

Response: The land is not used for agriculture. It consists of one tax lot, approximately 1.70 acres in area. The site, by itself, would probably not constitute a viable farm, given its size and the constraints posed by adjacent residential land uses.

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

Response: The site fronts Territorial Road. Access for a new development would probably be limited to one new intersection, to maintain capacity on Territorial Road.

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 nearly flat. 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 of less than two 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 1.70 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.

S.T.J., LLC

214 SW 2nd Avenue
Canby, Oregon 97013
503-266-5488
503-266-4570 fax

June 6, 2006

RE: Neighborhood Meeting – Annexation Application – Tax Lot 1300 of Tax Map 3-1E-27CB – Approx. 1.7 Acres

To Whom It May Concern:

A neighborhood meeting was held at Canby Adult Center on Monday June 5th at 7:00pm for discussion on our proposed annexation. All property owners living within 500 feet of the subject property and all members of the Northeast Neighborhood Association were notified at least fourteen (14) days in advance. The following citizens were in attendance:

- Thomas AW Scott – Applicant
- Fred & Bettie Postlewait – 1629 N Redwood St. – Canby
- Dan Leischer – 1341 N Maple St. – Canby
- Daniel Webb – 1864 N Redwood St. – Canby
- LJ Thomas – 1864 N Redwood St. – Canby

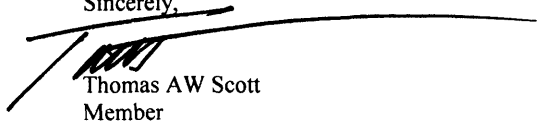
The following is a list of comments and questions raised during the meeting:

- What style of homes will be built in the subdivision?
- Are you proposing an apartment building?
- We are glad to see that apartments are not proposed!
- What are the obstacles to annexation?
- How will try to convince the voting public about the annexation request?
- What is the zoning of this property and surrounding properties?
- Does development cost the city money?
- What is the long term affects caused by voters not approving ANY annexations?
- What does the developer pay in fees to the City?

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

Thank you for your time.

Sincerely,


Thomas AW Scott
Member

91

S.T.D., LLC

1.7 ACRE ANNEXATION - TERRITORIAL RD.

<u>NAME</u>	<u>ADDRESS</u>
Daniel Webb	1864 N. Redwood St Canby
L.J. Thomas	" " " " "
Fred & Bettie Postlewait	1629 N. Redwood St. Canby
Dan Leischner	1341 N. Maple St

S.T.J., LLC

214 SW 2nd Avenue
Canby, Oregon 97013
503-266-5488

May 16, 2006

RE: Neighborhood Meeting
Proposed Annexation for future development

Dear Property Owner/Neighborhood Association Member:

S.T.J., LLC is proposing to annex approximately 1.7 acres located at 1203 NE Territorial Rd. into the City of Canby. The property (Tax Lot 1300 of Tax Map 3-1E-27CB) is located on the south side of NE Territorial Road and East of North Pine Street. We are proposing to annex this property, zoned high-density (R-2) on the comprehensive plan, for a future development of approximately twenty-three (23) single-family residences.

The purpose of this meeting is for the applicant and the property owners to review the proposal and discuss any issues before the Planning Commission and City Council hearings. We will present a brief overview of the proposal and answer any questions.

You are invited to attend the neighborhood meeting on:

June 5, 2006 at 7:00pm
Canby Adult Center
1250 S Ivy Street
Canby, Oregon 97013

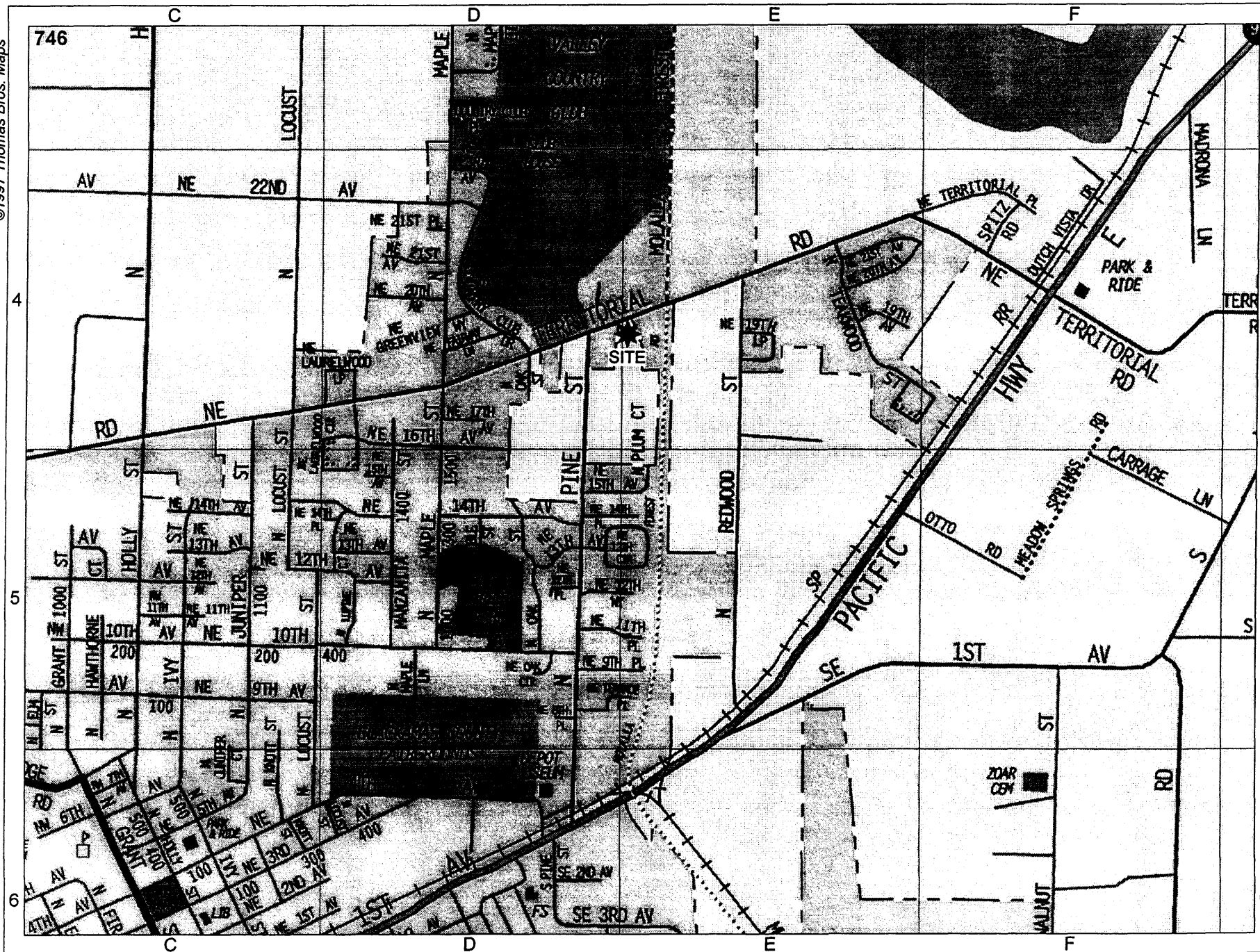
We look forward to discussing the proposal with you in more detail. If you are unable to attend the meeting, but would like to discuss the project, please feel free to contact us at 503-266-5488 or tomscott@scott-investments.com. Thank you for your time.

Sincerely,

Thomas AW Scott
S.T.J., LLC - Member

93

**VICINITY,
ASSESSOR &
COMPREHENSIVE
PLAN MAPS**



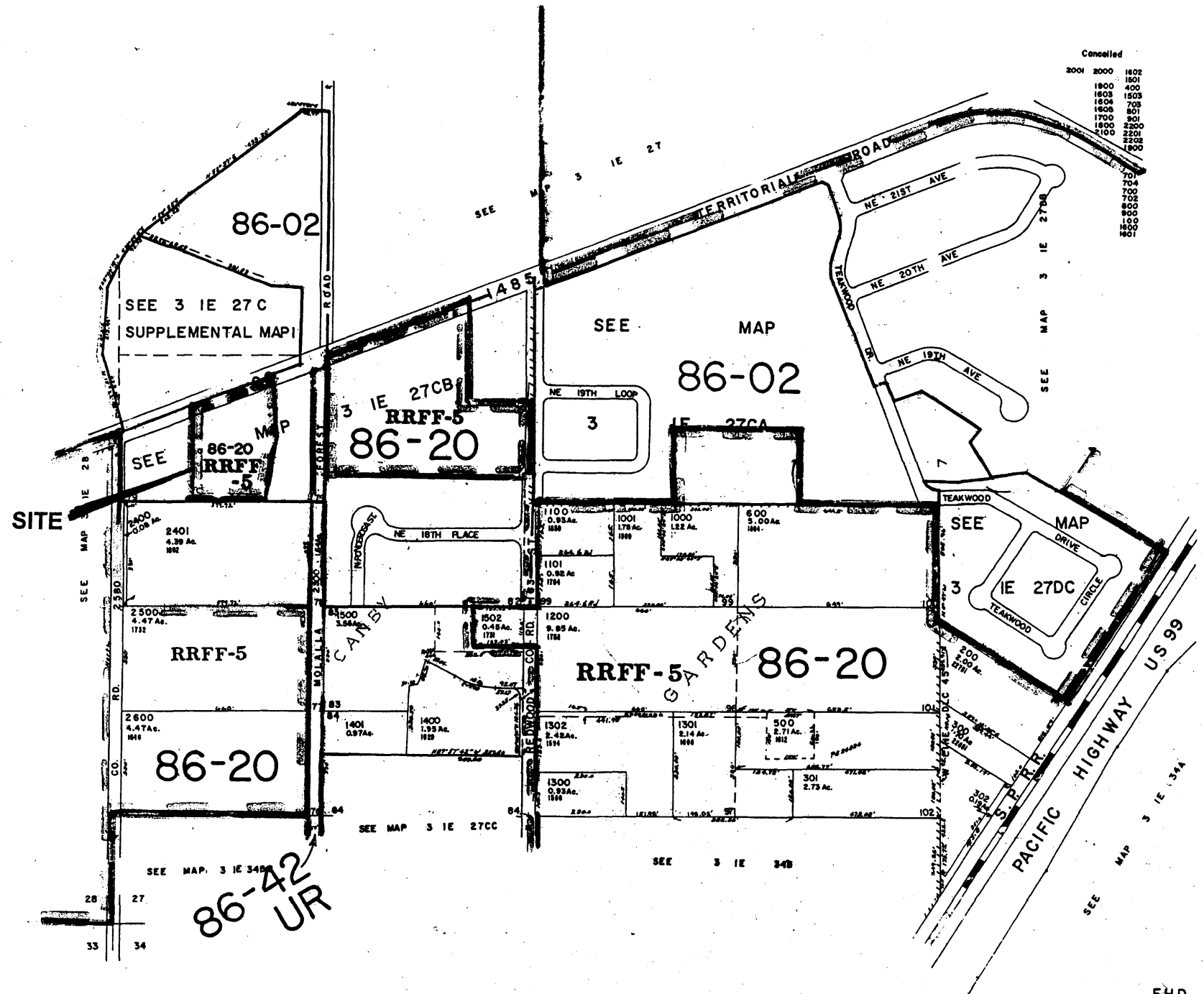
95

This map was prepared for
assessment purpose only.

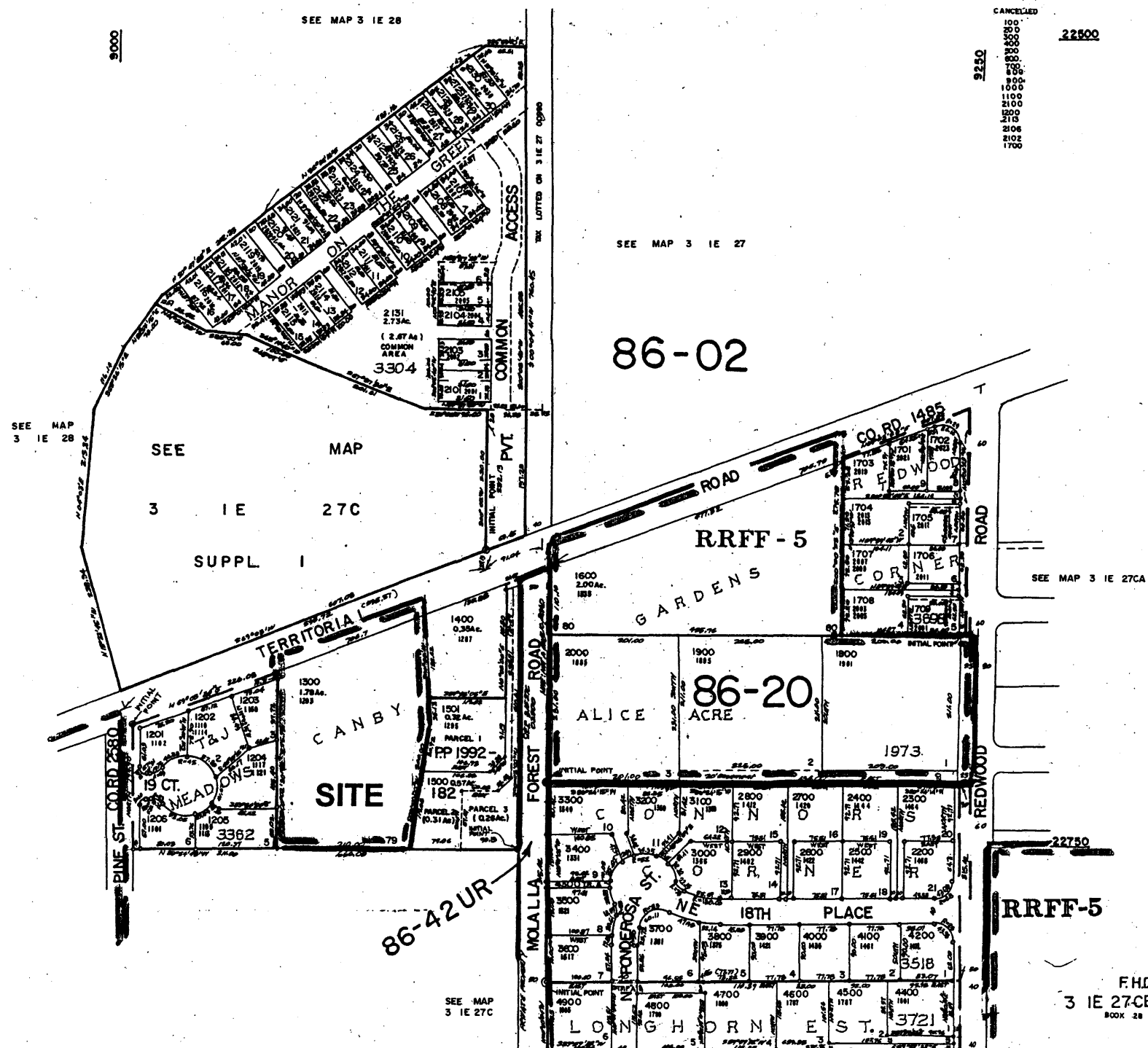
SW1/4 SEC 27 T.3S.R.1E.W.M.
CLACKAMAS COUNTY
1"=200'

D. L. C.
WALTER FISH NO. 45

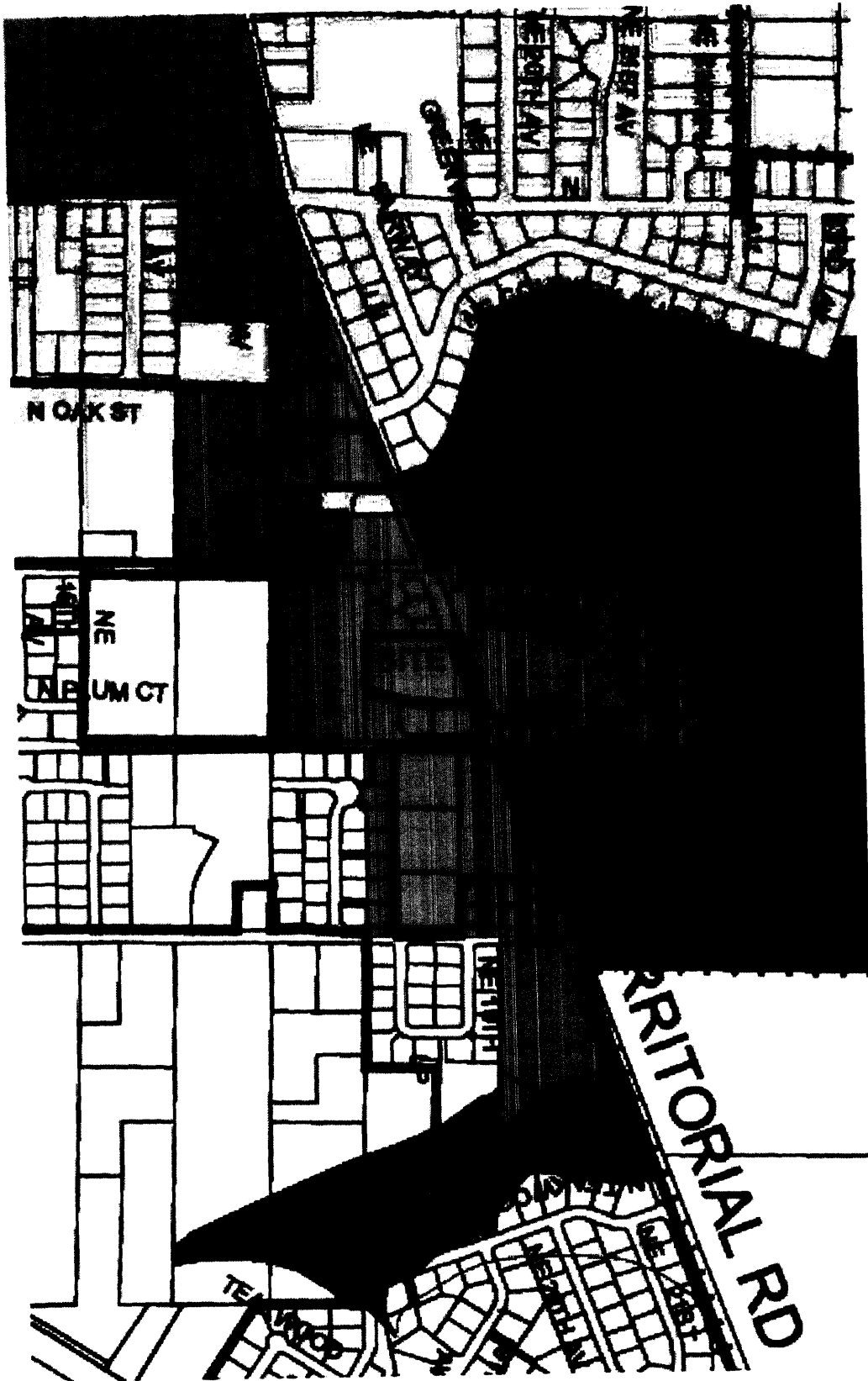
3 IE 27C



SCALE 1"=100'



97



COMPREHENSIVE
PLAN

98

**LEGAL
DESCRIPTION &
BOUNDARY
SURVEY**



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

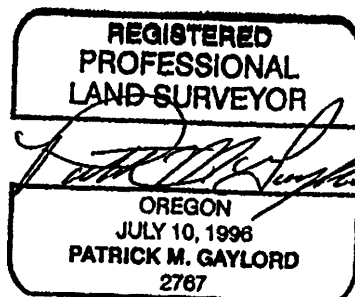
E-mail: pat@gaylordlandsurveying.com

April 27, 2005

LEGAL DESCRIPTION FOR ANNEXATION

LEGAL DESCRIPTION FOR A PROPOSED ANNEXATION IN THE NORTHWEST ONE QUARTER OF THE SOUTHWEST ONE QUARTER OF SECTION 27, T3S, R1E, W.M., CITY OF CANBY, CLACKAMAS COUNTY, OREGON. THE BOUNDARY OF THE SAID ANNEXATION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON ROD WITH YELLOW PLASTIC CAP MARKED "PACIFIC SURVEYS LS 2319" AT THE SOUTHEAST CORNER OF LOT 5, T&J MEADOWS, CLACKAMAS COUNTY PLAT RECORDS; THENCE ALONG THE EAST LINE OF THE SAID PLAT NORTH $00^{\circ}01'37''$ EAST 276.00 FEET TO A POINT IN THE SOUTH RIGHT OF WAY LINE OF TERRITORIAL ROAD FROM WHICH AN IRON ROD WITH YELLOW PLASTIC CAP MARKED "PACIFIC SURVEYS LS 2319" BEARS SOUTH $69^{\circ}03'00''$ W 0.29 FEET; THENCE ALONG THE SAID SOUTH RIGHT OF WAY LINE NORTH $69^{\circ}03'00''$ EAST 248.64 FEET TO A POINT IN THE NORTHWESTERLY EXTENSION OF THE WEST LINE OF PARCEL 1 OF PARTITION PLAT NO. 1992-182 FROM WHICH AN IRON ROD WITH YELLOW PLASTIC CAP MARKED "PARIS & ASSOC. RLS 289" BEARS SOUTH $03^{\circ}00'32''$ EAST 0.16 FEET; THENCE SOUTH $03^{\circ}00'32''$ EAST ALONG THE SAID NORTHWESTERLY EXTENSION AND THE SAID WEST LINE 167.79 FEET TO AN IRON ROD WITH YELLOW PLASTIC CAP MARKED "PARIS & ASSOC. PLS 2264" AT AN ANGLE POINT IN THE WEST LINE OF SAID PARCEL 1; THENCE CONTINUING ALONG THE WEST LINE OF THE PARTITION PLAT SOUTH $08^{\circ}59'33''$ WEST 199.97 FEET TO THE SOUTHWEST CORNER OF PARTITION PLAT NO. 1992-182; THENCE LEAVING THE BOUNDARY OF THE SAID PLAT NORTH $89^{\circ}57'22''$ WEST 209.89 FEET TO THE POINT OF BEGINNING. CONTAINING 1.70 ACRES MORE OR LESS.



100

ANNEXATION BOUNDARY FOR TOM SCOTT PART
OF TRACT 79, CANBY GARDENS
IN THE NW1/4 OF THE SW1/4 OF
SEC. 27, T3S, R1E, W.M.
CITY OF CANBY, CLACKAMAS COUNTY, OREGON

SCALE 1" = 100' APRIL 26, 2005

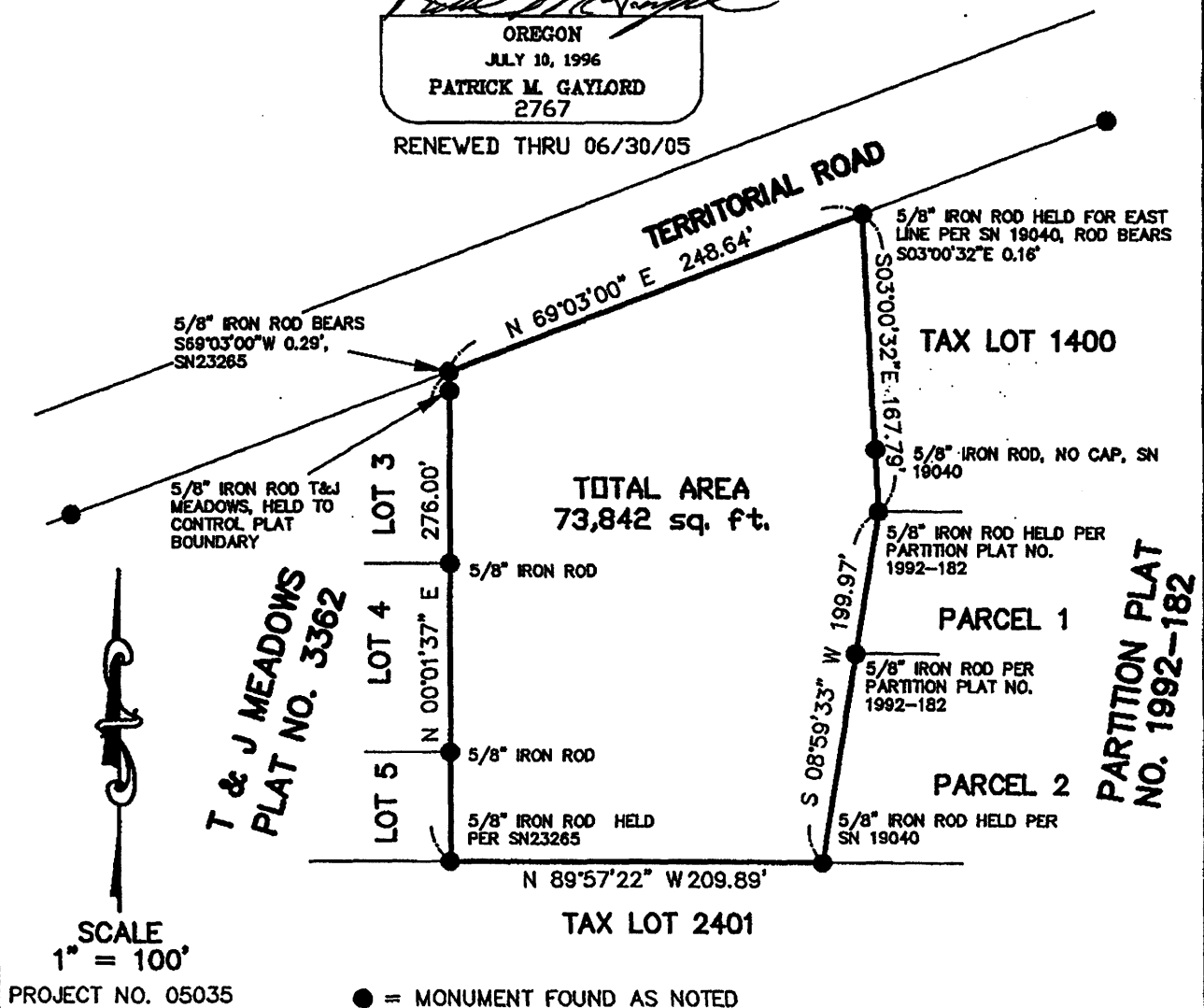
GAYLORD LAND SURVEYING, INC.
2910 S.E. OAK GROVE BLVD.
MILWAUKIE, OREGON 97267
(503)654-1492

REGISTERED
PROFESSIONAL
LAND SURVEYOR



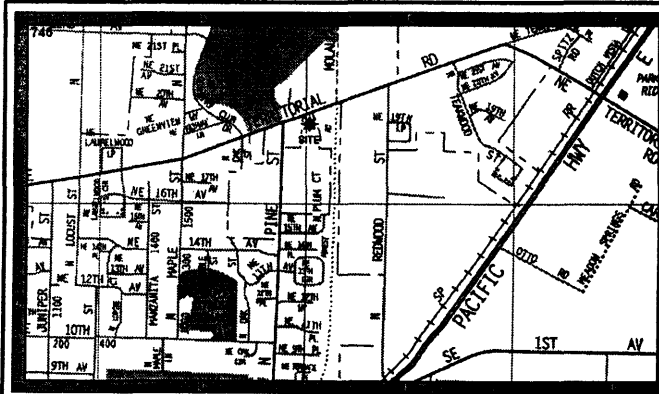
OREGON
JULY 10, 1996
PATRICK M. GAYLORD
2767

RENEWED THRU 06/30/05



101

**TOPOGRAPHIC
SURVEY &
GENERAL LAND
USE PLAN**



OWNER/APPLICANT: S.T.J., LLC
 214 S.W. 2nd AVENUE
 CANBY, OR 97013
 PHONE: (503) 286-5488
 FAX: (503) 286-4570

SITE ADDRESS: 1203 NE TERRITORIAL ROAD

LEGAL: T3S, R1E, SECT 27CB,
 TAX LOT 1300

SITE SIZE: 1.70 Ac.

TOPOGRAPHIC SURVEY FOR TOM SCOTT
 PART OF TRACT 79, CANBY GARDENS
 IN THE NW1/4 OF THE SW1/4 OF SEC. 27, T3S, R1E, W.M.
 CITY OF CANBY, CLACKAMAS COUNTY, OREGON

SCALE 1" = 40' APRIL 11, 2005

GAYLORD LAND SURVEYING, INC.
 2910 S.E. OAK GROVE BLVD.
 MILWAUKIE, OREGON 97267
 (503)854-1492

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

CREATED
 JULY 16, 1996
 PATRICK M. GAYLORD
 2767
 RENEWED THRU 06/30/05

- PLANNING NOTES:
1. EXISTING BUILDINGS ARE SHOWN BELOW.
 2. NO WATERCOURSES OR AREAS SUBJECT TO INUNDATION, OVERFLOW, OR FLOODING ARE LOCATED ONSITE.
 3. NO ROCK OUTCROPPINGS, MARSHES OR WETLANDS ARE LOCATED ONSITE.
 4. TREES ARE IDENTIFIED BELOW.

NOTES

UTILITIES SHOWN BY THIS SURVEY REPRESENT THOSE WHICH ARE VISIBLE ABOVE GROUND OR FOR WHICH SOME MARKING WAS FOUND INDICATING UNDERGROUND UTILITIES. OTHER UNDERGROUND UTILITIES MAY EXIST.

UTILITY CONNECTIONS AS DRAWN ARE FOR ILLUSTRATION PURPOSES EXACT CONNECTIONS SHOULD BE VERIFIED

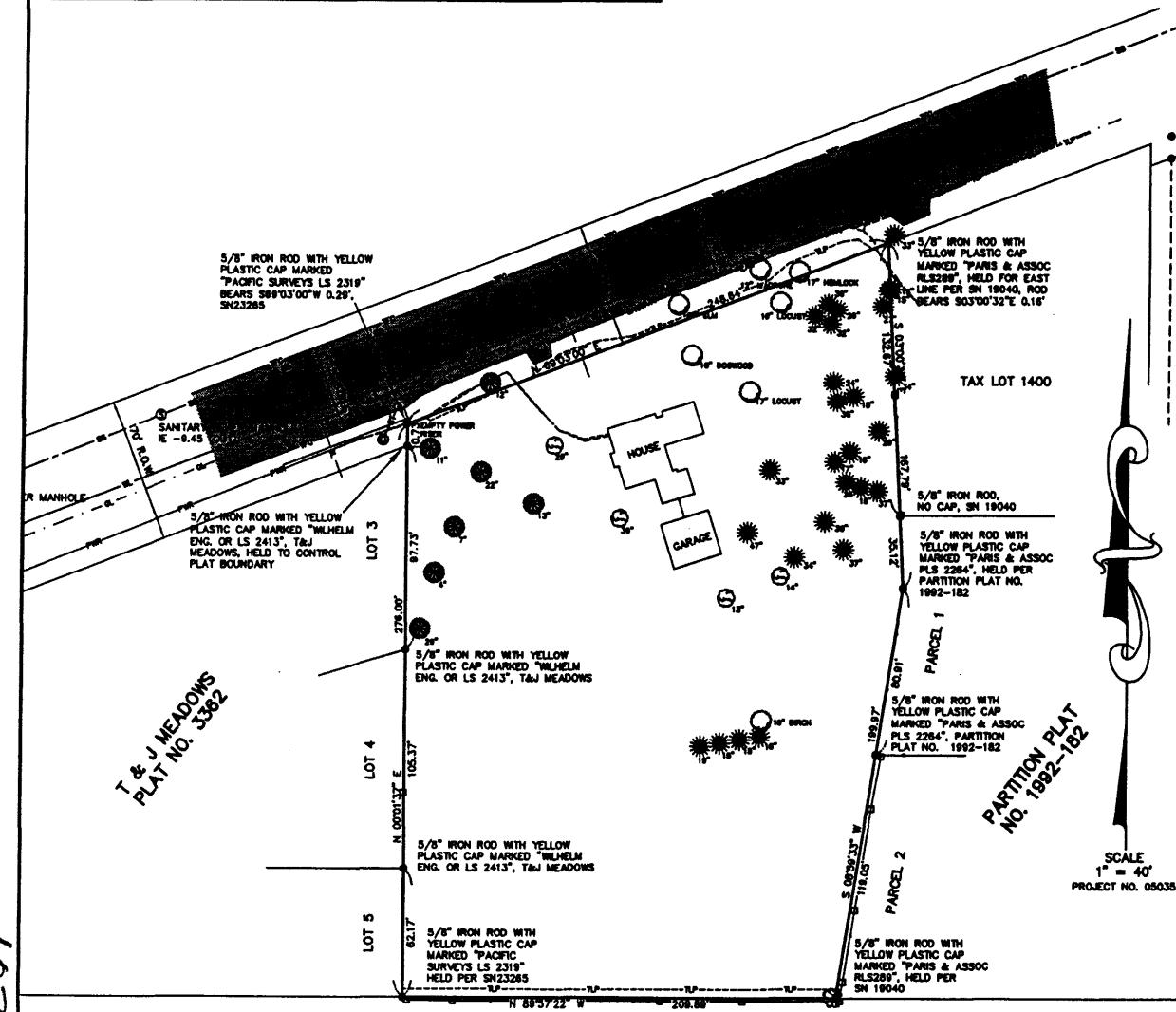
○ = 5/8"x30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "GAYLORD LAND SURVEYING, INC." SET

● = MONUMENT FOUND AS NOTED

ALL PIPE DIAMETERS ARE INSIDE MEASUREMENT

LEGEND

- ⊕ = EXISTING FIRE HYDRANT
- ⊕ = WATER VALVE
- = WATER LINE
- = WATER METER
- = CATCH BASIN(UNLESS OTHERWISE NOTED) - INVERT DEPTH AS NOTED
- ⊕ = UTILITY POLE
- ⊕ = UTILITY POLE GUY ANCHOR
- = UNDERGROUND TELEPHONE LINES/DUCTS
- = APPROXIMATE ROAD SHOULDER (UNIMPROVED)
- = EXISTING EDGE OF ASPHALTIC CONCRETE
- = TOP FACE OF CURB
- ⊕ = STORM SEWER MANHOLE
- = STORM SEWER LINE
- ⊕ = SANITARY SEWER CLEANOUT/MANHOLE
- = SANITARY SEWER LINE
- ⊕ = GAS VALVE
- = GAS LINE
- ⊕ = WALNUT TREE
- = FRUIT TREE
- ⊕ = FIR TREE
- = TREE, SPECIES AS LABELED
- ⊕ = CEDAR TREE
- ⊕ = MAPLE TREE
- = CABLE TELEVISION LINES
- = UNDERGROUND POWER LINE
- ⊕ = TEMPORARY BENCH MARK DATUM



MOLLA FOREST ROAD

SCALE
 1" = 40'
 PROJECT NO. 05035

REVISIONS	BY

PROPOSED ANNEXATION
 1203 NE TERRITORIAL RD.
 S.T.J., LLC

Survey

SISUL ENGINEERING
 375 PORTLAND AVENUE
 GLADSTONE, OREGON 97027
 (503) 867-0168

DATE	APRIL, 2005
SCALE	1" = 40'
DRAWN	PS
JOB	SQL 05-033
SHEET	1
OF 2 SHEETS	



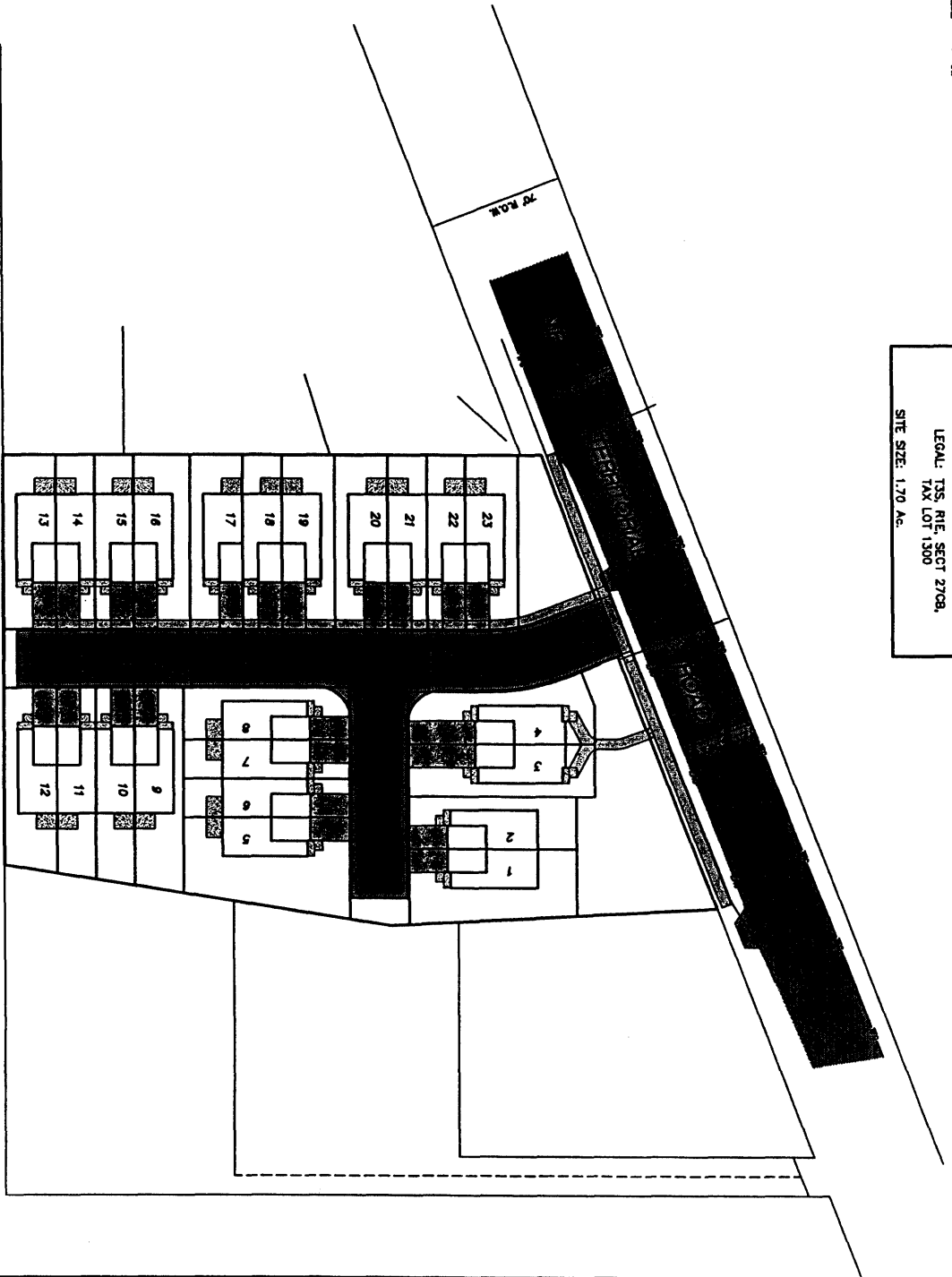
(IN TEST)

OWNER/APPLICANT: S.T.A. LLC
214 S.W. 2nd AVENUE
CITY, OR 97013
PHONE: (503) 266-5488
FAX: (503) 266-4570

SITE ADDRESS: 1203 NE TERRITORIAL ROAD

LEGAL: T3S, R1E, SECT 2708,
TAX LOT 1300

SITE SIZE: 1.70 AC.



SHEET 2	JOB 504-05-033	DRAWN PS	SCALE 1" = 40'	DATE April, 2005	SISUL ENGINEERING 375 PORTLAND AVENUE GLADSTONE, OREGON 97027 (503) 667-0188	General Land Use Plan	<i>PROPOSED ANNEXATION 1203 NE TERRITORIAL RD. S.T.J., LLC</i>	REVISIONS	BY

104

**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 - Darvin Trammel	<input type="checkbox"/> CLACKAMAS COUNTY
<input type="checkbox"/> WWTP - Jeff Crowther	<input type="checkbox"/> CANBY SCHOOL DISTRICT
<input type="checkbox"/> CITY ENGINEER	<input type="checkbox"/> OREGON DEPT. TRANSPORTATION
<input type="checkbox"/> CTA	<input type="checkbox"/> ODOT/REGION 1/DIST 2B
<input type="checkbox"/> NW NATURAL	<input type="checkbox"/> STATE OF OREGON/REVENUE
<input type="checkbox"/> WILLAMETTE BROADBAND	<input type="checkbox"/> CANBY BUSINESS REVITALIZATION
<input type="checkbox"/> CANBY DISPOSAL	<input type="checkbox"/> PARKS AND RECREATION
<input type="checkbox"/> CITY ATTORNEY	<input type="checkbox"/> CITY TRANSPORTATION ENGINEER
<input type="checkbox"/> BIKE AND PEDESTRIAN COMM	<input type="checkbox"/> OTHER _____
<input type="checkbox"/> PGE	<input type="checkbox"/> OTHER _____

The City has received ANN 06-02 (Territorial Road), an application by S.T.J., LLC, requesting to annex 1.70 acres into the City of Canby. The property is located South of Territorial Road, east of Pine Street and west of the Logging Road Trail. If annexed the parcel would be zoned R-2 (High Density Residential) in conformance with Canby's Comprehensive Plan. If approved, the applicant proposes to develop new single family attached residences.

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

Comments or Proposed Conditions:

Please check one box and sign below:

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

Signature: And Kohut **Date:** 5-18-06

Title: President **Agency:** Canby Disposal

105

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
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<input type="checkbox"/> CANBY DISPOSAL	<input type="checkbox"/> PARKS AND RECREATION
<input type="checkbox"/> CITY ATTORNEY	<input type="checkbox"/> CITY TRANSPORTATION ENGINEER
<input type="checkbox"/> BIKE AND PEDESTRIAN COMM	<input type="checkbox"/> OTHER _____
<input type="checkbox"/> PGE	<input type="checkbox"/> OTHER _____

The City has received ANN 06-02 (Territorial Road), an application by S.T.J., LLC, requesting to annex 1.70 acres into the City of Canby. The property is located South of Territorial Road, east of Pine Street and west of the Logging Road Trail. If annexed the parcel would be zoned R-2 (High Density Residential) in conformance with Canby's Comprehensive Plan. If approved, the applicant proposes to develop new single family attached residences.

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

Comments or Proposed Conditions:

DEVELOPEMENT Plans should include a LOOP FEED WATER SUPPLY PLAN.

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: 5/17/06

Title: Foreman Agency: Canby Utility Water Dept.

106

**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
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<input type="checkbox"/> WWTP - Jeff Crowther	<input type="checkbox"/> CANBY SCHOOL DISTRICT
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<input type="checkbox"/> CANBY DISPOSAL	<input type="checkbox"/> PARKS AND RECREATION
<input type="checkbox"/> CITY ATTORNEY	<input type="checkbox"/> CITY TRANSPORTATION ENGINEER
<input type="checkbox"/> BIKE AND PEDESTRIAN COMM	<input type="checkbox"/> OTHER _____
<input type="checkbox"/> PGE	<input type="checkbox"/> OTHER _____


The City has received ANN 06-02 (Territorial Road), an application by S.T.J., LLC, requesting to annex 1.70 acres into the City of Canby. The property is located South of Territorial Road, east of Pine Street and west of the Logging Road Trail. If annexed the parcel would be zoned R-2 (High Density Residential) in conformance with Canby's Comprehensive Plan. If approved, the applicant proposes to develop new single family attached residences.

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

Comments or Proposed Conditions:

Please check one box and sign below:

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

Signature:  **Date:** 05/18/06

Title: POLICE CHIEF **Agency:** CANBY POLICE

GREG A. KROPP 107

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
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<input type="checkbox"/> CITY ATTORNEY	<input type="checkbox"/> CITY TRANSPORTATION ENGINEER
<input type="checkbox"/> BIKE AND PEDESTRIAN COMM	<input type="checkbox"/> OTHER _____
<input type="checkbox"/> PGE	<input type="checkbox"/> OTHER _____

The City has received ANN 06-02 (Territorial Road), an application by S.T.J., LLC, requesting to annex 1.70 acres into the City of Canby. The property is located South of Territorial Road, east of Pine Street and west of the Logging Road Trail. If annexed the parcel would be zoned R-2 (High Density Residential) in conformance with Canby's Comprehensive Plan. If approved, the applicant proposes to develop new single family attached residences.

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

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
- ☐ 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: Justin Garay Date: 5-22-06

Title: DFM Agency: Canby Fire Dist.

108

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
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<input type="checkbox"/> BIKE AND PEDESTRIAN COMM	<input type="checkbox"/> OTHER _____
<input type="checkbox"/> PGE	<input type="checkbox"/> OTHER _____

The City has received ANN 06-02 (Territorial Road), an application by S.T.J., LLC, requesting to annex 1.70 acres into the City of Canby. The property is located South of Territorial Road, east of Pine Street and west of the Logging Road Trail. If annexed the parcel would be zoned R-2 (High Density Residential) in conformance with Canby's Comprehensive Plan. If approved, the applicant proposes to develop new single family attached residences.

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

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Please check one box and sign below:

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

Signature:  Date: 5-22-06

Title: ASSOCIATE ENCL. Agency: CANBY TEL COM

109

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

(503) 266-9404

FAX 266-1574

DATE: May 16, 2006

TO:

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

- ☐ CANBY POST OFFICE
☐ CLACKAMAS COUNTY ASSESSOR
☐ CLACKAMAS COUNTY 911
☐ CLACKAMAS COUNTY TRANSPORTATION
☐ TRAFFIC SAFETY COMMITTEE
☐ CLACKAMAS COUNTY
☐ CANBY SCHOOL DISTRICT
☐ OREGON DEPT. TRANSPORTATION
☐ ODOT/REGION 1/DIST 2B
☐ STATE OF OREGON/REVENUE
☐ CANBY BUSINESS REVITALIZATION
☐ PARKS AND RECREATION
☐ CITY TRANSPORTATION ENGINEER
☐ OTHER _____
☐ OTHER _____

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Please review the enclosed application and return comments to Kevin Cook by 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 a Time of Development

Please check one box and sign below:

- ☐ Adequate Public Services (of your agency) are available
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Signature: Gary StockwellDate: 5-22-06Title: Line ForemanAgency: Canby Utility Elect.

110

**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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Signature: M. Lauren Elmer **Date:** 5-26-06

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

///

**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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Signature: Janet Wedgworth Date: 5-30-06

Title: Supervisor Agency: Post Office

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**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:

Knight Elementary
Baker Prairie Middle

Please check one box and sign below:

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Signature: *John Smith* **Date:** 5/23/06

Title: Superintendent **Agency:** Canby School District

113



FAX COVER PAGE

To: Kevin Cook

Phone: 503.266.9404
Fax: 503.266.1574

From: Catriona Sumrain

Date: May 18, 2006

Number of Pages (including this cover): 6

Subject: ANN 06-02 – Request for Comments

Kevin:

We recently prepared a traffic study for this site in a letter report dated June 27, 2005. Because conditions in the area have not changed significantly since the initial letter report, the conclusions and recommendations of the original letter report are still valid. A copy of the letter report is attached.

We have no additional comments.

CS

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

Comments or Proposed Conditions:

SEE ATTACHED COMMENTS

Please check one box and sign below:

- ☒ Adequate Public Services (of your agency) are available
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- ☐ Conditions are needed, as indicated
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Signature: Date: 18 MAY 06Title: TRANSPORTATION ANALYST Agency: LANCASTER ENGINEERING

115



June 27, 2005

John Williams
City of Canby
182 N Holly Street
Canby, OR 97013

RE: Annexation 05-02 (STJ LLC)

Dear John:

We have prepared this Transportation Analysis letter for the proposed annexation of the Dawes property on Territorial Road.

The property is located on the south side of NE Territorial Road between N Pine Street and the Molalla Forest Road. The site is about 1.78 acres in size and is proposed to be developed with 23 townhouse units when the site is annexed into the City limits. The site is currently zoned RRFF-5 (Rural Residential Farm Forest - 5 acre minimum) and will be zoned R-2 (High-Density Residential) with the annexation. Access to the site will be through a street connection onto Territorial Road. Figure 1 attached at the end of this letter gives the vicinity map of the site.

Territorial Road in the vicinity of the site is under the jurisdiction of the City of Canby and is classified as an Arterial by the City. It is a two-lane facility near the site with a road width of about 36 feet. There are curbs, but no sidewalks on the north side of the road and no curbs or sidewalks on the south side of the road along the site frontage, although there are curbs and sidewalks in areas of recent development.

The Speed Zone Order, obtained from the Oregon Department of Transportation, for Territorial Road shows the section from Highway 99E to Molalla Forest Road as a 45-mph section and from Molalla Forest Road to N Holly Street as a 35-mph section. Currently, the 45-mph speed sign is placed east of Redwood Street, but should be located at Molalla Forest Road to conform to ODOT's Speed Zone Order. At ODOT's request, the speed zone will be changed to 30 mph from Redwood Street to Highway 99E due to grade and stopping sight distance issues along Territorial Road near the railroad right-of-way. The application for the new speed zone will be submitted in the near future and the new speed zone will likely go into ef-

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John Williams
June 27, 2005
Page 2 of 4

fect when the traffic signal at Territorial Road/Highway 99E intersection is installed. A copy of the current Speed Zone order for Territorial Road is attached at the end of this letter.

Territorial Road will eventually be widened to a three-lane section with bike lanes on both sides of the road. But at present, a typical cross-section of the road has on-street parking, bike lanes and two travel lanes.

Trip Generation and Distribution

Trip rates from ITE land-use code 230, *Residential Condominium/Townhouse*, were used to determine the number of trips that would be generated by the proposed annexation. The trip rates are based on the number of dwelling units and were calculated for a total of 23 townhouse units.

The results of the trip generation show the proposed annexation would generate ten trips during the morning peak hour, twelve trips during the evening peak hour, and 134 trips during an average weekday. A copy of the trip generation worksheet is attached at the end of this letter.

TRIP GENERATION SUMMARY			
Dawes Property			
	Entering <u>Trips</u>	Exiting <u>Trips</u>	Total <u>Trips</u>
<i>Residential Condominium/Townhouse (23 units)</i>			
AM Peak Hour	2	8	10
PM Peak Hour	8	4	12
Weekday	67	67	134

Since there is no Comprehensive Plan amendment proposed along with the annexation request, the trips generated by the site under the future R-2 zoning are included in the long-term transportation analyses in the City's TSP. The TSP does not identify any capacity improvements needed for Territorial Road and Pine Street. An examination of the projected traf-

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John Williams
June 27, 2005
Page 3 of 4

fic volumes at the intersection of Territorial Road and Pine Street shown in the City's Transportation System Plan (TSP) do not indicate any capacity concerns. Therefore, the surrounding street system is able to support the proposed annexation without mitigation.

Sight Distance

Sight distance was examined at the proposed location of access onto Territorial Road. In accordance with guidelines in A POLICY ON GEOMETRIC DESIGN OF HIGHWAYS AND STREETS (Green Book), published in 2004 by the American Association of State Highway and Transportation Officials (AASHTO), sight distance was measured at a point 15 feet from the edge of the travel lane from a driver's eye height of 3.5 feet to an object height of 3.5 feet. The posted speed on Territorial Road is 35 mph to the west and 45 mph to the east, requiring a minimum sight distance of 390 feet to the west and 500 feet to the east.

Sight distance was found to be in excess of 500 feet to the west and about 400 feet to the east. Sight distance is adequate to the west, but is restricted by trees to the east. Some of the trees that interfere with the sight distance are located on the site and were assumed to be removed as part of the frontage improvements. However, the trees on the adjacent property to the east also obstruct the sight distance. Any trees in the public right-of-way should be removed to provide adequate sight distance for the site traffic. It is also recommended that sight distance be measured after the trees are removed to ensure that site traffic has an adequate view of oncoming vehicles.

Access Management

There are approximately 15 acres of undeveloped lots surrounding the site. However, the lots south of the site front onto Pine Street and access would not be limited to Territorial Road. The site would likely serve the lots to the east, which are zoned R-2 and would be able to support about the same number of units as the site since the total size of the eastern lots is similar to the site. With a road stub to the east, the site access could serve approximately double the trips that the site itself would generate, or about 270 trips per day. The site access could accommodate this number of trips, and providing access to future developments to the east via the site road is recommended.



John Williams
June 27, 2005
Page 4 of 4

The delay on Highway 99E, which is the major route through the City, has been increasing over the years. Previous analyses of traffic at intersections along the highway have shown that some of these intersections are currently operating or will operate beyond ODOT's minimum standards in the future if the intersections are not mitigated. Some of the intersections, such as Ivy Street, cannot be easily mitigated since there is insufficient right-of-way to add lanes to the intersection. Therefore, the City has been constructing a road system that will provide alternative routes to Highway 99E, to reduce the volume of traffic on the highway.

Territorial Road is one of the streets that the City would prefer to use as an alternative route to Highway 99E. Provided the delay on Territorial Road does not exceed the delay experienced on Highway 99E, drivers will use Territorial Road. If the delay on Territorial Road becomes unacceptable, drivers may divert back to Highway 99E. Access points, whether driveways or streets, interrupt traffic flow on roadways and increase the delay on the road.

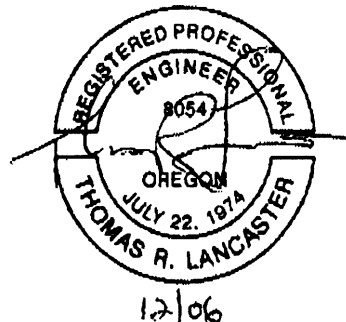
All roads serve multiple purposes and have to provide for varying degrees of access and traffic flow. The lowest classification roads, Local Streets, are designed for access rather than travel speeds. As the classification gets higher, traffic flow becomes more important. To improve traffic flow on the higher classification roadways, the number and location of access points is generally limited. The site plan for this project appears to show street stubs to the east and south. If the proposed site access could serve traffic from the future developments to the east and south, this would reduce the potential number of access points onto Territorial Road and preserve the traffic flow. It is recommended that the site road stub to the lots east and south of the site.

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

Yours truly,

Catriona Sumrain
Engineering Technician

attachments: Vicinity map
Speed Zone order
Trip Generation worksheet



119

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

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[503] 266-9404

FAX 266-1574

RECEIVED

DATE: May 16, 2006

TO:

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☐ CITY ATTORNEY
☐ BIKE AND PEDESTRIAN COMM
☐ PGE

MAY 18 2006

CURRAN-MCLEOD

- ☐ CANBY POST OFFICE
☐ CLACKAMAS COUNTY ASSESSOR
☐ CLACKAMAS COUNTY 911
☐ CLACKAMAS COUNTY TRANSPORTATION
☐ TRAFFIC SAFETY COMMITTEE
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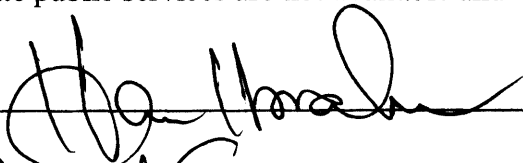
Comments or Proposed Conditions:

- ① Dedicate 10 feet of Right of Way along NE Territorial Rd site frontage to match the dedication on the westerly property (Tij Haden)
- ② Developer to construct 1/2 street improvements on NE Territorial Rd site frontage.

Please check one box and sign below:

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

Signature:



Date:

May 18, 2006

Title:

Project Engineer

Agency:

Curran McLeod, Inc

120

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[503] 266-9404

FAX 266-1574

DATE: May 16, 2006

TO:

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Comments or Proposed Conditions:

IF Annexed This Should be Zoned
Medium Density

Please check one box and sign below:

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Signature: Roy Hester **Date:** May 17, 06

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

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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. 2nd Avenue.
E-mail cookk@ci.canby.or.us

Written comments must be received prior to public hearings.

APPLICATION: Annexation of high density residential land into Canby

APPLICANT: S.T.J., LLC

CITY FILE #: ANN 06-02 (Territorial Road)

RECEIVED
MAY 22 2006
CITY OF CANBY

COMMENTS: *I am hoping for the "planning commission" a denial at this time. I have lived on Territorial road for 32 years & in recent years there has been an over abundance of ^{new} apartments & homes only our road. Pine street & also Redwood. The amount of traffic is unbelievable & speeding is an on going problem.*

Please make this a consideration of safety since especially!

YOUR NAME: *Mrs. Marilyn Latham*

ORGANIZATION or BUSINESS: _____

ADDRESS: *1200 NE Territorial Rd Unit 82*

PHONE (Optional): _____

DATE: *5/20/06*

Thank you!

Mrs. Marilyn Latham

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Buildable Lands Inventory - May 29, 2006

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	4	7
Burbank Estates	3 1E 28CD	1400	3.9	R-1	20	11	9
Knights Bridge Estates (Dupont)			13	R-1	30	11	19
Willow Creek Estates - Postlewait I	3 1E 27C	1500	4.47	R-1	31	26	5
Willow Creek Estates - Postlewait II	3 1E 34B	800	4.9	R-1	18	0	18 * Approved but not yet platted
Auburn Farms (Simnitt) - Phase I			5	R-1	26	24	2
Auburn Farms (Simnitt) - Phase II			14	R-1	53	6	47
Tofte V			1.12	R-1	4	3	1
Knutson			1.42	R-1	7	0	7
Kraft Place			0.83	R-1	4	0	4
Northwoods			31.5	R-1	110	0	110 * Approved but not yet platted
R-1 Total Lots			83.12		314	85	229

5 year average 99 units/year = 2.313 years

R-1.5 Medium Density Residential

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

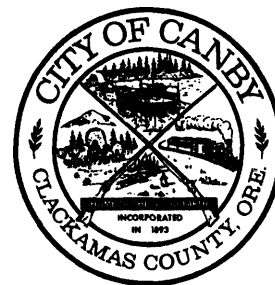
5 year average 2.8 units/year = 0 years

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	34	102
Pine Place				R-2	4	0	4
Bristol			0.3	R-2	4	0	4
Pine Station			0.97	R-2	11	0	11
Territorial Road Townhomes			0.91	R-2	14	0	14
R-2 Total Lots			18.88		207	105	135

5 year average 51.6 units/year = 2.616 years

124



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

**A REQUEST TO ANNEX 1.03
ACRES OF LAND INTO THE
CITY OF CANBY**)

**FINDINGS, CONCLUSIONS & ORDER
ANN 06-03**

NATURE OF APPLICATION

The applicant is seeking to annex a single 1.03 acre tax lot into the City of Canby. The applicant has submitted a site plan demonstrating one possible development scenario for the property; the submitted site plan shows five single family lots.

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

**Findings, Conclusions and Final Order
ANN 06-03
Page 1 of 4**

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- 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 23, 2006 Staff Report and Commission deliberations as support for its decision. The Planning Commission accepted and adopted the findings in the May 23, 2006 Staff Report.

CONCLUSION

The Planning Commission of the City of Canby concludes that, based on the findings and conclusions contained in the May 23, 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 Holly Street is sufficient to serve the needs of annexation and development on the site.
5. The City and other affected service-providing entities have the capability to amply provide the area of the proposed annexation with urban level services upon future development.
6. The annexation proposal is in compliance with other applicable City ordinances or policies.
7. The annexation proposal complies with all applicable sections of Oregon Revised Statutes.
8. No natural hazards have been identified on the site.
9. The effect of urbanization of the subject property to designated open space, scenic, historic or natural resource areas is limited, in that the open space designation and requirements as found in the Parks Master Plan will be adhered to.
10. No adverse economic impacts are likely to result from the annexation of the subject property.

RECOMMENDATION

IT IS RECOMMENDED BY THE PLANNING COMMISSION of the City of Canby that the City Council **APPROVE** annexation application ANN 06-03.

I CERTIFY THAT THIS ORDER recommending **APPROVAL** of ANN 06-03 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:

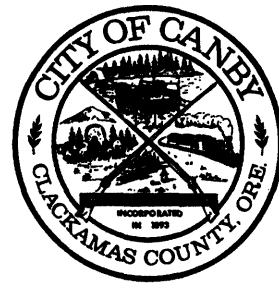
NOES:

ABSTAIN:

ABSENT:

Findings, Conclusions and Final Order
ANN 06-03
Page 4 of 4

1 28



- STAFF REPORT -

APPLICANT:

Reid Hellbusch
1480 N Holly St.
Canby, OR 97013

FILE NO.:

ANN 06-03
(Hellbusch)

OWNERS:

Same as Applicant

STAFF:

Kevin C. Cook
Associate Planner

LEGAL DESCRIPTION:

Tax Map 3-1E-28CD
Tax Lot 1800 (1.03 acres)

DATE OF REPORT:

May 23, 2006

LOCATION:

1480 N. Holly St.
The parcel is located at 1480 N Holly St.;
on the east side of Holly St., South of
Territorial Rd.

DATE OF PC HEARING:

June 12, 2006

COMPREHENSIVE PLAN DESIGNATION:

R-1 Low 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 1.03 acre tax lot into the City of Canby. The applicant has indicated that he does not currently have any development plans for the property. The applicant has however submitted a site plan demonstrating one possible development scenario for the property; the submitted site plan shows five single family lots.

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-1 Low Density Residential. If annexation is approved, City zoning for the parcel would automatically be amended to reflect the R-1 zoning in conformance with the Comprehensive Plan.

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

The property is an island of county land that is surrounded by land inside the city limits. The parcel is bounded on four sides by parcels of varied development and density.

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

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.

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ANN 06-03
Page 3 of 12

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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,

**Staff Report
ANN 06-03
Page 4 of 12**

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prior to the annexation of additional land.” Annexation of this parcel would permit future development according to the Comprehensive Plan. The proposal would bring 1.03 acres of land into the City under R-1 Low 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: The surrounding parcels are used in residential development. The subject parcel is also committed to residential development and is not used for agricultural production.

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

Analysis: 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-1 zoning district, the total supply of buildable lands available for low density residential development equals a 2.31 year supply. The proposed annexation would potentially add 5 new lots at the time of final subdivision plat approval. The 5 new lots would bring the buildable lands supply total to 2.36 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 any 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. 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

Staff Report
ANN 06-03
Page 7 of 12

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adequate access for emergency response vehicles and for the safety and convenience of the general public.

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

v. Public Facilities and Services Element

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

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.

All Service Providers indicate that services are available to serve the proposed annexation and subsequent development. Public Works indicates that sewer service will need to be extended from Territorial Road at the time of development. Right of way dedication and half-street improvements will also be required at the time of development.

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 total supply and actual lands platted for development (see Buildable Lands Analysis for current land supplies).

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

Analysis: The property is 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 Holly Street is sufficient to serve the needs of annexation and development on the site.

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

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

6. Compliance with other applicable city ordinances or policies.

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

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

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

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

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

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

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

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

Analysis: The annexation of this property would not have 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 five 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 06-03 to the City Council, with the addition of the following understandings.

1. The zoning classification for the property will be R-1 Low Density Residential.
2. All service connections, recording costs and future development costs are to be borne by the applicant and/or the property owners. A sewer extension from Territorial Road will be required for development. Half-street improvements and right of way dedication will be required as part of future development.
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

5-6 45,000

**CITY OF CANBY
ANNEXATION APPLICATION**

Fee: *See Reverse

Election Costs Deposit: \$2,500.00 – General Election - \$3,500.00 Special Election
Process Type IV

OWNERS

APPLICANT**

Name Reid Heilbusch

Name SAME

Address 1480 N. Holly St.

Address _____

City Canby State OR Zip 97013

City _____ State _____ Zip _____

Phone 503-701-3161 Fax 503-588-8500

Phone _____ Fax _____

E-mail reidsteak@hotmail.com

E-mail _____

OWNER'S SIGNATURE 

DESCRIPTION OF PROPERTY

Address 1480 N. Holly St. Canby, OR 97013

Tax Map 31E28C D01800 Tax Lot(s) 1800 Lot Size 1.03
(Acres/Sq.Ft.)

Existing Use ~~R-1~~ (two dwellings on one lot) R-1

Proposed Use R-1 Five lots

Existing Structures house, mobile home, pump house, garage, horse, wood shed.

ZONING R-1 COMPREHENSIVE PLAN DESIGNATION A

PREVIOUS LAND USE ACTION (If any) _____

FOR CITY USE ONLY

File # ANN 06-03

Date Received 4-28-06 By Cje

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.**

Required Criteria of Section 16.84.040

(referencing Annexation Application packet)

- A. Due to the fact that the property to be annexed is an island within the city limits and is only 1.03 acres in size it is reasonable to assume that the availability of said items is sufficient.
- B. There should be no noticeable increase in demand for such facilities.
- C. Coinciding with the answer to B above there should be no need for additional facilities
- D. The additional capital if necessary would come from private funds and should be minimal in amount.
- E. The land is being accessed into the city at this time to gain access to, (if necessary), city services. If, it becomes necessary in the future to develop the property it would be done in an upscale and classy manner. It would reflect custom homes on custom lots which would mirror or improve upon the new development which has occurred on properties within close proximity of property. The Canby residents would drive by and say wow those lots/houses look nice!
- F. I believe the positive has been explained above. As for the negative, I would be hard pressed to find anything negative about the proposed development. As I stated, it would be tastefully done and reflect nicely on the community. Nice sized lots with custom houses, nothing cramped or "cookie cuttered".
- G. The proposed annexation is Category A and in my opinion is a benefit for the city, even though with current projects coming on line there isn't a huge demand for r-1 housing.
 - 1. Since the proposed land is within city limits and surrounded on all sides by the city, it makes sense to annex it as opposed to having it be it's own island. It abuts services and is small in scope thus not greatly changing the demographics and/or needs on all services.
 - 2. As of current, I have no plans to change the property and/or develop it....I do want to have that option in the future and thus my main reason for annexing property. If something was to be done it would probably be a minimum of three years and closer to five before any action would be taken so an analysis at this time might be out of date. I do think it is healthy and essential for a city to grow if even at a minimal pace and this development would allow for very minor growth in concert with community thoughts/beliefs.
 - 3. Once again, I believe development (if any), would occur within a 3-10 year period and would be consistent with the communities beliefs on doing so. This isn't a big parcel of land that might adversely effect the city of Canby's master plan for controlled growth.
- H. There is no plan to develop the property at this time so any tests and or amendments at this point are not expected. If in the future there is in fact a development I would want nothing more than to work with the city on what is right for the community and parcel of land, to insure it is a win/win for everyone involved.

Explanation for items either answered or marked N/A:

For letter D, I am not positive on easements. I marked the electrical box and I imagine there might be an easement, just not sure exactly where and/or how wide.

For letter E, there are no watercourses on my property.

For letter F, there are no rock outcrops, marshes or wetlands, or preservable trees.

86-20

86-02

RRFF-5

RRFF-5

86-20

CANBY

GARDENS

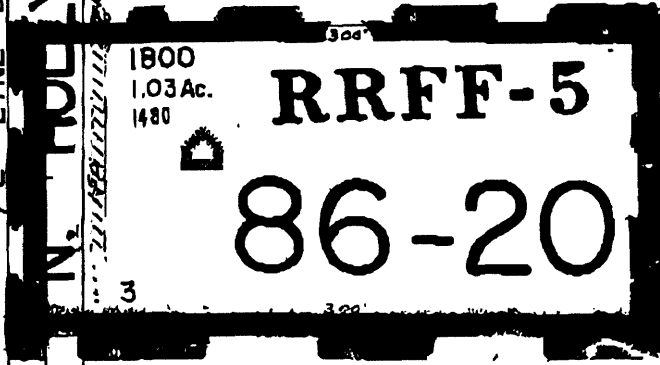
230

SEC MAP 3 IE 338A

SEE MAP

CE LINE DLC 58

IN. POLY



Rease
L: 79.88

N. IVY

1605
1496

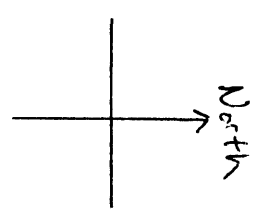
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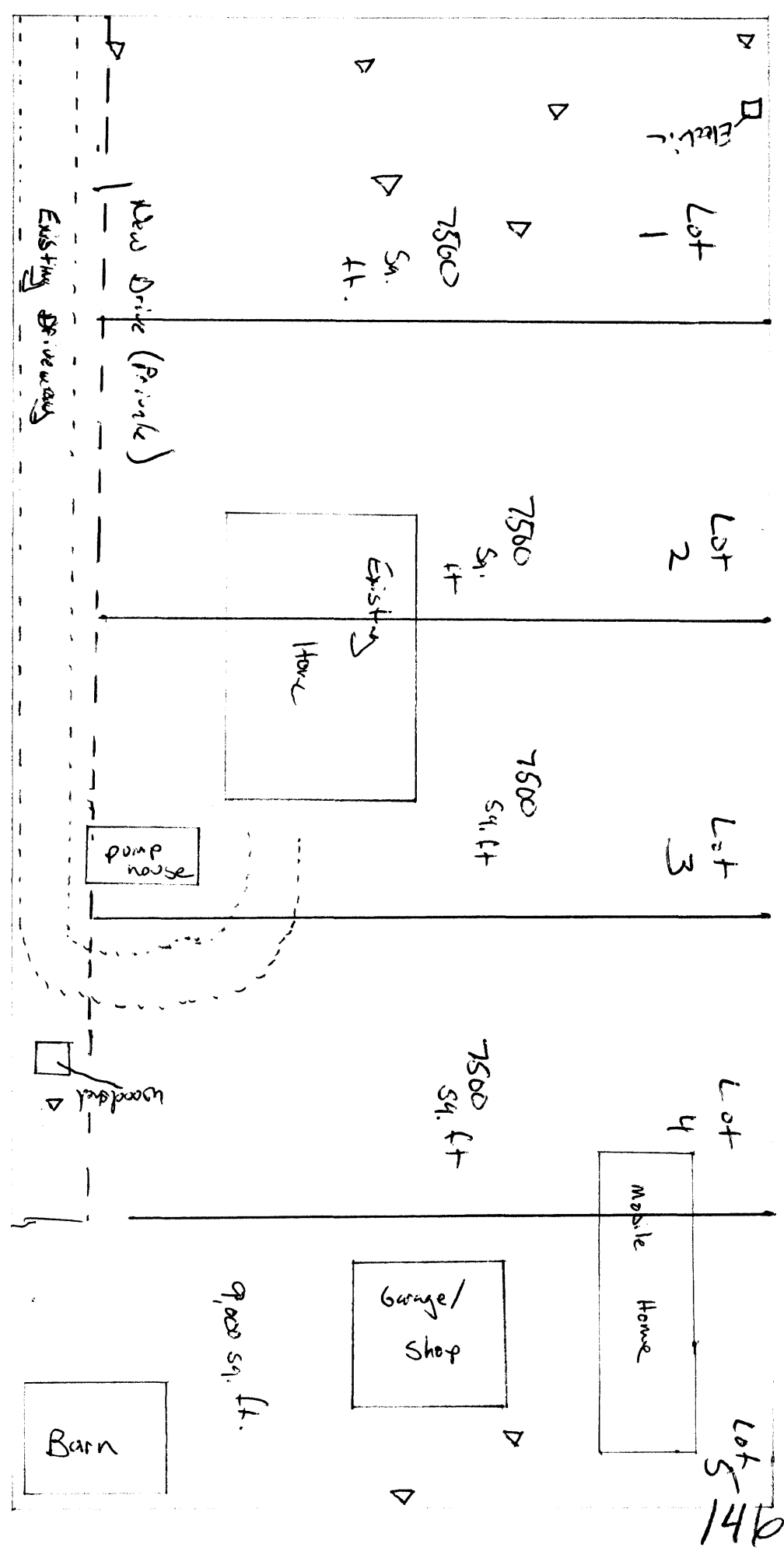
SEE

Δ = existing tree

1" = 30'



Description:
 1480 N. Holly St.
 Sub/plot Carby Gardens
 legal 230 Carby Gardens PT LT3
 rectangular
 300 feet X 150 feet
 1.03 Acres
 Tax Lot 31E28C001800



Lot 5
141

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 - Darwin Trammel	<input type="checkbox"/> CLACKAMAS COUNTY
<input type="checkbox"/> WWTP - Jeff Crowther	<input type="checkbox"/> CANBY SCHOOL DISTRICT
<input type="checkbox"/> CITY ENGINEER	<input type="checkbox"/> OREGON DEPT. TRANSPORTATION
<input type="checkbox"/> CTA	<input type="checkbox"/> ODOT/REGION 1/DIST 2B
<input type="checkbox"/> NW NATURAL	<input type="checkbox"/> STATE OF OREGON/REVENUE
<input type="checkbox"/> WILLAMETTE BROADBAND	<input type="checkbox"/> CANBY BUSINESS REVITALIZATION
<input type="checkbox"/> CANBY DISPOSAL	<input type="checkbox"/> PARKS AND RECREATION
<input type="checkbox"/> CITY ATTORNEY	<input type="checkbox"/> CITY TRANSPORTATION ENGINEER
<input type="checkbox"/> BIKE AND PEDESTRIAN COMM	<input type="checkbox"/> OTHER _____
<input type="checkbox"/> PGE	<input type="checkbox"/> OTHER _____

The City has received ANN 06-03 (1480 N Holly St), an application by Reid Hellbusch, requesting to annex 1.03 acres into the City of Canby. The property is located at 1480 N Holly Street and is an island within the city limits. If annexed the parcel would be zoned R-1 (Low Density Residential) in conformance with Canby's Comprehensive Plan. If approved, the applicant proposes to develop 5 new single family residences.

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:

Please check one box and sign below:

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

Signature:  Date: 5.22.06

Title: ASSOCIATE ENGINEER Agency: CANBY TELCOM

**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 - Darwin Trammel	<input type="checkbox"/> CLACKAMAS COUNTY
<input type="checkbox"/> WWTP - Jeff Crowther	<input type="checkbox"/> CANBY SCHOOL DISTRICT
<input type="checkbox"/> CITY ENGINEER	<input type="checkbox"/> OREGON DEPT. TRANSPORTATION
<input type="checkbox"/> CTA	<input type="checkbox"/> ODOT/REGION 1/DIST 2B
<input type="checkbox"/> NW NATURAL	<input type="checkbox"/> STATE OF OREGON/REVENUE
<input type="checkbox"/> WILLAMETTE BROADBAND	<input type="checkbox"/> CANBY BUSINESS REVITALIZATION
<input type="checkbox"/> CANBY DISPOSAL	<input type="checkbox"/> PARKS AND RECREATION
<input type="checkbox"/> CITY ATTORNEY	<input type="checkbox"/> CITY TRANSPORTATION ENGINEER
<input type="checkbox"/> BIKE AND PEDESTRIAN COMM	<input type="checkbox"/> OTHER _____
<input type="checkbox"/> PGE	<input type="checkbox"/> OTHER _____

The City has received ANN 06-03 (1480 N Holly St), an application by Reid Hellbusch, requesting to annex 1.03 acres into the City of Canby. The property is located at 1480 N Holly Street and is an island within the city limits. If annexed the parcel would be zoned R-1 (Low Density Residential) in conformance with Canby's Comprehensive Plan. If approved, the applicant proposes to develop 5 new single family residences.

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:

Knights Elementary
Baker Prairie Middle

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: *T. Oline* **Date:** *5/23/06*

Title: *Superintendent* **Agency:** *Canby School District*

148

**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
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<input type="checkbox"/> CITY ATTORNEY	<input type="checkbox"/> CITY TRANSPORTATION ENGINEER
<input type="checkbox"/> BIKE AND PEDESTRIAN COMM	<input type="checkbox"/> OTHER _____
<input type="checkbox"/> PGE	<input type="checkbox"/> OTHER _____

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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:

Please check one box and sign below:

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- ☐ Adequate Public Services will become available through the development
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- ☐ Adequate public services are not available and will not become available

Signature: Janet Wedgworth **Date:** 5/30/06

Title: Supervisor **Agency:** Post Office

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"/> POLICE <input type="checkbox"/> PUBLIC WORKS <input type="checkbox"/> CANBY ELECTRIC <input type="checkbox"/> CANBY WATER <input type="checkbox"/> WWTP - Darvin Trammel <input type="checkbox"/> WWTP - Jeff Crowther <input type="checkbox"/> CITY ENGINEER <input type="checkbox"/> CTA <input type="checkbox"/> NW NATURAL <input type="checkbox"/> WILLAMETTE BROADBAND <input type="checkbox"/> CANBY DISPOSAL <input type="checkbox"/> CITY ATTORNEY <input type="checkbox"/> BIKE AND PEDESTRIAN COMM <input type="checkbox"/> PGE	<input type="checkbox"/> CANBY POST OFFICE <input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR <input type="checkbox"/> CLACKAMAS COUNTY 911 <input type="checkbox"/> CLACKAMAS COUNTY TRANSPORTATION <input type="checkbox"/> TRAFFIC SAFETY COMMITTEE <input type="checkbox"/> CLACKAMAS COUNTY <input type="checkbox"/> CANBY SCHOOL DISTRICT <input type="checkbox"/> OREGON DEPT. TRANSPORTATION <input type="checkbox"/> ODOT/REGION 1/DIST 2B <input type="checkbox"/> STATE OF OREGON/REVENUE <input type="checkbox"/> CANBY BUSINESS REVITALIZATION <input type="checkbox"/> PARKS AND RECREATION <input type="checkbox"/> CITY TRANSPORTATION ENGINEER <input type="checkbox"/> OTHER _____ <input type="checkbox"/> OTHER _____
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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
- ☐ Adequate Public Services will become available through the development
- ☐ Conditions are needed, as indicated
- ☐ Adequate public services are not available and will not become available

Signature: _____

Date: 5-22-06

Title: DFM

Agency: Canby Fire Dist.

150

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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| <input type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> PARKS AND RECREATION |
| <input type="checkbox"/> CITY ATTORNEY | <input type="checkbox"/> CITY TRANSPORTATION ENGINEER |
| <input type="checkbox"/> BIKE AND PEDESTRIAN COMM | <input type="checkbox"/> OTHER _____ |
| <input type="checkbox"/> PGE | <input type="checkbox"/> OTHER _____ |

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Comments or Proposed Conditions:

Property is already served by Canby Utility Elect., Easement is
implied due to 1 Tax Lot. IF Subdivided in The Future
Easements will be required

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: Gary KordenatDate: 5-22-06Title: Line ForemanAgency: Canby Utility Elect.

Gary Kordenat
Canby Electric
City Shops

151

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: May 16, 2006

TO: ☐ FIRE ☐ CANBY POST OFFICE
☐ POLICE ☐ CLACKAMAS COUNTY ASSESSOR
☐ PUBLIC WORKS ☐ CLACKAMAS COUNTY 911
☐ CANBY ELECTRIC ☐ CLACKAMAS COUNTY TRANSPORTATION
☐ CANBY WATER ☐ TRAFFIC SAFETY COMMITTEE
☐ WWTP - Darwin Trammel ☐ CLACKAMAS COUNTY
☐ WWTP - Jeff Crowther ☐ CANBY SCHOOL DISTRICT
☐ CITY ENGINEER ☐ OREGON DEPT. TRANSPORTATION
☐ CTA ☐ ODOT/REGION 1/DIST 2B
☐ NW NATURAL ☐ STATE OF OREGON/REVENUE
☐ WILLAMETTE BROADBAND ☐ CANBY BUSINESS REVITALIZATION
☐ CANBY DISPOSAL ☐ PARKS AND RECREATION
☐ CITY ATTORNEY ☐ CITY TRANSPORTATION ENGINEER
☐ BIKE AND PEDESTRIAN COMM ☐ OTHER _____
☐ PGE ☐ OTHER _____

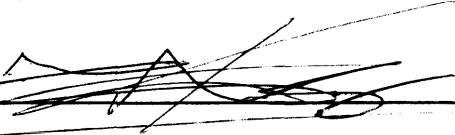
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☐ Adequate public services are not available and will not become available

Signature:  Date: 05/18/06
Title: Police Chief Agency: Canby Police
Greg A. Kroepien

152

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: May 16, 2006

RECEIVED

TO:

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

MAY 18 2006

- ☐ CURRAN-MCLEOD
☐ CANBY POST OFFICE
☐ CLACKAMAS COUNTY ASSESSOR
☐ CLACKAMAS COUNTY 911
☐ CLACKAMAS COUNTY TRANSPORTATION
☐ TRAFFIC SAFETY COMMITTEE
☐ CLACKAMAS COUNTY
☐ CANBY SCHOOL DISTRICT
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☐ CITY TRANSPORTATION ENGINEER
☐ OTHER _____
☐ OTHER _____

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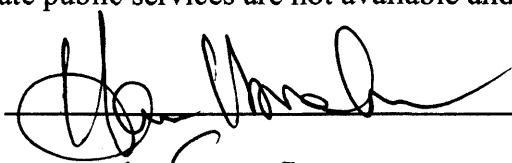
Comments or Proposed Conditions:

- ① The owner should dedicate additional right of way on N Holly St along site frontage.
- ② Frontage Improvements should be Constructed at the time the property is developed.

Please check one box and sign below:

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

Signature:



Date:

May 18, 2006

Title:

Project Engineer

Agency:

Curran McLeod, Inc

153

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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| <input type="checkbox"/> CITY ATTORNEY | <input type="checkbox"/> CITY TRANSPORTATION ENGINEER |
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Comments or Proposed Conditions:

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

Signature: Reid Hellbusch Date: 5-18-06

Title: President Agency: Canby Municipal Co

154



FAX COVER PAGE

To: Kevin Cook

Phone: 503.266.9404

Fax: 503.266.1574

From: Catriona Sumrain

Date: May 18, 2006

Number of Pages (including this cover): 1

Subject: ANN 06-03 – Request for Comments

Kevin:

Since the Transportation System Plan and future improvements are based on build-out conditions of all parcels within the Urban Growth Boundary, the impact of the annexation has been taken into account for the City's purposes.

The proposed annexation on N Holly Street will generate four new trips to the street system. This is insufficient to degrade the system. We see no concerns for the annexation.

An aerial photograph of the site shows the adjacent lot to the north has access abutting the annexation site. The site plan provided by the applicant also suggests the existing buildings will be removed at the time of development. This presents the opportunity for shared access between the site and the northern lot. We recognize that this discussion is best left until a development proposal is received for the site, but we thought it would be a good idea to mention now, in the hopes that the applicant will consider the possibility at the time of development.

CS

155

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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<input type="checkbox"/> CITY ATTORNEY	<input type="checkbox"/> CITY TRANSPORTATION ENGINEER
<input type="checkbox"/> BIKE AND PEDESTRIAN COMM	<input type="checkbox"/> OTHER _____
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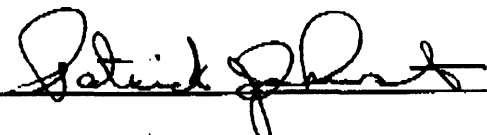
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Comments or Proposed Conditions:

5 lots = 5 SDC's (5 x 2630⁰⁰) = \$13,150.00
 5 lots = 5 SDC INSTALL (5 x 725⁰⁰) = 3625.00
 TOTAL \$16,775.00 APPROX. EST.

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: 5/17/06

Title: Foreman Agency: Canby Utility Water Dept.

156

**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
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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:

This Property can not be Served by Gravity Sewer
A Sewer Main would need to be Installed From
Territorial at developer's Cost

Please check one box and sign below:

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Signature: Roy Hester **Date:** 17 May 06

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

157

Buildable Lands Inventory - May 29, 2006

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 Built</i>	<i>Units Available</i>	
Walnut Crossing - Netter	3 1E 27 DB	602/700	2.98	R-1	11	4	7
Burbank Estates	3 1E 28CD	1400	3.9	R-1	20	11	9
Knights Bridge Estates (Dupont)			13	R-1	30	11	19
Willow Creek Estates - Postlewait I	3 1E 27C	1500	4.47	R-1	31	26	5
Willow Creek Estates - Postlewait II	3 1E 34B	800	4.9	R-1	18	0	18 * Approved but not yet platted
Auburn Farms (Simnitt) - Phase I			5	R-1	26	24	2
Auburn Farms (Simnitt) - Phase II			14	R-1	53	6	47
Tofte V			1.12	R-1	4	3	1
Knutson			1.42	R-1	7	0	7
Kraft Place			0.83	R-1	4	0	4
Northwoods			31.5	R-1	110	0	110 * Approved but not yet platted
R-1 Total Lots			83.12		314	85	229

5 year average 99 units/year = 2.313 years

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 Built</i>	<i>Units Available</i>	
Township Trail				R-1.5	5	5	0
Sequoia Place	4 1E 04 CA	1200	1.89	R-1.5	12	12	0
R-1.5 Total Lots			1.89		17	17	0

5 year average 2.8 units/year = 0 years

159

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	34	102
Pine Place				R-2	4	0	4
Bristol			0.3	R-2	4	0	4
Pine Station			0.97	R-2	11	0	11
Territorial Road Townhomes			0.91	R-2	14	0	14
R-2 Total Lots			18.88		207	105	135

5 year average 51.6 units/year = 2.616 years

RESOLUTION NO. 925

**A RESOLUTION AMENDING SALARY COMPENSATION SCALES FOR
MANAGEMENT LEVEL EMPLOYEES FOR THE CITY OF CANBY, OREGON**

WHEREAS, the City of Canby passed Resolution No. 895 on April 20, 2005 establishing salary compensation scales for management level employees;

WHEREAS, the Canby City Council passed Resolution No. 905 on August 3, 2005 amending Resolution 895 to grant a cost of living increase for the fiscal year 2005-2006; and

WHEREAS, the Council now wishes to amend the annual salary rates to increase the rate by a 3.0% cost of living increase for the fiscal year 2006-2007; now therefore

IT IS HEREBY RESOLVED by the City of Canby as follows:

1. That Attachment "A-1" is attached to this Resolution as Management Salary Schedule Attachment "A-1", and is hereby adopted effective July 1, 2006 and will automatically extend each year until changed by the City Council. The City Council, may in its discretion, grant base pay adjustments at any time to the base salary as set forth in Exhibit "A-1". The cost of living increase included with Attachment "A-1" is not automatically increased each year, but only applies to fiscal year 2006-2007.
2. The rest and remainder of Resolution 895 shall remain in full force and effect.
3. The effective date of this Resolution is July 7, 2006 with a retroactive date to July 1, 2006 for the cost of living increase.

ADOPTED this 7th day of July 2006 by the Canby City Council.

Melody Thompson
Mayor

ATTEST:

Kimberly Scheafer
City Recorder Pro Tem

Management Salary
2006-2007
Attachment A-1

	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
Community Dev. & Plan. Director	6286	6600	6930	7241	7641	7870	8106	8349
Police Chief	6222	6533	6860	7203	7531	7790	8023	8264
Police Lieutenant	5482	5756	6044	6346	6653	6863	7069	7281
Transit & General Svc. Director	5591	5871	6164	6472	6785	7000	7210	7426
Library & Parks Director	5359	5627	5908	6204	6514	6709	6911	7118
Finance & Court Svc. Director	6064	6367	6686	7020	7371	7592	7820	8054
Public Works Supervisor	4689	4923	5170	5428	5700	5870	6047	6228
W.W.T.P. Supervisor	4899	5144	5401	5671	5955	6133	6317	6507
Finance Program Manager	3629	3810	4001	4201	4411	4543	4680	4820
Executive Assistant	3629	3810	4001	4201	4411	4543	4680	4820
Swim Pool Supervisor	3323	3489	3664	3847	4039	4160	4285	4414

Step 1-5 = 5% and Step 6-9 = 3%
Includes a 3% cola
Gray represents July 1, 2006

ORDINANCE NO. 1209

AN ORDINANCE DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUE FOR FISCAL YEAR 2006-2007.

WHEREAS, a public hearing for the use of state revenue sharing funds was held before the Budget Committee on May 11, 2006, and before City Council on June 21, 2006; now therefore,

THE CITY OF CANBY, OREGON, ORDAINS AS FOLLOWS:

Section 1 Pursuant to ORS 221.770, the City of Canby hereby elects to receive state revenues for fiscal year 2006-2007.

SUBMITTED, to the Canby City Council and read the first time at a regular meeting thereof on June 21, 2006, ordered posted as provided by the Canby City Charter and scheduled for second reading and action of the Canby City Council at a regular meeting thereof on July 5, 2006, commencing at the hour of 7:30 p.m. at the Council Meeting Chambers at the Canby City Hall in Canby, Oregon.

ENACTED by the Canby City Council at a regular meeting thereof on July 5, 2006, by the following vote: YEAS _____ NAYS _____

Melody Thompson, Mayor

ATTEST:

Kimberly Scheafer, City Recorder – Pro Tem

2nd Reading

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ORDINANCE NO. 1212

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH WESTERN BUS SALES, INC OF BORING, OREGON FOR THE LEASE/PURCHASE OF THREE (3) 2006 FREIGHTLINER CHAMPION BLUEBIRD FOR CANBY AREA TRANSIT; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Canby wishes to lease/purchase three (3) 2006 Freightliner Champion Blue Bird with full transit equipment package for the Transit Department; and

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

WHEREAS, in accordance with ORS Chapter 279 and Canby Public Purchasing Rules as set forth in Ordinance No. 1170 and Resolution No. 897, the City of Canby may purchase identical goods by contract entered into by another public agency when (1) the other public agency selected the seller through a competitive process that met the requirements of the city's purchasing code, (2) the Originating Agency's contract contains a provision that allows other public agencies to make purchase under the contract and (3) the originating agency concurs with the city's use of that agency's contract, and

WHEREAS, Western Bus Sales, Inc. of Boring, Oregon submitted the lowest quote of \$524,856.00 for three (3) Freightliner Champion Blue Bird vehicles; and

WHEREAS, the City Council meeting and acting as the Contract Review Board for the City of Canby has reviewed this quote, reviewed the staff report and finds that the City of Wilsonville selected the seller, Western Bus Sales, Inc., through a competitive process, and that the City of Wilsonville's contract with Western Bus Sales, Inc. contains a provision that allows the City of Canby to make a purchase under it's contract and that the City of Wilsonville concurs with the City's use of its contract and therefore it is in the best interest of the City to purchase these vehicles from Western Bus Sales, Inc.; now therefore

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. The Mayor and City Administrator are hereby authorized and directed to make, execute and declare in the name of the City of Canby and on its behalf, an appropriate lease/purchase contract with Western Bus Sales, Inc. of Boring,

2nd Reading
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Oregon for the lease/purchase of three (3) 2006 Freightliner Champion Bluebird for the quoted amount of \$ 524,856.00.

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

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on June 21st, 2006, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and to come before the City Council for final reading and action at a regular meeting thereof on July 5th, 2006, commencing at the hour of 7:30 P.M. in the Council Meeting Chambers at Canby City Hall in Canby, Oregon.

Kimberly Scheafer
City Recorder - Pro Tem

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the 5th day of July, 2006, by the following vote:

YEAS _____

NAYS _____

Melody Thompson, Mayor

ATTEST:

Kimberly Scheafer,
City Recorder - Pro Tem

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ORDINANCE NO. 1214

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT FOR THE PURCHASE OF REAL PROPERTY FOR A FUTURE MUNICIPAL POLICE/COURT BUILDING; AND DECLARING AN EMERGENCY.

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. Purchase Authorized. The Canby City Administrator is hereby authorized and directed to make, execute and declare in the name of the City of Canby and on its behalf, a contract with Ray L. Burden, deceased and Irene E. Burden Family Trust the following described real property for a future municipal police/court facility:

Lot 5, BURDEN, in the City of Canby, Clackamas County, Oregon

Section 2. Purchase Price. The total purchase price to be the sum of Nine Hundred Ninety Six Thousand One Hundred Seventy Four and no/100 dollars (\$996,174.00). The total price is to be paid in full at closing. A copy of the earnest money receipt entered into between the parties is attached hereto and marked as "Exhibit A" thereto. The City Administrator is authorized to complete the transaction according to the terms of "Exhibit A".

Section 3. Budgeted Funds to Pay Purchase Price. The purchase price is to be paid from the City's current fiscal budget line item number 427, titled "Capital Reserve Fund".

Section 4. City Attorney to Approve Title Report and Deed. The City Attorney shall first approve the preliminary title report and form of deed for the City's purchase of said property. Purchase price insuring the City's vendee interest in said property is to be furnished at the expense of the seller and free and clear of all liens or encumbrances except for the usual printed exceptions.

Section 5. City Administrator to Execute Deed. The City Administrator is hereby authorized and directed to execute and deliver in the name of and on behalf of the City of Canby, as purchaser, the required deed and any other documents as may be required for closing the transaction.

Section 6. Emergency Declared. Inasmuch as it is necessary to proceed as quickly as possible with the plans for the construction and development of a new police and municipal court facility for the use and benefit of the City and since the seller of said property intends to sell this property immediately, and for the general welfare of the

2nd Reading

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residents, an emergency is hereby declared to exist and this ordinance shall take effect immediately after final reading and enactment by the Canby City Council.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on June 21st, 2006, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and to come before the City Council for final reading and action at a regular meeting thereof on July 5th, 2006, commencing at the hour of 7:30 P.M. in the Council Meeting Chambers at Canby City hall in Canby, Oregon.

Kimberly Scheafer
City Recorder - Pro Tem

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the 5th day of July, 2006, by the following vote:

YEAS _____

NAYS _____

Melody Thompson, Mayor

ATTEST:

Kimberly Scheafer,
City Recorder - Pro Tem

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Memo to: Mayor and Council

From: John Kelley, City Attorney

Date: June 27, 2006

Re: Ordinance No. 1216

Purchase of Road Right-of-Way from Carl Soles for Berg Parkway Extension

We have reached an agreement with the Soles to purchase the right-of-way necessary for the extension of Berg Parkway. I have prepared Ordinance No. 1216 authorizing the purchase of the property. A copy of the letter agreement is attached to the Ordinance which sets forth our agreement with the Soles.

A motion to adopt Ordinance No. 1216 is necessary to start the escrow closing process. That should take about a month or so, and we will return with a Resolution for the Council to adopt to formally accept the right-of-way Deed.

We still are working on the other piece of property owned by Fred Kahut and hope to have that ready to discuss with you soon.

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THIS HAS BEEN REVIEWED
BY THE FINANCE DIRECTOR
Chauncey Seifert

ORDINANCE NO. 1216

AN ORDINANCE AUTHORIZING PURCHASE OF ROAD RIGHT-OF-WAY FOR THE EXTENSION OF SW BERG PARKWAY AND DECLARING AN EMERGENCY.

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. Purchase Authorized. The City of Canby is hereby authorized to purchase from Carl A. Soles and Judith I. Soles, the following described property to be used for road right-of-way:

See Exhibit "A"

Section 2. Purchase Price. The total purchase price to be the sum of One Hundred Thirty Five Thousand and no/100 dollars(\$135,000.00), plus such other consideration as set forth in a Letter Agreement dated May 10, 2006 between the parties. The cash portion of the total purchase price shall be deposited in escrow at or prior to the close of escrow in accordance with the terms of attached Letter Agreement. By this reference the attached Agreement for Sale of Real Property is incorporated within as if set forth herein.

Section 3. Funds to Pay Purchase Price. The total sum of \$135,000.00 shall be paid from the City's current fiscal budget, account number 420-420-431-7600 titled "Transportation System Development Charge" fund.

Section 4. City attorney to approve Title Report and Deed. The City Attorney shall first approve the preliminary title report and form of deed for the City's purchase of said property. All costs associated with the closing of this sale to be paid by the City.

Section 5. City Administrator to Execute Deed for Road Purposes. The City Administrator is authorized and directed to execute and deliver in the name of the City of Canby, as purchaser, the required deed and any other documents as may be required for closing the transaction.

Section 6. Emergency Declared. Inasmuch as it is necessary to proceed as quickly as possible with the extension of SW Berg Parkway for the use and benefit of the citizens of the City of Canby, an emergency is hereby declared to exist and this ordinance shall take effect immediately upon final reading and enactment by the Canby City Council.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, July 5, 2006, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and to come before the City Council for final reading and action at a regular meeting thereof on Wednesday, July 19, 2006, commencing at the hour of 7:30 P.M. in the Council Meeting Chambers at Canby City Hall in Canby, Oregon.

Kimberly Scheafer
City Recorder - Pro Tem

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the 19th day of July, 2006, by the following vote:

YEAS _____ NAYS _____

Melody Thompson
Mayor

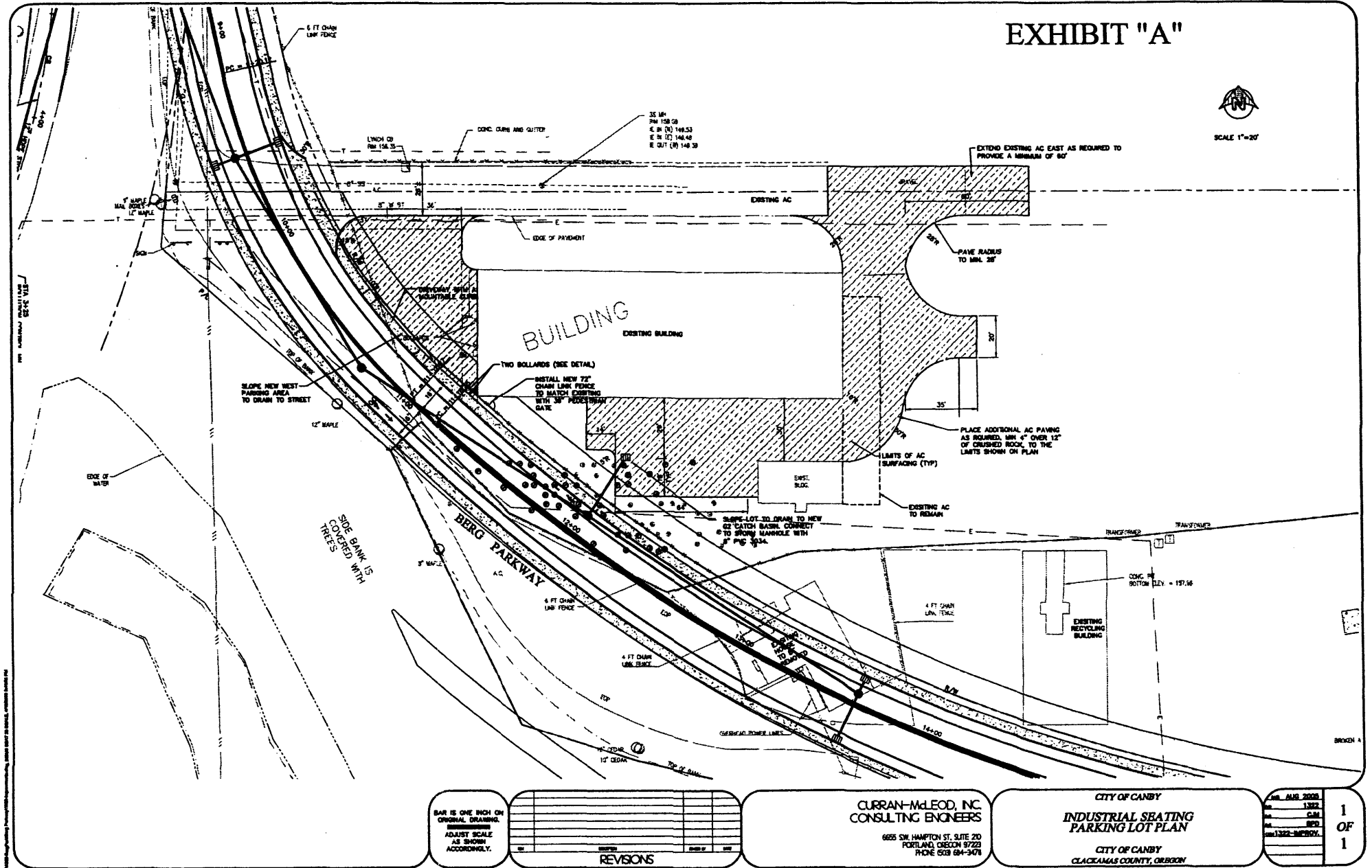
ATTEST:

Kimberly Scheafer,
City Recorder - Pro Tem

EXHIBIT "A"



SCALE 1"=20'



BAR IS ONE INCH ON ORIGINAL DRAWING. ADJUST SCALE AS SHOWN ACCORDINGLY.

NO.	REVISIONS	DATE

CURRAN-McLEOD, INC.
CONSULTING ENGINEERS
6655 SW HAMPTON ST., SUITE 210
PORTLAND, OREGON 97223
PHONE 503 984-9478

CITY OF CANBY
INDUSTRIAL SEATING
PARKING LOT PLAN
CITY OF CANBY
CLATSOP COUNTY, OREGON

DATE	1992
BY	C.M.
CHKD	
APP'D	
DATE	1992-09-01

1
OF
1

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HANNA, McELDOWNEY & ASSOCIATES

8835 S.W. CANYON LANE, SUITE 405

PORTLAND, OR 97225

(503) 297-9588 Fax: (503) 297-2835

May 10, 2006

Carl A. Soles, Jr.
Judith I. Soles
22991 S. Central Point Road
Canby, OR 97013

Parcel #: 2

Subject: Agreement for negotiated settlement for the Berg Parkway Extension Project

Dear Mr. and Mrs. Soles:

The City of Canby is planning the construction of the above named project. As you are aware through our discussions, property you own will be affected by this project. A Deed for Road Purposes, Public Utility and Sidewalk Easement, and Temporary Construction Easement will be necessary in order to give the City the legal right to complete the construction of the road project.

In exchange for executing the documents and granting the above rights, and subject to final approval by the City of Canby, the City agrees to the following:

1. To compensate you, in full, for the Deed for Road Purposes, Public Utility and Sidewalk Easement, and Temporary Construction Easement in the amount of \$135,000.00 which includes payment for all trees and other improvements impacted by project construction.
2. To not disturb the existing building with the project construction or with the installation of public utilities.
3. To reconstruct the existing road approach with an approach not to exceed 32 feet in width.
4. To construct a reinforced depressed curb and sidewalk section in front of the west side bay door to facilitate moving heavy equipment and large trucks.
5. To construct a truck turn-around at the northeast corner of the building, per attached Exhibit "A", and connect it to the existing paved access driveway on the north side of the building. All paving shall have 12-inch of crushed rock base with 4-inch asphalt surface on top.

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6. To construct a chain link fence, six feet high, from the southwest corner of the Industrial Building to the new right-of-way line; thence along the new right-of-way line southeasterly to a connection with the existing fence located on the adjoining property (Kahut), per attached Exhibit "A".
7. To install a pedestrian gate in the chain link fence at the southwest corner of the Industrial Building and to provide two 6-inch steel bollards at the southwest corner of the building to protect the building, natural gas meter and control facility, and the electrical panel from errant vehicles, per attached Exhibit "A".
8. To grade and pave an area on the south side of the Industrial Building for use as parking, per attached Exhibit "A", with the surface drainage hooked up to the City's stormwater drainage system consistent with the requirements of the City of Canby. All paving shall have 12-inch of crushed rock base with 4-inch asphalt surface on top.
9. To grade and pave the entire area west of the Industrial Building. The area will be sloped to the back of the sidewalk and any asphalt on the existing driveway easement disturbed by project construction will be re-paved. All paving shall have 12-inch of crushed rock base with 4-inch asphalt surface on top.
10. To pave a truck access to the east door of the Industrial Building a distance of 65 out from the building and to pave the 10 foot radius area on the north and south corners of the east side of the building as shown on the attached Exhibit "A". If the existing tree located in the 10 foot radius at the northeast corner of the building needs or is to be removed, the owner grants the City of Canby, its employees, agents and contractors, the right to remove it. All paving shall have 12-inch of crushed rock base with 4-inch asphalt surface on top.
11. To make permanent any waivers, adjustments, variances or the like, required by City codes for the existing use of the property, as a result of this right-of-way acquisition. However, nothing in this agreement requires the City to provide waivers, adjustments, or variance or the like to the undeveloped easterly portion of the property, or to any future redevelopment of the property.
12. To waive any street set-back requirements for the building that the project may cause.
13. To not assess the owners for any of the project cost.
14. To maintain vehicular access to the property at all times during construction unless other arrangements are made between the City and the owner.
15. To allow the owners to remove, at their cost, any or all of the trees along the southerly property line that are not removed by the City as part of this road project.
16. To pay all closing, recording, and escrow costs related to the purchase of the project acquisition.

17. To clean up the construction debris at the conclusion of the project. In conjunction herewith, the City will not be responsible for the future maintenance and/or repair of any of the on-site improvements.
18. The City will not change Industrial Seating's physical or mailing address (1144 SW Berg Parkway).
19. To comply with the terms and conditions of this Letter of Agreement, which is the entire, final and complete agreement between the Owner and the City pertaining to the sale and purchase of the property, and supersedes and replaces all written and oral agreements heretofore made.
20. In conjunction herewith, the owner grants the City of Canby, its employees, agents and contractors, the right to enter upon the remainder property in order to construct the on-site improvements required by this agreement.
21. This agreement is made in lieu of condemnation and should be given the tax treatment in accordance with the applicable rules for such a conveyance.

The total compensation for the above property rights is \$135,000.00. Payment will be made in escrow after approval and acceptance by the City of Canby.

Sincerely,

By: Carl A. Soles 5/17/06
Carl A. Soles Date

Marvin G. McEldowney
Marvin G. McEldowney, Agent

By: Judith I. Soles 5/17/06
Judith I. Soles Date

Approved By: Mark A. Soles 6/6/06
Agency Representative Date

DATE: June 26, 2006

MEMO TO: Mark Adcock, City Administrator

FROM: Beth Saul, Library and Parks Director

RE: Bidding out for restroom construction

Mark, since we have received word that we are being recommended for approval of the State Parks Local Grant for our new restroom and support facility at Maple Street Park, we are quite confident we will be receiving official word from the Parks Commission in August confirming that recommendation. We would then receive a Notice to Proceed in September.

We have had an architect design and prepare the concept drawings that were used in the grant presentation, and now we will need him to prepare construction drawings. We also used the same local architect to design a smaller restroom facility for Legacy Park. We are still waiting for the construction drawings for that one. The architect is pretty stacked up due to the busy construction season, but we should have the drawings soon.

I have discussed the logistics of bidding out and construction with Parks Maintenance Supervisor Jeff Snyder, and we both believe that we will get a better bid by offering both projects to contractors at the same time. Our goal would be to have the bid process occur during July and have a selection (and the requisite two ordinance readings) during August so that we would be ready to begin in September.

This will also allow Jeff to supervise the construction of both facilities at once. With our construction season reasonably going into December, and since both buildings are concrete and block primarily, we would anticipate that both bathrooms could be done by spring, although final painting might be delayed if it is very rainy.

We will also need to demolish the old Maple Street Park restroom and concession facilities as soon as we receive the notice to proceed in the fall. Jeff and I will be discussing the logistics of this further and I will keep you informed.

To: City Council -
FYI
I agree with the approach
set forth in Beth's
memo. *[Signature]*
