



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

<b>A REQUEST TO ANNEX 1.95 ACRES OF LAND INTO THE CITY OF CANBY</b>	) ) )	<b>FINDINGS, CONCLUSIONS &amp; ORDER ANN 05-07 (Netter)</b>
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**NATURE OF APPLICATION**

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

**HEARINGS**

The Planning Commission held a public hearing to consider the application on December 12, 2005.

**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 primary 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);

Findings, Conclusions and Final Order  
ANN 05-07  
Page 1 of 4

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.

#### **FINDINGS AND REASONS**

The Planning Commission deliberated on all input presented at the December 12, 2005 meeting. The Planning Commission also incorporates the November 28, 2005 Staff Report and Commission deliberations as support for its decision. The Planning Commission accepted and adopted the findings in the November 28, 2005 Staff Report.

#### **CONCLUSION**

The Planning Commission of the City of Canby concludes that, based on the findings and conclusions contained in the November 28, 2005 staff report, and based on Commission deliberations at the December 12, 2005 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	188 Lots	1.90 years
R-1.5 Medium Density	0 Lots	0.00 years
R-2 High Density	137 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. The site is not well suited for agriculture.
4. 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.
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 05-07.

**I CERTIFY THAT THIS ORDER** recommending **APPROVAL** of **ANN 05-07** to the City Council was presented to and **APPROVED** by the Planning Commission of the City of Canby.

DATED this 9th day of January, 2006.



James Brown  
Chairman, Canby Planning Commission



Kevin C. Cook  
Associate Planner

**ORAL DECISION – December 12, 2005**

AYES: Ewert, Lucas, Manley, Molamphy, Tessman

NOES: None

ABSTAIN: None

ABSENT: Brown, Helbling

**WRITTEN FINDINGS - January 9, 2006**

AYES: Manley, Molamphy, Tessman

NOES: None

ABSTAIN: Brown, Helbling

ABSENT: Ewert, Lucas

Findings, Conclusions and Final Order  
ANN 05-07  
Page 4 of 4



**CITY OF CANBY  
ANNEXATION APPLICATION**

Fee: See last page  
Election Costs Deposit: \$2,500.00  
Process Type IV

**OWNERS**

**APPLICANT\*\***

Name: Todd & Theresa Snelson

Name: Nick and Jamie Netter

Address: 1401 S. Fir Street

Address: 2147 NE Territorial Road

City: Canby State: OR Zip: 97013

City: Canby State: OR Zip: 97013

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

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

**DESCRIPTION OF PROPERTY**

Address: 1401 S. Fir Street

Tax Map: 4 1E 4CA

Tax Lot(s): 1301

Lot Size: 1.95 (Acres/Sq.Ft.)

Existing Use: One single family home and 3 outbuildings.

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

Existing Structures: One single family home, 3 outbuildings.

ZONING: **Proposed: City R-1.5**

**Current: County EFU** COMPREHENSIVE PLAN DESIGNATION: **MDR**

PREVIOUS LAND USE ACTION (if any): \_\_\_\_\_

**FOR CITY USE ONLY**

File # : \_\_\_\_\_

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

By: \_\_\_\_\_

Completeness: \_\_\_\_\_

Pre-App Meeting: \_\_\_\_\_

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

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

**EXHIBIT**

**#1 109**

## Application for Annexation

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

## **PROPOSAL**

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

## **SITE DESCRIPTION**

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

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

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

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

## Applicable Criteria and Standards

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

### *Canby Comprehensive Plan*

#### *Canby Municipal Code Section 16.84.040*

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

### CANBY COMPREHENSIVE PLAN

#### Urban Growth Element

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

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



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

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

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

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

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

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

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

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

Public schools are required by law to provide for students within the district. Schools in the City are generally nearing or over capacity. The School District previously advised that existing schools will be over-capacity without a new middle school, which was funded by a bond issue passed by voters in 2004. The school is presently under construction and expected to open for students in the fall of 2006.

The following schools would serve the site: Howard Eccles Elementary, Ackerman Middle School, and Canby High School. Eccles has a capacity of 525 students, and a current enrollment of 441. The middle school has a capacity of 1,070 and a current enrollment of 1,028. The high school has a capacity of 1,660 and a current enrollment of 1,745.<sup>1</sup> Note that the school district will realign boundaries when the Baker Prairie Middle School opens in September, 2006.

With the complex approval processes required for annexations and land development, it is likely that lots will not become available until late 2006 or early 2007. New homes will likely not be constructed before 2007 or early 2008, so new students from this

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<sup>1</sup> Information from the Oregon Department of Education web-site, "October 1 Enrollment Summary 2004-2005", dated 10/27/05.

property would not attend area schools until at least the fall of 2007 and more likely, spring or fall of 2008.

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

#### Land Use Element

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

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

Response:

The City. The annexation proposed by this application would add about 12 lots to the buildable land supply. The City's Buildable Lands Inventory (October 28, 2005) shows that currently the City has no available R1.5 buildable land and that the R1.5 "need" is 2.8 units per year, based on a five year average. However, the two projects identified (Township Trail and Sequoia Place) were actually platted and built out within the last two years. Therefore, the "need" should be based on completely using the 17 available lots in less than two years or an average of no less than 8.5 lots per year. Since these were the only two projects within the R1.5 Zone, the actual "need" is could well be greater since there is no available supply to meet the potential demand.

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

The proposed annexation would add 1.95 Acres, potentially 12 lots or about a 16 or 17 month's supply of buildable land, based on the analysis in this application. However, the annexation would not be finalized until a public vote occurred in May, 2006. An application for subdivision, construction plans, and final plat would likely not be approved until late 2006 or 2007. Construction might begin in the spring or summer of 2007. It is likely that new dwellings in the proposed annexation site would not become available until summer of 2007 at the earliest—more than 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 are developed and used. Further, this applicant intends to retain the site for the land supply for their construction business. Their intention is to build homes in the subdivision in phases, to allow construction of new homes over a period of about two years.



If annexed, this property would add 16 or 17 months to the buildable land supply and, when subdivided, an equivalent time period to the platted land supply. The new lots would become available in late 2006 or 2007.

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

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

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

#### Environmental Concerns Element

*Goal 1. To protect identified natural and historical resources.*

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

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

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

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

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

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

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

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

Response: None of the referenced conditions affect the site.

#### Transportation Element

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

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

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

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

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

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

#### Public Facilities and Services Element

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



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

#### *Housing Element*

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

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

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

#### *ANNEXATION CRITERIA*

*(Canby Municipal Code Section 16.84.040)*

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

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

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

Response:

"Need" was discussed with relation to the "Land Use Element" of the Comprehensive Plan. The annexation would add 1.95 acres to the City's supply of available, buildable land, approximately a 16 to 17 months' supply. As noted, this application suggests that the limited number of projects were platted in less than two years, therefore the five year rolling average used by the City understates the actual need and demand for R1.5 land.

The development process, from land acquisition to annexation to subdivision application to completion of public facilities improvements, can take well over a year. The estimated supply of land may vary, depending on rate of growth and difficulties involved in the development process, such as devising a suitable design for lot layout, obtaining financing, designing and constructing public improvements, and so on. The proposed annexation would add approximately 16 to 17 months' supply of R1.5 lots that would become part of the available land supply within the City limits for use in 2006 through 2007, given the time involved in converting raw land to suitable lots ready for building permits and the applicant's business plans.

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

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

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

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

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

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

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

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

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

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

*8. Risk of natural hazards....*

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

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

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

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

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

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

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

### **Conclusion**

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

**VICINITY,  
ASSESSOR &  
COMPREHENSIVE  
PLAN MAPS**







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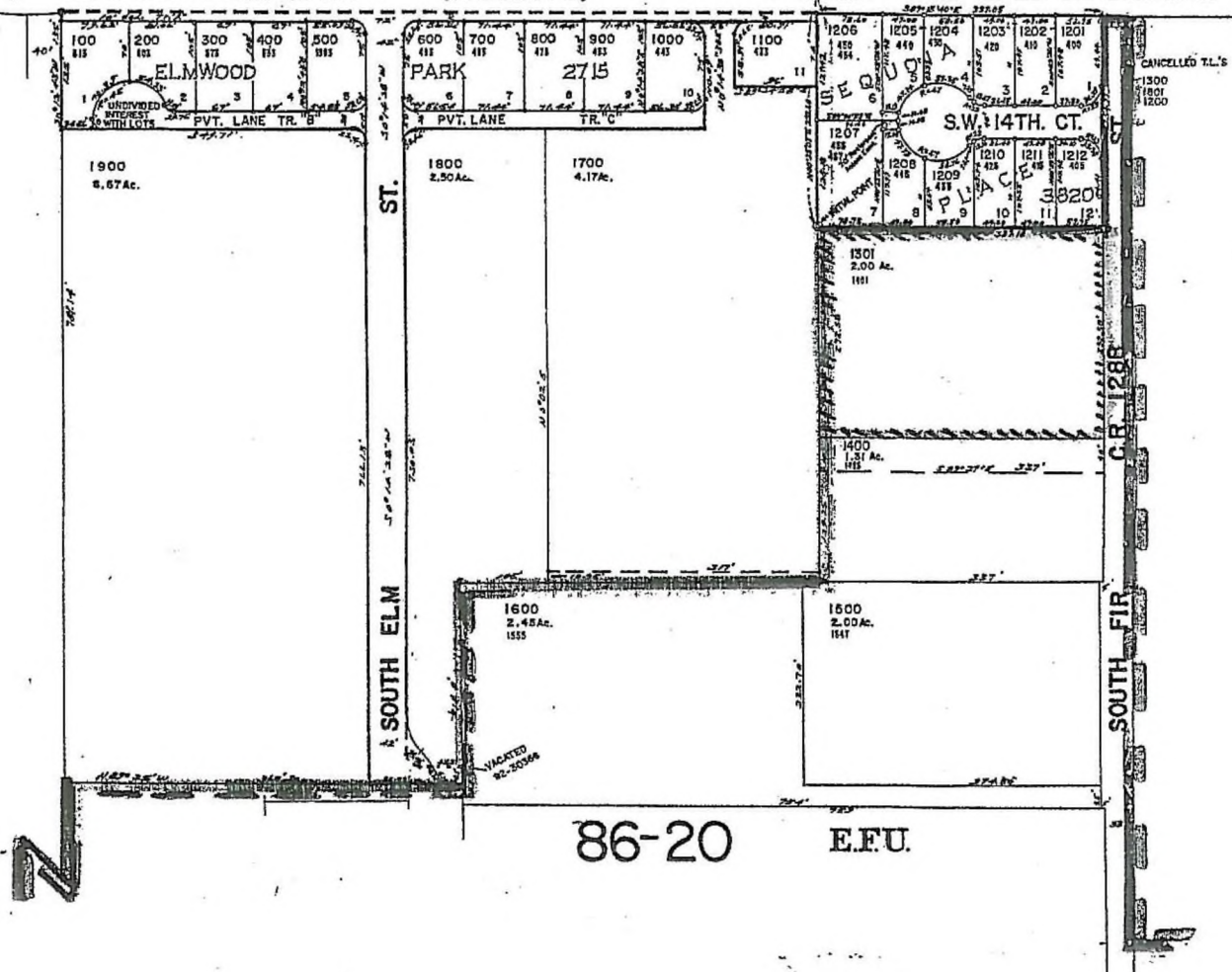
SEE MAP 4 IE 48D

SW 13TH.

(RADCLIFFE)

AVE.

CENTER SECTION



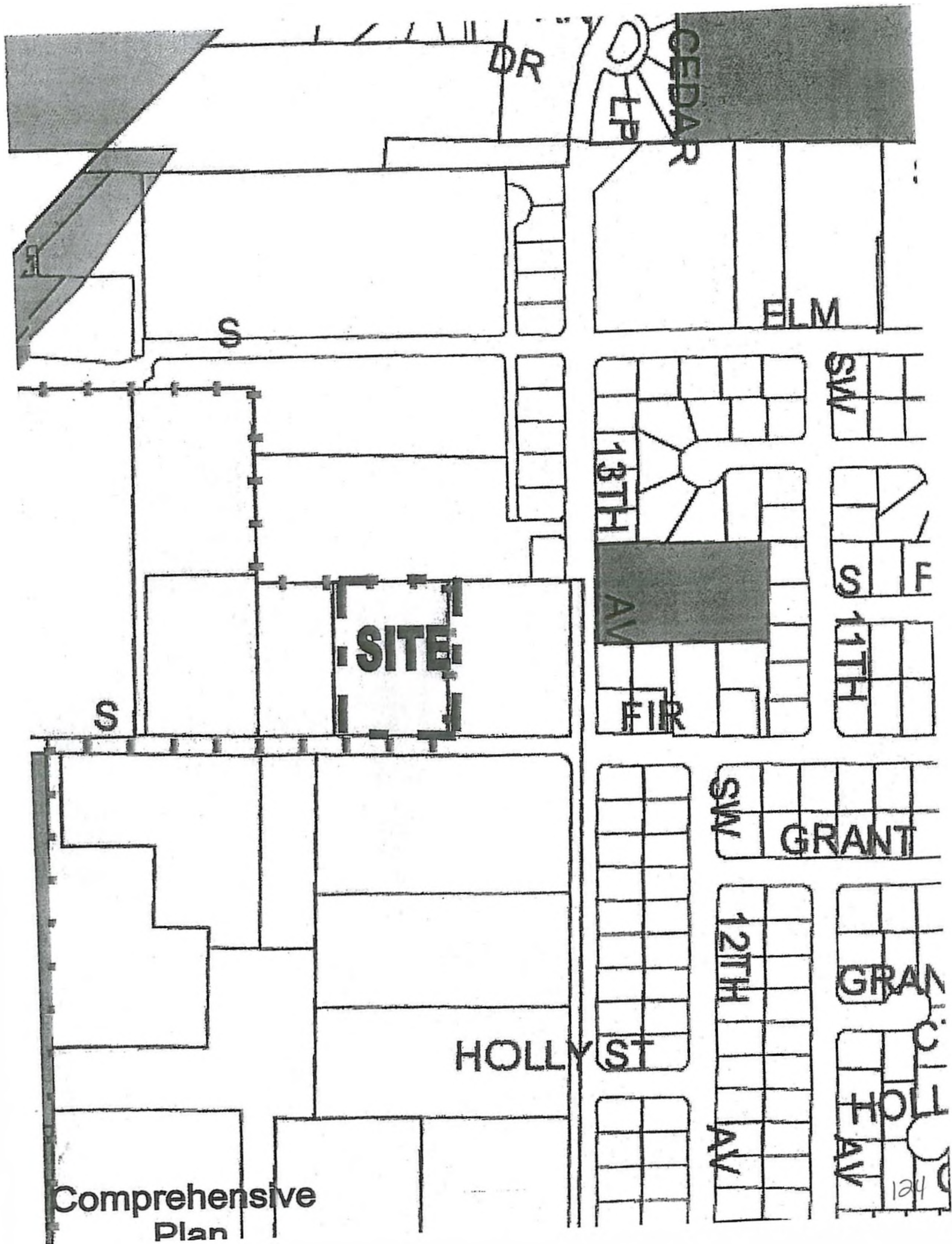
86-20

E.F.U.

4 IE 4CA  
CANBY  
BOOK 35

122

# LEGAL DESCRIPTION



CE  
DAR

DR

LP

ELM

S

SW

13TH

S

F

SITE

AV

11TH

FIR

S

SW

GRANT

HOLLY ST

12TH

GRAN

AV

HOLL

AV

Comprehensive  
Plan

124

October 17, 2005

NETTER ANNEXATION LEGAL DESCRIPTION

LEGAL DESCRIPTION FOR A PROPOSED ANNEXATION TO THE CITY OF CANBY IN THE NORTHEAST ONE QUARTER OF THE SOUTHWEST ONE QUARTER OF SECTION 4, T4S, R1E, W.M., CITY OF CANBY, CLACKAMAS COUNTY, OREGON. THE BOUNDARY OF THE SAID ANNEXATION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "GAYLORD LAND SURVEYING, INC" AT THE INTIAL POINT OF THE PLAT OF SEQUOIA PLACE, A DULY RECORDED PLAT IN CLACKAMAS COUNTY; THENCE SOUTH 89°24'07" EAST ALONG THE SOUTH LINE OF THE SAID PLAT 337.18 FEET TO AN IRON ROD WITH YELLOW PLASTIC CAP MARKED "GAYLORD LAND SURVEYING, INC" AT THE SOUTHEAST CORNER THEREOF; THENCE SOUTH 00°23'26" WEST ALONG THE WEST RIGHT OF WAY LINE OF SOUTH FIR STREET 252.90 FEET TO A 1/2" IRON PIPE AT THE NORTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED BY DEED RECORDED AS FEE NO. 2000-036713, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG THE NORTH LINE OF THE SAID DEED NORTH 89°13'55" WEST 337.13 FEET TO A 1/2" IRON PIPE AT THE NORTHWEST CORNER THEREOF; THENCE NORTH 00°22'44" EAST 251.90 FEET TO THE POINT OF BEGINNING. CONTAINING 1.95 ACRES MORE OR LESS.



# TOPOGRAPHIC & BOUNDARY SURVEY



# GENERAL LAND USE PLAN

SW 13th AVENUE

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

SCALE 1" = 60' OCTOBER 14, 2005

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

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

GAYLORD  
JUL 26, 1994  
EXERCISE T.L. EXPIRATION  
8/26/07  
RENEWED THRU 06/30/07

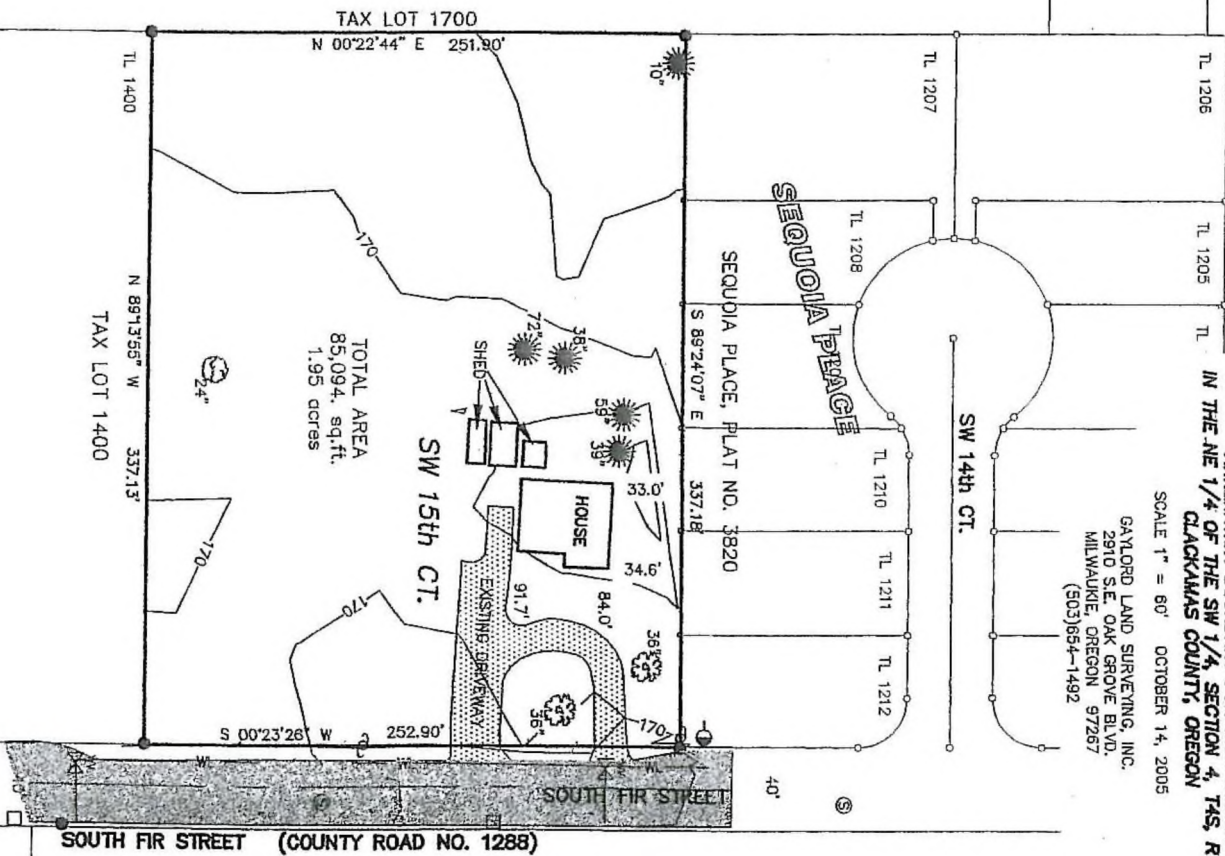
"B" STREET

ELMWOOD PARK

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

NOTES & LEGEND

- WV = WATER VALVE
  - WL = WATER LINE
  - WM = WATER METER
  - CB = CATCH BASIN
  - UP = UTILITY POLE
  - UA = UTILITY POLE GUY ANCHOR
  - EAC = EXISTING EDGE OF ASPHALTIC CONCRETE
  - TC = TOP FACE OF CURB
  - DCH = DITCH LINE
  - SS = SANITARY SEWER CLEANOUT/MANHOLE
  - FIR = FIR TREE
  - WALNUT = WALNUT TREE
  - BAY = BAY TREE
  - MONUMENT = MONUMENT FOUND
- NO MONUMENTS WERE SET DURING THIS SURVEY



HOPE VILLAGE

SCALE 1" = 40'  
PROJECT NO. 05121

PROPOSED ANNEXATION  
1401 S. FIR STREET  
NICK & JAMIE NETTER

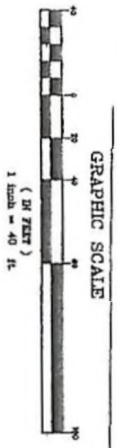
Survey

**SISUL ENGINEERING**  
376 PORTLAND AVENUE  
GLADSTONE, OREGON 97027  
(503) 657-0188

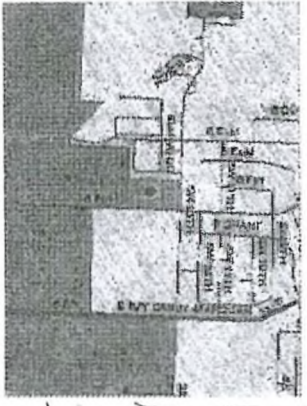
DATE	OCT. 2005
SCALE	1"=40'
DRAWN	RV
APP	SCL 05-113-
SHEET	2
OF 2 SHEETS	

REVISIONS	BY

128



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



S. ELMWOOD LN

"B" STREET

ELMWOOD PARK

S. ELMWOOD DR

SW 13th AVENUE

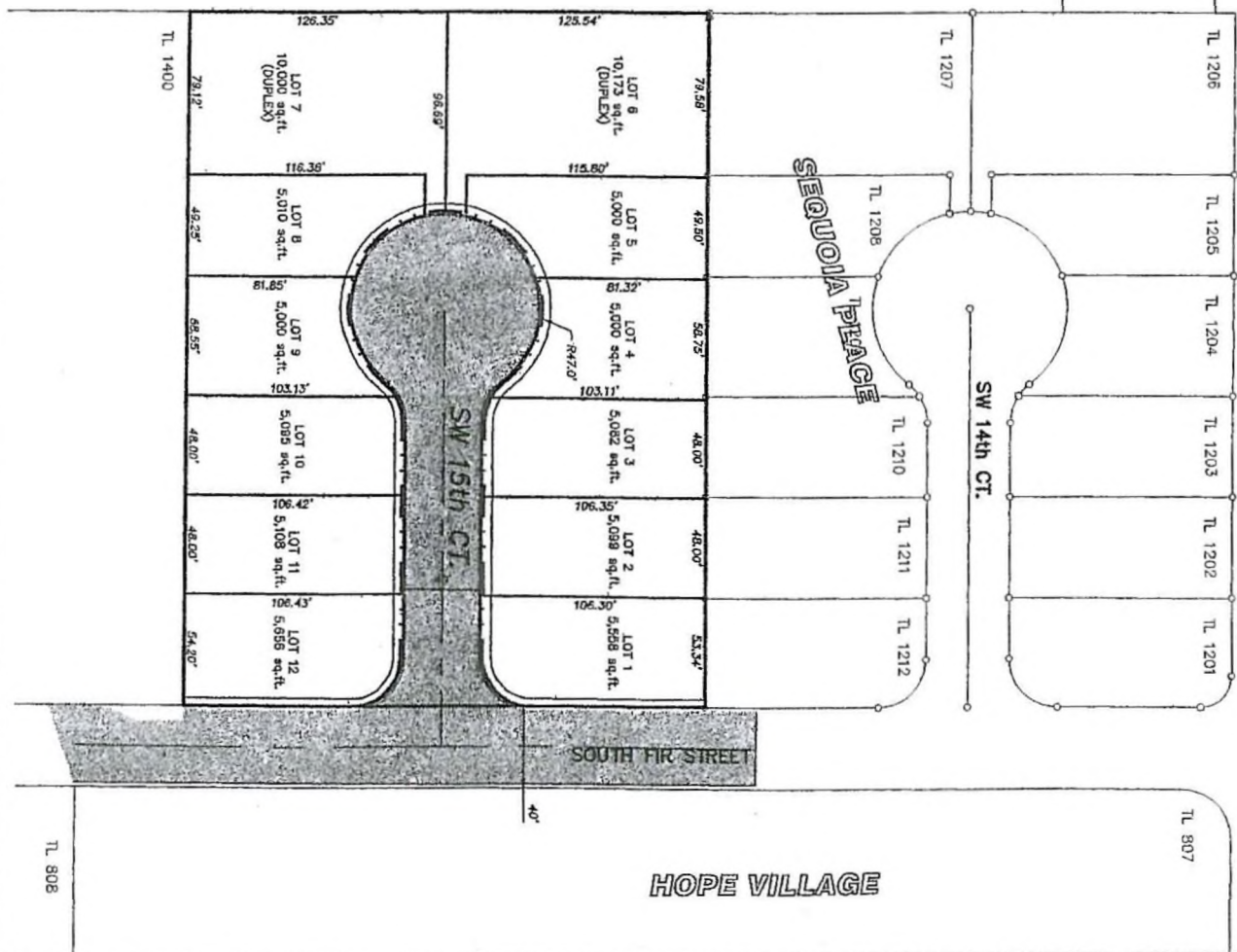
SW 14th CT.

SEQUOIA PLACE

SW 15th CT.

SOUTH FIR STREET

HOPE VILLAGE



# NEIGHBORHOOD MEETING



October 17, 2005

RE: Neighborhood Meeting – Proposed Annexation  
1401 S. Fir Street – Tax Lot #1301, T4S, R1E, Section 4CA

Dear Resident,

You are invited to attend a neighborhood meeting to discuss the proposed annexation of one parcel along South Fir Street in Canby. The meeting will occur beginning at 6:30 PM on Tuesday, November 1, 2005 at the Canby Adult Center, located at 1250 S. Ivy Street.

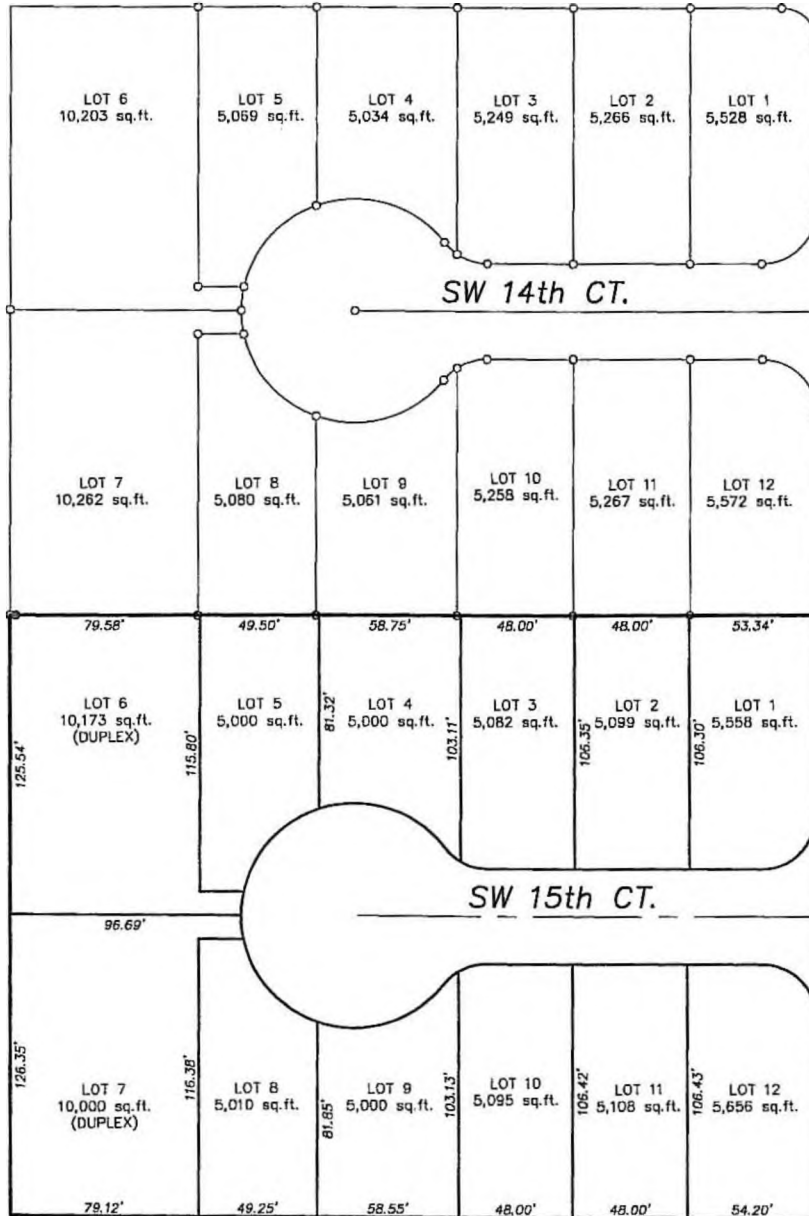
The property proposed for annexation is one 2.0-acre parcel located at 1401 S. Fir Street, west of Hope Village and S. Fir Street, south of SW 13<sup>th</sup> Avenue and SW 14<sup>th</sup> Court. The City of Canby Comprehensive Plan identifies this parcel as medium density residential R-1.5. We will provide general information concerning the proposed annexation and will be happy to answer any questions that you may have.

Thank you for your time and we look forward to seeing you at the meeting.

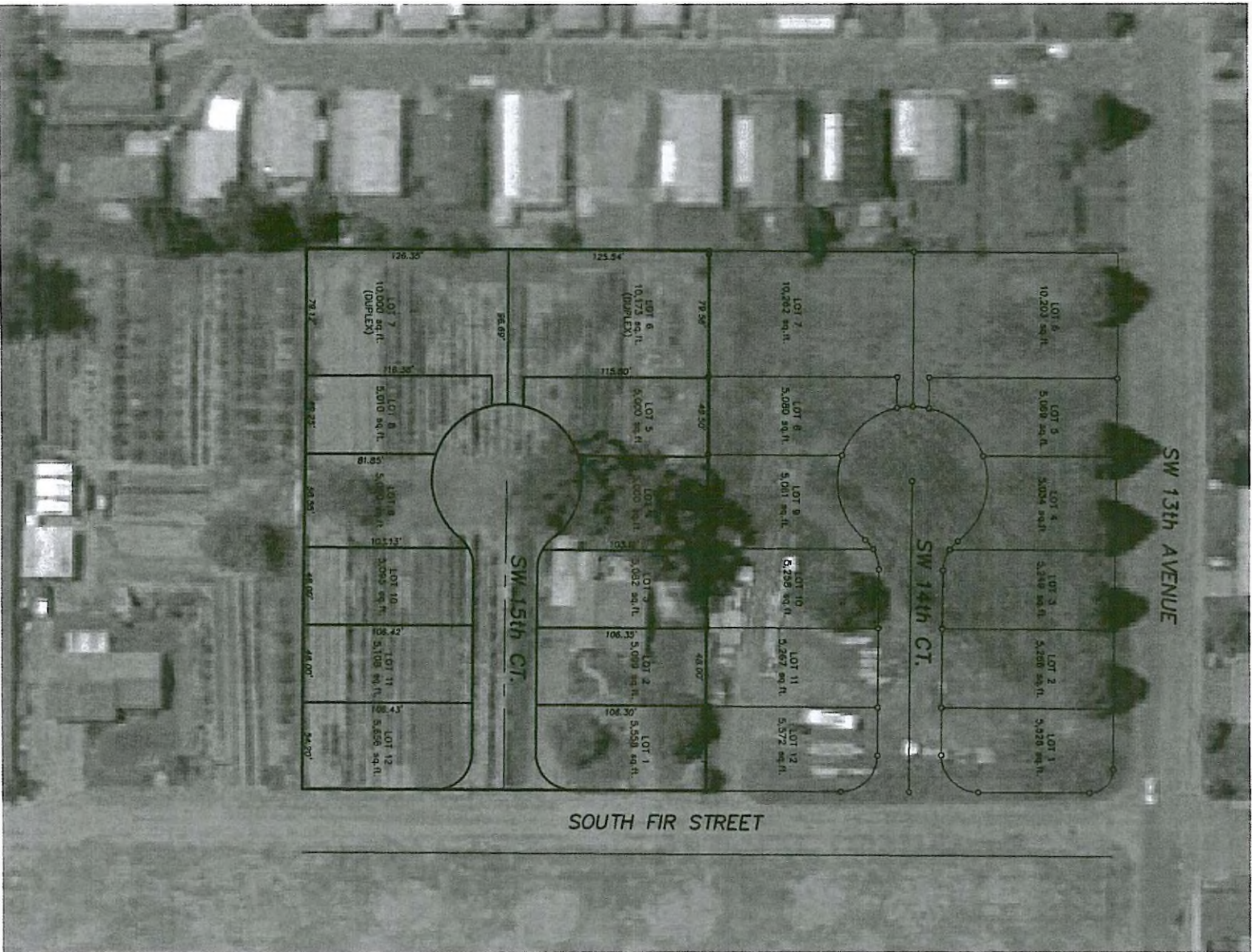
Sincerely,

Nick and Jamie Netter, applicant  
Pat Sisul, Sisul Engineering

SW 13th AVENUE









**CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

**DATE:** November 17, 2005

**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 05-07 (**Netter**), an application by Nick and Jamie Netter requesting to annex 1.95 acres into the City of Canby. The property is located at 1401 S Fir Street; south of SW 13<sup>th</sup> Avenue, west of S Fir Street. If annexed the parcel would be zoned R-1.5 (Medium Density Residential) in conformance with Canby's Comprehensive Plan. If approved, the applicant proposes to construct 12 single family residences within the area to be annexed.

Please review the enclosed application and return comments to **Kevin Cook** by **Wednesday, November 30, 2005**. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

**Comments or Proposed Conditions:**

*No Storm System Available*

Please check one box and sign below:

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

**Signature:**

*Roy Hunter*

**Date:**

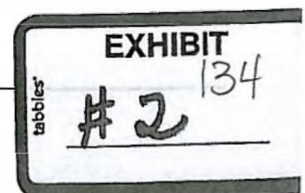
*30 NOV 05*

**Title:**

*P.W. Supervisor*

**Agency:**

*City*



**CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-9404

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**DATE:** November 17, 2005

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**Comments or Proposed Conditions:**

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

**Signature:** Ken Pagano **Date:** 11-30-05

**Title:** Chief **Agency:** Police



**CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

**DATE:** November 17, 2005

**TO:**

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**Comments or Proposed Conditions:**

THE TRAFFIC STUDY IS BEING PREPARED FOR THIS PROJECT. AT THIS TIME, NO  
ISSUES HAVE BEEN IDENTIFIED WITH THE PROPOSED ANNEXATION.

Please check one box and sign below:

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**Signature:**



**Date:** 28 Nov 05

**Title:** TRANSPORTATION ANALYST

**Agency:** LANCASTER ENGINEERING

# CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: November 17, 2005

TO:

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<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"/> [REDACTED]	<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
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## Comments or Proposed Conditions:

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- ☐ Adequate public services are not available and will not become available

Signature: [Signature] Date: 11-30-2005Title: Ops Super Agency: Canby Utility



# CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: November 17, 2005

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:

This Property is already served by Canby Utility, the existing  
Electrical System will be converted to underground

## Please check one box and sign below:

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- ☐ Adequate public services are not available and will not become available

Signature: [Signature] Date: 11-30-05

Title: Line Foreman Agency: Canby Utility Elect.



**CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS**

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[503] 266-9404

FAX 266-1574

**DATE:** November 17, 2005

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**Comments or Proposed Conditions:**

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**Signature:** Darin Lameel **Date:** 11/29/05

**Title:** Wastewater Supervisor **Agency:** WWTP

**CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS**

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**DATE:** November 17, 2005

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**Comments or Proposed Conditions:**

~~SEWER CAPACITY IS AVAILABLE.~~  
~~Traffic Study should be required to address any additional traffic devices due to additional volumes.~~

Please check one box and sign below:

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

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

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

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

140



## CITY OF CANBY COMMENT FORM

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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 residential land into the City of Canby

**APPLICANT:** Nick and Jamie Netter

**CITY FILE #:** ANN 05-07 (1401 S Fir Street)

**COMMENTS:** I AM ALL FOR THIS ANNEXATION.  
I KNOW NICK NETTER AS A HONEST AND  
TRUST WORTHY BUILDER. I HAD A AGREEMENT  
WITH HIM TO DO A SMALL REMODEL JOB  
ON AN AGREED PRICE. AFTER HE FINISHED  
A GREAT JOB. HE ONLY ASKED FOR 1/2 OF THE  
AGREED PRICE. BECAUSE OF HIS HONESTY  
AND QUALITY WORK. I BELIEVE HE WOULD DO  
A GOOD JOB

---

**YOUR NAME:** VITO "ANDY" DITOMMASO

**ORGANIZATION or BUSINESS:** RETIRED

**ADDRESS:** 1441 S. IVY ST. #804

**PHONE (Optional):** 503-266-4626

**DATE:** NOV. 28, 2005

Thank you!



Nelda S. Carroll  
1545 S. Fir St., #212  
Canby, OR 97013

November 25, 2005

Planning Department  
P. O. Box 930  
Canby, OR 97013

Re: Annexation of Residential Land into the City of Canby, ANN05-07 (1401 S. Fir St.)

Ladies and Gentlemen:

Here we go again, same song, another verse regarding property across from Hope Village. This time smaller and only 12 single family homes on a parcel that, if anything, should be reserved for only a couple houses on nice lots with big lawns.

Again, I foresee school aged children cutting across the area of the soon to be completed garden homes in order to find a short cut to Ackerman Middle School, riding bikes through a property that is already posted no bicycles, roller skates or skateboards, knocking down our residents as they slowly take their exercise walks on our own sidewalks within our beautiful campus. I also know that there will be a need for increased police presence during the hours school aged children are "home alone" while the commuting parents are in Portland or Salem earning enough money to pay the mortgage. Barking dogs and screaming cats don't know they are not welcome within the boundaries of Hope Village. Our peaceful and quiet enjoyment of our retirement community is going to be lost. There will be increased vandalism by the children of the new homes as they look for things to do to entertain themselves which are mischievous and a nuisance. We already have heavier traffic on S. Fir St., with the new mega house at its end near the river and the construction of another going up next to it. The loud boom boxes are already coming into our once peaceful neighborhood.

The public services will have to be extended. I just read about the Canby budget shortfall in the Herald. Where is the money coming from to provide the new water lines and pump stations, (and isn't it timely that on Thanksgiving morning the City of Canby had a water main break just when we were trying to bathe, dress and cook our holiday meal), more police and fire protection.

To think of bringing more land into the city to add to the housing inventory at a time like this is ludicrous. Get your priorities in order and bring in the industry first. It will generate more tax dollars unless you give hefty concessions for establishing their business here.

I would be at the meeting on December 12<sup>th</sup>; however, I have other commitments that keep me from attending. I would like to publicly announce my opposition to the proposed annexation. I fought the McMartin LLC proposal and it was voted down by the citizenry of the City of Canby and I hope we will vote this one down also.

Yours truly,

A handwritten signature in cursive script that reads "Nelda S. Carroll". The signature is written in dark ink and is positioned above the printed name.

Nelda S. Carroll



RECEIVED  
DEC 15 2005  
CITY OF CANBY

## CITY OF CANBY COMMENT FORM

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**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 residential land into the City of Canby

**APPLICANT:** Nick and Jamie Netter

**CITY FILE #:** ANN 05-07 (1401 S Fir Street)

**COMMENTS:** *I oppose this annexation so that 12 single family residences can be built. I live in Hope Village and this would increase traffic on Fir Street as only street to this area.*

**YOUR NAME:** *Janene Berke*

**ORGANIZATION or BUSINESS:**

**ADDRESS:** *1441 S. IVY ST #909, CANBY*

**PHONE (Optional):**

**DATE:** *12/12/08*

Thank you!



THEONA PALMA  
1545 S. FIR ST. #105  
CANBY, OR. 97013

DECEMBER 8, 2005

PLANNING DEPARTMENT  
P.O. BOX 930  
CANBY, OR. 97013

RE: ANNEXATION OF RESIDENTIAL LAND INTO THE CITY OF  
CANBY, ANNO5-07 [1401 S. FIR ST.]

Ladies and Gentlemen:

It certainly, looks like the beginning of S.Fir St. wants to be annexed to the city working its way down further on S. Fir St.

# 1: There is more traffic on S. Fir St. because of the new building complex as you enter S.Fir St. and more autos and noise.

# 2: More dogs strolling around. A fear when one is out walking the complex of Hope Village..

# 3: More traffic has been generated because of the building of 2 new Mega homes further down S. Fir St.

The 1.9 acres zoned EFU is a nice plot of ground who still wants to have country living with gardening ,and raising of fruits of all kinds. It is sad to see to have 12 single family homes to be built on it. How crowded it will be. It destroys the nature of the area. The schools are already overcrowded.

Search out industry to come in and provide more jobs and bring in the tax dollars .

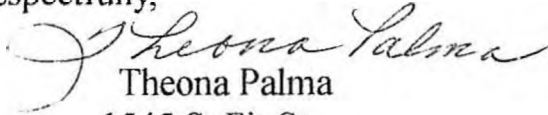
PAGE 2:

Hope Village complex wants to keep our area from excess polluted air and keep our Hope Village peaceful and quiet to enjoy our retirement community.

I am totally against the annexation of the 1.9 acres.

I think this application should be sent to the voters for a final decision.

Respectfully,

A handwritten signature in cursive script that reads "Theona Palma".

Theona Palma  
1545 S. Fir St.  
Canby . Or. 97013

**From:** "Jackie Jones" <jacqjones@msn.com>  
**To:** <cookk@ci.canby.or.us>  
**Date:** 12/8/05 4:03PM  
**Subject:** s. fir annexation

I am writing in regards to the proposed annexation of 1401 S. Fir Street property into the city of Canby. This neighborhood does not need to annex anymore houses. Residents living on SW 13th ave will soon have to tolerate becoming an arterial street in the next few months and this in itself will bring much more traffic and congestion. I feel that with the added housing, and not knowing for sure the impact of the traffic and other issues with this extension to S. Berg Parkway, that any further draw to the area would be premature. I know that approximately sixty of my neighbors came to the SW 13th ave traffic meeting, and this proposed annexation has certainly doubled concern. We have recently seen an increase in crime in this neighborhood and the added stress that will add to the police and other public services has not even been addressed.

Sincerely,  
Mark and Jackie Jones  
482 SW 13th Ave  
Canby  
12/08/2005

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Don't just search. Find. Check out the new MSN Search!  
<http://search.msn.click-url.com/go/onm00200636ave/direct/01/>



## Buildable Lands Inventory - October 28, 2005

### Residential lands platted

#### R-1 Low Density Residential

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

5 year average

99 units/year =

#### R-1.5 Medium Density Residential

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

5 year average

2.8 units/year =

#### R-2 High Density Residential

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

EXHIBIT

#3 148





December 5, 2005

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

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

Dear Kevin:

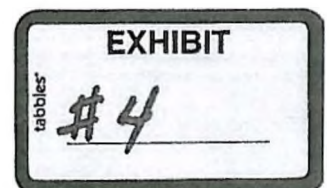
We have prepared this letter in response to the City's need for an analysis for the Netter annexation project on S Fir Street. This letter reports the results of a preliminary analysis of site access function. The traffic study for this project is under preparation.

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

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

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

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







Kevin Cook  
December 5, 2005  
Page 2 of 2

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

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

Yours truly,

Catriona Sumrain  
Transportation Analyst

attachment: Technical Appendix





## TECHNICAL APPENDIX



## TRIP GENERATION CALCULATIONS

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

### AM PEAK HOUR

*Trip Rate:* 0.75

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

### PM PEAK HOUR

*Trip Rate:* 1.01

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

### WEEKDAY

*Trip Rate:* 9.57

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

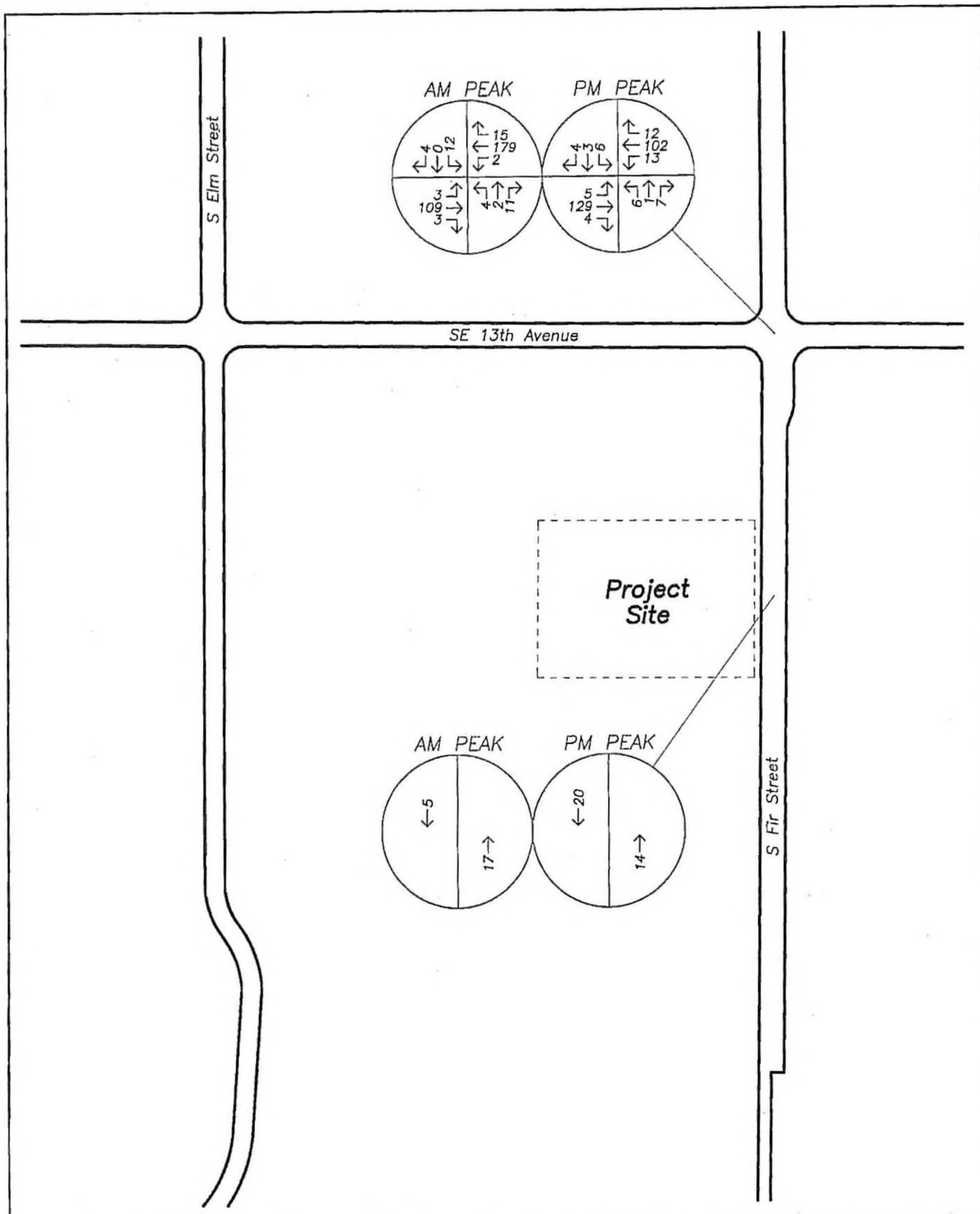
### SATURDAY

*Trip Rate:* 10.10

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

Source: TRIP GENERATION, Seventh Edition



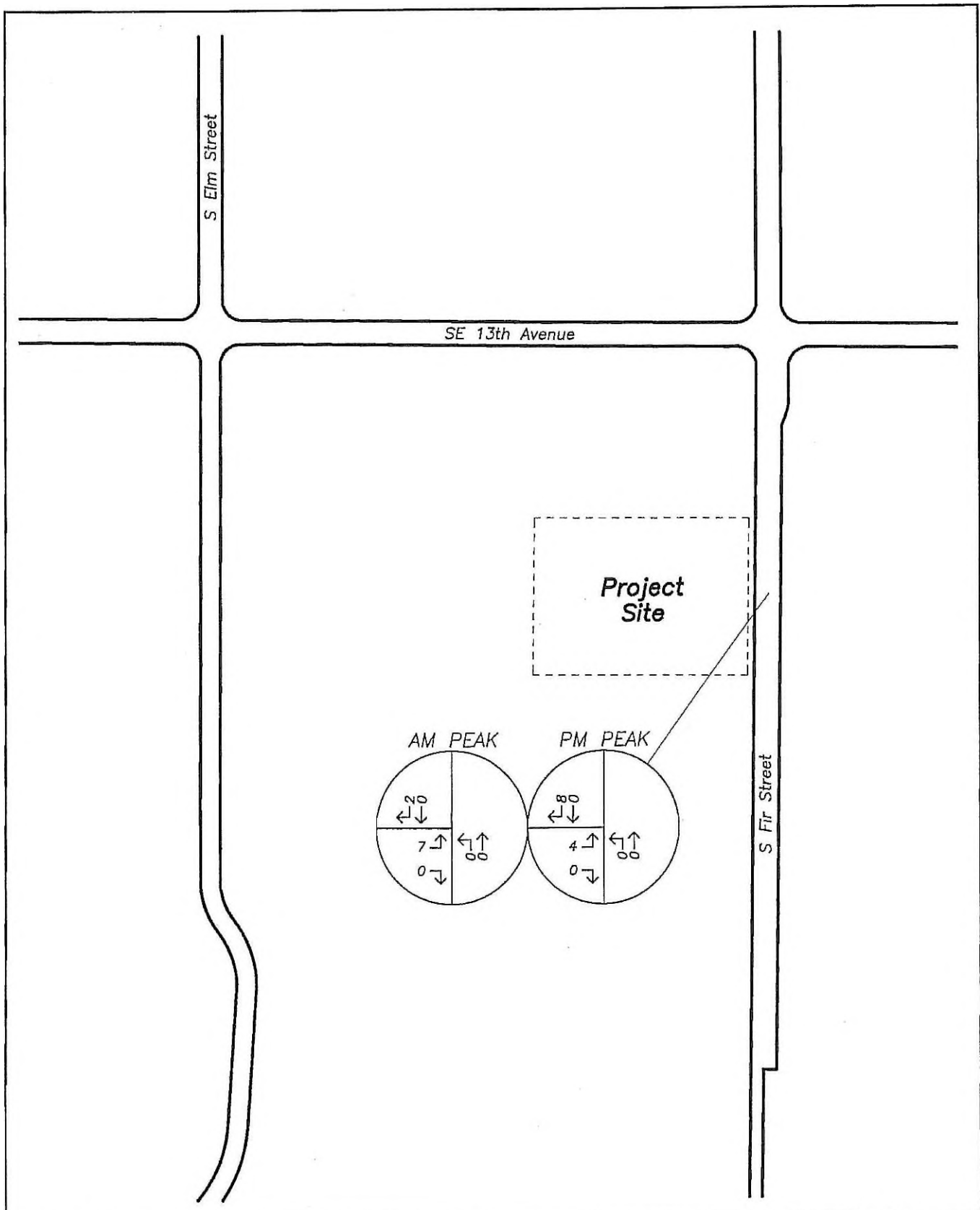


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TRAFFIC VOLUMES  
Existing Conditions  
AM & PM Peak Hours

no scale

FIGURE  
1  
APPENDIX

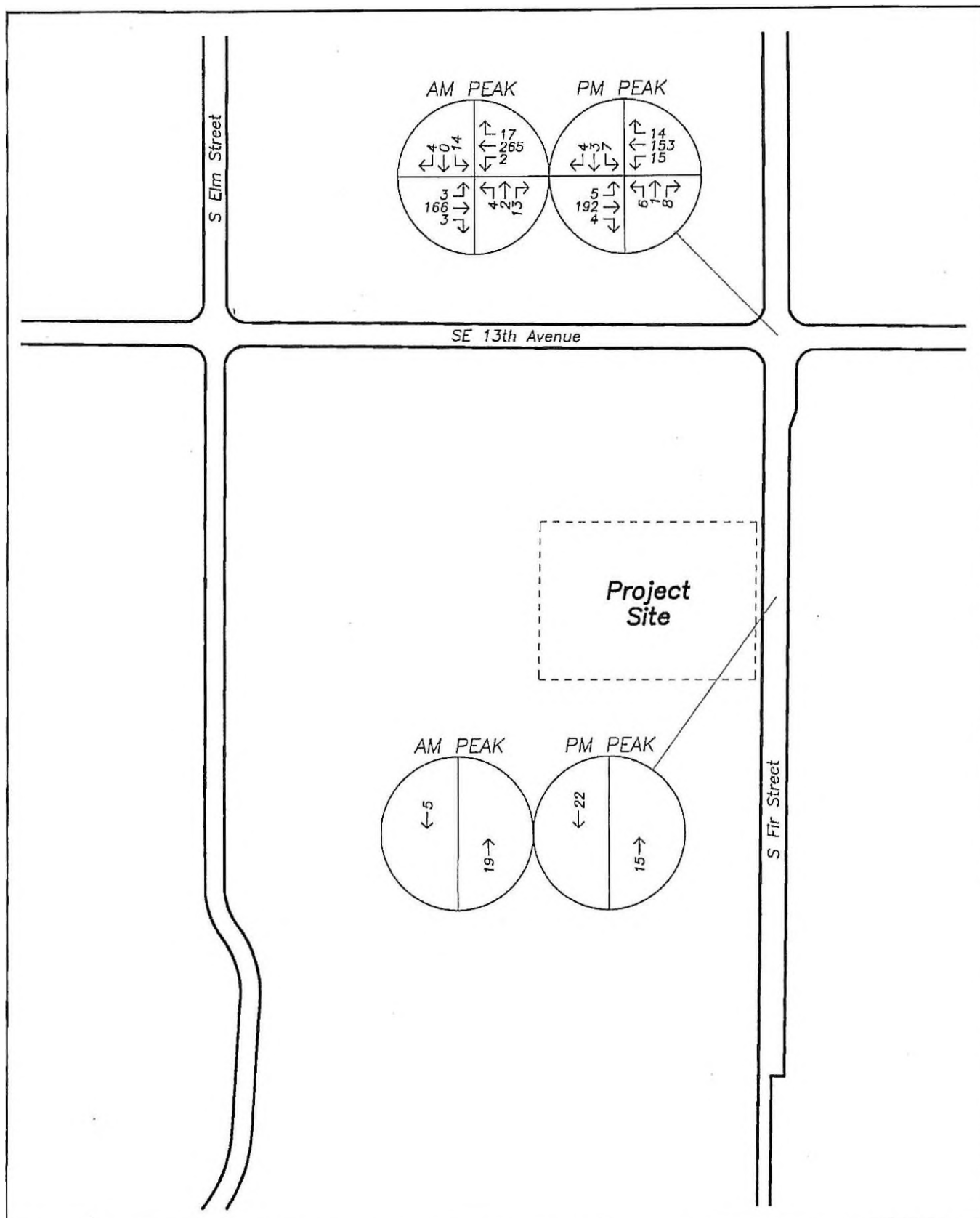


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SITE TRIP DISTRIBUTION  
Inbound & Outbound Percentages  
AM & PM Peak Hours

no scale

FIGURE  
2  
APPENDIX



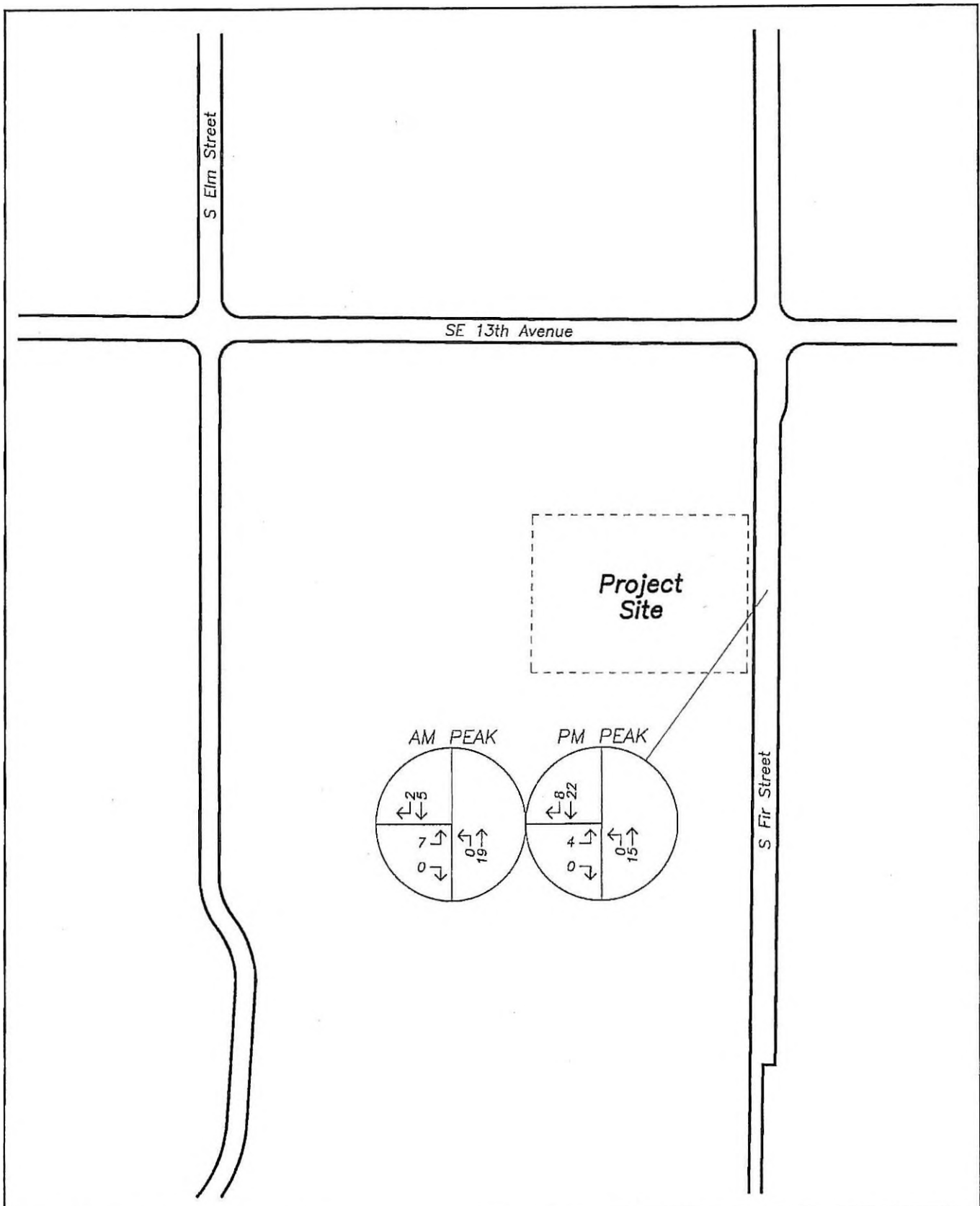
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TRAFFIC VOLUMES  
Year 2020 Background Conditions  
AM & PM Peak Hours



FIGURE  
3  
APPENDIX





1e

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

no scale

FIGURE  
4  
APPENDIX