

PLANNING COMMISSION

Meeting Agenda

Monday, April 23, 2018

7:00 PM

City Council Chambers – 222 NE 2nd Avenue

Commissioner John Savory (Chair)

Commissioner Larry Boatright (Vice Chair)

Commissioner John Serlet

Commissioner Derrick Mottern

Commissioner Tyler Hall

Commissioner Shawn Varwig

Commissioner Andrey Chernishov

1. CALL TO ORDER

- a. Invocation and Pledge of Allegiance

2. CITIZEN INPUT ON NON-AGENDA ITEMS

(This is an opportunity for audience members to address the Planning Commission on items not on the agenda. Each person will be given 3 minutes to speak. You are first required to fill out a testimony/comment card prior to speaking and hand it to the Recording Secretary. These forms are available by the sign-in podium. Staff and the Planning Commission will make every effort to respond to questions raised during citizens input before tonight's meeting ends or as quickly as possible thereafter.)

3. MINUTES

- a. Approval of Planning Commission Minutes for March 12, 2018.

4. NEW BUSINESS

5. PUBLIC HEARING

(To testify, please fill out a testimony/comment card and give to the Recording Secretary.)

- a. Consider a request for an Annexation and Zone Change for properties located in an unincorporated area of Clackamas County on the north side of NE Territorial Road approximately 660 feet west of State Highway 99E and extending north to border on Willamette Wayside Park. **(DUPONT ANN 18-01/ZC 18-01).**
- b. Consider the Council's Remand for Redwood Landing Subdivision to allow the Planning Commission to review a modification to address Council concerns and conformance with original approved criteria **(ICON SUB 17-06.)**

6. FINAL DECISIONS -

(Note: These are final, written versions of previous oral decisions. No public testimony.)

- a. DUPONT ANN 18-01/ZC 18-01 Final Findings
- b. ICON SUB 17-06/APP 17-03 Remand Final Findings

7. ITEMS OF INTEREST/REPORT FROM PLANNING STAFF

- a. Next regularly scheduled Planning Commission meeting – Monday, May 14, 2018
- Site & Design Review/Conditional Use for two warehouse spaces in the Canby Pioneer Industrial Park.

8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION

9. ADJOURNMENT

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for person with disabilities should be made at least 48 hours before the meeting at 503-266-7001. A copy of this agenda can be found on the City's web page at www.canbyoregon.gov. City Council and Planning Commission Meetings are broadcast live and can be viewed on OCTS Channel 5.

For a schedule of the playback times, please call 503-263-6287.

PUBLIC HEARING FORMAT

The public hearing will be conducted as follows:

- **STAFF REPORT**
 - **QUESTIONS** (If any, by the Planning Commission or staff)
 - **OPEN PUBLIC HEARING FOR TESTIMONY:**
 - APPLICANT** (Not more than 15 minutes)
 - PROPONENTS** (Persons in favor of application) (Not more than 5 minutes per person)
 - OPPONENTS** (Persons opposed to application) (Not more than 5 minutes per person)
 - NEUTRAL** (Persons with no opinion) (Not more than 5 minutes per person)
 - REBUTTAL** (By applicant, not more than 10 minutes)
 - **CLOSE PUBLIC HEARING** (No further public testimony allowed)
 - **QUESTIONS** (If any by the Planning Commission)
 - **DISCUSSION** (By the Planning Commission)
 - **DECISION** (By the Planning Commission)
- All interested persons in attendance shall be heard on the matter. If you wish to testify on this matter, please be sure to complete a Testimony Card and hand it to the Recording Secretary. When the Chair calls for Proponents, if you favor the application; or Opponents if you are opposed to the application please come forward and take a seat, speak into the microphone so the viewing public may hear you, and state your name, address, and interest in the matter. You may be limited by time for your statement, depending upon how many people wish to testify.

EVERYONE PRESENT IS ENCOURAGED TO TESTIFY, EVEN IF IT IS ONLY TO CONCUR WITH PREVIOUS TESTIMONY. All questions must be directed through the Chair. Any evidence to be considered must be submitted to the hearing body for public access.

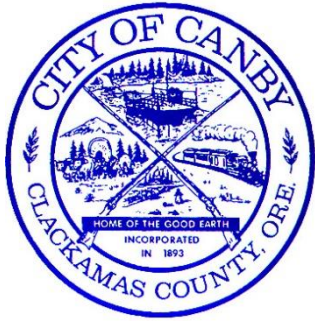
Testimony and evidence must be directed toward the applicable review criteria contained in the staff report, the Comprehensive Plan, or other land use regulations which the person believes to apply to the decision.

Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision-maker and interested parties an opportunity to respond to the issue, may preclude appeal to the City Council and the Land Use Board of Appeals based on that issue.

Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government to respond to the issue may preclude an action for damages in circuit court.

Before the conclusion of the initial evidentiary hearing, any participant may ask the hearings body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing. The Planning Commission shall grant such requests by continuing the public hearing or leaving the record open for additional written evidence or testimony. Any such continuance or extension shall be subject to the limitations of the 120-day rule, unless the continuance or extension is requested or agreed to by the applicant.

If additional documents or evidence are provided by any party, the Planning Commission may, if requested, allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Any such continuance or extension of the record requested by an applicant shall result in a corresponding extension of the 120-day time period.



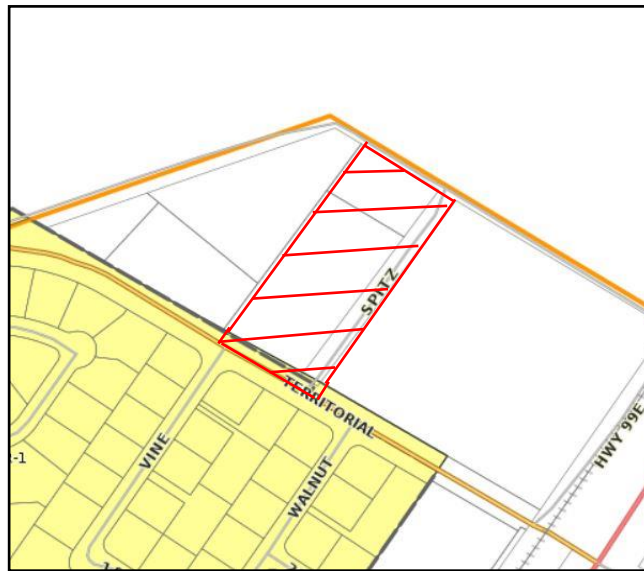
City of Canby

ANNEXATION AND ZONE CHANGE STAFF REPORT

FILE #: ANN 18-01/ZC 18-01

Prepared for the April 23, 2018 Planning Commission Meeting

LOCATION: The north side of NE Territorial Road approximately 660 feet west of State Highway 99E and extending north to border on Willamette Wayside Park.



ANNEXATION PROPERTY SIZE: The site is approximately 2.64 gross acres including a portion of Tax Lot 31E27AD01500 identified as Spitz Road/2.44 net acres, (minus .20 acre of NE Territorial Road R.O.W.

TAX LOTS: Tax Lots 31E27DB00200, 31E27DB00201, and a portion of 31E27AD01500

COMPREHENSIVE PLAN DESIGNATION: Low Density Residential (LDR)

CURRENT ZONING DESIGNATION: Clackamas County: Rural Residential Farm Forest-5 Acre (RRFF-5)

PROPOSED ZONING: Low Density Residential (R-1)

OWNER: Paul M. and Susan E. DuPont, City of Canby

APPLICANT: Paul DuPont

APPLICATION TYPE: Annexation/Zone Change (Type IV)

CITY FILE NUMBER: ANN 18-01/ZC 18-01

I. PROJECT OVERVIEW & EXISTING CONDITIONS

The property owners of two different parcels located in the northeast portion of the City of Canby's Urban Growth Boundary (UGB) propose annexation into the city limits. The property owners also propose a zone change application to change the current zoning from the Clackamas County RRFF-5 (Rural Residential Farm Forest-5) to the City of Canby's R-1, Low Density Residential Zone. The subject parcels are contiguous and include a portion of Tax Lot 1500 which is owned by the City of Canby. The portion of Tax Lot 1500 to be annexed is

identified as Spitz Road and consists of a strip of land that measures approximately 40 foot wide and 475 feet long that was vacated as a roadway and transferred to City ownership as part of the Wayside Park parcel. The applicant intends to develop this portion of tax lot 1500 (which was previously a County access road) as a public street to serve a future subdivision. The annexation will also extend into Territorial Road and incorporate 40 feet of right-of-way along the property frontage. The applicant is requesting a zone change to R-1 (Single-Family Residential) which is consistent with the current Canby Comprehensive Plan designation.

The City of Canby's annexation ordinance requires either a Concept Development Plan or a Development Agreement (DA) for properties that are a part of an annexation request when designated on the City of Canby Annexation Development Map (16.84.040(A)). In this particular case, the subject properties are delineated within a Development Agreement Area. Subsequently, the applicant submitted a Development Agreement that must be adopted by the City Council and recorded within 7 days of final approval of the application. The Development Agreement addresses applicable criteria listed in Section 16.84.040 CMC as well as dedications, street construction, and utility design issues which the City desires to be guaranteed or reflected in any upcoming subdivision application.

The existing annexation area is located within the City of Canby's Urban Growth Boundary. The City of Canby Comprehensive Plan has envisioned the ultimate urbanization of this area and its intended land use, and the Comprehensive Plan Map for these particular lots indicates a Low Density Residential use. The designation corresponds to the zone changes requested by the applicant. The area is currently within Clackamas County's jurisdiction and is presently zoned as Rural Residential Farm Forest-5 Acre (RRFF-5). This zone change is to rezone the properties involved to the City zoning of R-1 zone in accordance with the corresponding City Comprehensive Plan Map land use designation. The zone designation will take effect when the properties are annexed as indicated in this application.

II. ATTACHMENTS

- A.** Application Forms
- B.** Submitted Written Narrative and materials
- C.** Neighborhood Meeting Notes/Attendance List/Notification Letter
- D.** Pre-Annexation application Meeting Minutes
- E.** Survey of Property to Be Annexed and Legal Description of Private Property and adjacent NE Territorial Road right-of-way to be annexed
- F.** Maps: Aerial Vicinity Map, Assessor Map, Canby Comprehensive Plan Map, Proposed Annexation Area Map
- G.** Development Agreement
- H.** Transportation Planning Rule Analysis - contracted by applicant with City's Consulting Traffic Engineer
- I.** Agency/Citizen Comments

III. APPLICABLE REVIEW CRITERIA & FINDINGS

Major approval criteria used in evaluating this application include the following Chapters from the *City of Canby's Municipal Code including the Land Development and Planning Ordinance* (Title 16):

- 16.84 Annexations
- 16.54 Amendments to Zoning Map

- 16.89 Application and Review Procedures
- 16.16 R-1 Low Density Residential Zone

*City of Canby Comprehensive Plan Policies and Implementation Measures
Clackamas County/City of Canby Urban Growth Management Agreement (UGMA)
State Statutes- ORS 195.065 and 222*

Chapter 16.84 Annexation Compliance

16.84.040. A.1.b. Annexation Development Map.

A. *The following criteria shall apply to all annexation requests.*

1. *The City of Canby Annexation Development Map shall determine which properties are required to submit either (See Figure 16.84.040):*

a. *A Development Agreement (DA) binding for all properties located within the boundaries of a designated DA area as shown on the City of Canby Annexation Development Map. The terms of the Development Agreement may include, but are not limited to:*

- 1. Timing of the submittal of an application for zoning*
- 2. Dedication of land for future public facilities including park and open space land*
- 3. Construction of public improvements*
- 4. Waiver of compensation claims*
- 5. Waiver of nexus or rough proportionality objections to future exactions*
- 6. Other commitments deemed valuable to the City of Canby*

For newly annexed properties that are within the boundaries of a DA area as designated on the City of Canby Annexation Development Map: A Development Agreement shall be recorded as a covenant running with the land, binding on the landowner's successors in interest prior to the City Council granting a change in zoning classification.

b. *A Development Concept Plan (DCP) binding for all properties located within the boundaries of a designated DCP area as shown on the City of Canby Annexation Development Map. A Development Concept Plan shall address City of Canby infrastructure requirements including:*

- 1. Water*
- 2. Sewer*
- 3. Storm water*
- 4. Access*
- 5. Internal Circulation*
- 6. Street Standards*
- 7. Fire Department requirements*
- 8. Parks and open space*

For newly annexed properties that are within the boundaries of a DCP area as designated on the City of Canby Annexation Development Map: A Development Concept Plan shall be adopted by the Canby City Council prior to granting a change in zoning classification. (Ord. 1294, 2008)

Findings: A DCP is not required for this application. A copy of the Development Agreement (DA) is included in the file. The DA provided information to address City of Canby future infrastructure requirements for the area, and work has gone into planning for how the defined area would best be developed and served by all necessary infrastructure.

A traffic analysis was not required for this proposal. However, DKS Engineering provided a Transportation Planning Rule Analysis to address traffic impacts associated with anticipated full development of the properties in accordance with the applicable zoning designation and the planning rule. The analysis, dated August 16, 2017 summarized how the requirements of Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR), are met for the subject properties. The surrounding roadways and intersections were found to have sufficient capacity to accommodate the proposed annexation, and zone change in the Development Agreement Area. The Transportation Planning Rule requirements of State Statute were determined to have been met as documented in the Analysis.

All necessary utility services are generally available or can be made available through service line extensions to the annexation area. The submitted narrative indicates the options for necessary infrastructure to serve this area. The applicant stated that development of future infrastructure will be addressed with submittal of a subdivision application at a later date. The applicant is aware that park SDC's are required in lieu of park dedication.

Criteria 16.84.040.A.2 *Analysis of the need for additional property within the city limits shall be provided. The analysis shall include the amount of developable land (within the same class of zoning – low density residential, light industrial, etc.) Currently within the city limits; the approximate rate of development of those lands; and how the proposed annexation will affect the supply of developable land within the city limits. A supply of developable residential land to provide for the anticipated population growth over the following three years is considered to be sufficient.*

Findings: A land needs analysis is required with all annexations to assess the current amount of developable land within the same zone designation of that requested in the application. A 3-year supply of developable R-1 zoned land is to be considered sufficient. The City Council previously provided a defined policy direction to staff that stated analysis of actual number of platted lots based on a reasonable assessment of expected consumption rate moving forward is the appropriate metric to utilize in determining the adequacy of the developable land supply.

The applicant included in the file an analysis indicating the deficiency of Canby's 3-year supply of developable land based on population data obtained from Portland State University Population Research Center and existing available platted and purposed lots. The applicant provided an analysis that included subdivisions that are preliminarily approved and have yet to record platted lots. The applicant determined that currently there is a need

for 421 new households in the next three years, and the total lots currently or projected available amount to 279 lots for low or medium density development. The applicant assumed a third of this number may be medium or multi-family development which would leave a need for about 187 additional single-family lots. However, the applicant did not factor in an absorption rate into the submitted data. Based on available information, the city has had an average absorption rate of nearly 45 lots per year for the last 10 years. This indicates the supply of readily available platted lots with all necessary infrastructures is below a three-year supply. If annexed, this property would add to the buildable land supply. It will likely take 2 to 3 years for this land to be fully platted and the lots made available. Staff concludes that information indicates this criterion is met.

Criteria 16.84.040.A.3 *Statement of potential physical, aesthetic and related social effects of the proposed development on the community as a whole and on the neighborhood of which it will become a part; and proposed actions to mitigate identified concerns, if any. A neighborhood meeting is required as per Table 16.89.020 of the City of Canby Land Development and Planning Ordinance.*

Findings: Future subdivision is anticipated to develop the site at a higher net density per acre that exists at this time. However, potential traffic generation has been shown to be within the capabilities of the surrounding road system with no mitigation necessary. The subject parcels are bordered on the north by City parkland and additional neighborhood parks and a walking trail is situated nearby. This will add to the social and aesthetic effects of development on the subject properties and the future development of the neighborhood livability. Staff does not foresee any significant impacts from the proposal or need to mitigate any identified concerns. Staff agrees the annexation and future development of the subject parcels is consistent with development in this area of Canby. This criterion is satisfied.

Criteria 16.84.040.A.4 *Statement of availability, capacity and status of existing water, sewer, drainage, transportation, park and school facilities*

Findings: The subject parcels are not in a Development Concept Plan Area but are designated within a Development Agreement Area of the Canby Annexation Development Map. The Development Agreement states the applicant's obligation to provide dedications for future public facilities and the construction of streets and water and sewer lines as well as other related development. Information provided demonstrated how utility infrastructure will be made available, and unmanageable capacity issues were not identified by City departments and agencies during this review process. The applicant will pay park SDC's in lieu of park dedication. Tree resources will be made available as part of a Street Tree Plan during the subdivision process. This criterion can be met at the time of development.

Criteria 16.84.040.A.5 *Statement of increased demand for such facilities to be generated by the proposed development, if any, at this time*

Findings: Staff finds that the information contained in the Development Agreement and the file is sufficient, and the applicable criteria can be met.

Criteria 16.84.040.A.6 *Statement of additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand.*

Findings: This staff report incorporates the infrastructure sections of the Development Agreement as findings. All necessary utility extensions are available to serve this area when development occurs after annexation, and connections to existing facilities are available and preferred depending on the development project. Staff finds that with appropriate conditions of approval, information provided in the file is sufficient and this criterion can be met.

Criteria 16.84.040.A.7 *Statement outlining method and source of financing required to provide additional facilities, if any.*

Findings: The applicant will pay the necessary costs of their own development. Information in the file indicated that most infrastructure facilities in the northeast Canby area are expected to be built by individual developers. Staff finds that information in the file is sufficient for this case, and the applicable criteria can be met.

Criteria 16.84.040.A.8 *Statement indicating the type and nature of any comprehensive plan text or map amendments or zoning text or map amendments that may be required to complete the proposed development.*

Findings: The applicant intends to follow the low density residential zoning designation of the Comprehensive Plan. The only change is a zoning map amendment to change the zone to R-1, and the Zone Map Change Application that accompanies this annexation request will satisfy this criteria. Staff finds that the criterion in 16.84.040.A.8 can be met.

Criteria 16.84.040.A.9 *Compliance with other applicable city ordinances or policies*

Findings: Based on available information, staff concludes that the proposal complies with all other city ordinances and policies.

Criteria 16.84.040.A.10 *Compliance of the application with the applicable sections of Oregon Revised Statutes Chapter 222*

Findings: Oregon Revised Statutes (ORS) Chapter 222 provides regulation of city boundary changes and other development requirements. Staff concludes that this proposal complies with all applicable provisions in the Oregon Revised Statutes. The applicable criteria can be met.

Chapter 16.54 Amendments to the Zoning Map Analysis

The assignment of an appropriate zoning district is a part of any annexation application within the City of Canby. The approval criteria are similar to that for approval of an annexation.

16.54.010 & 0.20 & 0.30 Amendments to the Zoning Map

Findings:

16.54.010 – Authorization to initiate amendments: **The property owners have authorized initiation of the proposed annexation and map amendment by signing an application form and Consent to Annex Form. This criterion has been met.**

16.54.020 – Application and Fee: **The map amendment application and associated fee were received from the applicant. This criterion has been met.**

16.54.030 – Public Hearing on Amendment: **This criterion will be met when the Planning Commission holds a public hearing and makes a recommendation to the City Council and when the City Council conducts its own hearing and issues a decision.**

16.54.040 Standards and criteria

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

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

Findings: **The subject properties and the DA are not identified as being in an “Area of Special Concern” that is delineated in Policy 6 of the Comprehensive Plan. Additionally, the proposed zone for the properties is consistent with the zone designation on the Comprehensive Plan Map. Staff concludes that the request meets provisions in Policy 6 and the Comprehensive Plan.**

B. *Whether all required public facilities and services exist or will be provided concurrent with development to adequately meet the needs of any use or development which would be permitted by the new zoning designation. (Ord. 749 section 1(B), 1984; Ord.740 section 10.3.85(D), 1984)*

Findings: **Problems or issues in the extension of utility services have not been raised by City service providers that would prevent services at the time of development. It appears that future development of the properties can meet standards for adequate public facilities.**

16.08.150 Traffic Impact Study (TIS)

A. *Determination based on information provided by the applicant about the proposed development, the city will determine when a TIS is required and will consider the following when making that determination.*

- 1. Changes in land use designation, zoning designation, or development standard.*
- 2. Changes in use or intensity of use.*
- 3. Projected increase in trip generation.*
- 4. Potential impacts to residential areas and local streets.*
- 5. Potential impacts to priority pedestrian and bicycle routes, including, but not limited to school routes and multimodal street improvements identified in the TSP.*
- 6. Potential impacts to intersection level of service (LOS).*

Findings: **The Transportation Planning Rule (TPR) within State Statute (OAR 660-12-0060-9) requires that there be a record of traffic generation findings which are consistent with the City’s Transportation System Plan with any Comprehensive Plan Map Amendment or Zoning Map Amendment. As previously mentioned, DKS Engineering provided a TPR Analysis that confirmed the proposed annexation met provisions of the TPR. The findings of the analysis**

determined that the zone change contemplated and the resulting traffic, if developed as allowed, was assumed for trip modeling in the 2010 Canby Transportation System Plan, and therefore, the Transportation Planning Rule requirements are met. The zone change from the proposed annexation would not have a significant effect on the surrounding transportation network, and no mitigation measures would be required to satisfy TPR requirements. This review criterion is met.

Chapter 16.89.060 Process Compliance

16.89.060 Type IV Decision

For certain applications, the City Council makes a final decision after a recommendation by the Planning Commission. These application types are referred to as Type IV decisions.

- A. Pre-application conference. A pre-application conference may be required by the Planning Director for Type IV applications.

- B. Neighborhood meetings. The applicant may be required to present their development proposal at a neighborhood meeting (see Section 16.89.070). Table 16.89.020 sets the minimum guidelines for neighborhood review but the Planning Director may require other applications to go through neighborhood review as well.

- C. Application requirements. Type IV applications shall be made on forms provided by the Planning Director. The application shall be accompanied by all required information and fees.

- D. Public notice and hearings. The public notice and hearings process for the Planning Commission's review of Type IV applications shall follow that for Type III applications, as provided in subsections 16.89.050.D and 16.89.050.E.

- E. Decision process.
 1. Approval or denial of a Type IV decision shall be based on the standards and criteria located in the code.
 2. The hearings body shall issue a final written order containing findings and conclusions recommending that the City Council approve, approve with conditions, or deny the application.
 3. The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts.
 4. In cases involving attorneys, the prevailing attorney shall prepare the findings, conclusions, and final order. Staff shall review and, if necessary, revise, these materials prior to submittal to the hearings body.

F. City Council proceedings:

1. Upon receipt of the record of the Planning Commission proceedings, and the recommendation of the Commission, the City Council shall conduct a review of that record and shall vote to approve, approve with conditions, or deny the recommendation of the Planning Commission.
2. The City Council may question those individuals who were a party to the public hearing conducted by the Planning Commission if the Commission's record appears to be lacking sufficient information to allow for a decision by the Council. The Council shall hear arguments based solely on the record of the Commission.
3. The City Council may choose to conduct public hearings on Comprehensive Plan amendments, amendments to the text of this title, zone map amendments, and annexations. If the Council elects to conduct such hearings, it may do so in joint session with the Planning Commission or after receiving the written record of the Commission. (Ord. 1080, 2001)

Findings: Annexations are processed as a Type IV "quasi-judicial" process which is considered through a public hearing at the Planning Commission that forwards a recommendation to the City Council. The City Council also holds a public hearing and issues a final decision. The notice requirements are the same as for Type III applications.

In this particular case, the annexation request will not be scheduled for a public vote. On March 15, 2016, the Governor signed Senate Bill SB1573 that mandates some properties, meeting certain criteria, to file for annexation without going through a public vote process that might otherwise currently be in effect through local City Charter provisions and adopted code. This application meets the criteria stated in SB1573, and a public vote will not be held for this annexation application.

Notice of this application and the Planning Commission and Council Hearing dates was made to surrounding property owners on April 2, 2018, at least 20-days prior to the hearing. Prior notification and neighborhood meetings were completed during application process. The site was posted with a Public Hearing Notice sign by April 13, 2018. A notice meeting ordinance requirements of the public hearings was published in the Canby Herald on April 18, 2018. A pre-application meeting was held August 31, 2016. These findings indicate that all processing requirements have been satisfied with this application to date.

Public Testimony Received

Notice of this application and opportunity to provide comment was mailed to owners of lots within 500 feet of the subject properties and to all applicable public agencies and City departments on April 2, 2018. Complete comments are documented in the file. As of the date of this Staff Report, the following comments were received by City of Canby from the following persons/agencies:

Persons/Agency/City Department Comments.

Comments were received from the following persons/agencies/city departments:

Canby City Engineer, Melinda Montecucco, Jay and Laurel Spillum

Conclusion Regarding Consistency with the Standards of the Canby Municipal Code

Staff concludes, as detailed in the submittal from the applicant and as indicated here in this staff report, including all attachments hereto, that:

1. The applications and proposed use is in conformance with applicable sections of the City's Comprehensive Plan and Land Development and Planning Ordinance when the determinations contained in this staff report are applied.
2. A City **adopted** Development Agreement and explanatory narrative must be submitted detailing how all necessary infrastructures to the properties proposed to be annexed will serve the area as required by the annexation ordinance.
3. The proposed annexation can meet the approval criteria set forth in CMC 16.84.040.A.
4. The zoning of the property, if annexed, should be R-1 as indicated in the application and pursuant to the approval criteria set forth for map amendments in CMC 16.54.040.
5. The proposed annexation's requested zoning district of R-1 is in conformance with the Comprehensive Plan Land Use Plan Map.
6. The application complies with all applicable Oregon Revised Statutes.
7. There are sufficient public and private agency utility and service capacity to serve the site at the anticipated development intensity.
8. In accordance with the UGMA with Clackamas County, this proposed annexation application includes a description of the adjacent NE Territorial Road right-of-way with the properties proposed for annexation.
9. It has been determined that existing land available is below a three-year supply of developed R-1 zoned lots within the City limits. Therefore, the supply does not exceed a three-year supply and there is a "need" for low density residential zoned land for development at this time.

16.89 Recommendation

Based on the application submitted and the facts, findings and conclusions of this report, but without benefit of a public hearing, staff recommends that the Planning Commission recommend to the City Council that:

1. ANN 18-01/ZC 18-01 be approved and,
2. Upon annexation, the zoning of the subject properties be designated as R-1 as indicated by the Canby Comprehensive Plan Map.
3. The Development Agreement be adopted and recorded with the property within 7 days of final approval of the annexation and rezoning application.

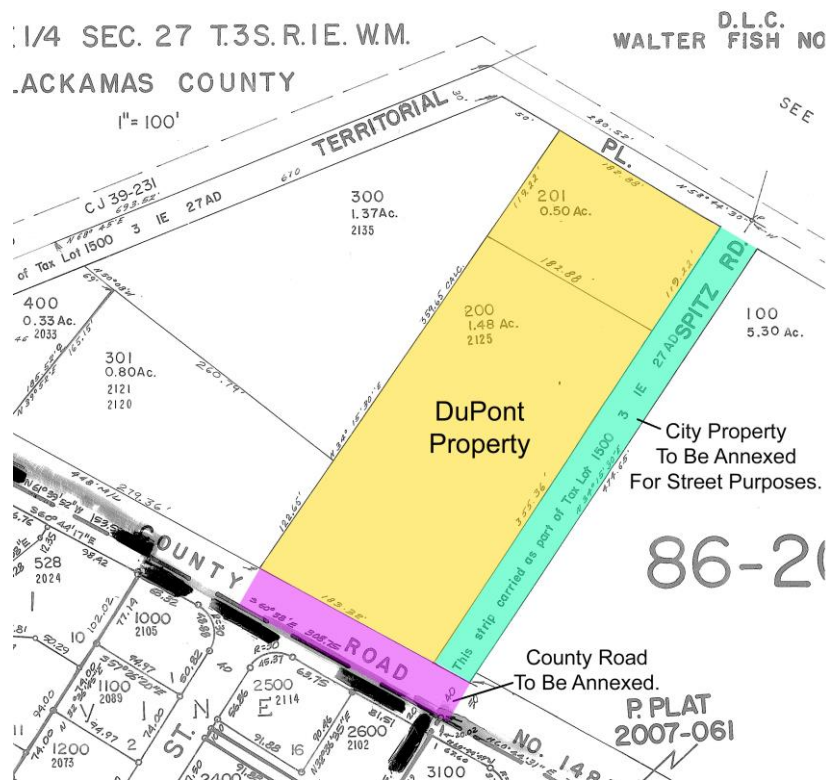
Annexation Application

2125 NE Territorial Place

Introduction:

The applicant proposes the annexation of a total of 2.64 acres of land to the City of Canby. The subject property is located on the north side of NE Territorial Rd. and includes a 40 foot strip of land known as Spitz Road. The property is described as Tax Lots 200 & 201 of Clackamas County Assessor's Map 31E27DB. Also included in this application is a request that the City of Canby agree to annex the portion of Spitz Road that abuts this site along its eastern border. Spitz Road is an area of vacated roadway and is a part of Tax Lot 1500 of Assessor's Map 31E27AD. The City of Canby owns this property. It is proposed in the attached Development Agreement that the City dedicate this area as city street right-of-way. It would be improved to City standards by the developer as a part of the future subdivision of the subject property. The annexation request also includes the portion of Territorial Road fronting the subject property that is not presently within the city limits of Canby.

The property included in this request is rectangular in shape and site terrain is level. It is presently developed with one single-family home and a shop building. The site is zoned RRFF-5 by Clackamas County, but is within the Urban Growth Boundary of the City of Canby. The City's Comprehensive Plan Map designates the site Low Density Residential and, upon annexation, the City's R-1 zoning would be applied to the site. The purpose of this annexation is to allow for the eventual development of the site as a residential subdivision consistent with the density allowed by the R-1 zone.



After discussions with City staff, it was determined that the existing intersection of Spitz Road with Territorial Road is too close to the intersection of Vine Street, to the north. Access to the future development of the property will be from the extension of Vine Street across Territorial Road. The conceptual design for the future development calls for this street to bend to the south and connect with the existing alignment of Spitz Road, which will be improved as a city street. The existing access of Spitz Road will be closed off with bollards and limited to pedestrian use. The City may wish to maintain service vehicle access at this point, in which case the bollards would be removable. A hammerhead turn-around would be provided at the end of Spitz Road in order to provide for emergency vehicle maneuvering.

The proposed future development will likely be a small 10-lot subdivision, as shown on the conceptual plan attached to this narrative. The design will provide for a connection from the new Vine Street extension to Spitz Road, which will be developed as a city street. The plan provides for an extension to the west so that Tax Lots 300 and 301 can be further subdivided in the future should the owners of those properties wish to annex to the City and develop their land consistent with the Comprehensive Plan. The streets serving the proposed future development are envisioned as low volume local streets that will not provide for through traffic. As mentioned previously, a hammerhead turn-around will be provided at the end of Spitz Road to ensure that emergency vehicles can maneuver in and out of the area safely. At the neighborhood meeting regarding this annexation there were concerns expressed regarding the potential for more traffic making use of Territorial Place to exit back out to Territorial Road. We agree that this would not be desirable and do not plan to make any improvements on that City-owned property. The installation of a gate or bollards would serve to prevent this unwanted traffic.

The future development of this site will contribute to the need for more city parks by providing Parks SDC payments with the construction of future single-family homes. Additionally, it should be noted that the nature park at the end of Spitz Road will provide for opportunities for hiking and enjoyment of the natural area along the Willamette River.

Compliance with Annexation Approval Criteria:

The procedures and approval criteria for annexation application are set forth in Division Six of the Canby Municipal Code, as detailed in Chapter 16.84. Compliance with the relevant approval criteria is demonstrated in proposed findings below:

16.84.020 State regulations.

The regulations and requirements of Oregon Revised Statutes Chapter 222 are adopted by reference and made a part of this division. (Ord. 740 section 10.6.20, 1984)

Comment: The State of Oregon passed Senate Bill 1573, which went into effect March 15, 2017 (ORS 222.225). The bill eliminated the requirement for elections for annexations when specified criteria are met. Specifically, the petition for annexation must:

- Be submitted by all owners of land in the annexation territory;

- The annexation territory must be included within the urban growth boundary of the city or Metro and is, or will be, subject to acknowledged comprehensive plan of city;
- At least one parcel in the annexation territory must be contiguous to the existing city limits; and
- The proposal must conform to all other requirements of the city's ordinances.

The proposed annexation will meet all of these criteria. The petition for annexation is signed by the owners of record of the properties within the annexation area (with City consent for annexation of Spitz Rd. street area). The property is within the urban growth boundary and is subject to the acknowledged City of Canby Comprehensive Plan (Comprehensive Plan). The property is contiguous to the existing city limits along Territorial Road. The proposal complies with all other requirements of the city's ordinances, as demonstrated in this narrative. Since these requirements are met, the provisions of 16.84.030 which relate to filing deadlines for elections do not apply.

16.84.030 Filing procedure.

Whenever an application for annexation is filed, it shall be reviewed in accordance with the following procedures:

- A. *Application Filing Deadlines. Application deadlines are established to permit public hearings by both the Planning Commission and the City Council in time to meet state and county requirements for submitting ballot information for these election dates. Application deadlines are as follows:*
1. *Regular annexation dates are in May and November. Annexations must be filed with the City before 5:00 p.m. on the last working day in August for a ballot election in May and the last working day in February for a ballot election in November. Incomplete applications may result in missing these planned election dates, at the City's discretion.*
 2. *Annexations can be scheduled for a special election provided that all costs associated with the special election are covered by the applicant. Special elections will be scheduled by the City Council following the required City Council hearing on the application.*

Comment: Not applicable because the proposed annexation complies with the provisions of SB 1573.

- B. *Application Submittal. Application procedures shall be as described in Chapter 16.89, on forms provided by the Planning Department. (Ord. 899 section 6, 1993; Ord. 740 section 10.6.30, 1984; Ord. 981 section 36, 1997; Ord. 1019 section 18-20, 1999; Ord. 1080, 2001; Ord 1237, 2007; Ord. 1294, 2008)*

Comment: The required application form has been prepared and is included with the applicant's submittal.

16.84.040 Standards and criteria.

A. *The following criteria shall apply to all annexation requests.*

1. *The City of Canby Annexation Development Map shall determine which properties are required to submit either (See Figure 16.84.040):*
 - a. *A Development Agreement (DA) binding for all properties located within the boundaries of a designated DA area as shown on the City of Canby Annexation Development Map. The terms of the Development Agreement may include, but are not limited to:*
 1. *Timing of the submittal of an application for zoning*
 2. *Dedication of land for future public facilities including park and open space land*
 3. *Construction of public improvements*
 4. *Waiver of compensation claims*
 5. *Waiver of nexus or rough proportionality objections to future exactions*
 6. *Other commitments deemed valuable to the City of Canby*

For newly annexed properties that are within the boundaries of a DA area as designated on the City of Canby Annexation Development Map: A Development Agreement shall be recorded as a covenant running with the land, binding on the landowner's successors in interest prior to the City Council granting a change in zoning classification.

Comment: The subject property is within a designated Development Agreement area. A draft of a proposed DA that would be recorded in accordance with requirements of this section is attached to this application.

- b. *A Development Concept Plan (DCP) binding for all properties located within the boundaries of a designated DCP area as shown on the City of Canby Annexation Development Map. A Development Concept Plan shall address City of Canby infrastructure requirements including:*

1. *Water*
2. *Sewer*
3. *Stormwater*
4. *Access*
5. *Internal Circulation*
6. *Street Standards*
7. *Fire Department requirements*
8. *Parks and open space*

For newly annexed properties that are within the boundaries of a DCP area as designated on the City of Canby Annexation Development Map: A Development Concept Plan shall be adopted by the Canby City Council prior to granting a change in zoning classification. (Ord 1294, 2008)

Comment: Not applicable. The subject property is not located within a DCP area.

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

Comment: Canby’s estimated population for the years 2015 through 2017, according to the Portland State University Population Resource Center (PRC), is shown in the chart below:

Year	PRC Pop. Est.
2015	16,010
2016	16,420
2017	16,660

The above figures are based on population within the Canby city limits. PRC data and projections for the Canby Urban Growth Boundary, which includes population within the city limits as well as areas that are presently outside of the city but within the UGB, are shown in the following table:

2000	2010	AAGR (2000-2010)	2017	2035	2067	AAGR (2017-2035)
13,323	17,097	2.5%	17,976	24,045	35,118	1.6%

AAGR = Average Annual Growth Rate

Source: Coordinated Population Forecast for Clackamas County, its Urban Growth Boundaries (UGB), and Area Outside UGBs 2017-2067(Draft), PRC

For the purposes of judging the need for developable land for single-family homes, it is most appropriate to use the population data for the UGB as a whole, since the city limits will gradually become coterminous with the UGB over the next twenty to forty years. The AAGR from 2017 to 2035 will likely taper off gradually from the 2.5% AAGR that occurred between 2000 and 2010. However, using a conservative approach of applying an AAGR of 1.6%, the projected population of the Canby UGB over the next three years would be as follows:

Year	Est. Population
2018	18,264
2019	18,556
2020	18,853
2021	19,155

Assuming an average of 2.8 persons per household, the projected population increase of 1,179 people would generate 421 new households in the next three years. Since development outside the city limits is constrained by Clackamas County’s Rural zoning, nearly all of these new households will be accommodated by development located within the Canby city limits.

Data provided by Canby City Planning indicates the following new housing subdivisions are under way in Canby:

Subdivision Name	Total Lots	Lots Sold or Committed	Lots Remaining
Timber Park	105	2	103
Northwood Estates 3	21	21	0
Faist Addition 6	30	10	20
Faist Addition 7	6	1	5
Caitlyn's Place	6	4	2
Tanoak	8	0	8
Faist Addition 8	24	0	24
Faist Addition 9	6	0	6
Totals:	206	38	168

Additionally, The Seven Acres Subdivision has received preliminary approval for 22 lots and Redwood Landing has received preliminary approval for 89 lots (currently under appeal). Thus, the total number of lots that are currently likely to be available to meet the projected need of 421 housing units is 279 lots. Perhaps a third of the projected households that are presently not accommodated by planned single-family development will be addressed through new multi-family housing. That would still leave a need for about 187 additional single-family lots beyond what is currently planned.

There is little developable vacant land residential land within the Canby city limits, which means that the majority of the unmet need for vacant land will need to be met through annexation and development of properties within the UGB but presently outside of the city limits. It is clear that there is a need for additional land to be added to the city limits of Canby. The subject annexation is well situated to help meet this need.

3. *Statement of potential physical, aesthetic and related social effects of the proposed development on the community as a whole and on the neighborhood of which it will become a part; and proposed actions to mitigate identified concerns, if any. A neighborhood meeting is required as per Table 16.89,020 of the City of Canby Land Development and Planning Ordinance.*

Comment: The subject property is a part of a small remnant area of the UGB north of the city limits that has not been annexed as of yet. There are three other parcels to the west of the subject property that can be annexed to the city, TL 300, 301 and 400. These three parcels are 1.37, 0.80, and 0.33 acres in area, respectively. Tax Lots 300 and 301 are developed with single-family residences. Tax Lot 400 contains a pole barn and outbuilding and is owned by the owner of TL 301. The property to the east of the proposed annexation area is developed with a church.

The future development of the subject property would introduce an urban single-family neighborhood north of Territorial Road. The lots would be typical 7,000 sq. ft. residential lots. This would have the most impact upon TL 300. The owner of that property expressed concerns at the neighborhood meeting regarding potentially having two-story homes along the west property line of the subject property and potentially impacting an apple orchard in the adjacent area due to shading. The aerial photograph shown below shows, however, that the trees are far enough removed from the property line that this

should not be a concern. It should also be noted that the area is designated Low Density Residential and that it is probable that at some point in the future the adjacent property will also be converted to urban use.



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

Comment: All required services are available to adequately provide for the future development of the subject property. There is a 14-inch ductile iron main on the south side of the road in NE Territorial Road that is capable of serving the future development of the annexation area. A new line will be tapped into the 14" main and extended in the new street accessing the future development. An 8-inch sanitary sewer main is available in NE Territorial Road. It is approximately 10 to 12 feet deep and is located on the south side of the street. Storm sewer will be developed within the new street serving the subject property and will be connected to the existing storm line in NE Territorial Road. Individual lots will be provided with on-site systems to percolate roof water into the soil. The property is located adjacent to the City's nature park on TL 1500. Additionally, there will be a new 6.7 acre nature park along Willow Creek included within the recently approved Redwood Landing subdivision. Canby School District will have the opportunity to comment on the proposed annexation, but to our knowledge there are no current capacity issues that would affect this annexation proposal.

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

Comment: There will not be any increased demand for public facilities at this time since the application will only annex the subject area to the City of Canby. A separate application for development of the property would be submitted in the future. Discussions with City staff at the pre-application conference indicate that all required services are readily available to accommodate the future development of this site.

6. *Statement of additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand;*

Comment: The only additional facilities required would be the installation of utilities within the future subdivision itself. These are normal requirements of any land development.

7. *Statement outlining method and source of financing required to provide additional facilities, if any;*

Comment: All infrastructure for the future development would be the responsibility of the developer.

8. *Statement indicating the type and nature of any comprehensive Plan text or map amendments or Zoning text or map amendments that may be required to complete the proposed development. Proposed zoning must be consistent with zoning identified in any applicable adopted Development Concept Plan. (Ord. 1292, 2008; Ord. 1422, 2015)*

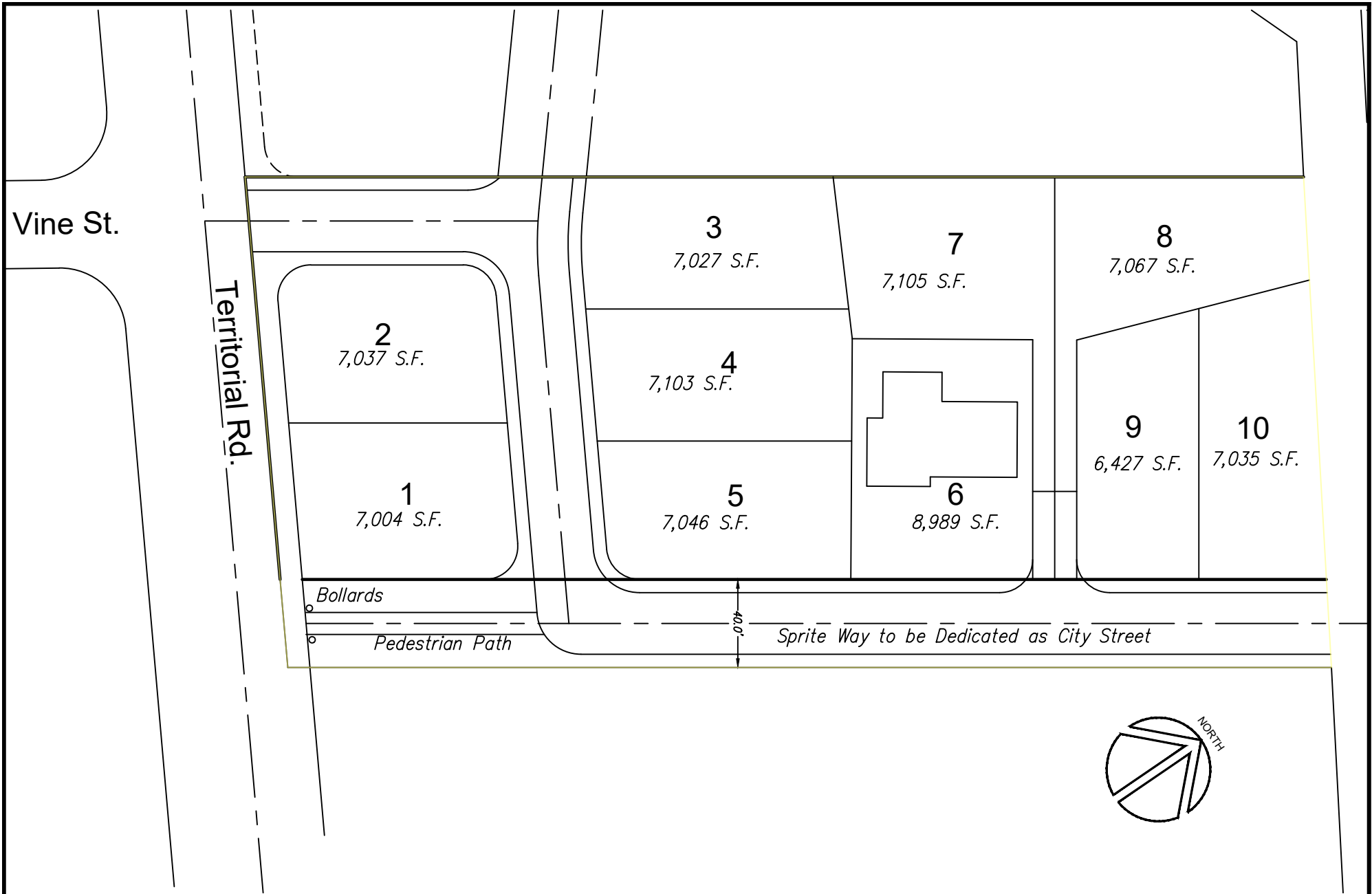
Comment: A zone change from County Rural Residential-Farm-Forest 5 zoning to City of Canby R-1 will be approved per the attached Development Agreement.

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

Comment: Compliance with City zoning and development ordinances will be reviewed at the time of future development application submittal.

10. *Compliance of the application with the applicable sections of Oregon Revised Statutes Chapter 222. (Ord. 740 section 10.6.40, 1984; Ord. 981 section 37, 1997; Ord. 1294, 2008)*

Comment: As discussed above, the proposed annexation is consistent with the provisions of ORS 222.225. All requirements of ORS Chapter 222 will be met through the City's review of the proposed annexation.



Richard E. Givens, Planning Consultant
 18680 Sunblaze Dr.
 Oregon City, Oregon 97045
 PH: (503) 479-02097

SCALE 1" = 60'
 DATE: Jan. 2018
 PROJECT 16-DUP-100

PROPOSED ANNEXATION
 2125 Territorial Place
 Client: Paul Dupont

Conceptual Site Plan A



720 SW Washington St.
 Suite 500
 Portland, OR 97205
 503.243.3500
 www.dksassociates.com

MEMORANDUM

DATE: August 16, 2017
TO: Bryan Brown, City of Canby
FROM: Christopher S. Maciejewski, PE, PTOE
 Scott Mansur, PE, PTOE
 Jordin Kelly, EIT



SUBJECT: Canby Spitz Road Annexation – Transportation Planning Rule (TPR) Analysis P#11010-088

This memorandum summarizes how the requirements of Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR), are met for a proposed annexation for a property on the northeast corner of the NE Territorial Road/Spitz Road intersection in Canby, Oregon (tax lots 31E27DB00200 and 31E27DB00201). There is currently one single family house on the site and the proposed subdivision includes ten single family houses. The following section describes the consistency of the annexation request with both the City’s Comprehensive Plan and Transportation System Plan as well as documents the net difference in trip generation between what is proposed and what is existing.

Property Zoning Designation

The proposed annexation is located inside Canby’s City Limits in unincorporated Clackamas County and is currently designated Clackamas County RRF-5: Rural Residential Farm Forest. The City’s comprehensive plan designation is LDR: Low Density Residential and the proposed zoning is LDR: Low Density Residential. Therefore, the proposed zoning is consistent with the City’s adopted Comprehensive Plan designation. Table 1 below summarizes the zone change information for these properties.

Table 1: Proposed Annexation at Tax Lots 31E27DB00200 and 31E27DB00201

Property	Tax Lots	Lot Size (acres)	Proposed Zoning	Clackamas County Zoning	City of Canby Comprehensive Plan Land Use
2125 NE Territorial Place	31E27DB00200 and 31E27DB00201	2.0	LDR (Low Density Residential)	RRFF-5 (Rural Residential Farm Forest)	LDR (Low Density Residential)

Transportation Planning Rule Findings

The requirements of Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR), must be met for proposed changes in land use zoning. The intent of the TPR (OAR 660-12-0060) is to ensure that future land use and traffic growth is consistent with transportation system planning, and does not create a significant impact on the surrounding transportation system beyond currently allowed uses. The TPR allows a change in land use zoning in the event that a zone change would make the designation consistent with both the Comprehensive Plan and the Transportation System Plan. The allowance (found in Section 9) was added to the TPR in December 2011 and fits the circumstances of the project parcel. Specifically, section 9 states:



Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.

(a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;

(b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP;

(c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area

Each of these criteria is addressed below:

- (a) The proposed zoning is consistent with the City's Comprehensive Plan and adopted Transportation System Plan (TSP), including a review of the forecasted development types and amounts from the travel demand forecasts utilized for the TSP.¹
- (b) The City of Canby has adopted the Transportation System Plan (2010) and the proposed zoning is consistent with the TSP.
- (c) This subsection applies if the area was added to the urban growth boundary (UGB). Since the parcels are already within the UGB, provisions from subsection (c) would not apply.

Based on the discussion above, all three criteria are satisfied; therefore, the proposed rezone will not have a significant effect on the transportation system. Additionally, the transportation assessment performed as part of the City's TSP accounts for the proposed uses related to redevelopment of the property, therefore the proposed rezoning is consistent with the acknowledged transportation system plan.

Trip Generation Documentation

Trip generation is the method used to estimate the number of vehicles that are added to the surrounding roadway network as a result of the proposed project. The trip generation for the proposed project was estimated using similar land uses as reported by the Institute of Transportation Engineers (ITE).²

Trip generation was calculated for the proposed ten dwelling units (ITE Land Use Code 210: Single Family Housing) as well as the existing dwelling unit (ITE Land Use Code 210) for the AM and PM peak hour, and daily trips.

As shown in Table 2 at the top of the next page, the net vehicle trips (proposed minus existing) expected to be added to the surrounding roadway network is 5 (1 in, 4 out) AM peak hour trips, 9 (5 in, 4 out) new PM peak hour trips, and 84 daily trips.

¹ These tax lots are included in TAZ 118 in the Canby Small Community Model which assumed 124 existing households and 166 future households.

² Institute of Transportation Engineers (ITE) manual, Trip Generation, 9th Edition.



Table 2: Net Trip Generation Summary

ITE Land Use	ITE Code	Daily Trips	AM Peak Hour			PM Peak Hour		
			IN	OUT	TOTAL	IN	OUT	TOTAL
Proposed: 10 Dwelling Units	210 (Single Family Detached Housing)	126	4	13	17	8	5	13
Existing: 1 Dwelling Unit	210 (Single Family Detached Housing)	15	3	7	10	1	1	2
Net Vehicle Trips Added (Proposed – Existing)		111	1	6	7	7	4	11



City of Canby
 Planning Department
 111 NW 2nd Avenue
 PO Box 930
 Canby, OR 97013
 (503) 266-7001

LAND USE APPLICATION

ANNEXATION Process Type IV

APPLICANT INFORMATION: (Check ONE box below for designated contact person regarding this application)

Applicant Name: Paul DuPont Phone: 503-266-6233
 Address: 21211 Olmstead Rd. NE Email: Paul@willametteplastics.com
 City/State: Aurora, OR Zip: 97002

Representative Name: Rick Givens, Planning Consultant Phone: 503-479-0097
 Address: 18680 Sunblaze Dr. Email: rickgivens@gmail.com
 City/State: Oregon City, OR Zip: 97045

Property Owner Name: Paul DuPont Phone: 503-266-6233
 Signature: *Paul DuPont*
 Address: 21211 Olmstead Rd. NE Email: Paul@willametteplastics.com
 City/State: Aurora, OR Zip: 97002

Property Owner Name: Susan DuPont Phone: 503-351-0525
 Signature: *Susan DuPont*
 Address: 21211 Olmstead Rd NE Email: sdupont99@aol.com
 City/State: Aurora OR Zip: 97002

NOTE: Property owners or contract purchasers are required to authorize the filing of this application and must sign above

- All property owners represent they have full legal capacity to and hereby do authorize the filing of this application and certify that the information and exhibits herewith submitted are true and correct.
- All property owners understand that they must meet all applicable Canby Municipal Code (CMC) regulations, including but not limited to CMC Chapter 16.49 Site and Design Review standards.
- All property owners hereby grant consent to the City of Canby and its officers, agents, employees, and/or independent contractors to enter the property identified herein to conduct any and all inspections that are considered appropriate by the City to process this application.

PROPERTY & PROJECT INFORMATION:

<u>2525 NE Territorial Place</u>	<u>2 Acres</u>	<u>31E27DB 200 & 201</u>
Street Address or Location of Subject Property	Total Size of Property	Assessor Tax Lot Numbers
<u>One single family home and shop building</u>	<u>RRFF-5</u>	<u>Low Density Residential</u>
Existing Use, Structures, Other Improvements on Site	Zoning	Comp Plan Designation

Annexation of the subject property plus Spitz Road and fronting portion of N. Territorial Road.

Describe the Proposed Development or Use of Subject Property

STAFF USE ONLY				
FILE #	DATE RECEIVED	RECEIVED BY	RECEIPT #	DATE APP COMPLETE
ANN 18-01	2-12-18	If		

& ZC 18-01



City of Canby
Planning Department
222 NE 2nd Avenue
PO Box 930
Canby, OR 97013
(503) 266-7001

LAND USE APPLICATION

Zone Map Change Application

APPLICANT INFORMATION: (Check ONE box below for designated contact person regarding this application)

Applicant Name: Paul DuPont Phone: 503-266-6233
Address: 21211 Olmstead Rd. NE Email: Paul@willametteplastics.com
City/State: Aurora, OR Zip: 97002

Representative Name: Rick Givens Phone: 503-479-0097
Address: 18680 Sunblaze Drive Email: rickgivens@gmail.com
City/State: Oregon City, OR Zip: 97045

Property Owner Name(s)*: Paul DuPont Phone: 503-266-6233
Signature: *Paul DuPont*
Address: Same as applicant Email: *Paul@willametteplastics.com*
City/State: _____ Zip: _____

NOTE: Property owners or contract purchasers are required to authorize the filing of this application and must sign above

* All property owners represent they have full legal capacity to and hereby do authorize the filing of this application and certify that the information and exhibits herewith submitted are true and correct.

PROPERTY & PROJECT INFORMATION:

2525 NE Territorial Place 2 Acres 31E27DB 200 & 201
Street Address or Location of Subject Property Total Size of Property Assessor Tax Lot Numbers
One single family home and shop building RRFF-5 LDR
Existing Use, Structures, Other Improvements on Site Zoning Comp Plan Designation

The property is proposed to be annexed. No development will occur at this time, but a conceptual
Brief description of proposed development or use
plan for a future subdivision per City R-1 standards is attached.

STAFF USE ONLY				
FILE #	DATE RECEIVED	RECEIVED BY	RECEIPT #	DATE APP COMPLETE
ZC 18-01 & ANN 18-01	2-12-18	If		

Visit our website at: www.canbyoregon.gov
Email Application to: PlanningApps@canbyoregon.gov

PROPOSED ANNEXATION

2125 NE TERRITORIAL PL

NEIGHBORHOOD MEETING NOTES

A neighborhood meeting for the proposed annexation application for property located at 2125 NE Territorial Place was held at 6:45 pm on October 25, 2017 at Canby United Methodist Church. The applicant proposes the annexation of two tax lots: 200 and 201 on Clackamas County Assessor's Map 3 1E 27DB, plus the portion of the private street, Spitz Road, which runs along the eastern border of those properties. Rick Givens, planning consultant for the owner of the property, presented the proposal to the neighbors who attended the meeting.

Mr. Givens explained that the property in question is within the Urban Growth Boundary of the City of Canby and is planned for Low Density Residential development. He stated that the annexation of the property is all that is being proposed at this time, but that there would be a subsequent subdivision application filed at some point after the property is annexed. Mr. Givens used a display map composited from County Assessor's maps showing the subject property highlighted in yellow and the surrounding vicinity. Most of those in attendance were primarily interested in the future subdivision of the property. Mr. Givens handed out conceptual site plans for the future subdivision, but noted that the design may change when the application is actually filed. He also noted that, assuming the annexation is approved, there would be a separate neighborhood meeting held to present the subdivision application prior to the filing of that application.

Mr. Givens explained the land use process that would take place for the annexation proposal, noting that the neighborhood meeting was a required step that needed to take place before an annexation application could be filed with the City. He stated that the application was not complete yet, but would likely be filed within the next few weeks. He explained that there will be public hearings before the Planning Commission and City Council and that public testimony would be taken at both hearings before decisions were rendered. He noted that owners of properties within 500 feet of the proposed annexation will receive a notice of the hearings from the City, as would the neighborhood planning organization. Several audience members felt that 500 feet was not a sufficient notification area. Mr. Givens explained that was the code requirement and they would need to talk to City Planning if they wanted to request a greater radius.

Mr. Givens talked about how services are available to the property and that the existing house would be retained. He noted that Spitz Road is owned by the City and that the City of Canby will have to agree to the annexation of that property as it is a part of Tax Lot 1500, which is owned by the City for park purposes. He stated that the City Public Works staff were in favor of the future access to the subdivision lining up with Vine Street and showed how the conceptual plan would provide for an entrance there and that the road would then bend to the east to connect to the alignment of Spitz Road. The current entrance to Spitz Road would be gated and only accessible by City staff for maintenance purposes.

Comments from the audience were as follows:

1. Most of those in attendance were not in favor of the annexation and prefer the current rural character of that side of Territorial St. Mr. Givens stated that the property is planned for low density development and what is proposed is consistent with the City's comprehensive plan. Further, the owner has been paying property taxes that are based upon the property's future development potential and has a reasonable right to annex to the City and develop in a manner consistent with the Comprehensive Plan. He also explained that developing properties that are within the current UGB delays the time until the City will need to expand and convert more farm land to urban use.
2. There were concerns about traffic on the private drive area shown on the Assessor's Map as Territorial Place. The adjacent neighbor and others in attendance would like to see that area closed to traffic as it is not improved and is not suited for urban traffic. Mr. Givens said that the future subdivision application would support that proposal.
3. The owner of the adjacent property to the west was concerned about shading from future homes if they are two stories in height. She stated that she has an apple orchard near the property line and that the trees need the morning light.
4. There were concerns noted about whether existing trees along Territorial Road and Spitz Rd. would have to be removed. Mr. Givens said that it was likely that they would in order to comply with City road and sidewalk standards, but that the subdivision application would be the time to discuss those details.

Mr. Givens thanked those in attendance for coming and noted that they could contact him via phone or email if they have more questions or concerns. The meeting adjourned at approximately 7:30 pm.

NPSL

Clint + Tomi Coleman
2114 N Vine St

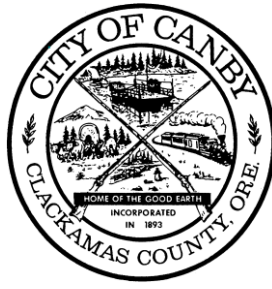
EMAIL

tandc@wbcable.net

Lauren Robertson 2135 NE TERRITORIAL PL, Canby, OR
2GREENTHUMB@GMAIL.COM

Diane Morgan
2073 N. Vine st.

diane.young.morgan@gmail.com



Pre-application Meeting

**2125 NE Territorial Place
August 31, 2016
10:30 am**

Attended by:

Hassan Ibrahim, Curran-McLeod Engineering, 503-684-3478
Gary Stockwell, Canby Utility, Electric Dept, 503-263-4307
Doug Quan, Canby Utility, Water Dept, 971-563-6314

Rick Givens, Planning Consultant for Owner, 503-479-0097
Bryan Brown, Planning Department, 503-266-0702

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

PLANNING CONSULTANT FOR THE OWNER, Rick Givens

- We would like to annex this property and this roadway into the city and build a proposed subdivision on the site. We understand it will be a two-step process by annexation and have the property change to an R-1 zone.
- We will have access from Spitz Road.
- Sewer will go up Spitz Road.
- Rick asked if there are any flood plain issues, I know there are problems west of here. Hassan said you can check with FEMA and see how they have this area as flood plain.
- Rick asked if anyone knew of a good place to hold the neighborhood meeting and the suggestions were the church adjacent to the property or the churches across 99E. Hope Village, Canby Adult Center or Thriftway's upstairs meeting room.

CANBY UTILITY, ELECTRIC DEPARTMENT, Gary Stockwell

- We have conduits crossing NE Territorial Road and we will use them as the point of contact.
- Gary handed Rick a scope of work with a diagram.
- We will give you a cost estimate and we will design the route when the Planning Department has approved your design.
- You will supply the trenching, staking, grading and backfill. We bring in the conduits, vaults and transformers into the site.
- As far as the annexation goes the property is served by Portland General Electric (PGE) and upon development PGE will evaluate the facilities they are serving the property and what they are worth. Canby Utility will pay them a buyout fee, which we in turn attaches to your development fees. Upon annexation you are agreeing to be a Canby Utility customer and Rick stated right now there are overhead lines and Gary said correct. We will serve the project underground with the conduits we have in NE Territorial Road. Just for your information if any of PGE's poles are in conflict and they require a relocation it will be at the cost of the developer.

CANBY UTILITY, WATER DEPARTMENT, Doug Quan

- There is a 14 inch ductile iron main on the other side of the road in NE Territorial Road. The development's water system is done by the developer to Canby Utility's specifications. You will have to trench across the street to our main and tap it.
- Are you planning on running the water main down Spitz Road? Rick said he thought so. Doug asked if the property to the west develops would N Vine Street continue over. Doug explained how N Vine Street would work and Rick asked if he wanted to do a cul-de-sac or try to make a looped system. Doug said he wants a loop to this system if N Vine Street came through and if Spitz was to become a road someday we could loop it all the way around the development. Discussion ensued. Rick said it looks like the property owner of tax lot 1500 is the city and Bryan said if it is the city's property we can make a new road, but there is the existing house issue and would you change their access? Rick said their preference would be to keep Spitz Road. Rick said we just need to trench over NE Territorial Road, provide a tap for an 8 inch line and Doug said 8 inch line is the minimum. We would inspect the entire water system as it is being installed to our specifications.

CURRAN-MCLEOD ENGINEERING, Hassan Ibrahim

- This tax lot 1500 will need to be investigated about the easements and Rick said he would get a title company to investigate. Hassan said if you could do a couple of different options for the land, extend N Vine Street across and remove Spitz Road or enlarge Spitz Road to our standards. We would like to see the best option and Rick said what are your requirements and discussion ensued. Bryan said if we do a planter strip as our Transportation System Plan (TSP) states we would need a 50 ft right-of-way.
- As far as the annexation, we have an 8 inch sanitary sewer main available and it is approximately 10 to 12 ft deep located on the other side of NE Territorial Road.
- NE Territorial Road is a city street and we will require half-street improvements along the frontage with 10 ft of dedication. Currently we have 44 ft curb to curb and includes bike lanes, two travel lanes with a centerline. We have 4-1/2 ft curb tight sidewalks on the south side of NE Territorial Road and the planter is behind the sidewalk. Do we want them to go to the 6 ft sidewalk with a planter or continue with what we have? Bryan asked what do the other properties on the north side have and Hassan said in front of the church they have 5 ft sidewalk only. Discussion ensued. The consensus was to have a survey completed and decide on which way to go with the sidewalks.
- The spacing between a public road and a driveway is 150 ft and there could be a problem with the churches access and Spitz Road if it becomes a city street. Rick said he will get the information about the vacation order, which should be with tax lot 1500.
- Rick asked if we require storm detention and Hassan said no, you need to keep the storm water on your site, but if you build a new public road you will need to build a storm system to ours and DEQ's requirements.

CITY OF CANBY, PLANNING DEPARTMENT, Bryan Brown

- Bryan discussed if Spitz Road does belong to the city and could we possibly swap land creating N Vine Street and give the developer Spitz Road. Discussion ensued. Bryan said Spitz Road should be annexed in and Rick said he will figure out the ownership and get back to Bryan. Hassan stated our current standards for a city street is 40 ft ROW and you will

need 20 ft for a half street improvement with a sidewalk and planter strip, but you would need to include at least another 6 ft for the sidewalks. Bryan said we need to decide which side we make a no parking side if we utilize Spitz Road.

- Bryan said we would need a designated agreement area, which includes all the properties in the vicinity. This means the city can require you to record a development agreement with any conditions we want to force you to comply with when you submit your subdivision application. Such as, we would like to have the public street here and we can state it in the agreement. Rick asked if all of these properties are required and Bryan said they are all required to do a development agreement. Rick said do we have to get there approval or do we submit it and Bryan said we have been allowing the individual properties within the area for annexation to do their own development agreement and it will impact the others adjacent to them when they come decide to annex and they will have to abide by it too.
- To answer your question on the timing issue, the annexation process is approximately 3 months and there are two things you have to do before you can make your application, you will need to hold a neighborhood meeting. Rick said we will need to send a notice to every neighbor within 500 ft and Bryan said yes. You will need to make a mailing list and send out the letter for the neighborhood meeting and also supply us with a mailing list with you application. When you send out the notice you will need to address it with one of the review criteria's like "Social Impacts of your Annexation on the Community in the Immediate Neighborhood. You will need to take minutes about information discussed and who attended.
- You will need to have a TPR analysis and I would strongly encourage you to have the city's traffic engineer do the TPR analysis. The state statute OAR 660-12-0060-9 requires a record of traffic generation findings consistent with our TSP for any zoning map changes and this annexation does include a zoning map change. You will be changing the zone by going from county to city and it changes the intensity of use and it is a TPR requirement. It is not a full traffic study and Rick said it will be a trip generation and Bryan said it will try to determine when we did our transportation plan was it accounting for the worst case scenario traffic when this property was to be developed. What the study will be for is to verify our TSP and our traffic engineers, DKS Associates are the ones who did our TSP and they know for sure in their modeling whether they included it for that property. You will need to submit \$1,000 deposit and if the TPR comes back under the \$1,000 we will refund you the difference.
- The next step will be a 15 day completeness review and then we schedule a public hearing. After that, 15 days later you will have a Planning Commission hearing, another 20 days a Council Hearing and then 2 weeks after that, there will be a 2nd reading from the Council on the annexation ordinance.
- The annexation fee is \$1850 for the first acre to annex and \$150 per additional per acre totaling \$3,617.50. We have a provision, which I accounted for the zoning and annexation applications and used the lowest cost form. Rick said he needed to address these zone change criteria as well and Bryan said there is one for the annexation and they are almost the same criteria.
- Just a reminder there is no vote of the people for annexations.
- If you submitted by September 12, you would be done with a decision notice sent out by December 14. I am trying to give you an idea of the time frame.

Laney Fouse

From: jlspillum@wbcable.net
Sent: Wednesday, April 11, 2018 1:29 AM
To: PublicComments
Subject: Comments for Application: ANN 18-01/ZC 18-01 DuPont Annexation and Zone Change

To the City of Canby Planning Commission and City Council,

My name is Jay Spillum. I reside at 2121 NE Territorial Rd and also own 2033 NE Territorial place along with my Wife Laurel and two young daughters. The Eastern side of our property borders the proposed annexation. We have a number of concerns with the proposed annexation and development at 2125 NE Territorial Rd. We are worried about the increased activity, noise and traffic as well as the degradation of the peaceful country view that we have enjoyed and would prefer that the annexation and development did not go through. It is disappointing that these now all too common annexations and developments no longer come up for public vote as I believe many of them would be voted down. I feel we are not alone in thinking that Canby is growing too fast. The small town atmosphere is quickly disappearing so investors can simply make money. I assume the City makes money also...

Please take note of the following concerns and questions:

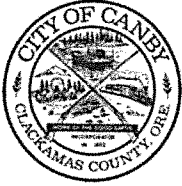
Mr. Rick Givens, Planning consultant for the property owner held a neighborhood meeting on Oct. 25, 2017 (We could not attend). He showed a map informing folks that 9 new single family houses were proposed to be built on the property, and that the existing home would remain (he kindly sent us the map after the meeting). In the meeting notes he sent us after the meeting, he writes "Mr. Givens handed out conceptual site plans for the future subdivision, but noted that the design may change when the application is actually filed". As to how much the design might change, we are quite worried and certainly hope that it does not include additional houses or other potentially unsavory edits. He also wrote that the property is "planned for Low Density Residential development"... hopefully it will stay low density if the development goes through. We would like to see the final plans when they are proposed. It was mentioned that residents within 500 ft of the proposed annexation were to have received notification of the meeting (how could that notification be verified?) Was 500 feet used by you (The City) when you sent out the notification letter I received recently. It seems like it should be a larger area than that.

We noticed that Mr. Given's letter mentioned that Spitz Rd. would be closed and gated at Territorial Road. I am concerned about where visitors accessing the trailhead to the Park are going to enter and park their vehicles. Will they still only be able to park in front of the yellow gate at the trailhead? I am extremely concerned about increased traffic potential on NE Territorial Place which is on the Northwestern border of my property. My children play and ride bikes in that area and their safety is very important to me. We do not want people accessing the park trail by driving through, parking on and or along, or walking in droves along NE Territorial place. We are also concerned that the new residents on the Northern end of the proposed development might tend to cut through to NE Territorial Road (West bound) by zooming along NE Territorial Place to get there (or the opposite when heading home). We would like to see NE Territorial Place gated off and closed to the public in some manner. If a gate is placed on the Easterly end of NE Territorial Place (possibly at the border of neighbors Greg and Lauren Penner's property and the development), signs should be placed at the intersection of Territorial road and NE Territorial Place (Westerly end) notifying the public of the closure and that there is no park access, no parking, private access only or similar. There may be a dead end sign on it already. A gate on the Western end might eventually be a needed possibility to be used at landowner discretion if it is determined that the warning signs were being ignored. Any help in these endeavors would be greatly appreciated should the development go through.

We would like to know if there are any plans for a 6 ft. wooden fence along the border of the development and our property as well as along our neighbors property. This might help maintain the level of privacy to some extent. Many vehicles would be coming and going along the new road (N. Vine?) with drivers gawking into our yards. Other general homeowner activities would be somewhat dampened by a fence along the whole Western side of the development, and the installation of a fence would be greatly appreciated if the development succeeds. We would also be interested in knowing which way drainage from the new road (N. Vine?) would go.

Thank you for your consideration of our needs, questions and concerns with the proposed development. We really hope that we can work together to keep the area we live in along the already far too busy Territorial Road as pleasantly inhabitable as possible. Please know that we did not ask for this development, and have dreaded the possibility for some time. We would like it to have as minimal an impact as possible if it does indeed go through.

Sincerely,
Jay and Laurel Spillum and children.



City of Canby

PUBLIC HEARING NOTICE &
 REQUEST FOR COMMENTS FORM
City File No.: ANN 18-01/ZC 18-01
Project Name: DUPONT, ANNEXATION, & ZONE CHANGE
PUBLIC HEARING DATES: PC—April 23, 2018,
 CC – May 16, 2018

The purpose of this Notice is to invite you to the Planning Commission and City Council Public Hearings and to request your written comments regarding Annexation and Zoning Map Amendment applications (ANN 18-01/ZC 18-01). Applicant proposes to annex and re-zone in accordance with the Canby Comprehensive Plan, properties located in an unincorporated area of Clackamas County on the north side of NE Territorial Road approximately 660 feet west of State Highway 99E and extending north to border on Willamette Wayside Park. Both Public Hearings will be held in the Council Chambers, at 222 NE 2nd Ave, Canby, OR 97013. *The Planning Commission will meet at 7:00 PM, April 23, 2018. The City Council will meet at 7:30 PM, May 16, 2018.*



Location: 2125 NE Territorial Rd, No Situs (Tax lot 00201), and .20 acre of NE Territorial Road R.O.W. (See properties hatched in red on map at left).

Tax Lots: Tax Lots 31E27DB00200, 31E27DB00201, and portion of 31E27AD01500.

Lot Size & Zoning: 2.64 acres, zoned Clackamas County: Rural Residential Farm Forest-5 Acre (RRFF-5)

Property Owners: Paul M. and Susan E. DuPont (Tax lots 200 & 201) City of Canby (Portion of Tax lot 1500)

Application Type: Annexation & Zone Map Amendment (Type IV)

City File Number: ANN 18-01/ZC 18-01

Contact: Bryan Brown, Planning Director at 503-266-0702

Comments Due – If you would like your comments to be incorporated into the City’s Staff Report, please return the Comment Form by April 11, 2018 for the Planning Commission Meeting and by May 4, 2018 for the City Council meeting. Written and oral comments can also be submitted up to the time of the Public Hearings and may also be delivered in person during the Public Hearings.

What is the Decision Process? The Planning Commission

will consider the Annexation/Zoning Map Amendment applications to annex and zone property located in the a Development Agreement Area pursuant Figure 16.84.040 of the annexation code and make a recommendation to the City Council. The City Council will then consider the Annexation/Zoning Map Amendment applications and make a final decision on the annexation, and this property annexation does not require approval by the Canby electorate (Senate Bill 1573).

Where can I send my comments? Written and oral comments can be submitted up to the time of the Public Hearings and may also be delivered in person during the Public Hearings. Prior to the Public Hearings comments may be mailed to the Canby Planning Department, P O Box 930, Canby, OR 97013; delivered in person to 222 NE 2nd Ave; or emailed to PublicComments@canbyoregon.gov.

How can I review the documents and staff report? Weekdays from 8 AM to 5 PM at the Canby Planning Department. The staff report will be available for inspection starting April 13, 2018 and can be viewed on the City’s website: www.canbyoregon.gov. Copies are available at \$0.25 per page or can be emailed to you upon request.

Applicable Canby Municipal Code Chapters:

- 16.16 R-1 Low Density Residential Zone
- 16.54 Amendments to Zoning Map
- 16.24 Annexations
- 16.89 Application & Review Procedures
- Clackamas County/City of Canby Urban Growth Management Agreement
- State Statutes – ORS 195.065 and 282
- Canby Comprehensive Plans

Please Note: Failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the board based on that issue.

CITY OF CANBY –COMMENT FORM

If you are unable to attend the Public Hearings, you may submit written comments on this form or in a letter. Please send comments to the City of Canby Planning Department:

By mail: Planning Department, PO Box 930, Canby, OR 97013
In person: Planning Department at 222 NE Second Street
E-mail: PublicComments@canbyoregon.gov

Written comments to be included in Planning Commission packet are due by April 11, 2018.

Written comments to be included in City Council packet are due by May 4, 2018.

Written and oral comments can be submitted up to the time of the Public Hearings and may also be delivered in person during the Public Hearings.

Application: ANN 18-01/ZC 18-01 DuPont Annexation and Zone Change

COMMENTS:

1. Adequate sanitary sewer capacity is available and will be extended from NE Territorial Rd to the development by the developer.
2. All private storm drainage shall be disposed on-site.
3. Half street Improvements to collector street standards will be required along the entire site frontage with NE Territorial Rd. Additionally, 10' right of way dedication is required.
4. All the interior streets shall be constructed by the developer to local street standards as per the City TSP.
5. Access to lots 7 and 8 shall have a concrete commercial driveway approach.
6. The existing house shall be connected to sanitary sewer and SDC shall be paid to the City. Septic tank shall be abandoned in conformance with DEQ and Clackamas County requirements.
7. Sprite Way shall be dedicated as a City local street.

CITIZEN NAME: _____

EMAIL: _____

ORGANIZATION/BUSINESS/AGENCY: _____

ADDRESS: _____

PHONE # (optional): _____

DATE: _____

PLEASE EMAIL COMMENTS TO
PublicComments@canbyoregon.gov

AGENCIES: Please check one box and fill in your Name/Agency/Date 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
- No Comments

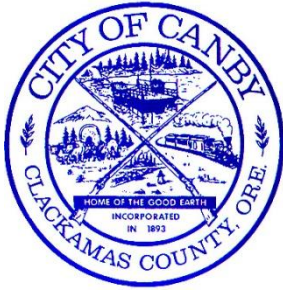
NAME: Hassan Ibrahim _____

AGENCY: Curran-McLeod Consulting Engineers, Inc. _____

DATE: April 10, 2018 _____

Thank you!

City of Canby, Canby Planning Department, 222 NE 2nd Ave, Canby 97013, 503-266-7001



City of Canby

MEMORANDUM

DATE: *April 13, 2018 for April 23, 2018 Planning Commission Hearing*

TO: *Planning Commission*

FROM: *Bryan Brown, Planning Director*

RE: *Redwood Landing Subdivision Council Remand from Appeal (SUB 17-06, APP 17-03)*

Background: Upon appeal of the Planning Commission's decision to approve the originally submitted Redwood Landing Subdivision, the City Council made a final decision on the appeal remanding review back to the Planning Commission to review a modification of the subdivision design in a manner that satisfactorily addresses five points of concern indicated in the Council Interlocutory Order made on March 21, 2018.

The Council remand order required that notification of a new public hearing take place for those receiving the original notice and making their interest known in the previous case record for April 23, 2018. This action was facilitated by the applicant agreeing to extend the 120-day allowed application review time for a City decision to be made. Within the short agreed time available, the applicant prepared a revised subdivision design, held a neighborhood meeting to seek input, made additional modifications and submitted their revised design to the City on April 2, 2018. Staff provided a 20-day public hearing notice and request for comments. The staff memorandum and Planning Commission packet was published and made available on April 9, 2018, although portions of the applicant's revised submittal was distributed earlier to interested parties who had requested it.

Discussion and Findings: Most of the original accompanied record and previous applicant and staff findings and recommended conditions of approval remain applicable with the revised subdivision modification now presented for approval. The modified subdivision site plan design and new applicant narrative focus only on the five specific points of concern indicated by the City Council remand order. **Staff accepts the design changes and supports the provided applicant narrative response as having satisfactorily addressed the concerns voiced by the Council in the remand order as meeting all parameters and standards allowed by the development code and finds it to follow the intent of the provisions of the adopted North Redwood Concept Plan with the exception of needed modifications to the Park Land Valuation and SDC Compensation Calculation Estimate.** Staff's recommended changes to the original Planning Commission conditions of approval are reflected in the draft Findings, Conclusion & Final Order for SUB 17-06/APP 17-03 Remand Order which is attached for possible action and approval by the Planning Commission.

Changes in Recommended Conditions of Approval: The applicant previously agreed with the original subdivision design and again with this revised design, to provide full city standard local paved street widths of 34' which will allow on-street parking on both sides of all streets. The actual rights-of-way for the proposed streets varies from 58' to 52' in width which will result in a difference in the amount of public sidewalk width that will be placed in a common public utility and pedestrian easement outside of the public rights-of-way on the front of the private lot from none at 58' width to up to 3' on either side of a 52' wide width. This has been a common accepted practice in Canby but does result in a portion of the sidewalk being closer to the 20' front yard setback of the building structure and therefore requiring careful planning for adequate parking space length outside of a garage door. This eliminated an earlier recommended condition of approval.

Temporary emergency turnarounds are shown near the end of all street stubs that exceed the 150' typical design standard as requested by Canby Fire. The City Council asked that the area taken up by these temporary turnarounds be subtracted from the minimum allowed 5,000 square foot lot size to assure adequate useable lot area. The applicant has demonstrated compliance with both the fire code standard where applicable and useable lot size when excluding the temporary turnaround area. The temporary turnaround can be removed when the stub street extends as planned with future development. The related previous condition of approval has been slightly amended.

The applicant responded to a request by staff to remove 3 lots located on the east side of the perimeter street next to the park near 17th Avenue indicated on the original design by eliminating two of the lots and moving the other down further south. This continues to be reflected in the revised design and is consistent with what was expected with the North Redwood Concept Plan in terms of area suitable for development.

A new memorandum from the City Engineer dated April 6, 2018 pertaining to the revised subdivision design and striking item #5 as not appropriate for sharing lot driveways with the temporary stub street turnarounds has resulted in an amendment to the related previous condition of approval.

A previous condition of approval has been amended to now reflect a reduction in the size of the Park dedication from 6.45 to 5.29 acres. The final condition of approval has been amended to reflect the park dedication value and SDC compensation estimate which still needs some fine tuning to accurately reflect how it was intended to be calculated by the North Redwood Concept Plan. In explanation, It is clear that the property owners who are providing the land making up this proposed subdivision will be dedicating the largest portion of the recommended area for the future Park and are therefore by Plan formulae expected to fully utilize Park dedication in lieu of Park SDC fee payment (credit) and should also qualify for additional NRDCP Park SDC Fee collection account reimbursement when funds become available through park fee collection from other NRDCP future development that will pay the Parks SDC fee. An estimate of the final reimbursement amount will be prepared in conjunction with the applicant to bring to the public hearing. Staff discovered a minor math error and what looks like the need to eliminate the next to the last paragraph of the applicant's estimate methodology since the formulae in the NRDCP uses gross acreage, not accounting for anticipated street area or average units per acre in determining the value for subtracting the 9 transferred lots, but rather an acreage base for the buildable park area. Staff and the applicant will continue to fine tune the reimbursement calculation to present at the Planning Commission public hearing.

Staff recommends adding an additional condition of approval pertaining to the applicant's continued request to avail themselves of the provisions afforded to them within 16.64.040(B)(3) Alternative Lot

Layout, to utilize a reduction in the standard required side yard setback from 7' to 5' and 15' to 10' setback of corner side street yards for all lots that range from 5,000 to 6,000 square feet in size. The applicant also intends to reduce lots widths as indicated on the preliminary plat from the standard 60' to the allowed "Alternative Lot Layout" to 50' minimum for some of the lots. Staff recommends that the applicant specify which lots are proposed for setback and minimum lot frontage reduction in order for the Planning Commission to make a definitive finding with this regard. Administration of these standard reductions will be difficult to tract at the time of building permit issuance without a clear list of the applicable lots qualifying for the reduction. Staff supports the applicant's qualification to invoke this existing provision of the development code building lots are shown to be grouped into a smaller portion of the otherwise total development area. The density allowed shall continue to not exceed the underlying maximum allowed by the underlying zone.

Staff recommends adding an additional condition of approval prompted by the Canby Fire Marshal to consider potentially changing the name of N River Alder Street to facilitate emergency response.

Street Stubs to Property to the North: Staff fully supports the design solution which altered the street stubs to the property to the north of this subdivision in the revised design. The alignment results in a modification of the neighborhood route (proposed Sycamore Street) as envisioned by the adopted NRDCP by directing the northern portion of this street to flow out to N Redwood Street by way of 17th Avenue rather than following a path through the property to the north out to 18th Avenue. Staff is satisfied that the basic spirit of the Concept Plan remains in tack with this design change leading to a much more flexible future layout for all property ownership to the north. It is clear to staff that the NRDCP district approval criteria indicated in 16.13(C)(1 -11) intended that "road alignments" shown in Figure 9 of the Concept Plan should "generally" be consistent, allowing necessary flexibility to respond to design concerns that arise in the approval process of development that do not result in significant harm to the Plan.

Public Concerns & Input: The revised design resulted in seven fewer lots within the same subdivision area. This has resulted in only an incremental increase in the size of the lots proposed. Many surrounding residents have voice continuing concerns with the smaller lot sizes presented. However, the applicant has sufficiently demonstrated that the density allowed within the underlying R-1 zone has not been increased beyond what would otherwise be allowed were minimum 7,000 square foot lots be developed on the otherwise developable area being dedicated as a park. The NRDCP was specifically commissioned by the City to provide a fair and equitable way protect Willow Creek wetlands and obtain beneficial surrounding area open space for a City park while making individual property owners whole when required to dedicate much of their otherwise developable property for a future park. The primary mechanism agreed to in the extensive plan adoption process was to allow "transfer of development rights". The new NRDCP district code language pertaining to lot size averaging (Section 16.13(D)(1) indicates that the park land dedication area may be allowed to be included when utilizing the standard lot size averaging code provision and that the minimum lot size shall not be less than 5,000 square feet. The applicant choose to also use the previously existing subdivision lot provisions pertaining to "Alternative Lot Layout" to request a reduction in the side yard and corner street side yard setbacks. It was not realistic when developing the Plan for all possible development configuration scenarios that might occur with regard to which properties would come in together to form a subdivision application and therefore the size of the resulting lots. In recognition of this, the Planning process placed a minimum lot size of 5,000 square feet when utilizing the transfer of development provision and only allowed "developable" land to count toward the area qualifying for transfer of development rights.

The applicant has satisfactorily demonstrated compliance with the above mentioned provisions of the NRDCP associated provisions utilized within the development code.

Staff Recommendation:

Staff recommends that the modified Redwood Landing Subdivision (SUB 17-06/APP 17-03) as a result of the Council Remand indicated by the Interlocutory Order, be approved subject to the conditions of approval of the original Planning Commission approval of SUB 17-06 as amended by staff in this memorandum and reflected on the draft new Findings, Conclusions & Final Order attached to this report.

Attachments:

- 1) Applicant Submittals as indicated in Consultant Rick Givens April 2, 2018 Letter
- 2) The previous proposed and approved Preliminary Plat dated November 20, 2017
- 3) North Redwood Development Concept Plan Figure 9; Figure 4; and Figure 2
- 4) Previous Park Area Wetland, Steep Slope, Density Transfer Map dated December 14, 2017
- 5) Public Comments & Service Agency Comments
- 6) Corrected Revised Park Value & SDC Compensation Estimate from that Submitted by Applicant (To Be Provided for the Record at the Public Hearing)
- 7) Previously approved Planning Commission Final Findings (SUB 17-06), dated December 11, 2017
- 8) Proposed SUB 17-06/APP 17-03 Remand Draft Findings

April 2, 2018

Mr. Bryan Brown
Planning Director
City of Canby
22 NE 2nd Avenue
Canby, OR 97013

Rick Givens
Planning Consultant
18680 Sunblaze Dr.
Oregon City, Oregon 97045

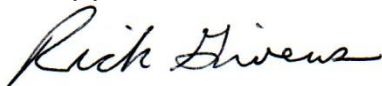
RE: Redwood Landing (SUB 17-06, APP 17-03)

Dear Bryan:

We are submitting the following items for consideration by the Canby Planning Commission at its April 23, 2018 public hearing regarding the Redwood Landing subdivision:

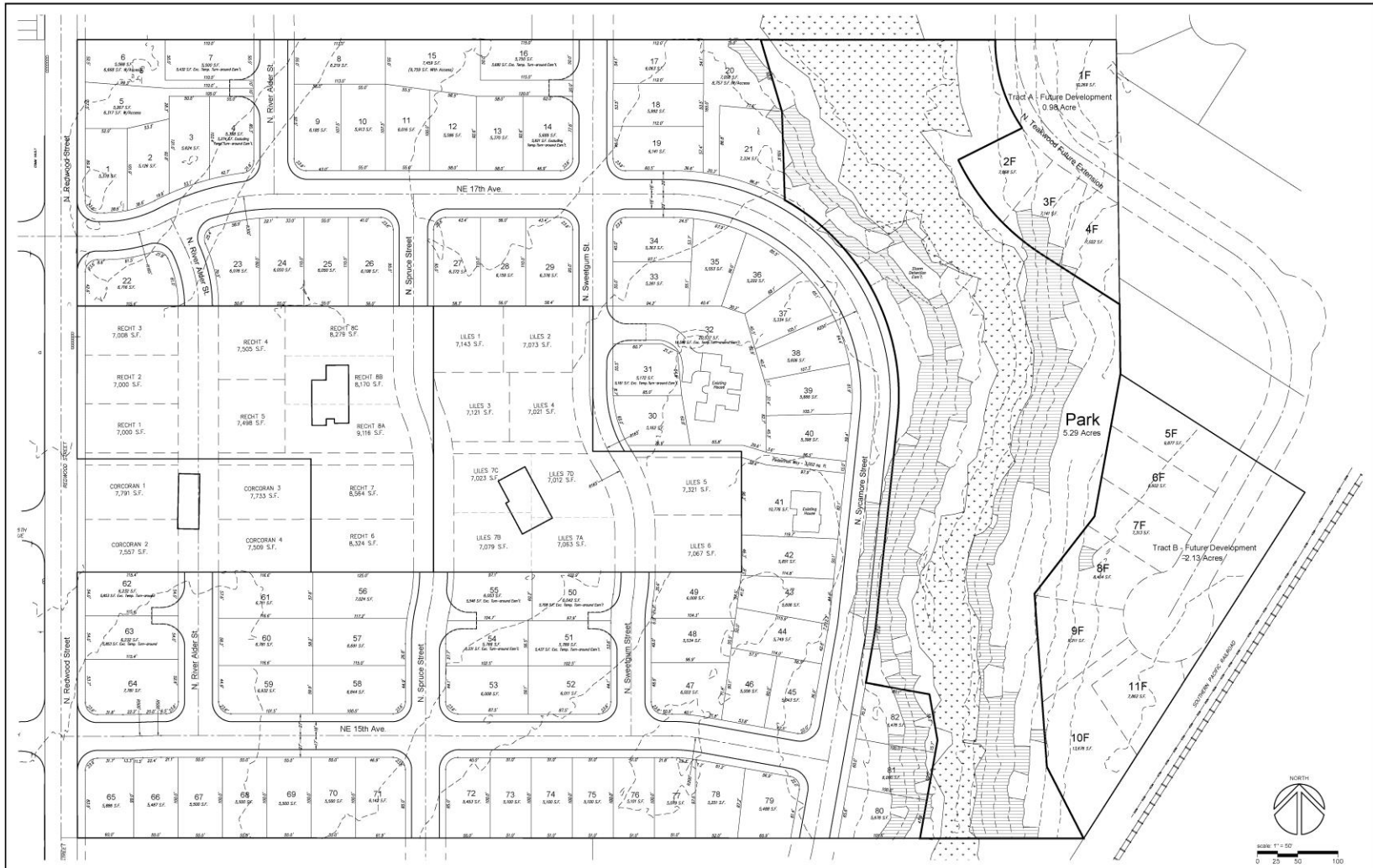
1. Revised preliminary plan. This plan addresses the concerns raised by the owners of property to the north regarding the alignment of the loop street (Sycamore) as well as the location of the stub streets to align on common property lines. The plan also features a park that is the same in size (5.3 acres) and general location as the park shown on the subject property in the North Redwood Development Concept Plan. Further, the density of the proposed development has been reduced from 89 lots to 82 lots.
2. Redwood Landing Storm Water Strategy Plan. This plan shows the three main points in the plan for handling storm water from the Redwood Landing project. First, the future within the subdivision will have water from roof and foundation drains handled via individual infiltration systems to be located on each lot. Second, the westerly portion of the project drains to the existing storm sewer in Redwood Street. Storm water treatment and detention for the streets in this area will be handled through the use of swales that will be located in the planter strip between the curb and the sidewalk. Third, storm water from the remainder of the property flows to Willow Creek. This water will be collected and piped to a detention and treatment facility to be constructed on the east side of N. Sycamore Street.
3. Narrative addressing five points of concern in the interlocutory order.
4. Density calculations based upon the new park size and 25% & greater slope map that eliminates "islands" of flatter ground, and map showing areas excluded as not developable per NRDCP.
5. An alternative layout for the subject property showing that the density proposed is consistent with what could be achieved on the site under a standard R-1 site plan were the property not subject to the NRDCP.
6. A conceptual Future Streets Plan showing how Redwood Landing ties in to the remainder of the NRDCP.
7. Park SDC Compensation Estimate calculations.

Sincerely yours,



Rick Givens

CC: Mark Handris, Darren Gusdorf, Mike Robinson



DESIGNED:	REG
DRAWN:	REG
SCALE:	1" = 30'
DATE:	March 23, 2010
SHEET:	11-203-100
DATE:	MS
REVISION:	

Richard E. Givens, Planning Consultant
 18680 Sunblaze Dr.
 Oregon City, OR 97045
 PH: (503) 479-0097

APPLICANT: Icon Construction & Development, LLC
 1980 Willamette Falls Drive, Suite 200
 West Linn, OR 97068
 PH: (503) 697-0406

Redwood Landing Revised Preliminary Plan

SHEET:
1/1

Redwood Landing

Applicant Response to Council Concerns

The decision of the Canby City Council regarding APP 17-03 lists five areas of concern that need to be addressed by the Planning Commission in considering the remand of the Redwood Landing subdivision. The applicant has considered these five areas of concern in formulating the redesigned site plan for the project. The following responses address the points of concern and demonstrate that the proposed site plan is consistent with these concerns.

- 1. The first issue raised by City Council relates to lot size. The site plan is based on the concept of density transfer encouraged by the North Redwood Development Concept Plan (NRDCP) as a mechanism to compensate property owners for park land dedicated to the City. The Council expressed concern that islands of lands within the areas over 25% grade were being included in the calculation of transferable density. The Council questioned whether some of the land counted for transfer was truly developable.*

Response: New density calculations have been prepared for the revised site plan. The density calculations include a map showing the sloped areas and wetlands areas that are required to be deducted from calculation of transferrable density. The isolated pockets of areas of less than 25 percent slope that are found within larger areas of slopes exceeding the 25 percent grade threshold have been added to the steep slope deduction area.

It must be noted that the 25 percent grade threshold for “unbuildable land” used in the NRDCP is only used in that document for the calculation of density transfer. There is no limitation anywhere else in the Canby Municipal Code on building on slopes in excess of 25 percent grade. As a practical matter, slopes of that grade are commonly built upon throughout the Portland metropolitan area and elsewhere. In the instance of the subject property, the steeper slopes run in narrow bands as the property steps down from the upper portion to the area of the wetlands. It would be easily practicable to develop lots in these areas with daylight basement homes or to fill and grade the slopes so that there would be flat building pads. We are not suggesting that the density calculation method of the NRDCP does not apply, but rather that the concern that some of the flatter areas separated from the road by steeper slopes are not truly buildable. We have prepared an exhibit demonstrating that standard R-1 lots could be developed quite readily on these areas of the site. Further, we would point out that if the NRDCP wanted to exclude some of the flatter land from the density transfer calculations, it could have been written to do so. The density calculations submitted with our application are completely consistent with the language of the NRDCP and the Alternative Lot provisions of Chapter 16.64.040.B.3.

- 2. The second issue raised by City Council relates to the amount of proposed park land that was shown on the previously approved Redwood Landing Site Plan. Council correctly pointed out that the park area exceeded the amount of land shown on the NRDCP.*

Response: In preparing the previous application, we assumed that the City would prefer more park land. In response to the Council’s concern, the applicant measured the amount of park area shown on the DCP as approximately 5.3 acres. The revised site plan now proposes a dedication consistent with the park size shown on the DCP. The revised density calculations submitted with this new application show that the total allowable density is 83

units. The revised plan, however, proposes 82 lots. This is seven fewer lots than were proposed in the first Redwood Landing site plan. It should be noted, too, that the applicant has worked to ensure that lots adjacent to adjoining R-1 properties are typically 6,000 sq. ft. or larger. The smallest lots, (5,100 to 5,500 sq. ft.) have been located on the south border where they abut property zoned R-1.5.

To demonstrate that the proposed density is consistent with the R-1 zoning of the site, the applicant has prepared a concept plan showing how the property could be developed if it were not required to dedicate a large park area per the requirements of the DCP. The Redwood Landing site plan now proposed for consideration by the Planning Commission contains 82 lots and shows 11 future lots on the east side of Willow Creek that can be developed in the future when N. Teakwood is extended to the site. Thus, the total density of the site would be 93 units. The R-1 layout, which depicts a bridge crossing Willow Creek and has typical lots per Canby R-1 standards, shows 94 lots. This confirms that the proposed density is, in fact, consistent with the density that could otherwise be developed on the property if it were not impacted by the DCP.

- 3. The third City Council concern related to the "temporary" turnarounds located at street stubs and their belief that the area of these easements should not be counted towards meeting minimum lot size requirements.*

Response: The turn-arounds proposed in the site plan are temporary in nature in that the subdivision plat will allow for them to be extinguished once the streets are extended as adjoining properties develop and the roads are extended. The applicant grants that there is no certainty as to how long of a time period that may be, but we are sure that Council would not object to the turn-arounds being eliminated when they are no longer needed and that the land be made usable by the owners of the lots that they are located on. To address the Council concern regarding the lots containing the turn-arounds the site plan now shows the area of the lots in total and the area not counting the turn-around easement. In all cases, the area exclusive of the easement is well in excess of the 5,000 sq. ft. minimum lot size standard allowed by the NRDCP.

- 4. The fourth concern of the City Council related to their not being information provided regarding the valuation of the park land dedication area.*

Response: The NRDCP provides a process of valuation of the land to be dedicated for parks via an independent appraisal. However, throughout the applicant's discussions with City staff regarding the valuation process it was presented that the City would accept a value of \$100,000 per acre for developable land in lieu of having an appraisal done. This figure comes from Table 4-2 of Chapter 4-3 of the Canby Park & Open Space Acquisition Plan 2002 developed by FCS Consulting. Further, the applicant was informed that a figure of \$2 per square foot for non-developable land could be used without the need for an independent appraisal. This figure was provided in an email to the City at staff's request during the Redwood Concept Plan development process by consultant Brian Vanneman with Leland Consulting as a reasonable value for the City's use with the Plan adoption in 2015. The applicant is satisfied with the use of these land values, although we believe that an independent appraisal would likely result in a valuation that is higher. We have prepared a calculation of the land value for the park site based upon these values for consideration by the Planning Commission.

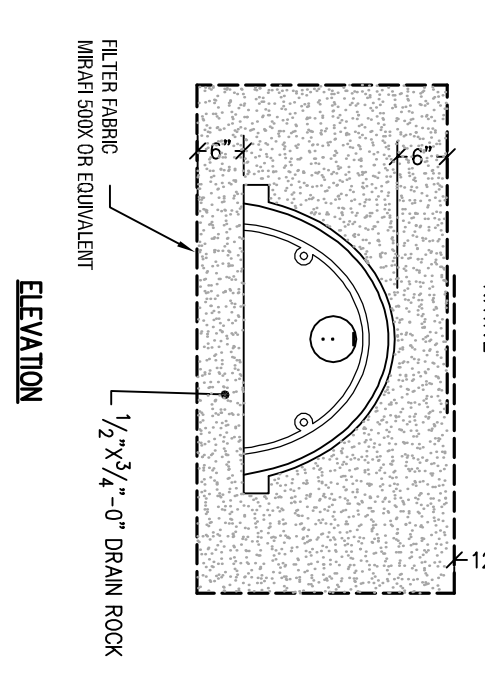
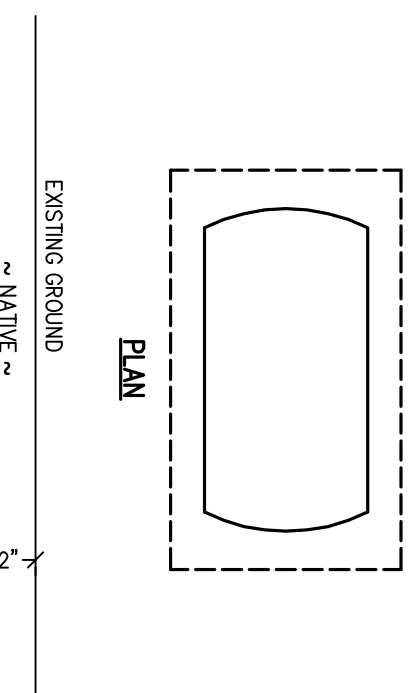
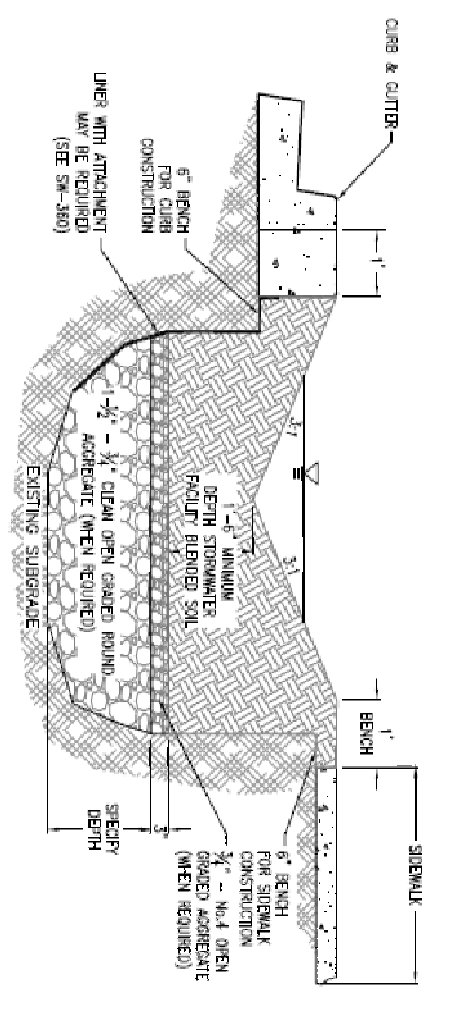
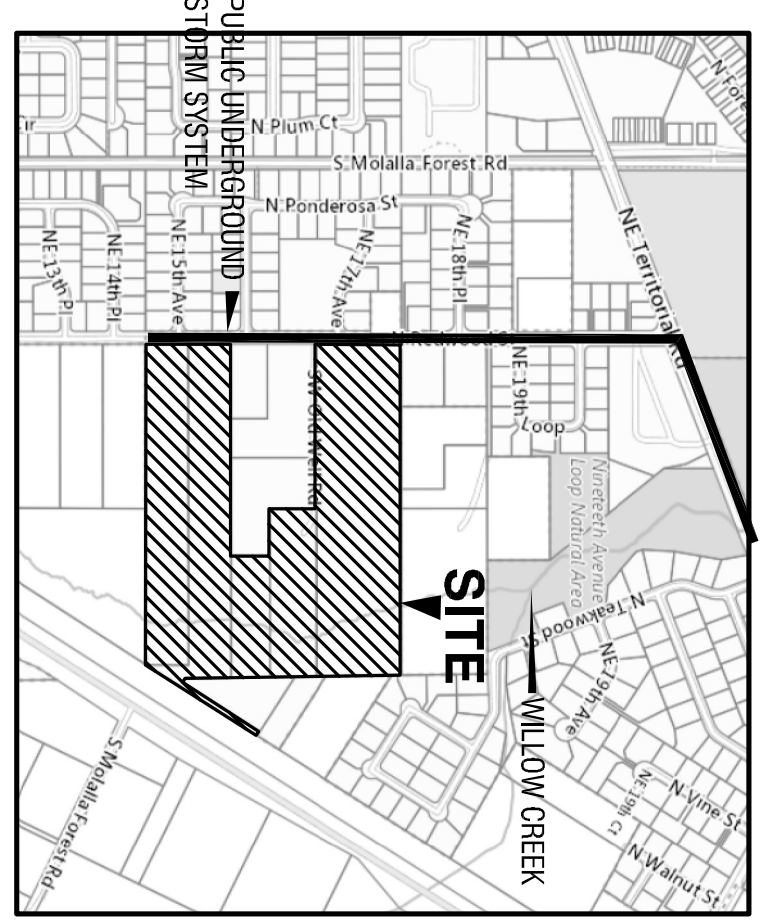
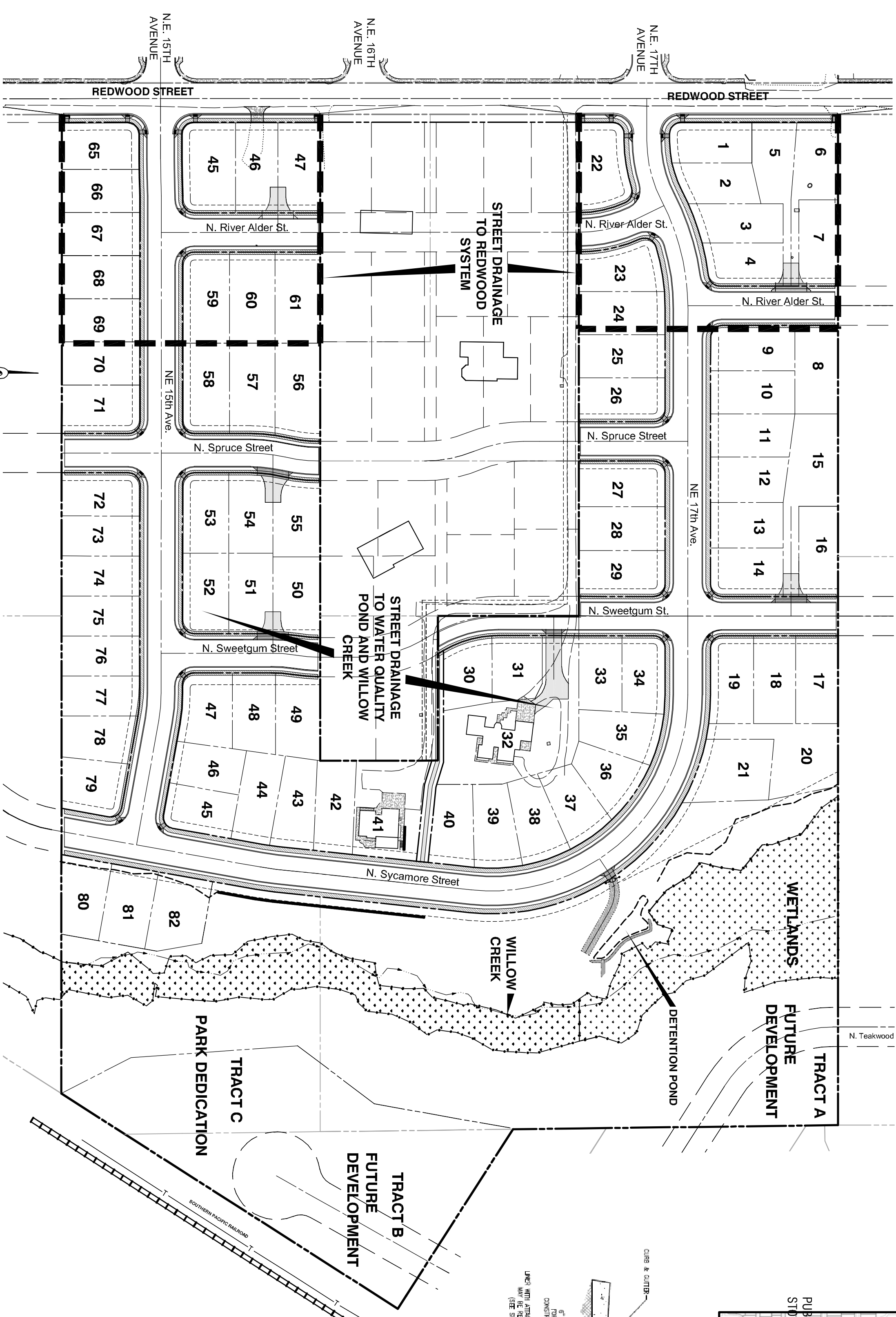
5. *The final concern raised by City Council relates to the locations of street stubs to the property to the north. Appellants prefer an alignment that centers the street stubs on property lines.*

Response: The applicant has completely redesigned the site plan to provide street stubs to the north on property lines in the exact locations that were suggested by the representative of the property owners to the north.

REDWOOD LANDING SUBDIVISION

T.3S. R.1E. Section 34B, TL 701, 440, 1548, 1612, 1758 N. REDWOOD STREET

STORM WATER STRATEGY



- NARRATIVE:**
1. IMPERVIOUS ROOF WATER TO BE INFILTRATED ON SITE
 2. STREET WATER TO BE:
 - A. PROCESSED THROUGH ROADSIDE SWALES TO THE EXTENT FEASIBLE FOR
 - B. PROCESS THROUGH WATER QUALITY DETENTION POND AND RELEASED TO THE WETLANDS AND WILLOW CREEK

**STORMTECH
ROOF INFILTRATION**
SCALE: NTS

EXHIBIT

2017-1290

DESIGNED:	BDG
DRAWN:	BJS
SCALE:	1" = 100'
DATE:	March, 2018
FILE:	Redwood Canby Hearing

THEBAUG

ENGINEERING - SURVEYING - PLANNING

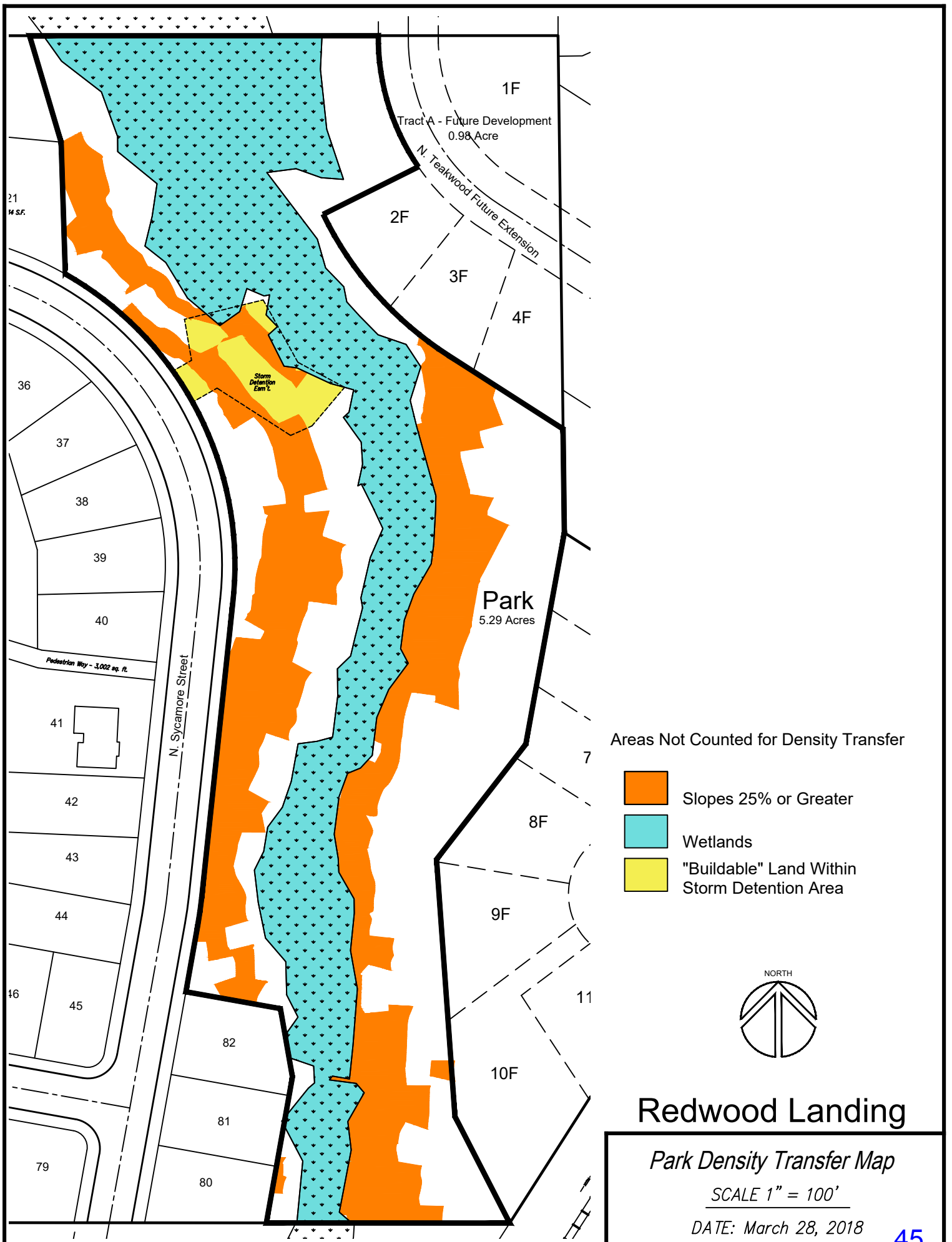
PO Box 1345
Lake Oswego, Oregon 97035

503.481-8822
email: thebaug@comcast.net




Icon Construction & Development LLC
1980 Willamette Falls Drive, Suite 200
West Linn, Oregon 97068
Phone: 503-657-0406

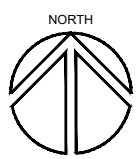
Redwood Landing Subdivision
Canby, Oregon

SHEET: .



Areas Not Counted for Density Transfer

-  Slopes 25% or Greater
-  Wetlands
-  "Buildable" Land Within Storm Detention Area



Redwood Landing

Park Density Transfer Map

SCALE 1" = 100'

DATE: March 28, 2018

March 28, 2018

Mr. Bryan Brown
Planning Director
City of Canby
PO Box 930
Canby, OR 97013

Rick Givens
Planning Consultant
18680 Sunblaze Dr.
Oregon City, Oregon 97045

RE: Redwood Landing Density Transfer

Dear Bryan:

Here are the updated density calculations for Redwood Landing based upon the revised street system for the new plan. Note that we have removed the "islands" of "developable" area within the "undevelopable" portion of the site.

Total Site Area:	1,098,026 sq. ft.
Current Development Site Area:	731,932 sq. ft.
Park Site:	230,692 sq. ft.
Tract A – Future Development:	42,896 sq. ft.
Tract B – Future Development:	92,961 sq. ft.

Density for the Current Development Site is calculated as follows:

Current Development Site Area:	731,932 sq. ft.
Less Streets =	212,922 sq. ft.
Less Pedestrian Walkway =	3,002 sq. ft.
Net Site Area =	516,008 sq. ft.
Net Site Area Divided by 7,000 sq.ft./Unit =	73.71 Units

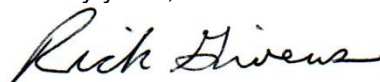
Density available for transfer from the park site is calculated as follows:

Park Site =	230,692 sq. ft.
Less Wetlands =	77,913 sq. ft.
Less Slopes > 25% =	59,525 sq. ft.
Less buildable portion of storm detention facility	3,829 sq. ft.
Buildable Area =	89,425 sq. ft.
Less Typical 20% for Streets =	17,885 sq. ft.
Net Buildable Site Area =	71,540 sq. ft.
Net Buildable Site Area/7,000 sq. ft./Unit =	10.22 Units

Total Density Allowed in Current Dev. Site = **83 Units**

Please let me know if you have any questions.

Sincerely yours,



Rick Givens

Cc: Mark Handris, Icon Construction & Development, LLC



DESIGNED: RSD
 DRAWN: TCS
 SCALE: 1" = 80'
 DATE: March 23, 2015
 FILE: 17-CH-160

Richard E. Givens, Planning Consultant
 18880 Sunblaze Dr.
 Oregon City, OR 97045
 PH: (503) 479-0097

APPLICANT: Icon Construction & Development, LLC
 1980 Willamette Falls Drive, Suite 200
 West Linn, OR 97068
 PH: (503) 657-0406

Redwood Landing
 Future Streets Plan

Redwood Landing

Park SDC Compensation Estimate

Total Park Area: 5.3 Acres

Of this total, wetlands make up 77,913 sq. ft. (1.79 acres) and slopes over 25% grade account for 59,525 sq. ft. (1.37 acres). The remaining 2.14 acres are considered “buildable land” per the North Redwood Development Concept Plan (NRDCP).

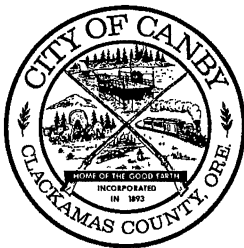
The 3.16 acres of “unbuildable lands” are proposed to be valued at the \$2.00 per square foot cost identified by City staff as a default acceptable value. The \$2.00 per square foot for non-developable land was provided in an email to the City at staff’s request during the Redwood Concept Plan development process by Leland Consulting as a reasonable value for the City’s use during the Plan adoption process in 2015. This results in a value for this part of the park dedication of \$274,876.00.

The buildable portion of the park dedication area, 2.14 acres, is valued at \$100,000 per acre as set forth in Table 4-2 of Chapter 4-3 of the Canby Park & Open Space Acquisition Plan 2002. The developable area is thus valued at \$214,000. The total value of the park dedication area per these formulas is \$488,876.00.

The North Redwood Plan says that there is a subtraction from the total park valuation for the value of residential density transfer that takes place. The proposed plan provides for 9 units of density transfer.

Assuming an average of 5 units per acre (43,560 sq. ft. less 20% for streets, divided by 7,000 sq. ft. per unit) and the developable land valuation figure of \$100,000 per acre, the per lot raw land value would amount to \$20,000. That would reduce the value of the park dedication area by \$180,000 for this project. Deducting the \$180,000 land value of the 9 transferred lots from the total park value of \$488,876 would result in an SDC credit for the project of \$308,876.

Park SDCs for single-family homes are \$5,318.76 per lot. There are four existing houses on the subdivision property, so there will be 78 new homes paying SDCs that will total \$414,863.00. This means that the net amount of SDC’s that would be owed after using the credits would be \$105,987.00.



BEFORE THE CITY COUNCIL
OF THE CITY OF CANBY

In RE:

APPEAL OF PLANNING COMMISSION)	INTERLOCUTORY ORDER
DECISION FOR APPLICATION SUB 17-06)	
REDWOOD LANDING SUBDIVISION BY)	APP 17-03
ICON CONSTRUCTION & DEVELOPMENT,)	
LLC, LOCATED AT 1440, 1548, 1612, 1650,)	
& 1758 N REDWOOD STREET)	

NATURE OF THE APPLICATION

Daniel Webb (Appellant & Applicant), on behalf of property owners north of the proposed Redwood Landing Subdivision, including Linda Thomas at 1864, Andrew Jarmer at 1860, Ryan and Kerrie Oliver at 1850 and Eric and Josephine Recht at 194 N Redwood Street through an Appeal seeks to reverse the Planning Commission recommendation to the Council for approval of SUB 17-06 Redwood Landing Subdivision to divide a 25.21 acres into an 89-lot subdivision on property located at 1440, 1548, 1612, 1650, & 1758 N. Redwood Street and described as Tax Map/Lot 31E34B00700, 00701 and 31E27C00301, 00500, 01200, Clackamas County, Oregon. The property is zoned Low Density Residential (R-1) under the Canby Municipal Code (CMC).

HEARINGS

The Planning Commission considered application SUB 17-06 after the duly noticed public hearing held on December 11, 2017 during which the Planning Commission by a vote of 5/1 approved **SUB 17-06 North Redwood Landing Subdivision submitted by Icon Construction and Development** and approved written findings of their decision at the same evening meeting. Staff sent the final decision notice to those with standing on December 12, 2017.

An Appeal Form and narrative statement outline (File No. APP 17-03) was submitted by Daniel Webb on the appeal deadline of December 22, 2017. Staff requested an extension of the 120-day decision rule from the then existing January 18 deadline to which the applicant provided by email an extension to February 23, 2018 for which Council action and a written decision must otherwise be adopted. The appellant provided a more succinct "appeal statement narrative" on February 9, 2018 that explains the basis of the appeal made of the Planning Commission's approval of the proposed subdivision application.

The City Council after a duly noticed hearing on February 21, 2018, moved to remand application SUB 17-06 on March 7, 2018. This interlocutory order supports the City Council's decision to remand SUB 17-06, thereby allowing the Planning Commission to review an intermediate modification of SUB 17-06.

COUNCIL CONCERNS

After hearing testimony on February 21, 2018 and taking into consideration the Appellant's statement for appeal, the Planning Commission's written decision, and record from the Planning Commission's deliberations and hearing testimony, the staff report, and applicant's original application submittals; the City Council voted to remand City File No. SUB 17-06 Redwood Landing Subdivision located at 1440, 1548, 1650, and 1758 N Redwood Street.

When reviewing modification, the City Council wants the Planning Commission to consider the following concerns:

- The lots in the proposed development were well below the R-1 minimum size of 7000 square feet. The applicant relied on an alternative method of lot sizing (using the concept of density transfer) because of proposed parkland dedication in the application. However, the calculations for the purposes of conducting the density transfer were problematically based on a concept of buildable lands donated that unrealistically relied on tiny, noncontiguous pockets of land that in reality were themselves not truly buildable due to being admittedly surrounded by unbuildable lands, either too steep or too wet to even provide access.
- The amount of proposed parkland dedication was also in excess of what was designated in the Development Concept Plan. This further affected the calculation of density transfer, allowing for even more proposed lots, frustrating the purpose of the R-1 designation in the Development Concept Plan by leading to increasingly smaller lot sizes well below the standards of the R-1 designation. The DCP demonstrated a balanced approach with intentionally varied density and zoning type, and this extreme use of density transfer violated the spirit of this zoning balance provided in the adopted DCP for the area.
- The application relied on numerous “temporary” turnarounds located at street stubs that indefinitely created easements that covered lot areas that were not properly subtracted from the lot sizes of the affected parcels. Because surrounding owners never have to develop, these “temporary” turnarounds might very well exist in perpetuity. In several instances, the subtraction of the easement area of the “temporary” turnarounds would see the lot sizes of affected proposed parcels fall below the absolute minimum of 5000 square feet called for in the Canby Municipal Code.
- The parkland dedication was problematically incomplete in that there was no evidence of appraisal of value for the City Council to consider in their decision-making regarding the amount of parkland dedication to accept.
- Proposed street locations in the application didn’t align with existing lot boundaries of adjacent land owners as recommended by the adopted DCP and against Section 16.13(C) (7) of the Canby Municipal Code, even though the applicant admitted it was feasible to do so.

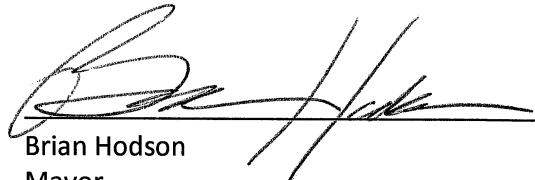
INTERLOCUTORY ORDER

The City Council hereby remands by this interlocutory order City File No. SUB 17-06 to the Planning Commission to consider an intermediate modification consistent with Council concerns contained herein.

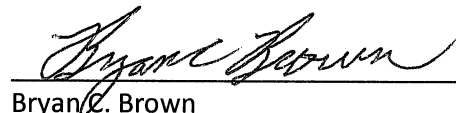
THEREFORE, IT IS ORDERED BY THE CITY COUNCIL of the City of Canby that **SUB 17- 06** be remanded back to the Planning Commission to be modified at a newly advertised public hearing on April 23, 2018.

I CERTIFY THAT THIS INTERLOCUTORY ORDER REGARDING REMANDING SUB 17-06 was presented to and **ORDERED** by the City Council of the City of Canby.

DATED THIS 21st day of March 2018.



Brian Hodson
Mayor



Bryan C. Brown
Planning Director

ORAL DECISION – March 7, 2018

AYES: Smith, Parker, Hensley, Dale, Spoon, & Heidt

NOES: None

ABSTAIN: None.

ABSENT: None.

WRITTEN FINDINGS – March 21, 2018

AYES: Smith, Parker, Hensley, Dale, Spoon, & Heidt

NOES: None

ABSTAIN: None.

ABSENT: None.

ATTEST:



Kimberly Scheafer, MMC
City Recorder



DESIGNED: REG			
DRAWN: REG			
SCALE: 1" = 30'			
DATE: November 20, 2017			
SHEET: 11-024-100	DATE: MS	REVISION:	

Richard E. Givens, Planning Consultant
 18680 Sunblaze Dr.
 Oregon City, OR 97045
 PH: (503) 479-0097

APPLICANT: Icon Construction & Development LLC
 1960 Willamette Falls Drive, Suite 200
 West Linn, OR 97088
 PH: (503) 657-0406

Redwood Landing Preliminary Plan

SHEET: 1/1

Plan Connectivity

The DCP provides several connections to Canby's existing city fabric, with extensions to existing streets on the west side of North Redwood in five locations (NE 18th Pl, NE 17th, NE 15th, NE 13th and NE 12th). This grid of streets will maximize circulation choices for future residents and provide safer, more walkable non-collector streets for residents, potentially reducing overall vehicle miles traveled.

North Redwood Street is currently only improved to City standards on its west half. When individual development proposals are submitted, the City will require half-street dedication from adjacent property owners along North Redwood of approximately 10' to 30' to allow the street to be improved to Collector standard as shown in the TSP (see cross-section on page 16). As a project with citywide importance, it will need to be funded through a combination of developer contributions and public capital improvement budgets, and the precise cross-section will be determined with City and neighborhood input. Adding sidewalks to the east edge of North Redwood will improve safety and allow pedestrian access to city parks north of Territorial, as well as the Fred Meyer (and Orange Line commuter bus service) to the south of Highway 99E.

An internal loop Neighborhood Route (Fig 9 at right) is a key 'wayfinding' and placemaking component, looping from NE 18th Place, along the edge of the Willow Creek open space, then continuing south to North Redwood between NE 13th and NE 12th. This route would be the most likely option for future transit access, although the existing Dial-A-Ride service in Canby could serve all of the streets in the DCP. Other internal streets shown are advisory and will be located according to future individual development plans.

Approximately 11-15 large lots on the east side of Willow Creek will be connected to Teakwood Street and Willow Creek Estates to the north. The 15 lots would generate approximately 110-150 daily trips (11 peak AM hour trips, and 15 peak PM hour trips.) The City's threshold for evaluating impacts to local neighborhood streets is 30 peak hour trips and 300 daily trips, so this would not reach that threshold. The local street serving these lots would require a stop sign where it meets N. Teakwood Street.

An emergency route, with a locked gate preventing pedestrian or bicycle access, would be desirable across the UP rail line to access Hwy 99E, closing the existing driveway (photo at right). Discussions about this crossing have been initiated with UPRR.

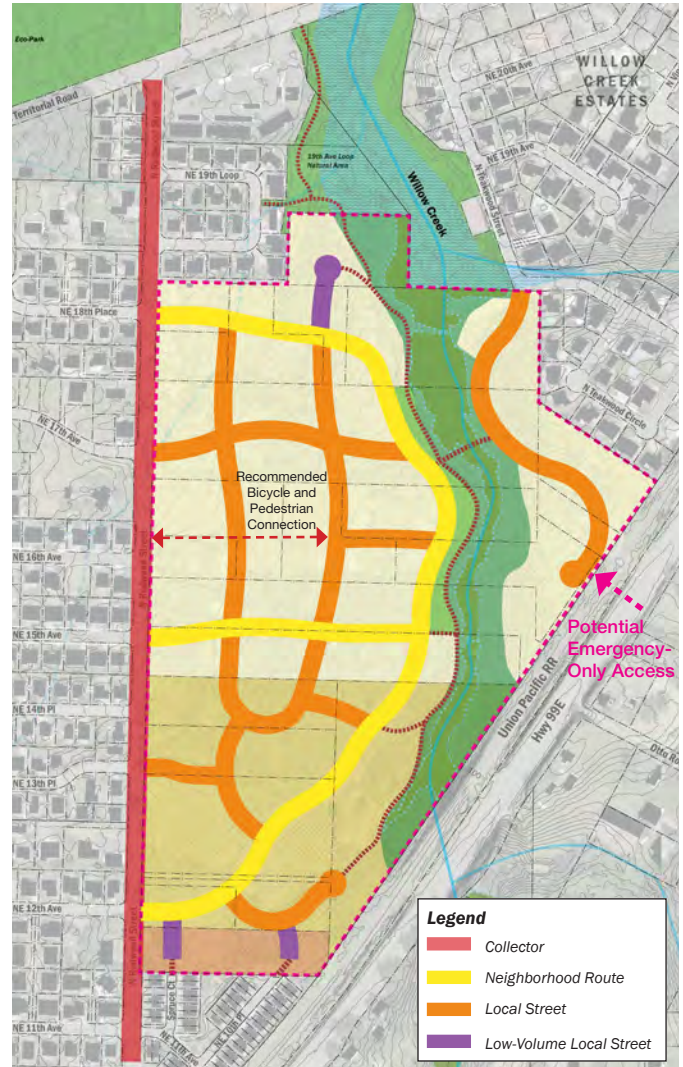


Figure 9: DCP Street Plan



Existing driveway across UP railroad, accessing three parcels

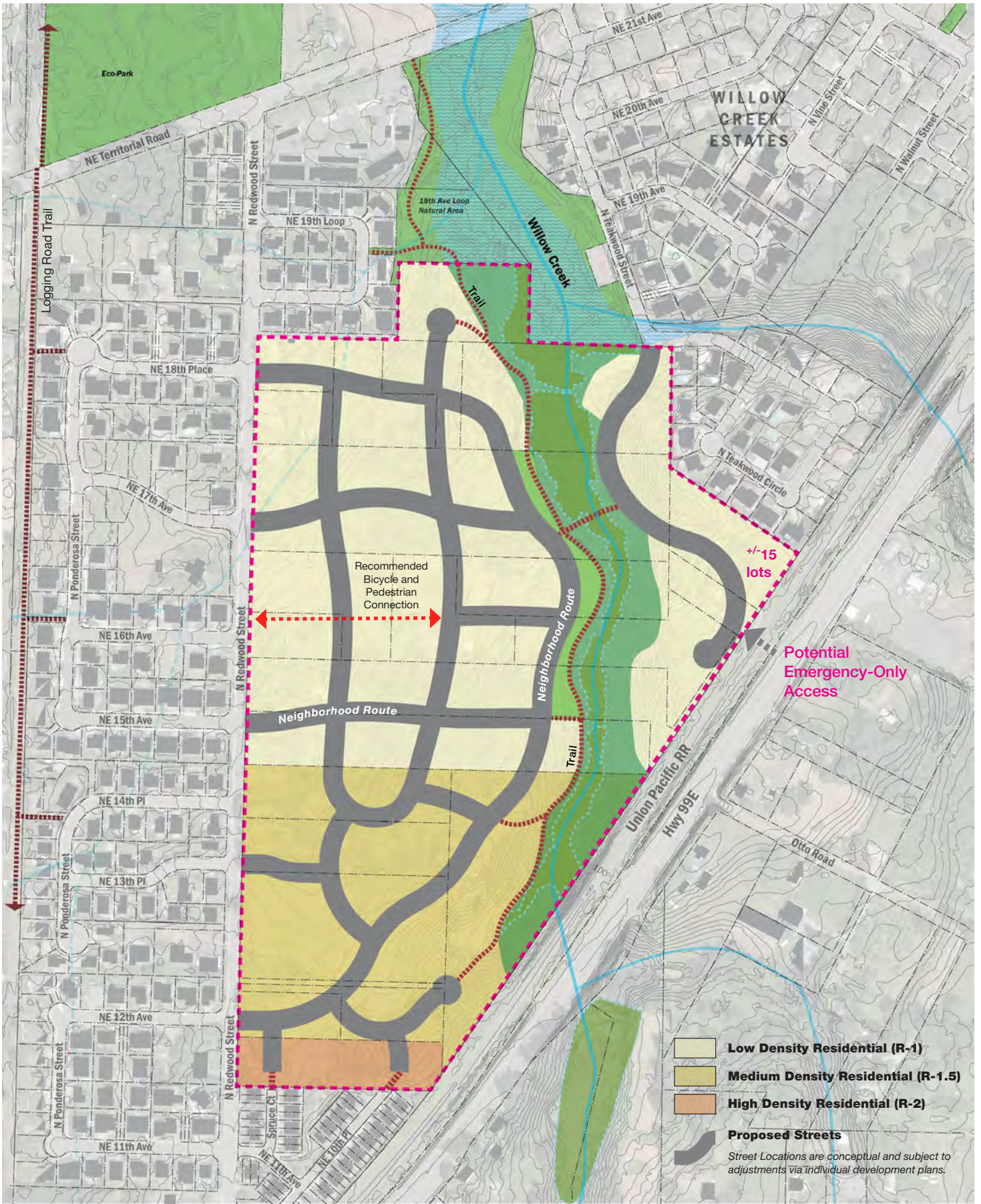
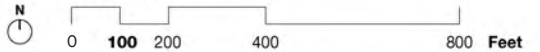


Figure 4: Development Concept Plan

NORTH REDWOOD DEVELOPMENT CONCEPT
BASE MAP



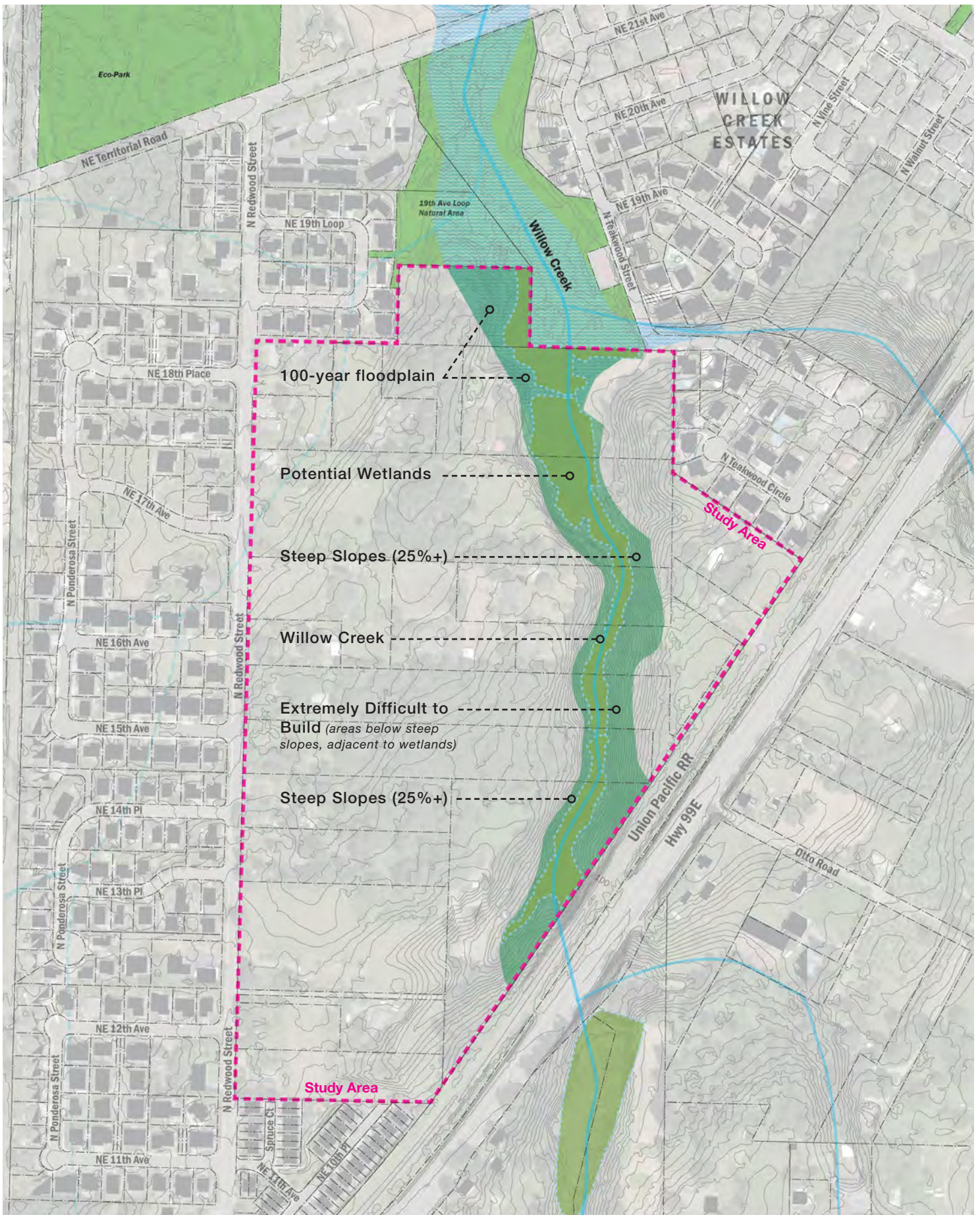
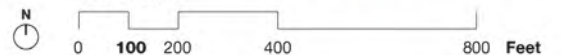


Figure 2: Willow Creek and associated environmental areas

NORTH REDWOOD DEVELOPMENT CONCEPT
BASE MAP





PROJECT NO.	RP1
DATE:	11-24-10
DATE:	NO
DATE:	REVISION

Richard E. Givens, Planning Consultant
 18880 Sunblaze Dr.
 Oregon City, OR 97045
 PH: (503) 479-0097

APPLICANT: Icon Construction & Development LLC
 1980 Willamette Falls Drive, Suite 200
 West Linn, OR 97068
 PH: (503) 657-0406

Redwood Landing Preliminary Plan

SHEET:
1/1

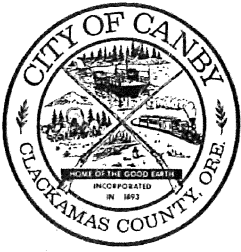
Laney Fouse

From: Jennifer Rosenblad <jenniferrosenblad7@hotmail.com>
Sent: Sunday, April 15, 2018 8:00 PM
To: PublicComments
Subject: Redwood Zoning

Hello,

I'm Jennifer Rosenblad from 1422 NE 18th. What I like about this neighborhood is the tall trees. They give the feel of a less developed area and just make it more pleasant. I am not in favor in taking down any more forested areas around my neighborhood.

I keep rereading the letter you sent for where it says in plain English what exactly the proposal is. "Subdivision (Type III) is a poor description. I feel many more people would be concerned if they understood this letter. Sincerely, Jennifer Rosenblad

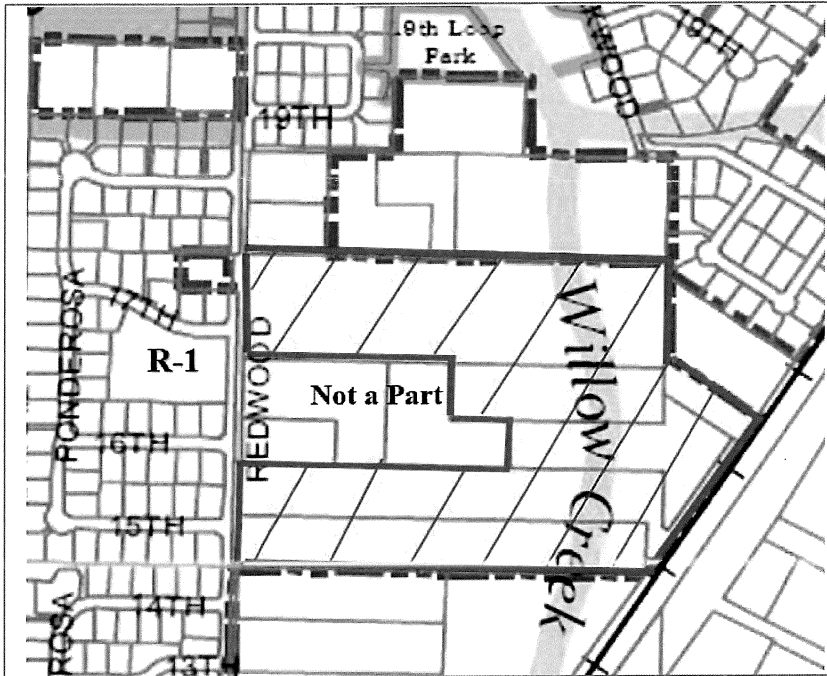


City of Canby

NOTICE OF PUBLIC HEARING & REQUEST FOR COMMENTS

By Interlocutory Order the Canby City Council has moved to remand SUB 17-06 to the Planning Commission to review a modification of the Redwood Land Subdivision that addresses the Council's concerns identified in their order.

The Planning Commission will hold a Public Hearing on Monday, April 23, 2018 at 7:00 pm in the City Council Chambers at 222 NE 2nd Ave to review the applicants revised design addressing Council's concerns.



Comments Due: If you would like your comments to be incorporated into the City's Staff Report, please return the Comment Form by Wednesday, April 11, 2018. Written and oral comments can also be submitted up to the time of the Public Hearing and may also be delivered in person during the Public Hearing.

Location: 1440, 1548, 1612, 1650, 1758 N. Redwood Street

Tax Lots: 31E34B00700, 00701 and 31E27C00301, 00500, 01200

Lot Size & Zoning: 25.21 acres, R-1 Low Density Residential with right to transfer density from park land dedicated area.

Owners: John Boyle, Jim Boyle, Hugh Boyle, Kathleen Boyle, Kristeen Boyle, Karen Seratt, Steven Stewart, Pamela King, Rebecca Stewart Gray, Ethan Manuel, and Stephanie Manuel

Applicant: Icon Construction & Development, LLC

Application Type: Subdivision (Type III)

City File Number: SUB 17-06

Contact: Bryan Brown, 503-266-0702

What is the Decision Process? The Planning Commission will review the modification of SUB 17-06 in accordance with the City Council's concerns listed in the Interlocutory Order (APP 17-03). The Planning Commission's decision may be appealed to the City Council.

Where can I send my comments? Comments can be mailed to the Planning Department, PO Box 930, Canby, OR 97013; dropped off at the Canby Planning Department, 222 NE 2nd Avenue, 2nd Floor; or emailed to: PublicComments@canbyoregon.gov.

How can I review the documents and staff report? Weekdays from 8 AM to 5 PM at the Canby Planning Department. The staff report to the Planning Commission will be available for inspection starting Friday, April 13, 2018 at the Canby Planning Department or on the City's website www.canbyoregon.gov. Copies are available at \$0.25 per page or can be emailed to you upon request.

Applicable Criteria: Canby Municipal Code Chapters:

- 16.08 General Provisions
- 16.10 Off-Street Parking and Loading
- 16.16 R 1 Low Density Residential Zone
- 16.43 Outdoor Lighting Standards
- 16.46 Access Standards
- 16.62 Subdivisions – Applications
- 16.64 Subdivisions – Design Standards
- 16.86 Street Alignments
- 16.88 General Standards & Procedures
- 16.89 Application & Review Procedures
- 16.120 Parks, Open Space & Recreation Land General Provisions

(Note: Failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal based on that issue.)

To the Planning Commission,

We wish to express our concerns regarding the Revised Preliminary Plan submitted by ICON as follows:

The proposed new lots are well below the traditional 7,000+ square foot low density norm as follows:

- a. 34% of lots less than 5,500 square feet
- b. 31% of lots between 5,500 and 6,100 square feet
- c. 21% of lots between 6,100 and 6,900 square feet
- d. 5% of lots 7,000+ square feet

Thus, only 5% of the proposed new lots meet the minimum standard for a low density lot. We contend that this does not meet the spirit of the North Redwood Concept Development plan for an area designated as low density.

The area under consideration for development was clearly identified visually and discussed verbally as low density. A review of testimony by city planning staff before this body referred to 'modest changes' that would result from the application of density transfer. The statistics above demonstrate that this plan is far more than a 'modest' change, rather we contend that it upends the spirit of the concept plan in its entirety. The entire public hearing process has failed to sufficiently inform the public of the possibility of this outcome.

There was specific discussion during the adoption phase of the North Redwood Concept Plan relating to density, once before the planning commission and again before the city council. Much of this discussion focused on a small portion of the intended low density area, the East side of Willow Creek. During this testimony it did not occur to any of the public that these comments would be limited to only a small portion of the area identified as low-density. Excerpts follow:

1. September 27, 2015 Planning Commission meeting -
 - a. Regarding density transfer, the consultant indicated a 'modest change', a 'tweak' to lot sizes
 - b. Consultant indicated that lots on the East side of Willow Creek would match existing Willow Creek lots
 - c. City Staff indicates that density transfer would only apply to a 'small handful of lots'
2. October 7, 2015 City Council Meeting -
 - a. City staff indicated 2 mechanisms for parks funding: 'SDC's' and 'density transfer to some degree'. 'You are not going to see a huge change' was another comment by city staff
 - b. Regarding the East side of Willow Creek, city staff indicated 'not too much potential for density transfer.....could add maybe an extra house'
 - c. Again regarding the East side of Willow Creek, city staff indicated 'we don't think it will be a lot, because of the nature of how this is situated'

This testimony clearly implies that the East side of Willow Creek was intended to remain low density. As a lay person, one would anticipate that the West side of Willow Creek would have the same intended outcome. It is not unreasonable to infer from these comments that this would be the likely outcome for all of the area intended as low density. The possibility that the East and West side of the creek would be treated differently was not made clear.

Additionally the extracts above confirm that the city's professional staff did not anticipate a wholesale switch to medium density. If the City's professional staff did not anticipate this outcome, it can surely not be expected that citizens could have anticipated this outcome. The problem is that the planning process did not in any way communicate the possibility of turning the majority of the low density area to medium density.

ICON's plan will change a majority of the low density area to medium density. Are we to anticipate that the area designated as medium density will become high density through density transfer as well? No one, other than ICON, was aware that density transfer could be used to drastically reduce the size of the low density area described in the North Redwood Concept Plan. When this misunderstanding became clear, I spent a weekend canvassing Postlewaite Estates, 19th loop and others in the neighborhood to advise them of the coming density configuration. I visited more than 40 homes and attended a meeting of the Willow Creek Homeowner's association board meeting. Not one person understood that the ICON development would be uniformly medium density.

As we have stated, both before the Planning Commission and the City Council, we do not oppose development. To that end we participated as stakeholders in every opportunity allowed by the process. We asked questions and worked to inform ourselves as lay citizens, as did many of our neighbors. We were pleased with the **spirit** of the concept plan, a plan that resulted in a walkable, accessible community.

It was not until after all the hearings had been held and ICON brought their interpretation of the concept plan forward that we came to realize that ICON's proposal used a technicality in the concept plan that results in turning the majority of the low density area into medium density through use of 'density transfer'.

We contend that the planning department did not fully inform the public of possible outcomes. The general public are lay persons with regard to real estate development. It is unreasonable to expect that a lay person be presented with a concept map, and then be expected to go home, read the fine print, pull out the calculator and run the numbers.

If it has all along been the city's intention to have nearly all of the N Redwood area result in high and medium density housing, with a mere token amount of low density area, I contend that we as citizens did not have an opportunity for that conversation. We were shown a visual representation of the concept, with the fine print really driving the ultimate outcome.

The testimony for the North Redwood Concept Plan was lengthy and exhaustive. Storm water run off, traffic congestion and the condition of Redwood Street have all been addressed. Engineering studies have been undertaken and the eventual upgrade of Redwood Street has been discussed. All of these items have been addressed and more importantly can be revisited over time as needed.

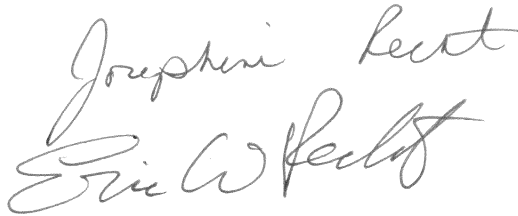
Unlike the issues of water runoff, traffic management and the condition of Redwood Street, density transfer is an issue that changes the character of the neighborhood.....a change that can never be addressed again. Using farming language, this is the final rotation of this land. We are seeking an outcome that will result in something that our neighbors currently enjoy and support: a neighborhood similar to Postlewaite Estates. The ICON proposal will result in **medium density for** nearly all of the west side of Redwood unlike the **low density** Postlewaite Estates.

We are advocating for a third option, one that would allow public access to Willow Creek within the context of a traditional low-density configuration (7,000+ Square foot lots) This would involve the street layout of the 'Revised Preliminary Plan' and the density of the 'Standard R-1 Plan'. Elimination of the bridge from the 'Standard R-1 Plan' would result in several additional lots, mitigating the loss of lots. We encourage the city planning commission to request the developer submit such a plan.

At this late stage in the process, it is difficult not to be cynical about opportunity for public input at the earliest stage of creating the basic foot print for the development of North Redwood Street. The documented lack of candor has resulted in frustration by current members of this neighborhood who participated in good faith in the planning opportunities provided. It has certainly been no less frustrating to the applicant.

If it had been the city's intention to have essentially the entire N Redwood area be one of medium and high density, then let's have an honest conversation. For all of the meetings that were held, and all of time that community members spent, we contend that that honest conversation was not had. It can be said that according to the letter of the law, we were heard. But we saw and heard the **spirit of the law**, and were not savvy enough to figure out the true **impact** of the law.

Thank you for this opportunity to express our concerns.



Josephine Lecht
Eric W. Fecht

March 9, 2018

Mr. Bryan Brown
Planning Director
City of Canby
22NE 2nd Avenue
Canby, OR 97013

Glen J. France
Postlewait Estates HOA
President

Re: Redwood Landing (SUB 17-06, APP 17-03)

Dear Bryan:

We are submitting the following items for consideration by the City Planning Commission at its April 23, 2018 public hearing regarding the Redwood Landing Draft Compromise Pan.

1. The Developer's March 23, 2018 Draft Compromise Plan is still frustrating the purpose of the R-1 designation in the Development Concept Plan and the City's Comprehensive Plan in the area designated as R-1. This is unacceptable in that 72 of Icon's 82 lots are below 7,000 sq ft lot size making them nearly all R-1.5 and not R-1. This is in violation of the spirit of a zoning balance for R1 lots adopted in the DCP for this area. In addition, it cannot be assumed that the R-1 lots in private land surrounded by R1.5 lots in the DCP will remain as R-1 and not be modified by a future developer to match the surrounding R-1.5 lots further increasing this density. While the Developer argues that the public will benefit from a larger park area, this does not out weight the negative public impacts caused by this higher density compounded by the possibility of increased density in the future.
 - a. Lower home values
 - b. Increased traffic, and noise
 - c. Increased pressure on our schools
 - d. Not enough R-1 available to those wanting R-1. Not everyone wants to live in R-1.5
 - e. Negative impact on Postlewait Estates and other surrounding neighborhoods in the area
2. We ask that an HOA be required as a development approval requirement.
 - a. The new neighborhood should maintain the storm water detention area the same as Postlewait Estate's HOA is required to maintain our storm water detention area using HOA fees.
 - b. The City requires the subdivision to install a fence along North Redwood Road and a landscaped area between the fence and the back of curb, and possibly a neighborhood sign. Since this is a requirement for the whole neighborhood the cost to maintain it should be paid for by the whole neighborhood which can only be accomplished by requiring the establishment of an HOA. This would insure the fence and landscaping would be properly maintained over time. This is consistent with Postlewait Estates, Willow Creek, Tofte Farms, Dismore Estates and many other neighborhoods within the City. Neighborhoods where this was not required such as Fiest Addition, and several others along 13th Ave, show the negative results of not utilizing an HOA and the many benefits it brings to the community.
 - c. The burden on the City would be lessened by having the HOA maintain the common areas of this neighborhood.
 - d. Additional benefits are:
 - i. Maintains and increases property values especially over time
 - ii. Creates a mechanism to deal with abandoned property and foreclosures
 - iii. Builds a stronger sense of community
 - iv. Creates an aesthetically pleasing neighborhood
 - v. Creates continuity between neighborhoods
 - vi. Fosters a reduction in crime by disseminating critical information to neighborhood residents and law enforcement in an efficient manner.
3. Condition of North Redwood Street – While we understand the negotiations between the City and the County over upgrading North Redwood Road to the City's street standards continues, it is imperative that the City collect funds, or a bond, from the developer sufficient to upgrade North Redwood Street to City Street Standards proportional to the amount of traffic generated by this subdivision.
4. Positive improvements recognized within the pan.
 - a. Valuable wetlands will be preserved and protected for the future
 - b. Trail and park access are provided from developed roads within the development
 - c. Trail and park access is being envisioned as an internal component of development and considers access to Willow Creek from neighborhoods east of Willow Creek, and west of North Redwood Street for those desiring to utilize the developed logging road (i.e. bike and walking trail).

Sincerely Yours,

Glen J. France
Postlewait Estates HOA President



City of Canby

NOTICE OF PUBLIC HEARING & REQUEST FOR COMMENTS

By Interlocutory Order the Canby City Council has moved to remand SUB 17-06 to the Planning Commission to review a modification of the Redwood Land Subdivision that addresses the Council's concerns identified in their order.

The Planning Commission will hold a Public Hearing on Monday, April 23, 2018 at 7:00 pm in the City Council Chambers at 222 NE 2nd Ave to review the applicants revised design addressing Council's concerns.



Comments Due: If you would like your comments to be incorporated into the City's Staff Report, please return the Comment Form by Wednesday, April 11, 2018. Written and oral comments can also be submitted up to the time of the Public Hearing and may also be delivered in person during the Public Hearing.

Location: 1440, 1548, 1612, 1650, 1758 N. Redwood Street

Tax Lots: 31E34B00700, 00701 and 31E27C00301, 00500, 01200

Lot Size & Zoning: 25.21 acres, R-1 Low Density Residential with right to transfer density from park land dedicated area.

Owners: John Boyle, Jim Boyle, Hugh Boyle, Kathleen Boyle, Kristeen Boyle, Karen Seratt, Steven Stewart, Pamela King, Rebecca Stewart Gray, Ethan Manuel, and Stephanie Manuel

Applicant: Icon Construction & Development, LLC

Application Type: Subdivision (Type III)

City File Number: SUB 17-06

Contact: Bryan Brown, 503-266-0702

What is the Decision Process? The Planning Commission will review the modification of SUB 17-06 in accordance with the City Council's concerns listed in the Interlocutory Order (APP 17-03). The Planning Commission's decision may be appealed to the City Council.

Where can I send my comments? Comments can be mailed to the Planning Department, PO Box 930, Canby, OR 97013; dropped off at the Canby Planning Department, 222 NE 2nd Avenue, 2nd Floor; or emailed to: PublicComments@canbyoregon.gov.

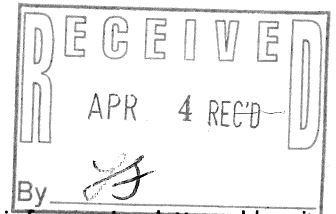
How can I review the documents and staff report? Weekdays from 8 AM to 5 PM at the Canby Planning Department. The staff report to the Planning Commission will be available for inspection starting Friday, April 13, 2018 at the Canby Planning Department or on the City's website www.canbyoregon.gov. Copies are available at \$0.25 per page or can be emailed to you upon request.

Applicable Criteria: Canby Municipal Code Chapters:

- 16.08 General Provisions
- 16.10 Off-Street Parking and Loading
- 16.16 R 1 Low Density Residential Zone
- 16.43 Outdoor Lighting Standards
- 16.46 Access Standards
- 16.62 Subdivisions – Applications
- 16.64 Subdivisions – Design Standards
- 16.86 Street Alignments
- 16.88 General Standards & Procedures
- 16.89 Application & Review Procedures
- 16.120 Parks, Open Space & Recreation Land General Provisions

(Note: Failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal based on that issue.)

CITY OF CANBY –COMMENT FORM



If you are unable to attend the City Council Public Hearing, you may submit written comments on this form or in a letter addressing the City Council. Please send comments to the City of Canby Planning Department:

By mail: Planning Department, PO Box 930, Canby, OR 97013
In person: Planning Department at 222 NE 2nd Avenue
E-mail: PublicComments@canbyoregon.gov

Written comments to be included in Planning Commission packet are due by Wednesday, April 11, 2017. Written and oral comments can be submitted up to the time of the Public Hearing and may also be delivered in person during the Public Hearing.

Application: Remand of SUB 17-03 Redwood Landing Subdivision, ICON Construction & Development

COMMENTS:

Lots 1F through 11F will not be allowed without a 2nd entrance to willow creek estates. Willow creek estates currently has to many homes for a single entrance Oregon Fire Code appendix D section D107

N River Alder has no connection with the other N River Alder this make efficient emergency response challenging.

NAME: Todd Gary
EMAIL: tgary@canbyfire.org
ORGANIZATION/BUSINESS/AGENCY: Canby Fire Dist
ADDRESS: 211 S Pine Canby Or 97013
PHONE # (optional): 503-266-5851
DATE: 4/04/2018

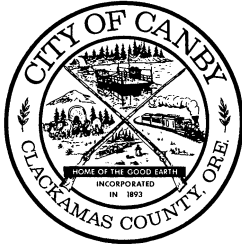
PLEASE EMAIL COMMENTS TO
PublicComments@canbyoregon.gov

AGENCIES: Please check one box and fill in your Name/Agency/Date below:

Thank you!

- 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
- No Comments

NAME: Todd Gary
AGENCY: Canby Fire Dist.
DATE: 4/04/2018



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

A REQUEST FOR APPROVAL OF)	FINDINGS, CONCLUSION & FINAL ORDER
ANNEXATION AND ZONE CHANGE)	ANN 18-01/ZC 18-01
FOR PROPERTY LOCATED IN)	PAUL M. AND SUSAN E. DUPONT
NORTHEAST CANBY AT 2125 NE)	
TERRITORIAL ROAD)	

NATURE OF THE APPLICATION

The Applicants sought approval for an annexation/zone change application ANN 18-01/ZC 18-01 to annex 2.65 acres of real property described as Tax Lots 31E27DB00200, 00201 and 41E27AD01500 Clackamas County, Oregon. The property is zoned Clackamas County RFF-5 and is requested to be zoned City R-1, (Low Density Residential).

HEARINGS

The Planning Commission considered applications ANN 18-01/ZC 18-01 after the duly noticed hearing on April 23, 2018 during which the Planning Commission recommended by a ___ vote that the City Council approve ANN 18-01/ZC 18-01 per the recommendation contained in the staff report. This includes approval of the proposed Development Agreement.

CRITERIA AND STANDARDS

In judging whether or not the annexation and zone change applications shall be approved, the Planning Commission determines whether criteria from the *City of Canby Land Development and Planning Ordinance* are met, or can be met by observance of conditions. Applicable criteria and standards were reviewed in the Planning Commission staff report dated April 11, 2018 and presented at the April 23, 2018 public hearing of the Planning Commission.

FINDINGS AND REASONS

The Planning Commission considered applications ANN 18-01/ZC 18-01 at a public hearing held on April 23, 2018 during which the staff report was presented, including all applicant submittal attachments. Staff recommended that the Planning Commission forward a recommendation of approval to the City Council for the proposed annexation and new zoning designation in accordance with the Comprehensive Plan Map land use designation.

After hearing public testimony, and closing the public hearing, the Planning Commission made the following additional findings beyond those contained in the staff report to arrive at their decision and support their recommendation:

-
-

CONCLUSION

In summary, the Planning Commission adopted the findings contained in the staff report, concluded that the annexation/zone change/Development Agreement with their directed revision meets all applicable approval criteria, and approved Files ANN 18-01/ZC 18-01 as stated below. The Planning Commission’s order is reflected below.

ORDER

Based on the application submitted and the facts, findings, and conclusions of the staff report, and the supplemental findings from the public hearing, the Planning Commission recommended to the City Council **APPROVAL** of annexation and zone change applications **ANN 18-01/ZC 18-01** as follows:

1. The Development Agreement be adopted and recorded with the property within 7 days of final approval of the annexation and rezoning application, and

2. ANN 18-01/ZC 18-01 be approved and,
3. Upon annexation, the zoning of the subject properties be designated as R-1 as indicated by the Canby Comprehensive Plan Map.

I CERTIFY THAT THIS ORDER approving **ANN 18-01/ZC 18-01** which was presented to and **APPROVED** by the Planning Commission of the City of Canby.
DATED this 23rd day of April, 2018.

 John Savory
 Planning Commission Chair

 Bryan Brown
 Planning Director

 Laney Fouse, Attest
 Recording Secretary

ORAL DECISION: April 23, 2018

<i>Name</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
<i>John Savory</i>				
<i>John Serlet</i>				
<i>Larry Boatright</i>				
<i>Derrick Mottern</i>				
<i>Tyler Hall</i>				
<i>Shawn Varwig</i>				
<i>Andrey Chernishov</i>				

WRITTEN DECISION: April 23, 2018

<i>Name</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
<i>John Savory</i>				
<i>John Serlet</i>				
<i>Larry Boatright</i>				
<i>Derrick Mottern</i>				
<i>Tyler Hall</i>				
<i>Shawn Varwig</i>				
<i>Andrey Chernishov</i>				

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

A REQUEST FOR A SUBDIVISION)	FINDINGS, CONCLUSION & FINAL ORDER
1440, 1548, 1612, 1650, 1758)	SUB 17-06 & APP 17-03
N. REDWOOD STREET)	CONSTRUCTION & DEVELOPMENT, LLC

NATURE OF THE APPLICATION

The Applicant, upon remand of an appeal, has sought approval for a modified Subdivision (SUB 17-06/APP 17-03 Remand) design that addresses five points of concern identified by the Council Interlocutory Order made on March 21, 2018. The new modified subdivision design proposes to divide a 25.21 acre parcel into an 82 lot subdivision on property located at 1440, 1548, 1612, 1650, 1758 N. Redwood Street and described as Tax Map/Lot 31E34B00700, 00701 and 31E27C00301, 00500, 01200, Clackamas County, Oregon. The property is zoned Low Density Residential (R-1) under the Canby Municipal Code (CMC), and provisions within the North Redwood Development Concept Plan allow the transfer of development rights where park land dedication is required in accordance with the Plan.

HEARINGS

The Planning Commission considered application SUB 17-06/APP 17-03 Remand after the duly noticed public hearing scheduled and held on April 23, 2018 as directed by Council Remand during which the Planning Commission approved **SUB 17-06/APP 17-03 Remand Order Modification for Redwood Landing Subdivision submitted by Icon Construction and Development**. These findings are entered to document the specifics of approval.

CRITERIA AND STANDARDS

In judging whether or not a Subdivision Application shall be approved, the Planning Commission determines whether criteria from the *City of Canby Land Development and Planning Ordinance* are met, or can be met by observance of conditions. Applicable code criteria and standards were reviewed in the original Staff Report dated November 13, 2017 and presented at the December 11, 2017 of the Canby Planning Commission. The staff memorandum dated April 13, 2018 presented at the April 23, 2018 hearing for the revised subdivision design addressing the Council's remand issues included proposed amendments and additions to the previously approved conditions of approval and are reflected in this Order.

FINDINGS AND REASONS

The Staff Memorandum was presented, and written and oral testimony was received at the public hearing. Staff recommended approval of the proposed revised Subdivision Application and applied proposed amended Conditions of Approval which were reflected in the staff memorandum in order to

ensure that the proposed development will meet all required *City of Canby Land Development and Planning Ordinance* approval criteria. After accepting public testimony, the Planning Commission closed the public hearing and made the following additional findings beyond those contained in the staff report to arrive at their decision and support their recommended Conditions of Approval and the exact wording thereof:

- Staff pointed out to the applicant that their initial proposal to make the internal street pavement widths 28' although allowed would result in no parking on one side of those streets. With the smaller 5 to 6,000 sf lot sizes with most having less than 60 foot of lot frontage, it was recommended they widen the pavement to the standard local street width to assure adequate on-street parking was available without causing undue congestion on the streets. The applicant agreed to the wider 34' standard local street width. It was noted the lot size would not change but the 6' required sidewalk would be pushed 3' into the front yards and be served by a pedestrian easement on the recorded plat. The wider standard street width was supported by the Planning Commission.
- The use of the alternative lot arrangement provided for in CMC 16.64.040 (3) was acknowledged justifying deviation from standard side yard setback from 7' to 5' and 15' to 10' setback on corner side street yards for all lots that range in size from 5,000 to 6,000 square feet in size, and to reduce lot width frontages as low as 50' to match the lot sizes based on grouping building lots into a smaller portion of the total development, reserving the remainder for dedicated park open space while not exceeding the underlying maximum density allowed by the R-1 zone.
- Staff indicated the City is willing to provide long-term maintenance of a water quality facility handling public street runoff on the adjacent Park property, while City ordinance requires on-site disposal of private property storm water runoff.
- The inclusion of a new condition of approval to have the applicant provide a list of lots utilizing the reduced side yard and corner lot side street setback to assist staff in evaluating plot plans at the time of building permit issuance was supported by the Planning Commission.

CONCLUSION

In summary, the Planning Commission adopted the applicant's modified subdivision design finding it satisfactorily addressed the five areas of concern expressed in the Council remand order along with the additional amendments to the conditions of approval addressed in the Staff Report, concluding that the revised residential design meets all applicable approval criteria, and recommending that File SUB 17-06/APP 17 03 Remand Order Modification be approved with the Conditions of Approval reflected in the written Order below.

ORDER

The Planning Commission concludes that, with the following conditions, the application meets the requirements for Subdivision approval. Therefore, **IT IS ORDERED BY THE PLANNING COMMISSION** of the City of Canby that **SUB 17-06/APP 17-03 Remand Order Modification** is approved, subject to the following conditions:

1. Prior to the start of any public improvement work, the applicant must schedule a pre-construction conference with the city and obtain construction plan sign-off from applicable agencies.
2. The development shall comply with all applicable City of Canby Public Works Design Standards.

3. The final construction design plans shall conform to the comments provided by the City Engineer in his memorandum dated April 6, 2018 pertaining to the revised design and striking item #5 as not appropriate for sharing lot driveways with the temporary stub street turnarounds..
4. The builder or applicant shall comply with the NW Natural Gas comments dated October 27, 2017.
5. The applicant shall comply with the applicable recommendations listed in the DKS Traffic Impact Study dated August 2017 and in the November 13, 2017 staff report.
6. The applicant shall locate the drainage water quality facility to the City Engineer's satisfaction which has been recommended to be located on a separate tract not a part of the Park or in close proximity of a street to facilitate future City maintenance and allowing runoff through a buffer prior to entering the wetland and Willow Creek. The location of a water quality/detention facility within the Park shall be sited in a manner that would allow future construction of a paved pedestrian path as envisioned in the adopted North Redwood Concept Plan.
7. Turnarounds shall be required at the end of all interior streets exceeding 150' in length with the area of the turnaround subtracted from the overall lot area to confirm lot size is greater than the 5,000 square foot lot minimum allowed. The temporary turnaround area may be removed at such time as the street is extended.

Fees/Assurances:

8. All public improvements are normally installed prior to the recordation of the final plat. If the applicant wishes to forgo construction of any portion of the public improvements until after the recordation of the final plat, then the applicant shall provide the City with appropriate performance security (subdivision performance bond or cash escrow) in the amount of 110% of the cost of the remaining public improvements to be installed.
9. If the applicant chooses to provide a subdivision performance bond for some or all of the required public improvements, the applicant shall obtain a certificate from the city engineer that states:
 - a. The applicant has complied with the requirements for bonding or otherwise assured completion of required public improvements.
 - b. The total cost or estimate of the total cost for the development of the subdivision. This is to be accompanied by a final bid estimate of the subdivider's contractor, if there is a contractor engaged to perform the work, and the certificate of the total cost estimate must be approved by the city engineer.
10. The applicant must guarantee or warranty all public improvement work with a 1 year subdivision maintenance bond in accordance with 16.64.070(P).
11. The applicant must pay the City Master Fee authorized engineering plan review fee equal to 0.4% of public improvement costs prior to the construction of public improvements (approval of construction plans).

Streets, Signage & Striping:

12. The applicant shall meet the Clackamas County recommended conditions of approval listed in the memorandum dated November 13, 2017 unless City of Canby standards are more stringent. The County Conditions are as follows:
 - A. All required street, street frontage and related improvements shall comply with the standards and requirements of the Clackamas County Zoning and Development

Ordinance and the Clackamas County Roadway Standards unless otherwise noted herein.

B. The applicant shall dedicate approximately 10 feet of right-of-way along the entire site frontage on N Redwood Street and verify by a professional survey that a 30-foot wide, one-half right-of-way width exists.

C. The applicant shall grant an 8-foot wide public easement for sign, slope and public utilities along the entire frontage of N. Redwood Street.

D. The applicant shall design and construct improvements along the entire site frontage of N Redwood Street to collector roadway standards, per Clackamas County Roadway Standards, Standard Drawing C130. These improvements shall consist of:

a. A one half-street improvement with a minimum paved width of 18 feet from the centerline of the right-of-way. The structural section shall be designed and constructed per Standard Drawing C100 for a collector roadway.

b. Inbound and outbound tapers shall be provided per Section 250.6.4 of the Clackamas County Roadway Standards.

c. Standard curb, or curb and gutter if curb line slope is less than one percent, with the curb face located 18 feet from the centerline of the right-of-way.

d. A 5-foot wide sidewalk behind a 5-foot wide landscape strip, including street trees shall be constructed along the entire site frontage. Where the sidewalk does not connect to sidewalk on adjacent property, the end of the sidewalk requires a concrete ADA compliant curb ramp, providing a transition from the new sidewalk to the edge of pavement.

e. Dual curb ramps shall be provided at the proposed intersections of NE 15th Avenue and NE 17th Avenue, constructed per Standard Drawing S910. The designer shall complete the county ADA Assessment Checklist and provide a copy with the improvement plans. The county has adopted the following curb ramp design and construction standards:

Feature	Design Standard	Construction
Standard		
Ramp Slope	7.5%	8.33%
Ramp Cross Slope	1.5%	2.0%
Landing (turning space) Cross Slope	1.5%	2.0%

f. Storm drainage facilities in conformance with City of Canby Standards and *Clackamas County Roadway Standards* Chapter 4. Any surface water runoff from the site to the N Redwood Street right-of-way shall be detained outside of the right-of-way in conformance with *Clackamas Roadway Standards*.

E. Adequate intersection sight distance, per Section 240 of the Clackamas County

Roadway Standards shall be provided at the intersections with N Redwood Street. Intersection sight distance shall be based on a design speed of 30 MPH, requiring a minimum of 335 feet of sight distance north and south.

F. A note shall be placed on the plat indicating no direct access to North Redwood Street by any Lot having such frontage, with access to those lots to the interior of the subdivision on a local street classification. (Access restriction indicated to be for Lots 1, 5, 6, 44, 45, 48, and 89).

G. Utility Placement Permit shall be required for any utility work required within the right-of-way of N Redwood Street.

H. The applicant shall submit an Engineer's cost estimate to be approved by Clackamas County Engineering for the asphalt concrete, aggregates, and any other required public improvement in the Leland Road right-of-way.

I. Prior to commencement of site work and recording of the plat the applicant shall obtain a Development Permit from this office for design and construction of required improvements to Leland Road. To obtain the Permit, the applicant shall submit plans prepared and stamped by an Engineer registered in the State of Oregon, provide a Performance Guarantee, and pay an Inspection Fee. The Performance Guarantee is 125% of the approved Engineer's cost estimate for the required improvements.

12. The street improvement plans for all internal interior streets shall conform to the TSP and Public Works standards as indicated by the city engineer.
13. A roadway striping plan shall be submitted by the applicant and shall be approved by city engineer and by the Public Works street department prior to the construction of public improvements.
14. A roadway signage plan shall be submitted by the applicant and shall be approved by the city engineer and by the Public Works street department prior to the construction of public improvements.
15. The applicant shall be responsible for installing all required street signage and striping at the time of construction of public improvements, unless other arrangements are agreed to by the City.

Sewer:

16. The applicant shall submit documentation of DEQ approval of the sewer plans to the City Engineer prior to the construction of this public improvement with each phase of development.

Storm water:

17. Storm water systems shall be designed in compliance with the Canby Public Works Design Standards as determined by the City Engineer.
18. The applicant shall obtain DEQ approved drywells if proposed within the subdivision.

Grading/Erosion Control:

19. The applicant shall submit grading and erosion control plans for approval by Canby Public Works in conjunction with construction plan approval prior to the installation of public improvements and start of grading with each phase of development.
20. The applicant shall grade all areas of the site, including the proposed lots, to minimize the

amount of soil to be removed or brought in for home construction.

Final plat conditions:

General Final Plat Conditions:

21. The applicant shall apply for final plat approval at the city and pay any applicable city fees to gain approval of the final subdivision plat. Prior to the recordation of the final plat at Clackamas County, it must be approved by the city and all other applicable agencies. The city will distribute the final plat to applicable agencies for comment prior to signing off on the final plat if deemed necessary.
22. All public improvements or submittal of necessary performance security assurance shall be made prior to the signing and release of the final plat for filing of record.
24. The final plat shall conform to the necessary information requirements of CMC 16.68.030, 16.68.040(B), and 16.68.050. The city engineer or county surveyor shall verify that these standards are met prior to the recordation of the subdivision plat.
27. All "as-built" of City public improvements installed shall be filed with Canby Public Works within sixty days of the completion of improvements.
28. Clackamas County Surveying reviews pending subdivision plat documents for Oregon Statutes and county requirements. A subdivision final plat prepared in substantial conformance with the approved tentative plat must be submitted to the City for approval within one year of approval of the tentative plat or formally request an extension of up to 6-months with a finding of good cause.
29. The applicant shall record the final plat at Clackamas County within 6 months of the date of the signature of the Planning Director.
30. The applicant shall assure that the city is provided with a copy of the final plat in a timely manner after it is recorded at Clackamas County, including any CC&Rs recorded in conjunction with the final plat.
31. The City shall assign addresses for each newly created subdivision lot and distribute that to the developer, and other agencies that have an interest.
32. The applicant must specify at the public hearing which lots are proposed for dwelling setback reduction and identify which lots are proposed for minimum lot frontage of 50 feet in order for the Planning Commission to make a detailed decision.

Dedications

33. As stated by the City Engineer, the applicant shall dedicate by separate instrument 10 feet of R.O.W. width for the full length of the subject property along N. Redwood Street on the Final Plat.
34. The applicant shall dedicate 5.29 acres for a public park as indicated in the revised new design.

Easements

35. A dual 12 foot utility, pedestrian, and temporary street tree easement along all of the lot street frontages shall be noted on the final plat. This easement may be combined with other easements and shall be measured from the property boundary.

36. Sidewalk easements are required along the frontage of the newly created private lots for any portion of the 6' public sidewalk that will lie on private property.

Street Trees

37. A Street Tree Plan shall be submitted with the final plat, and street tree fees paid prior to release of the final plat. The plan will allow the city to establish street trees per the Tree Regulation standards in Chapter 12.32 of the Canby Municipal Code. The total per tree fee amount is calculated at one tree per 30 linear feet of total street frontage on both sides of all internal streets and the adjacent side of external streets or as determined by an approved Street Tree Plan on a per tree basis.

Monumentation/Survey Accuracy Conditions

38. The county surveyor and/or city engineer shall verify that the lot, street, and perimeter monumentation shall meet the requirements set forth in Oregon Revised Statutes and conform with the additional survey and monumentation standards of 16.64.070(M)(1-3) prior to recordation of the final plat.

Residential Building Permits Conditions:

39. Construction of all required public improvements and recordation of the final subdivision plat must be completed prior to the construction of any homes.
40. The homebuilder shall apply for a City of Canby Site Plan Permit and County Building Permit for each home and satisfy the residential design standards of CMC 16.21.
41. The homebuilder shall apply for a City of Canby Erosion Control Permit.
42. All residential construction shall be in accordance with applicable Public Works Design Standards.
43. On-site storm water management shall be designed in compliance with the Canby Public Works Design Standards.
44. Clackamas County Building Codes Division will provide structural, electrical, plumbing, and mechanical plan review and inspection services for home construction per contract with the City. The applicable county building permits are required prior to construction of each home.
45. Per the Canby Public Works Design Standards, minimum residential driveway widths at the inside edge of the sidewalk shall be 12 feet and the maximum residential driveways widths shall be 24 feet with an allowed exception for 28 feet for a home with 3 or more garages.
46. Sidewalks and planter strips shall be constructed by the developer and shown on the approved tentative plat.
47. All system development fees shall be collected with each home within this development except as otherwise indicated within the agreed upon Redwood Landing Park Valuation and SDC Compensation Calculation Agreement.

I CERTIFY THAT THIS ORDER approving **SUB 17-06/APP 17-03 Remand Redwood Landing Subdivision** which was presented to and **APPROVED** by the Planning Commission of the City of Canby.
DATED this 23rd day of April, 2018

 John Savory
 Planning Commission Chair

 Bryan Brown
 Planning Director

 Laney Fouse, Attest
 Recording Secretary

ORAL DECISION: April 23, 2018

<i>Name</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
<i>John Savory</i>				
<i>John Serlet</i>				
<i>Larry Boatright</i>				
<i>Derrick Mottern</i>				
<i>Tyler Hall</i>				
<i>Shawn Varwig</i>				
<i>Andrey Chernishov</i>				

WRITTEN DECISION: April 23, 2018

<i>Name</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
<i>John Savory</i>				
<i>John Serlet</i>				
<i>Larry Boatright</i>				
<i>Derrick Mottern</i>				
<i>Tyler Hall</i>				
<i>Shawn Varwig</i>				
<i>Andrey Chernishov</i>				