

# **AGENDA**

## **CANBY CITY COUNCIL MEETING**

**July 5, 2006, 7:30 P.M.**

**Council Chambers**

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

***Mayor Melody Thompson***

***Council President Teresa Blackwell***

***Councilor Randy Carson***

***Councilor Walt Daniels***

***Councilor Roger Harris***

***Councilor Tony Helbling***

***Councilor Wayne Oliver***

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## **WORK SESSION**

**6:30 P.M.**

**City Hall Conference Room**

**182 N Holly**

The City Council will be meeting in a work session to discuss enterprise zones.

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## **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 \$ 680,909.69

B. Approval of Minutes of the June 21, 2006 City Council Meeting and Executive Session

C. Reappointment to Traffic Safety Commission

7. **PUBLIC HEARINGS**
  - A. ANN 06-01 Weygandt Pg. 3
  - B. ANN 06-02 S.T.J. LLC Pg. 62
  - C. ANN 06-03 Hellbusch Pg. 125
8. **RESOLUTIONS & ORDINANCES**
  - A. Res. 925, Amending Salary Compensation Scales for Management Level Employees Pg. 160
  - B. Ord. 1209, Declaring City's Election to Receive State Revenue for Fiscal Year 2006-2007 (2<sup>nd</sup> Reading) Pg. 162
  - C. Ord. 1212, Authorizing Contract with Western Bus Sales for the Lease/Purchase of Three (3) 2006 Freightliner Champion Bluebird for Canby Area Transit (2<sup>nd</sup> Reading) Pg. 163
  - D. Ord. 1214, Authorizing Purchase of Real Property for Future Municipal Police/Court Building (2<sup>nd</sup> Reading) Pg. 165
  - E. Ord. 1216, Authorizing Purchase of Road Right-of-Way for Extension of SW Berg Parkway Pg. 167
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 and ORS 192.660(3) Labor Negotiations**
14. **ADJOURN**

\*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Kim Scheafer at 503.266.4021 ext. 233. A copy of this Agenda can be found on the City's web page at [www.ci.canby.or.us](http://www.ci.canby.or.us). City Council and Planning Commission Meetings are broadcast live and can be viewed on OCTS Channel 5. For a schedule of the playback times, please call 503.263.6287.

Term 6.30.09

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

**RECEIVED**

**JUN 28 2006**

CITY OF CANBY

Date: 6-22-06

Name: Laurie Sandsness Occupation: housewife

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

Employer: \_\_\_\_\_

Position: \_\_\_\_\_

Daytime Phone: \_\_\_\_\_

Evening Phone: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

For which position are you applying? Traffic Safety Commission

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

I was on the committee to convert from Tri-met to our Cat bus line. Have been on Traffic Safety for 3 terms.

Experience and educational background: \_\_\_\_\_

Reason for your interest in this position: There are some traffic issues that I would like to see to completion.

List any other City or County positions on which you serve or have served: Tri-met to Cat 3 Terms on Traffic Safety

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

Referred by (if applicable): \_\_\_\_\_

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

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

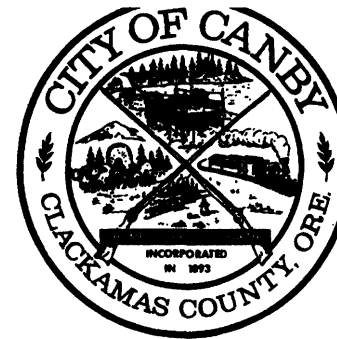
Please return to:

City of Canby  
182 N Holly Street  
PO Box 930  
Canby, OR 97013

Phone: 503.266.4021 Fax: 503.266.7961

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

9-30-05



# MEMORANDUM

**TO:** *Honorable Mayor Thompson and City Council*  
**FROM:** *Kevin C. Cook, Associate Planner*  
**DATE:** *June 27, 2006*  
**THROUGH:** *Mark C. Adcock, City Administrator*

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**Issue:** ANN 06-01 (Weygandt), ANN 06-02 (S.T.J., L.L.C.), ANN 06-03 (Hellbusch).

**Synopsis:** The Planning Commission has forwarded a recommendation of approval for all three of the above annexation applications to the City Council. The Council will now hold 3 separate hearings of its own on July 5, 2006. If approved the annexation request(s) will be placed on the November 7, 2006 ballot for voters to make a final decision.

**Recommendation:** The Planning Commission held three public hearings on June 12, 2006, and a quorum of the Planning Commission voted 4-0, in each hearing, to recommend approval of the annexations to the City Council. The City Council now holds new hearings but shall consider the Planning Commission's decision during Council deliberations. If the City Council denies any of the applications, the decision will be final and the denied annexation(s) will not be sent to Canby voters. The Planning Commission recommends approval of all three of the annexation requests.

**Rationale & background:** The Planning Commission finds that all three annexation requests represent are appropriate at this time because they all meet the test for need, being that land categories involved are all in high demand and relatively short supply. See attached staff reports and findings.

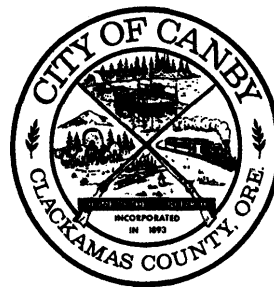
Options:

1. Reverse the Planning Commission's recommendation and deny any or all of the annexation requests.
2. Recommend approval of the any or all of the annexations and place the proposal(s) on the November 7, 2006 ballot for voters to make a final decision. The Planning Commission recommends this option for all three applications based on the findings and reasons listed the findings. If the Council supports this recommendation, the following motion is appropriate for each of the applications:

***I move that the City Council approve ANN 06-0\_\_ and request that the City Attorney return with ballot title and language appropriate to forward the final decision to Canby voters in the general election on November 7, 2006.***

Attached:

1. Planning Commission findings (ANN 06-01).
2. Planning Commission findings (ANN 06-02).
3. Planning Commission findings (ANN 06-03).
4. Staff report and exhibits (ANN 06-01).
5. Staff report and exhibits (ANN 06-02).
6. Staff report and exhibits (ANN 06-03).



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

**A REQUEST TO ANNEX 73.35  
ACRES OF LAND INTO THE  
CITY OF CANBY** )  
)  
)

**FINDINGS, CONCLUSIONS & ORDER  
ANN 06-01**

**NATURE OF APPLICATION**

The applicant is seeking approval to annex 73.35 acres into the City. The site is located south of Township Road, west of Mulino Road, east of the Molalla Forest Road Path, and north of SW 13<sup>th</sup> Ave. 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 large rail-accessible industrial land within the City.

**HEARINGS**

The Planning Commission held a public hearing to consider the application on June 12, 2006.

**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 06-01  
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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 June 12, 2006 meeting. The Planning Commission also incorporates the May 31, 2006 Staff Report and Commission deliberations as support for its decision. The Planning Commission accepted and adopted the findings in the May 31, 2006 Staff Report.

### **CONCLUSION**

The Planning Commission of the City of Canby concludes that, based on the findings and conclusions contained in the May 31, 2006 staff report, and based on Commission deliberations at the June 12, 2006 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. Additionally, the City has as need for new rail-accessible industrial land. Therefore, Criteria #1 is met.
2. The City has a need for new rail-accessible industrial land; land that is essentially unavailable within the City limits at present.
3. The annexation proposal seeks to carry out the priorities contained within the

Comprehensive Plan. This proposal to annex parcels in a planned and coordinated manner will allow for the later creation of appropriately sized and configured parcels for industrial development and the coordinated provision of public facilities.

4. The site abuts SE 13<sup>th</sup> Avenue and S Township Road and will be served by the future extension of Sequoia Parkway. Roads will be improved prior to additional development. Additionally, railroad can serve the parcels.
5. 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. The proposal meets other applicable city ordinances and policies, as discussed in the analysis above with relation to Comprehensive Plan 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. Annexation will substantially 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 06-01.



**I CERTIFY THAT THIS ORDER** recommending **APPROVAL** of ANN 06-01 to the City Council was presented to and **APPROVED** by the Planning Commission of the City of Canby.

DATED this 26th day of June, 2006.



James Brown

Chairman, Canby Planning Commission



Kevin C. Cook

Associate Planner

**ORAL DECISION – June 12, 2006**

AYES: Ewert, Molamphy, Manley, Brown

NOES: None

ABSTAIN: None

ABSENT: Tessman

**WRITTEN FINDINGS - June 26, 2006**

AYES:

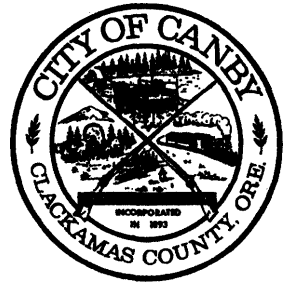
NOES:

ABSTAIN:

ABSENT:

**Findings, Conclusions and Final Order**  
ANN 06-01  
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## **- STAFF REPORT -**

### **APPLICANTS:**

Weygandt Family  
2522 SE Township Rd.  
Canby, OR 97013

### **OWNERS:**

Weygandt L.L.C.  
2522 SE Township Rd.  
Canby, OR 97013

R.A. & Patsy Weygandt Trusts  
24401 S. Mulino Rd.  
Canby, OR 97013

Lisa M. Weygandt  
2522 SE Township Rd.  
Canby, OR 97013

### **LEGAL DESCRIPTION:**

Tax Lots 100, 101, 102 & 103  
of Tax Map 4-1E-03

### **LOCATION:**

The parcels are located south Township,  
west of Mulino Road, east of the Molalla  
Forest Road Path, and north of SW 13<sup>th</sup> Ave.

### **COMPREHENSIVE PLAN DESIGNATION:**

Light Industrial

### **FILE NO.:**

ANN 06-01  
(Weygandt)

### **STAFF:**

Kevin Cook  
Associate Planner

### **DATE OF REPORT:**

May 31, 2006

### **DATE OF PC HEARING:**

June 12, 2006

### **ZONING DESIGNATION:**

Exclusive Farm Use  
EFU (Clackamas County Zoning)

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ANN 06-01  
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**I. APPLICANT'S REQUEST:**

The applicant is requesting approval to annex 73.35 acres into the City. The site is located south of Township Road, west of Mulino Road, east of the Molalla Forest Road Path, and north of SW 13<sup>th</sup> Ave. 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 large rail-accessible industrial land within the City. The parcels were previously included in a 300-acre annexation request in 2000 in which the Planning Commission and City Council recommended approval; the previous request was ultimately rejected by 67% of the Canby voters however. A subsequent industrial annexation of 151 acres was approved by the voters in 2003. The applicants have met in a work session with the Planning Commission and City Council and received a generally positive response.

**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

8

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. Also, special consideration should be given to these parcels as they represent the potential for new larger rail-accessible industrial land – a category that is essentially non-existent within the City at present. Within the past few months several purchases within the Pioneer industrial park have brought the total acreage of available industrial land from approximately 225 acres down to approximately 174 acres. The remaining acreage is more fragmented. The subject parcels, on the other hand, represent the potential for larger industrial sites.*

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 73.35 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 an orderly and efficient manner.*

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).

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 proposed annexation is needed because there is a lack of similar industrial and heavy commercial designated land within the city limits and there is a demand for land to support these types of uses.

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 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 responded to a Request for Comments and both have indicated that adequate services are available. No further conditions are necessary at this time.*

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. The Canby School District indicated that adequate facilities exist.*

**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 rail accessible industrial land within the City limits.*

**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

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ANN 06-01  
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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. Additionally, the City has as need for new rail-accessible industrial land.*

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

Analysis: *The City has a need for new rail-accessible industrial land; land that is essentially unavailable within the City limits at present.*

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 in a planned and coordinated manner to allow for the later creation of appropriately sized and configured parcels for industrial development and the coordinated provision of public facilities.*

4. Access shall be adequate to the site.

Analysis: *The site abuts SE 13<sup>th</sup> Avenue and S Township Road and will be served by the future extension of Sequoia Parkway. 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

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ANN 06-01  
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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 substantially 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, specifically related to criteria 1) Annexation priority, 2) Need for residential land, 3) Larger farm land vs. smaller non farm land, 4) Access to the site, 5) Adequacy of public facilities and services, 6) Compliance with other applicable ordinances, 7) Compliance with ORS 222, 8) Risk of natural hazards; 9) Effect of urbanization on designated open space, scenic, historic or natural resource area; and 10) Economic impacts of the proposed annexation.

#### **V. RECOMMENDATION**

Based upon the findings and conclusions contained in this report

Staff Report  
ANN 06-01  
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and without benefit of a public hearing, staff recommends that the Planning Commission recommend approval of ANN 06-01 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 in this area on Highway 99E or the City's street system 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 during the development application.
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. Responses to requests for comments
3. Citizen comments

# CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

(503) 266-9404

FAX 266-1574

DATE: May 16, 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                     | <input type="checkbox"/> CLACKAMAS COUNTY                |
| <input type="checkbox"/> CITY ENGINEER            | <input type="checkbox"/> CANBY SCHOOL DISTRICT           |
| <input type="checkbox"/> CTA                      | <input type="checkbox"/> OREGON DEPT. TRANSPORTATION     |
| <input type="checkbox"/> NW NATURAL               | <input type="checkbox"/> ODOT/REGION 1/DIST 2B           |
| <input type="checkbox"/> WILLAMETTE BROADBAND     | <input type="checkbox"/> STATE OF OREGON/REVENUE         |
| <input type="checkbox"/> CANBY DISPOSAL           | <input type="checkbox"/> CANBY BUSINESS REVITALIZATION   |
| <input type="checkbox"/> CITY ATTORNEY            | <input type="checkbox"/> PARKS AND RECREATION            |
| <input type="checkbox"/> BIKE AND PEDESTRIAN COMM | <input type="checkbox"/> CITY TRANSPORTATION ENGINEER    |
| <input type="checkbox"/> PGE                      | <input type="checkbox"/> OTHER _____                     |

The City has received ANN 06-01 (Weygandt Family), an application by Weygandt, LLC, requesting to annex 73.35 acres into the City of Canby. The property is located South of Township Road, North of 13<sup>th</sup> Avenue, West of S Mulino Road. If annexed the parcel would be zoned LI (Light Industrial) in conformance with Canby's Comprehensive Plan. If you require additional information please contact the Planning Department prior to returning this form.

Please review the enclosed application and return comments to Kevin Cook by Thursday, May 25, 2006. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

## Comments or Proposed Conditions:

Canby Utility's Annexation policy will apply, with PGE Buyout  
Fees due at time of development.

Due to the Location, Not contiguous to our Electrical System  
OFF Site work would be required to Supply Power to  
this property

## Please check one box and sign below:

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

Signature: [Signature] Date: 5-22-06

Title: Line Foreman Agency: Canby Utility Fleet

**CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

**DATE:** May 16, 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	<input type="checkbox"/> CLACKAMAS COUNTY
<input type="checkbox"/> CITY ENGINEER	<input type="checkbox"/> CANBY SCHOOL DISTRICT
<input type="checkbox"/> CTA	<input type="checkbox"/> OREGON DEPT. TRANSPORTATION
<input type="checkbox"/> NW NATURAL	<input type="checkbox"/> ODOT/REGION 1/DIST 2B
<input type="checkbox"/> WILLAMETTE BROADBAND	<input type="checkbox"/> STATE OF OREGON/REVENUE
<input type="checkbox"/> CANBY DISPOSAL	<input type="checkbox"/> CANBY BUSINESS REVITALIZATION
<input type="checkbox"/> CITY ATTORNEY	<input type="checkbox"/> PARKS AND RECREATION
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**Comments or Proposed Conditions:**

*East Elementary  
Baker Prairie Middle*

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

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**Signature:** *[Signature]* **Date:** *5/23/06*

**Title:** *Superintendent* **Agency:** *Canby School Dist*

CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: May 16, 2006

- TO:
- |   |  |
|---|--|
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Comments or Proposed Conditions:

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\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

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Signature: Gantt Wedgworth Date: 5/20/06

Title: Supervisor Agency: USPS

CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: May 16, 2006

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- |   |  |
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Comments or Proposed Conditions:

No traffic concerns at this time.

Please check one box and sign below:

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

Signature: M. Aileen Elmer Date: 5-26-06

Title: Chairman Agency: Traffic Safety Comm.

20

# CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: May 16, 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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Comments or Proposed Conditions:

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Signature:  Date: 5.22.06

Title: ASSOCIATE ENG. Agency: CANBY TELCOM

21



# CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

(503) 266-9404

FAX 266-1574

DATE: May 16, 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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## Comments or Proposed Conditions:

SHALL MEET THE REQUIREMENTS  
OF CANBY FIRE DISTRICT  
FOR ACCESS AND FIRE FLOW

Fire Marshal's Office

PO Box 909 Canby OR 97013

(503) 266-5851 fax (503) 266-1320

By:

Date:

## Please check one box and sign below:

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

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

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

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

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

22

CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: May 16, 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                     | <input type="checkbox"/> CLACKAMAS COUNTY                |
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Comments or Proposed Conditions:

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Please check one box and sign below:

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

Signature:  Date: 5/26/06

Title: Foreman - Wtr. Dept. Agency: Canby Utility

23

CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: May 16, 2006

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

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\_\_\_\_\_

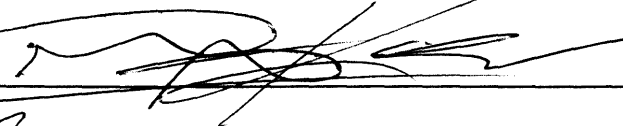
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Signature:  Date: 05/18/06

Title: SOLICIT CHIEF Agency: CANBY POLICE

MARIE A. KROPP IEN

CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: May 16, 2006

- TO:
- |   |  |
|---|--|
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Signature: \_\_\_\_\_

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

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

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

25

CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: May 16, 2006

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Comments or Proposed Conditions:

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Signature: Doug Welter Date: 17 May 06

Title: P.W. Supervisor Agency: City of Canby

26



## CITY OF CANBY COMMENT FORM

If you are not able to attend the Planning Commission and/or City Council hearings of this application, you may submit written comments on this form or in a letter to the Planning Commission or City Council. Please submit comments to one of the following:

**By mail** Planning Department, PO Box 930, Canby, OR 97013  
**In person** Canby Planning Department at 170 NW. 2<sup>nd</sup> Avenue.  
**E-mail** [cookk@ci.canby.or.us](mailto:cookk@ci.canby.or.us)

*Written comments must be received prior to public hearings.*

**APPLICATION:** Annexation of light industrial land into Canby

**APPLICANT:** Weygandt Family

**CITY FILE #:** ANN 06-01 (South of Township Rd, North of 13<sup>th</sup> Ave, West of S Mulino Rd)

**COMMENTS:**

I believe this is a good idea. Could attract some large companies. The comprehensive plan identifies this land as light industry. Also there are long term property owners.

**YOUR NAME:**

Jack Parsons

**ORGANIZATION or BUSINESS:**

Willamette Seedling Nursery

**ADDRESS:**

83675 S. Mulino Rd

**PHONE (Optional):**

**DATE:**

May 18-06

Thank you!

**From:** "Debbie Warren" <warrent6@canby.com>  
**To:** "Kevin Cook" <cookk@ci.canby.or.us>  
**Date:** 6/13/06 3:25PM  
**Subject:** ANN 06-01 - Weygandt

Due to lack of communication, we didn't attend the planning commission meeting last night in regard to the Weygandt family's request to annex their land. So we are writing in response to that request.

To be direct, we are against this annexation. We are of the understanding that in order to annex more L.I. land, there needs to be less than a 5 year supply currently available. With all the land around Fred Meyer that isn't selling, we find it hard to believe that there is less than a 5 year supply. We feel this land should be filled up before opening up more land in another area and disturbing the residents there.

Another reason we are against this is that it effects us personally. This area surrounds us. We are the small triangle of land notched out of the area trying to annex. We knew our land is in the urban growth boundary designated as L.I. when we bought it, but are against it being annexed any sooner than is necessary for the city's growth. We feel it would unnecessarily devalue our property if the area around us were L.I. now. Possibly having a 24-hour, loud operation next door would definitely lower our standard of living, and we are in no hurry to move. We love living this close to town and still having a country feel.

We know in time the zoning will change. We just don't think now is the time based on the availability of L.I. land.

Thank you for your time.

Trent and Debbie Warren  
2542 S.E. 13th Ave.  
Canby  
503-263-3964

**Annexation Application**  
for

**Weygandt Family**  
**Canby, Oregon**

March 31, 2006

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



## **Annexation Application**

**Applicant:** Weygandt Family  
2522 SE Township Road  
Canby, OR 97013  
Contact: Lisa Weygandt  
Phone: (503) 266-5877

**Owners:** Tax Lots 100, 103, 180 & 193  
Weygandt, L.L.C.  
2522 SE Township Road  
Canby, OR 97013  
(503) 266-5877

Tax Lot 101  
R.A. & Patsy Weygandt Trusts  
24401 S. Mulino Road  
Canby, OR 97013  
(503) 266-8870

Tax Lots 102 & 192  
Lisa M. Weygandt  
2522 SE Township Road  
Canby, OR 97013  
(503) 266-5877

**Representatives:** Sisul Engineering                      Rick Givens Planning Consultant  
375 Portland Avenue                      204 SE 10<sup>th</sup> Avenue  
Gladstone, OR 97027                      Canby, OR 97013  
(503) 657-0188                      (503) 263-4966  
Contact: Pat Sisul

**Location:** South of Township Road, North of 13<sup>th</sup> Avenue, West of S. Mulino Road

**Legal Description:** Tax Lots 100, 101, 102, 103, 180, 192 & 193  
Township 4 South, Range 1 East, Section 3 of the W.M.

**Site Size:** 76.43 Acres (including to the centerline of adjoining roadways)  
73.35 Acres (to edge of existing roadways)

**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 73.35 acres of land located bounded by Township Road on the north, Mulino Road on the east, and SW 13<sup>th</sup> Avenue on the south. The Molalla Forest Road pathway forms the west boundary for the southerly portion of the subject property. The property included in this application includes Tax Lots 100, 101, 102, 103, 180, 192, and 193 of Clackamas County Assessor's Map 4 1E 3. The subject property lies within the City of Canby's Urban Growth Boundary and is designated Light Industrial on the Comprehensive Plan. The applicants propose to annex the property to the City of Canby in order to allow for future industrial development on this property

The parcels in this annexation request were included within Application ANN 00-02, which was approved by the City Council, but not approved by Canby voters in 2000. The rationale for annexation of these properties remains the same as it did at the time the City Council approved the request in ANN 00-02, the City, Clackamas County, and the region have a need for immediately available, properly planned and zoned industrial property.

The properties involved in this annexation request have been within the City of Canby Urban Growth boundary for years. Although there is currently underdeveloped and vacant industrial lands within the City of Canby, the proposed annexation will accommodate the demand for rail-accessible industrial land within the City of Canby. This is a segment of industrial land that is in short supply and not well served by the current industrial properties within the City.

The parcels in the proposed annexation are easily accessible by vehicular means with major roads bordering the property to the north, south and east and with an extension of Sequoia Parkway master planned to continue south from its current point of termination south to SE 13<sup>th</sup> Avenue to provide a major transportation corridor for the eastern portion of the City.

This annexation will aid the City of Canby in providing for employment opportunities and for economic balance throughout the community. Providing industrial land available in large parcels with access to rail service will help in drawing new industrial uses to the city, thereby providing for a more balanced job base and aiding in the economic development of Canby.

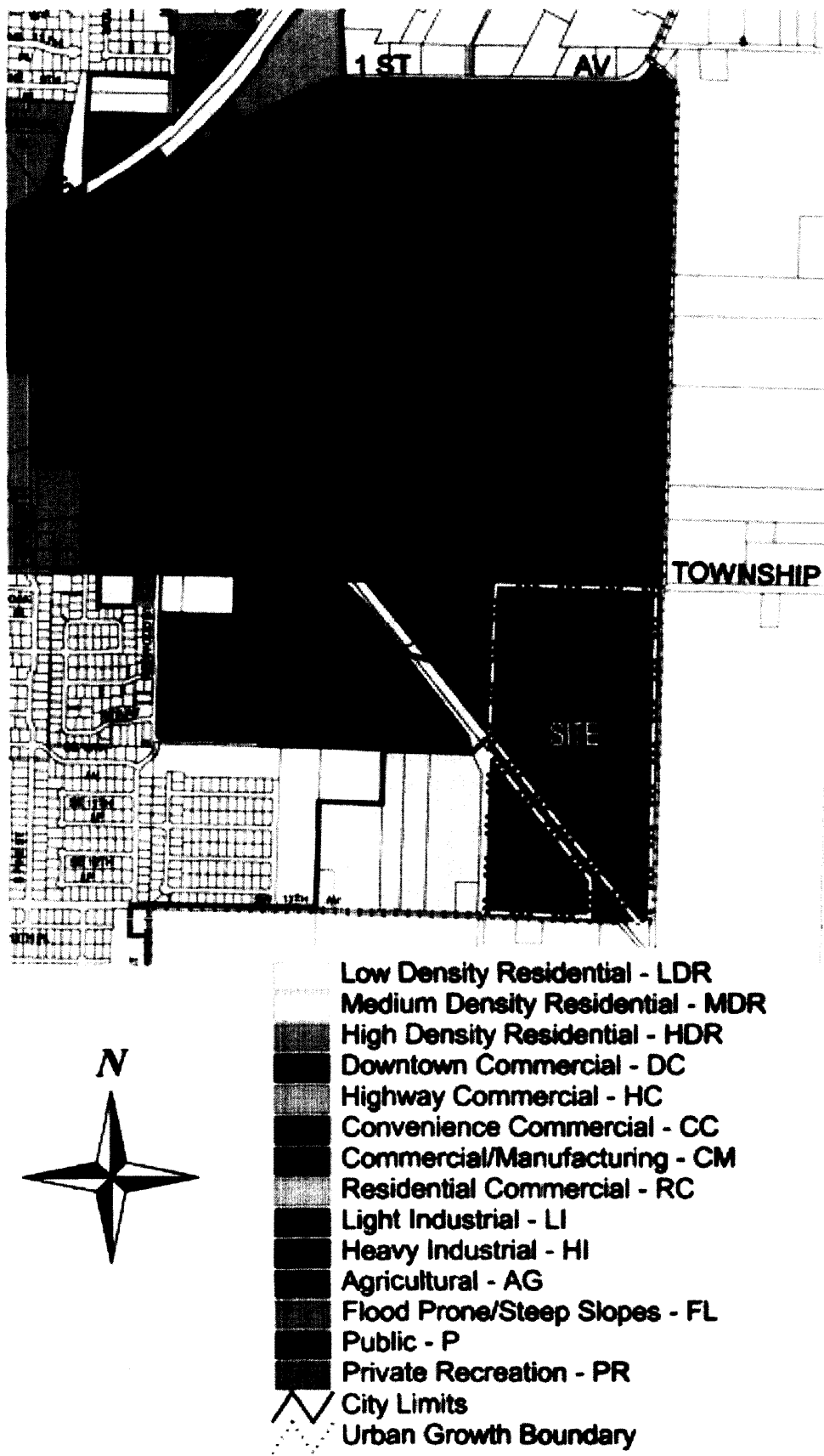


Figure 1 – Vicinity Zoning Map



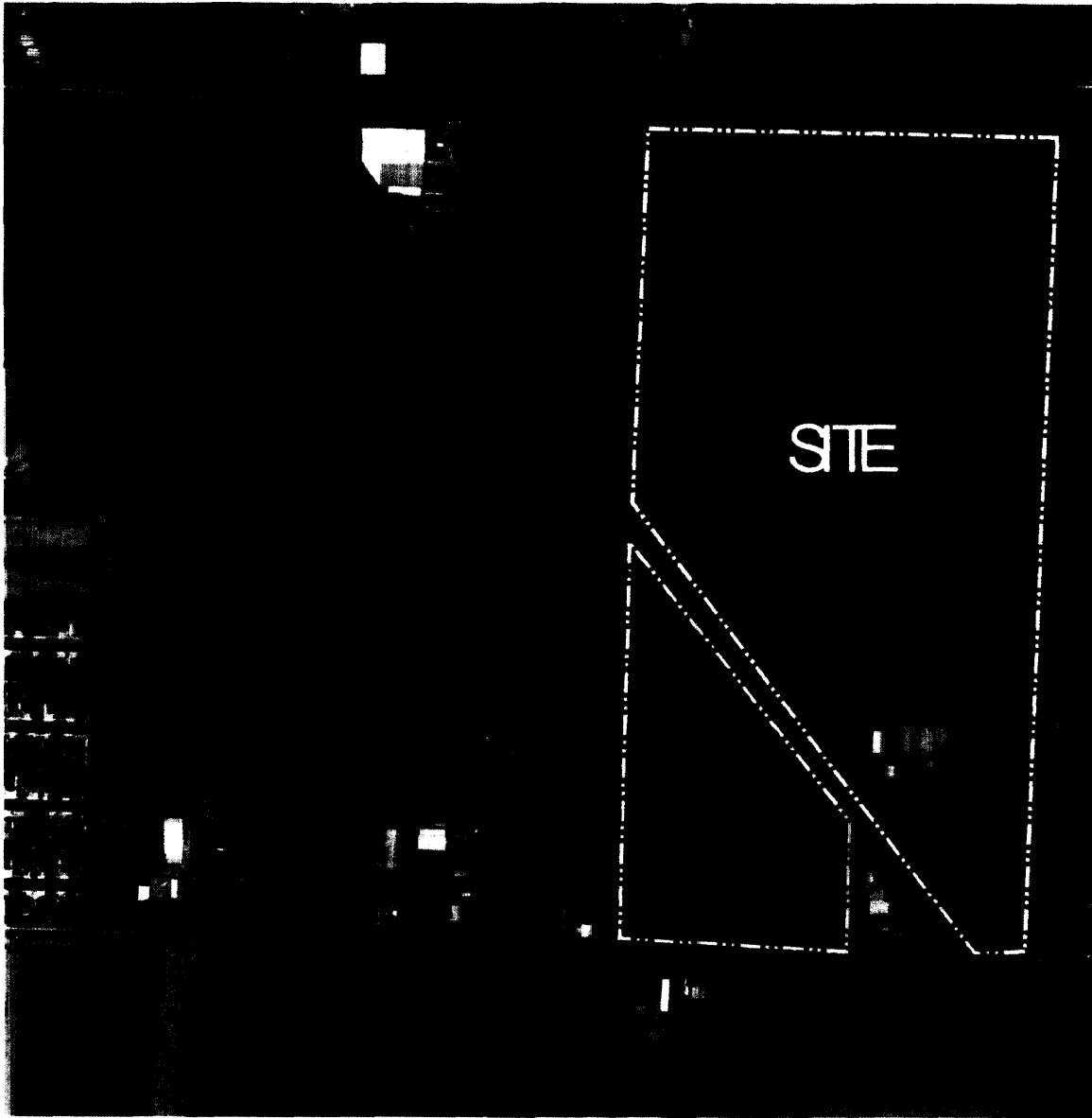


Figure 3: Aerial Photograph

The information 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

*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 it's 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:** The 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: According to Canby Utility, a large diameter waterline will be extended south from the termination of Sequoia Parkway to SE 13<sup>th</sup> Avenue with the development of the property in the proposed annexation. This waterline extension would eventually be connected to the large diameter waterline located west of the Logging Road Trail in SE 13<sup>th</sup> Avenue to form a large diameter loop around the perimeter of the southeast portion of the City.

Sewer: A portion of the northwest corner of the proposed annexation area is identified in the master plan as being able to be fed by a gravity sewer main from north of SE Township Road. This would likely be via an extension south from the current termination of the sanitary sewer main located at the intersection of Sequoia Parkway and SE 4<sup>th</sup> Avenue. The master plan identifies the remainder of the site to be served with sanitary sewer by the creation of the Mulino Pump Station to be located at the intersection of Mulino Road and SE 13<sup>th</sup> Avenue, likely on Tax Lot 101 included in this annexation. The pump station would likely be constructed with the development of this site, with appropriate contributions from properties connecting to it in the future.

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 drainageway at the intersection of Mulino Road and SW 13<sup>th</sup> Avenue.

Transportation: The Circulation Plan portion of the Industrial Area Master Plan addresses four major objectives, two of which apply directly to the proposed annexation area: 1) Provide for a connection from the proposed industrial area to SE 13<sup>th</sup> Avenue and 2) Follow existing property lines as much as possible to avoid creating undevelopable or awkward remainder parcels. The existing roadway system combined with the extension of Sequoia Parkway south to SE 13<sup>th</sup> Avenue will provide an efficient circulation pattern, will provide direct, safe and convenient access to Highway 99E via Sequoia Parkway and will improve circulation in the eastern portion of the City. Direct access to rail service is a major transportation advantage of the subject property. Rail service provides an economical alternative to truck-based freight for shipment of goods and is a major need of many industrial users. Properties affording access to rail are in short supply in Canby's industrial land base.

*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 south from the current termination of Sequoia Parkway to service the subject property. A sanitary sewer pump station will need to be constructed at the intersection of Mulino Road and SE 13<sup>th</sup> Avenue. 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, especially those industrial uses that have need for access to rail service. The Southern Pacific Railroad right-of-way passes through this site and will be an amenity to industrial uses that is not available for most



other industrial land in the City of Canby. The owners have been getting interest in their property from prospective purchasers for two main reasons: 1) access to rail, and 2) separation from residential properties so as to avoid potential land use conflicts with residential development.

*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 vacant industrial land available within the existing city limits, the proposed annexation would add industrial lands of a type that are in short supply: large lot parcels having access to rail service. A recent (January 2006) study by ECONorthwest and Group Mackenzie indicated that there were 225 acres of industrial land available for purchase within the Canby Pioneer Industrial Park (CPIP). Recent purchases within the CPIP, by W.W. Grigg, Pioneer Pump, Root Holdings and others, by the end of March 2006 dropped the figure for land available for purchase to roughly 174 acres, with more land close to becoming privately acquired. The remaining acreage is broken up into many individual parcels and cannot be readily assembled into tracts of more than 50 acres. Further, little of the existing industrial land base has access to rail service. The proposed annexation area is in excess of seventy acres in

area and has rail service passing centrally through the parcel. This combination of size and rail access presents an opportunity to provide land meeting an immediate need that is not well provided for by the existing industrial land base.

*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 have agreed to delay the traffic study until 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:** As discussed above, while there are roughly 174 acres of industrial land available for purchase within the Canby Pioneer Industrial Park, these 174 acres are broken up into many individual parcels and cannot be readily assembled into tracts of more than 50 acres. Additionally, most of the existing industrial land base does not have access to rail service. The proposed annexation area is in excess of seventy acres in area and has rail service passing through the parcel. This combination of features provides industrial land meeting an immediate need that is not well provided for by the existing industrial land base.

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 has been in agricultural use including a filbert orchard and hay production. The filberts were removed recently from the area north of the Southern Pacific Railroad right-of-way because of problems with filbert blight. 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 smaller sites. The combination of the size of this site and the direct railroad access provides development opportunities that are not currently available in the City of Canby. The size 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, SW 13<sup>th</sup> Avenue, and Mulino Road. Additionally, Sequoia Parkway is planned to be extended south along the west side of the annexation area to provide a direct connection to

the industrial park to the north and to Highway 99E. The extension of Sequoia Parkway through the proposed annexation area will provide better access to neighborhoods and schools in the southeast quadrant of the City. As discussed earlier the site is unique in Canby in that it can be accessed via a railroad connection.

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

**Response:**

Water: According to Canby Utility, a large diameter waterline will be extended south from the termination of Sequoia Parkway to SE 13<sup>th</sup> Avenue with the development of the property in the proposed annexation. This waterline extension would eventually be connected to the large diameter waterline located west of the Logging Road Trail in SE 13<sup>th</sup> Avenue to form a large diameter loop around the perimeter of the southeast portion of the City.

Sewer: A portion of the northwest corner of the proposed annexation area is identified in the master plan as being able to be fed by a gravity sewer main from north of SE Township Road. This would likely be via an extension south from the current termination of the sanitary sewer main located at the intersection of Sequoia Parkway and SE 4<sup>th</sup> Avenue. The master plan identifies the remainder of the site to be served with sanitary sewer by the creation of the Mulino Pump Station to be located at the intersection of Mulino Road and SE 13<sup>th</sup> Avenue, likely on Tax Lot 101 included in this annexation. The pump station would likely be constructed with the development of this site, with appropriate contributions from properties connecting to it in the future.

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 drainageway at the intersection of Mulino Road and SW 13<sup>th</sup> Avenue.

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 by the Molalla Forest Road and railroad right-of-way.

*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 having access to rail service 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.

## **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, especially given that it meets a need for larger industrial sites having access to rail service that is not well-served by the existing industrial land base.

*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.*

*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:** Consistent with these policies, the City has plans to extend Sequoia Parkway to the south along the west border of this site. The City and future developers will work together to ensure that needed improvements to existing and planned roads are made as needed to service the development of this site.

*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 on all four sides so that adequate site access and emergency vehicle response will be ensured. Plans for the Sequoia Parkway and other major streets include provisions for bicycle lanes.

#### **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.*

**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. Further, this site, because of its access to rail, affords industrial users the opportunity to make use of a very energy-efficient form of transportation in shipping supplies and products associated with future industrial operations on this property.

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 applicants own all of the property in the proposed annexation and have 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 access to rail service. 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 and aid in meeting financial requirements for provision of public services by adding industrial land outside of the urban renewal district's tax increment financing plan.

The following development scenario provides a reasonable estimate of the tax benefits that would result from future industrial development on this property. The scenario assumes that TL's 100 and 103 (total of 48 Ac) are divided into (4) 12 acre parcels, TL 101 remains as one 9.8 acre parcel and TL 102 remains as one 14 acre parcel. Further, the scenario assumes building coverage is roughly 25% of site area and value is \$70 per square foot.

Possible Development Scenario for Weygandt Annexation area:

Lot	Site Area (Ac)	Building Area (sf)	Assessed value	Tax rate	Taxes
1	12 acre	130,500	\$ 9,135,000	\$17 / 1000	\$155,295
2	12 acre	130,500	\$ 9,135,000	\$17 / 1000	\$155,295
3	12 acre	130,500	\$ 9,135,000	\$17 / 1000	\$155,295
4	12 acre	130,500	\$ 9,135,000	\$17 / 1000	\$155,295
5	9.8 acre	105,000	\$ 7,350,000	\$17 / 1000	\$124,950
6	14 acre	150,000	\$10,500,000	\$17 / 1000	\$178,500
Total	72 acre	777,000	\$54,390,000		\$924,630

While actual development will certainly vary somewhat from this scenario, it provides a reasonable estimate of the positive impact upon the City's tax base associated with the annexation of this property.

*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.

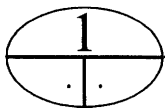
**Conclusion:**

This application proposes the annexation of over 73 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 that have direct access to rail service...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 Council approve this application.

**ATTACHMENTS**

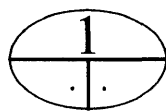
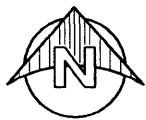
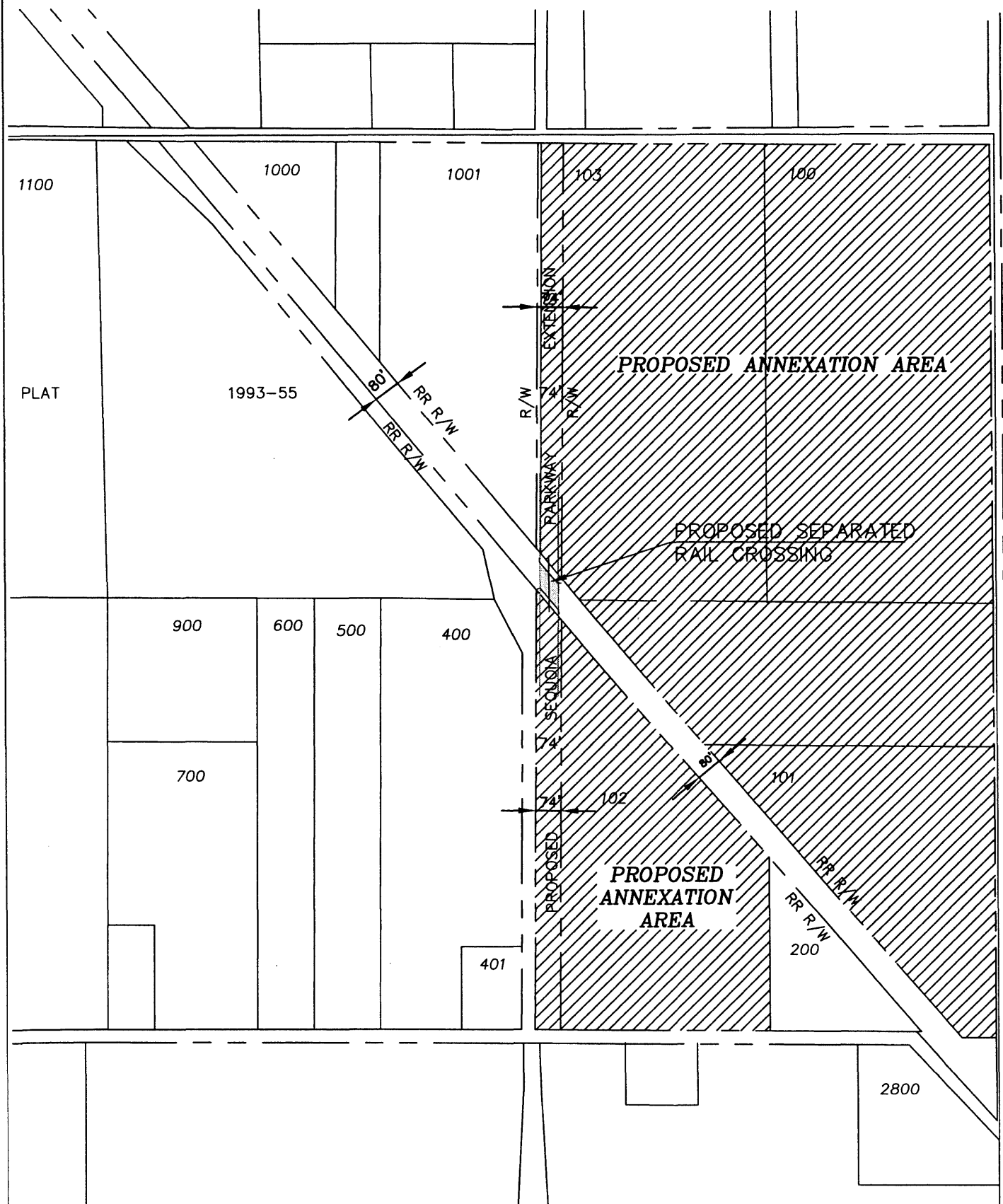
49

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**VICINITY MAP**  
SCALE: 1" = 1000'

50



**SITE MAP**  
SCALE: 1" = 400'

51

**GAYLORD****LAND SURVEYING, INC.***- Surveying Oregon Since 1970 -*

2910 S.E. Oak Grove Blvd. • Milwaukie, OR 97267

Phone 503-654-1492 • Fax 503-654-7878

E-mail: pat@gaylordlandsurveying.com

March 31, 2006

**LEGAL DESCRIPTION FOR WEYGANDT ANNEXATION**

LEGAL DESCRIPTION FOR A PROPOSED ANNEXATION TO THE CITY OF CANBY IN THE NORTHEAST ONE QUARTER OF SECTION 3, T4S, R1E, W.M., CITY OF CANBY, CLACKAMAS COUNTY, OREGON. THE BOUNDARY OF THE SAID ANNEXATION IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SECTION 3, T4S, R1E, W.M.; THENCE SOUTH 89°59'09" WEST 1319.94 FEET TO THE EAST ONE SIXTEENTH CORNER BETWEEN SECTION 3 AND 34 AT THE NORTHWEST CORNER OF GOVERNMENT LOT 1; THENCE ALONG THE WEST LINE OF GOVERNMENT LOT 1, BEING ALSO THE WEST LINE OF THE EAST ONE HALF OF THE NORTHEAST ONE QUARTER, SOUTH 00°30'53" WEST 1267.04 FEET TO A POINT IN THE NORTHEAST LINE OF THE SOUTHERN PACIFIC RAILROAD RIGHT OF WAY AS CONVEYED TO THE PORTLAND, EUGENE AND EASTERN RAILWAY COMPANY AND DESCRIBED BY DEED BOOK 124, PAGE 489, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG THE NORTHEASTERLY LINE OF THE SAID RIGHT OF WAY SOUTH 39°48'34" EAST 1837.79 FEET TO A POINT IN THE SOUTH LINE OF THE NORTHEAST ONE QUARTER OF SECTION 3; THENCE ALONG THE SAID SOUTH LINE OF THE NORTHEAST ONE QUARTER NORTH 89°57'08" EAST 123.79 FEET MORE OR LESS TO THE EAST ONE QUARTER CORNER OF SAID SECTION 3; THENCE ALONG THE EAST LINE OF SECTION 3, NORTH 00°39'40" EAST 2679.14 FEET TO THE POINT OF BEGINNING. CONTAINING 61.69 ACRES MORE OR LESS.

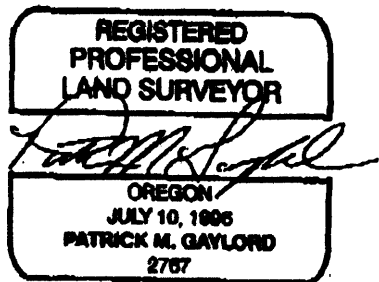
**TOGETHER WITH THE FOLLOWING DESCRIBED TRACT OF LAND:**

BEGINNING AT THE MOST SOUTHERLY SOUTHEAST CORNER OF THAT TRACT OF LAND CONVEYED TO RAYMOND A. WEYGANDT AND PATRICIA A. WEYGANDT BY DEED RECORDED IN DEED BOOK 683 PAGE 340, CLACKAMAS COUNTY DEED RECORDS WHICH BEARS SOUTH 89°57'08" WEST ALONG THE SOUTH LINE OF THE NORTHEAST ONE QUARTER OF SAID SECTION 3, T4S, R1E, W.M., 563.10 FEET MORE OR LESS FROM THE EAST ONE QUARTER CORNER OF SECTION 3; THENCE NORTH 00°39'40" EAST PARALLEL TO THE EAST LINE OF SECTION 3, T4S, R1E, W.M., 397.04 FEET TO A POINT IN THE SOUTHWEST LINE OF THE SOUTHERN PACIFIC RAILROAD RIGHT OF WAY AS CONVEYED TO THE PORTLAND, EUGENE AND EASTERN RAILWAY COMPANY AND DESCRIBED BY DEED BOOK 124, PAGE 489, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG SAID SOUTHWEST LINE NORTH 39°48'34" WEST 1171.32 FEET TO A POINT 7.00 FEET WEST, AS MEASURED AT RIGHT ANGLES, OF THE WEST LINE OF THE EAST ONE HALF OF THE NORTHEAST ONE QUARTER; THENCE SOUTH 00°30'53" WEST PARALLEL TO THE

52

SAID WEST LINE OF THE EAST ONE HALF OF THE NORTHEAST ONE QUARTER  
1297.48 FEET TO A POINT IN THE SOUTH LINE OF THE NORTHEAST ONE QUARTER;  
THENCE ALONG THE SAID SOUTH LINE NORTH 89°57'10" EAST 7.00 FEET TO THE  
CENTER-EAST ONE SIXTEENTH CORNER OF SECTION 3; THENCE CONTINUING  
ALONG THE SAID SOUTH LINE NORTH 89°57'10" EAST 750.00 FEET TO THE SAID  
SOUTHERLY SOUTHEAST CORNER OF DEED BOOK 683 PAGE 340. CONTAINING  
14.74 ACRES MORE OR LESS.

THE TOTAL COMBINED AREA OF THE ABOVE DESCRIBED PARCELS BEING 76.43  
ACRES MORE OR LESS.

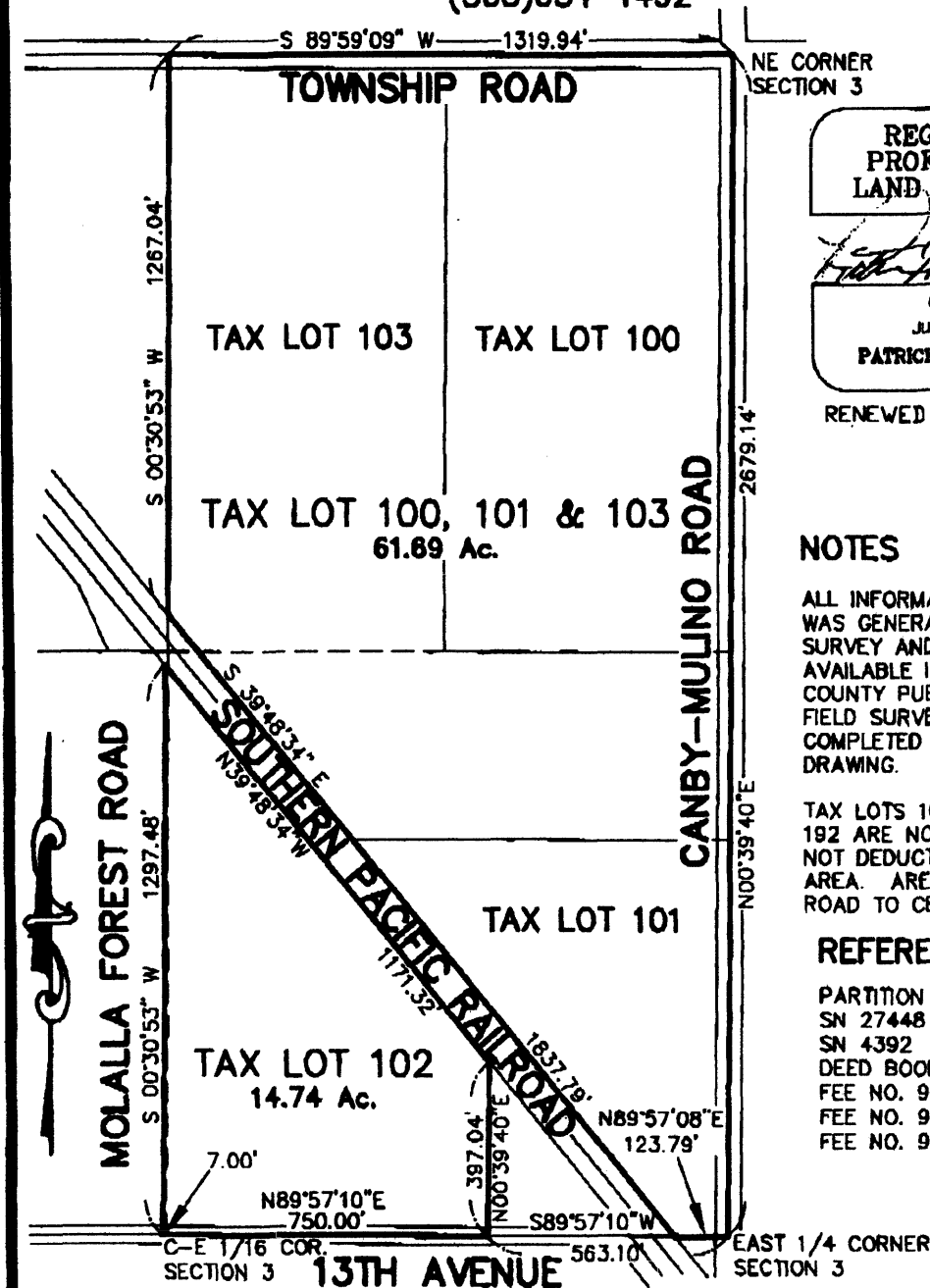




**ANNEXATION EXHIBIT FOR THE  
BUZZ AND PATSY WEYGANDY PROPERTY  
IN THE NE1/4 OF SECTION 3, T4S, R1E, W.M.  
CITY OF CANBY, CLACKAMAS COUNTY, OREGON**

SCALE 1" = 200'      MARCH 31, 2006

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



**REGISTERED  
PROFESSIONAL  
LAND SURVEYOR**

*Patrick M. Gaylord*

OREGON  
JULY 10, 1996  
PATRICK M. GAYLORD  
2767

RENEWED THRU 06/30/07

**NOTES**

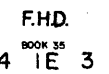
ALL INFORMATION SHOWN HERE WAS GENERATED FROM RECORD SURVEY AND DEED INFORMATION AVAILABLE IN THE CLACKAMAS COUNTY PUBLIC RECORDS. NO FIELD SURVEYING WAS COMPLETED TO PREPARE THIS DRAWING.

TAX LOTS 1091, 193, 180 AND 192 ARE NOT SHOWN AND ARE NOT DEDUCTED FROM TOTAL AREA. AREAS SHOWN INCLUDE ROAD TO CENTERLINE.

**REFERENCES**

PARTITION PLAT NO. 1993-055  
SN 27448  
SN 4392  
DEED BOOK 683 PAGE 340  
FEE NO. 90-51422  
FEE NO. 99-089726  
FEE NO. 99-089727

1" = 400'



March 14, 2006

RE: Neighborhood Meeting for proposed Annexation of Industrial Land

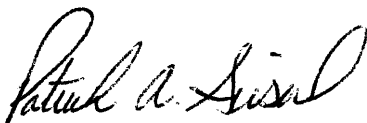
Dear Neighbors:

This letter is to inform you of an upcoming neighborhood meeting regarding a proposal by the Weygandt family to annex 70 acres of industrial zoned land into the City of Canby. The property is bordered by Township Road to the north, S.E. 13<sup>th</sup> Avenue to the south and Mulino Road to the east. It is identified as Tax Lots 100, 101, 102, and 103 on Clackamas County Assessor map 4 1E 3 (see attached map).

If annexed, the property will be zoned as Light Industrial. For permitted uses in the M-1 Light Industrial Zone, see Chapter 16.32 of the Canby Land Development and Planning Ordinance.

The meeting is scheduled for 6:30 PM, Tuesday, March 28, 2006, at the Canby Adult Center, located at 1250 S. Ivy Street. You are invited to attend this meeting to discuss the proposal with the Weygandt's and myself.

Sincerely,



Patrick A. Sisul, P.E.

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Weygandt Family Annexation Neighborhood Meeting  
Canby Adult Center, Tuesday, March 28, 2006 at 6:30pm

The following people signed the attendance list at the meeting:

- R. A. & Pat Weygandt – 24401 S. Mulino Road, Canby - applicant
- Lynn Weygandt – 809 W. 1<sup>st</sup> Street, Newberg - applicant
- Lisa Weygandt – 2522 SE Township Road, Canby - applicant
- John and Marlene Hill – P.O. Box 1091, Canby
- Ralph Netter – 22375 Airport Road, Aurora
- Terry & Suzanne Weber – 24464 S. Mulino Road, Canby
- Dan & Mary Stoller – 2220 SE 13<sup>th</sup> Avenue, Canby
- Betty Faist – 1866 SE 13<sup>th</sup> Avenue, Canby
- Duane & Janice Weeks – 3185 N. Holly Street, Canby
- Pat Sisul – 375 Portland Ave. – Gladstone – applicant's representative

---

The applicant's representative described and showed the location of the annexation request on an aerial photo provided and described the City's planning process, the approximate timelines involved and at what stages they may be receiving notice from the City and what their opportunities for input are. It was pointed out that this request is for annexation only, not for subdivision or for any development of the site. If and when a land division or a building is proposed on the site, that would be a separate process and they would be receiving additional notice from the City. After a few minutes of presentation it was turned over to the audience to ask any questions that they had concerning the proposal.

The following questions were asked during the meeting:

- There were several questions regarding the proposed alignment of the future Sequoia Parkway extension along the western edge of the annexation, the bridge over the railroad track and how that roadway extension would affect, or would it affect, the southern portion of the Logging Road Trail.
- Do the applicants have any plans to develop the property once annexed? (No)
- Will this be on the November ballot? (Yes, if approved to be sent to the voters.)
- Will this development build the pump station at Mulino Road and 13<sup>th</sup> Avenue? (It will be required to serve most of the annexation area)
- What is the sewer depth at the north end of the site? (not known)
- Will trucks from this site travel down 13<sup>th</sup> Avenue if Berg Parkway is connected through? (Some would likely travel that direction if they are heading to I-5, the City likely can create a truck route from this site through the Industrial Park.)
- How will access from the railroad work? (Likely one or two spur lines to the annexation area)
- What are the sizes of the water lines and would this property connect the waterline through the where it ends on 13<sup>th</sup> Avenue? (The waterline through the Industrial Park is 16-inch, the

waterline in 13<sup>th</sup> Avenue west of the Logging Road is 14-inch. The line connecting these two would be a 12 to 16-inch diameter most likely.)

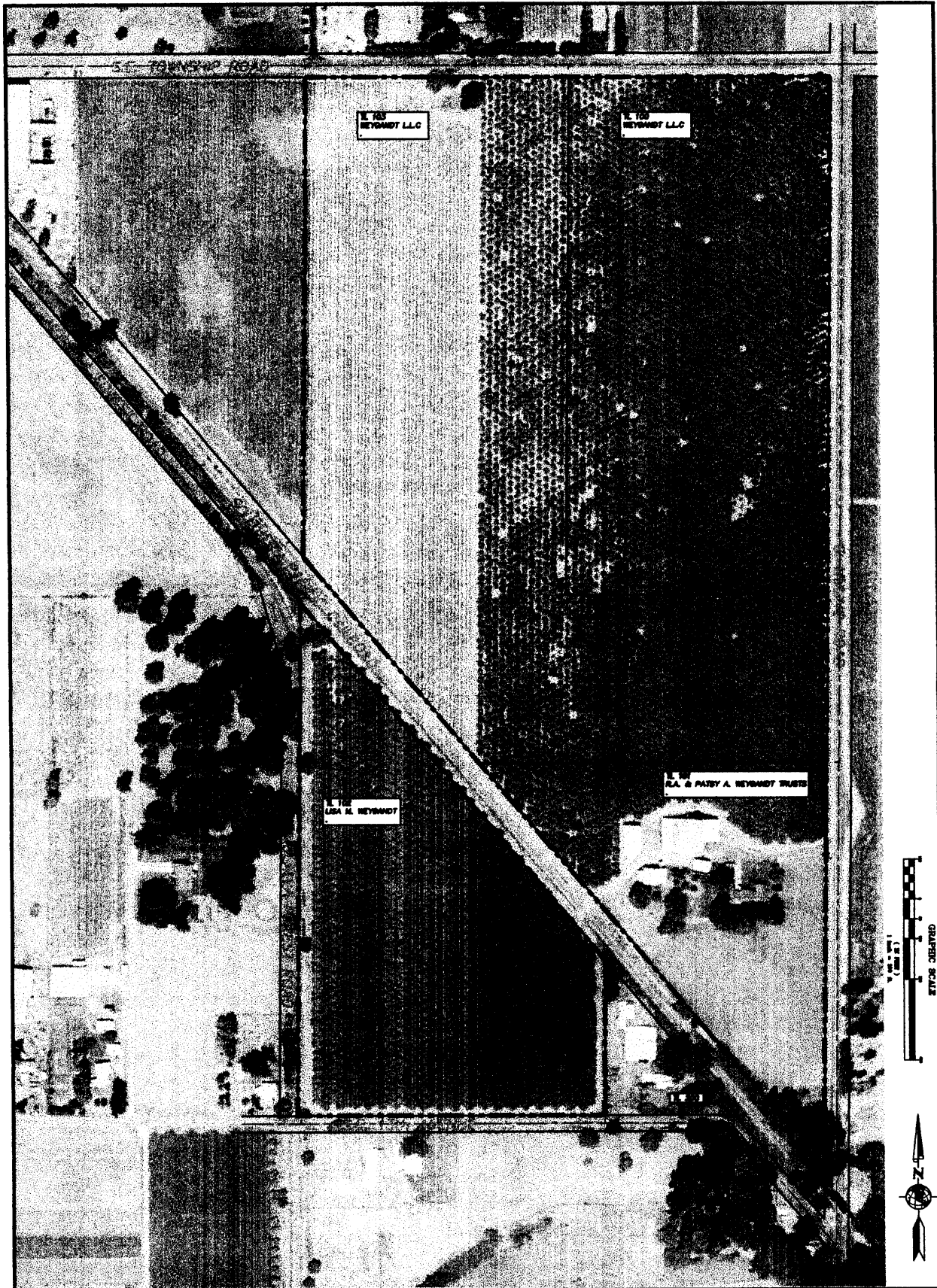
- Would the extension of Sequoia Parkway take land away from the Logging Road trail? (No, there will be 74 feet dedicated for the extension of Sequoia Parkway in addition to the existing 45 feet for the Logging Road Trail.)
- Would there be a buffer between the road and the trail? (Yes, there is room for a buffer between the two and street trees would likely be installed along Sequoia Parkway.)
- What is the grade of the railroad in relation to the property? (It is nearly at grade with most of the property.)
- What is the annexation priority for this land? (It is priority C, but there is no longer any industrial land that is priority A or B, so any industrial land being annexed will have to be priority C.)
- Is Tax Lot 200 included? (No, it is not owned by the applicant and the owners do not want to annex.)

---

The meeting ended at approximately 8:00 PM

Notes prepared by  
Patrick A. Sisul, Sisul Engineering

	Name	Address
1.	RA. Weygandt	24401 S. MULINO Rd CANBY
2.	Rat Weygandt	" " "
3.	Kyrin Weygandt	809 W. 1 <sup>st</sup> St. Newberg 97132
4.	Gina Weygandt	2522 SE Township Rd 97013
5.	John + Marlene Hill	2284 SE <sup>PO Box 1091</sup> Canby OR 97013
6.	Ralph Netter	22375 Airport Rd. Aurora 97002
7.	TERRY WEBBER	24464 S MULINO Canby OR
8.	Suzanne WEBBER	" " 97013
9.	Mary Staller	2220 SE 13 <sup>th</sup> , Canby OR 97013
10.	Dan Staller	" " "
11.	Betty FAIST	1866 - S.E. 13 <sup>th</sup> Canby Or.
12.	Janice M. Week	3185 N. Holly, Canby
13.	Diane J. Week	" " "
14.	KAT SISUL	375 PORTLAND AVENUE, CLACKAMAS
15.		
16.		
17.		
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29.		



**SIGUL ENGINEERING**  
 1115 PINEHURST AVENUE  
 SUITE 100, GREENSBORO, NC 27409  
 TEL: 336-733-8888  
 FAX: 336-733-8889  
 WWW.SIGUL-ENGINEERING.COM

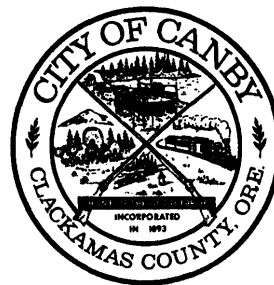
Aerial Photo

**PROPOSED ANNEXATION**  
**WEYGANDT FAMILY**

REVISIONS	BY







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

**A REQUEST TO ANNEX 1.7  
ACRES OF LAND INTO THE  
CITY OF CANBY** )

**FINDINGS, CONCLUSIONS & ORDER  
ANN 06-02**

**NATURE OF APPLICATION**

The applicant is seeking to annex a single 1.7 acre tax lot into the City of Canby. If annexed, the applicant proposes to construct a 23-unit townhouse development with vehicle access from NE Territorial Rd. Access to the site is proposed by means of a 30 foot shared access drive. The site is located at the southwest corner of N Pine Street and NE Territorial Road. The parcel currently contains one single-family residence.

**HEARINGS**

The Planning Commission held a public hearing to consider the application on June 12, 2006.

**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 06-02  
Page 1 of 4**

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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 June 12, 2006 meeting. The Planning Commission also incorporates the May 31, 2006 Staff Report and Commission deliberations as support for its decision. The Planning Commission accepted and adopted the findings in the May 31, 2006 Staff Report.

### **CONCLUSION**

The Planning Commission of the City of Canby concludes that, based on the findings and conclusions contained in the May 31, 2006 staff report, and based on Commission deliberations at the June 12, 2006 public hearing:

1. The land is designated Priority "A" for annexation.
2. The current supply of platted residential land in Canby is estimated as follows:

R-1 Low Density	276 Lots	2.79 years
R-1.5 Medium Density	0 Lots	0.00 years
R-2 High Density	142 Lots	2.66 years

The supply of land in each category is less than the 3 year supply considered sufficient to meet the need for residential land.

3. Access is adequate to the site and will be further improved by the improvements of the roadway, including off-site improvements volunteered by the applicant, in conjunction with development.
4. The Current access at N.E. Territorial Rd. is sufficient to serve the needs of annexation and development on the site. Development of the subject property will likely accommodate undeveloped parcels to the east, as is recommended in the traffic analysis for 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 06-02.

**I CERTIFY THAT THIS ORDER** recommending **APPROVAL** of ANN 06-02 to the City Council was presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 26th day of June, 2006.



James Brown  
Chairman, Canby Planning Commission



Kevin C. Cook  
Associate Planner

**ORAL DECISION – June 12, 2006**

AYES: Ewert, Molamphy, Manley, Brown

NOES: None

ABSTAIN: None

ABSENT: Tessman

**WRITTEN FINDINGS - June 26, 2006**

AYES:

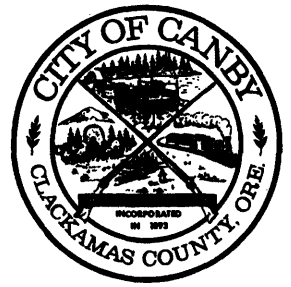
NOES:

ABSTAIN:

ABSENT:

**Findings, Conclusions and Final Order**  
**ANN 06-02**  
**Page 4 of 4**

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## **- STAFF REPORT -**

**APPLICANTS:**

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

**FILE NO.:**

ANN 06-02  
(S.T.J., LLC)

**OWNERS:**

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

**STAFF:**

Kevin C. Cook  
Associate Planner

**LEGAL DESCRIPTION:**

Tax Map 3-1E-27CB  
Tax Lot 1300 (1.7 acres)

**DATE OF REPORT:**

May 31, 2006

**LOCATION:**

1203 NE Territorial Road  
The parcel is located south of Territorial Rd,  
east of Pine St. and west of Logging Rd. Trail

**DATE OF PC HEARING:**

June 12, 2006

**COMPREHENSIVE PLAN DESIGNATION:**

R-2 High Density Residential

**ZONING DESIGNATION:**

Rural Residential Farm and Forest  
(Clackamas County RRFF-5)

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

The applicant is seeking to annex a single 1.7 acre tax lot into the City of Canby. If annexed, the applicant proposes to construct a 23-unit townhouse development with vehicle access from NE Territorial Rd. Access to the site is proposed by means of a 30 foot shared access drive. The site is located at the southwest corner of N Pine Street and NE Territorial Road. The parcel currently contains one single-family residence.

Staff Report  
ANN 06-02  
Page 1 of 12

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## **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 RRFF 5 (Rural Residential Farm and Forest) by Clackamas County. Canby's Comprehensive Plan designation of the subject parcel is R-2 High Density Residential. If annexation is approved, City zoning for the parcel would automatically be amended to reflect the R-2 High Density Residential zoning in conformance with the Comprehensive Plan.

In 2005 the applicants applied to annex the subject parcel into the City and the application was referred to the Canby Voters in November of 2005. However, the proposal was rejected at the polls with 59% voting against the annexation. The applicant's conceptual design has not changed since the previous application.

Annexation applicants are not required to adhere to any particular design. Once annexed, the property would be subject to all subdivision and design standards of the Canby Municipal Code.

The parcel currently contains one single family residence and several trees. The 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.

Adjacent properties on all sides of the subject parcel are inside the city limits and zoned for High Density Residential development.

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.

#### 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 1.70 acres of land into the City under R-2 High Density Residential zoning. See also the enclosed 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.

*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-2 zoning district, the total supply of buildable lands available for high density residential development equals a 2.62 year supply. The proposed annexation would potentially add 23 new lots at the time of final subdivision plat approval. The 23 new lots would bring the buildable lands supply total to 3.06 years when added to today's availability.*

*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 storm water concerns with this proposal.*

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.*

Staff Report  
ANN 06-02  
Page 6 of 12

*There are no steep slopes and no identified flood prone areas. There are no wetlands and there are no historic sites on the property.*

**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 returned comment on the proposal.*

**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.**

**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, Canby Electric, the Water Dept., Canby Disposal, Sewer, and Canby Telephone.*

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

***Traffic:** In June of 2005 a traffic study examined potential traffic impacts for the subject parcel. The study showed that surrounding road systems are adequate to serve the proposed annexation. The study indicates that surrounding street infrastructure is adequate to handle additional development on the subject parcel. There is a recommendation for an internal street stub towards the east in anticipation of future tie in to undeveloped R-2 zoned parcels to the east of the site. Traffic impacts would be reviewed again at the time of future development, including any additional development on adjacent parcels.*

**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:** *The subject property is not currently used in 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 clearly consistent with many of the Comprehensive Plan policies for annexation. The provision of Public Facilities and Services may warrant discussion regarding eventual access to the parcel. Typically, public facilities and services are also dealt with at the time of development and staff recommends that this remain the case.

**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 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 a fragmented parcel of non-farm land islanded by parcels already inside the city limits. The property is also designated priority "A" for annexation, 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 N.E. Territorial Rd. is sufficient to serve the needs of annexation and development on the site. Development of the subject property will likely accommodate undeveloped parcels to the east, as is recommended in the traffic analysis for 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. There are however several large evergreen trees on the property that could be considered a natural scenic resource.

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 23 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 06-02 to the City Council, with the addition of the following understandings.

1. The zoning classification for the property will be R-2 High 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 submittal materials
2. Responses to requests for comments
3. Buildable Lands Analysis



CITY OF CANBY  
ANNEXATION APPLICATION  
Fee: See last page  
Election Costs Deposit: \$2,500.00  
Process Type IV

OWNERS

APPLICANT\*\*

Name: S.T.J., LLC  
Address: 214 S.W. 2nd Avenue  
City: Canby State: OR Zip: 97013

Name: same as owner  
Address:  
City: State: Zip:

Owners Signature: [Signature], MEMBER Phone: 503-246-5488

DESCRIPTION OF PROPERTY

Address: 1203 NE Territorial Road  
Tax Map: 3 1E 27CB Tax Lot(s): 1300 Lot Size: 1.70 (Acres/Sq.Ft.)  
Existing Use: One single family home and garage  
Proposed Use: Annexation for future R-2 residential development  
Existing Structures: One single family home and garage

ZONING: Proposed: City R-2  
Current: County RRFF-5 COMPREHENSIVE PLAN DESIGNATION: HDR High Density Res.  
PREVIOUS LAND USE ACTION (if any):

FOR CITY USE ONLY	
File # :	ANN 06-02
Date Received:	4-26-06 By: cja
Completeness:	5/15
Pre-App Meeting:	N/A
Hearing Date:	6/12

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

# NARRATIVE

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**Application for Annexation**

Applicant/Owner	S. T. J., LLC 214 S.W. Second Avenue Canby, OR 97013 (503) 266-5488 Contact: Tom Scott
Representative	Sisul Engineering, Inc. 375 Portland Avenue Gladstone, OR 97027 (503) 657-0188 Contact: Pat Sisul
Location	South of Territorial Road, east of Pine Street and west of the Logging Road Trail
Legal Description	Tax Lot 1300, Sec. 27, T3S R1E WM (Assessor Map 3 1E 27CB)
Zone	County: RRFF-5 Proposed City: R-2
Site Size	1.70 Acres
Proposal	Annexation and R-2 zoning designation.

**PROPOSAL**

The applicant proposes annexation of 1.70 acres with zoning of R-2, High Density Residential. Annexation will allow the development of new single family attached residences.

**SITE DESCRIPTION**

The site is south of Territorial Road, west of the Logging Road Trail and east of Pine Street. It is a remnant of County land that is now surrounded by the City of Canby.

The site has frontage on Territorial Road. It is south of Country Club Estates and east of T & J Meadows subdivision. Immediately south of the site are the Willamette Grove Apartments and beyond the apartments, farther south are two large undeveloped lots remaining from the old Canby Gardens subdivision.

The site is presently occupied by a single residence and a garage.

The site is very nearly flat, with numerous large trees most of which are firs, but no other identified natural resources or physical hazards.

Public sewer and water are available to the site in Territorial Road. A public storm drain pipe system runs along the north side of Territorial Road.

## 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 "RRFF-5" by Clackamas County, a rural residential zone. The site is not being used for agricultural purposes and is too small for a viable farm. The soil type identified for the site is "Canderly Sandy 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 surrounded by land within the City limits that has been subdivided or is in relatively small lots. 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 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 Territorial Road. The applicant has been advised that the City has adequate capacity to serve the site. Storm water will be managed on the site, 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 following schools would serve the site: William Knight Elementary, Baker Prairie Middle School, and Canby High School. Knight has a capacity of 575 students, and a current enrollment of 508. With an anticipated enrollment of 400 students, Baker Prairie Middle School will accommodate students from Carus, Knight, and Trost Elementary Schools; students from Eccles and Lee will attend Ackerman Middle School. 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, lots will not become available for home construction before spring 2007. The first homes to be completed will likely not be ready for occupancy before late 2007, so new students from this property would not attend area schools until at least the fall of 2007, with the

majority coming in the spring or fall of 2008. The applicant also anticipates a townhouse-type, single family attached dwelling development that typically produces fewer school age children per dwelling than a comparable number of detached single family residential dwellings.

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

#### Land Use Element

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

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

Response: The City currently has less than a three-year supply of buildable land<sup>1</sup> in the R-2 Zone. The annexation proposed by this application would add 1.70 Acres, equivalent to about 55% of the R-2 land needed annually and the development concept proposal for 23 attached dwellings represents about half the annually needed R-2 dwelling units. Put another way, 1.70 Acres of R-2 land is equivalent to 6.6 months' buildable land supply or 44% of the annual need for dwelling units.<sup>2</sup>

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<sup>1</sup> The City recently determined that a three-year land supply should be maintained to provide for the need for residential land. (Staff Report, ANN 04-07 and Canby Planning Commission Minutes, January 24, 2005, pp. 1-2) This determination begs the question of when the "three years" starts for a given application, as this is obviously a moving target. The most reasonable point for beginning the "three year clock" is the date of filing of the application, which will be the assumption utilized in this discussion.

<sup>2</sup> The City revised its methodology for calculating buildable land supply, to include only platted lots or approved units (Canby Planning Commission Minutes, January 24, 2005, pp. 1-2). The average build-out historically is 172 lots/units per year (14.3 units per month), for all zones, with an average of 51.6 units per year for the R-2 Zone.

The following table is part of a buildable lands inventory prepared by the City in October, 2005:

**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</i>	<i>Units</i>
						<i>Built</i>	<i>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	138	0	138
Pine Place				R-2	4	0	4
<b>R-2 Total Lots</b>			<b>18.88</b>		<b>209</b>	<b>71</b>	<b>142</b>

**5 year average                      51.6 units/year    =    2.75 years**

Since October, 2005, the “Woody” plat added four R-2 lots and the “Pine Station” plat with eleven new lots have been or will be recorded in the very near future. The City advises that it has issued 53 R-2 building permits since October, 2005, a somewhat higher consumption rate than the five year average of 51.6 units per year. This means that 53 lots (units) have been used and 15 added, leaving a net of 38 fewer available units since October, 2005. Using the City’s figures from October and deducting 38 units, the supply of units available is now at 104, equivalent to a 2 year land supply. The proposed annexation would add about six months to the current land supply.

The current supply of "Buildable land" does not translate immediately into lots available for development. The process of transformation through platting, construction of improvements, etc. can take a year or more, with the timing dependent on the weather and other factors. Furthermore, large developments such as the Apollo Homes project south of Cedar, at First and Second, affect the land/dwelling supply in an unpredictable manner: dwellings could be constructed over a longer time period owing to changing market conditions or favorable/unfavorable reception of the product, the developer could change through sale of the project or other circumstances, and so on. Therefore, a raw “total” of approved, platted, or otherwise available lots and dwellings is not always a helpful number to use in evaluating the need for additional land.

The proposed annexation would add approximately 1.70 acres, potentially up to the R-2 density of 24 dwellings or about a six month's supply of buildable land (based on need for dwelling units). However, the annexation would not be finalized until a public vote occurred in November, 2006. An application for subdivision, construction plans, and final plat would likely not be approved until mid-2007. Construction might begin in the summer 2007 but could be delayed until fall or early in 2008. It is likely that lots in the proposed annexation site would not become available until fall of 2007 at the earliest--a year and a half from now. The length and complexity of the approval process, even without an annexation, makes it difficult to predict the rate at which lots and dwelling units are developed and used.



If annexed, this property would add approximately six 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 2007 or 2008, at a point when the currently projected "two year supply" is likely to have substantially diminished.

The site is located in an area that is currently developing and where public facilities are available. A traffic signal at Territorial and Highway 99E is required under any circumstances and is funded, with completion expected in 2006. 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.

A traffic problem has been identified at the intersection of Territorial and Highway 99E, and a project is funded for construction and anticipated to be completed in 2006.

*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 presently an "island" that is surrounded by city land and its ultimate destiny was settled with establishment of the Urban Growth Boundary and annexation priority system. The site is not used for agricultural purposes and is not large enough, by itself, to be a viable farm. No natural or historic resources will be affected by the annexation. The numerous trees on the site would be retained, to the extent possible, to preserve the quality of the site and neighborhood.

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

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

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

Response: There are no surface water features on the site or in the vicinity. The 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: Territorial Road is classified as an Arterial by the Transportation System Plan. A signal is proposed for the intersection of Territorial and Highway 99E, facilitating vehicular movements in the area. The applicant would expect to construct the street frontage to "urban" standards to accommodate anticipated traffic at the time of any future development.

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

Response: The layout for any future development can be designed to provide multi-directional access for all lots and facilitate access for emergency vehicles. This will be demonstrated in the context of a subdivision application.

A traffic impact study is being conducted for the application.

#### *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.