

AGENDA

CANBY CITY COUNCIL MEETING

February 7, 2007, 7:30 P.M.

Council Chambers
155 NW 2nd Avenue

Mayor Melody Thompson

Council President Walt Daniels

Councilor Teresa Blackwell

Councilor Randy Carson

Councilor Tony Helbling

Councilor Wayne Oliver

WORK SESSION

6:30 P.M.

City Hall Conference Room
182 N Holly

The City Council will be meeting in a Work Session with the Canby Adult Center Board to discuss expansion of the Adult Center Building.

CITY COUNCIL MEETING

1. CALL TO ORDER

A. Pledge of Allegiance and Moment of Silence

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 \$318,569.74

B. Approval of Minutes of the January 17, 2006 City Council Work Session, Regular Meeting, and Executive Session

C. Annual Liquor License Renewals

Pg. 2

D. Reappointments to the Canby Utility Board

Pg. 5

7. PUBLIC HEARINGS

- | | |
|--|---------|
| A. ANN 06-04 (Netter) | Pg. 9 |
| B. ANN 06-05 (Parsons Family Trust) | Pg. 62 |
| C. ZC 06-04 (Willow Creek Estates, Inc.) | Pg. 110 |

8. RESOLUTIONS & ORDINANCES

- | | |
|---|---------|
| A. Ord. 1229, Authorizing Contract with Cynthia Thompson of BCB Consulting for Professional Services for Interim Management of Canby Area Transit Service (2 nd Reading) | Pg. 160 |
| B. Ord. 1230, Authorizing Contract with PAPE Material Handling of Tigard, Oregon for the Purchase of a New Hyster H50-FT for the Canby Wastewater Treatment Department | Pg. 162 |
| C. Ord. 1231, Amending the Zoning Map of the City of Canby For Tax Lot 5200 of Tax Map 4-1E-04DA | Pg. 112 |

9. NEW BUSINESS

10. CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS

11. CITIZEN INPUT

12. ACTION REVIEW

13. EXECUTIVE SESSION: 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. 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.



Serving Canby area seniors since 1973

Canby Adult Center

Date: October 27, 2006

To: Beth Saul
Facilities Manager, City of Canby

Re: Remodel Canby Adult Center Building

Dear Beth Saul,

It has come to the attention of the Canby Adult Center Board that in order for us to continue to serve the public and provide for growth over the next 10 years, we must enlarge the kitchen and add extra room onto the building.

We propose to extend the East wall of the kitchen 10 feet to provide adequate food preparation space. This will also provide room to expand the dishwashing area. We want to connect the kitchen with the back storage room and perhaps build a second level over the kitchen area for storage.

In order to move forward with this project we need approval from the City.

Over the next several years we plan to secure a Grant for a Master Plan and then hire a design consultant to come up with the most efficient and economical floor plan to suit our growth requirements.

We plan to fund this project with Community Development Block Grant money. The Block Grants are awarded on an annual basis with a 20% minimum match. We would not expect the City to incur any expenses whatsoever for this project.

We are expecting the City to provide background information, advice and assistance on this project as needed for RFPs, Grants, Consultant Firms and presentation equipment.

We look forward to partnering with the City as we move forward with this project.

Respectfully,

Ken Perinchief
Board Chairman

Bob Ruby
Kitchen Equipment Committee Chairman

Anna Phillips
Director

Memo

To: Mayor Thompson & Members of City Council
From: Chief Greg A. Kroeplin
CC: Judi Christiansen, Office Specialist
Date: January 16, 2007
Re: Annual Liquor License Renewals

I have reviewed the list of OLCC liquor license in Canby that are eligible for license renewal. Each license has been approved by me.

Dist. License # Number	Tradename	Participant	License Type	Premises Address
Local Government: CANBY				
2 75612	7-ELEVEN STORE #2353-17845C	BAIRD, JOLENE BAIRD, REGENT W	O	109 SE 1ST, CANBY, OR
75988	AMERICAN LEGION POST #122 CANBY	AMERICAN LEGION #122, CANBY	F-CLU	424 NW 1ST, CANBY, OR
76017	BLACKJACK DELI & MORE	BLACKJACK DELI & MORE LLC	L	1110 SW 1ST AVE, CANBY, OR
76095	CANBY BOWL	CANBY BOWL INC	L	145 SW 1ST, CANBY, OR
82723	CANBY KITCHEN	M & R INVESTMENTS LLC	F-COM	314 NW 1ST AVE, CANBY, OR
76006	CANBY PUB & GRILL	BUTLER INVESTMENTS INC	F-COM	211 N GRANT, CANBY, OR
78019	CANBY SHELL	HARRISON HOLDINGS INC	O	293 SW 1ST, CANBY, OR
75971	CUTSFORTH THRIFTWAY	GEF INC	O	225 NE 2ND, CANBY, OR
78188	DALIA'S	PISCITELLI, GAIL D	F-COM	356 NW 1ST, CANBY, OR
77367	DENNY'S RESTAURANT	CANBY-DENN INC	F-COM	1369 SE 1ST AVE, CANBY, OR
75251	FISHER'S MEATS	STONE, WILLARD J	O	272 N GRANT, CANBY, OR
76919	FRED MEYER	FRED MEYER STORES INC	O	1401 SE 1ST, CANBY, OR
77012	FULTANO'S PIZZA	ROMINE PIZZA CO	L	715 SE 1ST, CANBY, OR
77753	GODFATHER'S PIZZA	ARCADIA PIZZA COMPANY INC	L	1477 SE 1ST AVE #101, CANBY, OR
76439	GOLD DRAGON	PHAN, LAM P PHAN, TRAM N	F-COM	204 SW 2ND, CANBY, OR
75388	HOI TIN RESTAURANT	HUNG WON INC	L	1075 SW 1ST AVE, CANBY, OR
84050	HWY 99 SOUTH CANBY QUIK MART	HWY 99 SOUTH CANBY QUIK MART LLC	O	1120 SW 1ST, CANBY, OR
77706	LA MEXICANA	LA HERMITA INC	O	733 SE 1ST AVE, CANBY, OR
82761	LA MIXTECA MARKET	ZURITA, RUFINO	O	207 SW 1ST AVE, CANBY, OR
79152	LA SALSA MEXICAN FOOD	LA SALSA MEXICAN FOOD LLC	L	851 SW FIRST AVE, CANBY, OR
76209	LONE ELDER PIZZA	J & E INC	L	207 SW 1ST #106, CANBY, OR
76954	LOS DORADOS MEXICAN RESTAURANT	LOS DORADOS INC	F-COM	1011 SW 1ST AVE, CANBY, OR
77651	MI TIERRA MEXICAN RESTAURANT	LA HERMITA INC	F-COM	729 SE 1ST AVE, CANBY, OR
77211	MIKE'S PLACE	CHRS INC	O	404 NW 1ST AVE, CANBY, OR
77213	MIKE'S PLACE	CHRS INC	L	404 NW 1ST AVE, CANBY, OR
76448	NUEVO VALLARTA RESTAURANT	PUERTO VALLARTA RESTAURANTS INC	F-COM	1385 SE 1ST AVE #104, CANBY, OR
76726	RITE AID #5325	THRIFTY PAYLESS INC	O	1025 SW 1ST AVE, CANBY, OR
75689	SAFEWAY STORE #2604	SAFEWAY INC	O	1055 SW 1ST AVE, CANBY, OR
77309	SEASONS GRILL	EPICURE ENTERPRISES INC	F-COM	101 N ELM ST, CANBY, OR
75551	SHRIJI MARKET	SHRIJI INC	O	891 SE FIRST AVE, CANBY, OR
77489	SMOKE 4 LESS	PRABEZ LLC	O	1021 SW 1ST AVE SUITE A, CANBY, OR
78145	SPINNING WHEEL	AUSNACO LLC	F-COM	22842 S HWY 99E, CANBY, OR
75494	THAI DISH	THAI DISH INC	L	108 N IVY ST, CANBY, OR
78730	THE WILD HARE SALOON & CAFE	SIDEWINDER INC	F-COM	1190 SW FIRST, CANBY, OR
75748	TNT MARKET	KHP 1 INC	O	164 SE 1ST ST, CANBY, OR
77642	TRES CAFE'	TRES CAFE' INC	L	243 NW 2ND AVE, CANBY, OR

Dist. #	License Number	Tradename	Participant	License Type	Premises Address
Local Government: CANBY					
2	77687	TRES CAFE'	TRES CAFE' INC	O	243 NW 2ND AVE, CANBY, OR
	77266	WILLAMETTE VALLEY COUNTRY CLUB	WILLAMETTE VALLEY CNTRY CLUB INC	F-CLU	900 COUNTRY CLUB PL, CANBY, OR

01-16-07

REVIEWED

APPROVED

CHIEF

KROSTON



Term to Expire
2.28.2010

RECEIVED

JAN 25 2007

CITY OF CANBY

January 17, 2007

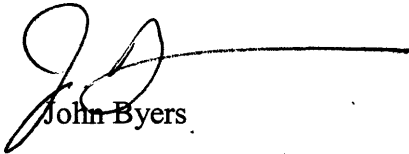
Honorable Mayor Melody Thompson
City of Canby
PO Box 930
182 N. Holly Street
Canby, OR 97013

Dear Mayor Thompson:

In November 2005, you appointed me to the Canby Utility Board of Directors to fill a seat left vacant by John Hill. My term expires February 28. During my short time on the board, I have learned much about public power and municipal water systems and the benefits Canby Utility provides to our community. My board experience has been rewarding. I have enjoyed the challenges and accomplishments.

It would be my pleasure to serve our community by serving another term on the Canby Utility Board of Directors. I am respectfully requesting reappointment to the board for the next three-year term.

Sincerely,



John Byers

Canby, OR 97013

CITY OF CANBY
APPLICATION
BOARD/COMMITTEES/COMMISSIONS/COUNCIL

Instructions: By using either your tab key or arrow keys, navigate to each field and type in your information. When complete, save the document to your computer and either mail, fax or email to the addresses listed below.

Date: January 17, 2007

Name: John Byers

Occupation: Program Manager

Home Address:

Employer: Oregon Department of Agriculture

Position: Program Manager

Daytime Phone:

Evening Phone:

E-Mail Address: jbyers@canby.com

For which position are you applying? Canby Utility Board

What are your community interests (committees, organizations, special activities)? Continuing to provide public service to the citizens of Canby by serving as a director on the Canby Utility Board.

Experience and educational background: Masters of Public Administration: 1994; California State University, Chico. BA: Recreation Management 1981; Idaho State University.

I currently work for the Oregon Department of Agriculture (ODA). My position responsibilities include program management, outreach coordination, public relations liason, and computer graphics design. I am experienced with public policy and rulemaking, and I am very familiar with handling contentious and controversial program areas.

My professional background is diverse. Prior to my current position, I was a corporate executive with senior care providers. I was responsible for executive facility management, marketing, food service, resident lifestyle activities, maintenance, and care delivery. I was also responsible for facility budgeting, personnel policy, and marketing strategy development and implementation. I was a licensed Assisted Living Administrator in Oregon and California (licenses have since expired).

Prior to graduate school, I was a radio broadcaster for 17 years. I started my career on-air and advanced to the positions of Program Director, News Director, and General Manager.

Reason for your interest in this position: After moving to Canby and purchasing a home it has been my desire to serve the community in a volunteer capacity. The Canby Utility Board allows

me to serve, while using my education and work experience to help successfully further the boards mission.

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): N/A

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 Email: scheaferk@ci.canby.or.us

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

9-30-05

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

Instructions: By using either your tab key or arrow keys, navigate to each field and type in your information. When complete, save the document to your computer and either mail, fax or email to the addresses listed below.

Date: 1/26/07

Name: Scott Taylor

Occupation: Corrections

Home Address:

Employer: State of Oregon

Position: Chief Community Corrections

Daytime Phone:

Evening Phone:

E-Mail Address: scottt@canby.com

For which position are you applying? Canby Utility Board

What are your community interests (committees, organizations, special activities)? The entire community and the strategic development of the community.

Experience and educational background: Currently on Cub Board, former Mayor, Council President, City Council, Budget Committee.

Reason for your interest in this position: Continue work of last few years.

List any other City or County positions on which you serve or have served: See Above

Information on any special membership requirements:

Referred by (if applicable): Mayor

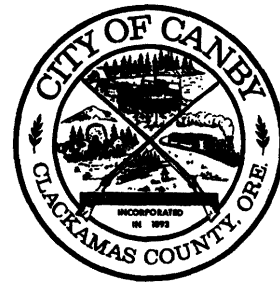
Feel free to attach a copy of your resume and use additional sheets if necessary

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 Email: scheaferk@ci.canby.or.us

RECEIVED
JAN 30 2007
CITY OF CANBY



M E M O R A N D U M

TO: *Honorable Mayor Thompson and City Council*

FROM: *Kevin Cook, Associate Planner*

THROUGH: *Mark Adcock, City Administrator*

DATE: *January 29, 2007*

RE: *Planning Commission Recommendation on Annexation Application
(City File Number ANN 06-04 – Netter)*

Issue:

The applicant is seeking to annex a single 1.95 acre tax lot into the City of Canby. If annexed, the applicant proposes to construct 12 new single family homes with vehicle access from S Fir St. The parcel currently contains one single-family residence and three outbuildings. The applicant's conceptual plan is very similar to the Sequoia Place subdivision immediately to the north of the subject parcel.

Synopsis:

In a public hearing held January 22, 2007, the Planning Commission voted 3-0 to recommend approval of the annexation to the City Council. The City Council now holds a new hearing but shall consider the Planning Commission's decision during Council deliberations. If the City Council denies the application, that decision will be final and the annexation will not be sent to Canby voters. If the application is approved, the proposal will be placed on the May 15, 2007 ballot for voters to make a final decision.

Planning Commission Recommendation:

The Planning Commission recommends that the City Council **approve ANN 06-04** and forward the application to Canby voters for a final decision.

Rationale:

The Planning Commission held a public hearing on January 22, 2007 and found that the application met the standards and criteria for annexation. The Commission adopted written findings on January 22, 2007 which include the following:

1. The land is designated Priority "A" for annexation.
2. The current supply of platted Medium Density (R-1.5) buildable lots in Canby is nearly zero, which is less than the 3 year supply considered sufficient to meet the need for residential land.
3. The property is not used for agriculture and is designated priority "A" for annexation, and is thereby reserved for urban development before other properties considered priority "B" and "C".
4. The current access at N Fir Street is sufficient to serve the needs of annexation and development on the site.
5. The City and other affected service-providing entities have the capability to amply provide the area of the proposed annexation with urban level services upon future development.
6. The annexation proposal is in compliance with other applicable City ordinances or policies.
7. The annexation proposal complies with all applicable sections of Oregon Revised Statutes.
8. No natural hazards have been identified on the site.
9. The effect of urbanization of the subject property to designated open space, scenic, historic or natural resource areas is limited, in that the open space designation and requirements as found in the Parks Master Plan will be adhered to.
10. No adverse economic impacts are likely to result from the annexation of the subject property.

Background:

The subject parcel is currently zoned EFU (Exclusive Farm Use) by Clackamas County. Canby's Comprehensive Plan designation of the subject parcel is R-1.5 Medium Density Residential. If annexation is approved, City zoning for the parcel would automatically be amended to reflect the R-1.5 zoning in conformance with the Comprehensive Plan.

The parcel currently contains one single family residence and three out buildings. The subject parcel is essentially flat. Soil on the site is suitable for residential development and is not used in agricultural production. The parcel contains no

steep slopes, no apparent waterways and no natural hazards that would prevent development of the site.

The property to the north (Sequoia Place) is within the City limits and is zoned R-1.5 Medium Density Residential. The property to the east (Hope Village) is within the City limits and is zoned R-1.5 Medium Density Residential. The property to the west is within the City limits and is zoned R-1 Low Density Residential. The property to the south is not within the City limits and has a Comprehensive Plan designation of Medium Density Residential.

The subject parcel is bounded on three sides by lands within the City limits. The property is surrounded by residential lands of varied density.

Traffic analyses and utility information included in this application are based on anticipated residential use. In considering the application, however, applicable criteria should be applied to the annexation only and not to any conceptual plan.

Citizen Testimony:

To date, no written testimony has been received and no citizens gave testimony at the January 22, 2007 Planning Commission meeting.

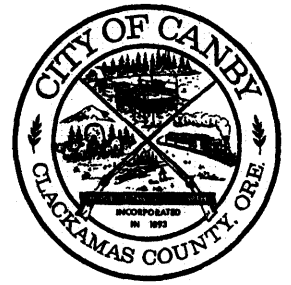
Options:

1. Deny the application for annexation. The Planning Commission does not recommend this option.
2. Recommend approval of the annexation and place the proposal on the May 15, 2007 ballot for voters to make a final decision. The Planning Commission recommends this option based on the findings and reasons listed above. If the Council supports this recommendation, the following motion is appropriate:

I move that the City Council approve ANN 06-04 and request that the City Attorney return with ballot title and language appropriate to forward the final decision to Canby voters in the primary election on May 15, 2007.

Attachments:

- A: Planning Commission staff report and attachments
B: Planning Commission Findings



- STAFF REPORT -

APPLICANTS:

Nick & Jamie Netter ✓
2147 NE Territorial Rd
Canby, OR 97013

FILE NO.:

ANN 06-04

OWNERS:

Todd & Theresa Snelson
1401 S Fir St.
Canby, OR 97013

STAFF:

Kevin C. Cook
Associate Planner

LEGAL DESCRIPTION:

Tax Map 4-1E-4CA
Tax Lot 1301 (1.95 acres)

DATE OF REPORT:

January 12, 2007

LOCATION:

1401 S Fir St.

DATE OF PC HEARING:

January 22, 2007

COMPREHENSIVE PLAN DESIGNATION:

R-1.5 Medium Density Residential

ZONING DESIGNATION:

Exclusive Farm Use
(Clackamas County EFU)

I. APPLICANT'S REQUEST:

The applicant is seeking to annex a single 1.95 acre tax lot into the City of Canby. If annexed, the applicant proposes to construct 12 new single family homes with vehicle access from S Fir St. The parcel currently contains one single-family residence and three outbuildings. The applicant's conceptual plan is very similar to the Sequoia Place subdivision immediately to the north of the subject parcel. The parcel was previously reviewed and approved by the Planning Commission and the City Council in December 2005/January 2006 but was ultimately rejected by the voters in the May 2006 election.

II. MAJOR APPROVAL CRITERIA:

The Planning Commission forms a recommendation that the City Council may consider while conducting a public hearing. If the City Council recommends approval of the application, the annexation is placed before the voters at the next general election.

Section 16.84.040 of the Canby Municipal Code states that when reviewing a proposed annexation, the Commission shall give ample consideration to the following:

1. Annexation shall be in keeping with prioritization categories, as designated on the adopted maps showing growth phasing (Urban Growth Element of the Comprehensive Plan).
2. Analysis of the "need" for additional property within the city limits shall be provided.
3. Smaller non-farm land shall be considered a priority for annexation over larger farm land;
4. Access shall be adequate to the site;
5. Adequate public facilities and services shall be available to service the potential (or proposed) development;
6. Compliance with other applicable city ordinances or policies;
7. Compliance of the application with the applicable sections of Oregon Revised Statutes Chapter 222. (In other words, a triple majority type application must contain proof that a triple majority does, in fact, exist, etc.);
8. Risk of natural hazards which might be expected to occur on the subject property shall be identified;
9. Urbanization of the subject property shall not have a significant adverse effect on specially designated open space, scenic, historic or natural resource areas;
10. Economic impacts which are likely to result from the annexation shall be evaluated in light of the social and physical impacts. The overall impact which is likely to result from the annexation and development shall not have a significant adverse effect on the economic, social and physical environment of the community, as a whole. The full text of the annexation criteria can be found in Section 16.84.040 of the Land Development and Planning Ordinance.

III. FINDINGS:

A. Background and Relationships:

The subject parcel is currently zoned EFU (Exclusive Farm Use) by Clackamas County. Canby's Comprehensive Plan designation of the subject parcel is R-1.5 Medium Density Residential. If annexation is approved, City zoning for the parcel would automatically be amended to reflect the R-1.5 zoning in conformance with the Comprehensive Plan.

The parcel currently contains one single family residence and three out buildings. The subject parcel is essentially flat. Soil on the site is suitable for residential development and is not used in agricultural production. The parcel contains no steep slopes, no apparent waterways and no natural hazards that would prevent development of the site.

The property to the north (Sequoia Place) is within the City limits and is zoned R-1.5 Medium Density Residential. The property to the east (Hope Village) is within the City limits and is zoned R-1.5 Medium Density Residential. The property to the west is within the City limits and is zoned R-1 Low Density Residential. The property to the south is not within the City limits and has a Comprehensive Plan designation of Medium Density Residential.

The subject parcel is bounded on three sides by lands within the City limits. The property is surrounded by residential lands of varied density.

Traffic analyses and utility information included in this application are based on anticipated residential use. In considering the application, however, applicable criteria should be applied to the annexation only and not to any conceptual plan.

The parcel was previously reviewed and approved by the Planning Commission and the City Council in December 2005/January 2006 but was ultimately rejected by the voters in the May 2006 election.

B. Comprehensive Plan Consistency Analysis

ii. Urban Growth

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.

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

Analysis: Annexation of the subject property is the first step toward urban development and provision of urban services. According to the Comprehensive Plan this property is designated priority "A" for annexation.

Implementation Measure A of this policy states:

"Urban facilities and services must be adequate in condition and capacity to accommodate the additional level of growth, as allowed by the City Comprehensive Plan prior to, or concurrent with, the land use changes".

Existing utilities are sufficient to serve the subject parcel with urban level services. The subject parcel is a small property essentially surrounded by urban level services at or near the site. Utility issues are discussed further in the Public Facilities and Services section below.

Implementation Measure D of this policy states:

"The adopted maps showing growth phasing shall be used as a **general guideline** for the City's outward expansions. Areas designated as Type "A" urbanization lands shall generally be annexed prior to those areas shown as Type "B", etc..."

The parcel meets criteria for both phasing of growth and nature of size and use. The parcel is small part of an island of county land that is not engaged in agricultural production. The parcel is also designated as priority "A" for annexation, indicating that it should be considered before other lands designated priority "B" and "C".

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

Analysis: Implementation Measure B of this element states, "Carefully analyze the need for additional property within the City limits or in light of underutilized incorporated property, prior to the annexation of additional land." Annexation of this parcel would permit future development according to the Comprehensive Plan. The proposal would bring 1.95 acres of land into the City under R-1.5 Medium Density Residential zoning. See the attached Buildable Lands Analysis.

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

Analysis: Request for comments have been sent to all public facility and service providers (see discussion under Public Services Element).

iv. Environmental Concerns Element

GOAL:

- 1) TO PROTECT IDENTIFIED NATURAL AND HISTORICAL RESOURCES.**
- 2) TO PREVENT AIR, WATER, LAND, AND NOISE POLLUTION. TO PROTECT LIVES AND PROPERTY FROM NATURAL HAZARDS.**

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

Analysis: Surrounding parcels are used in residential development. The subject parcel is also committed to residential development and is not used for agricultural production.

Policy #1-R-B: Canby shall encourage the urbanization of the least productive agricultural area within the urban

growth boundary as a first priority.

Analysis: *Implementation Measure B of this element states, "Carefully analyze the need for additional property within the City limits or in light of underutilized incorporated property, prior to the annexation of additional land."*

Goal #2 addresses the need for buildable land in Canby. Canby generally considers a 3 year supply of buildable lands (for each residential zoning district) to be sufficient; The City Council has determined that only platted lots and/or approved units should be included in the calculations; annexed land that has not been subdivided will not be included in the analysis. The Council has also determined that annexations that will significantly exceed the 3-year supply would not meet the annexation criteria for need.

Based on the number of vacant platted lots in the R-1.5 zoning district, the total supply of buildable lands available for medium density residential development is essentially zero. The proposed annexation along with development of property to the west would potentially add 12 new lots at the time of final subdivision plat approval. The new lots would bring the buildable lands supply total to 4.29 years when added to today's availability. However, the 4.29 year figure is skewed and should not necessarily be taken at face value; the reason being, the land supply is normally based upon a five year average of building permits issued, yet the past five years have seen a severe deficit in the supply of medium density lands.

For this policy, implementation measures C and D also apply to annexations. Measure C gives direction to "encourage growth into areas where land is fragmented into small parcels which are not conducive to productive agricultural use." Measure D gives direction to "review annexation proposals in light of the growth phasing strategies of the Urban Growth Element."

The subject parcel is not involved in agricultural production and is surrounded by residential uses. The property is also designated priority "A" for annexation, giving it precedence over larger agricultural uses.

Policy #2-R: Canby shall maintain and protect surface

water and groundwater resources.

Analysis: *Public facilities and service providers did not express any storm-water concerns with this proposal. New development will be required to comply with local, State, and Federal laws concerning surface water and ground water resources.*

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

Analysis: *The subject property does not fall within a hazard zone as identified by the Comprehensive Plan. There are no steep slopes and no identified flood prone areas. There are no wetlands and there are no historic sites on the property. Existing trees may be considered significant wildlife habitat in the areas anticipated for development.*

v. Transportation Element

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

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: *Canby Police and Fire districts were sent a Request for Comments. Neither agency expressed concerns with access to the site.*

v. 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.

Staff Report
ANN 06-04
Page 7 of 11

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" regarding this application. Responses were received from the City Engineer, Wastewater Treatment Plant, Canby Electric, Canby Water, and Police.

All Service Providers indicate that services are available to serve the proposed annexation and subsequent development.

Traffic Analysis: A traffic study was conducted by Lancaster Engineering in . The study did not predict any excessive impacts onto local streets and intersections.

vii. Economic Element

GOAL: TO DIVERSIFY AND IMPROVE THE ECONOMY OF THE CITY OF CANBY.

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

Analysis: While the County's zoning designation for the parcel is Exclusive Farm Use, the subject property is dedicated to residential use, is not currently used for agricultural production and is not likely to be used for any type of agricultural production. The subject parcel is designated Priority "A" for annexation and can be served by urban level services upon development.

viii. Housing Element

GOAL: TO PROVIDE FOR THE HOUSING NEEDS OF THE CITIZENS OF CANBY.

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

Analysis: This property is within the City's Urban Growth Boundary and, as such, is intended to be available for development at some point within the next 20 years. The parcel also provides an opportunity to provide affordable housing while infilling vacant land inside the city limits.

Conclusion Regarding Consistency with policies of Canby's Comprehensive Plan:
This application is consistent with the Comprehensive Plan policies for annexation.

C. Evaluation Regarding Annexation Consideration Criteria

1. Annexation shall be in keeping with prioritization categories, as designated on the adopted maps showing growth phasing (Urban Growth Element of the Comprehensive Plan). Areas designated as Type "A" urbanization lands shall be annexed prior to those areas shown as Type "B", etc.

Analysis: The subject parcel is designated priority "A" for annexation.

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

Analysis: The City of Canby monitors residential land supplies in order to determine the City's general need for buildable land. The "need" for developable land is a function of total supply and actual lands platted for development (see Buildable Lands Analysis for current land supplies).

3. Smaller, non-farm land shall be considered a priority for annexation over larger farm land.

Analysis: The property is not used for agriculture and is designated priority "A" for annexation, and is thereby reserved for urban development before other properties considered priority "B" and "C".

4. Access shall be adequate to the site.

Analysis: Access to the site will require street improvements at the time of development. Current access at S Fir Street is sufficient to

serve the needs of annexation and development on the site.

5. Adequate public facilities and services shall be available to service the potential (or proposed) development.

Analysis: Public facility and service providers indicate that services are currently available at the site or will become available through development to serve the needs of the subject parcel.

6. Compliance with other applicable city ordinances or policies.

Analysis: The purpose for this criterion is to ensure that the annexation application is in compliance with City policies that are not specifically addressed in the rest of the criteria. Staff believes the application meets other applicable city ordinances and policies, as discussed in the analysis above with relation to Comprehensive Plan policies.

7. Compliance of the application with the applicable sections of Oregon Revised Statutes Chapter 222. (In other words, a triple majority type application must contain proof that a triple majority does, in fact, exist, etc.).

Analysis: The application complies with the applicable sections of Oregon Revised Statutes Chapter 222.

8. Risk of natural hazards which might be expected to occur on the subject property shall be identified.

Analysis: No natural hazards have been identified on the subject property.

9. Urbanization of the subject property shall not have a significant adverse effect on specially designated open space, scenic, historic or natural resource areas.

Analysis: There are no "specially designated" open spaces, scenic or historic areas identified on the subject property.

10. Economic impacts which are likely to result from the annexation shall be evaluated in the light of social and physical impacts. The overall impact which is likely to result from the annexation and development shall not have a significant adverse effect on the economic, social and physical environment of the community as a whole.

Analysis: The annexation of this property would not have a significant adverse affect on the short term economic, social and physical environment of the community. Annexation and development of the

parcel would provide temporary employment during construction and would provide approximately twelve long-term residences.

IV. CONCLUSION

Staff hereby concludes that the proposed annexation meets the requirements of the standards and criteria included in the Canby Land Development and Planning Ordinance, Section 16.84.040.

V. RECOMMENDATION

Based upon the findings and conclusions contained in this report and without benefit of a public hearing, staff recommends that the Planning Commission recommend approval of ANN 06-04 to the City Council, with the addition of the following understandings.

1. The zoning classification for the property will be R-1.5 Medium Density Residential.
2. All service connections, recording costs and future development costs are to be borne by the applicant and/or the property owners.
3. All City and service provider regulations shall be adhered to at the time of connection to services and/or upon future development.
4. Public utility easements are normally conditioned as a part of new development. As no new development is proposed, sidewalks and utility easements will be required upon any future land use application including subdivision approval, Site and Design Review approval and/or issuance of a building permit or other application for development.
5. Any costs associated with the annexation election **not already** covered by an initial deposit shall be the responsibility of the applicant and/or property owner. Elections costs shall be payable upon receipt of an itemized billing from the City of Canby.

Exhibits:

1. Applicant's Packet
2. Responses to Requests for Comments
3. Buildable Lands Analysis
4. 2006 Traffic Study

**CITY OF CANBY
ANNEXATION APPLICATION**

Fee: *See Reverse

Election Costs Deposit: \$2,500.00 – General Election - \$4,500.00 Special Election
Process Type IV

OWNERS

APPLICANT**

Name Todd & Theresa Snelson

Name Nick & Jamie Netter

Address 1401 S. Fir Street

Address 2045 N Walnut Street

City Canby State OR Zip 97013

City Canby State OR Zip 97013

Phone 503-263-6350 Fax

Phone (503) 708-9979 Fax 266-8486

E-mail

E-mail nnconst@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



DESCRIPTION OF PROPERTY

Address 1401 S. Fir Street

Tax Map 4 1E 4CA

Tax Lot(s) 1301

Lot Size 1.95
(Acres/Sq.Ft.)

Existing Use One single family home and 3 outbuildings

Proposed Use Annexation for future R-1.5 medium density residential development

Existing Structures One single family home, 3 outbuildings

Zoning EFU, Proposed R-1.5

Comprehensive Plan Designation MDR

Previous Land Use Action (If any) ANN 05-07 annexation request (denied by voters)

FOR CITY USE ONLY

File # ANN 06-04

Date Received 10/31/06 By KCC

Completeness _____

Pre-App Meeting _____

Hearing Date _____

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

EXHIBIT

#1 24

SW 13th AVENUE

ANNEXATION BOUNDARY FOR NICK NETTER
IN THE NE 1/4 OF THE SW 1/4, SECTION 4, T4S, R1E, W.M.
CLACKAMAS COUNTY, OREGON

SCALE 1" = 60' OCTOBER 14, 2005

GAYLORD LAND SURVEYING, INC.
2910 S.E. OAK GROVE BLVD.
MILWAUKIE, OREGON 97267
(503)654-1492

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 26, 1994
PATRICK M. GAYLORD
2767
RENEWED THRU 06/30/07

ELMWOOD PARK

"B" STREET

SITE ADDRESS: 1401 S. FIR STREET
CANBY, OR 97013

APPLICANT: NICK & JAMIE NETTER
2147 NE TERRITORIAL ROAD
CANBY, OR 97013

OWNER: TODD & THERESA SNELSON

LEGAL: T4S, R1E, SECT 4CA
TAX LOT 1301

SITE SIZE: 1.95 ACRES

NOTES & LEGEND

WV = WATER VALVE

WL = WATER LINE

WM = WATER METER

CB = CATCH BASIN

UP = UTILITY POLE

UPG = UTILITY POLE GUY ANCHOR

EAC = EXISTING EDGE OF ASPHALTIC CONCRETE

TFC = TOP FACE OF CURB

DCH = DITCH LINE

SSC = SANITARY SEWER CLEANOUT/MANHOLE

FIR TREE

WALNUT TREE

BAY TREE

MONUMENT FOUND

NO MONUMENTS WERE SET DURING THIS SURVEY

SEQUOIA PLACE

SEQUOIA PLACE, PLAT NO. 3820

SW 14th CT.

SW 15th CT.

TOTAL AREA
85,094. sq.ft.
1.95 acres

HOPE VILLAGE

SCALE 1" = 40'
PROJECT NO. 05121

REVISIONS	BY

PROPOSED ANNEXATION
1401 S. FIR STREET
NICK & JAMIE NETTER

Survey

SIBUL ENGINEERING
370 PORTLAND AVENUE
CLATSOP, OREGON 97027
(503) 667-0188

DATE OCT. 2005

SCALE 1"=40'

DRAWN RW

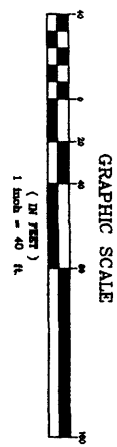
JOB SGL 05-113

SHEET

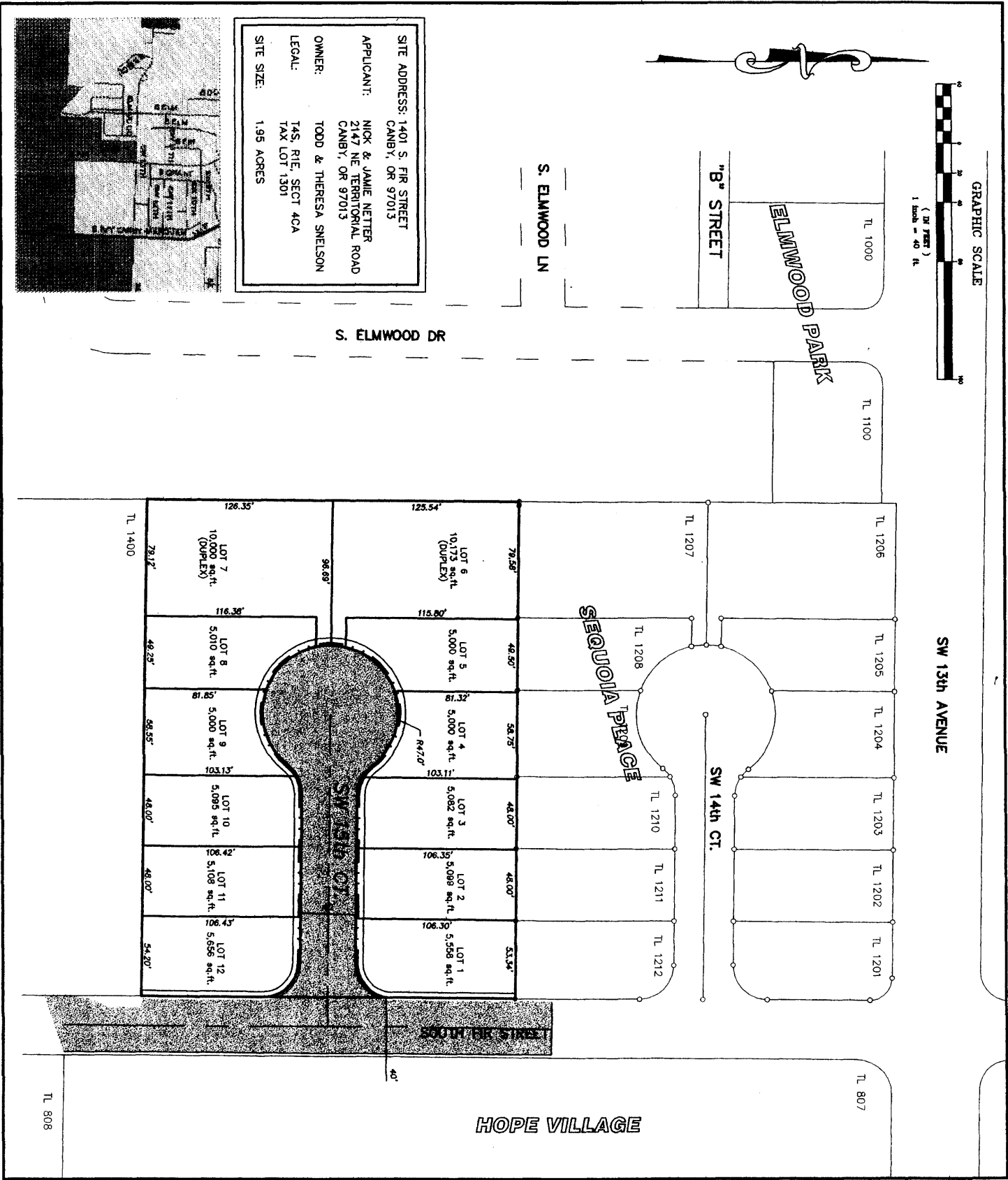
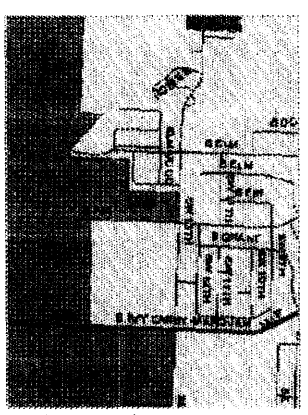
2

OF 2 SHEETS

25



SITE ADDRESS: 1401 S. FIR STREET
 CANBY, OR 97013
 APPLICANT: NICK & JAMIE NETTER
 2147 NE TERRITORIAL ROAD
 CANBY, OR 97013
 OWNER: TODD & THERESA SNELSON
 LEGAL: T4S, R1E, SECT 4CA
 TAX LOT 1301
 SITE SIZE: 1.95 ACRES



SISUL ENGINEERING 576 PORTLAND AVENUE GLADSTONE, OREGON 97027 (503) 657-0188	General Land Use Plan PROPOSED ANNEXATION 1401 S. FIR STREET NICK & JAMIE NETTER	REVISIONS	BY
DATE: OCT. 2005 SCALE: 1"=40' DRAWN: RW JOB: SGL 05-113 SHEET: 1 OF 2 SHEETS			

26

NARRATIVE

Application for Annexation

Applicant	Nick & Jamie Netter 2147 NE Territorial Road Canby, OR 97013 (503) 263-6961
Representative	Sisul Engineering, Inc. 375 Portland Avenue Gladstone, OR 97027 (503) 657-0188 Contact: Pat Sisul
Location	South of SW 13 th Avenue, west of S. Fir Street
Legal Description	Tax Lot 1301, Sec. 4, T4S R1E WM (Assessor Map 4DA)
Zone	County: EFU Proposed City: R-1.5
Site Size	1.95 Acres
Proposal	Annexation of 1.95 acres.

PROPOSAL

The applicant proposes annexation of 1.95 Acres, with a zoning designation of R1.5 "Medium Density Residential" Zone. Annexation will allow the development of approximately 12 new lots suitable for single-family residences.

SITE DESCRIPTION

The site is south of SW 13th Avenue, and is bounded on the north, east, and west by the City of Canby.

The site has frontage on South Fir Street. The site is presently occupied by a residence and several outbuildings.

The site is very nearly flat, with no identified natural resources or physical hazards.

Public sewer and water are available to the site in S. Fir Street. No public storm drainage system is available.

Applicable Criteria and Standards

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

Canby Comprehensive Plan

Canby Municipal Code Section 16.84.040

- 1. Annexation shall be in keeping with prioritization categories as designated on the adopted maps showing growth phasing....*
- 2. Analysis of the "need" for additional property within the city limits shall be provided.*
- 3. Smaller non-farm land shall be considered a priority for annexation over larger farm land....*
- 4. Access shall be adequate to the site....*
- 5. Adequate public facilities and services shall be available....*
- 6. Compliance with other applicable city ordinances or policies....*
- 7. Compliance with applicable sections of ORS 222....*
- 8. Risk of natural hazards....*
- 9. Urbanization of the subject property shall not have a significant adverse effect on specially designated open space, scenic, historic or natural resource areas....*
- 10. Economic impacts which are likely to result from the annexation shall be evaluated in light of the social and physical impacts....*

CANBY COMPREHENSIVE PLAN

Urban Growth Element

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

Response: The site is designated "EFU" by Clackamas County, an agricultural zone. The site is being used for agricultural purposes. The soil type identified for the site is "Latourell Loam," which is suitable for agriculture or for development. Since the

property is within the City's Urban Growth Boundary, the policy has been established by the City and County that the site ultimately will be developed for urban uses.

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

Response: The site is in priority area "A" as identified on maps in the City's Comprehensive Plan. It is immediately south, west, and east of land within the City limits. This is an area that is in the process of converting to urban uses, where public utilities are available. However, the current pattern of development, with County land nearly surrounded by land within the City limits, potentially makes provision of some services (e.g. fire and police) less efficient.

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

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

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

Response: Public facilities and services are generally available to the site.

Public sewer and water are available in S. Fir Street. The applicant has been advised that the City has adequate capacity to serve the site. Storm water is anticipated to be managed through infiltration into the soil, as with surrounding developments.

Public schools are required by law to provide for students within the district. The School District has advised that with the opening of Baker Prairie Middle School in September, 2006, school capacity should be available for the next five to ten years. New boundaries were adopted by the school district on February 16, 2006, to redistribute students to schools more closely aligned with their neighborhoods and spread the student population more evenly throughout the system. The high school has a capacity of 1,660 and a current enrollment of 1,747. Enrollment figures are from the Oregon Department of Education Report for 2004-2005, the most recent data available at the Oregon Department of Education website.

With the complex approval processes required for annexations and land development, it is likely that lots will not become available until late 2007 or early 2008. New homes will likely not be constructed before early 2008, so new students from this property would not attend area schools until at spring of 2008 and more likely, fall of 2008.

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

Land Use Element

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

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

Response:

The annexation proposed by this application would add about 12 lots to the buildable land supply. The City's Buildable Lands Inventory shows that currently the City has no or virtually no available R1.5 buildable land and that the R1.5 "need" is 2.8 units per year, based on a recent five-year average. However, since there has historically been a shortage of available lots in the R-1.5 buildable lands inventory, the actual "need" could well be much greater since there is no available supply to meet the potential demand.

The current supply of "Buildable land" does not translate immediately into lots available for development. The process of development through platting, construction of improvements, etc. can take a year or more, with the timing dependent on the weather and other factors.

The proposed annexation would add 1.95 Acres, potentially 12 lots or about a 16 or 17 month's supply of buildable land, based on the analysis in this application. However, the annexation would not be finalized until a public vote occurred in May, 2007. An application for subdivision, construction plans, and final plat would likely not be approved until late 2007 or 2008. Construction might begin in the fall of 2007. It is likely that new dwellings in the proposed annexation site would not become available until early 2008 — roughly two years from now.

The length and complexity of the approval process, even without an annexation, makes it difficult to predict the rate at which lots are developed and used. Further, this applicant intends to retain the site for the land supply for their construction business. Their intention is to build homes in the subdivision in phases, to allow construction of new homes over a period of about two years.

If annexed, this property would add 16 or 17 months to the buildable land supply and, when subdivided, an equivalent time period to the platted land supply. The new lots would become available in late 2007 or 2008.

The site is located in an area that is currently developing and where public facilities are available. A traffic signal at SW 13th and South Ivy facilitates vehicular movements in the area and provides connections for destinations around the community. Annexation of the site would facilitate the orderly provision of public services by filling in the gap between portions of the city in this area.

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

Response: The applicant has contacted the City and other service providers. No problem has been identified with the provision of any public facility or service, other than schools, which have posed a chronic problem for the community. However, construction of the new middle school will alleviate most current problems.

Environmental Concerns Element

Goal 1. To protect identified natural and historical resources.

Goal 2. To prevent air, water, land, and noise pollution. To protect lives and property from natural hazards.

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

Response: The site is not a viable farm tract as an isolated parcel owing to the proximity of urban uses. As other properties around the site develop with urban uses, the parcel becomes less viable for agricultural uses because it will be separated from adjacent, farmed properties and will be subject to greater impacts from adjacent, residential uses. The site is bounded on the east, west, and north by city land and its ultimate destiny was settled with establishment of the Urban Growth Boundary and annexation priority system.

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

Response: The proximity of non-agricultural uses makes agricultural use impractical for the property, owing to the possible impacts on adjacent residences of noise, smell, dust, agricultural chemicals, etc. Therefore, the site is not desirable for farming but is well suited for residential development similar to adjacent subdivisions, with public sewer and water available in the adjacent streets.

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

Response: There are no surface water features on the site or in the vicinity. The applicant expects to manage storm water from a subdivision project on the site through filtration and infiltration as is currently permitted by the City and the Department of Environmental Quality.

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

Response: None of the referenced conditions affect the site.

Transportation Element

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

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

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

Response: SW 13th Avenue is classified as an arterial by the Transportation System Plan. A signal is located at the intersection of SW 13th and Ivy, facilitating vehicular movements in the area. S. Fir Street has been improved to a ¾ street width in front of the site by the Hope Village development. The applicant would expect to construct the street frontage to "urban" standards to accommodate anticipated traffic at the time of any future development. In addition, all internal streets would be constructed to satisfy City standards.

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

Response: The layout for any future development can be designed to provide access for all lots and facilitate access for emergency vehicles. This will be demonstrated in the context of a subdivision application. However, a conceptual preliminary plan is included with the application, demonstrating that the site can be developed in a manner similar to Sequoia Place, immediately to the north.

Public Facilities and Services Element

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

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

Housing Element

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

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

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

ANNEXATION CRITERIA

(Canby Municipal Code Section 16.84.040)

1. Annexation shall be in keeping with prioritization categories as designated on the adopted maps showing growth phasing....

Response: The site is in Priority Area A, and the proposal is therefore consistent with the City's growth phasing plan.

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

Response:

"Need" was discussed with relation to the "Land Use Element" of the Comprehensive Plan. The annexation would add 1.95 acres to the City's supply of available, buildable land, approximately a 16 to 17 months' supply. As noted, this application suggests that since the number of available lots in the R-1.5 zone has been historically been limited, the five year rolling average used by the City understates the actual need and demand for R1.5 land.

The development process, from land acquisition to annexation to subdivision application to completion of public facilities improvements, can take well over a year. The estimated supply of land may vary, depending on rate of growth and difficulties involved in the development process, such as devising a suitable design for lot layout, obtaining financing, designing and constructing public improvements, and so on. The proposed annexation would add approximately 16 to 17 months' supply of R1.5 lots that would become part of the available land supply within the City limits for use in 2007 through 2008, given the time involved in converting raw land to suitable lots ready for building permits and the applicant's business plans.

3. Smaller non-farm land shall be considered a priority for annexation over larger farm land....

Response: The land is currently not in farm use. It consists of one tax lot, approximately 1.95 Acres in area. The site, by itself, would probably not constitute a viable farm, given the constraints posed by adjacent residential land uses.

4. Access shall be adequate to the site....

Response: The site fronts S. Fir Street. A new internal street system would be constructed to provide public street frontage for every new lot.

5. Adequate public facilities and services shall be available....

Response: Public facilities and services are generally available or can be made available, as previously discussed.

6. Compliance with other applicable city ordinances or policies....

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

7. Compliance with applicable sections of ORS 222....

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

8. Risk of natural hazards....

Response: The land is flat, or nearly so for practical purposes. No natural hazards have been identified on the site or in the vicinity.

9. Urbanization of the subject property shall not have a significant adverse effect on specially designated open space, scenic, historic or natural resource areas....

Response: No designated open space, scenic, historic or natural resource areas are on the site.

10. Economic impacts which are likely to result from the annexation shall be evaluated in light of the social and physical impacts....

Response: The addition 1.95 Acres to the City of Canby will have a minimal economic impact on the overall community.

Any annexation has an impact on the provision of services but also increases the tax base. Generally, increased revenues balance impacts. In addition, new residences provide opportunities for new citizens in Canby and create opportunities to support local businesses and civic affairs.

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

Conclusion

The foregoing narrative describes a proposal for annexation of 1.95 Acres. The annexation supports the City's goals and policies and satisfies applicable criteria identified in the City's Comprehensive Plan and Land Development and Planning Code. Therefore, the proposed annexation should be approved.

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: November 14, 2006

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"/> WWTP - Darwin Trammel	<input type="checkbox"/> CLACKAMAS COUNTY
<input type="checkbox"/> WWTP - Jeff Crowther	<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 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 ANN 06-04 (1401 S Fir Street), an application by Nick and Jamie Netter, requesting to annex 1.95 acres into the City of Canby. The property is located at 1401 S Fir Street. If annexed the parcel would be zoned R-1.5 (Medium Density Residential) in conformance with Canby's Comprehensive Plan. If approved, the applicant proposes to develop 12 new single family residences.

Please review the enclosed application and return comments to Kevin Cook by Wednesday, November 22, 2006. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

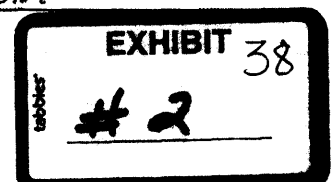
PLEASE SEE ATTACHMENT

Please check one box and sign below:

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

Signature: _____ Date: 11-22-06

Title: ASSOCIATE ELCT. Agency: CANBY TELCOM





Comments from Canby Telcom for Subdivision at 1401 S Fir St :

- The Developer/Owner is required to provide all trenches for placing underground telephone facilities, within the subdivision, up to the existing telephone connection point.
- CT will follow the power design as much as possible to minimize trenching; however, additional trenches may be required for communication services.
- There is a development fee; and relocation cost if any existing telephone facilities must be moved, please see "Development/Construction Fees" for information.

Dave Hill
Engineering Manager
503 266 8204

Dinh Vu
Associate Engineer
503 266-8201



DEVELOPMENT/CONSTRUCTION FEES

On January 1, 2001 Canby Telephone implemented development fees. Development fees are charged on a per address basis and are to be paid by the developer prior to the commencement of work. Single family homes and duplexes are charged at \$120.00 per address and multiple dwelling units are billed at \$60.00 per address.

Payment of development fees can be made at our office at 190 S.E. 2nd Street, Canby or mailed to P.O. Box 880, Canby, Or 97013.

Fees for relocating existing facilities are billed at our hourly rate of \$65.00 per hour for labor, plus the cost of materials. The requestor is required to complete and sign a Request to Relocate Facilities form.

For temporary service (job shack), contact our Customer Care Center to place an order.

Contact Information

To avoid delays, it is important to contact Canby Telephone as soon as possible.

Inquiries or questions should be referred to:

Engineering Manager	Dave Hill	503 266-8204
Associate Engineer	Dinh Vu	503 266-8201
Construction Inspector	Ron Stenger	503 266-8290
Customer Care Center		503 266-8111

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

(503) 266-7001

FAX 266-1574

DATE: November 14, 2006

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"/> NW NATURAL	<input type="checkbox"/> STATE OF OREGON/REVENUE
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<input type="checkbox"/> CANBY DISPOSAL	<input type="checkbox"/> PARKS AND RECREATION
<input type="checkbox"/> CITY ATTORNEY	<input type="checkbox"/> CITY TRANSPORTATION ENGINEER
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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 **Wednesday, November 22, 2006**. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

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- ☐ 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: Phil Kahut Date: 11-16-06

Title: President Agency: Canby Disposal

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: November 14, 2006

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 |
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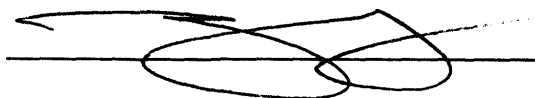
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Signature:



Date:

11-20-06

Title:

LT.

Agency:

Police

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

[503] 266-7001

FAX 266-1574

P.O. Box 930, Canby, OR 97013

DATE: November 14, 2006

TO:

- ☐ FIRE
- ☐ POLICE
- ☐ PUBLIC WORKS
- ☐ CANBY ELECTRIC
- ☐ CANBY WATER
- ☐ WWTP - Darvin Trammel
- ☐ WWTP - Jeff Crowther
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- ☐ CTA
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- ☐ WILLAMETTE BROADBAND
- ☐ CANBY DISPOSAL
- ☐ CITY ATTORNEY
- ☐ BIKE AND PEDESTRIAN COMM
- ☐ PGE

- ☐ CANBY POST OFFICE
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Comments or Proposed Conditions:

Overhead Powerline in front of property will
be converted to underground.

Please check one box and sign below:

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Signature: _____

Date: 11-20-06

Title: Line Foreman

Agency: Canby Utility Elect.

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

(503) 266-7001

FAX 266-1574

DATE: November 14, 2006

TO:

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Comments or Proposed Conditions:

FORTHCOMING PLANS SHOULD INDICATE DESIRABLE
LOOP FEED.

Please check one box and sign below:

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Signature:  Date: 11/20/06

Title: Water Distribution Foreman Agency: CANBY UTILITIES

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: November 14, 2006

TO:

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Signature:  Date: 11-16-06

Title: Construction Manager Agency: W. 113

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: November 14, 2006

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Signature:

Linda Martin

Date:

11/17/06

Title:

Secretary

Agency:

Canby School Dist

46

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: November 14, 2006

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Signature: M. Lauren Elmore **Date:** 11-21-06

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

Buildable Lands Inventory - October 28, 2005

Residential lands platted

R-1 Low Density Residential

<i>Property Owner</i>	<i>Tax Map</i>	<i>Tax Lot</i>	<i>Size (acres)</i>	<i>Zoning</i>	<i>Units</i>	<i>Units Built</i>	<i>Units Available</i>
Walnut Crossing - Netter	3 1E 27 DB	602/700	2.98	R-1	11	3	8
Burbank Estates	3 1E 28CD	1400	3.9	R-1	20	6	14
Knights Bridge Estates (Dupont)			13	R-1	30	0	30
Willow Creek Estates - Postlewait I	3 1E 27C	1500	4.47	R-1	31	17	14
Willow Creek Estates - Postlewait II	3 1E 34B	800	4.9	R-1	0	0	0
Auburn Farms (Simnitt) - Phase I			5	R-1	26	11	15
Auburn Farms (Simnitt) - Phase II			14	R-1	53	0	53
Tofte V			1.12	R-1	4	1	3
Knutson			1.42	R-1	7	0	7
Kraft Place			0.83	R-1	4	0	4
Miscellaneous Other Lots				R-1	40	0	40
R-1 Total Lots			51.62		226	38	188

5 year average

99 units/year =



R-1.5 Medium Density Residential

<i>Property Owner</i>	<i>Tax Map</i>	<i>Tax Lot</i>	<i>Size (acres)</i>	<i>Zoning</i>	<i>Units</i>	<i>Units Built</i>	<i>Units Available</i>
Township Trail				R-1.5	5	5	0
Sequoia Place	4 1E 04 CA	1200	1.89	R-1.5	12	12	0
R-1.5 Total Lots			1.89		17	17	0

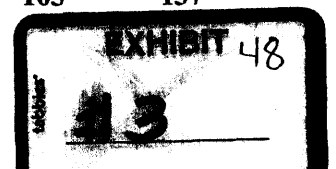
5 year average

2.8 units/year =



R-2 High Density Residential

<i>Property Owner</i>	<i>Tax Map</i>	<i>Tax Lot</i>	<i>Size (acres)</i>	<i>Zoning</i>	<i>Units</i>	<i>Units Built</i>	<i>Units Available</i>
Marnella - Garden Crossing	3 1E 34B	200	4.67	R-2	55	55	0
Valentine Meadows				R-2	16	16	0
Apollo Homes	4 1E 05	401	14.21	R-2	136	32	104
Pine Place				R-2	4	0	4
Bristol			0.3	R-2	4	0	4
Pine Station			0.97	R-2	11	0	11
Territorial Road Townhomes			0.91	R-2	14	0	14
R-2 Total Lots			18.88		207	103	137





Kevin Cook
December 5, 2005
Page 2 of 2

Sight distance was also examined at the proposed access to the site. There are no obstructions to the sight distance along S Fir Street and sight distance should be adequate for exiting site traffic.

We are currently preparing the traffic study for the proposed annexation, but as this preliminary analysis shows, we do not expect to identify issues with either safety or operation for this project. If you have any questions about this letter, please don't hesitate to call me.

Yours truly,

Catriona Sumrain
Transportation Analyst

attachment: Technical Appendix





December 5, 2005

Kevin Cook
City of Canby Planning
170 NW 2nd Avenue
Canby, OR 97013

RE: Netter Annexation (S Fir Street) - ANN 05-07

Dear Kevin:

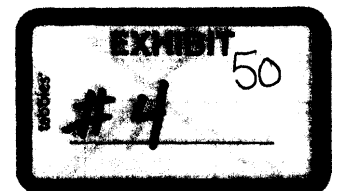
We have prepared this letter in response to the City's need for an analysis for the Netter annexation project on S Fir Street. This letter reports the results of a preliminary analysis of site access function. The traffic study for this project is under preparation.

We recently prepared a traffic study for the McMartin property, which analyzed the intersection of S Fir Street and SE 13th Avenue for a 15-year future condition as the McMartin project was also proposed for annexation. Traffic volumes on S Fir Street were estimated using the count data obtained for the McMartin project. The projected traffic on S Fir Street was expected to be very low in the future.

Based on the ITE trip rates for land-use code 210, *Single-Family Detached Housing*, the site is expected to generate 9 trips during the morning peak hour, 12 trips during the evening peak hour and 114 trips during an average weekday.

Since S Fir Street terminates without connectivity to other streets in the area, all of the traffic from the proposed annexation was assigned to and from the north. The capacity analysis of the site access was based on the trips generated by the annexation and the estimated future volumes on S Fir Street.

The results of the capacity analysis showed the site access is forecast to operate at level of service A during both the morning and evening peak hours in the year 2020. This level of service refers to the delay experienced by the traffic exiting the site.





TECHNICAL APPENDIX



TRIP GENERATION CALCULATIONS

Land Use: Single-Family Detached Housing
Land Use Code: 210
Variable: Dwelling Units
Variable Value: 12

AM PEAK HOUR

Trip Rate: 0.75

	Enter	Exit	Total
Directional Distribution	25%	75%	
Trip Ends	2	7	9

PM PEAK HOUR

Trip Rate: 1.01

	Enter	Exit	Total
Directional Distribution	63%	37%	
Trip Ends	8	4	12

WEEKDAY

Trip Rate: 9.57

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	57	57	114

SATURDAY

Trip Rate: 10.10

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	61	61	122

Source: TRIP GENERATION, Seventh Edition

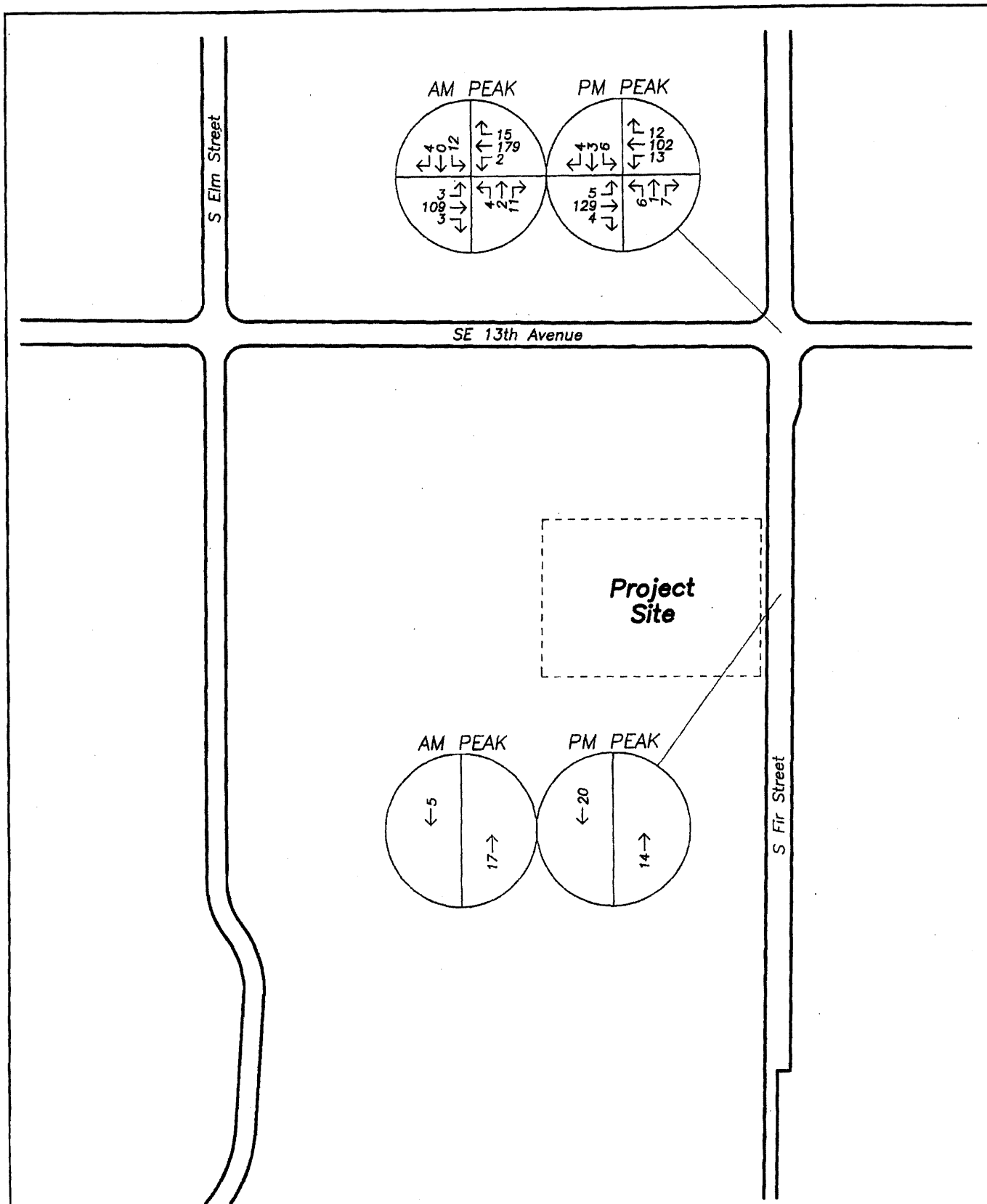
From: "Hixson, Robert" <roberth@co.clackamas.or.us>
To: "Kevin Cook" <CookK@ci.canby.or.us>
Date: 11/22/06 2:43PM
Subject: ANN 06-04 and ANN 06-05

Dear Mr. Cook,

Clackamas County Engineering staff has no objections to the proposed annexations and recommends the City of Canby arrange for transfer of jurisdiction of the adjacent roadways to the City of Canby. This is especially true for ANN 06-04 where an isolated County road (Fir Street) is surrounded by City property and City streets, and has no connection to another County road.

Sincerely,

Robert Hixson



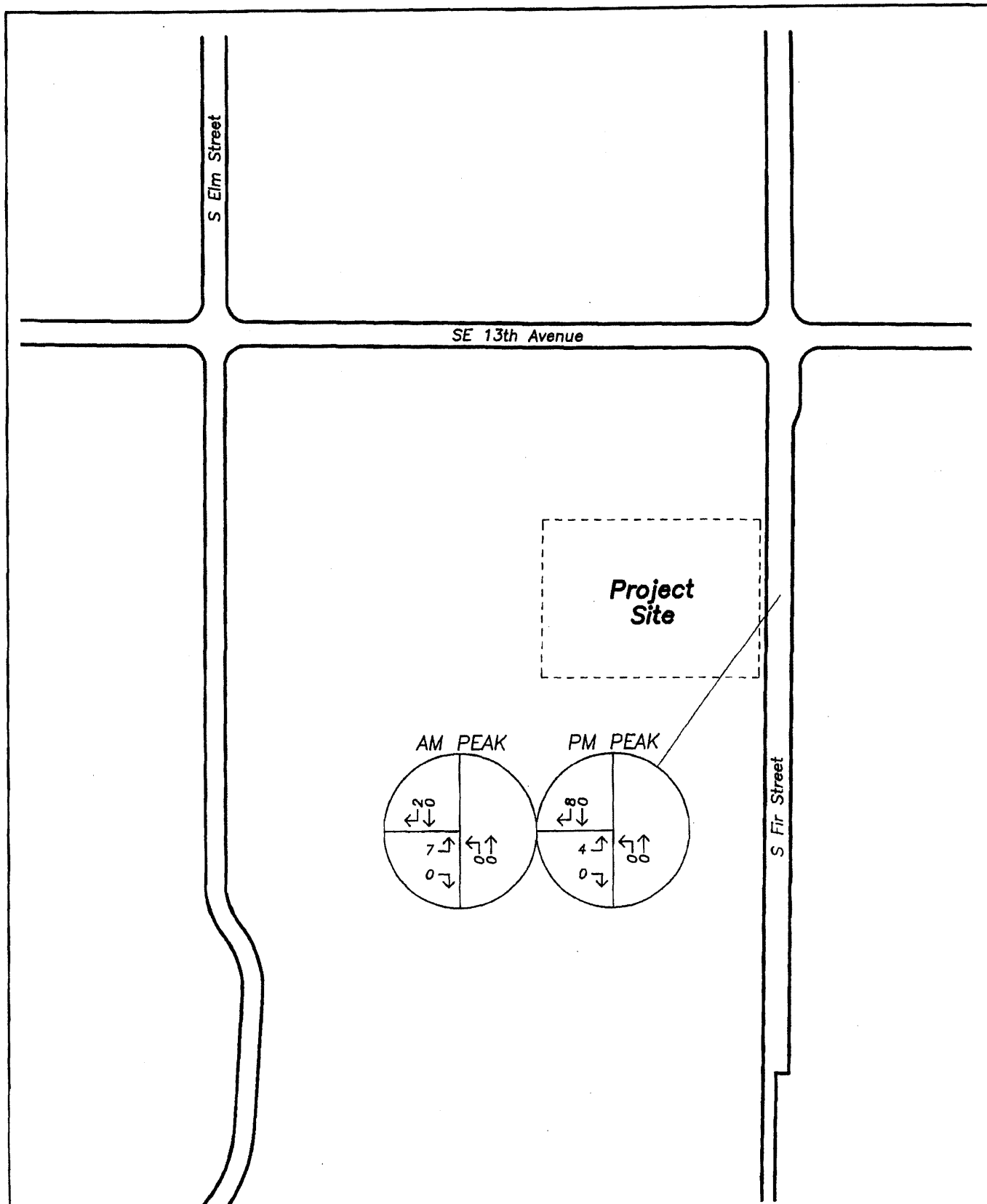
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TRAFFIC VOLUMES
Existing Conditions
AM & PM Peak Hours



no scale

FIGURE
1
APPENDIX



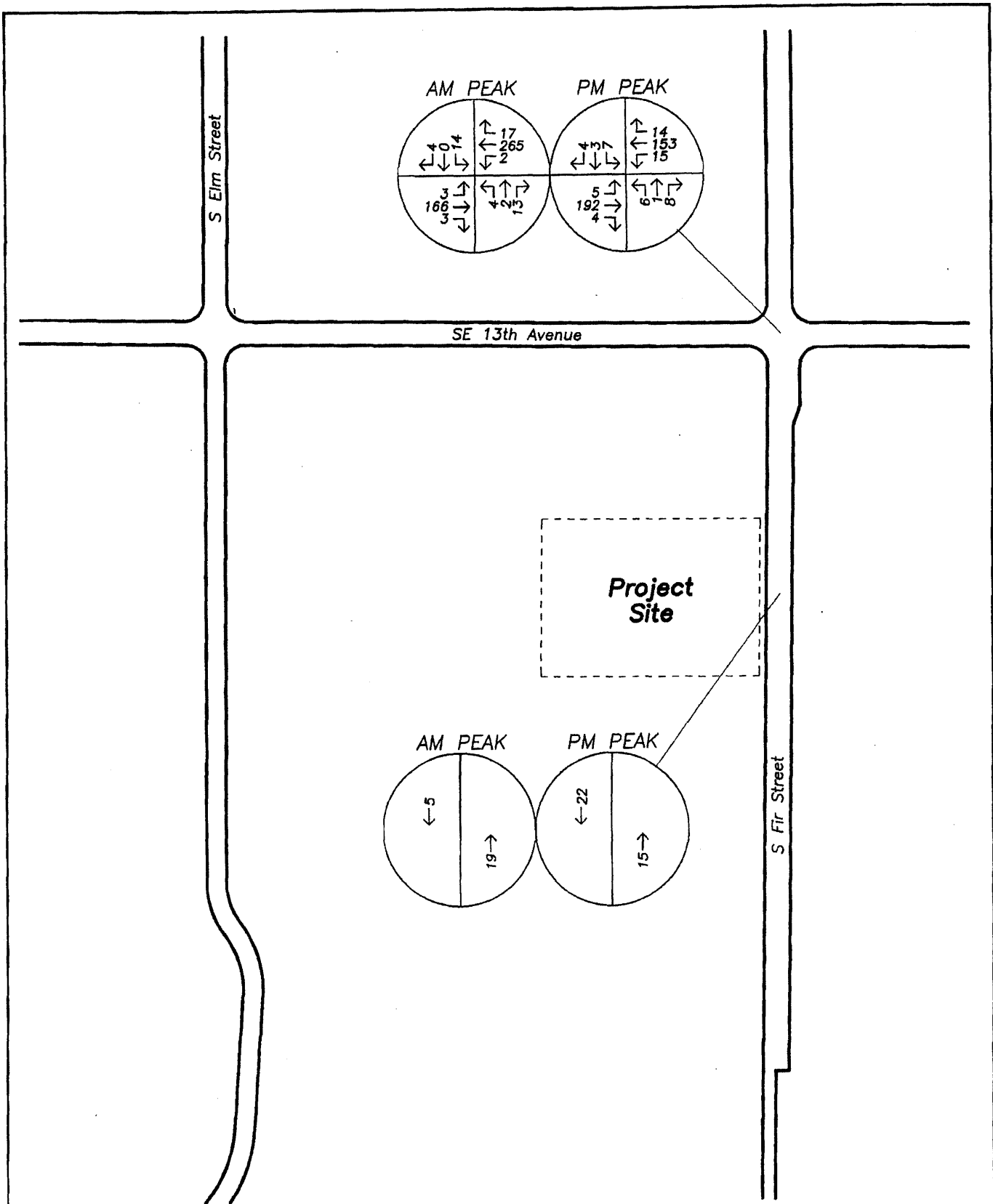
16

SITE TRIP DISTRIBUTION
Inbound & Outbound Percentages
AM & PM Peak Hours



FIGURE
2

APPENDIX

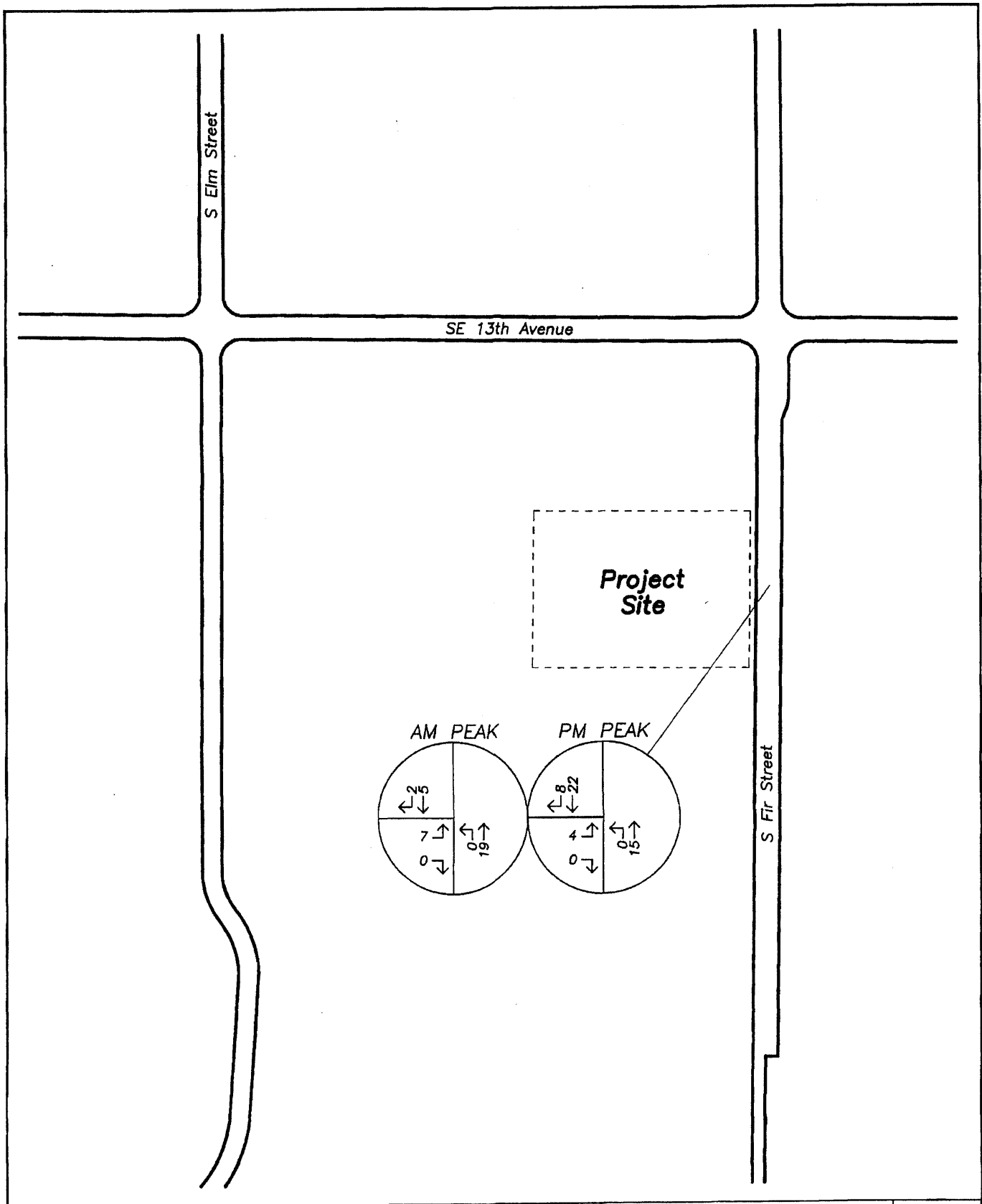


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TRAFFIC VOLUMES
Year 2020 Background Conditions
AM & PM Peak Hours



FIGURE
3
APPENDIX

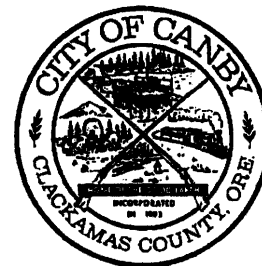


Le

TRAFFIC VOLUMES
Year 2020 Background plus Site Trips Conditions
AM & PM Peak Hours



FIGURE
4
APPENDIX



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

**A REQUEST TO ANNEX 1.95
ACRES OF LAND INTO THE
CITY OF CANBY**)
)
)

**FINDINGS, CONCLUSIONS & ORDER
ANN 06-04**

NATURE OF APPLICATION

The applicant is seeking to annex a single 1.95 acre tax lot into the City of Canby. If annexed, the applicant proposes to construct 12 new single family homes with vehicle access from S Fir St. The parcel currently contains one single-family residence and three outbuildings. The applicant's conceptual plan is very similar to the Sequoia Place subdivision immediately to the north of the subject parcel. The parcel was previously reviewed and approved by the Planning Commission and the City Council in December 2005/January 2006 but was ultimately rejected by the voters in the May 2006 election.

HEARINGS

The Planning Commission held a public hearing to consider the application on January 22, 2007.

CRITERIA AND STANDARDS

The Planning Commission forms a recommendation that the City Council may consider after conducting a public hearing. If the City Council approves the application, it forwards its recommendation to the voters of Canby as a ballot measure where a final decision is reached during a general election.

Section 16.84.040 of the Canby Municipal Code states that when reviewing a proposed annexation, the Commission shall give ample consideration to the following:

1. Annexation shall be in keeping with prioritization categories, as designated on the adopted maps showing growth phasing (Urban Growth Element of the Comprehensive Plan);
2. Analysis of the "need" for additional property within the city limits shall be provided;

**Findings, Conclusions and Final Order
ANN 06-04
Page 1 of 4**

3. Smaller non-farm land shall be considered a priority for annexation over larger farm land;
4. Access shall be adequate to the site;
5. Adequate public facilities and services shall be available to service the potential (or proposed) development;
6. Compliance with other applicable city ordinances or policies;
7. Compliance of the application with the applicable sections of Oregon Revised Statutes Chapter 222. (In other words, a triple majority type application must contain proof that a triple majority does, in fact, exist, etc.);
8. Risk of natural hazards which might be expected to occur on the subject property shall be identified;
9. Urbanization of the subject property shall not have a significant adverse effect on specially designated open space, scenic, historic or natural resource areas;
10. Economic impacts which are likely to result from the annexation shall be evaluated in light of the social and physical impacts. The overall impact which is likely to result from the annexation and development shall not have a significant adverse effect on the economic, social and physical environment of the community, as a whole.

FINDINGS AND REASONS

The Planning Commission deliberated on all input presented at the January 22, 2007 meeting. The Planning Commission also incorporates the January 12, 2007 Staff Report and Commission deliberations as support for its decision. The Planning Commission accepted and adopted the findings in the January 12, 2007 Staff Report.

CONCLUSION

The Planning Commission of the City of Canby concludes that, based on the findings and conclusions contained in the January 12, 2007 Staff Report, and based on Commission deliberations at the January 22, 2007 public hearing:

1. The land is designated Priority "A" for annexation.
2. The current supply of platted Medium Density (R-1.5) buildable lots in Canby is nearly zero, which is less than the 3 year supply considered sufficient to meet the need for residential land.
3. The property is not used for agriculture and is designated priority "A" for annexation, and is thereby reserved for urban development before other properties considered priority "B" and "C".
4. The current access at N Fir Street is sufficient to serve the needs of annexation and development on the site.
5. The City and other affected service-providing entities have the capability to amply provide the area of the proposed annexation with urban level services upon future development.

6. The annexation proposal is in compliance with other applicable City ordinances or policies.
7. The annexation proposal complies with all applicable sections of Oregon Revised Statutes.
8. No natural hazards have been identified on the site.
9. The effect of urbanization of the subject property to designated open space, scenic, historic or natural resource areas is limited, in that the open space designation and requirements as found in the Parks Master Plan will be adhered to.
10. No adverse economic impacts are likely to result from the annexation of the subject property.


RECOMMENDATION

IT IS RECOMMENDED BY THE PLANNING COMMISSION of the City of Canby that the City Council **APPROVE** annexation application **ANN 06-04** subject to the following understandings.

1. The zoning classification for the property will be R-1.5 Medium Density Residential.
2. All service connections, recording costs and future development costs are to be borne by the applicant and/or the property owners.
3. All City and service provider regulations shall be adhered to at the time of connection to services and/or upon future development.
4. Public utility easements are normally conditioned as a part of new development. As no new development is proposed, sidewalks and utility easements will be required upon any future land use application including subdivision approval, Site and Design Review approval and/or issuance of a building permit or other application for development.
5. Any costs associated with the annexation election **not already** covered by an initial deposit shall be the responsibility of the applicant and/or property owner. Elections costs shall be payable upon receipt of an itemized billing from the City of Canby.

I CERTIFY THAT THIS ORDER recommending **APPROVAL** of ANN 06-04 to the City Council was presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 22nd day of January, 2007.



James Brown
Chairman, Canby Planning Commission



Kevin C. Cook
Associate Planner

ORAL DECISION – January 22, 2007

AYES: Brown, Milne, Ewert

NOES:

ABSTAIN:

ABSENT: Holte, Molamphy

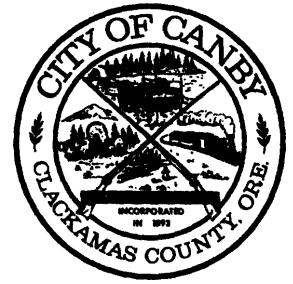
WRITTEN FINDINGS - January 22, 2007

AYES: Brown, Milne, Ewert

NOES:

ABSTAIN:

ABSENT: Holte, Molamphy



M E M O R A N D U M

TO: *Honorable Mayor Thompson and City Council*

FROM: *Kevin Cook, Associate Planner*

THROUGH: *Mark Adcock, City Administrator*

DATE: *January 29, 2007*

RE: *Planning Commission Recommendation on Annexation Application
(City File Number ANN 06-05 – Parsons)*

Issue:

The applicant is seeking to annex 32.62 acres into the City of Canby. If annexed the property would be zoned M-1 (Light Industrial) in accordance with the Canby Comprehensive Plan. The addition of the subject parcels will increase the availability of industrial land within the City.

Synopsis:

In a public hearing held January 22, 2007, the Planning Commission voted 3-0 to recommend approval of the annexation to the City Council. The City Council now holds a new hearing but shall consider the Planning Commission's decision during Council deliberations. If the City Council denies the application, that decision will be final and the annexation will not be sent to Canby voters. If the application is approved, the proposal will be placed on the May 15, 2007 ballot for voters to make a final decision.

Planning Commission Recommendation:

The Planning Commission recommends that the City Council **approve ANN 06-05** and forward the application to Canby voters for a final decision.

Rationale:

The Planning Commission held a public hearing on January 22, 2007 and found that the application met the standards and criteria for annexation. The Commission adopted written findings on January 22, 2007 which include the following:

1. The subject parcel is designated priority "C" for annexation; however, there is no more existing priority "A" or "B" land available for annexation.

2. The Planning Commission finds that the annexation is in compliance with the Pioneer Industrial Park Master Plan, will facilitate the needed infrastructure improvements, will allow Canby to be competitive in the marketplace and will provide transportation access to Mulino Road and Highway 99E.
3. This annexation proposal seeks to carry out the priorities contained within the Comprehensive Plan. This proposal seeks to annex parcels that are part of Canby's Industrial Master Plan.
4. The site abuts Mulino Road and S Township Road. Roads will be improved prior to additional development.
5. The City and other affected service-providing entities have the capability to amply provide the area of the proposed annexation with urban level services upon future development. This annexation will assist with infrastructure improvements in support of the Pioneer Industrial Park Master Plan.
6. The annexation proposal is in compliance with other applicable City ordinances or policies.
7. The annexation proposal complies with all applicable sections of Oregon Revised Statutes.
8. No natural hazards have been identified on the site.
9. The effect of urbanization of the subject property to designated open space, scenic, historic or natural resource areas is limited, in that the open space designation and requirements as found in the Parks Master Plan will be adhered to.
10. The proposed annexation will increase the industrial land available for development within the City of Canby. The economic benefits created by an increased employment base will be substantial. The site is not immediately adjacent to residential areas and impacts to the community are anticipated to be slight.

Background:

The subject parcels are currently zoned EFU by Clackamas County. If annexation is approved, City zoning will be Light Industrial.

The land use plan within the adopted Industrial Area Master Plan shows the planned zoning districts for the area proposed for annexation. Because the area is within an approved master plan, the requirement for a general land use plan

indicating the types and intensities of the proposed, or potential, development is met by the master plan.

Citizen Testimony:

To date, no written testimony has been received and no citizens gave testimony at the January 22, 2007 Planning Commission meeting.

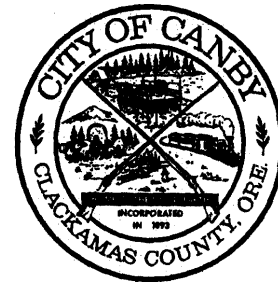
Options:

1. Deny the application for annexation. The Planning Commission does not recommend this option.
2. Recommend approval of the annexation and place the proposal on the May 15, 2007 ballot for voters to make a final decision. The Planning Commission recommends this option based on the findings and reasons listed above. If the Council supports this recommendation, the following motion is appropriate:

I move that the City Council approve ANN 06-05 and request that the City Attorney return with ballot title and language appropriate to forward the final decision to Canby voters in the primary election on May 15, 2007.

Attachments:

- A: Planning Commission staff report and attachments
- B: Planning Commission Findings



- STAFF REPORT -

APPLICANTS:

Parsons Family Trust
25460 SW Baker Road
Sherwood, OR 97140

FILE NO.:

ANN 06-05
(Parsons)

OWNERS:

Parsons Family Trust
25460 SW Baker Road
Sherwood, OR 97140

STAFF:

Kevin Cook
Associate Planner

LEGAL DESCRIPTION:

Tax Lots 2400 & 3100
of Tax Map 3-1E-34

DATE OF REPORT:

January 11, 2007

LOCATION:

West side of Mulino Rd.
north of Township Rd.

DATE OF PC HEARING:

January 22, 2007

COMPREHENSIVE PLAN DESIGNATION:

Light Industrial

ZONING DESIGNATION:

Exclusive Farm Use
EFU (Clackamas County Zoning)

I. APPLICANT'S REQUEST:

The applicant is requesting approval to annex 32.62 acres into the City. The site is located north of Township Road, along the west side of Mulino Road. If annexed the property would be zoned M-1 (Light Industrial) in accordance with the Canby Comprehensive Plan. The addition of the subject parcels will increase the availability of industrial land within the City.

II. MAJOR APPROVAL CRITERIA:

The Planning Commission forms a recommendation that the City Council may consider while conducting a public hearing. If the City Council recommends approval of the application, the annexation is placed before the voters at the next general election.

Section 16.84.040 of the Canby Municipal Code states that when reviewing a proposed annexation, the Commission shall give ample consideration to the following:

1. Annexation shall be in keeping with prioritization categories, as designated on the adopted maps showing growth phasing (Urban Growth Element of the Comprehensive Plan).
2. Analysis of the "need" for additional property within the city limits shall be provided.
3. Smaller non-farm land shall be considered a priority for annexation over larger farm land;
4. Access shall be adequate to the site;
5. Adequate public facilities and services shall be available to service the potential (or proposed) development;
6. Compliance with other applicable city ordinances or policies;
7. Compliance of the application with the applicable sections of Oregon Revised Statutes Chapter 222. (In other words, a triple majority type application must contain proof that a triple majority does, in fact, exist, etc.);
8. Risk of natural hazards which might be expected to occur on the subject property shall be identified;
9. Urbanization of the subject property shall not have a significant adverse effect on specially designated open space, scenic, historic or natural resource areas;
10. Economic impacts which are likely to result from the annexation shall be evaluated in light of the social and physical impacts. The overall impact which is likely to result from the annexation and development shall not have a significant adverse effect on the economic, social and physical environment of the community, as a whole. The full text of the annexation criteria can be found in Section 16.84.040 of the Land Development and Planning Ordinance.

III. FINDINGS:

A. Background and Relationships:

The subject parcels are currently zoned EFU by Clackamas County. If annexation is approved, City zoning will be Light Industrial.

The land use plan within the adopted Industrial Area Master Plan shows the planned zoning districts for the area proposed for annexation. Because the area is within an approved master plan, the requirement for a general land use plan indicating the types and intensities of the proposed, or potential, development is met by the master plan.

B. Comprehensive Plan Consistency Analysis

ii. Urban Growth

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.

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

Analysis: The parcels are within annexation priority 'C'. However, no 'A' or 'B' parcels remain to be annexed.

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 #2 Canby shall encourage a general increase in the intensity and density of permitted development as

a means of minimizing urban sprawl.

Analysis: *Implementation Measure B of this element states, "Carefully analyze the need for additional property within the City limits or in light of underutilized incorporated property, prior to the annexation of additional land."*

The area proposed for annexation includes approximately 32.62 acres. The Canby Land Needs Study prepared by Otak, dated June 30, 1999 indicates that there is a projected need over 20 years for 170 acres of industrial land.

The report states that industrial land absorption is likely to be 20 percent higher than expected due to corporate land banking, speculative investment, and major new business move-ins due to a lack of industrial land in the Portland metropolitan area. The proposed annexation allows the adopted Industrial Area Plan to be implemented.

In terms of overall availability of land in the Pioneer Industrial Park there is not presently a specific need to annex the subject parcels at this time; rather it should be a policy decision by the Planning Commission and the City Council as to when additional lands should be added to the Industrial Park. Staff does not see a downside to increasing the overall availability of land within the Industrial Park due to the fact that the Industrial Master Plan has been adopted and is being implemented. Staff believes that a general policy of accepting industrial land within the Industrial Park directly supports the City's economic goals.

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

Analysis: *Request for comments have been sent to all public facility and service providers (see discussion under Public Services Element).*

iv. Environmental Concerns Element

GOAL: 1) TO PROTECT IDENTIFIED NATURAL AND HISTORICAL RESOURCES.

2) TO PREVENT AIR, WATER, LAND, AND NOISE

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

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

Analysis: *The subject parcels are currently zoned for EFU (Exclusive Farm Use). Future development will be required to meet all local, State, and Federal laws concerning environmental protection.*

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

Analysis: *The area proposed for annexation has either Class 1 or 2 soils; good soils for agricultural use. The land is within the City's urban growth boundary and will eventually be committed to industrial uses consistent with the Comprehensive Plan. The question of timing is ultimately a question of City policy (see discussion under section III.B.iii above).*

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

Analysis: *The subject property does not fall within a hazard zone as identified by the Comprehensive Plan. There are no steep slopes, or identified flood prone areas, wetlands, or significant wildlife habitat in areas anticipated for development. There are no historic sites on the property.*

v. Transportation Element

**GOAL: TO DEVELOP AND MAINTAIN A
TRANSPORTATION SYSTEM**

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ANN 06-05
Page 5 of 10

**WHICH IS SAFE, CONVENIENT
AND ECONOMICAL.**

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: Both the police and the fire district have were sent a Request for Comments. As of the date of this report, only the Police Dept. has responded; no concerns were raised.

vi. Public Facilities and Services Element

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

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" regarding this application. Utility providers indicate that services should become available as the properties develop. Future offsite extensions of sewer, water, and electric will be required.

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

Analysis: The land to be annexed will be zoned Light Industrial and no direct impact on schools is anticipated..

vii. Economic Element

GOAL: TO DIVERSIFY AND IMPROVE THE ECONOMY OF THE CITY OF

CANBY.

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

Analysis: Implementation Measures A and C apply to the review of annexation proposals. Implementation Measure A states that "so long as there are other reasonable alternatives for urban growth, highly productive agricultural lands will be protected from urban encroachment." Implementation Measure C states that "agricultural operations, even those within the incorporated area, will be encouraged to remain in operation for as long as it is economically feasible to do so". The subject property is viable and productive farmland. The subject parcel is, however, included within the Industrial Area Master Plan and will provide additional industrial land within the City limits (see further discussion under sections III.B.iii and III.B.iv above).

Conclusion Regarding Consistency with policies of Canby's Comprehensive Plan:

Staff finds that this application is consistent with the policies and goals of Canby's Comprehensive Plan.

C. Evaluation Regarding Annexation Consideration Criteria

1. Annexation shall be in keeping with prioritization categories, as designated on the adopted maps showing growth phasing (Urban Growth Element of the Comprehensive Plan). Areas designated as Type "A" urbanization lands shall be annexed prior to those areas shown as Type "B", etc.

Analysis: The subject parcel is designated priority "C" for annexation; however, there is no more existing priority "A" or "B" land available for annexation.

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

Analysis: This should be a policy decision determined by the Planning

Commission and the City Council.

3. Smaller, non-farm land shall be considered a priority for annexation over larger farm land.

Analysis: *This annexation proposal seeks to carry out the priorities contained within the Comprehensive Plan. This proposal seeks to annex parcels that are part of Canby's Industrial Master Plan.*

4. Access shall be adequate to the site.

Analysis: *The site abuts Mulino Road and S Township Road. Roads will be improved prior to additional development.*

5. Adequate public facilities and services shall be available to service the potential (or proposed) development.

Analysis: *Public facility and service providers have stated that services will be available to the property through development. Offsite extensions of water, sewer, and electric will be required as part of development.*

6. Compliance with other applicable city ordinances or policies.

Analysis: *The purpose for this criterion is to ensure that the annexation application is in compliance with City policies that are not specifically addressed in the rest of the criteria. Staff believes the application meets other applicable city ordinances and policies, as discussed in the analysis above with relation to Comprehensive Plan policies.*

7. Compliance of the application with the applicable sections of Oregon Revised Statutes Chapter 222. (In other words, a triple majority type application must contain proof that a triple majority does, in fact, exist, etc.).

Analysis: *The application complies with the applicable sections of Oregon Revised Statutes Chapter 222.*

8. Risk of natural hazards which might be expected to occur on the subject property shall be identified.

Analysis: *No natural hazards have been identified on the subject property.*

9. Urbanization of the subject property shall not have a significant adverse effect on specially designated open space, scenic, historic or natural resource areas.

Analysis: There are no "specially designated" open space, scenic, historic, or natural resource areas identified on the subject property.

10. Economic impacts which are likely to result from the annexation shall be evaluated in the light of social and physical impacts. The overall impact which is likely to result from the annexation and development shall not have a significant adverse effect on the economic, social and physical environment of the community, as a whole.

Analysis: The proposed annexation will increase the industrial land available for development within the City of Canby. The economic benefits created by an increased employment base will be substantial. The site is not immediately adjacent to residential areas and impacts to the community are anticipated to be slight.

IV. CONCLUSION

Staff concludes that, with the recommended understandings, the proposed annexation meets the requirements of the standards and criteria included in the Canby Land Development and Planning Ordinance, Section 16.84.040, provided that the Planning Commission and the City Council find that the addition of industrial land is appropriate at this time.

V. RECOMMENDATION

Based upon the findings and conclusions contained in this report and without benefit of a public hearing, staff recommends that the Planning Commission recommend approval of ANN 06-05 to the City Council, with the addition of the following understandings.

1. The zoning classification for the property will be M-1 Light Industrial.
2. All City and service provider regulations are to be adhered to at the time of connection of services and/or future development.
3. A detailed traffic study describing the impact of development on relevant roadways has not been completed. Such studies will be required as part of future development applications as required under the Municipal Code, and mitigation measures may be required as a condition of approval of those developments. Traffic studies will be completed based on full development of the industrial area as allowed in the Industrial Area Master Plan.

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Page 9 of 10

The Oregon Department of Transportation will be given ample opportunity to comment as development proposals occur.

4. Financing of public improvements in the Industrial Area will be provided by public and/or private sources, as agreed upon separately by the City and property owners. Financing mechanisms may include Advanced Financing Districts and Local Improvement Districts. Requirements for public improvements will occur during the Site and Design Review process.
5. Any costs associated with the annexation election not covered by the initial deposit shall be the responsibility of the applicant and/or property owner. Elections costs shall be payable upon receipt of an itemized billing from the City of Canby.

Exhibits:

1. Applicant's packet
2. Neighborhood Meeting Minutes
3. Responses to requests for comments

**CITY OF CANBY
ANNEXATION APPLICATION**

Fee: *See Reverse

Election Costs Deposit: \$2,500.00 – General Election - \$4,500.00 Special Election
Process Type IV

OWNERS

APPLICANT** Consultant

Name Parsons Family Trust, Jacques Parsons

Name Same as Owner Rick Givens

Address 25460 SW Baker Road

Address 204 SE 10th Ave.

City Sherwood State OR Zip 97140

City Canby State OR Zip 97013

Phone (503) 625-6665 Fax _____

Phone 503-263-4966 Fax 503-266-4718

E-mail _____

E-mail rgivens@wbcable.net

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

☒
☐

Owner
Applicant

☐
☐

Email
Email

☒
☐

US Postal
US Postal

☐
☐

Fax
Fax

OWNER'S SIGNATURE

Jacques E Parsons Trustee

DESCRIPTION OF PROPERTY

Address 23625 and 23849 Mulino Road

Tax Map 3 1E 34

Tax Lot(s) 2400 & 3100

Lot Size 14.00
18.27 AC
(Acres/Sq.Ft.)
32,62

Existing Use Residence, agriculture & conifer seedling nursery

Proposed Use Light Industrial

Existing Structures One SF Residence & metal buildings used by Willamette Seedling Nursery

Zoning EFU

Comprehensive Plan Designation Light Industrial

Previous Land Use Action (If any) None

FOR CITY USE ONLY

File # ANN 06-05

Date Received 10-31-06 By cya

Completeness _____

Pre-App Meeting _____

Hearing Date _____

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

EXHIBIT

#1 75

Annexation Application

Applicant/Owners: Parsons Family Trust
25460 SW Baker Road
Sherwood, OR 97140
Contact: Jacque Parsons
Phone: (503) 625-6665

Representative: Rick Givens Planning Consultant
204 SE 10th Avenue
Canby, OR 97013
(503) 263-4966

Location: West side of Mulino Road north of intersection with Township Road,

Legal Description: Tax Lots 2400 and 3100
Township 3 South, Range 1 East, Section 34 of the W.M.

Site Size: 32.62 Acres

Proposal: Annexation of the property to the City of Canby in order to allow for future industrial development on this property

APPLICATION NARRATIVE

Introduction:

This application involves 32.62 acres of land bounded by Township Road on the south and Mulino Road on the east, and east of the Canby Pioneer Industrial Park. The subject property lies within the City of Canby's Urban Growth Boundary and is designated Light Industrial on the Comprehensive Plan. The applicant proposes to annex the property to the City of Canby in order to allow for future industrial development on this property

This annexation will aid the City of Canby in providing for employment opportunities and for economic balance throughout the community.

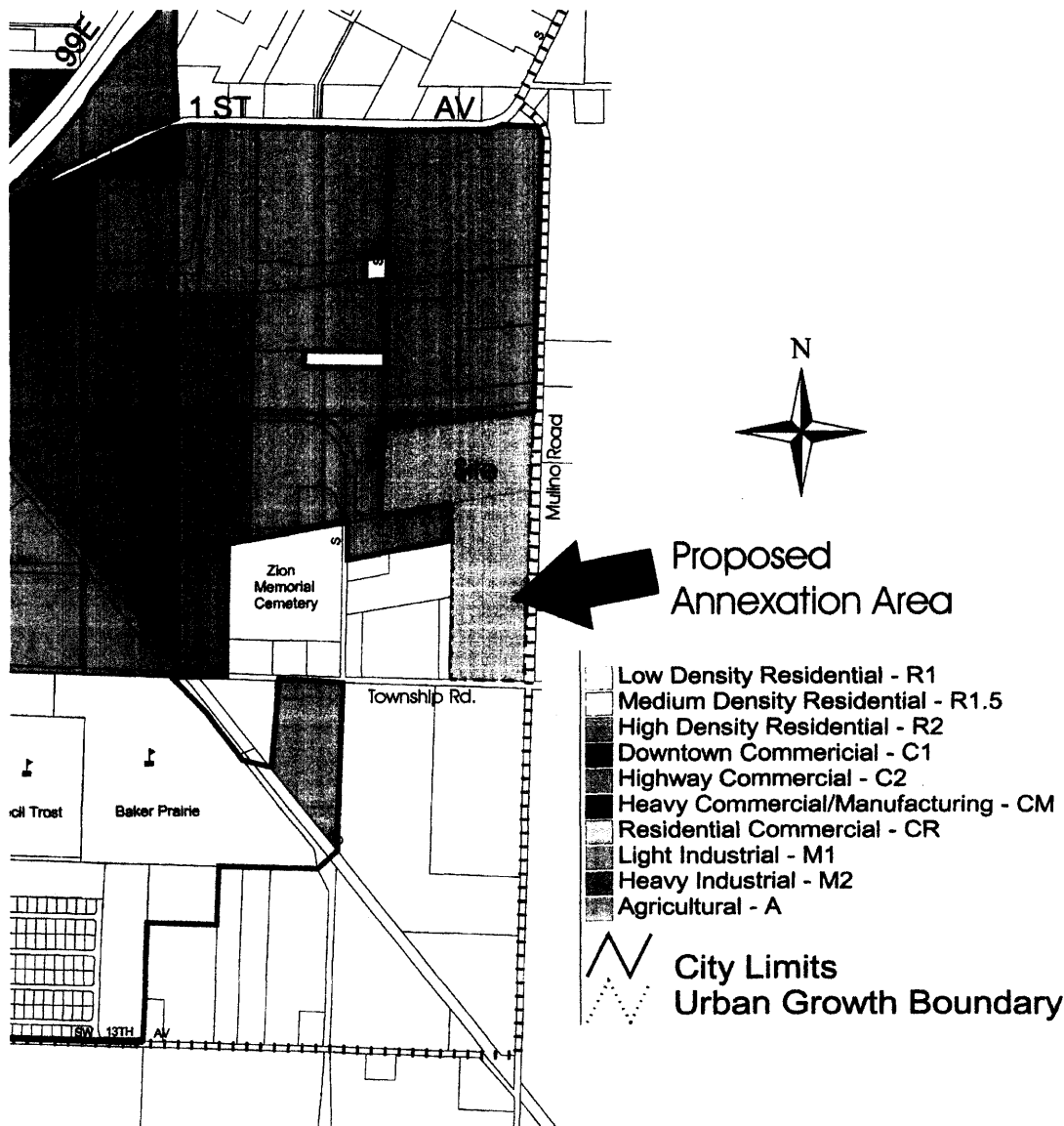


Figure 1 – Annexation Area and Vicinity Zoning Map

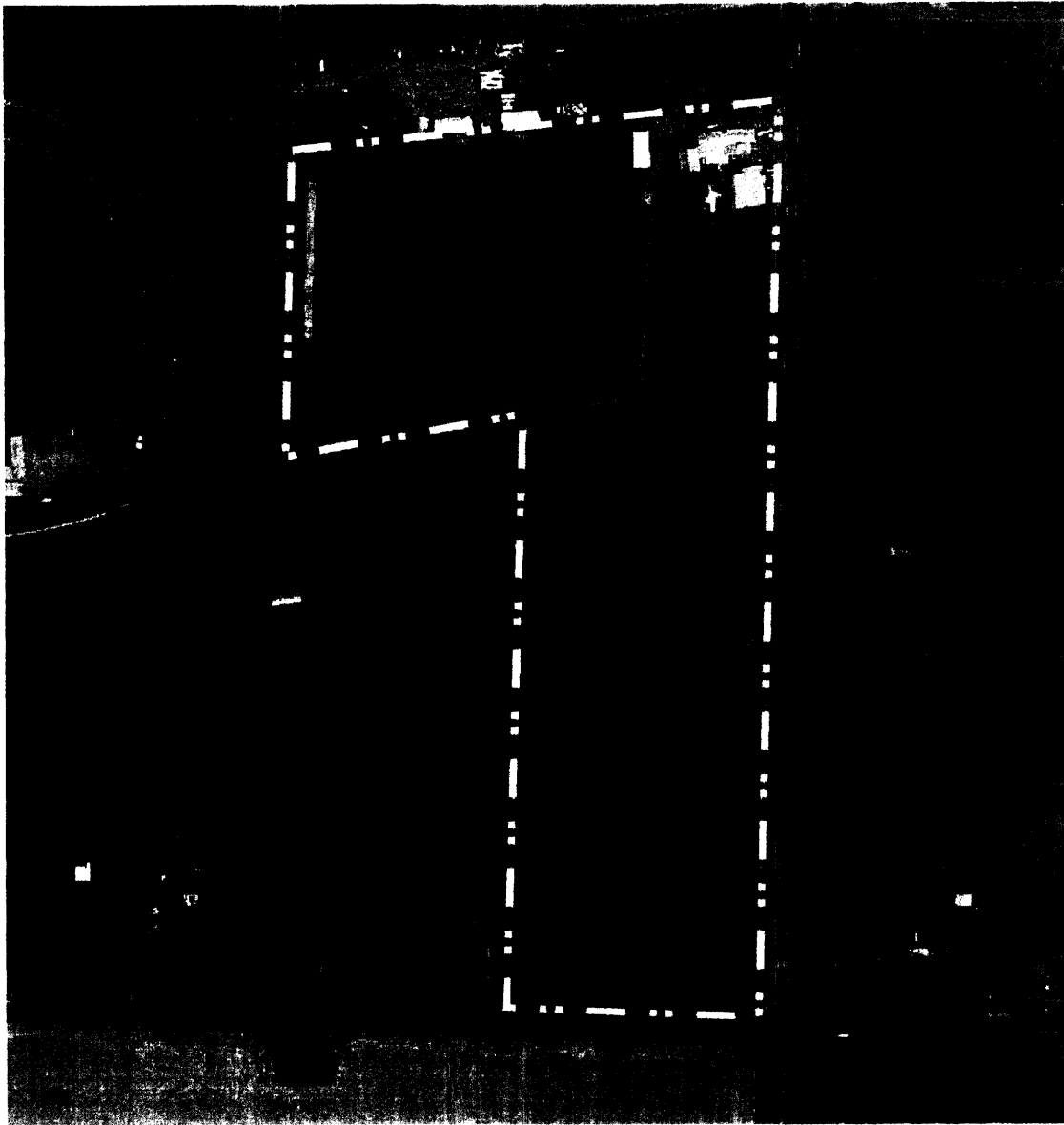
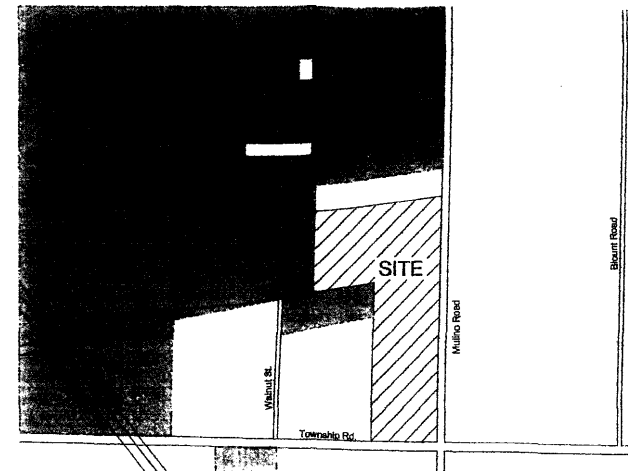
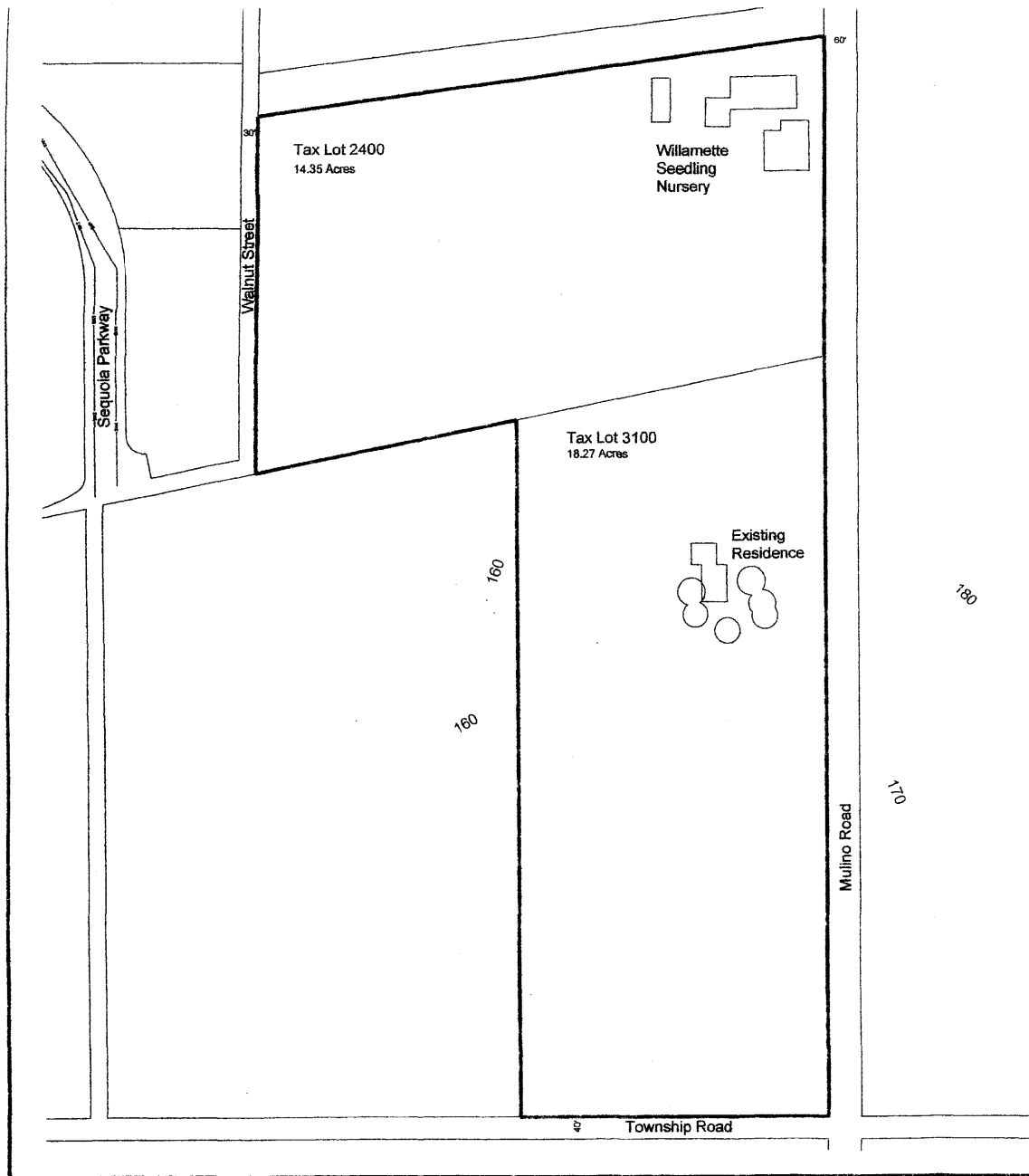


Figure 3: Aerial Photograph

The information required to be submitted with this application for annexation includes the following items:

One copy of pages 1, 3, and 4 of this application. The checklist on pages 3 and 4 should be included in the application with all relevant items checked by the applicant in the "applicant" column. If any items are considered to be not applicable, the omissions should be explained in the narrative. The City may request further information at any time before deeming the application complete.

Response: Attached



Vicinity Map
No Scale

Owner/Applicant: Parsons Family Trust
25460 SW Baker Road
Sherwood, OR 97140
PH: (503) 625-6665

Legal Description: 3 1E 34, Tax Lots 2400 & 3100

Zoning: Existing - EFU, After Annexation - M-1 Light Industrial

Site Area: 32.62 Acres



80

DESIGNED BY: R.E.G.	REVIEWED BY: R.E.G.	DATE: 05-17-00	FILE: 05-17-00
DRAWN BY: R.E.G.	SCALE: 1" = 200'	DATE: 05-17-00	FILE: 05-17-00
Richard E. Givens, Planning Consultant 204 SE 10th Avenue Canby, Oregon 97013 PH: (503) 263-4966 - Fax: (503) 266-4718			
APPLICANT: Parsons Family Trust 25460 SW Baker Road Sherwood, OR 97140 PH: (503) 625-6665			
Parsons Annexation Site Plan			
1/1			

Payment of appropriate fee and an \$2,500.00 deposit to cover election costs. Cash or checks only. Checks should be made out to the City of Canby. All election costs shall be paid by the applicant. The City will record all of its costs related to the annexation election and will refund any unspent amount from the deposit to the applicant after the election takes place. If election costs exceed the deposit additional payment to cover remainder will be required. If no election takes place, the entire deposit will be refunded.

Response: Attached

A list of property owners within 500 feet of the subject property, on mailing labels (1" x 2-5/8"). If the address of a property owner is different from the address of a site, a label for each unit on the site must also be prepared and addressed to "occupant." A list of property owners may be obtained from a title insurance company or from the County Assessor. If applicable, labels must be prepared for any property owners and sites that will be "islanded" by the proposed annexation.

Response: Attached

A full quarter-section tax assessor's map, with the subject property outlined.

Response: Attached

Legal description of the property to be annexed and a boundary survey certified by a registered engineer or surveyor.

Response: Attached

Twenty-five (25) copies of a site plan, drawn to scale (not greater than 1"=40') on paper no less than 8.5" x 11". The map shall include the following information:

- A. Vicinity map of the property;*
- B. The date, north point, scale, and sufficient description to define the location, size, and boundaries of the tract to be annexed;*
- C. Outline, location, and description of all existing buildings (if any);*
- D. For land adjacent to and within the tract to be annexed, the location, names, and existing right-of-way and pavement widths of streets, location, width, and purpose of any existing easements; and location and size of all utilities, including sewer, water, electric, telephone, and natural gas lines and power poles;*
- E. Location and direction of all watercourses on and abutting the tract, approximate location or areas subject to inundation, stormwater overflow or standing water, and base flood data showing elevations of all property subject to inundation in the event of a one-hundred-year flood;*

- F. Natural features, such as rock outcrops, marshes or wetlands (as delineated by the Division of State Lands), wooded areas, or isolated preservable trees (trees with trunks over six inches in diameter as measured four feet above the ground); and*
- G. General land use plan indicating the types and intensities of the proposed, or potential, development (not required if all property to be annexed is located within an approved Master Planned area.).*

Response: A site plan showing this information is attached to this application.

Twenty-five (25) copies of a written statement, on 8-1/2" x 11" paper, explaining the conditions surrounding the proposal and addressing the required criteria of Section 16.84.040 (see page 6), including:

- A. Statement of availability, capacity, and status of existing water, sewer, drainage, transportation, park, and school facilities;*

Response:

Water: City water is available at the intersection of Sequoia Parkway and SE 4th Avenue, approximately 275 feet west of the subject property.

Sewer: A 12-inch sanitary sewer is available at the intersection of Sequoia Parkway and SE 4th Avenue, approximately 275 feet west of the subject property.

Storm Drainage: The storm drainage system would be provided at the time of development via a combination of infiltration systems and surface drainage to the existing ditches along Mulino Road and Township Road.

Transportation: The subject property has direct access to major roadways along its frontages on Township Road and Mulino Road. The annexation and future development of this site would provide for improved connectivity in this area by providing for extension of SE 4th Avenue from Sequoia Parkway through to Mulino Road.

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

Response: No direct impact upon demand for such facilities will occur upon annexation of this property because specific users and development proposals have not been identified as of this time. Once the property has been annexed, parcels will be marketed and the specific industrial uses will be determined.

- C. Statement of additional facilities required to meet the increased demand and phasing of such facilities in accordance with projected demand;*

Response: Water services will need to be extended east from the intersection of Sequoia Parkway with SE 4th Avenue in order to service the subject property. Sanitary sewer will need to be extended from this same intersection to the subject property. Additional internal infrastructure will need to be provided in order to service individual parcels at the time of development as needed.

D. Statement outlining method and source of financing required to provide additional facilities;

Response: All feasible means of financing, public and private, will be used in an equitable manner to finance required additional facilities.

E. Statement of overall development concept and methods by which physical and related social environment of the site, surrounding area, and community will be enhanced;

Response: This property is designated for industrial development. The overall development concept is to create parcels suitable for industrial uses. The subject property differs from the remaining inventory of industrial land within the Industrial Park in that the two parcels included in the annexation are large tracts suitable for larger scale industrial users. The annexation and future development of this property would provide for improved transportation connectivity by allowing for the extension of SE 4th Avenue from Sequoia Parkway through to Mulino Road.

F. Statement of potential positive and negative physical, aesthetic, and related social effects of the proposed, or potential, development on the community as a whole and on the smaller subcommunity or neighborhood of which it will become a part; and proposed action to mitigate such negative effects (if any);

Response: The annexation of this property will have the benefit of providing an aesthetic location for the development of industrial uses that will aid the economy of the city by providing employment opportunities for the growing population base. Unless additional employment is provided in Canby, future residents will have to commute to jobs elsewhere in the region, thereby increasing the burden on transportation systems, increasing use of fuel for such commuting and resulting in impacts on the regional airshed. The City's requirements for design review prior to site development will provide assurance that the industrial development is done in a manner that is aesthetic and that mitigates potential impacts associated with development.

G. Narrative demonstrating the need for urban development proposed for the annexation area; need should be demonstrated based upon a factual analysis of the following factors:

- 1. Availability within the City of undeveloped land designated for proposed urban development;*

2. *Analysis of immediate, short-term (1 to 5 years) demand for proposed urban development;*
3. *Probable phasing of proposed urban development consistent with projected demand for period in which the annexation area is expected to be developed.*

Response: While there is some vacant industrial land available within the existing city limits, there has been rather remarkable demand for the properties within the adjoining Pioneer Industrial Park. Discussions with Mr. Terry Tolls, a realtor who is involved in marketing much of the industrial land in this area, indicates that virtually all of the industrial land within the Logging Road Industrial Park, located west of the railroad line, is developed or has been purchased for development. To his knowledge, the only remaining parcel is a 4-acre tract located at the intersection of Pine Street and Pine Crossing. Within the Canby Pioneer Industrial Park land has been committed to the new hospital, a veterinary clinic, Mountain Glass, Bowen Development, three Trend Business Center projects, Pioneer Pump, City of Canby facilities, and Greg Fishing Rods. In addition, several other properties are in escrow and more are in significant discussions regarding purchase for development.

With all of this recent activity, it is clear that there is significant need for developed industrial sites in the City of Canby. Large sites, such as the subject property, are in extremely short supply. The proposed annexation will aid in addressing this need for additional industrial land.

H. A statement indicating the type and nature of any Comprehensive Plan test or Map amendments or Land Development and Planning Ordinance or Zoning Map amendments that may be required to complete the planned development.

Response: The property is designated Light Industrial on the Canby Comprehensive Plan Map and Light Industrial zoning will be adopted upon annexation. No change from this designation is proposed and no other amendments to City ordinances are required.

Ten (10) copies of a traffic impact analysis, conducted or reviewed by a traffic engineer that is contracted by the City and paid for by the applicant (through the City), including an accident report for the adjacent roads and nearby intersections, for any project that results in any one of the following:

- A. *More than one access onto any collector or arterial street (such streets being designated by the City of Canby Transportation System Plan);*
- B. *More than six (6) residential units that enter onto any collector or arterial street;*
- C. *Any multiple family dwellings (apartments, condominiums, townhouses, etc.) with more than six (6) units; or*

D. *Industrial or commercial enterprises which generate more than one hundred (100) vehicles per day.*

Note: A traffic impact analysis is not required if all property to be annexed is located within an approved Master Planned area and a comprehensive traffic impact analysis is completed for the Master Planned area.

Response: The subject property is well served with access to the transportation system. Because the traffic generated by development on this property will vary depending upon the specific uses that eventually are located here, city staff has agreed to waive the traffic study at this time. Submittal of a traffic study will be required at the time of design review.

The standards and approval criteria for annexation proposals are found in Section 16.84.040 of the City of Canby Municipal Code. These criteria are discussed below:

16.84.040 Standards and criteria.

A. *When reviewing a proposed annexation of territory, the commission shall give ample consideration to the following standards and criteria:*

1. *Annexation shall be in keeping with prioritization categories, as designated on the adopted maps showing growth phasing (Urban Growth Element of the Comprehensive Plan). Areas designated as Type "A" urbanization lands shall be annexed prior to those areas shown as Type "B", etc. Annexation which is not in keeping with the phased growth concept shall only be permitted when the following findings are made:*

- a. *Appropriateness of the annexation in terms of timing for city growth and development;*
- b. *There will be some special benefit to the city overall as a result of the annexation which would not occur if the phased growth pattern was followed;*
- c. *The annexation will result in no adverse impacts on the city's planned provision of public facilities and services.*

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

Response: The comprehensive plan prioritizes the subject property for annexation as Type "C", meaning that it should not be annexed prior to other Type "A" and Type "B" properties. However, there is no industrial land of

either Type "A" or "B" remaining to be annexed. Thus, the annexation of this property at this time is consistent with this criterion.

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

Response: A recent (January 2006) study by ECONorthwest and Group Mackenzie indicated that there were at that time 225 acres of industrial land available for purchase within the Canby Pioneer Industrial Park. Discussions with Mr. Terry Tolls, as discussed above in this report, indicate that much of this land has been either developed or committed to development since the date of that report. While no formal inventory of remaining industrial land exists, discussions with Mr. Tolls and City Planning staff lead to a reasonable estimate that as much as 75 percent of the industrial land base is now off the market and either developed, undergoing development, or is committed to development. Further, there are very few large tracts available for major industrial users. The annexation of the subject property would add 32 acres of industrial land to meet existing and future needs in a large site such as is presently in very short supply.

Canby's Comprehensive Plan adopted in 1984 did set aside this large area with a purpose. The overall concept was to provide a "great deal of future industrial development" in order to "make Canby more self-sufficient and less commuter-oriented". Large contiguous areas were designated for industrial development in order to allow for the possibility of large-scale development.

While Canby's need standard specifies a three-year supply for residential land, it does not state what threshold should be used for commercial or industrial land. There are no statements relative to how phasing should occur, but the Comprehensive Plan does, in several places, make clear

that this should be left flexible to encourage a variety of desired development types.

3. *Smaller non-farm land shall be considered a priority for annexation over larger farm land;*

Response: The subject property is zoned EFU and is in agricultural use. However, it is appropriate to annex this property at this time in spite of this criterion because there is a need for larger parcels for industrial use that cannot be met by available smaller sites. The size of the subject property allows for development to occur in a planned and coordinated manner that will allow for appropriately sized and configured parcels to be created that can take advantage of the uniqueness of the parcels.

4. *Access shall be adequate to the site;*

Response: The annexation area is well served with access. The site has frontage on Township Road and Mulino Road. Additionally, Walnut Street and SE 4th Avenue abut the property along its western border. Connection of SE 4th Avenue from Sequoia Parkway through to Mulino Road can be accomplished with the annexation and future development of this site.

5. *Adequate public facilities and services shall be available to service the potential (or proposed) development;*

Response:

Water: Water is available at the intersection of Sequoia Parkway and SE 4th Avenue, approximately 250 feet west of the site. Water will be extended to the property concurrent with development.

Sewer: A 12-inch sanitary sewer is available at the intersection of Sequoia Parkway and SE 4th Avenue, approximately 275 feet west of the subject property.

Storm Drainage: The storm drainage system would be provided at the time of development via a combination of infiltration systems and surface drainage to the existing ditches along Mulino Road and Township Road.

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

Response: The City of Canby's Comprehensive Plan contains goals and policies that relate to this application. The following comments relate to these goals and policies:

Urban Growth Element

Goal 1: To preserve and maintain designated agricultural and forest land 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 #3: Canby shall discourage the urban development of properties until they have been annexed to the City and provided with all necessary urban services.

Response: The subject property is zoned EFU, but lies within the Canby Urban Growth Boundary. The issue under this element is the appropriate timing for the conversion to urban use. The Comprehensive Plan gives this area a Type C designation for annexation, meaning that it is intended that the subject property would be annexed only after other industrially-designated properties that are closer to urban services have been annexed. Since the adoption of the Comprehensive Plan and the annexation priorities map, all other Type A and B industrially designated land has been annexed to the city. Thus, the timing for this annexation is appropriate.

Land Use Element

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

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

Response: The City's Comprehensive Plan has grouped Industrial lands into an area that is separated from residential areas in the vicinity of the subject property. No land use conflicts are anticipated.

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

Implementation Measure B: Carefully analyze the need for additional property within the City limits or in light of underutilized property, prior to the annexation of additional lands.

Response: The assessment of need for additional industrial land has been discussed above in this narrative and is a major criterion in the City's decision-making process on annexations

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

Response: As discussed earlier in this narrative, adequate levels of public facilities and services will be available concurrently with the development of this property.

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

Response: The subject property fronts on Township Road and Mulino Road. Improvement of these roads to City standards will be required at the time of development of this site. Development will also provide for the extension of SE 4th Avenue from Sequoia Parkway east to Mulino Road in order to improve transportation connectivity in this area.

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

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.

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

Response: Sidewalks will be provided with the development of this property as required by City standards. The site has excellent access to the transportation system so that adequate site access and emergency vehicle response will be ensured.

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.

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

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

Response: All affected agencies will be notified of this annexation proposal and provided an opportunity to respond. The provision of public facilities and services to this area will be provided through a combination of public and private financing. The applicant will work with the City to identify the most appropriate and equitable means of providing needed services concurrent with development of this property.

Energy Conservation Element

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

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

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.

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

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

Response: The City has implemented these policies through its prioritization of lands as Types "A" through "C" for consideration of annexation. Consistent with this policy, all of the Types "A" and "B" industrial lands have been annexed. It is now appropriate to consider the annexation of the subject property to provide for additional needs for industrial sites, particularly larger parcels for larger-scale uses.

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

Response: City development standards will ensure that adequate services are provided to address surface water and storm drainage issues such that these resources are protected.

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

Response: No open space resources exist on the subject property and the City's plans do not designate the subject property as having sites for meeting open space needs.

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

Response: There are no wetlands identified within the proposed annexation area.

Transportation Element

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

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

Response: By providing adequate land to meet the needs of the city for industrial development, the number of jobs within close proximity to the city's residential areas will be increased, thereby reducing transportation costs.

7. *Compliance of the application with the applicable sections of Oregon Revised Statutes Chapter 222. (In other words, a triple majority type application must contain proof that a triple majority does, in fact, exist, etc.);*

Response: The applicant owns all of the property in the proposed annexation and has signed the annexation petition. This criterion is satisfied.

8. *Risk of natural hazards which might be expected to occur on the subject property shall be identified;*

Response: The subject property is not subject to any known natural hazards. The site is not in a 100-year floodplain. The Oregon Department of Geology and Mineral Industries natural hazards maps for Clackamas County do not indicate the presence of any natural hazards on this site.

9. *Urbanization of the subject property shall not have a significant adverse effect on specially designated open space, scenic, historic or natural resource areas;*

Response: There are no designated open space, scenic, historic or natural resource areas in the vicinity of the subject property.

10. *Economic impacts which are likely to result from the annexation shall be evaluated in light of the social and physical impacts. The overall impact which is likely to result from the annexation and development shall not have a significant adverse effect on the economic, social and physical environment of the community, as a whole.*

Response: This annexation will make land available for industrial development, particularly industrial development that requires larger sites. The eventual development of this property will provide for employment opportunities for residents of Canby. This development will also add to the tax base of the City.

- B. *If the proposed annexation involves property beyond the city's Urban Growth Boundary, or if the annexation is proposed prior to the acknowledgment of compliance of the city Comprehensive Plan by the state Land Conservation and Development Commission (LCDC), the proposal shall be reviewed for compliance with the Statewide Planning Goals. (Ord. 740 section 10.6.40, 1984; Ord. 981 section 37, 1997)*

Response: The subject property lies within the current Urban Growth Boundary for the City of Canby. The City's Comprehensive Plan has been acknowledged by

LCDC. For these reasons, this annexation is in compliance with applicable Statewide Planning Goals.

Conclusion:

This application proposes the annexation of over 32 acres of land designated for light industrial development. This application has demonstrated that this area will help in meeting a need for larger industrial sites...something that is in short supply in the city's current industrial land base. The site is well-served with transportation services and other public facilities and services can be readily provided concurrent with the development of this property. The land is free of known physical hazards and is capable of being developed in an aesthetic manner that will be compatible with the surrounding area. The annexation and development of this property will add to the City's tax base and will help in meeting the need for employment for Canby's residents. For all of these reasons, we request that the City approve this application.

Rick Givens
Planning Consultant
204 SE 10th Avenue
Canby, OR 97013

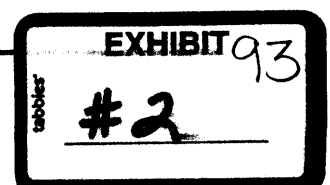
Neighborhood Meeting Minutes

The neighborhood meeting was held at 7:00 PM on December 12, 2006 to discuss a proposed annexation of 32.62 acres owned by the Parsons Family to the City of Canby. The meeting was held at the Canby Adult Center, 1250 South Ivy Street, Canby, OR. The property is located at the intersection of Mulino Road and Township Road.

The following persons were in attendance at the meeting:

Rick Givens, Planning Consultant	204 SE 10 th Avenue, Canby, OR 97013
Jacques Parsons, Owner	25460 SW Baker Road, Sherwood, OR 97140
Gene Wolf, Realtor	30003 SW 35 th Dr., Wilsonville, OR 97070
Lisa Weygandt	2522 SE Township Road, Canby, OR 97013
Buzz & Patt Weygandt	24401 S. Mulino Road, Canby, OR 97013
Leighton Perkins	446 S. Walnut St., Canby, OR 97013

Rick Givens opened the meeting by describing the proposal and explaining the process involved in the annexation application. Lisa Weygandt asked about the boundary survey on the property and progress towards resolution of a discrepancy in the boundary line between her property and the subject property. Mr. Givens explained that a survey is in progress and will be completed prior to the planning commission hearing, that the surveyor is aware of the discrepancy and is working to resolve it. Mr. Parsons stated that he is amenable to using the existing fence line and this seemed agreeable to Ms. Weygandt. Leighton Perkins asked about utility services and about property tax implications associated with converting agriculturally assessed land to urban use. Mr. Givens explained his understanding regarding those issues. No objections were raised to the proposed annexation and the meeting was adjourned at approximately 7:30 PM.



**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

(503) 266-7001

FAX 266-1574

DATE: November 14, 2006

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"/> WWTP - Darwin Trammel	<input type="checkbox"/> CLACKAMAS COUNTY
<input type="checkbox"/> WWTP - Jeff Crowther	<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 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 ANN 06-05 (23625 and 23849 Mulino Road), an application by Parsons Family Trust, requesting to annex 32.62 acres into the City of Canby. The property is located at 23625 and 23849 Mulino Road. If annexed the parcel would be zoned M-1 (Light Industrial) in conformance with Canby's Comprehensive Plan. If approved, the applicant proposes to develop future industrial.

Please review the enclosed application and return comments to Kevin Cook by Wednesday, November 22, 2006. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

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:

Ted Kahut

Date:

11-16-06

Title:

President

Agency:

Canby Disposal

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-7001

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Please review the enclosed application and return comments to **Kevin Cook** by **Wednesday, November 22, 2006**. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

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- ☒ 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: 11-22-06

Title: ASSOCIATE ENGR. Agency: CANBY TELECOM

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: November 14, 2006

TO:

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|---|--|
| <input type="checkbox"/> FIRE | <input type="checkbox"/> CANBY POST OFFICE |
| <input type="checkbox"/> POLICE | <input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR |
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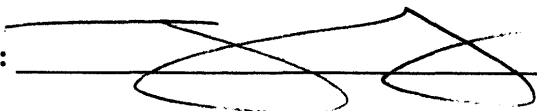
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Comments or Proposed Conditions:

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- ☐ 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:

11/20/06

Title:

LT.

Agency:

Police

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

(503) 266-7001

FAX 266-1574

P.O. Box 930, Canby, OR 97013

DATE: November 14, 2006

TO:

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- ☐ POLICE
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- ☐ OTHER _____

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Please review the enclosed application and return comments to Kevin Cook by Wednesday, November 22, 2006. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

Property is not contiguous to Canby Utility's Electrical System + will require extension for development.

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: *Jeff Storch*Date: 11-20-06Title: Line ForemanAgency: Canby Utility Elect.

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

(503) 266-7001

FAX 266-1574

DATE: November 14, 2006

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<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"/> WWTP - Darvin Trammel	<input type="checkbox"/> CLACKAMAS COUNTY
<input type="checkbox"/> WWTP - Jeff Crowther	<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 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 _____

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Please review the enclosed application and return comments to Kevin Cook by Wednesday, November 22, 2006. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

Water main would need to be a loop system to adhere to past practices of Canby Utility Master planning.

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: _____

Title: _____

Agency: _____

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

(503) 266-7001

FAX 266-1574

DATE: November 14, 2006

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"/> WWTP - Darvin Trammel | <input type="checkbox"/> CLACKAMAS COUNTY |
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Signature: _____

Date: _____

Title: _____

Agency: _____

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: November 14, 2006

TO:

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Signature: Linda Martin **Date:** 11/17/06

Title: Secretary **Agency:** Canby School District

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: November 14, 2006

TO:

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<input type="checkbox"/> POLICE	<input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR
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Signature: M. Andrew Elmore **Date:** 11-21-06

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

From: "Hixson, Robert" <roberth@co.clackamas.or.us>
To: "Kevin Cook" <CookK@ci.canby.or.us>
Date: 11/22/06 2:43PM
Subject: ANN 06-04 and ANN 06-05

Dear Mr. Cook,

Clackamas County Engineering staff has no objections to the proposed annexations and recommends the City of Canby arrange for transfer of jurisdiction of the adjacent roadways to the City of Canby. This is especially true for ANN 06-04 where an isolated County road (Fir Street) is surrounded by City property and City streets, and has no connection to another County road.

Sincerely,

Robert Hixson

From: "Craig Harris" <craigh@aaieng.com>
To: <Williamsj@ci.canby.or.us>, "Kevin Cook" <cookk@ci.canby.or.us>
Date: 1/22/07 3:31PM
Subject: Parsons Family Trust Annexation to the City of Canby.

Mr. Williams,

Since I am the Burden Estate's engineering representative, I have been asked to evaluate if any roadway or infrastructure issues will need to be addressed on the proposed Parsons Family Trust annexation application.

Whether these issues need to be addressed at this hearing or after the property is annexed, for the record, we would like the following items to be known by the members of the Parsons Family Trust, their representatives and the City of Canby:

Once annexed, we believe the following:

1. Dedication of additional right-of-way should be required so that SE 4th Avenue may be extended more or less due east of its existing termination point at the Sequoia Parkway/SE 4th Avenue intersection. It is assumed that right-of-way width and pavement width shall be based on the street classification. (It is NOT the intent of this memo to address additional roadway/infrastructure issues that may or may not be applicable for the Parsons Family Trust for those portions of the subject property that face Mulino Road or Township Road.)
2. The intersection of Walnut and Sequoia Parkway should be moved, more or less as proposed by the City's engineering firm, Curran-McLeod. (The newly aligned roadway would connect with Sequoia Parkway more or less in the area between Lot 8, Burden, and the parcel immediately north of Lot 8, Burden, known as Tax Lot 1800.) This would also entail the total vacation of all of Walnut east of Lots 7 and 8 of the Burden subdivision and the relocation of any utilities which may be in that section of roadway. Access and utilities for the subject Parsons Family Trust property would be via the new SE 4th Avenue extension (see paragraph "1" above), Township Road and, of course, Mulino Road. The Parsons Family Trust would be expected to cooperate in the Walnut realignment and vacation as herein described.

Should you have any questions please do not hesitate to call.

Regards,

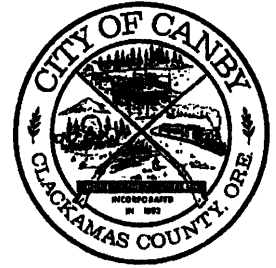
Craig Harris, PE
Civil Department Manager

AAI Engineering
503.352.7678 | dir
503.620.3030 | tel
503.620.5539 | fax

<mailto:craigh@aaieng.com> craigh@aaieng.com
<http://www.aaieng.com/> www.aaieng.com

4875 SW Griffith Drive | Suite 300 | Beaverton, OR | 97005

CC: <rrr@canbylaw.com>, "Terry N. Tolls" <Terry@Tolls.com>, "Allen C. Patterson"
<Allen@capacitycommercial.com>, <diane@canbylaw.com>, "Charles Burden"
<chaseburden@msn.com>



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

**A REQUEST TO ANNEX 32.62
ACRES OF LAND INTO THE
CITY OF CANBY**)

**FINDINGS, CONCLUSIONS & ORDER
ANN 06-05**

NATURE OF APPLICATION

The applicant is requesting approval to annex 32.62 acres into the City. The site is located north of Township Road, along the west side of Mulino Road. If annexed the property would be zoned M-1 (Light Industrial) in accordance with the Canby Comprehensive Plan. The addition of the subject parcels will increase the availability of industrial land within the City.

HEARINGS

The Planning Commission held a public hearing to consider the application on January 22, 2007.

CRITERIA AND STANDARDS

The Planning Commission forms a recommendation that the City Council may consider after conducting a public hearing. If the City Council approves the application, it forwards its recommendation to the voters of Canby as a ballot measure where a final decision is reached during a general election.

Section 16.84.040 of the Canby Municipal Code states that when reviewing a proposed annexation, the Commission shall give ample consideration to the following:

1. Annexation shall be in keeping with prioritization categories, as designated on the adopted maps showing growth phasing (Urban Growth Element of the Comprehensive Plan);
2. Analysis of the "need" for additional property within the city limits shall be provided;
3. Smaller non-farm land shall be considered a priority for annexation over larger farm land;
4. Access shall be adequate to the site;

**Findings, Conclusions and Final Order
ANN 06-05
Page 1 of 5**

5. Adequate public facilities and services shall be available to service the potential (or proposed) development;
6. Compliance with other applicable city ordinances or policies;
7. Compliance of the application with the applicable sections of Oregon Revised Statutes Chapter 222. (In other words, a triple majority type application must contain proof that a triple majority does, in fact, exist, etc.);
8. Risk of natural hazards which might be expected to occur on the subject property shall be identified;
9. Urbanization of the subject property shall not have a significant adverse effect on specially designated open space, scenic, historic or natural resource areas;
10. Economic impacts which are likely to result from the annexation shall be evaluated in light of the social and physical impacts. The overall impact which is likely to result from the annexation and development shall not have a significant adverse effect on the economic, social and physical environment of the community, as a whole.

FINDINGS AND REASONS

The Planning Commission deliberated on all input presented at the January 22, 2007 meeting. The Planning Commission also incorporates the January 12, 2007 Staff Report and Commission deliberations as support for its decision. The Planning Commission accepted and adopted the findings in the January 12, 2007 Staff Report.

CONCLUSION

The Planning Commission of the City of Canby concludes that, based on the findings and conclusions contained in the January 12, 2007 Staff Report, and based on Commission deliberations at the January 22, 2007 public hearing:

1. The subject parcel is designated priority "C" for annexation; however, there is no more existing priority "A" or "B" land available for annexation.
2. The Planning Commission finds that the annexation is in compliance with the Pioneer Industrial Park Master Plan, will facilitate the needed infrastructure improvements, will allow Canby to be competitive in the marketplace and will provide transportation access to Mulino Road and Highway 99E.
3. This annexation proposal seeks to carry out the priorities contained within the Comprehensive Plan. This proposal seeks to annex parcels that are part of Canby's Industrial Master Plan.
4. The site abuts Mulino Road and S Township Road. Roads will be improved prior to additional development.
5. The City and other affected service-providing entities have the capability to amply provide the area of the proposed annexation with urban level services upon future development. This annexation will assist with infrastructure improvements in support of

the Pioneer Industrial Park Master Plan.

6. The annexation proposal is in compliance with other applicable City ordinances or policies.
7. The annexation proposal complies with all applicable sections of Oregon Revised Statutes.
8. No natural hazards have been identified on the site.
9. The effect of urbanization of the subject property to designated open space, scenic, historic or natural resource areas is limited, in that the open space designation and requirements as found in the Parks Master Plan will be adhered to.
10. The proposed annexation will increase the industrial land available for development within the City of Canby. The economic benefits created by an increased employment base will be substantial. The site is not immediately adjacent to residential areas and impacts to the community are anticipated to be slight.

RECOMMENDATION

IT IS RECOMMENDED BY THE PLANNING COMMISSION of the City of Canby that the City Council **APPROVE** annexation application ANN 06-05 subject to the following understandings.

1. The zoning classification for the property will be M-1 Light Industrial.
2. All City and service provider regulations are to be adhered to at the time of connection of services and/or future development.
3. A detailed traffic study describing the impact of development on relevant roadways has not been completed. Such studies will be required as part of future development applications as required under the Municipal Code, and mitigation measures may be required as a condition of approval of those developments. Traffic studies will be completed based on full development of the industrial area as allowed in the Industrial Area Master Plan. The Oregon Department of Transportation will be given ample opportunity to comment as development proposals occur.
4. Financing of public improvements in the Industrial Area will be provided by public and/or private sources, as agreed upon separately by the City and property owners. Financing mechanisms may include Advanced Financing Districts and Local Improvement Districts. Requirements for public improvements will occur during the Site and Design Review process.

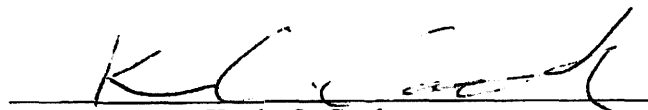
5. Any costs associated with the annexation election not covered by the initial deposit shall be the responsibility of the applicant and/or property owner. Elections costs shall be payable upon receipt of an itemized billing from the City of Canby.

I CERTIFY THAT THIS ORDER recommending **APPROVAL** of **ANN 06-05** to the City Council was presented to and **APPROVED** by the Planning Commission of the City of Canby.

DATED this 22nd day of January, 2007.



James Brown
Chairman, Canby Planning Commission



Kevin C. Cook
Associate Planner

ORAL DECISION – January 22, 2007

AYES: Brown, Milne, Ewert

NOES:

ABSTAIN:

ABSENT: Holte, Molamphy

WRITTEN FINDINGS - January 22, 2007

AYES: Brown, Milne, Ewert

NOES:

ABSTAIN:

ABSENT: Holte, Molamphy



Memorandum

To: Honorable Mayor Thompson and City Council;
CC: Willow Creek Estates, Applicant
From: Kevin C. Cook, Associate Planner
Date: 1/29/2007
Re: Proposed Zone Change for 1592 S Ivy St. (City file ZC 06-04)

Issue: **ZC 06-04**, an application to change the zoning designation for the western 330 feet (1.3 acres) of a 4.86 acre tax lot located at 1592 S Ivy St. Current zoning on the subject parcel is R-1 Low Density Residential. The applicant proposes to amend the zoning on this portion of the property to reflect the Comprehensive Plan designation of R-1.5 Medium Density Residential. The R-1.5 designation was added in 2001 by the City as part of Periodic Review. The remainder of the lot (eastern portion) will remain R-1 consistent with the Comprehensive Plan.

The parcel is a long linear strip of land. Property to the south is un-annexed farm land as is the majority of the land to the north. An existing residence on the site was removed earlier last year. The proposal to subdivide the parcel is contingent on the outcome of this request for a zone change; the subdivision request has been reviewed under a separate application (File # SUB 06-05).

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 06-04 by adopting Ordinance 1231.**

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 a subdivision that would include 8 townhouse units to be constructed on the western portion of the lot. The subdivision was approved by the Planning Commission conditioned upon the outcome of this zone change request.

Options:

- 1. Approve ZC 06-04 as proposed.** The Planning Commission recommends this option.
- 2. Deny ZC 06-04.** This option is not recommended because the Planning Commission found that the application meets all applicable criteria and standards.
- 3. Approve ZC 06-04 with conditions.** This option is not recommended because all needed conditions have been addressed by the Planning Commission through approval of the subdivision application.

Attached:

1. Ordinance 1231
2. 12/29/06 Staff Report
3. Planning Commission findings

ORDINANCE NO. 1231

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON FOR TAX LOT 5200 OF TAX MAP 4-1E-04DA.

WHEREAS, an application was filed with the City by Willow Creek Estates, Inc. to change the zoning of the westernmost 1.3 acres of a single 4.86 acre parcel from Low Density Residential (R-1) to Medium Density Residential (R-1.5); and

WHEREAS, a public hearing was conducted by the Canby Planning Commission on January 8, 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 4-0 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 at a regular meeting on February 7, 2007; and

WHEREAS, the Canby City Council, after the staff report and review of the record, voted to accept the Planning Commission's recommendation;

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

Section 1. The Westernmost 1.3 acre portion of tax lot 5200 of map 4-1E-04DA is rezoned from Low Density Residential (R-1) to Medium Density Residential (R-1.5) 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 February 7, 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 February 21, 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

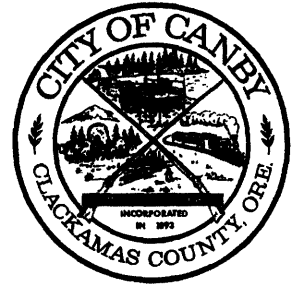
PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on February 21, 2007 by the following vote:

YEAS _____ NAYS _____

Melody Thompson, Mayor

ATTEST:

Kimberly Scheafer
City Recorder Pro Tem



- STAFF REPORT

APPLICANT:

Willow Creek Estates, Inc.
334 SE 10th Avenue
Canby, OR 97013

OWNER:

Wayne & Marlene Scott
1988 NE 19th Avenue
Canby, OR 97013

LEGAL DESCRIPTION:

Tax Map 4-1E-4DA, Tax Lot 5200

LOCATION:

1592 S Ivy St.
East side of S. Ivy Street
South of SE 13th Avenue

COMPREHENSIVE PLAN DESIGNATION:

Low Density Residential/Med. Density Residential

FILE NUMBER:

SUB 06-05/ ZC 06-04

STAFF:

Kevin Cook
Associate Planner

DATE OF REPORT:

December 29, 2006

DATE OF HEARING:

January 8, 2006

ZONING DESIGNATION:

R-1 Low Density Residential

I. APPLICANT'S REQUEST:

The applicant is seeking approval to subdivide one 4.86 acre parcel into 22 residential lots and to change the zoning on the western 330 feet of the lot. The entire lot is currently zoned R-1. The western 330 of the lot has a Comprehensive Plan designation of R-1.5; the proposed zone change would bring this portion of the lot into agreement with the Comprehensive Plan. The eastern portion of the lot will retain the current R-1 zoning designation, which is consistent with the Comprehensive

Plan designation. The applicant proposes to provide access to newly created lots by means of a wide half-street (SE 16th Avenue). SE 16th Avenue would access S Ivy Street and would end in a cul-de-sac. A proposed stub for S Juniper St. is proposed as well as a connection to S Lupine St. in the Tofte Farms Subdivision. Sidewalks would be located behind a planter strip.

The submitted plan indicates that the westernmost eight lots will most likely consist of 4 duplex units – this configuration is contingent on the approval of the zone change submitted with this application (see Condition 1). The remaining 14 lots would be developed as single family residences. A 7,914 square foot open-space tract is proposed (Tract A) north of the eight proposed R-1.5 lots – this open-space lot will not be a public facility, rather it will be maintained by the homeowners. The applicant has stated that the rear yards of the duplex units will not be fenced off from the open-space tract.

II. APPLICABLE APPROVAL CRITERIA:

A. SUBDIVISION - City of Canby Code Section 16.62.020

This is a quasi-judicial land use application. Applications for a subdivision shall be evaluated based upon the following standards and criteria:

1. Conformance with the text and applicable maps of the Comprehensive Plan.
2. Conformance with other applicable requirements of the land development and planning ordinance.
3. The overall design and arrangement of lots shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties.
4. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed land division.

B. 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:

1. The Comprehensive Plan of the City, and the plans and policies of the County, state and local districts in order to preserve functions and local aspects of land conservation and development;
2. 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.

C. CITY OF CANBY - General Ordinances

- 16.10 Off Street Parking/Loading
- 16.16 R-1 Low Density Residential Zone
- 16.18 R-1.5 Medium Density Residential Zone
- 16.62 Subdivision - Applications
- 16.64 Subdivisions - Design Standards
- 16.66 Subdivisions - Planning Commission Action
- 16.68 Subdivisions - Final Procedures and Recordation
- 16.88 General Standards
- 16.95 Solar Access Standards for New Development

III. FINDINGS:

1. Location and Background

The subject property is located southwest of Tofte Farms. The parcel is a long linear strip of land. Property to the south is un-annexed farm land as is the majority of the land to the north. An existing residence on the site was removed earlier this year.

The applicant also owns the property to the north and has tried to annex it in order to develop it along with the subject parcel. The development is unusual in that it is long and narrow and because it is situated between undeveloped un-annexed parcels. The proposal does fit with the masterplan submitted the previous annexation requests, and so will fit in better as the rest of the area develops. The R-1.5 designation was added in 2001 by the City as part of Periodic Review.

2. Comprehensive Plan Consistency Analysis

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.

Applicable Policies:

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

Analysis: *The proposed development of housing on the subject parcel is an approved use of the property.*

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 development of the proposed subdivision. An approved curb cut, apron, and sidewalks are required to provide drive access to proposed parcels.

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

Analysis: Sidewalks are required (Condition 15).

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." As of the date of this report, no comments were returned. A pre-application meeting was held regarding this proposal. All providers indicated that utilities and services are available to the site. No neighborhood comments have been received. Clackamas County Roads received notice of this subdivision and did not return comment as of the date of this report.

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.

Evaluation Regarding Subdivision Approval Criteria:

- A. Conformance with the text and with the applicable maps of the Comprehensive Plan.

See discussion in part III.2, above.

- B. Conformance with all other requirements of the Land Development and Planning Ordinance.

With recommended conditions, the proposed Subdivision will comply with the requirements of the Land Development and Planning Ordinance, including land use, lot sizes and frontage, access, and coverage requirements.

- C. The overall design and arrangement of parcels shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties.

With recommended conditions, the proposed Subdivision will be functional and will provide building sites, necessary utility easement and access facilities.

- D. No partitioning shall be allowed where the sole means of access is by private road, unless it is found that adequate assurance has been provided for year-round maintenance sufficient to allow for unhindered use by emergency vehicles, and unless it is found that the construction of a street to city standards is not necessary to insure safe and efficient access to the parcels.

No private roads are proposed by the applicant.

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

Public services and facilities are available to adequately meet the needs of this subdivision. See discussion in part III.2, above.

IV. CONCLUSION

1. Staff concludes that the subdivision request, with appropriate conditions, is in conformance with the Comprehensive Plan and the Municipal Code.

2. Staff concludes that, with appropriate conditions, the overall design and arrangement of the proposed parcels are functional and will adequately provide building sites, utility easements and access facilities necessary for development of the subject property without unduly hindering the use or development of adjacent properties.
3. No private roads will be created.
4. Staff concludes that all necessary public services are available or will become available through the development of the property to adequately meet the needs of the proposed subdivision.
5. Staff concludes that the 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.

V. RECOMMENDATION

Zone Map Amendment:

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 06-04** to the City Council.

Subdivision:

Based on the application and drawings submitted and based on the facts, findings and conclusions of this report, and without benefit of a public hearing, staff recommends that the Planning Commission approve **SUB 06-05** with the following conditions:

1. This approval is subject to final approval of the proposed zone change application (City File ZC 06-04) that was submitted by the applicant concurrently with this application. If File ZC 06-04 is not ultimately approved, the applicant will be required to file a modification to this subdivision approval in order to show compliance with existing zoning on the western portion of the parent parcel. The final plat shall not be signed by the City prior to final approval of File ZC 06-04.
2. The final plat shall reference the following land use application: City of Canby, File No. SUB 06-05 and shall be registered with the Clackamas County Surveyor's Office and recorded with the Clackamas County Clerk's Office. Evidence of this shall be provided to the City of Canby Planning Department prior to the issuance of building permits.
3. The final plat mylars must contain, in the form specified, all information necessary to satisfy all matters of concern to the County Surveyor's office, including, but

not limited to, various matters related to land surveying, land title, plat security, and plat recordation.

4. Easements shall be provided as follows, unless otherwise allowed by Canby Utility and the Public Works Department:

- Twelve (12) foot wide public utility and public access easements for sidewalks along all street frontages.
- Easements for any storm-water lines that will cross private property.
- Pedestrian easement for any sidewalks and/or pathways that will cross any private property.

4. Prior to the signing of the final plat the land divider shall follow the provisions of Section 16.64.070 (Improvements) in particular, but not limited to, subparagraph (O) Bonds, which requires a surety bond, personal bond, or cash bond for any subdivision improvements not completed prior to the signing of the final plat. Subdivision improvements shall include but are not limited to streets, sidewalks, sewer and utility extensions, stormwater facilities, and street trees. The bond shall provide for the City to complete the required improvements and recover the full cost of the improvements.

5. Prior to the signing of the final plat, a copy of the CC&Rs that will be filed with the subdivision shall be submitted to the City Planning Department, prior to the signing of the final plat, and shall include a statement that street trees will be planted along street frontages, within the street tree planting easement. The CC&Rs must also include a statement notifying home owners of their responsibilities under the current Tree Ordinance for maintenance of street trees. The CC&Rs must also include, at a minimum, the following:

- Land which is not intended for physical development, such as building or street uses, is required to remain in open space usage perpetually. Maintenance of such open space areas shall remain the responsibility of the individual owner or owners' association, in a manner outlined in the by-laws of such association.
- The manner in which any open space, private park and recreational area, and parking areas are to be maintained shall be presented along with the preliminary copy of the proposed owners' association by-laws and contractual agreements shall be submitted with the preliminary subdivision.

6. Prior to the signing of the final plat, a contract between the developer and a certified landscape contractor must be approved by the City prior to the signing of the final plat. The contract must include a street tree and planter strip planting plan (as appropriate) with the types and locations of trees to be planted and timing of the planting. The landscape contractor must be licensed in all phases of landscape contracting by the Oregon Landscapers Contractors Board.

7. Each new residential lot shall include one street tree per street frontage.

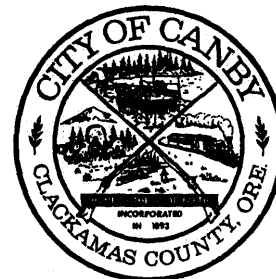
8. The design, location, and planned installation of all utilities, including but not limited to water, electric, sanitary sewer, natural gas, telephone, and cable television shall be approved by the appropriate utility provider. Final approval of site and utility plans is required **prior to the issuance of any building permit and/or site work**. To facilitate this, twelve (12) copies of pre-construction plans shall be given to the City to be reviewed and approved by the Canby Utility Board, the Canby Telephone Association, the City, Canby Fire District, Postal Service, Clackamas County Transportation, and other required utility providers prior to the pre-construction conference. The construction plans shall include the street design, storm water, sewer, water, electric, telephone, gas, street lights, mail boxes and street trees. Utilities shall be separated from one unit to the next. A final set of the construction plans shall be signed by all required government and utility agencies prior **to the issuance of any permits and/or site work**.
10. Where applicable, newly constructed residences shall comply with Infill Home Standards through the building permit approval process. On lots bordering existing homes that have preexisted for five years or more, the building permit application shall include the distances from lot lines to neighboring residences as well as existing heights of the neighboring buildings.
11. Street lighting shall be provided and shall meet City street lighting standards. Installation of street lights to be reviewed and approved by the City and the Canby Utility Board.
12. Prior to the issuance of building permits for any new dwellings, all existing septic systems shall be abandoned in accordance with State, County, and City requirements.
13. An erosion control permit is required. All City erosion control regulations shall be followed during construction as specified by the Canby Municipal Code.
14. The applicant shall construct an approved curb cut and approach apron at the drive entrance to each parcel. Access improvements, sidewalks, and paving shall be inspected and approved by Canby Public Works prior to installation.
15. Prior to issuance of a certificate of occupancy on individual lots, five (5) foot sidewalks shall be constructed as proposed parallel to all street frontages. The sidewalk shall avoid obstructions such as mailboxes and fire hydrants as necessary in order to remain unobstructed for a full (5) five-foot width along its entire length. Sidewalks shall be inspected and approved the City of Canby Public Works Department.
16. Street improvements are required as shown on the submitted plans. The street improvements shall be constructed to City standards, and shall be approved by the City Engineer, Canby Public Works, and the Clackamas County Transportation Division prior to construction. The applicant shall adhere to all requirements of the Clackamas County Transportation department for road improvements and road approaches adjacent to S Ivy St. Street improvements shall be completed to

the satisfaction of the Public Works Department prior to the issuance of building permits for new dwellings. Street right-of-way shall be dedicated to the City as shown on the submitted plans.

17. "As-built" drawings of all public improvements shall be submitted to the City within sixty (60) days of completion. A copy of the "as-built" drawings shall be submitted on a computer disk in an AutoCAD format.
18. The final plats must be submitted to the City within one (1) year of the approval of the preliminary plat according to Section 16.68.020. Mylar copies of the final plat must be signed by the City prior to recording the plat with Clackamas County.
19. The approval of this subdivision application will be null and void if the final plat is not submitted to the County within six (6) months after signing of the plat by the City (Section 16.68.070).
20. Any relocation of existing utilities required due to construction of the development shall be done at the expense of the applicant.
21. Sanitary system and storm drainage plans shall be approved by DEQ prior to construction.
22. The site approval as acted upon by the Commission shall be binding upon the developer and variations from the plan shall be subject to approval by the Canby Planning Department and/or the Planning Commission.

Exhibits:

1. Applicant's packet
2. Minutes of pre-application meeting



Pre-Application Meeting

DINSMORE ESTATE

February 16, 2005

10:30 am

Attended by:

Roy Hester, Public Works Dept., 503-266-4021

Calvin Pottratz, CU Water Distribution Dept., 503-266-1156

Pat Sisul, Sisul Engineering, 503-657-0188

Todd Gary, Canby Fire Department, 503-266-5851

Billy Elder, NW Natural Gas, 503-585-6611

Tom Scott, Owner, 503-266-5488

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

SISUL ENGINEERING, Pat Sisul

- This is a 5 acre parcel, long and narrow with 22 lots, accessing from S Ivy Street and will tie into S Lupine Street in the Tofte Farms III subdivision. The utilities as we have shown: drywells for the storm system, gravity sanitary sewer going back to S Ivy Street and then to 13th Street and the water line tying into S Ivy and S Lupine Streets.
- Kevin Cook, Planning Department, wrote there needed to be zone changes.
- Hassan Ibrahim, Curran-McLeod Engineering, commented that there would be 12' sidewalks and utility easements along the streets. Provide sanitary sewer stub out to the south on S Ivy. All pollution control manholes should have a minimum of 3' sumps. Drywells will require DEQ approval.

OWNER, Tom Scott

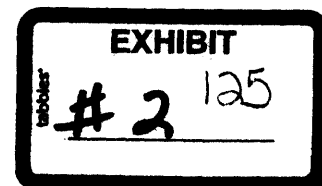
- I am going to try to get an easement from the farthest west point of the project and bring it over to 17th Street for placing the utilities, doing loop feeds.
- Tom will talk to John Williams about placing an easement in a parcel of land that is still in the County's jurisdiction, adjacent to this proposed subdivision for a sewer main to connect from S Ivy Street to their project.

CANBY UTILITY, WATER DISTRIBUTION DEPARTMENT, Calvin Pottratz

- I would like to see a hydrant blow off on the farthest part of project heading west, closest to Tofte III.
- You will be doing a hot tap off of S Ivy. The water line is a 10" PVC.
- The interior water line will be a minimum 8" ductile iron, Class 52.

CANBY FIRE DEPARTMENT, DEPUTY FIRE MARSHALL, Todd Gary

- I will measure the site and fax or email you the locations for hydrants.
- The Fire Code requires a road be 20' of open clear area and 12' of hard surface to drive on and 26' adjacent to a hydrant. If you place "No Parking" signs on one side of the road it will work with our fire code. We are working on getting the City Ordinances and the Fire Codes to match up.



CITY OF CANBY, PUBLIC WORKS DEPARTMENT, Roy Hester

- Roy would like the end of the project by Tofte III to be a cul-de-sac or a hammerhead. It will be difficult to utilize the sweeper if you have the knuckle type ending.
- Ivy Street is a County Road and since you will be in there right-of-way be prepared that the County will require you to put controlled density fill (CDF) on the entire length of the sewer main line. You will also need to have a County Street Opening permit.
- Roy told Tom Scott that the Planning Commission and possibly the Town Council will have to agree upon and give you permission to use an easement through County lands for a City sewer main to feed your property.
- Make sure you apply for an Erosion Control permit before you move any dirt.
- You will need to get DEQ approval for the storm system.
- Roy wants curb tight sidewalks, not the planter strip with sidewalks.

NW NATURAL GAS, Billy Elder

- We will be tying in from S Lupine through the project and across S Ivy to our gas line.

ZONE MAP CHANGE APPLICATION

Fee \$2,640

OWNERS

APPLICANT*

Name: A. Wayne Scott, Marlene Scott, et. al.

Name: Willow Creek Estates, Inc.

Address: 1988 NE 19th Ave.

Address: 214 SW 2nd Ave.

City: Canby State: OR Zip: 97013

City: Canby State: OR Zip: 97013

OWNERS SIGNATURE

[Signature]
PRESIDENT

Phone: 503-266-5488

DESCRIPTION OF PROPERTY:

Address: 1592 S Ivy St.

Tax Map: 4S 1E 4DA

Tax Lot(s): 5200

Lot Size: 4.86 (Acres/Sq.Ft.)

PROPERTY OWNER LIST

Attach a list of the names and addresses of the owners of properties located within 200 feet of the subject property (if the address of the property owner is different from the situs, a label for the situs must also be prepared and addressed to "Occupant"). Lists of property owners may be obtained from any title insurance company or from the County Assessor. If the property ownership list is incomplete, this may be cause for postponing the hearing. The names and addresses are to be **typed onto an 8-1/2" x 11" sheet of labels**, just as you would address an envelope.

USE OF PROPERTY

Existing Use: Agricultural usage

Proposed Use: Residential subdivision

Existing Structures: None

Project Description:

Zoning: Current: R1

Proposed: R1 & R1.5

Comprehensive Plan Designation: LDR & MDR

Previous Land Use Action (if any):

FOR CITY USE ONLY

File #: 2C 06-04

Date Received: 11-2-06 By: JT

Completeness:

Pre-App Meeting:

Hearing Date:

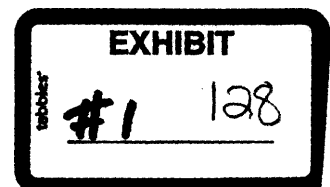
*If the applicant is not the property owner, they must attach documentary evidence of their authority to act

**Application
for
Zone Change and Subdivision**

**Willow Creek Estates, Inc.
Canby, Oregon**

July 25, 2006

City of Canby, Oregon
182 N. Holly Street
Canby, OR 97013



NARRATIVE

**Application for Zoning Map Amendment, Subdivision
and Conditional Use Permit**

Applicant	Willow Creek Estates, Inc. 214 SW Second Avenue Canby, OR 97013 (503) 266-5488 Contact: Tom Scott
Representative	Sisul Engineering 375 Portland Avenue Gladstone, OR 97027 (503) 657-0188 Contact: Pat Sisul
Location	South of SE 13 th Avenue and Ackerman Middle School, east of South Ivy Street and south and west of the Tofte Farms
Legal Description	Tax Lots 5200, T4S R1E Section 4DA, WM
Comprehensive Plan	Low Density and Medium Density Residential
Zone	R-1 (Low Density Residential Zone)
Site Size	4.86 Acres (211,721 square feet)
Proposal	<p>1. Amend the Zoning Map for the west 330 feet to designate the site R-1.5 (Medium Density Residential Zone), consistent with the Comprehensive Plan designation.</p> <p>2. Develop a 22 lot subdivision, with eight lots suitable for attached single family dwellings and 14 lots suitable for detached single family dwellings, consistent with R-1 and R-1.5 zoning standards.</p>

SITE DESCRIPTION

The site is located south of SE 13th Avenue, south and west of the Tofte Farms subdivision and east of South Ivy Street. The site has approximately 180 feet of frontage on South Ivy Street. South Lupine Street in Tofte Farms No. 3 is temporarily terminated at the site's north boundary.

The site is zoned R-1, as are adjacent properties to the east and northeast within the City limits. The Comprehensive Plan designation for the site is "Low Density Residential" and "Medium Density Residential". The area to the northwest, west of Tofte Farms No. 3, and east of South Ivy Street, is presently within the Urban Growth Boundary and has been proposed for annexation in the past. Those sites also have both "Low" and "Medium" Density Comprehensive Plan designations.

The site was occupied by a residence, which was removed earlier this year. Several trees are located in the vicinity of South Ivy Street, and nearly all will be removed for construction of the new public street (SE 16th Avenue) or new residences. The site is nearly flat with a slight fall to the northwest corner, and has no noticeable physical features or identified constraints.

PROPOSAL

The application requests a change in zoning designation to R-1.5 for the west portion of the site, consistent with the "Medium Density Residential" Comprehensive Plan designation.

As a second element, and contingent upon approval of the zoning change, the application proposes a 22 lot subdivision. Eight lots in the R-1.5 portion of the site are intended for attached single family residences, designed as two-unit townhouses. An open space tract is proposed to the north of the townhouse lots, accessible from South Juniper Street and each of the townhouse lots. The open space will be set aside in a Tract that will be owned jointly by the townhouse lots and will include amenities like a pathway and picnic table. The remaining fourteen lots are intended to be suitable for detached single family residences.

The site has an area of 4.86 acres. Dedications for interior streets will account for 1.20 acres (52,240 square feet), leaving 3.66 acres available for development. The net density for the overall site, combining R-1 and R-1.5 Zoning, is one dwelling for each 7,342.4 square feet or 5.9 dwellings per acre.

One intersection is proposed to connect with South Ivy Street. This street, tentatively named SE 16th Avenue, will extend east from S. Ivy Street and connect with an extension of South Lupine Street from Tofte Farms No. 3. This connection will complete the street system for the area to the north, providing a third access for Tofte Farms No. 3. An extension of "South Juniper Street" to the north from SE 16th Avenue will provide the beginning of the street system for land presently outside of the city limits to the north and

south. SE 16th Avenue will terminate temporarily with a half cul de sac and a hammerhead turnaround, as no connection is available from Tofte Farms No. 4, the developed subdivision to the southeast. This half cul de sac will be expanded into a knuckle when property to the south is developed. SE 16th Avenue is proposed as a partial street, with 36 feet of right of way and 30 feet of pavement and curb. Part of the planter strip and sidewalk would be provided in an easement. The remainder of the right of way would be dedicated when property to the south develops. Other internal streets are proposed with the City's standard right of way width of 40 feet, with 36 feet of pavement, and the sidewalk and part of the planter strip in an easement.

Public sanitary sewer and domestic water will be available primarily from South Ivy Street. A single sanitary sewer connection and public water interconnection will be available from the temporary termination in South Lupine Street. Storm water will be collected and directed to on-site infiltration facilities.

A pre application conference with the City occurred on February 16, 2006. No issues of concern were identified, beyond usual and expected considerations of Code compliance.

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:

16.10 Off-Street Parking and Loading

16.16 R-1 Low Density Residential Zone

16.18 R-1.5 Medium Density Residential Zone

16.46 Access Limitations on Project Density

16.50 Conditional Uses

16.54 Amendments to Zoning Map

Division IV Land Division Regulations (sections pertinent to subdivisions)

16.86 Street Alignments

16.95 Solar Access Standards for New Development

Discussion of Criteria and Standards

The following discussion of the City of Canby Comprehensive Plan and Land Development and Planning Ordinance will combine elements that apply to both the zoning map amendment and land division, and separately discuss requirements that apply to the separate requests and to land use districts as proposed. For instance, the policies of the Comprehensive Plan apply to both the land division and the request for zoning map amendment, so will not be broken into separate sections.

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.

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 medium and lower 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 medium and low density residential development. The proposal will provide housing opportunities similar to other properties in the vicinity, and so will remain compatible within the context of the existing residential areas. Properties that are currently not

developed will likely also, eventually, be 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 South Ivy and South Lupine Streets, with sufficient capacity for this development. Public water is provided by Canby Utility and is also available from South Ivy and South Lupine Streets. Storm water will be managed through on-site infiltration facilities. On site, a pipe will collect storm water and convey drainage to the public pipe system in South Ivy Street. Storm drainage facilities will be constructed as necessary to comply with City and Department of Environmental Quality standards.

The following schools would serve the site: Lee Elementary, Ackerman Middle School, and Canby High School. Lee Elementary School is being returned to service as an elementary school for the fall of 2006, with an anticipated enrollment of 400 students. Baker Prairie Middle School, which opens in September, 2006, will accommodate students from Carus, Knight, and Trost Elementary Schools, with students from Eccles and Lee attending Ackerman Middle School. As a result, all schools are expected to have available capacities for the next five to ten years, according to the Canby School District. The high school has a capacity of 1,660 and an enrollment of 1,747, according to enrollment figures from the "Oregon Department of Education, October 1 Enrollment Summary, 2004-2005."

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

There are no natural hazards associated with 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 densities allowed in the R-1 and R-1.5 Zones and the proposal is consistent with the designations.

The site is well located for low and medium 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

Chapter 16.10 Off-Street Parking and Loading

The parking requirement for single family dwellings is two spaces per dwelling unit (Table 16.10.050). This requirement can be satisfied when plans are submitted for each lot.

Chapter 16.16 R-1 Low Density Residential Zone

The proposal for subdivision will create 14 new lots for detached single family dwellings. The proposed residential use is allowed outright in the zone (16.16.010.A). New lots in the R-1 Zone are required to meet the development standards specified in Sec. 16.16.030. Development standards for structures can be verified when plans for building permits are submitted. The following table lists requirements and how the application proposes to satisfy each standard:

Section 16.16.030 R-1 Zone Dimensional Standards

Requirement	Proposed
16.16.030.A Minimum and maximum lot area: 7,000 sq. ft. and 10,000 sq. ft.	Lots proposed = 14 Min. lot area = 7,009 sq. ft. Max. lot area = 10,137 sq. ft. (flag lot) Average lot area = 8,304.4 sq. ft.
16.16.030.C Minimum width and frontage: 60 feet	All lots have a minimum width of 60 feet. Lots 20-22 have less than 60 feet of frontage due to their knuckle/flag lot orientation, all other lots have at least 60 feet of frontage.
16.18.030.D Minimum yard requirements: Street yard, 20 feet for side w/dwy Other street yards, 15 feet Rear yard, 20 feet for two story building Interior yard: 7 feet, or zero lot line	These requirements will be satisfied when building plans are submitted for structures on each proposed lot.
16.16.030.E Maximum building height: 35 feet	This requirement will be satisfied when building plans are submitted for structures on each proposed lot.
16.16.030.F Maximum lot coverage:	n/a

no limit	
16.16.30.G Other regulations.	These requirements will be satisfied when building plans are submitted for structures on each proposed lot.

Chapter 16.18 R-1.5 Medium Density Residential Zone

The proposal for subdivision will create eight new lots for attached single family dwellings. The proposed residential use is allowed as a conditional use in the zone (16.18.020.C); requirements for conditional uses will be discussed in a following section in response to criteria of Chapter 16.50.

New lots in the R-1.5 Zone are required to meet the development standards specified in Sec. 16.16.030. Development standards for structures can be verified when plans for building permits are submitted. The following table lists requirements and how the application proposes to satisfy each standard:

Section 16.18.030 R-1 Zone Dimensional Standards

Requirement	Proposed
16.18.030.B.4 Minimum and maximum lot area: 3,000 sq. ft. for common wall SFR's	Lots proposed = 8 Min. lot area = 4,240 sq. ft. Max. lot area = 5,043 sq. ft. Average lot area = 4,439.6 sq. ft.
16.16.030.C Minimum width and frontage: 20 feet for SFR attached	All lots have no less width and frontage than 37 feet.
16.18.030.D Minimum yard requirements: Street yard, 20 feet for the side with driveway Other street yards, 15 feet Rear yard, 10 feet or 15 feet for two story building Interior yard: 7 feet, or zero lot line	These requirements will be satisfied when building plans are submitted for structures on each proposed lot.
16.16.030.E Maximum building height: 35 feet	This requirement will be satisfied when building plans are submitted for structures on each proposed lot.
16.16.030.F Maximum lot coverage: 60%	n/a
16.16.30.G Other regulations.	These requirements will be satisfied when building plans are submitted for structures on each proposed lot.

Chapter 16.50 Conditional Uses

Attached single family dwellings are permitted as a conditional use permit in the R-1.5 (16.18.030.C). The Planning Commission is directed to consider the criteria and standards of 16.50.010 in reviewing a proposed use:

- A. The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of this title and other applicable policies of the city;*
- B. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features;*
- C. All required public facilities and services exist to adequately meet the needs of the proposed development;*
- D. The proposed use will not alter the character of the surrounding areas in a manner which substantially limits, or precludes the use of surrounding properties for the uses listed as permitted in the zone.*

Factor A: The proposal is consistent with the policies of the Comprehensive Plan, proposing a residential use in an area designated for medium density residential development. Policies of the plan are discussed in a preceding section of this narrative, demonstrating compliance for the proposed land division and the specific use.

Factor B: The site characteristics were described in the "Site Description" section of the narrative, noting proximity to a main street (South Ivy Street) and the Lee Elementary and Ackerman Junior High Campuses. The site is nearly flat, with no natural features or physical constraints to provide a point of interest or difficulty in development.

Factor C: Public facilities are available to the site, and are proposed to be extended to and through the site to provide appropriate connections for new lots.

Factor D: Surrounding areas on the east side of South Ivy Street are largely undeveloped, with adjacent properties waiting for annexation. In that sense, any development on the site will affect the character of the area. However, the proposed residential use of the site is entirely consistent with zoning requirements. In fact, two-family or three-family dwellings may be constructed on a single lot, so a two-family dwelling, with each unit having its own lot, is consistent with types of residential building permitted outright. As residential uses are permitted in the R-1.5 Zone, no impact on the use of adjacent properties or any future use of adjacent properties is anticipated from the proposed attached single family dwellings proposed for this property.

The Planning Commission is authorized to impose conditions on a proposed conditional use to avoid a detrimental impact and protect the best interests of the surrounding area or community, as provided in Section 16.50.040. As noted in the response to Factor B, with the exception of the Tofte Farms Subdivision, the area east of South Ivy Street is largely undeveloped. West of Ivy is the Hope Village Development

and, to the south, single dwellings on large lots or farms, which may be redeveloped in the future.

The proposed use will allow two-unit attached single family dwellings, providing new homes that are more affordable or an option to a detached single family dwelling. Residential use is entirely consistent with the Comprehensive Plan designation for the site and surrounding area, and no detrimental impacts are anticipated. Therefore, the Planning Commission need not impose any additional requirements on the proposed use.

Conclusion: All factors that the Planning Commission must consider in weighing a decision on a conditional use permit are shown to be satisfied, based on this review, and the conditional use permit authorizing single family dwellings having common wall construction should be approved.

Chapter 16.46 Access Limitations on Project Density

The development proposes to create attached and detached single family residences on individual lots, therefore Sec. 16.46.010A is the appropriate standard.

SE 16th Avenue is proposed as a new public street with a 36 foot wide right of way that will form the north portion of the street, with the remainder dedicated by development of property to the south. A 28 foot width of pavement is proposed, with curb, planter strip, and sidewalk (sidewalk will be in an easement). A second access is available by way of South Lupine Street, through Tofte Farms No. 3, allowing up to 132 dwellings; only 22 new residences are proposed with this development. Therefore, these measures are sufficient to satisfy the requirements in Sec. 16.46.010.A for roadway and pavement width, number of access points, and number of dwelling units.

Chapter 16.49 Site & Design Review

Site and Design Review is required for all new development, except for single family and two-family dwellings (16.49.030).

Dwellings in the proposed subdivision will not require site and design review.

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 west 330 feet of the site is "Medium Density Residential." The zoning expected for that designation is R-1.5, however the present designation is R-1. This inconsistency should be resolved by the City in favor of the Comprehensive Plan designation, so this site can be developed in a manner consistent with the anticipated use of properties to the north and south presently outside of the city limits.

Comprehensive Plan policies were discussed in a previous section of this narrative, noting that development of the site with a mix of densities is consistent with both the plan map and policies. Policy 6 does not apply to this site.

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.

A proposal for land division is part of this application, demonstrating that all required and necessary facilities for the health, safety and general welfare of future residents can be provided. Any reasonable conditions imposed by the City to further those ends, consistent with requirements and specifications, will satisfy the requirement of this section.

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

Division IV Land Division Regulation

Chapter 16.62 Subdivisions-Applications

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

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

- A. Conformance with the text and applicable maps of the Comprehensive Plan;*
- B. Conformance with other applicable requirements of the Land Development and Planning Ordinance;*
- C. The overall design and arrangement of lots shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties;*
- D. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed land division.*

Goals and policies of the Comprehensive Plan are discussed in other sections of this narrative, demonstrating that the proposed land division conforms to applicable criteria.

Standards and criteria of the LUDO are also shown to be satisfied, in other sections of this narrative and on the maps included with the application.

The overall design and layout of the site is functional and provides adequate building sites, as all lots exceed the minimum lot area standards for the R-1 and R-1.5 Zones. Each

lot has access to a public street, which provides a connection to South Ivy Street. A street will connect with the existing stub of South Lupine Street at the north property boundary to provide for the continuation of the interior street system.

All necessary public facilities and services are available to the site, as discussed in other sections of this narrative and as shown on the plans and maps included with the application.

Based on this discussion of approval standards and criteria, the proposed subdivision has been shown to comply with all relevant requirements.

Chapter 16.64 Subdivisions Design Standards

Section 16.64.010 Streets

The proposed interior street system will be designed and constructed to the local street standard. SE 16th Avenue is proposed as a partial street, with 36 feet of right of way and 30 feet of pavement. SE 16th Avenue will connect to South Ivy Street, and South Lupine Street will be extended from its temporary termination point. New "South Juniper Street will extend north from SE 16th Avenue, to provide access for future development to the north.

Proposed pavement width is 36 feet, in a 40 foot wide right of way. Sidewalks will be constructed with a planter strip, within an easement. This will minimize the amount of land taken for public use along the street frontage and permit a more efficient use of the site.

The proposed new streets are designated "SE 16th Avenue" and "SE Juniper Street" pending City approval.

Section 16.64.015 Access

The site does not propose access to a state highway; this section does not apply.

Section 16.64.020 Blocks

The City requires subdivisions to be designed to accommodate blocks that provide lots of suitable size and access in multiple directions. This project builds upon the previously established grid pattern from Tofte Farms No. 3 and forms the basis for future blocks, with proposed South Juniper Street.

Section 16.64.030 Easements

Easements will be provided as necessary to satisfy requirements of the City.

Section 16.64.040 Lots

(16.64.040.A & B) Lot areas comply with dimensional requirements for the R-1 and R-1.5 Zones, as previously discussed in this narrative and as shown on the proposed site plan.

(16.64.040.C) All R-1 lots have at least 60 feet of frontage on the new interior streets, except for Lots 20 through 22, which are located along the proposed knuckle/cul de sac. Lot 21 is proposed as a flag lot with 15 feet of frontage. Lots 20 and 22 are proposed to be narrower at the curblineline and to widen out to over 60 feet at the proposed building lines. The Planning Commission may allow unique designs upon finding that access is adequate. The proposed access will be similar to other cul de sac configurations throughout the City of Canby. All R-1.5 lots conform with the minimum frontage requirements of the zone.

(16.64.040.D) No double frontage lots are proposed and the location of SE 16th Avenue is proposed along the south property line, to provide for a future row of lots as well as to avoid a double frontage situation south of Tofte Farms No. 3.

(16.64.040.E) Lot side lines all are at a right angle or radial to the fronting streets.

(16.64.040.F) No lots in the subdivision can be redivided.

(16.64.040.H) No hazardous situation related to flooding or soil instability has been identified on the site.

(16.64.040.I) Lot 21 is proposed as a flag lot. An access drive will be constructed in the 15 foot wide "flag pole" area, reduced from the standard of 20 feet as only a single lot is served and the access is less than 100 feet in length. The area of the flag lot, excluding the flag pole, is 9,402 square feet, more than the minimum required area for the R-1 Zone.

Section 16.64.050 Public Open Spaces.

No area is proposed for dedication for public open space on this small site. The fee in lieu will be provided, as required, with building permits.

Section 16.64.060 Grading of Building Sites

Minor grading will be accomplished on the site to create suitable building sites.

Section 16.64.070 Improvements

Improvements for the subdivision will be accomplished as required by this section. Plans have been submitted as part of this application to show the arrangement of streets and sidewalks, public utilities, and other improvements necessary to provide for the convenience, health, and safety of future residents of this community and of the City.

Please refer to specific plans for details; more detailed construction plans will be filed with the City following approval of the preliminary plan.

Chapter 16.86 Street Alignments

This chapter provides requirements for new streets, including the right of way of 40 feet for a new local residential street (16.86.020.B). South 16th Avenue is proposed as a partial street, with 36 feet of right of way. The extension of South Lupine Street and new South Juniper Street are proposed to be constructed to comply with the standard.

Chapter 16.95 Solar Access Standards for New Development

Solar access is required for new single family development. The basic requirement is a front long line oriented within 30 degrees of east west and a north/south dimension of 90 feet. The subdivision proposes 22 new lots, of which 82% or 18 lots comply with the basic requirement. Only Lots 16, 17, 21 and 22 do not comply with the basic requirement. Lot 17 could be considered in compliance if street right of way was included in the north-south dimension.

CONCLUSION

The foregoing narrative and accompanying plans and documents, together demonstrate that the amendment to the zoning map, conditional use permit, and subdivision generally conform with applicable criteria and standards of the City's Code. Therefore, the applicant requests that the Planning Commission approve the application.

**VICINITY,
ASSESSOR &
COMPREHENSIVE
PLAN MAPS**

9/7/1

S

FIR

ST

11TH

SW

GRANT

ST

12TH

GRANT

SW 10TH

HOLLY ST

CT

HOLLY

CT

AV

AV

CT

IVY

SITE

14TH PL

PEPPERWOOD ST

PINE ST

S PINE ST

16TH AV

15TH AV

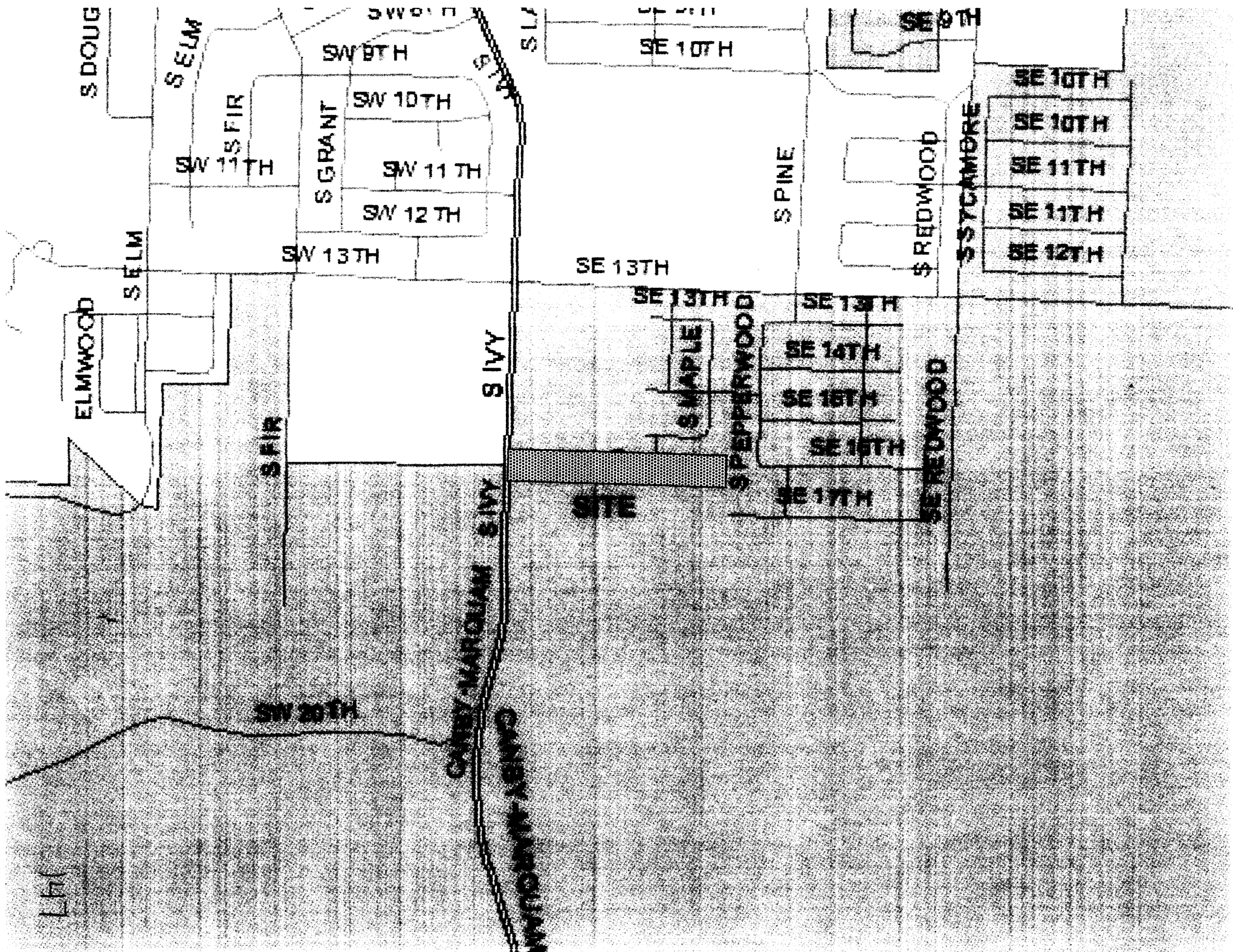
14TH AV

13TH PL

SE 12
LP

SE 11
LP

AV



LH

NE 1/4 SE 1/4 SEC. 4 T.4S. R.1E. W.M.

4 1E 4DA

This map was prepared for
assessment purpose only

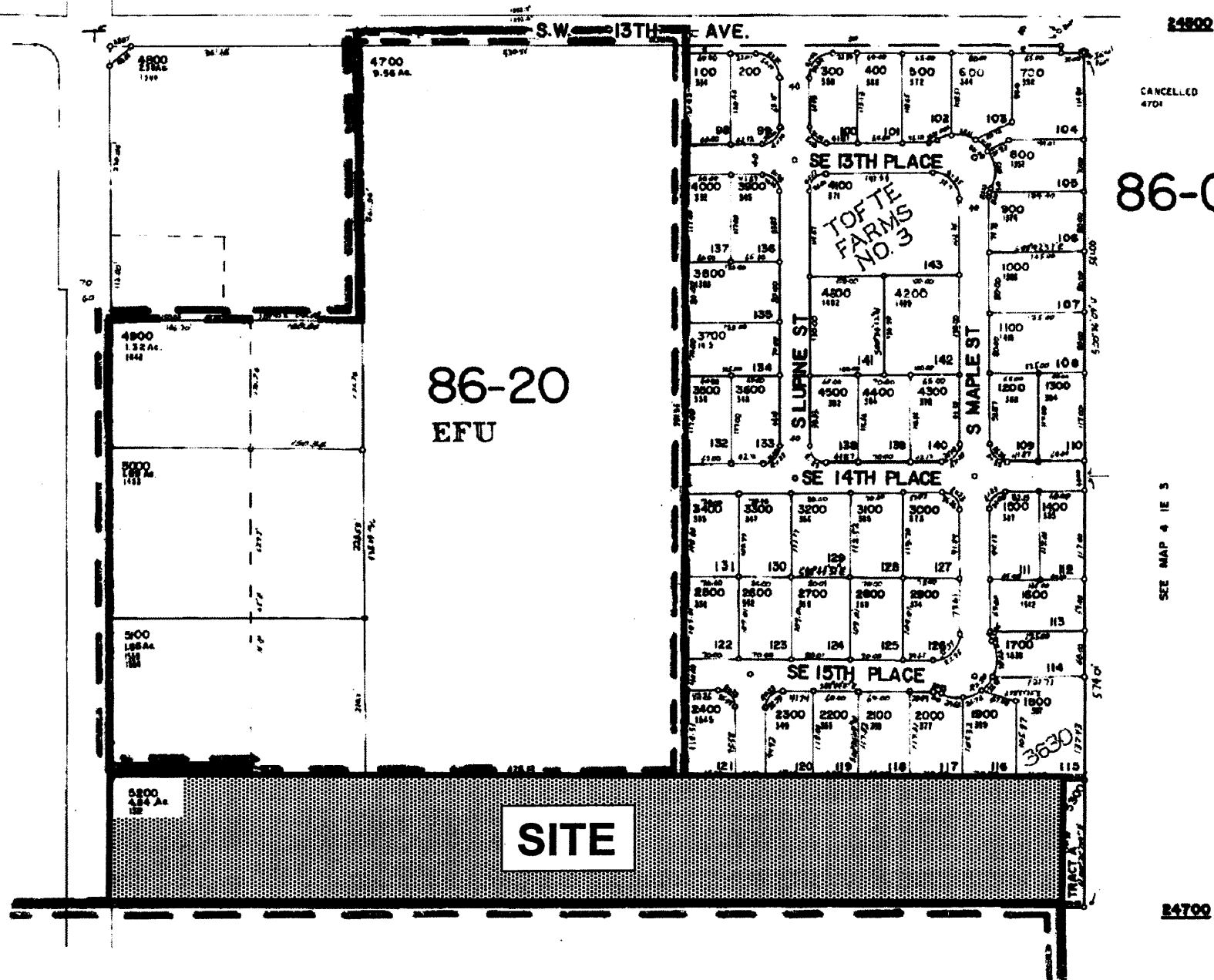
CLACKAMAS COUNTY

1"=100'

SEE MAP 4 1E 4A

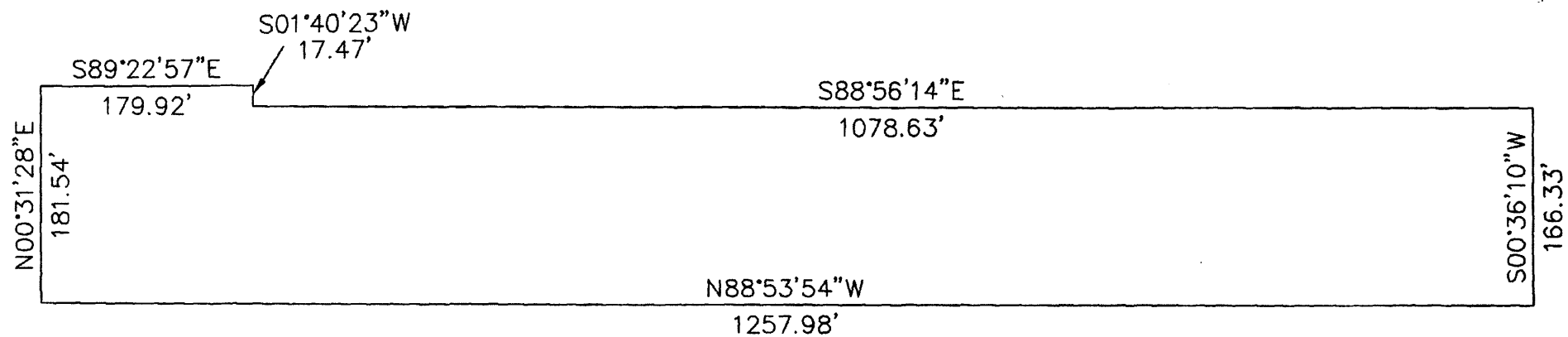
148

SEE MAP 4 1E 4D



SEE MAP 4 1E 4D

BOUNDARY DIMENSIONS



*****County surveyor has not yet approved boundary survey***

REDUCED PLANS

HWY 170 HWY

FIR ST

FIR CT

11TH AVE

GRANT ST

GRANT CT

11TH AVE

IVY CT

12TH AVE

13TH AVE

HOLLY ST

14TH CT

IVY ST

41E04DA05200

LUPINE ST

13TH PL

MAPLE ST

14TH PL

15TH PL

PEPPERWOOD ST

PINE ST

16TH AVE

17TH AVE

14TH AVE

PONDEROSA ST

13TH PL

PINE ST

11TH LOOP

12TH LOOP

REDWOOD ST

SYCAMORE ST

11TH PL

12TH AVE

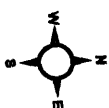
10TH PL

REDWOOD ST

REDWOOD ST

- ☐ Subject Parcels
- ☐ Notification Area
- ☐ 500' Radius
- ☐ Taxlots

152

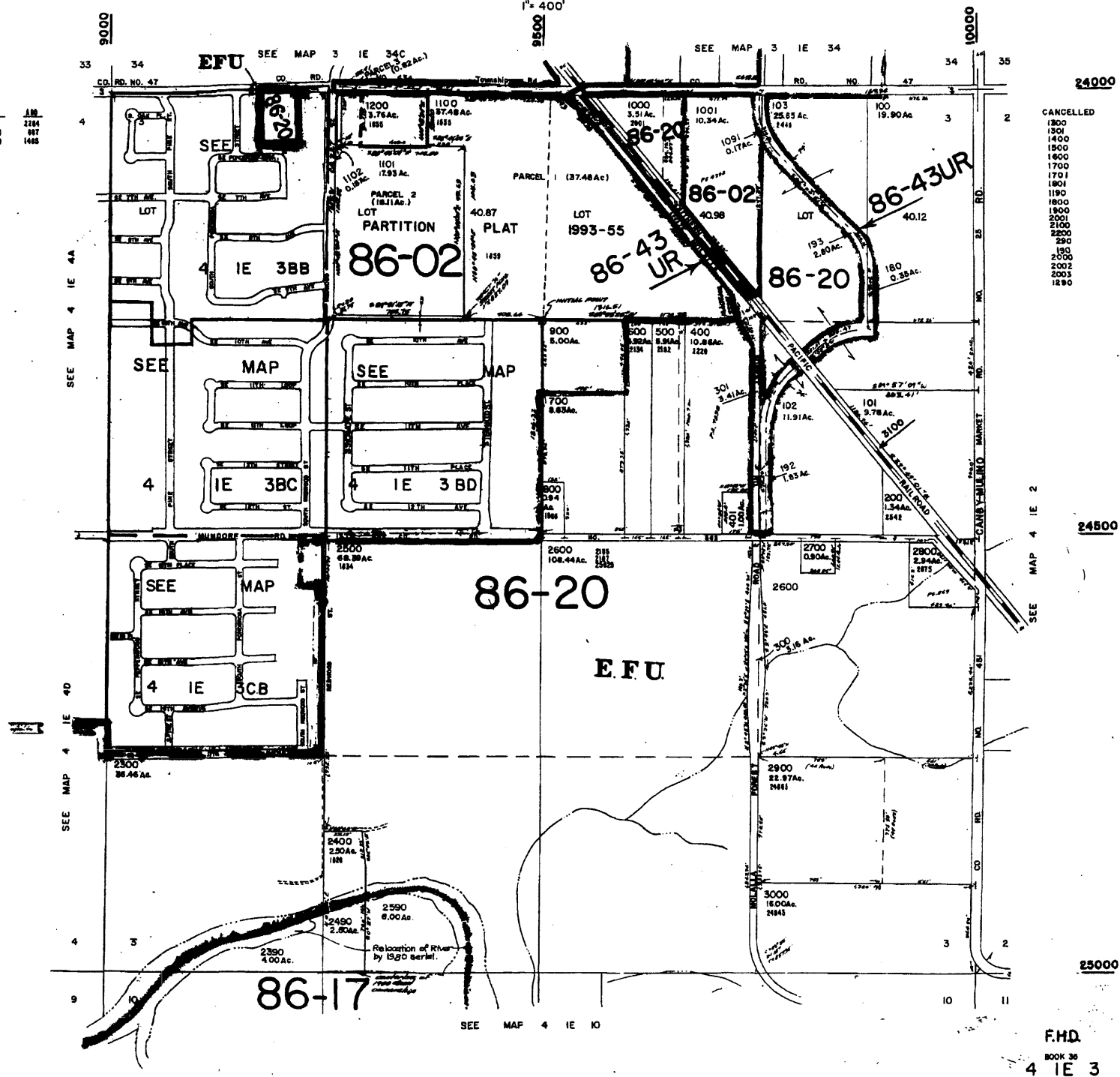


THIS INFORMATION IS UNCLASSIFIED
DATE 01/17/2013 BY 60322/UC/LP/STP

SECTION 3 T.4S. R.1E. W.M.
CLACKAMAS COUNTY

4 IE 3

53



SCALE 1" = 100'

SEE MAP 4 IE 3BC

CANCELLED
5901
5700
5802

1/4 COR.

**S. REDWOOD
STAFF**

9250

86-20

86-02

PARCEL 5

P. P.

2002-40

9

wood

FD

1

1

SEE MAP 4 IE 4D

SEE MAP 4 IE 3

SEE MAP 4 IE 3

1988-12 24750

750 CANBY
F.H.D.
4 IE 3CB
BOOK 35

4 IE 4D

CLACKAMAS COUNTY

$$I'' = 200'$$

SEE MAP 4 IE 4A

90006

24500

CANCELLED TAX LOTS

70
60
50
40
30
20
10
0

86-02

4 1E 4DA

¹⁵⁴¹ P.P. 1997-03

PARCEL 4

3345

900
8.00 Ac.

1000
1,0000.

ROI
Q.40 Ac.

1200
12.48 Aa.

1300
1.03 Ac.

1

[illegible]

1950

1

1

T

SEE MAP 4-15 3

24800

E.F.U.

86-20

25000

F.H.D.

4 IE 4D
BOOK 35

551

NE 1/4 SE 1/4 SEC. 4 T.4S. R.1E. W.M.

4 IE 4DA

This map was prepared for
assessment purpose only

CLACKAMAS COUNTY

1"=100'

SEE MAP 4 IE 4A

8000

8000

156

SEE MAP 4 IE 4D

24500

CANCELLED
4701

86-02

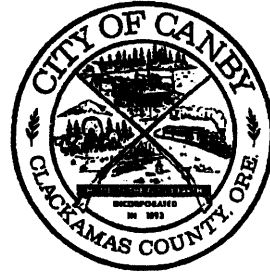
86-20
EFU

SEE MAP 4 IE 3

24700

SEE MAP 4 IE 4D

4 IE 4DA
BOOK 35



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

A REQUEST TO CHANGE ZONING) FINDINGS, CONCLUSION & FINAL ORDER
FROM LOW DENSITY RESIDENTIAL) ZC 06-04
TO MEDIUM DENSITY RESIDENTIAL) (Dinsmore Estates)

NATURE OF APPLICATION

The applicant is seeking approval to subdivide one 4.86 acre parcel into 22 residential lots and to change the zoning on the western 330 feet of the lot. The entire lot is currently zoned R-1. The western 330 of the lot has a Comprehensive Plan designation of R-1.5; the proposed zone change would bring this portion of the lot into agreement with the Comprehensive Plan. The eastern portion of the lot will retain the current R-1 zoning designation, which is consistent with the Comprehensive Plan designation.

HEARINGS

The Planning Commission held a public hearing and considered this application at its meeting of January 8, 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 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.

FINDINGS AND REASONS

After holding a public hearing and considering the December 29, 2006 staff report, the Planning

Conclusion and Final Order
ZC 06-04
Page 1 of 3

Commission deliberated and reached a decision on January 8, 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 December 29, 2006 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

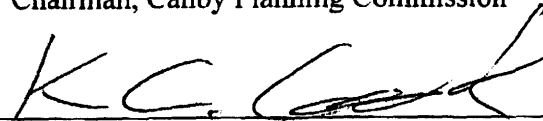
IT IS RECOMMENDED BY THE PLANNING COMMISSION of the City of Canby that the Canby City Council approve **ZC 06-04**.

I CERTIFY THAT THIS ORDER recommending approval of **ZC 06-04** was presented to and **APPROVED** by the Planning Commission of the City of Canby.

DATED this 22nd day of January, 2007.



James R Brown
Chairman, Canby Planning Commission



Kevin Cook
Associate Planner

ATTEST:

ORAL DECISION – January 8, 2007

AYES: Brown, ~~Molamphy~~, Milne, Ewert, Holte

NOES: None

ABSTAIN: None

ABSENT: ~~None~~ Molamphy

WRITTEN DECISION – January 22, 2007

AYES: Brown, Milne, Ewert

NOES:

ABSTAIN:

ABSENT: Holte, Molamphy

Conclusion and Final Order
ZC 06-04
Page 3 of 3

ORDINANCE NO. 1229

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH CYNTHIA THOMPSON OF BCB CONSULTING FOR PROFESSIONAL SERVICES FOR INTERIM MANAGEMENT OF CANBY AREA TRANSIT SERVICE; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Canby currently has need of interim management services for Canby Area Transit to prepare and submit grants, monitor existing grants, assist with budget analysis and development, assist with future planning, and other such activities until such time as a permanent Transit Manager is selected by the City; and

WHEREAS, the City wishes to employ Cynthia Thompson of BCB Consulting, as an independent contractor under a personal services contract for the purpose of carrying out the these activities; and

WHEREAS, Cynthia Thompson of BCB Consulting has proposed a personal services contract which is acceptable to the City; and

WHEREAS, in accordance with ORS Chapter 279 and Canby Public Purchasing Rules set forth in Ordinance No 1170 and Resolution No. 897, Exhibit A, Section 6 B (7), the city may enter into personal service contracts not exceeding \$75,000.00 by direct appointment without competition; and

WHEREAS, the City Council meeting and acting as the Contract Review Board for the City of Canby has reviewed this proposal, reviewed the staff report and finds that the contract is in the best interest of the City to enter into; 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 Cynthia Thompson of BCB Consulting, the copy of said contract is attached hereto and marked as Exhibit "A" and by this reference fully incorporated herein.

Section 2. Emergency Declared.

It being necessary for the health, safety, and general welfare of the citizens of Canby that this master plan 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, January 17, 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, February 7, 2007, commencing at the hour of 7:30 PM 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 7th day of February 2007, by the following vote:

YEAS_____

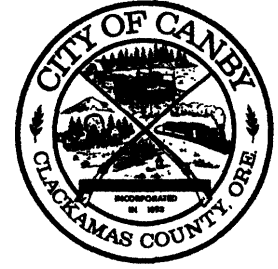
NAYS_____

Melody Thompson, Mayor

ATTEST:

Kimberly Scheafer, City Recorder Pro-tem

MEMORANDUM



TO: *Honorable Mayor Thompson and City Council*
FROM: *Darvin Tramel, Wastewater Treatment Plant Supervisor*
DATE: *January 18, 2007*
THROUGH: *Mark C. Adcock, City Administrator*

Issue: Ordinance 1230, purchase of a Hyster H50FT - 5,000 pound forklift.

Synopsis: There currently is only one forklift, owned by Canby Utility, which is borrowed or used by all departments. Due to expansion of our facility and continued need for a forklift, staff and I believe that it is not cost effective to continue the practice of borrowing Canby Utilities forklift. The new forklift has all the OSHA safety requirements and is much more user friendly on sloped terrain. This forklift will also be available to other departments if needed. The Council approved \$20,000 dollars in funding for the purchase of a forklift in the 2006-2007 budget.

Recommendation: Staff recommends the Council adopt Ordinance 1230.

Rationale: The treatment facility stores and transports large 350 gallon totes and pallets of chemicals, which must be moved on a regular basis. The current practice is to call and set up a time that we can use Canby Utilities forklift. Continued use of the old forklift will further degrade Canby Utilities forklift and waste valuable City staff time. I feel that it is warranted and long over due that the City and WWTP own a forklift.

Staff believes that this is an appropriate expenditure of funds as it will save money on staff time, increase productivity, build better relations between departments and create a safer work environment. Three written quotes were received and we are proposing to go with the low quote from PAPE Material Handling of Tigard, Oregon.

The lowest quote from PAPE is \$21,995.00, although slightly higher than our original estimate, budgeted funds are available in the Sewer Equipment line item.

Options: 1. Reject the ordinance and either stop or delay purchase of the forklift.

Attached: Ordinance 1230.

ORDINANCE NO. 1230

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH PAPE MATERIAL HANDLING OF TIGARD, OREGON FOR THE PURCHASE OF A NEW HYSTER H50-FT FOR THE CANBY WASTEWATER TREATMENT DEPARTMENT; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Canby wishes to purchase a new Hyster H50FT - 5,000 pound capacity forklift for the Wastewater Treatment Department; and

WHEREAS, the cost of the Hyster will be paid by the Wastewater Treatment Department which has budgeted said purchase for the fiscal year 2006-2007 budget; and

WHEREAS, in accordance with ORS Chapter 279 and Canby Public Purchasing Rules as set forth in Ordinance No. 1170 and Resolution No. 897, three written bids were obtained for the purchase of a 5,000 pound capacity Forklift as follows:

- | | |
|----------------------------|--------------|
| 1. PAPE Material Handling: | \$ 21,995.00 |
| 2. NORLIFT of Oregon: | \$ 22,293.00 |
| 3. CB TOYOTA-LIFT: | \$ 23,744.00 |

WHEREAS, PAPE Material Handling of Tigard, Oregon submitted the lowest quote of \$21,995.00; and

WHEREAS, the City Council meeting and acting as the Contract Review Board for the City of Canby has reviewed this quote, reviewed the staff report and believes it to be in the best interest of the City to purchase this unit from PAPE Material Handling; 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 purchase contract with PAPE Material Handling of Tigard, Oregon for the purchase of a new Hyster H50FT- 5,000 pound capacity forklift.

Section 2. In so much as it is in the best interest of the citizens of the City of Canby, Oregon to provide the Wastewater Treatment Department with this unit without further delay, and to better serve the citizens of Canby, an emergency is hereby declared to exist and this ordinance shall therefore take effect immediately upon its enactment after final reading.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on the 7th day, of February, 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 the 21st day, February, 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 21st day of February, 2007, by the following vote:

YEAS _____

NAYS _____

Melody Thompson, Mayor

ATTEST:

Kimberly Scheafer,
City Recorder - Pro Tem