Element

Land Use Element

Housing Element

2. Land Development and Planning Ordinance:

16.20 R-2 High Density Residential Zone

16.54 Amendments to Zoning Map

### Discussion of Criteria and Standards

### COMPREHENSIVE PLAN GOALS AND POLICIES

1. Urban Growth Element

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

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

*Policy No. 3: Canby shall discourage the urban development of properties until they have been annexed to the city as provided with all necessary urban services.*

Response: The subject site is within the City's Urban Growth Boundary and is part of the land intended to accommodate the City's projected population. The proposal supports the Urbanization Element of the Comprehensive Plan. The site is designated for "High Density Residential" on the Comprehensive Plan Map.

Wise use of land within an urban growth boundary reduces the need for expanding the boundary, and impacting farmland. Higher densities, where appropriate, further this goal. This area is designated for high density development, reflecting its accessibility as well as distance from services in the community.

The site is adjacent to a major street, which will provide direct and convenient access to destinations within Canby and throughout the region.

The proposal supports the City's Urban Growth Goals and Policies.

## 2. Land Use Element

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

*Policy No. 1: Canby shall guide the course of growth and development so as to separate conflicting or incompatible uses while grouping compatible uses.*

*Policy No. 2: Canby shall encourage a general increase in the intensity and density of permitted development as a means of minimizing urban sprawl.*

*Policy No. 3: Canby shall discourage any development which will result in overburdening any of the community's public facilities or services.*

*Policy No. 4: Canby shall limit development in areas identified as having an unacceptable level of risk because of natural hazards.*

*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.*

Response: The City's Comprehensive Plan designation for the site and vicinity calls for high density residential development. The proposal will provide housing opportunities similar to other properties in the vicinity, including "Pine Station," just to the west at Pine Street, and so will remain compatible within the context of the existing residential areas. Properties that are currently not developed will likely also, eventually, be developed or subdivided to create similar neighborhoods as allowed (and required) by applicable codes.

Public facilities are available to the site. Sanitary sewer is provided by the City and is available from lines in Territorial Road, with sufficient capacity for this development. Public water is provided by Canby Utility and is also available from Territorial Road. On site storm water will be directed to infiltration facilities. Storm drainage facilities will be constructed as necessary to comply with City and Department of Environmental Quality standards.

Public schools are required by law to provide for students within the district. Schools in the City generally have adequate capacity. The School District has advised that existing schools are satisfactory with the opening of Baker Prairie Middle School in the fall of 2006, which allowed re-distribution of the student population.

The following schools would serve the site: Knight Elementary, Baker Prairie Middle School, and Canby High School. Knight has a capacity of 575 students, and a current enrollment of 506. The middle school has a capacity of 1,070 and a current enrollment of 1,028. The high school has a capacity of 1,660 and a current enrollment of 1,695. Enrollment figures are taken from the "Oregon Department of Education, October 1, 2006 Enrollment Summary."

Other public facilities and services, such as police, fire, telephone, electricity, etc., are generally available to the site.

There are no natural hazards on or in the vicinity of the site.

The site is not designated as an "Area of Special Concern" in Policy No. 6.

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

### 3. Housing Element

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

*Policy No. 2: Canby shall encourage a gradual increase in housing density as a response to the increase in housing costs and the need for more rental housing.*

*Policy No. 3: Canby shall coordinate the location of higher density housing with the ability of the city to provide utilities, public facilities, and a functional transportation network.*

Response: The site has been designated as appropriate for development at the range of densities allowed in the R-2 Zone and the proposal is consistent with the designations.

The site is well located for high density development, with access to major streets to facilitate access to other parts of the community and the region.

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

## LAND USE AND DEVELOPMENT ORDINANCE

Requirements of the "Land Development and Planning Ordinance" can be satisfied when an application for development of the site is prepared and submitted for review. An attached single family development, similar to "Pine Station" located to the west at Territorial and Pine Street, is contemplated at the present time.

### *Chapter 16.20 R-2 High Density Residential Zone*

The minimum density required for new development is 14 dwellings per acre. Actual development density would be based on the “net” area. The total site area of 2.45 Acres under the same ownership includes Tax Lot 1300, so that no less than 34 dwellings would be required if developed together.

### *Chapter 16.54 Amendments to Zoning Map*

A property owner or authorized agent may request an amendment to the zoning map, as is the case here (16.54.010).

Standards and criteria for considering a proposed zoning map amendment are listed in Section 16.54.040:

*In judging whether or not the zoning map should be amended or changed, the Planning Commission and city council shall consider:*

*A. The Comprehensive Plan of the city, giving special attention to Policy 6 of the land use element and implementation measures therefor, and the plans and policies of the county, state and local districts in order to preserve functions and local aspects of land conservation and development;*

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

Criterion A: The Comprehensive Plan designation for the site is “High Density Residential.” The zoning expected for that designation is R-2. The present designation is R-1 for Tax Lots 1500 and 1501 (Parcels 1, 2 and 3 of Partition Plat 1992-182). This inconsistency must be resolved by the City in favor of the Comprehensive Plan designation, so this site can be developed in a manner consistent with the plan and uses on adjacent properties.

Comprehensive Plan policies were discussed in a previous section of this narrative, noting that development of the site with at the “R-2” density is consistent with both the plan map and policies. Policy 6 does not apply to this site, which has no identified physical constraints.

This criterion will be satisfied if the zoning designation is changed as requested.

Criterion B: As discussed in the site description and previous responses, public facilities are available, with capacity, and can be extended to serve new homes on the site as proposed with the land division.

This criterion is satisfied.

In addition to standards and criteria of Section 16.54.040, the City must consider whether conditions of approval are justified as provided in Section 16.54.060:

*A. In acting on an application for a zone change, the Planning Commission may recommend and the city council may impose conditions to be met by the proponents of the change before the proposed change takes effect. Such conditions shall be limited to improvements or physical changes to the property which are directly related to the health, safety or general welfare of those in the area. Further, such conditions shall be limited to improvements which clearly relate to and benefit the area of the proposed zone change. Allowable conditions of approval may include, but are not necessarily limited to:*

- 1. Street and sidewalk construction or improvements;*
- 2. Extension of water, sewer, or other forms of utility lines;*
- 3. Installation of fire hydrants.*

*B. The city will not use the imposition of improvement conditions as a means of preventing planned development, and will consider the potential impact of the costs of required improvements on needed housing. The Planning Commissions and city council will assure that the required improvements will not reduce housing densities below those anticipated in the Comprehensive Plan.*

At this time, development of the site is not proposed and therefore no impacts to public facilities or adjacent properties will occur. Appropriate requirements for necessary facilities and services for the health, safety and general welfare of future residents can be provided when an application for development is considered, along with any reasonable conditions imposed by the City to further those ends, consistent with requirements and specifications.

## CONCLUSION

The discussion of criteria and standards pertaining to a request for zoning map amendment shows that these requirements are satisfied by the request. Therefore, the proposed change in zoning designation should be approved.

STREET RIGHT OF WAY LINE  
 100' ON THE SOUTHEASTERLY  
 405'. THENCE N 69°05'00" E  
 1.4 5/8" FROM RD. AT THE  
 MOLALLA FOREST ROAD,  
 TERRITORIAL ROAD, S 00°  
 A FOREST ROAD, 421.32

PARCEL P. SAJO PLK 2867

**SUBMITTED  
 BY  
 APPLICANT**

(CO. RD. NO. 1485)

**TERRITORIAL**

**RD.**

**ROAD**

**FOREST**

**MOLALLA**

**"ALICE AGRES"**  
 (PLAT NO. 1873)

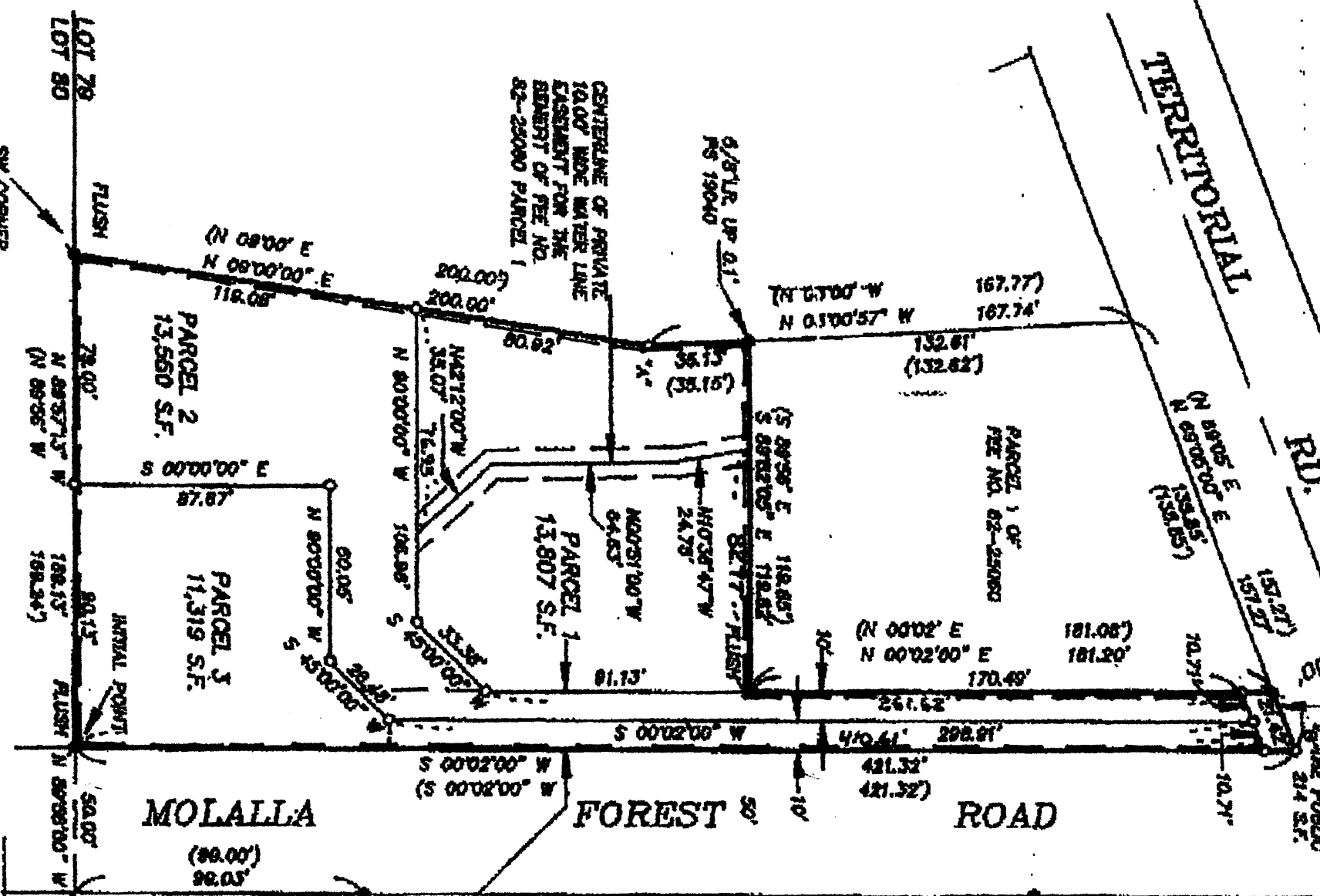
5/871.R. FLUSH  
 NW CORNER LOT 3  
 "ALICE AGRES"

20' WIDE PRIVATE  
 COMMON NON-EXCLUSIVE  
 ACCESS & UTILITY EASE  
 MENT FOR THE BENEFIT  
 OF PARCELS 1, 2 AND  
 IN PERPETUITY

27.2' DOWN 4.5'  
 INITIAL POINT  
 "ALICE AGRES"

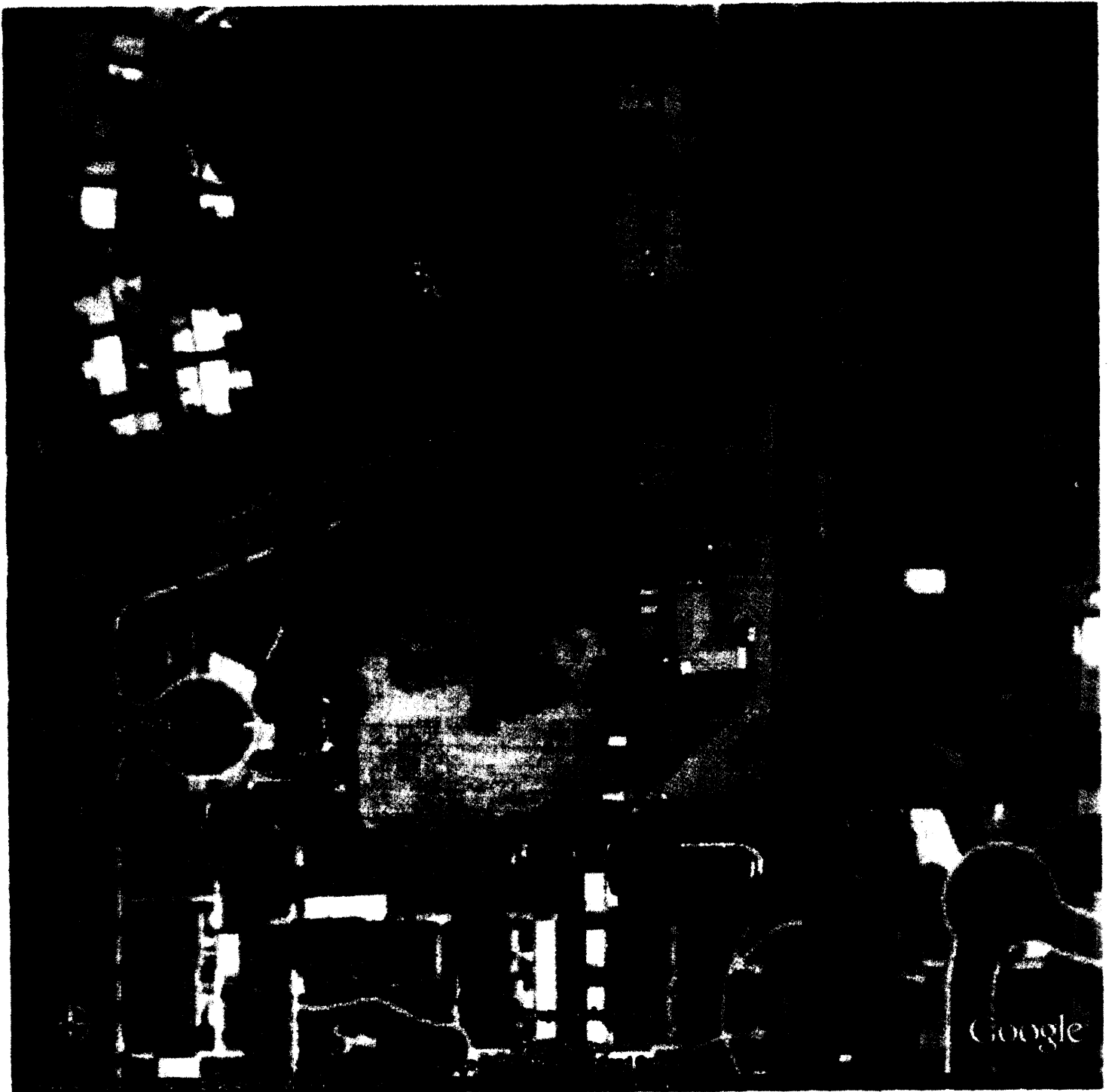
SE CORNER LOT 78,  
 "CANY GARDENS"

SW CORNER  
 FEE NO. 78-41341





**SUBMITTED  
BY  
APPLICANT**



Google

This map was prepared for  
assessment purpose only.

N.W.1/4 SW 1/4 SEC. 27 T.3S. R.1E. W. M.  
CLACKAMAS COUNTY

SCALE 1"=100'

3 IE 27CB

32

SEE MAP 3 IE 28

9000

CANCELLED

22500

9250  
100  
200  
300  
400  
500  
600  
700  
800  
900  
1000  
1100  
1200  
1300  
1400  
1500  
1600  
1700

SUBMITTED  
BY  
APPLICANT

SEE MAP 3 IE 27

86-02

SEE MAP  
3 IE 28

SEE MAP  
3 IE 27C  
SUPPL. 1

RRFF-5

SEE MAP 3 IE 27CA

GARDENS

86-20  
ALICE ACRE

1973

86-20  
RRFF-5

SITE

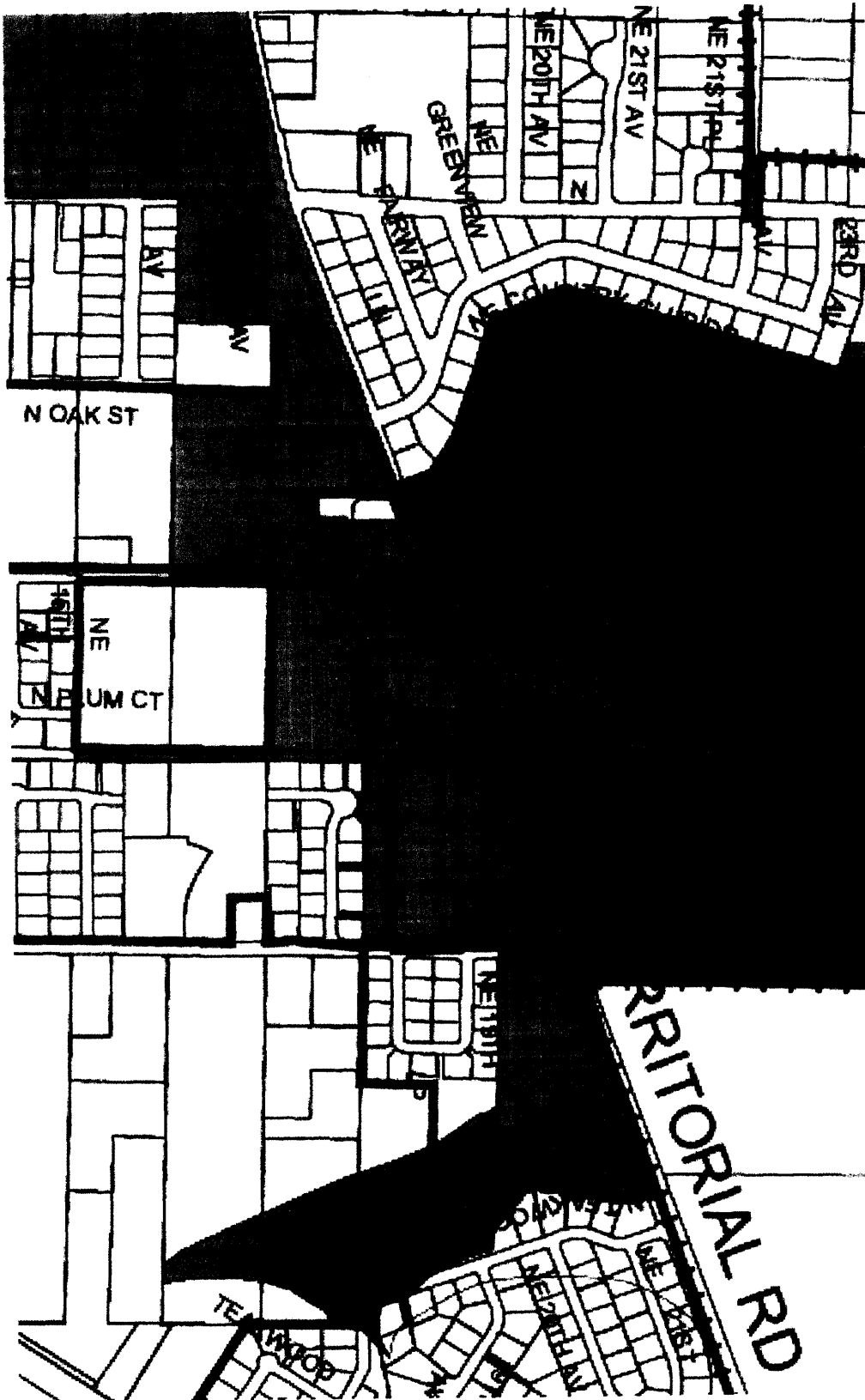
86-42UR

SEE MAP  
3 IE 27C

RRFF-5

F.H.D.  
3 IE 27CB  
BOOK 28

Highway Map 7-19-97



**SUBMITTED  
BY  
APPLICANT**

**COMPREHENSIVE  
PLAN**

**S.T.J., LLC**  
**214 SW 2<sup>nd</sup> Avenue**  
**Canby, Oregon 97013**  
**503-266-5488**  
**503-266-4570 FAX**

February 1, 2007

RE: Neighborhood Meeting  
Zone Change - Tax Map 31E27CB - Tax Lot #1500, 1501  
Proposed Development -- Tax Map 31E27CB - Tax Lot #1300, 1500, 1501

To Whom It May Concern:

A neighborhood meeting was held at Willamette Green Clubhouse on Wednesday, January 31st at 7:00pm during the regularly scheduled Northeast Neighborhood Association Meeting. We had the opportunity to present our proposed Zone Change application and our future development application on the above mentioned properties. All property owners living within 500 feet of the subject property and all members of the Northeast Neighborhood Association were notified at least fourteen (14) days in advance. The following citizens were in attendance:

- Thomas AW Scott – Applicant
- Fred & Bettie Postlewait – 1629 N Redwood St. – Canby
- Dan Leischer – 1341 N Maple St. – Canby
- Leonard & Donna Walker - Canby
- Patsy Miller – Canby
- Steve Harting – Canby
- Lloyd & JoAnn Walch – Canby
- Kathy Shinn - Canby

The following is a list of comments and questions raised during the meeting:

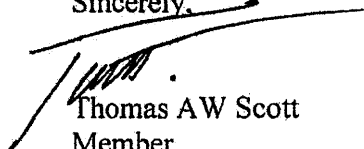
- What style of homes will be built in the subdivision?
- Are you proposing an apartment building?
- We are glad to see that apartments are not proposed!
- What is the zoning of this property and surrounding properties?
- What is the timeline of the development?
- How many lots?
- What size are the lots?
- Are the developers building the homes?

- How large are the proposed homes?
- What will be the average sales price of the homes?
- What is the name of the subdivision?
- Will there be a Homeowner's Association?
- Will there be open space provided?
- How many trees will be removed – if any?
- Why are you requesting a zone change?
- Will this cause overcrowding of schools?
- What about the need for a North Side Fire Station?

All in attendance seemed to be satisfied with our response to the above questions. No serious issues were raised during the meeting.

Thank you for your time.

Sincerely,



Thomas A W Scott  
Member

**CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 2667001

FAX 266-1574

**DATE:** January 26, 2007

**TO:**

<input type="checkbox"/> FIRE	<input type="checkbox"/> CANBY POST OFFICE
<input type="checkbox"/> POLICE	<input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR
<input type="checkbox"/> PUBLIC WORKS	<input type="checkbox"/> CLACKAMAS COUNTY 911
<input type="checkbox"/> CANBY ELECTRIC	<input type="checkbox"/> CLACKAMAS COUNTY TRANSPORTATION
<input type="checkbox"/> CANBY WATER	<input type="checkbox"/> TRAFFIC SAFETY COMMITTEE
<input type="checkbox"/> Darwin Tramel - WTTP	<input type="checkbox"/> CLACKAMAS COUNTY
<input type="checkbox"/> Jeff Crowther - WTTP	<input type="checkbox"/> CANBY SCHOOL DISTRICT
<input checked="" type="checkbox"/> CITY ENGINEER	<input type="checkbox"/> OREGON DEPT. TRANSPORTATION
<input type="checkbox"/> CTA	<input type="checkbox"/> ODOT/REGION 1/DIST 2B
<input type="checkbox"/> NW NATURAL	<input type="checkbox"/> STATE OF OREGON/REVENUE
<input type="checkbox"/> WILLAMETTE BROADBAND	<input type="checkbox"/> CANBY BUSINESS REVITALIZATION
<input type="checkbox"/> CANBY DISPOSAL	<input type="checkbox"/> PARKS AND RECREATION
<input type="checkbox"/> CITY ATTORNEY	<input type="checkbox"/> CITY TRANSPORTATION ENGINEER
<input type="checkbox"/> BIKE AND PEDESTRIAN COMM	<input type="checkbox"/> BUILDING OFFICIAL _____
<input type="checkbox"/> PGE	<input type="checkbox"/> OTHER _____

**RECEIVED**  
**JAN 29 2007**  
**CITY OF CANBY**

The City has received **ZC 07-02 (1295 NE Territorial Rd)**, an application from S.T.J., LLC requesting a zone change on Tax Lots 1500 and 1501 of Map 3 1E 27CB from R-1 (Low Density Residential) to R-2 (High Density Residential). The property is located at 1295 NE Territorial Road.

Please review the enclosed application and return comments to **Kevin Cook** by **Wednesday, February 7, 2007**. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

**Comments or Proposed Conditions:**

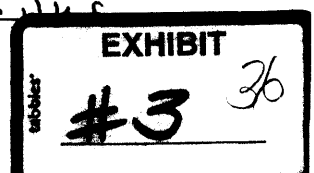
SEE ATTACHED MEMORANDUM

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

- ☐ Adequate Public Services (of your agency) are available
- ☒ Adequate Public Services will become available through the development
- ☐ Conditions are needed, as indicated
- ☐ Adequate public services are not available and will not become available

**Signature:** [Signature] **Date:** January 29, 2007

**Title:** Project Engineer **Agency:** Curran-McLeod Inc



CURRAN-McLEOD, INC.  
CONSULTING ENGINEERS  
6655 S.W. HAMPTON STREET, SUITE 210  
PORTLAND, OREGON 97223


January 29, 2007

**RECEIVED**

**JAN 29 2007**

**CITY OF CANBY**

**MEMORANDUM**

**TO:** Mr. Kevin Cook   
**FROM:** Hassan Ibrahim, PE  
**RE:** **CITY OF CANBY**  
**1295 NE TERRITORIAL RD**  
**ZC 07-02**

We have reviewed the submitted application to the above mentioned project and have no concerns with the proposed zone change.

C:\HAN\Projects\Canby\1009 Gen Eng\1295 NE Territorial Rd.wpd

PHONE: (503) 684-3478

E-MAIL: cml@curran-mcleod.com

FAX: (503) 624-8247

37

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

(503) 2667001

FAX 266-1574

DATE: January 26, 2007

<b>TO:</b> <input type="checkbox"/> FIRE <input type="checkbox"/> POLICE <input type="checkbox"/> PUBLIC WORKS <input type="checkbox"/> CANBY ELECTRIC <input type="checkbox"/> CANBY WATER <input type="checkbox"/> Darwin Tramel - WTP <input type="checkbox"/> Jeff Crowther - WTP <input type="checkbox"/> CITY ENGINEER <input type="checkbox"/> CTA <input type="checkbox"/> NW NATURAL <input type="checkbox"/> WILLAMETTE BROADBAND <input type="checkbox"/> CANBY DISPOSAL <input type="checkbox"/> CITY ATTORNEY <input type="checkbox"/> BIKE AND PEDESTRIAN COMM <input type="checkbox"/> PGE	<input type="checkbox"/> CANBY POST OFFICE <input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR <input type="checkbox"/> CLACKAMAS COUNTY 911 <input type="checkbox"/> CLACKAMAS COUNTY TRANSPORTATION <input type="checkbox"/> TRAFFIC SAFETY COMMITTEE <input type="checkbox"/> CLACKAMAS COUNTY <input type="checkbox"/> CANBY SCHOOL DISTRICT <input type="checkbox"/> OREGON DEPT. TRANSPORTATION <input type="checkbox"/> ODOT/REGION 1/DIST 2B <input type="checkbox"/> STATE OF OREGON/REVENUE <input type="checkbox"/> CANBY BUSINESS REVITALIZATION <input type="checkbox"/> PARKS AND RECREATION <input type="checkbox"/> CITY TRANSPORTATION ENGINEER <input type="checkbox"/> BUILDING OFFICIAL _____ <input type="checkbox"/> OTHER _____
--	---

CITY OF CANBY

JAN 30 2007

RECEIVED

The City has received ZC 07-02 (1295 NE Territorial Rd), an application from S.T.J., LLC requesting a zone change on Tax Lots 1500 and 1501 of Map 3 1E 27CB from R-1 (Low Density Residential) to R-2 (High Density Residential). The property is located at 1295 NE Territorial Road.

Please review the enclosed application and return comments to Kevin Cook by Wednesday, February 7, 2007. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

### Comments or Proposed Conditions:

The Zone Change does not affect Canby Utility.  
However, this parcel currently is served by PGE. Upon  
development conversion to Canby Utility Electric will  
be required @ developers expense

### Please check one box and sign below:

- ☒ Adequate Public Services (of your agency) are available
- ☐ Adequate Public Services will become available through the development
- ☐ Conditions are needed, as indicated
- ☐ Adequate public services are not available and will not become available

Signature: *Jim Ardwell* Date: 1-30-07

Title: Line Foreman Agency: Canby Utility Elect.

38



**CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 2667001

FAX 266-1574

**DATE: January 26, 2007**

**TO:**

- |   |  |
|---|--|
| <input type="checkbox"/> FIRE                     | <input type="checkbox"/> CANBY POST OFFICE                       |
| <input type="checkbox"/> POLICE                   | <input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR               |
| <input type="checkbox"/> PUBLIC WORKS             | <input type="checkbox"/> CLACKAMAS COUNTY 911                    |
| <input type="checkbox"/> CANBY ELECTRIC           | <input type="checkbox"/> CLACKAMAS COUNTY TRANSPORTATION         |
| <input type="checkbox"/> CANBY WATER              | <input type="checkbox"/> TRAFFIC SAFETY COMMITTEE                |
| <input type="checkbox"/> Darwin Tramel - WTTP     | <input type="checkbox"/> CLACKAMAS COUNTY                        |
| <input type="checkbox"/> Jeff Crowther - WTTP     | <input type="checkbox"/> CANBY SCHOOL DISTRICT                   |
| <input type="checkbox"/> CITY ENGINEER            | <input type="checkbox"/> OREGON DEPT. TRANSPORTATION             |
| <input type="checkbox"/> CTA                      | <input type="checkbox"/> ODOT/REGION 1/DIST 2B                   |
| <input type="checkbox"/> NW NATURAL               | <input type="checkbox"/> STATE OF OREGON/REVENUE                 |
| <input type="checkbox"/> WILLAMETTE BROADBAND     | <input type="checkbox"/> CANBY BUSINESS REVITALIZATION           |
| <input type="checkbox"/> CANBY DISPOSAL           | <input type="checkbox"/> PARKS AND RECREATION                    |
| <input type="checkbox"/> CITY ATTORNEY            | <input checked="" type="checkbox"/> CITY TRANSPORTATION ENGINEER |
| <input type="checkbox"/> BIKE AND PEDESTRIAN COMM | <input type="checkbox"/> BUILDING OFFICIAL _____                 |
| <input type="checkbox"/> PGE                      | <input type="checkbox"/> OTHER _____                             |

**RECEIVED**  
**JAN 31 2007**  
**CITY OF CANBY**

The City has received **ZC 07-02 (1295 NE Territorial Rd)**, an application from S.T.J., LLC requesting a zone change on Tax Lots 1500 and 1501 of Map 3 1E 27CB from R-1 (Low Density Residential) to R-2 (High Density Residential). The property is located at 1295 NE Territorial Road.

Please review the enclosed application and return comments to **Kevin Cook** by **Wednesday, February 7, 2007**. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

**Comments or Proposed Conditions:**

THE PROPOSED ZONE CHANGE WILL BRING THE SITE'S ZONING INTO COMPLIANCE WITH THE CITY'S COMPREHENSIVE PLAN DESIGNATION. THE IMPACT OF THE ZONE CHANGE HAS BEEN INCLUDED IN THE CITY'S TSP CONCLUSIONS AND RECOMMENDATIONS, WHICH IS BASED ON THE COMP PLAN DESIGNATIONS. THEREFORE, THE ZONE CHANGE WILL NOT REQUIRE ANY MITIGATION, BEYOND WHAT HAS BEEN SPECIFIED IN THE TSP.

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

- ☒ Adequate Public Services (of your agency) are available
- ☐ Adequate Public Services will become available through the development
- ☐ Conditions are needed, as indicated
- ☐ Adequate public services are not available and will not become available

**Signature:**

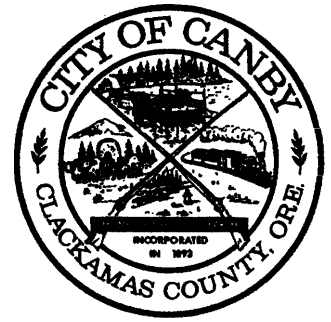


**Date:**

1/31/07

**Title:** ENGINEERING ANALYST

**Agency:** LANCASTER ENGINEERING



## MEMORANDUM

**TO:** Honorable Mayor Thompson and City Council  
**FROM:** Kevin C. Cook, Associate Planner  
**THROUGH:** John Williams, Community Development & Director  
**DATE:** April 9, 2007

Issue: Adoption of Ordinance 1235 vacating 5 feet of right-of-way to Larry and Sandy Corder.

Synopsis: Mr. and Mrs. Corder, owners of 1770 N Maple St. (3-1E-28DD Tax Lot 2503) are requesting a partial vacation of the public right-of-way along N Maple St. The vacation involves a 5 foot wide strip of land fronting lot 2503 along N Maple. The request is meant to bring a newly constructed garage on the property into compliance with required front yard setbacks in the zone. Staff is recommending that the 5 foot wide strip be just long enough to accomplish the goal of bringing the garage into compliance with the required setback; in this way, the City preserves the ability to adjust the curb radius at the corner if this is deemed necessary at some point in the future. This portion of N. Maple Drive is a County road; however, the County maintains that the 5 foot portion sought by the Corders belongs to the City.

The majority of streets in Canby have a right-of-way width of 40 feet. North Maple St. has a right-of-way width of 50 feet but only utilizes 36 feet (36' pavement + 5' sidewalks). Mr. and Mrs. Corder intend to finalize a garage addition to the southwest portion of their home and seek to add another 5 feet to western portion of their property in order to meet the required 20 foot setback, which is measured from property lines.

Recommendation: Staff recommends that the City Council approve Ordinance 1235.

Rationale: Even though this is not a typical full-width street vacation, we have followed the requirements of the State in pursuing this request, including posting notice on the property, running ads in the paper, and holding a public hearing. Pursuant to ORS Chapter 271, the applicant has gathered signatures from the affected property owners representing at least two-thirds of the affected area and will pay for all costs associated with the vacation.

The street is built out and will not likely expand beyond its current width. The City Engineer however, has indicated that the City will likely need additional right-of-way at the corner in order to sufficiently accommodate a redesigned curb-return. Staff recommends a condition of approval requiring the necessary right-of-

way width along NE Territorial Road as well as a taper in the 5' vacated portion of N Maple sufficient to allow for the future rebuild of the curb-return.

If the Council approves Ordinance Number 1235, staff will require the property owner to prepare and record new legal descriptions that accurately vacate and rededicate the property and all affected utility and pedestrian easements. Additionally, staff will require the dedication any necessary right of way along NE Territorial Rd.

Options:

1. Deny the request. Staff believes that the City does not need to retain this area, and does not recommend denial.
2. Approve the request as proposed or with added conditions. Staff recommends the Council approve Ordinance 1235 with the conditions proposed.

Attached:

Ordinance 1235; application; petition; site maps; responses to request for comments.

## **ORDINANCE NO. 1235**

### **AN ORDINANCE VACATING FIVE FEET OF THE PUBLIC RIGHT-OF-WAY ON THE EAST SIDE OF NORTH MAPLE STREET FRONTING TAX LOT 2503 OF MAP 3-1E-28DD.**

**WHEREAS**, the City presently owns a 5 foot wide portion of right-of-way as shown in Exhibit "A" on the east side of North Maple Street fronting Tax Lot 2503 of Map 3-1E-28DD; and

**WHEREAS**, a petition for vacation of ten feet of this right-of-way was filed by Larry and Sandy Corder on November 8, 2006; and,

**WHEREAS**, the petition was reviewed by the City Staff and the petition was found to be complete and more than two-thirds of the affected property owners were in agreement with the petition; and,

**WHEREAS**, the vacation is requested to comply with the original intention of the subdivision plat and return the 5 feet of unneeded right-of-way to this property; and,

**WHEREAS**, notice of a public hearing was published for two (2) consecutive weeks in the Canby Herald newspaper and posted on the property; and,

**WHEREAS**, a public hearing was held on this matter before the Canby City Council on April 9, 2007 and all statutory requirements for the vacation were found to be met; now therefore

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

The public right-of-way as described by the legal description attached as Exhibit "B" shall be vacated and title to the vacated property shall attach to the neighboring property described as Tax Lot 2503 of Map 3-1E-28DD.

SUBMITTED to the City Council and read the first time at a regular meeting thereof on Wednesday, April 18, 2007; ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the City of Canby Charter and to come before the City Council for final reading and action at the regular meeting thereof on Wednesday, May 2, 2007; commencing after the hour of 7:30 P.M., at the City Council's Chambers at Canby City Hall, Canby, Oregon.

ENACTED by the Canby City Council at a regular meeting thereof on April 18, 2007 by the following votes:

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

\_\_\_\_\_  
Melody Thompson, Mayor

ATTEST:

\_\_\_\_\_  
Kimberly Scheafer, City Recorder, Pro Tem

TERRITORIAL RD.

RIGHT-OF-WAY  
TO BE VACATED

N MAPLE ST.

10.0' R.O.W.  
DEDICATED  
IN BROOKS  
ADD'N PLAT

N 69°06'00" E  
77.43'

TL NO. 2503  
MAP 3 1E 28DD

LOT 3

TL 2502

N 00° E 117.52'

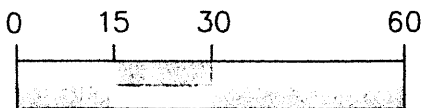
N 90° E 72.34'

TL 2504

TL 2505

TL 2506

GRAPHIC SCALE



( IN FEET )  
1 INCH = 30 FEET

EXHIBIT

brooks

A

LOT 3 OF "BROOKS ADDITION"  
SE 1/4 SEC. 20 T.3S, R.1E, W.M.  
CANBY, OREGON

TITLE: **EXHIBIT**

DATE: 3/15/07

PLOT DATE: 3/15/07

DWG BY: JWS

CHK BY:

SHEET:

FILE: P29861EXH.dwg

CLIENT: RON YARBROUGH

**ZTec ENGINEERS, INC.**

3737 S.E. 8TH AVE.  
PORTLAND, OREGON 97202  
(503) 235-8795

44

# **ZTec Engineers, Inc.**

**Civil ♦ Structural ♦ Surveying**

John McL. Middleton, P.E.

Chris C. Fischborn, P.L.S.

Ronald b. Sellards, P.E.

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

Portland, OR 97202

503-235-8795

FAX: 503-233-7889

Email: [chris@ztecengineers.com](mailto:chris@ztecengineers.com)

Ron Yarbrough

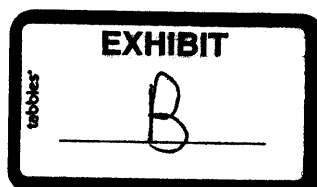
Proposed Vacation on

North Maple Street

A proposed Vacation of North Maple Street Right-of-Way, just South of Territorial Road and being a part of the Right-of-Way dedicated by the recorded Plat of "Brooks Addition" in the Southeast one-quarter of Section 28, Township 3 South, Range 1 East of the Willamette Meridian in the City of Canby, Clackamas County, Oregon and being more particularly described as follows:

Beginning at the Southwest corner of Lot 3 of said "Brooks Addition", said point being on the Easterly right-of-way line of said North Maple Street; thence North 90°00'00" West a distance of 2.50 feet; thence North 00°00'00" East, parallel with said Easterly right-of-way line, a distance of 32.00 feet; thence South 90°00'00" East a distance of 2.50 feet to a point on said Easterly right-of-way line; thence South 00°00'00" West along said Easterly right-of-way line, a distance of 32.00 feet to the true point of beginning.

Said parcel of land contains an area of 80.00 square feet more or less.



45

# RIGHT OF WAY VACATION APPLICATION

## DEPOSIT - \$500.00

**OWNERS****APPLICANT\*\***Name LARRY & SANDY CORDERName RON YARBROUGHAddress 1770 N. MAPLE ST.Address 111 NW 2ND AVECity CANBY State OR Zip 97013City CANBY State OR Zip 97013Phone 503-781-3333 Fax \_\_\_\_\_Phone 503-263-7411 Fax SAME

E-mail \_\_\_\_\_

E-mail DESIGNSWEST@CANBY.COM

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



Owner



Email



US Postal



Fax



Applicant



Email



US Postal



Fax

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

Larry Corder**DESCRIPTION OF PROPOSAL**Property address/location 1770 N. MAPLE ST., CANBY, OR 97013

Current zoning \_\_\_\_\_ Comprehensive Plan Zoning \_\_\_\_\_

File number of previous land use decision to be modified \_\_\_\_\_

Summary of proposal STREET VACATION**FOR CITY USE ONLY**File # ROW 07-01Date Received 2/9/07 By JT

Completeness Date \_\_\_\_\_

Hearing Date \_\_\_\_\_

\*If the applicant is not the property owner, owner must sign this form or applicant must attach documentary evidence of authority to act as agent in submitting this application.





RECEIVED  
OCT 15 2006  
CITY OF CANBY

Larry & Sandy Corder  
1770 N. Maple St.  
Canby, Oregon 97013

Date: 8/30/06

Re: Petition for Street Vacation

Our request is to vacate 5' (feet) of the City's street right of way. The property is located in the intersection of N. Maple St. and Territorial Rd., "BROOKS ADDITION", part of lot 59 of "Canby Gardens", SE  $\frac{1}{4}$  of Sec. 28, T3S, R1E, W.M., City of Canby.

We wish to vacate 5' (feet) of the City's right of way, which will allow this property to be in compliance with the City's setback requirements. This reduction in the current right of way will not affect the existing street in any fashion. The reduction in the right of way will allow the setback to the existing residence to be 22' - 6". The needed reduction is 2' - 6" to comply with the cities setbacks, it was recommended that we vacate 5' (feet), hence the request.

Abutting property owners:

Name: Van Mowry Name: Paul Franzwa

Address 730 NE Fairway Ln Address 760 NE Fairway Ln  
Canby, Oregon 97013 Canby, Oregon 97013  
Phone Number: 503-266-2321 Phone Number 503-266-2459

Signature Daniel Mowry Signature Paul Franzwa

Name: Christian Cutsforth Name: Pamela Hess

Address 775 NE Fairway Address 707 NE Fairway Ln  
Canby, Oregon 97013 Canby, Oregon 97013  
Phone Number: 503-266-2016 Phone Number 503-263-3847

Signature [Signature] Signature Pamela M. Hess


Name: MICHAEL PECK

Name: Sean Byrne

Address 11688 N. MAPLE

Canby, Oregon 97013


Phone Number: 503-266-5421

Signature 

Address 756 NE 16TH

Canby, Oregon 97013

Phone Number (503) 266-1256

Signature 


Name: CHARLES PACHEZ

Name: Joe Farnsworth

Address 810 N.E. 16TH

Canby, Oregon 97013


Phone Number: 503 922-3880

Signature 

Address 830 NE 16TH

Canby, Oregon 97013

Phone Number 503 263 7713

Signature 


Name: GLENN LENHARDT

Name: Wes Destman

Address 771 NE 17TH AVE

Canby, Oregon 97013

Phone Number: 503-651-3320

Signature 

Address 726 NE 17TH AVE

Canby, Oregon 97013

Phone Number 503 266 5026

Signature 

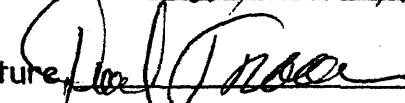
Name: David Trauer

Name: Bobbie Breedlove

Address 710 NE 17TH

Canby, Oregon 97013

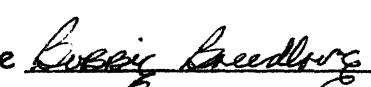
Phone Number: 503/266-4660

Signature 

Address 592 NE TERRITORIAL RD

Canby, Oregon 97013

Phone Number 503-266-4840

Signature 

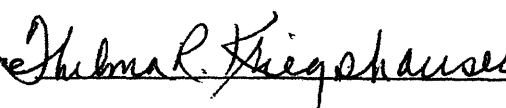
Name: HELMA KRIEGSHAUSER

Name: HELMA KRIEGSHAUSER

Address 1855 N. MAPLE

Canby, Oregon 97013

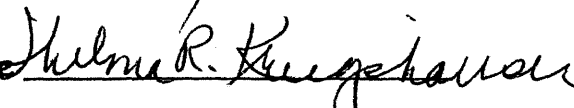
Phone Number: 503-263-8750

Signature 

Address 672 N. Territorial

Canby, Oregon 97013

Phone Number 503 / 263-8750

Signature 

Name: RICHARD BRUBAKER

Address 789 SE 17<sup>TH</sup> AVE

Canby, Oregon 97013

Phone Number: 925-989-9715

Signature [Signature]

Name: Teri J. Gilix

Address 719 NE Territorial

Canby, Oregon 97013

Phone Number: 206-1311

Signature Teri J. Gilix

Name: Craig Anderson

Address 795 NE Territorial Rd

Canby, Oregon 97013

Phone Number: 503-266-8322

Signature C. Anderson

Name: Eric Schmidt

Address 1634 N MANZANITA ST

Canby, Oregon 97013

Phone Number: 503-266-1189

Signature Eric Schmidt

Name: Alynn Tussing

Address 782 NE 16<sup>TH</sup> AVE

Canby, Oregon 97013

Phone Number: 503-263-4132

Signature [Signature]

Name: Thelma Kriegshauser

Address 1865 N. MAPLE

Canby, Oregon 97013

Phone Number 503-265-8750

Signature Thelma Kriegshauser

Name: Donna Hosteth

Address 711 NE Territorial Rd

Canby, Oregon 97013

Phone Number 503-263-1647

Signature [Signature]

Name: Dennis Basargin

Address 891 NE Territorial RD

Canby, Oregon 97013

Phone Number 503-451-0270

Signature Dennis Basargin

Name: MARK TRIEBWASSER

Address 745 FAIRWAY LN

Canby, Oregon 97013

Phone Number 503-266-6470

Signature Mark Triebwasser

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

Address \_\_\_\_\_

Canby, Oregon 97013

Phone Number \_\_\_\_\_

Signature \_\_\_\_\_

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

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

Address 825 N. Fairway Ln  
Canby, Oregon 97013  
Phone Number: 263-2148

Address 735 NE Territorial Rd  
Canby, Oregon 97013  
Phone Number 263-6171

Signature Holly Giffin

Signature Jeni Foley-Minton

Name: Holly Giffin

Name: Terri Foley-Minton

Address 800 NE TERRITORIAL RD  
Canby, Oregon 97013  
Phone Number: 503-266-4870

Address 700 NE TERRITORIAL  
Canby, Oregon 97013  
Phone Number 503-651-3282

Signature Sylvia Fischel

Signature Karen Batridge

Name: SYLVIA FISCHEL

Name: KAREN BATRIDGE

Address 672 Territorial Rd NE  
Canby, Oregon 97013  
Phone Number: 503 263-4901

Address 1740 N. Maple  
Canby, Oregon 97013  
Phone Number (503) 651-1408

Signature Jim T Loop

Signature David Flory

Name: Jim T Loop

Name: David Flory

Address 764 NE 17th AVE  
Canby, Oregon 97013  
Phone Number: 503-263-8469

Address 792 NE 17th  
Canby, Oregon 97013  
Phone Number 503-266-3688

Signature Darla Kelley

Signature Jacqueline Griffith

Name: Darla Kelley

Name: Jacqueline Griffith

Address 778 NE 17th  
Canby, Oregon 97013  
Phone Number: 503 263-8641

Address James Rykken  
Canby, Oregon 97013 740 NE 17th  
Phone Number 503-969-5428

Signature [Signature]

Signature [Signature]

Name: Wade Gervais Name: \_\_\_\_\_

Address 1630 N Maple St Address \_\_\_\_\_  
Canby, Oregon 97013 Canby, Oregon 97013  
Phone Number: 503 266 2391 Phone Number \_\_\_\_\_

Signature Wade Gervais Signature \_\_\_\_\_

Name: Louis J. Scott Jr Name: \_\_\_\_\_

Address 730 NE 16 Address \_\_\_\_\_  
Canby, Oregon 97013 - 2318 Canby, Oregon 97013  
Phone Number: 503-266-9378 Phone Number \_\_\_\_\_

Signature Louis J. Scott Jr Signature \_\_\_\_\_

Name: Jan Tatom Name: \_\_\_\_\_

Address 1865 N Maple Address \_\_\_\_\_  
Canby, Oregon 97013 Canby, Oregon 97013  
Phone Number: 503 263 8734 Phone Number \_\_\_\_\_

Signature Jan m Tatom Signature \_\_\_\_\_

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

Address \_\_\_\_\_ Address \_\_\_\_\_  
Canby, Oregon 97013 Canby, Oregon 97013  
Phone Number: \_\_\_\_\_ Phone Number \_\_\_\_\_

Signature \_\_\_\_\_ Signature \_\_\_\_\_

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

Address \_\_\_\_\_ Address \_\_\_\_\_  
Canby, Oregon 97013 Canby, Oregon 97013  
Phone Number: \_\_\_\_\_ Phone Number \_\_\_\_\_

Signature \_\_\_\_\_ Signature \_\_\_\_\_

# PlanMap - Taxlot Query

File Maps Tools Scale Screens Help

Taxlots tno

Main

Owner: MOWRY DANIEL F & LINDA L

Site Address: 730 NE FAIRWAY LN

Taxlot Number: 31E28DA03900

Search

Geocode

Clear

Zoning Code(s):

Flood Plain: UGB:

Zone	Overlay	Acres
R1		0.21

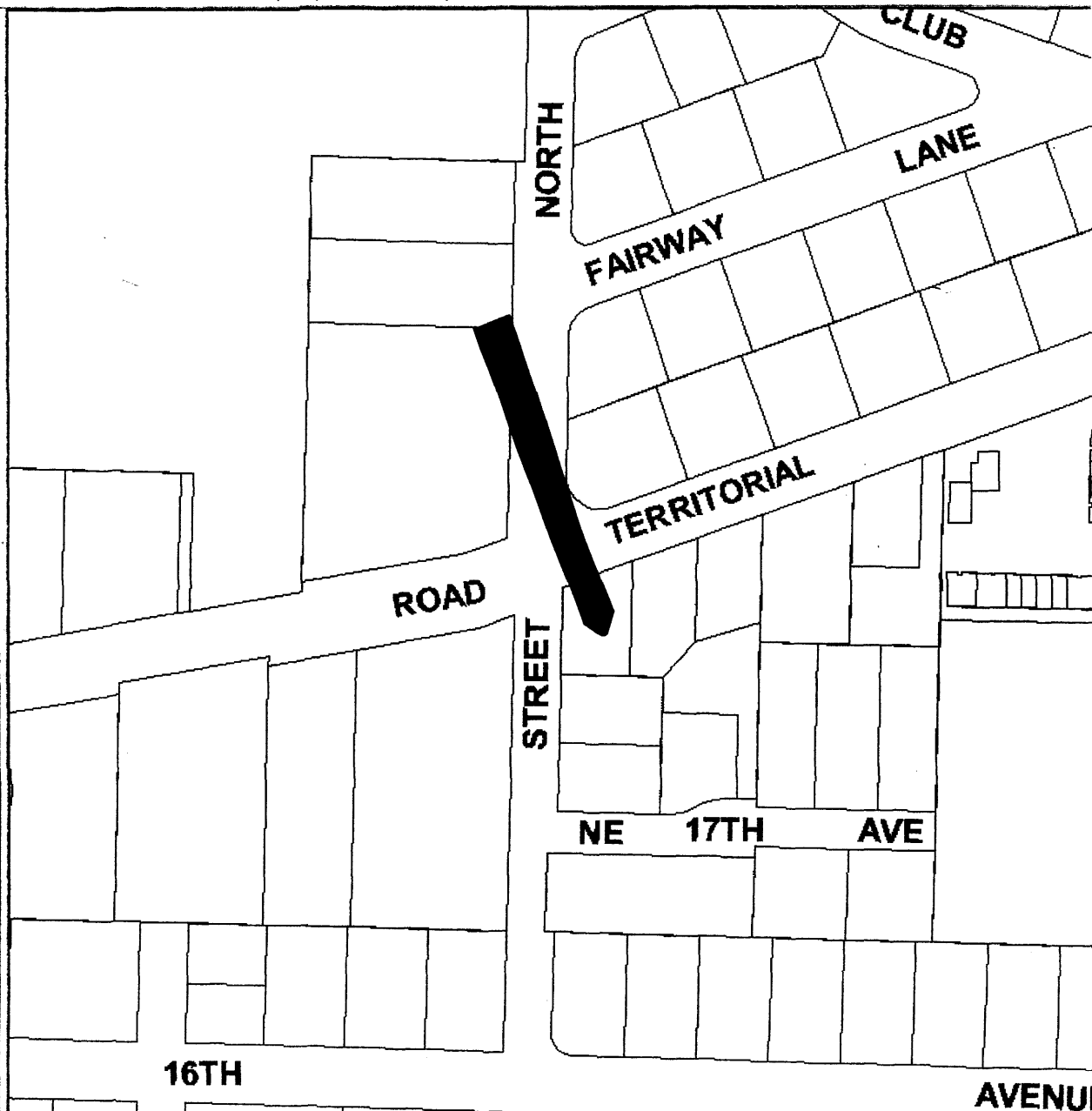
No In

Taxcode Districts for code # 86002

Fire	Canby Fire Dist #62
Park	Blue Heron Recreation Dist. #1
School	Canby
Sewer	Unknown
Water	Unknown
Cable	City
CPO	City
Hauler	Canby Disposal
Jurisdiction	Canby

HECK MICHAEL S & LINDA	1688 N MAPLE ST
GERVAIS LAURELA	1630 N MAPLE ST
SCOTT L JAY JR & COLLE	730 NE 16TH AVE
BYRNE SEAN & NATASHA	756 NE 16TH AVE

MOWRY DANIEL F & LINDA	730 NE FAIRWAY LN
FRANZWA PAUL M	760 NE FAIRWAY LN
KRIEGSHAUSER THELMA	672 NE TERRITORIAL RD
TATOM JAN MARIE	1865 N MAPLE ST
KRIEGSHAUSER THELMA	1855 N MAPLE ST
CANBY MAPLE TERRACE	1701 N MAPLE ST
HAFNER DAVID L & MARY	680 NE 16TH AVE
HAFNER DAVID L & MARY	650 NE 16TH AVE
CUTSFORTH CHRISTIAN	775 NE FAIRWAY LN
TRIEBWASSER MARK E &	745 NE FAIRWAY LN
KANAK I LLC	707 NE FAIRWAY LN
BATRIDGE KEVIN F & KAR	700 NE TERRITORIAL RD
BIRCHALL SANDY	720 NE TERRITORIAL RD
PISCHEL WALTER W	800 NE TERRITORIAL RD
RICHLICK TERI J	719 NE TERRITORIAL RD
HOSSETLER JAMES J & D	711 NE TERRITORIAL RD
CORDER SANDRA L CO-T	1770 N MAPLE ST
FLORY DAVID E & DIANA	1740 N MAPLE ST
RYKKEN JAMES D & KATH	740 NE 17TH AVE
OESTMAN WESLEY O	726 NE 17TH AVE
YLVISAKER DONNA	710 NE 17TH AVE



53

NE Territorial Rd.  
77.43'

111.22'

21' - 0"

13' - 6"

Existing Home

Existing Garage

7' - 6"

72.34'

28' - 0"

34' - 0"

20' - 0"

17' - 6"

22' - 6"

P/W

89.90'

10' - 0"

5' Side Walk

N. Maple St.

First Floor Addition	418 Sq. Ft.
2nd Floor Addition	700 Sq. Ft.
Total Addition	1118 Sq. Ft.
Area Remodeled	120 Sq. Ft.

Owner: Larry Corder  
1770 N. Maple St.,  
Canby, Oregon 97013  
Tax Lot 2503  
Part of lot 59, Canby Gardens Sub.  
SE 1/4 of Sec. 28, T35, R1E



**CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: March 2, 2007

TO:

- |   |  |
|---|--|
| <input type="checkbox"/> FIRE                     | <input type="checkbox"/> CANBY POST OFFICE               |
| <input type="checkbox"/> POLICE                   | <input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR       |
| <input type="checkbox"/> PUBLIC WORKS             | <input type="checkbox"/> CLACKAMAS COUNTY 911            |
| <input type="checkbox"/> CANBY ELECTRIC           | <input type="checkbox"/> CLACKAMAS COUNTY TRANSPORTATION |
| <input type="checkbox"/> CANBY WATER              | <input type="checkbox"/> TRAFFIC SAFETY COMMITTEE        |
| <input type="checkbox"/> Darwin Tramel - WTP      | <input type="checkbox"/> CLACKAMAS COUNTY                |
| <input type="checkbox"/> Jeff Crowther - WTP      | <input type="checkbox"/> CANBY SCHOOL DISTRICT           |
| <input checked="" type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> OREGON DEPT. TRANSPORTATION     |
| <input type="checkbox"/> CTA                      | <input type="checkbox"/> ODOT/REGION 1/DIST 2B           |
| <input type="checkbox"/> NW NATURAL               | <input type="checkbox"/> STATE OF OREGON/REVENUE         |
| <input type="checkbox"/> WILLAMETTE BROADBAND     | <input type="checkbox"/> CANBY BUSINESS REVITALIZATION   |
| <input type="checkbox"/> CANBY DISPOSAL           | <input type="checkbox"/> PARKS AND RECREATION            |
| <input type="checkbox"/> CITY ATTORNEY            | <input type="checkbox"/> CITY TRANSPORTATION ENGINEER    |
| <input type="checkbox"/> BIKE AND PEDESTRIAN COMM | <input type="checkbox"/> BUILDING OFFICIAL               |
| <input type="checkbox"/> PGE                      | <input type="checkbox"/> OTHER _____                     |

The City has received ROW 07-01 (1770 N Maple Street), an application from Larry and Sandy Corder requesting a right of way vacation application to have the City vacate 5' of right of way. The property is located at 1770 N Maple Street.

Please review the enclosed application and return comments to **Kevin Cook** by **Monday, March 12, 2007**. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

**Comments or Proposed Conditions:**

SEE ATTACHED COMMENTS

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

- ☐ Adequate Public Services (of your agency) are available
- ☐ Adequate Public Services will become available through the development
- ☒ Conditions are needed, as indicated
- ☐ Adequate public services are not available and will not become available

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

Date: March 7, 2007


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

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



March 7, 2007

**MEMORANDUM**

**TO:** Mr. Kevin Cook  
**FROM:** Hassan Ibrahim, PE   
**RE:** **CITY OF CANBY**  
**1770 N MAPLE STREET (ROW 07-01)**  
**ROW VACATION**

We have reviewed the submitted application to the above mentioned project and have the following comments:

1. Vacation of a 5-foot right of way width is compatible with the City's long range plan for N Maple street. However, the 5-foot right of way vacation must be converted to a **"public utility and sidewalk easement"**.
2. The applicant should dedicate a 15-foot right of way radius at the corner of NE territorial Rd and N Maple Street.

**From:** "Curt McLeod" <cjm@curran-mcleod.com>  
**To:** "Kevin Cook" <CookK@ci.canby.or.us>  
**Date:** 11/22/06 1:24PM  
**Subject:** Re: possible ROW vacations request

We do not know the final design of Territorial or Maple, but we would recommend that if the Maple Street ROW is reduced to 40 feet, then we need to retain a 5 foot sidewalk easement with a 15 foot radius on the easement to round off the corner at Territorial Road. The ultimate construction should be a 36 foot street on Maple with 5 foot sidewalks, and 44 foot (three lane) or 36 foot (two lane) on Territorial with 5 foot sidewalks and planter strip (If the City is requiring planter strips along Territorial)

----- Original Message -----

From: "Kevin Cook" <CookK@ci.canby.or.us>  
To: "Curt McLeod" <cjm@curran-mcleod.com>  
Sent: Tuesday, November 21, 2006 3:46 PM  
Subject: Re: possible ROW vacations request

> Hi Curt,  
>  
> See below. I am following up on this. The request is going to the  
> Council on Dec. 12. In your last email you mentioned that we will need  
> a radius on the corner for the curb return. Should this be a condition  
> of approval? Any suggested language for the condition?  
>  
> Also, it looks to me that the ROW width is about 50' not and the  
> pavement width is approximately 30' with 5' sidewalk existing on each  
> side.  
>  
> Kevin Cook, Associate Planner  
> City of Canby, Community Development  
> 170 NW 2nd Ave  
> PO Box 930  
> Canby, OR 97013  
> Phone: 503-266-9404  
> Fax: 503-266-1574  
> www.ci.canby.or.us  
>  
>  
>  
>>>> "Curt McLeod" <cjm@curran-mcleod.com> 06/21/06 4:39 PM >>>  
> North Maple is a neighborhood connector designed to adequacy standards.  
>  
> Right-of-way standard is 60 feet. Street width is designated to be 36  
> feet.  
> It is a policy decision whether we need 60 foot ROW or not to  
> accommodate  
> this design section.  
>  
> We will ultimately be building a 36 foot street with 5 foot sidewalks  
> on  
> North Maple, which would leave 7 feet behind the sidewalk to the  
> existing  
> property line. The City could elect to reduce neighborhood connector

> ROW  
> and retain easements without impacting the street design.  
>  
> Interesting note that the majority of North Maple Street from 10th to  
> Territorial is only a 40 foot right of way. Knowing we will never be  
> successful in securing the full 60 foot right of way for this stretch  
> we  
> have prepared easements to secure only an additional 5 foot for curb &  
>  
> sidewalks. You could consider vacating 10 feet and retaining an  
> easement to  
> be compatible with the rest of the street. We will also need a radius  
> on  
> the corner for the curb return.  
>  
> This sets a precedent if you begin to vacate at will. I wouldn't mind  
> if  
> all street sections were pared down to just what was needed, but be  
> careful  
> of the impacts on other developments and on the planning commission's  
> conditions of approval. I would bet the property you are looking at  
> was  
> configured as a result of Planning Commission conditions of approval.  
>  
>

> ----- Original Message -----

> From: "Kevin Cook" <CookK@ci.canby.or.us>  
> To: <cjm@curran-mcleod.com>  
> Sent: Wednesday, June 21, 2006 3:10 PM  
> Subject: possible ROW vacations request  
>  
>

>> Hi Curt,

>>

>> I've got a request from Larry Corder who wants to know if the City  
>> would be interested in vacating 5' of our Maple St. ROW and  
> dedicating  
>> it to him. His house is at the southeast corner of Maple and  
>> Territorial and he would like 5' along Maple Street only and nothing  
>> from Territorial. So, my question to you is would this work with  
> our  
>> improvement plan on Maple? Let me know your thoughts. Thanks.  
>>

>> Kevin

>>

>> Kevin Cook, Associate Planner  
>> City of Canby, Community Development  
>> 170 NW 2nd Ave  
>> PO Box 930  
>> Canby, OR 97013  
>> Phone: 503-266-9404  
>> Fax: 503-266-1574  
>> www.ci.canby.or.us  
>>  
>>  
>>

**From:** "Pearson, Chuck" <chuckpear@co.clackamas.or.us>  
**To:** Kevin Cook <CookK@ci.canby.or.us>  
**Date:** 1/3/07 11:45AM  
**Subject:** RE: ROW Vacation

Kevin:

Imagine if you would a county road that is proposed to remain under county jurisdiction since it provides transportation through multiple cities and the county. Then imagine that an additional 5' strip is dedicated within a city.

If what your "opinion" were to hold, then the city would have to transfer jurisdiction to the county if the county wanted to improve the road. Or, perhaps an adjacent property owner wanted a driveway permit - would they have to get one from both jurisdictions?

Frankly, I wouldn't get too tied up in a knot about who, if anyone, accepted the jurisdiction of additional right of way. The county road is the county road and any additional right of way would, in my opinion, adhere to the county road - not to the city. The city does not have a road and I don't think that the courts would consider that additional dedications would be done for the purpose of creating a city road next to the county road.

Of course, this is just my opinion. You could get the city attorney to write an opinion and then we could get the county counsel to write a different one and on and on. I think that common sense should prevail.

I'm out for a few days, so if you respond don't expect an answer until next week.

Chuck

---

From: Kevin Cook [mailto:CookK@ci.canby.or.us]  
Sent: Tue 1/2/2007 8:39 PM  
To: Pearson, Chuck  
Cc: McCallister, Mike; cjm@curran-mcleod.com  
Subject: ROW Vacation

Hello Chuck,

Happy New Year! OK, here's an interesting one for ya...

I am told (third hand) that someone at the County Counsel's office has determined that the right of way on North Maple (in the vicinity of 1770 N. Maple St.) belongs to the County but that if a property owner wanted the City to Vacate a 5' strip along the east side then it would be a City process because the County never accepted this portion of the ROW.

I don't mind taking this forward as a City review if in fact this is the case. But I wanted to check this out with your office before proceeding. Can you or someone in your office verify that this would in

fact be the City's responsibility?

Kevin Cook, Associate Planner  
City of Canby, Community Development  
170 NW 2nd Ave  
PO Box 930  
Canby, OR 97013  
Phone: 503-266-9404  
Fax: 503-266-1574  
[www.ci.canby.or.us](http://www.ci.canby.or.us)

--

**CC:** "McCallister, Mike" <MikeM@co.clackamas.or.us>, <cjm@curran-mcleod.com>,  
"Clinton, Carl" <carlcli@co.clackamas.or.us>

**From:** "Cutshall, Doug" <DougCut@co.clackamas.or.us>  
**To:** "Curt McLeod" <cjm@curran-mcleod.com>  
**Date:** 1/3/07 4:10PM  
**Subject:** RE: ROW Vacation

-----Original Message-----

From: Curt McLeod [mailto:cjm@curran-mcleod.com]  
Sent: Wednesday, January 03, 2007 2:08 PM  
To: Cutshall, Doug

Gentlemen, I have just returned to my cube from the Surveyors office and after speaking to Mr. Clinton about the problem he now agrees with what I have said all along. This portion of right-of-way is the cities; the plat makes the strip "public road" the proximity to the County Road makes no difference. Until the Board "accepts" the road as a "part of the County Road" and being a part of county road 763 or whatever road number it happens to be, it is a "public" piece of property. Do not go and talk to Mr Pearson any more this is our baby and has nothing to do with them. As far as I am concerned it is not in the publics interest to vacate any part of the 10 foot strip. Who knows, fifty years from now the city might need a right hand turn pocket at the intersection.

Douglas Cutshall  
Engineering Technician  
Clackamas County  
Department of Transportation & Development  
503-353-4669  
dougcut@co.clackamas.or.us

**CC:** "CookK@ci.canby.or.us" <CookK@ci.canby.or.us>

60

**From:** "Pearson, Chuck" <chuckpear@co.clackamas.or.us>  
**To:** Kevin Cook <CookK@ci.canby.or.us>  
**Date:** 3/7/07 11:25AM  
**Subject:** Vacations

Kevin

Thanks for the proposed vacations. Have a general comment.

If the full right of way width in applications ROW 07-01 & 02 is not needed, then why not vacate the entire length of the right of way rather than a small piece of it? Especially since it appears to be a vacation merely to accommodate additional construction (set back lines).

Doesn't the city have a process whereby the set back lines could be changed by variance? Seems to be a cleaner way.

No problem with the Canby High School as long as it doesn't landlock anyone.

Chuck Pearson

**CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

**DATE:** March 2, 2007

**TO:**

<input type="checkbox"/> FIRE	<input type="checkbox"/> CANBY POST OFFICE
<input type="checkbox"/> POLICE	<input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR
<input type="checkbox"/> PUBLIC WORKS	<input type="checkbox"/> CLACKAMAS COUNTY 911
<input type="checkbox"/> CANBY ELECTRIC	<input type="checkbox"/> CLACKAMAS COUNTY TRANSPORTATION
<input type="checkbox"/> CANBY WATER	<input type="checkbox"/> TRAFFIC SAFETY COMMITTEE
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<input type="checkbox"/> CTA	<input type="checkbox"/> ODOT/REGION 1/DIST 2B
<input type="checkbox"/> NW NATURAL	<input type="checkbox"/> STATE OF OREGON/REVENUE
<input type="checkbox"/> WILLAMETTE BROADBAND	<input type="checkbox"/> CANBY BUSINESS REVITALIZATION
<input type="checkbox"/> CANBY DISPOSAL	<input type="checkbox"/> PARKS AND RECREATION
<input type="checkbox"/> CITY ATTORNEY	<input type="checkbox"/> CITY TRANSPORTATION ENGINEER
<input type="checkbox"/> BIKE AND PEDESTRIAN COMM	<input type="checkbox"/> BUILDING OFFICIAL
<input type="checkbox"/> PGE	<input type="checkbox"/> OTHER _____

The City has received ROW 07-01 (1770 N Maple Street), an application from Larry and Sandy Corder requesting a right of way vacation application to have the City vacate 5' of right of way. The property is located at 1770 N Maple Street.

Please review the enclosed application and return comments to **Kevin Cook** by **Monday, March 12, 2007**. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

**Comments or Proposed Conditions:**

*Insure installation of side walk*

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

- ☒ Adequate Public Services (of your agency) are available
- ☐ Adequate Public Services will become available through the development
- ☐ Conditions are needed, as indicated
- ☐ Adequate public services are not available and will not become available

**Signature:**

*J. D. Seung*

**Date:**

*20 Mar 07*

**Title:**

**Agency:**

62



**CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

**DATE:** March 2, 2007

**TO:**

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Please review the enclosed application and return comments to **Kevin Cook** by **Monday, March 12, 2007**. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

**Comments or Proposed Conditions:**

SEE ATTACHED COMMENTS

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

- ☐ Adequate Public Services (of your agency) are available
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- ☒ Conditions are needed, as indicated
- ☐ Adequate public services are not available and will not become available

**Signature:**  **Date:** 3/12/07

**Title:** ENGINEERING ANALYST **Agency:** LANCASTER ENGINEERING



## MEMORANDUM

**To:** Kevin Cook  
**From:** Catriona Sumrain *CS*  
**Date:** March 12, 2007  
**Subject:** ROW 07-01/ROW 07-02

---

Kevin:

We have completed our review of the proposed street vacations, ROW 07-01 and ROW 07-02. It is our understanding that in both cases, buildings have been or will be constructed closer to the public right-of-way than is allowable under the City's development code sections.

The site for ROW 07-01 is a corner lot at the intersection of N Maple Street and NE Territorial Road. Both streets have moderate traffic volumes, which are expected to increase as development occurs in the area and within the City. The street vacation should not be allowed to change the City's road width or curve radius standards for either Maple Street or Territorial Road. In addition, the location of the garage should not be allowed to interfere with the sight distance needed at the Maple Street/Territorial Road intersection.

Parked vehicles should not block the sidewalk. If a garage is located closer to the sidewalk, it is possible that the remaining driveway length will not be sufficient to prevent a vehicle parked in the driveway from extending into the sidewalk. The driveway length should be examined relative to the future location of the sidewalk. The location of the garage should not prevent a vehicle from parking completely within the driveway.

The site for ROW 07-02 is similar in that the lot is located at a horizontal curve on N Maple Court. Our response to this request remains the same. The street vacation should not be allowed to change the City's road width, curve radius or sight distance standards for Maple Court. The garage location should not prevent a vehicle from parking completely within the driveway.

There is a greater overall concern here. Both of these projects suggest that the street vacation is being requested to resolve what appears to be a self-imposed hardship. A variance to the setback standards would not likely be approved under these circumstances. It is evident that the street vacations are being requested to get around the problems associated with the



Kevin Cook  
March 12, 2007  
Page 2 of 2

(stricter) standards for a variance. However, a street vacation is a more drastic measure because it will be a permanent solution to what is potentially a temporary problem. The standards for a street vacation should be more restrictive than for a variance. This is a problem with the City's policy and should be resolved at the policy level.

In summary, we suggest the proposed street vacations should be reviewed using the same standards required for a variance. Allowing the right-of-way to be changed in these sections of road could have potentially serious short-term and long-term ramifications. For these reasons, we would not support the request to vacate the streets for either project.

**CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: March 2, 2007

TO:

<input type="checkbox"/> FIRE	<input type="checkbox"/> CANBY POST OFFICE
<input type="checkbox"/> POLICE	<input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR
<input type="checkbox"/> PUBLIC WORKS	<input type="checkbox"/> CLACKAMAS COUNTY 911
<input type="checkbox"/> CANBY ELECTRIC	<input type="checkbox"/> CLACKAMAS COUNTY TRANSPORTATION
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<input type="checkbox"/> CTA	<input type="checkbox"/> ODOT/REGION 1/DIST 2B
<input type="checkbox"/> NW NATURAL	<input type="checkbox"/> STATE OF OREGON/REVENUE
<input type="checkbox"/> WILLAMETTE BROADBAND	<input type="checkbox"/> CANBY BUSINESS REVITALIZATION
<input type="checkbox"/> CANBY DISPOSAL	<input type="checkbox"/> PARKS AND RECREATION
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<input type="checkbox"/> BIKE AND PEDESTRIAN COMM	<input type="checkbox"/> BUILDING OFFICIAL
<input type="checkbox"/> PGE	<input type="checkbox"/> OTHER _____

The City has received ROW 07-01 (1770 N Maple Street), an application from Larry and Sandy Corder requesting a right of way vacation application to have the City vacate 5' of right of way. The property is located at 1770 N Maple Street.

Please review the enclosed application and return comments to Kevin Cook by Monday, March 12, 2007. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

**Comments or Proposed Conditions:**

Canby Utility would like to see the  
Right of way converted to PUE.

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

- ☐ Adequate Public Services (of your agency) are available
- ☐ Adequate Public Services will become available through the development
- ☒ Conditions are needed, as indicated
- ☐ Adequate public services are not available and will not become available

Signature: *Gary Kordenat* Date: 3-12-07

Title: Line Foreman Agency: Canby Utility Elect.  
Gary Kordenat  
Canby Electric  
City Shops

*GP*

**CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

**DATE:** March 2, 2007

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**Comments or Proposed Conditions:**

*No traffic concerns at this time*

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

- ☐ Adequate Public Services (of your agency) are available
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**Signature:** Maureen Elmore **Date:** 3-12-07

**Title:** Chairman **Agency:** Traffic Safety

**CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

**DATE: March 2, 2007**

- TO:**
- |   |  |
|---|--|
| <input type="checkbox"/> FIRE                     | <input type="checkbox"/> CANBY POST OFFICE               |
| <input type="checkbox"/> POLICE                   | <input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR       |
| <input type="checkbox"/> PUBLIC WORKS             | <input type="checkbox"/> CLACKAMAS COUNTY 911            |
| <input type="checkbox"/> CANBY ELECTRIC           | <input type="checkbox"/> CLACKAMAS COUNTY TRANSPORTATION |
| <input type="checkbox"/> CANBY WATER              | <input type="checkbox"/> TRAFFIC SAFETY COMMITTEE        |
| <input type="checkbox"/> Darwin Tramel - WTP      | <input type="checkbox"/> CLACKAMAS COUNTY                |
| <input type="checkbox"/> Jeff Crowther - WTP      | <input type="checkbox"/> CANBY SCHOOL DISTRICT           |
| <input type="checkbox"/> CITY ENGINEER            | <input type="checkbox"/> OREGON DEPT. TRANSPORTATION     |
| <input type="checkbox"/> CTA                      | <input type="checkbox"/> ODOT/REGION 1/DIST 2B           |
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| <input type="checkbox"/> CANBY DISPOSAL           | <input type="checkbox"/> PARKS AND RECREATION            |
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| <input type="checkbox"/> PGE                      | <input type="checkbox"/> OTHER _____                     |

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Please review the enclosed application and return comments to **Kevin Cook** by **Monday, March 12, 2007**. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

**Comments or Proposed Conditions:**

No Comment

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

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- ☐ Conditions are needed, as indicated
- ☐ Adequate public services are not available and will not become available

**Signature:** Brian Van Snookling **Date:** 3-7-07

**Title:** Engineering Supervisor **Agency:** NW Natural

**CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

**DATE:** March 2, 2007

**TO:**

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**Comments or Proposed Conditions:**

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

- ☒ Adequate Public Services (of your agency) are available
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**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

3/6/07

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

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

Lt. Jorge Tro  
Canby Police Dept

69

# CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: March 2, 2007

TO:

<input type="checkbox"/> FIRE	<input type="checkbox"/> CANBY POST OFFICE
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**Comments or Proposed Conditions:**

Does Willamette Broadband need to Remove any services

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

- ☒ Adequate Public Services (of your agency) are available
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Signature: [Signature] Date: 3-5-07

Title: Coordinator Agency: WLB



**From:** "Troy Buzalsky" <TBuzalsky@canbyfire.org>  
**To:** <ahlc@ci.canby.or.us>  
**Date:** 3/12/07 3:19PM  
**Subject:** ROW 07-01 and ROW 07-02

Carla,  
Canby Fire District has no objections or conditions for the proposals found in ROW 07-01 and 07-02.

Please let me know if you have any questions.

Respectfully,

Troy Buzalsky

Canby Fire District #62

Division Chief, Fire Marshal

Office 503.266.5851...X 2762

Cell 503.572.5504

Direct Connect 112\*63448\*2

DATE: April 10, 2007

MEMO TO: Honorable Mayor Thompson and City Councilors

FROM: Beth Saul, General Services Director

Through: Mark Adcock, City Administrator

RE: Proposed rate increase at Swim Center

**ISSUE:**

The Canby Swim Center, now funded by a renewed five-year levy, has not had a fee increase for five years, and in order to continue to recover as much operating cost as possible, as well as to acknowledge that the tax rate for city residents has increased while the out-of-city pool fees have not, a rate increase is proposed.

**RECOMMENDATION:**

Staff recommends approval of Resolution 950 to increase Canby Swim Center out-of-city rates.

**BACKGROUND:**

After passage of the first levy five years ago rates were set and remained the same throughout the levy period. Now that the new levy has been passed by Canby residents to keep the Swim Center open, and since the new levy rate is .10 cents per M higher than the old rate, City residents are in fact paying slightly more to operate the pool. Meanwhile, out-of-city residents who use the pool are still paying the same rate.

The Swim Center staff conducted a comparison of rates with other local area pools and determined that an increase as proposed will keep Canby squarely in the market while still charging out-of-city residents rates that more fairly represent their share of utilizing the pool. Staff proposes about a 10% increase. Looking at what other pools are charging, staff feels this increase will still keep us very competitive.

## **RESOLUTION NO. 950**

### **A RESOLUTION ESTABLISHING FEES FOR THE CANBY SWIM CENTER**

**WHEREAS**, the City of Canby Swim Center has prescribed by Section 2.56 of the Canby Municipal Code that fees and other charges shall be determined by the City Council with consideration given to the recommendations from the Park and Recreation Advisory Board and set by resolution; and

**WHEREAS**, the Park and Recreation Advisory Board reviewed proposed increases in the fees and charges for the Canby Swim Center and made a recommendation to the City Council; and

**WHEREAS**, the City Council has determined that the rates hereinafter specified are just, reasonable and necessary; and

**WHEREAS**, Oregon law requires that a governing body, when adopting a new fee resolution imposing new rates, may include a provision classifying said fees as subject to or not subject to the limitations set in Section 11(b), Article XI of the Oregon Constitution;

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

(1). Effective April 19, 2007, fees to be charges by the Canby Swim Center are established as set forth in Exhibit "A" attached hereto, and by this reference incorporated herein.

(2). The Canby City Council hereby classifies the fees imposed herein as not subject to the limitations imposed by Section 11(b), Articles XI of the Oregon Constitution and the City Recorder is hereby directed to publish a notice in accordance with Oregon law.

This Resolution shall take effect on April 19, 2007.



**EXHIBIT "A"**  
**CANBY SWIM CENTER NON-RESIDENT FEES**

	<b>Current</b>			<b>Proposed</b>	
	<b>Adult</b>	<b>Youth/ Senior</b>		<b>Adult</b>	<b>Youth/ Senior</b>
			<b>Single Admission</b>		
<b>Individual</b>	3.75	3.00		4.00	3.25
<b>Family</b>	9.25			10.00	
			<b>Tickets (Punchcard)</b>		
<b>10 Swim</b>	34.00	27.00		36.00	29.25
<b>20 Swim</b>	64.00	51.00		68.00	55.25
			<b>Water Exercise</b>		
<b>One Class</b>	3.75			4.00	
<b>Ten Class</b>	33.75			36.00	
<b>Month</b>	41.25			44.00	
			<b>Swim Lessons</b>		
<b>Per Class</b>	4.25			4.75	
			<b>Rental</b>		
	100.00			110.00	
			<b>Pool Pass (Membership)</b>		
			<b>3 Month</b>		
<b>Individual</b>	75.00	60.00		80.00	65.00
<b>1+1</b>	112.50			120.00	
<b>Family</b>	150.00			160.00	
			<b>6 Month</b>		
<b>Individual</b>	135.00	108.00		144.00	117.00
<b>1+1</b>	202.50			216.00	
<b>Family</b>	270.00			288.00	
			<b>12 Month</b>		
<b>Individual</b>	225.00	180.00		240.00	195.00
<b>1+1</b>	337.50			360.00	
<b>Family</b>	450.00			480.00	

**DATE: April 9, 2007**

**MEMO TO: Honorable Mayor Thompson and City Councilors**

**FROM: Beth Saul, General Services Director**

**Through: Mark Adcock, City Administrator**

**RE: Award of bid for Maple Street Park/Legacy Park restroom projects**

**ISSUE:**

The City has received grant money to match with parks restoration funding for the construction of a new restroom and support facility for Maple Street Park. At the same time plans have been underway to construct a restroom at Legacy Park, and to offer a more competitive project the two restrooms were offered together for solicitation. The five proposals received were all well above the estimate created by staff over one year ago when the grant was being prepared, but sufficient funds do exist in the Parks Restoration Fund to address the shortfall.

**RECOMMENDATION:**

**Staff recommends approval of Ordinance 1236, an ordinance authorizing the Mayor and City Administrator to execute a contract with Cedar Mill Construction Company of Tualatin, Oregon for the construction of restroom and support facilities for Maple Street Park and Legacy Park; and declaring an emergency.**

**BACKGROUND:**

Both Legacy Park and Maple Street Park are popular sports parks that also provide play equipment and general public park amenities. Maple Street Park is over 25 years old and the original restroom was crumbling along with the old volunteer-built snack shop/announcer's booth. The Park and Recreation Advisory Board met with stakeholder groups and neighbors over the past three years to prioritize improvements to this popular park, and the restoration of ball fields and building of new restroom and support facilities topped the list. In time, the ball field lights are also on the list to replace. Staff has managed to obtain state park grant funds for the field restoration and now for the restroom/support facility construction. Council provided funds in a special Parks Restoration Fund to match these grant opportunities. Representatives from Canby Kids and

Community Education traveled down to Salem to help present the grant requests, and they anxiously await the resulting construction.

Legacy Park has also been under construction as a new park funded by Parks SDC's, and the restroom was to be the next phase. When the Maple Street Park grant was received it was decided to combine the two projects to make a more competitive offering to contractors. However, all estimates had to be created over a year ago due to the grant cycle. Then once the grant was awarded in September, staff was allowed to proceed with construction drawings and planning/building processes, including design review in January 2007. The bids were let in March and the market has apparently become more expensive, as the amounts bid were much higher than expected.

However, the Parks Restoration Fund has sufficient money in it to address the shortfall, and due to the need to build during the good weather and meet grant timing requirements and staff and architect availability to monitor the projects, it is both recommended by staff and authorized by the City Administrator to utilize the remaining Parks Restoration Funds as needed to complete the projects in a timely manner.

#### FISCAL IMPACT:

The City Parks Restoration funds needed for the Maple Street Park project are \$145,000, and the funds needed for the Legacy Park restroom will come out of the Parks Development Fund, as it is a new park. The Parks Development Fund has sufficient funds to complete the bathroom project for Legacy Park.

**ORDINANCE NO. 1236**

**AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH CEDAR MILL CONSTRUCTION COMPANY OF TUALATIN, OREGON FOR THE CONSTRUCTION OF RESTROOM AND SUPPORT FACILITIES FOR MAPLE STREET PARK AND LEGACY PARK; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Canby wishes to construct restroom and support facilities for Maple Street Park and Legacy Park; and

**WHEREAS**, the City has prepared a solicitation including BOLI wage rate provisions and a timeline that is required for the successful construction of these facilities that will meet all liability and professional installation requirements; and

**WHEREAS**, this solicitation resulted in five proposals as follows:

	<b>MAPLE STREET PARK</b>	<b>LEGACY PARK</b>	<b>TOTAL</b>
<b>Cedar Mill Construction</b>	<b>\$236,276</b>	<b>\$181,619</b>	<b>\$417,895</b>
Emerick Construction	234,663	192,711	427,374
Bourke Construction	256,375	196,576	452,951
Canby Excavating	278,085	194,603	472,688
First Cascade Corporation	260,257	214,427	474,684

**WHEREAS**, the City Council meeting and acting as the Contract Review Board for the City of Canby has reviewed the quote from Cedar Mill Construction of Tualatin, Oregon, reviewed the staff report and believes it to be in the best interest of the City to enter into a contract with Cedar Mill Construction for the construction of restroom and support facilities for Maple Street Park and Legacy Park; now therefore

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

Section 1. The Mayor and 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 Cedar Mill Construction Company of Tualatin, Oregon for construction of restroom and support facilities for Maple Street Park and Legacy Park in the amount of \$417,895.00.

*Reviewed by  
Chaunee Seifried  
Finance Director*



Section 2.     Emergency Declared.

It being necessary for the health, safety and general welfare of the citizens of Canby, that these public improvements be completed as soon as possible, an emergency is hereby declared to exist and this ordinance shall 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, April 18, 2007 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, May 2, 2007 commencing at the hour of 7:30 P.M. in the Council Meeting Chambers at Canby City Hall in Canby, Oregon.

\_\_\_\_\_  
Kimberly Scheafer  
City Recorder Pro-Tem

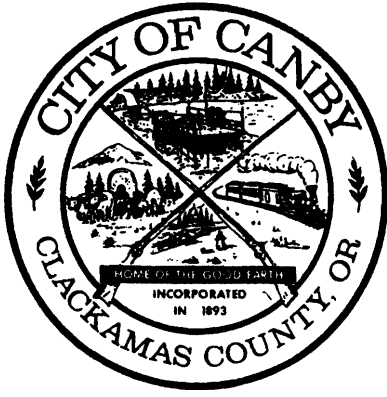
**PASSED** on second and final reading by the Canby City Council at a regular meeting thereof on the 2<sup>nd</sup> day of May, 2007, by the following vote:

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

\_\_\_\_\_  
Melody Thompson, Mayor

ATTEST:

\_\_\_\_\_  
Kimberly Scheafer  
City Recorder Pro-Tem



# City of Canby

Office of the City Administrator  
Phone 503-266-4021

April 18, 2007

**DRAFT**

Clackamas County Tourism  
Development Council  
2051 Kaen Road  
Oregon City, OR 97045

Dear Council Members:

On September 7, 2005 the Canby City Council gave authority for the Canby Area Chamber of Commerce to oversee and disburse funds that will be received from the Canby Community Visitors Destination Action Plan for the City of Canby.

We are very excited about the proposed projects. Please feel free to contact me if you have any questions.

Very truly yours,

Mark C. Adcock  
City Administrator



# Legislative Bulletin

April 6, 2007

A League of Oregon Cities publication

Number 13

## City Service District Measure Gets Hearing

By Andy Shaw, Associate, Governmental Relations

A bill sponsored by the city of Gresham to allow cities to establish municipal service districts to fund specific services got a hearing this week before the Senate Education and General Government Committee, chaired by Senator Vicki Walker (D-Eugene). Because SB 824 garnered opposition from the Special Districts Association of Oregon (SDAO), Senator Walker asked cities and SDAO to form a work group to attempt to resolve the differences.

The League testified in support of SB 824, as it would create a critical financing tool for cities struggling to meet growing service demands under the strict limitations of Measures 5 and 50—the property tax limitation measures enacted in the 1990s. The city of Gresham, in particular, is seeking to establish a district to fund high quality parks in a yet-to-be-developed area of the city without taxing existing residents for these new parks.

SDAO raised governance concerns, arguing that any new district should be run by an independently elected board. City representatives pointed out that cities manage numerous organizationally-separate entities including urban renewal districts and local improvement districts.

## \* School Construction Funding Bill Preempts Cities

By Andy Shaw, Associate, Governmental Relations

The Senate Finance and Revenue Committee, chaired by Senator Ryan Deckert (D-Beaverton), heard two competing bills on school facility construction financing on Wednesday.

The League and the Association of Counties testified in opposition to SB 1036 because it would preempt exist-

(continued on page 3)

## Hometown Action

SB 1036 preempts cities from implementing a local construction excise tax. Contact your Senators to urge them to "VOTE NO" on SB 1036. For more information see article below.

## One Step Closer to Double Majority Reform

By Scott Winkels, Associate, Governmental Relations

On Thursday, HJR 14 passed the House on a 46-11 vote (three excused). Chiefly sponsored by Majority Leader Dave Hunt (D-Gladstone), Representative Chuck Burley (R-Bend), Senator Richard Devlin (D-Tualatin) and Senator Frank Morse (R-Corvallis), HJR 14 amends Oregon's Constitution to modify the double majority requirement in property tax elections so that the requirement would not apply to local property tax measures in May or November.

The joint resolution now moves to the Senate. If passed, HJR 14 will go to voters for their approval at the November 2007 general election. A top priority for cities, HJR 14 represents a significant step forward in reforming Oregon's property tax system.

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## **School Construction Fees** *(continued from page 1)*

ing city and county authority. The second bill, SB 366, is sponsored by the advocacy group Stand for Children and would allow school districts to establish school impact fees on residential development to pay for new schools. In two previous hearings, SB 366 has garnered widespread support.

Sponsored by the Oregon Home Builders Association (OHBA), SB 1036 would authorize school districts to assess a construction excise tax on residential, commercial, and industrial development to pay for new school construction. However, the bill preempts other local governments from assessing construction excise taxes to fund other infrastructure needs. SB 1036 taxes non-residential construction, and thus has raised concern amongst the contractors and business community.

After hearing testimony and noting that this OHBA proposal was not yet fully vetted, the committee established a workgroup to iron out the financing mechanisms, the revenue raising implications, and the preemption issues.

Members of the committee weighed the merits of the two proposals largely on the grounds of which proposal had the best chance of passing the Legislature. Four cities and Metro have established construction excise taxes, and a growing number of cities are expressing interest in this revenue source as a way to help fund local planning and infrastructure needs resulting from growth.

## **Ethics Bill Includes Language to Invalidate Actions of Public Body**

*By Scott Winkels, Associate, Governmental Relations*

**O**n Wednesday, the House Committee on Elections, Ethics and Rules, chaired by Representative Diane Rosenbaum (D-Portland), heard testimony on HB 2595, which contains language that would invalidate decisions of public bodies if an official is proven to have violated ethics laws. The League supported amendments to remove similar provisions in SB 10 earlier this session. HB 2595 is part of a package of ethics reform measures recommended by the Oregon Law Commission.

## **MLAC Recommends Changes to SB 560**

*By Scott Winkels, Associate, Governmental Relations*

**L**ast Friday, the Management and Labor Advisory Committee (MLAC) recommended to the Legislature that SB 560, which gives firefighters a legal presumption that cancers of five entire body systems are work-related injuries, should be narrowed to seven specific types of cancer. MLAC is a special committee comprised equally of management and labor interests formed to offer advice on worker's compensation legislation. SB 560 will receive a work session on April 11.

MLAC held three public hearings over the last three months and reviewed conflicting scientific data as to whether or not firefighting had a causal relationship to cancers of various systems in the body. In a compromise ruling, MLAC recommended that the bill be limited to include multiple myeloma, non-Hodgkin's lymphoma, prostate cancer, brain cancer, testicular cancer, colon cancer and stomach cancer.

In a meta-analysis of cancer studies supplied by the bill's requestors—the International Association of Firefighters—brain cancer, testicular cancer, colon cancer and stomach cancer were categorized as “possibly” caused by firefighting. Multiple myeloma, non-Hodgkin's lymphoma and prostate cancer were “probably” caused by firefighting. Data from Oregon and the West Coast on multiple myeloma and non-Hodgkin's lymphoma does not demonstrate an appreciable risk for firefighters as a group for these cancers, and studies on prostate cancers show that firefighters in the field the shortest amount of time are at greater risk.

Given the nature of the scientific data supporting SB 560, the League continues to oppose this legislation as it would increase insurance premiums for benefits that are already provided when warranted.

**The Legislative Bulletin is published weekly by the League of Oregon Cities.**

### **LOC Information**

(503) 588-6550; (800) 452-0338 toll-free  
Fax (503) 399-4863; E-mail: [loc@orcities.org](mailto:loc@orcities.org)

### **Oregon Legislature**

(503) 986-1000; [www.leg.state.or.us](http://www.leg.state.or.us)

### **Bill Information:**

(503) 986-1187; (800) 332-2313 toll-free



## *Greetings from Molalla*

### **Clackamas/Cities Association Dinner**

**Thursday, April 26th**

**6:30 p.m. social hour/7:00 p.m. dinner served**



The agenda is to allow each city a chance to share their experiences and projects and a little about their city.

We will be having a buffet, so you don't need to let us know what you would like for dinner, just enjoy. The Farmstead Restaurant & Pub has excellent food with a terrific atmosphere. There is a no-host bar, so you can order your favorite beverage. The address of the Farmstead Inn is 28313 S. Hwy. 213, Molalla, OR. 97038. Dinner cost is \$27.00, which includes gratuity. The menu is listed below.

***We look forward to seeing you and hearing about exciting details of each city.***

***Please R.S.V.P. with Melanie Maben at 503-829-6855 or e-mail at:  
city@molalla.net***

Grilled Tri-tip with mushroom demi-glaze

Country gravy smothered chicken breast

Buttermilk mashers

Rice pilaf

Seasonal vegetables

Gathered greens

Rolls w/butter

Pear port tarts

Coffee and tea

