

**PLANNING COMMISSION
Meeting Agenda
Monday – September 26, 2016
7:00 PM**

City Council Chambers – 155 NW 2nd Avenue

Commissioner John Savory (Chair)

Commissioner Vacant (Vice Chair)

Commissioner Larry Boatright

Commissioner Derrick Mottern

Commissioner John Serlet

Commissioner Kristene Rocha

Commissioner Tyler Smith

1. CALL TO ORDER

- Invocation and Pledge of Allegiance
- Selection of Vice Chair

2. CITIZEN INPUT ON NON-AGENDA ITEMS

3. MINUTES

- May 23, 2016, July 11, 2016, and July 25, 2016 Planning Commission Minutes

4. PUBLIC HEARING

- Consider a request for Annexation and Zone Change for property located on N Oak St. (ANN 16-04/ZC 16-04 John Meredith)

5. NEW BUSINESS - None

6. FINAL DECISIONS (Note: These are final, written findings of previous oral decisions. No public testimony.)

- ANN 16-04/ZC 16-04 John Meredith

6. ITEMS OF INTEREST/REPORT FROM STAFF

- Next Regular Planning Commission meeting scheduled for Monday, Oct. 10, 2016
- City of Canby New Library/Civic Center, 222 NE 2nd Ave

7. ITEMS OF INTEREST/DISCUSSION 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.ci.canby.or.us. Effective Oct. 1, 2016 the City's web page will change to www.canbyoregon.gov. City Council and Planning Commission Meetings are broadcast live and can be viewed on CTV 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 step forward when the Chair calls for Proponents if you favor the application; or Opponents if you are opposed to the application; to the microphone, state your name address, and interest in the matter. You will also need to sign the Testimony sheet and while at the microphone, please say your name and address prior to testifying. 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.

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – May 23, 2016
City Council Chambers – 155 NW 2nd Avenue

PRESENT: Commissioners John Savory, Shawn Hensley, Larry Boatright, Kris Rocha, and Derrick Mottern

ABSENT: John Serlet and Tyler Smith

STAFF: Bryan Brown, Planning Director, and Laney Fouse, Planning Staff

OTHERS: Eric Humphreys, Will Snyder, and Kevin Battridge

1. CALL TO ORDER

Chair Savory called the meeting to order at 7:00 pm.

2. CITIZEN INPUT – None.

3. MINUTES

- a. April 11, 2016 Planning Commission Minutes

Motion: A motion was made by Commissioner Mottern and seconded by Commissioner Hensley to approve the April 11, 2016, Planning Commission minutes. Motion passed 5/0.

4. PUBLIC HEARING

- a. Consider a request for a Conditional Use Permit to convert an existing accessory building into a detached accessory dwelling unit. (CUP 16-01 Humphreys)

Chair Savory opened the public hearing and read the public hearing format. He asked if any Commissioner had a conflict of interest or ex parte contact to declare. There was none.

Bryan Brown, Planning Director, entered the staff report into the record. A conditional use permit was required for a proposed detached accessory dwelling. This was located on the north side of NE 10th Avenue in an area surrounded by single family homes. He explained the site plan and how the accessory dwelling unit was detached from the main house, although it almost touched a covered patio area that was closer than the ten foot minimum separation. Staff thought it was a ten foot minimum from the main dwelling unit, not a covered patio, and thought the accessory dwelling met the separation requirement. The unit was already on the property and was being remodeled. It was 285 square feet, was placed in the rear yard, and met all required setbacks and other Code requirements. One additional parking space was required on the property to accommodate the dwelling. As a condition the property owner would have to pave an additional parking space. The applicant was proposing to extend services out of the existing home to the dwelling. Another condition was to get approval for the water and sewer connections. Another condition was to have a five foot sidewalk easement along 10th Avenue so that at some point in the future sidewalks could be put in. Staff recommended approval with conditions.

Applicant: Eric Humphreys, resident of Canby, said he would be going through the correct process for the utilities and permits. He was planning for the unit to be rented.

Proponents, Opponents, and Neutral: None

Chair Savory closed the public hearing.

Motion: A motion was made by Commissioner Hensley and seconded by Commissioner Boatright to approve CUP 16-01 Humphreys as written. Motion passed 5/0.

- b. Consider a request for a Minor Land Partition of 356 NE 10th Avenue to create a second parcel. (MLP 16-01 Snyder)

Chair Savory opened the public hearing and read the public hearing format. He asked if any Commissioner had a conflict of interest or ex parte contact to declare. There was none.

Mr. Brown entered the staff report into the record. The request was to create two parcels, one that would include the existing house and one that would be a vacant lot for a new home to be built. The existing house had a driveway off of 10th Avenue and the new parcel would have driveway access off of N Locust Street. The newly created lot had a large tree on the site as well as other trees that would have to be removed in order to be developed. They were private property trees and there was no ordinance against their removal. The individual lot sizes did not meet the minimum and maximum requirements of 7,000 to 10,000 square feet, but through lot averaging they did meet the requirements. There would be a condition for a five foot sidewalk easement for 10th Avenue as well as Locust Street and a sidewalk would be put in on the frontage of both parcels. There was a low brick fence that would have to be removed as it would block the new sidewalk. He reviewed the conditions of approval. The new lot would be subject to residential in-fill standards, a street tree easement would be required for Parcel 2 so the City could plant a street tree to replace the ones that would be removed from the parcel, if utility providers needed utility easements for Parcel 2 they would be included on the plat, and an addition to Condition #5 was for a triangular easement for the handicap ramp at the intersection at 10th Avenue and Locust which would be redone to be compliant with ADA standards. Staff recommended approval with conditions.

Applicant: Will Snyder was representing Snyder Construction. They were currently building homes in Northwoods Estates and Faist Addition #6. They had a vested interest in Canby. The intention was to create a new vacant parcel, which would be 7,040 square feet and met the minimum requirements. The existing parcel would be 10,554 square feet which exceeded the maximum requirements by 554 square feet. This could be accepted if the Commission agreed with the lot averaging. The large tree would need to be removed, but he thought the rest of the trees on the property could be preserved. The brick wall would also be removed to continue the sidewalk. It was their intent to extend the sidewalk and they were aware of the in-fill requirements to build a house on Parcel 2. They intended to build the house themselves. It would be a one level home to match the existing neighborhood. A utility easement would be required from Canby Utility.

Proponents: None

Opponents: Kevin Battridge, resident of Canby, lived across the street from the property. He wanted to maintain the character of the neighborhood and the 7,000 square foot lot was smaller than the other nearby lots. He was also concerned about sustainability. There had been four homes in this area that had been vacant for years. Rather than building in-fill, efforts should focus on getting those houses back on the tax rolls and out of foreclosure. The existing house was currently a rental property and was not well maintained and he hoped the new house would be owner occupied as opposed to a rental property. Every other house on the street was owner occupied. A single family home would be consistent with the neighborhood. The large tree had been there forever and it was a pity it had to be removed. He thought in the future a tree ordinance for maintaining these types of trees should be considered. He thought the sidewalk requirements were appropriate. The intersection of 10th and Locust was not safe as a lot of cars parked on the corner and created a blind spot. Adding another driveway and more vehicles would compound the problem. The distance between driveways and intersections needed to meet the requirement on both sides of the street, not just one side.

Neutral: None

Rebuttal: Mr. Snyder said he could not address the houses that were in foreclosure. He understood the concerns regarding the maintenance of the existing house. The tenants would be vacating soon, and he planned to do a landscaping overhaul and to create a backyard for the house. He intended to sell the existing house once improvements were done and the plat change approved.

Commissioner Hensley did not think a street tree easement should be required as there was a not much room with the narrow frontage and the roots might affect the driveway and sidewalk. He thought they would have to shift things around just to find room to put in a tree. He asked if Mr. Snyder was in favor of the street tree.

Mr. Snyder said he was not concerned about it.

Chair Savory closed the public hearing.

Motion: A motion was made by Commissioner Hensley and seconded by Commissioner Boatright to approve MLP 16-01 Snyder with an amended Condition #5 to add the triangular easement for the ADA ramp. Motion passed 5/0.

5. FINAL DECISIONS

- a. CUP 16-01 Eric Humphreys
- b. MLP 16-01 Snyder Construction

Motion: A motion was made by Commissioner Hensley to approve the final decision for CUP 16-01. Motion passed 5/0.

Motion: A motion was made by Commissioner Hensley to approve the final decision for MLP 16-01 with amended Condition #5. Motion passed 5/0.

6. NEW BUSINESS – None

7. ITEMS OF INTEREST / REPORT FROM STAFF

- a. Next regular Planning Commission meeting scheduled for Monday, June 13, 2016

Mr. Brown said in next fiscal year’s budget there were funds to buy tablets for the Planning Commission to use for meetings. It would help with staff time and efficiency.

8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION

Commissioner Hensley discussed an email he received regarding a two day conference in Bend. Mr. Brown said there was training offered through the League of Oregon Cities at their conference in September.

9. ADJOURNMENT

Motion: Commissioner Hensley moved for adjournment, Commissioner Rocha seconded. Motion passed 5/0. Meeting adjourned at 8:20 pm.

The undersigned certify the May 23, 2016 Planning Commission minutes were presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 26th day of September, 2016

Bryan Brown, Planning Director

Laney Fouse, Meeting Recorder

Assisted with Preparation of Minutes – Susan Wood

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – July 11, 2016
City Council Chambers – 155 NW 2nd Avenue

PRESENT: Commissioners John Savory, Shawn Hensley, Larry Boatright, Kris Rocha, John Serlet, and Derrick Mottern

ABSENT: Tyler Smith

STAFF: Bryan Brown, Planning Director

OTHERS: Scott Beck, Tom Scott, and Pat Sisul

1. CALL TO ORDER

Chair Savory called the meeting to order at 7:00 pm.

2. CITIZEN INPUT – None.

3. MINUTES

- a. May 9, 2016 Planning Commission Minutes

Motion: A motion was made by Commissioner Hensley and seconded by Commissioner Serlet to approve the May 9, 2016, Planning Commission minutes. Motion passed 5/0.

4. PUBLIC HEARING

- a. Consider a request for a Site & Design Review for a proposed multi-tenant Commercial Building (DR 16-03 Tom Scott)

Chair Savory opened the public hearing and read the public hearing format. He asked if any Commissioner had a conflict of interest or ex parte contact to declare. Commissioner Hensley worked on SW 2nd and drove by the site every day.

Bryan Brown, Planning Director, entered the staff report into the record. This was a site and design review for 851 SW First Avenue adjacent to Burgerville and Taco Bell. This was to solve an existing issue with the driveway off of 99E which was a common driveway with Burgerville and there had been issue with Burgerville customers parking on this property. This new design would make the driveway an exit for Burgerville and there would be a new two-way driveway for this property. A traffic study was done and the recommendations were to keep the site lines clear with low landscaping and parking spaces away from the driveway, large truck deliveries would be done at off peak hours, two parking spaces were removed that were planned to be at the entrance off of Highway 99E, and increasing the bicycle spaces from five to seven spaces. The building would be 6,109 square feet with four different retail tenants. The applicant thought they qualified for a reduction in the minimum required parking spaces by 10% based on the fact that they had a unique situation of having the high school directly across the street and a great deal of the customers would be pedestrian oriented coming to the site. Some of the requirements the application did not meet were related to this property being in the Downtown Overlay

District in the Outer Highway Commercial Subarea. The Outer Highway encouraged automobile uses, but the standards did not allow that. The standards required buildings to be close up to the street as possible and a floor area ratio of .18. To meet the standard the building would have to be close to the street which would make it difficult for a drive thru scenario and they would have to build a two story building which was uncommon for this type of retail use. The Commission had faced this issue before and he suggested the design standards for the Outer Highway areas be changed in the future so applications did not have to try to comply with standards that were geared for the downtown core commercial area. Staff was pleased with the proposed appearance of the building and it would be an upgrade to the highway frontage. The outdoor lighting standards were met.

Applicant: Scott Beck, architect, was representing the applicant. This was a mixed use highway oriented commercial project. Some of the project goals were visibility, curb appeal, and pedestrian friendly connections. All sides of the building could be viewed which was taken into the consideration in the design. The highest and best use for the site was to accommodate a drive up window and in order to have that, they had to be able to queue up a number of cars and also have room for parking. They also wanted to make the building compatible with the adjacent neighborhood but still have individual identity. The expected tenants were food related, such as a sandwich shop or pizza, and there would also be retail. There would be a two way access from 99E to 4th Avenue and a broad pedestrian walkway in front of the building. They were requesting a 10% reduction of parking due to the vicinity to the high school and they were providing a pedestrian oriented development with extra wide sidewalks and seating. The first two upper left parking stalls had been eliminated per the traffic study for safety concerns and there would be seven bicycle stalls. He explained the revised site plan parking, landscaping, and building elevations. The building would have contemporary architecture with flat parapet walls of varying heights. It would have dominant cornice line and architectural elements to break up the mass of the building. There would be a covered walkway and the bicycle parking would be covered. The design met the Code with a few exceptions. One was having a larger setback than the 10 feet allowed and 40% façade frontage. In order to accommodate the drive up window, there needed to be a loop around the building, so the setback was 21 feet, eight inches from 99E. They provided 43% of the façade frontage in order to make the radius work for the drive up aisle. Another exception was the floor area ratio. The Code required 25% and the applicant was proposing 18.5% in order to provide adequate landscaping and parking. Having a two story building would be difficult due to the need for space for stairs and an elevator as well as the needed rooftop fans for the restaurant tenants. Another exception was the requirement for a 15 foot landscape buffer for the drive aisle, and the applicant was requesting reducing the 15 feet to 5 and a half feet. The last exception was the requirement for a 13 x 35 dedicated loading stall and the applicant was proposing a 13 x 35 non-marked loading space. The tenants would not have bulky merchandise and the deliveries would be done at off peak hours and the applicant was requesting to have a non-dedicated stall. They were planning to add fire sprinklers to the building.

There was discussion regarding waiving the development standards for these types of applications and examples of waiving the standards for other projects in the City.

Proponents: Tom Scott, resident of Canby, was representing the family that owned the property. The property was purchased eight months ago. The previous building had burned down in May of 2015. They did a market analysis for what they could do with it, and after looking at the options, this one worked out from a marketable standpoint and functionality long term. They expected to have the building filled in the next couple of months. They had a deeded access to the property that they wanted

to move 12 to 15 feet to the west and ODOT agreed verbally to the move. They would remove the access next to the Taco Bell. The setback reduction was needed as the drive thru window was important in this location and there had to be a way to loop people around the building. He thought this building would end up being closer to the street than other nearby businesses and they had to make the property functional and reasonable. Regarding the floor area ratio, it was difficult to put a two story building here and expect tenants to be successful. It was not the area for a two story building and more parking would be required when they had already maximized the parking. Regarding the 15 foot landscape buffer, there was an ODOT right-of-way near the property line that would be landscaped and maintained. It was close to where the 15 foot buffer would be. There was a City-owned 30 foot right-of-way that the applicant offered to maintain as well.

Opponents and Neutral: None

Chair Savory closed the public hearing.

Mr. Brown said in regard to the 15 foot landscape buffer, the intent was to move parking to the side or rear to see the building not a parking lot in front of the building.

Motion: A motion was made by Commissioner Rocha and seconded by Commissioner Boatright to approve DR 16-03 Tom Scott with the five modifications to the design standards. Motion passed 6/0.

- b. Consider a request for a 6 lot Subdivision suitable for single family dwellings (SUB 16-02 Charlie Clark)

Chair Savory opened the public hearing and read the public hearing format. He asked if any Commissioner had a conflict of interest or ex parte contact to declare. There was none.

Mr. Brown entered the staff report into the record. This was a request for a subdivision consisting of six lots in the low density R1 zone. The surrounding neighborhood was low density as well and when developed this application would help supply street connectivity in the area as it would complete the gap on N Oak Street. There was a slight curve in order for the dead ends to connect which pushed a half street improvement on the adjacent property to the east. The applicant negotiated with the adjacent property owner and they were able to secure a dedication deed in order to complete the construction. He commended the applicant for combining these three smaller lots into one project and coming up with a good layout that gave the Fire Department good access and provided a mix of lot sizes. The internal private road would be located on the south side, closer to 14th Avenue. There was a shadow plat for what might happen to the east as that property developed and how it would line up with this application. The plans had a sidewalk coming off of N Oak Street that would allow good pedestrian access internally for these lots. They were trying to find a name for the private street, and staff suggested it be called Kaitlyn Place. All the stormwater was proposed to be dry wells.

Applicant: Pat Sisul, Sisul Engineering, was representing the applicant. The proposal was to divide the property into six lots, two of them fronting on Oak Street. Oak currently dead ended to the north of the site and to the south of the site. To the south it was constructed to a 40 foot curb to curb width and a 60 foot right-of-way and to the north it was a dedicated 30 foot curb width with 19 feet of pavement. The goal was to create a transition through the site that tied a 40 foot wide road into a 19 foot wide road. The

plan was to build a 28 foot, two lane road through the site and that necessitated going to the neighbor to the east and getting a right-of-way dedication deed. The two lots that faced Oak were slightly over 7,000 square feet, and the other lots down the private driveway would be bigger. The driveway would be on the south side of the site due to the property owner's preference and the sanitary sewer worked better on the south side. The private driveway would be owned in common by lots 3 through 6. There was discussion regarding the area between the paved surface and the property lines to the south and there was consensus to gravel it so it could be easily maintained. The stormwater would be maintained on the lots, and the private driveway and Oak Street would have dry wells. The water line would be looped through the site. There would be a mix of one and two story homes. He thought the name Kaitlyn Place would be used.

Proponents, Opponents, Neutral: None

Rebuttal: None

Chair Savory closed the public hearing.

Motion: A motion was made by Commissioner Rocha and seconded by Commissioner Serlet to approve SUB 16-02 Charlie Clark. Motion passed 6/0.

5. NEW BUSINESS – None

6. FINAL DECISIONS

a. DR 16-03 Tom Scott

Mr. Brown said there would be waivers for the five ordinance requirements and three of the conditions would be removed.

Motion: A motion was made by Commissioner Rocha and seconded by Commissioner Serlet to approve the final decisions for DR 16-03 subject to the waiver of the five ordinance requirements. Motion passed 6/0.

b. SUB 16-02 Charlie Clark

Motion: A motion was made by Commissioner Hensley and seconded by Commissioner Rocha to approve the final decisions for SUB 16-02. Motion passed 6/0.

7. ITEMS OF INTEREST / REPORT FROM STAFF

a. Next regular Planning Commission meeting scheduled for Monday, July 25, 2016

Mr. Brown reviewed what would be on the agenda for the July 25 meeting.

8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION

Commissioner Hensley checked out the new McDonalds driveway and was impressed that they extended the driveway curbing to accommodate a neighboring business.

9. ADJOURNMENT

Motion: Commissioner Serlet moved for adjournment, Commissioner Boatright seconded. Motion passed 6/0. Meeting adjourned at 9 pm.

The undersigned certify the July 11, 2016 Planning Commission minutes were presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 26th day of September, 2016

Bryan Brown, Planning Director

Laney Fouse, Meeting Recorder

Assisted with Preparation of Minutes – Susan Wood

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – July 25, 2016
City Council Chambers – 155 NW 2nd Avenue

PRESENT: Commissioners John Savory, Shawn Hensley, Larry Boatright, John Serlet, and Derrick Mottern

ABSENT: Kris Rocha and Tyler Smith

STAFF: Bryan Brown, Planning Director

OTHERS: Steven Rudnick

1. CALL TO ORDER

Chair Savory called the meeting to order at 7:00 pm.

2. CITIZEN INPUT – None

3. MINUTES – None

4. PUBLIC HEARING

- a. Consider a request for a Site & Design Review for a proposed commercial sign fabrication shop at 1400 SE Township Road (DR 16-04 Steven Rudnick)

Chair Savory opened the public hearing and read the public hearing format. He asked if any Commissioner had a conflict of interest or ex parte contact to declare. There was none.

Bryan Brown, Planning Director, entered the staff report into the record. This development was located on the north side of SE Township Road. Existing developments surrounded the property and it was zoned light industrial. The lot was part of a replat of a previous lot of a plat. There were four lots that shared an access on the western edge of the applicant's property and there was a 20 foot easement in the back. A sign fabrication shop was allowed in this zone. The overall building footprint was 4,896 square feet which included an upstairs mezzanine area. That was below the level that required any designated loading zone. They were also proposing a fenced, secured area for a circulation parking lot route into the north end of the building for staging of vehicles and a long term storage area. There was an existing sidewalk along Township Road, which was five feet wide instead of the standard six feet. Staff recommended maintaining the existing width. There was some cracking in the existing driveway and that portion needed to be fixed. Currently the applicant was responsible for the maintenance of the common driveway, but he was working on getting an access and maintenance agreement with the neighboring properties. Some landscaping had been proposed in the back of the property, however it would be in the 20 foot easement area. Staff suggested either moving the building one foot and four and a quarter inches to the east so the entire proposed site was off of the easement. The applicant was moving forward with securing a common access easement and might not have to move the building. The proposal met the landscape requirements and all other requirements. It was unclear where the bicycle parking would be. The lighting fixtures proposed were acceptable except for the flood lights which

needed to prevent light trespass across the property line. The lights proposed did not have the proper shielding.

Applicant: Steven Rudnick, resident of Oregon City, said it had been confusing regarding who owned what. He came up with a reciprocal agreement for access and maintenance and he gave a copy of the agreement to the Commission. He then reviewed the agreement that included signatures of all four owners of the properties. The agreement was to share the cost for the 40 foot wide L-shaped strip (including some property in the front that no one was currently using and the 20 foot easement), they would have to give a year's notice and come to an agreement for any repairs that needed to be made, and the current existing asphalt would be left as it was with no widening. Bicycle parking would be placed on the site. He explained how LED lamps were more expensive because at the end of their life a new fixture would have to be put in and lumens' output was more energy efficient and could be better maintained. He would use 400 watt lights in the parking lot, but without shielding. The lights would shine away from the residential neighborhood at 180 degrees and would light up the easement area in the back as well. He thought other businesses had similar lighting. Some residents came to the neighborhood meeting and were happy that something was going to go on this site.

Chair Savory urged Mr. Rudnick to get a lawyer to draft the agreement to make it legally binding. Mr. Brown wanted to make sure it was recorded with the properties.

There was discussion regarding the cracks in the concrete in the public right-of-way where the driveway approached into the lot and who was responsible to maintain it. Mr. Brown said when a new development was going in, if there were defective driveway approaches the City asked that they be brought up to City standards. It was not a requirement, but a recommendation from staff.

Mr. Brown suggested separating the maintenance issue from the guaranteed easement issue. The applicant could either move his building out of the easement area or before construction, file an easement on the neighboring property that allowed all of the property owners' access on the property.

Mr. Rudnick thought his agreement covered this issue. He explained how he determined the property lines for his property and where the easements were. There would be additional landscaping along the fence line to help blend in. The 20 foot easement was made for fire truck access and he thought there would be enough access with the 40 feet. He did not want to push his building to the east as he did not want to make access harder as access was currently 10 feet, but if he had to move his building it would be 8 feet, which was the width of a utility vehicle. Mr. Brown said the issue was encroachment in the access easement. They did not normally approve new development in an access easement.

Mr. Rudnick reviewed the conditions of approval. Mr. Brown said the applicant could provide a document with legal descriptions of the portions of the neighboring properties that were included in the reciprocal easement and if it was recorded with the properties, then he would not have to move his building. The issue was timing, because the easement would have to be done and filed before construction began and it was an extra expense. The other option was to move the building.

Mr. Rudnick was trying to avoid moving the building as he already paid his architect and structural and civil engineers and every change was costly.

Proponents, Opponents, and Neutral: None

Chair Savory closed the public hearing.

Commissioner Boatright said they were talking about a few inches on a driveway and he did not think Mr. Rudnick should have to move his building or go through a costly process. He thought Condition #4 should be removed.

Mr. Brown said this was a private access easement and he was not sure how much interest the City had in it.

Motion: A motion was made by Commissioner Boatright and seconded by Commissioner Hensley to approve DR 16-04 Steven Rudnick and striking Condition #4. Motion passed 5/0.

5. NEW BUSINESS – None

6. FINAL DECISIONS

- a. DR 16-04 Rudnick Electric Signs, LLC

Motion: A motion was made by Commissioner Serlet and seconded by Commissioner Boatright to approve the final decisions for DR 16-04 and striking Condition #4. Motion passed 5/0.

7. ITEMS OF INTEREST / REPORT FROM STAFF

- a. Next regular Planning Commission meeting scheduled for Monday, August 8, 2016

Mr. Brown discussed what would be on the agenda for August 8.

8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION – None

9. ADJOURNMENT

Motion: Commissioner Hensley moved for adjournment, Commissioner Boatright seconded. Motion passed 5/0. Meeting adjourned at 8:10 pm.

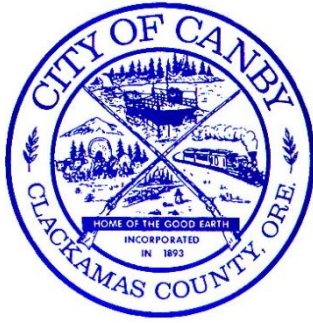
The undersigned certify the July 25, 2016 Planning Commission minutes were presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 26th day of September , 2016

Bryan Brown, Planning Director

Laney Fouse, Meeting Recorder

Assisted with Preparation of Minutes – Susan Wood



City of Canby

ANNEXATION AND ZONE CHANGE STAFF REPORT

FILE #: ANN/ZC16-04

Prepared for the September 26, 2016 Planning Commission Meeting

LOCATION: 1009 NE Territorial Road



ANEXATION PROPERTY SIZE: The site is a total of 1.65 acres, plus 0.15 acres of street right-of-way

TAX LOTS: Tax Lot 31E28DD01800

COMPREHENSIVE PLAN DESIGNATION: Medium Density Residential (MDR)

CURRENT ZONING DESIGNATION: Clackamas County: Rural Residential Farm Forest 5-Acre (RRFF5)

PROPOSED ZONING: City: Medium Density Residential (R-1.5)

OWNER: JOHN AND KATHERINE MEREDITH

APPLICANT: John Meredith

APPLICATION TYPE: Annexation/Zone Change (Type IV)

CITY FILE NUMBER: ANN/ZC 16-04

DATE OF REPORT: September 16, 2016

DATE OF PUBLIC HEARING: September 26, 2016

I. PROJECT OVERVIEW & EXISTING CONDITIONS

The property owners of the parcel of land located at 1009 NE Territorial Road propose the annexation of their property into the City of Canby. The property owners also propose a zone change application to change the zoning from its current Clackamas County designation to the City of Canby's R-1.5 zone that is designated Medium Density Residential in the Canby Zone Code. The subject parcel has a corresponding MDR-Medium Density Residential Comprehensive Plan designation. The parcel is situated at the southeast corner of Territorial

Road and N. Oak Street and contains a single-family dwelling in the northeast corner of the property.

The 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. The Comprehensive Plan Map for this particular lot indicates residential use shown at medium density development. The area is currently within Clackamas County's jurisdiction and is zoned as Rural Residential Farm Forest 5-Acre (RRFF5). This annexation request is to rezone the properties involved to the City zoning of R-1.5 in accordance with the corresponding City Comprehensive Plan Map land use designation. The zone designations will take effect if annexed as indicated in this application with the parcel zoned R-1.5 – Medium Density Residential.

II. **ATTACHMENTS**

- A. Applications
- B. Narrative
- C. Available Platted Lot Supply in Canby
- D. Survey of Property to Be Annexed and Legal Description of Private Property and ½ of adjacent NE Territorial Road Right-of-Way to be Annexed
- E. Maps
- F. Development Agreement
- G. Transportation Planning Rule (TPR) Compliance Letter
- H. Canby Annexation Development Map
- 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
- 16.18 R-1.5 Medium 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)(a) 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:

The City of Canby's annexation ordinance Chapter 16.84 requires a Development Agreement or a Concept Development Plan for the tax lots which are a part of an annexation request. The subject property is a single 1.65 acre parcel that is part of a small remnant of lots surrounded by land already annexed into the Canby city limits. Subsequently, the property has never been included in a Concept Development Plan study area. However, the City of Canby Annexation Development Map delineates the subject parcel within a Development Agreement Area. A Concept Development Plan is not required, and the applicant submitted a Development Agreement to the file in response to criteria in Section 16.84.040 (A)(1)(a) of the CMC (Canby Municipal Code) and other criteria listed in the section.

The Development Agreement is intended to address City of Canby infrastructure requirements for the subject parcel. The Development Agreement is not a specific development proposal, but a design concept that provides an understanding and framework prior to annexation of how the property must be developed when brought into City jurisdiction. As a condition of approval, the applicant shall record the Development Agreement prior to final annexation.

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-1.5 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 that out of a total of 87 available residential lots, there are no vacant platted lots zoned R-1.5 remaining in the inventory within the city limits. The city has had an average absorption rate of nearly 45 lots per year for the last 10 years. This indicates that the supply of readily available platted lots with all necessary infrastructures is below a three-year supply at 1.92 lots per year. 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: According to the applicant's submitted development plan, future development is anticipated as a 9 lot subdivision of single-family homes. However, a conceptual development plan submitted during an annexation application does not obligate the applicant to develop the property as indicated in the submitted plan. Although the R-1.5 Zone allows multi-family residential development at a minimum net density of 6 units per acre, with approval of a Conditional Use Permit, the applicant proposes a lower density subdivision of single-family homes for this property. A Traffic Impact Study need not be performed at this time because the applicant has proposed annexation and not development of the parcel. Based on the DKS memo dated September 2, 2016 the proposed annexation meets requirements of Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule. The R-1.5 zone where the property is located is situated in an area of R-2 and R-1.5 zoned land that is already developed with a mixture of multi-family

and single-family residences. The annexation and any future development should not affect the neighborhood in a negative manner based on the existing zoning and residences in the area. 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 land use and appropriate 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: This staff report incorporates the relevant section of the applicant's narrative as findings. The submitted Development Agreement provides information that demonstrates how utility infrastructure will be made available, and unmanageable capacity issues were not identified by City departments and agencies during the review process. Existing schools are located in the vicinity, and there are also several established parks in this area of Canby and future parks are planned north of Territorial Road. This criterion can be met at the time of future 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 applicant's narrative, notes from the pre-application conference, and information contained in the Development Agreement infrastructure section 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: The applicant's proposal is only for an annexation and not the development of the property. There are no additional demands on facilities as a result of the annexation, but the file included information and discussions of the future development of the property. According to the pre-application conference notes, the applicant's narrative, and the Development Agreement, all necessary utility extensions are available to serve this area when development occurs after annexation. Staff finds that the applicant's narrative and available information is sufficient, and this criterion is or 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 Development Agreement indicated that infrastructure facilities for the project are expected to be built by individual developer. Staff finds that information in the Development Agreement is sufficient for this case, and the applicable criteria are or 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 zoning designation of the Comprehensive Plan. The only change is a zoning map amendment, and the applicant submitted a Zone Map Change Application that accompanies this annexation request. Staff finds that this criterion has been 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 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 etc. 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. 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 property is delineated as being in “Area I” of an “Area of Special Concern” in the City of Canby and is discussed in Policy 6 of the Buildable Lands Section of the

Comprehensive Plan. "Area I" identifies a narrow strip of properties on the south side of NE Territorial Road that were designated as a mix of multi-family and single-family residential use. Staff found this request is consistent with "Area I" of Policy 6 and appropriate for the kind of development proposed by the applicant. Additionally, the proposed zones for the properties are consistent with the zone designations 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. 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 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 Comp Plan Map Amendment or Zoning Map Amendment.

In this particular case, the applicant is not proposing any development of the subject property as part of the annexation and zone change. Subsequently, instead of conducting a TIS the applicant conducted a Traffic Planning Rule Analysis to address traffic concerns. DKS Engineering provided a memorandum, dated September 2, 2016 that summarized how the requirements of Oregon Administrative Rule (OAR) 660-012-0060 and the Transportation Planning Rule (TPR) requirements are met for the subject property. The memo indicates that the proposal is consistent with criteria listed to meet the TPR. The findings of the analysis determined that the zone change contemplated 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. A Transportation Study will be required when the applicant proposes development of the parcel. 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 be in effect through local City Charter provisions and adopted code. This application meets the criteria stated in SB1573 for this annexation application.

Notice of this application and the Planning Commission and Council Hearing dates was made to surrounding property owners on September 6, 2016, at least 20-days prior to the hearing. Prior notification and a neighborhood meeting were on July 13th 2016. The site was posted with a Public Hearing Notice sign by September 16, 2016. A notice, meeting ordinance requirements of the public hearings, was published in the Canby Herald on September 21, 2016. A pre-application meeting was held on December 30, 2015. 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 September 11, 2016. As of the date of this Staff Report, the following comments were received by City of Canby from the following persons/agencies:

Agency/City Department Comments.

Comments were received from the following agencies/city departments and the public:

- The City Engineer provided a memorandum dated September 7, 2016 with 11 conditions that must be applied to any future subdivision of the property.
- Canby Telcom indicated that services will be available at the time of development.

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 findings contained in this staff report are applied.
2. A City adopted satisfactory Development Agreement and explanatory narrative was submitted as required by the annexation ordinance detailing how all necessary infrastructures to the properties proposed to be annexed will serve the area.
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, shall be R-1.5 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 requested zoning district of R-1.5 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. It has been determined that existing land available is well below a three-year supply of undeveloped R-1.5 zoned lots within the City limits. Therefore, the supply does not exceed a three-year supply and there is a "need" for medium 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/ZC 16-04 be approved and,
2. Upon annexation, the zoning of the subject property be designated as R-1.5 as indicated by the Canby Comprehensive Plan Map.

Application for Annexation

1009 NE Territorial Road

Canby, OR 97013

Applicant: John Meredith
377 NW Territorial Road
Canby, OR 97013
Phone: (503) 799-5668

Owners: John & Katherine Meredith
377 NW Territorial Road
Canby, OR 97013

Location 1009 NE Territorial Road
South of NE Territorial Road & east of N. Oak Street

Legal Description Tax Lot 1800, Sec. 28, T3S R1E WM
(Assessor Map 3 1E 28DD)

Zoning Current: Clackamas County, RRFF-5
Proposed: City of Canby, R-1.5

Proposal Annexation of 1.80 acres into the City of Canby
1.65 acres of real property &
0.15 acres of NE Territorial Road right-of-way



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: John Meredith Phone: 503-799-5668
 Address: 377 NW Territorial Road Email: longhorn.dev@gmail.com
 City/State: Canby, OR Zip: 97013

Representative Name: Pat Sisul, Sisul Engineering Phone: 503-657-0188
 Address: 375 Portland Avenue Email: patsisul@sisulengineering.com
 City/State: Gladstone, OR Zip: 97027

Property Owner Name: John Meredith Phone: 503-799-5668
 Signature: [Handwritten Signature]
 Address: 377 NW Territorial Road Email: longhorn.dev@gmail.com
 City/State: Canby, OR Zip: 97013

Property Owner Name: Katherine Meredith Phone: _____
 Signature: [Handwritten Signature]
 Address: 377 NW Territorial Road Email: _____
 City/State: Canby, OR Zip: 97013

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

- ❶ 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.
- ❷ 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.
- ❸ 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>1009 NE Territorial Rd.</u>	<u>1.65 acres</u>	<u>TL 1800, Map 3 1E 28DD</u>
Street Address or Location of Subject Property	Total Size of Property	Assessor Tax Lot Numbers
<u>One home and one out building</u>	<u>R-1.5 proposed</u>	<u>MDR - Medium Density Res.</u>
Existing Use, Structures, Other Improvements on Site	Zoning	Comp Plan Designation

Annexation of 1.80 acres, 1.65 acres of real property and 0.15 acres of street right-of-way
 Describe the Proposed Development or Use of Subject Property

STAFF USE ONLY				
FILE #	DATE RECEIVED	RECEIVED BY	RECEIPT #	DATE APP COMPLETE

ANNEXATION APPLICATION – TYPE IV – INSTRUCTIONS

All required application submittals detailed below must also be submitted in electronic format on a CD, flash drive or via email. Required application submittals include the following:

Applicant City
Check/ Check

One (1) copy of this application packet. The City may request further information at any time before deeming the application complete.

Payment of appropriate fees – cash or check only. Checks should be made out to the *City of Canby*. All election costs are paid by the applicant; therefore an election cost deposit is collected from all applicants in addition to the annexation application fee. If the annexation is placed on an election ballot, all costs related to the election are recorded. If the deposit exceeds the election costs, the City will refund any unspent amount back to the applicant after the election is complete. If election costs exceed the deposit, the City will bill the applicant for the additional costs. If no election takes place, the entire deposit will be refunded back to the applicant. Refer to the city’s Master Fee Schedule for current fees.

General/Primary Elections – May and November of even numbered years.

Special Elections – May and November of odd numbered years & March and September of any year.

One set of mailing labels (1" x 2-5/8") for all property owners and all residents within 500 feet of the subject property. **If the address of a property owner is different from the address of a site, a label for each unit on the site must also be prepared and addressed to “occupant.”** A list of property owners may be obtained from a title insurance company or from the County Assessor.

One (1) copy of a written statement describing the property to be annexed, including all existing improvements on the land, and detailing how the annexation and proposed zoning meet the approval criteria, and availability and adequacy of public facilities and services. **Ask staff for applicable Municipal Code chapters and approval criteria.** Applicable Code Criteria for this application includes:

ANNEXATION APPLICATION – TYPE IV

Applicant City
 Check Check

- One (1) copy in written format of the minutes of the neighborhood meeting as required by Municipal Code 16.89.020 and 16.89.070. The minutes shall include the date of the meeting and a list of attendees.

- One (1) copy in written format of the minutes of the pre-application meeting

- One (1) copy of a written statement, signed by a majority of the registered voters residing in the territory to be annexed, giving consent to the annexation of the territory; -OR- Where consent of a majority of the resident electors cannot be obtained, the property owners may alternatively submit a statement signed by at least 51% of the owners of land in the territory to be annexed that states, pursuant to ORS 222.170: "Consent to annex is hereby given by the undersigned, who represent more than half the owners of land in the territory, and who also own more than half of the land and real property in the contiguous territory, which represents more than half of the assessed value of all real property in the contiguous territory."

- One (1) copy of the full quarter-section tax assessor's map with the subject property outlined.

- One (1) copy of the legal description of the property to be annexed, and a boundary survey certified by a registered engineer or surveyor.

- Three (3) copies of a Traffic Impact Study (TIS), conducted or reviewed by a traffic engineer that is contracted by the City and paid for by the applicant (payment must be received by the City before the traffic engineer will conduct or review a traffic impact study.
 Ask staff to determine if a TIS is required.
Note: A traffic impact analysis is not required if all the property to be annexed is located within the boundaries of an approved Development Concept Plan and a traffic impact analysis was completed for the Development Concept Plan.

- One (1) copy in written format of the minutes of the neighborhood meeting as required by Municipal Code 16.89.020 and 16.89.070. The minutes shall include the date of the meeting and a list of attendees.

- One (1) copy in written format of the minutes of the pre-application meeting.

- If the property to be annexed is located inside a "Development Concept Area" identified on the Annexation Development Map, Figure 16.84.040 of Canby Municipal Code Chapter 16.84, then submit one (1) copy of an approved Development Concept Plan.

- If the property to be annexed is located inside a "Development Agreement Area" identified on the Annexation Development Map, Figure 16.84.040 of Canby Municipal Code Chapter 16.84, then submit one (1) copy of an approved and recorded Development Agreement.

NA

**CITY OF CANBY
ZONE MAP CHANGE APPLICATION**

Fee \$2,640

OWNERS

APPLICANT**

Name JOHN & KATHERINE MEREDITH

Name JOHN MEREDITH

Address 377 NW TERRITORIAL RD.

Address 377 NW TERRITORIAL RD.

City CANBY State OR Zip 97013

City CANBY State OR Zip 97013

Phone 503-799-5468 Fax _____

Phone 503-799-5468 Fax _____

E-mail longhorn.dev@gmail.com

E-mail longhorn.dev@gmail.com

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

- | | | | |
|---|---|------------------------------------|------------------------------|
| <input type="checkbox"/> Owner | <input type="checkbox"/> Email | <input type="checkbox"/> US Postal | <input type="checkbox"/> Fax |
| <input checked="" type="checkbox"/> Applicant | <input checked="" type="checkbox"/> Email | <input type="checkbox"/> US Postal | <input type="checkbox"/> Fax |

OWNER'S SIGNATURE John Meredith Katherine Meredith

DESCRIPTION OF PROPERTY

Address 1009 NE TERRITORIAL RD.

Tax Map 31E 2BDD

Tax Lot(s) 1800

Lot Size 1.65
(Acres/Sq.Ft.)

Existing Use 1 HOME & 1 OUTBUILDING ON RESIDENTIAL PARCEL

Proposed Use SAME. ANNEXATION & ZONE CHANGE ONLY.

Existing Structures 1 HOME & 1 OUTBUILDING

Zoning CURRENT: COUNTY RRFF-S Comprehensive Plan Designation MDR
PROPOSED: R-1.5

Project Description ANNEXATION

Previous Land Use Action (If any) _____

FOR CITY USE ONLY	
File #:	
Date Received:	By:
Completeness:	
Pre-App Meeting:	
Hearing Date:	

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

ZONE CHANGE APPLICATION: INSTRUCTIONS TO APPLICANTS

All materials must be submitted in .pdf format on CD

1. The applicant will be required to hold a neighborhood meeting with adjacent property owners and neighborhood representatives prior to submitting their application, unless this requirement is waived by the City.
2. An application for amendment by a property owner or his authorized agent shall be filed with the City Planner on forms prescribed for the purpose, typed or printed and the application shall include the following.

- | Applicant
Check | City
Check | |
|-------------------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | A. Comprehensive Plan designation of the property. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | B. The application shall be accompanied by a written statement on 8 ½ x 11" paper and electronically in MS Word explaining the existing use of the property and the need for the change in zoning. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | C. A list of property owners within 500 feet of the subject property, on mailing labels (1" x 2-5/8") and in electronic form. If the address of a property owner is different from the address of a site, a label for each unit on the site must also be prepared and addressed to "occupant." A list of property owners may be obtained from a title insurance company or from the County Assessor. If applicable, labels must be prepared for any property owners and sites that will be "islanded" by the proposed annexation. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | D. Appropriate fee. |
| <input type="checkbox"/> | <input type="checkbox"/> | E. Twenty (20) copies of the application and all corresponding attachments on 8.5"x11" paper and electronically in .pdf format. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | F. Site plan, drawn to scale (not greater than 1"=50') on paper no less than 8.5"x11" and no larger than 18"x24" and .pdf format indicating: |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. The location of existing buildings (if any); |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2. The location of streets, sewer, water, electric, and other utility services; |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3. Major topographic and landscape features. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | G. One (1) copy in written format and .pdf format of the minutes of the neighborhood meeting as required by Municipal Code 16.89.020 and 16.89.070. The minutes to include the date of the meeting and a list of attendees. |

3. Staff will check the application, making sure that it is complete and all fees are paid. Copies of the application materials are routed to various City/State/County departments, as applicable, for their comments. Along with the comments received from others, the application is reviewed for completeness. The City Planner will accept or return the application with a written list of omissions within thirty (30) calendar days of the submittal.

4. Staff investigates the request, writes a staff report, places a public notice in the newspaper, notifies surrounding property owners, and makes all facts relating to the request available to the

Planning Commission and all interested parties.

5. The staff report will be available ten (10) days prior to the hearing.
6. The Planning Commission holds a public hearing after the determination of a complete application. At the hearing the staff report is presented. Testimony is presented by the applicant, proponents and opponents, followed by rebuttal from the applicant.
7. The Commission then issues findings of fact which support approval, modification or denial of the application and passes such recommendation on the City Council for final action within forty (40) calendar days after the close of the hearing.

STANDARDS AND APPROVAL CRITERIA FOR A ZONE CHANGE

In judging whether or not the zoning 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:
- 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.

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, deny, or approve subject to modification, the recommendation of the Planning Commission. The City Council shall hear the arguments based upon the record. Additional or supplemental information not included within the original record shall not be considered. The arguments on the record shall not be conducted as a public hearing.

16.54.060 IMPROVEMENT CONDITIONS

- A. In acting on an application for a zone change, the Planning Commission may recommend and the City Council may impose conditions to be met by the proponents of the change before the proposed change takes effect. Such conditions shall be limited to improvements or physical changes to the property which are directly related to the health, safety or general welfare of those in the area. Further, such conditions shall be limited to improvements which clearly relate to and benefit the area of the proposed zone change. Allowable conditions of approval may include, but are not necessarily limited to:
 1. Street and sidewalk construction or improvements.
 2. Extension of water, sewer, or other forms of utility lines;
 3. Installation of fire hydrants.
- B. The City will not use the imposition of improvement conditions as a means of preventing planned development, and will consider the potential impact of the costs of required improvements on needed housing. The Planning Commission and City Council will assure that the required improvements will not reduce housing densities below those anticipated in the Comprehensive Plan.

NARRATIVE

PROPOSAL

The applicants propose annexation of 0.15 acres of street right-of-way and 1.65 acres of property into the City of Canby with zoning of R-1.5, Medium Density Residential, in conformance with the adopted Comprehensive Plan designation. Annexation will allow, in theory, the development of approximately eight new single family residences as shown on the conceptual plan or a mix of single family and multi-family duplex or triplex units.

SITE DESCRIPTION

The site is located south of NE Territorial Road and east of N Oak Street in northeast Canby and has frontage on both roadways. It is part of a remnant of County land forming an island surrounded by the City of Canby. West of the site is N Oak Street and on the opposite side of N Oak Street are three single family homes on larger lots. NE Territorial Road is located along the north side of the site with Willamette Valley Country Club being located on the opposite side of Territorial Road. On the south side of the site is a large wooded parcel, annexed into the City in the November, 2010 general election by Thomas Holmes, which remains undeveloped. To the east is a mixture of properties inside and outside of the City limits. This area includes a mixture of single family and multi-family housing.

The site is presently occupied by a single residence and one out building. The home is located in the NE corner of the site and takes access from Territorial Road. The out building is more centrally located on the property. A mowed yard, with landscaping and several trees, is located surrounding the home, while the remainder of the property is taller mowed grass. The property is very nearly flat, with a slight fall to the south. The property has no identified significant natural resources or physical hazards.

Public sanitary sewer and water are available to the site in NE Territorial Road and N Oak Street. Other public utilities, such as natural gas, power and communications are also available from Territorial Road and Oak Street. Fire protection is available to the property from Canby Fire District and police protection is available from the City of Canby Police Department.

Applicable Criteria and Standards

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

Canby Comprehensive Plan

Canby Municipal Code Section 16.84.040

- 1. 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), or*
 - b. A Development Concept Plan (DCP).**
- 2. Analysis of the "need" for additional property within the city limits shall be provided.*
- 3. Statement of potential physical, aesthetic and related social effects of the proposed development on the community as a whole and on the neighborhood...*
- 4. Statement of availability, capacity and status of existing water, sewer, drainage, transportation, park and school facilities;*
- 5. Statement of increased demand for such facilities to be generated by the proposed development, if any, at this time;*
- 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;*
- 7. Statement outlining method and source of financing required to provide additional facilities, if any;*
- 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.*
- 9. Compliance with other applicable city ordinances or policies;*
- 10. Compliance of the application with the applicable sections of Oregon Revised Statutes Chapter 222.*

CANBY COMPREHENSIVE PLAN

Urban Growth Element

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

Response: The site is designated "RRFF-5" by Clackamas County, a rural residential zone. The site is not being used for commercial agricultural purposes and is too small for a viable farm. The soil type identified for the entire site is "Canderly Sandy Loam." The soil is suitable for agriculture or for development. Since the property is within the City's Urban Growth Boundary, the policy has been established by the City and County that the site ultimately will be developed for urban uses.

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

Response: The site is an area that is in the process of converting to urban uses, where public utilities are available. Adjacent properties to the north, south, west, and some to the east have been annexed into the City of Canby, while some of the adjacent properties to the east have not been. Although the parcel to the south was annexed in 2010, it has not yet been developed. Nearby properties to the south east, along the east side of N Pine Street were annexed into the City within the past three years and were developed as 18 and 19 lot subdivisions (Franz Meadow and Pine Meadow). The current pattern of development, with County land surrounded by land within the City limits, potentially makes provision of some services (e.g. fire and police) less efficient.

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

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

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

Response: Public facilities and services are available to the site or can be made available through development of the site.

Public sanitary sewer and water are both available in NE Territorial Road and N Oak Street. The applicant has been advised that the City has adequate capacity to serve the site. Storm water will be directed into on site drywells for disposal, so offsite capacity is not a concern. NE Territorial Road is an arterial roadway and a traffic study, paid for by the applicant, has determined that it has adequate capacity to serve the site, when it is developed.

Public schools are required by law to provide for students within the district and the Canby School District offered open enrollment for students living outside the school

district boundaries in the recent past. The following schools would serve the site: Knight Elementary School, Baker Prairie Middle School, and Canby High School. Knight has a capacity of 450 students and a current enrollment of 379. The middle school has a capacity of 814 and a current enrollment of 601. The high school has a capacity of 1,837 and a current enrollment of 1,438.¹

With the approval process required for annexations and land development, it is likely that new lots will not become available until summer 2017. New homes will likely not be constructed before late 2017 or early 2018, so new students from this property would not attend area schools until at least the 2018 school year. However, these time lines only apply if an actual development proposal is submitted and homes are constructed.

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

Land Use Element

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

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

Response: The City experienced a significant slowdown in building permits beginning in 2007 in response to regional and national trends in homebuilding and associated finance issues. That slowdown has turned around and the City has seen a significant uptick in building activity in recent years.

The City of Canby's ten year historical average rate of permits for new residential construction averaged 44.7 permits per year between 2006 & 2015 with a high of 201 in 2006 and a low of 4 in 2009 and 2010. The three year historical average rate is similar, at 45.3 lots per year. Average monthly rates are 3.73 permits per month over the ten year period and 3.78 permits per month over the three year period. In 2015, 85 total residential permits were issued, for an average monthly rate of 7.08 permits per month.

In order to satisfy demand, the Council adopted annexation supply policy to assure a 3 year supply of available platted lots for consumption. According to an analysis performed by the applicant, as of July 25, 2016 there were 87 platted available lots in the R-1, R-1.5 and R-2 zones combined (see, Appendix A). Based on an average of 45 building permits per year, the existing inventory of buildable lands would provide approximately a 1.93 year supply.

¹ Enrollment figures are from the Oregon Department of Education website, Fall Membership Report, 2015-16 Total Enrollment. Capacity figures are from Portland State University, Population Research Center, Canby School District: Enrollment Forecast Update 2012-13 to 2021-22, Appendix A: Enrollment and Capacity Profiles for Individual Schools, April 1, 2012.

The proposed annexation would add approximately 1.65 acres of land to the City, although the developable portion of the site would be considerably smaller considering that one home, which will remain, is already located on the site and that right-of-way dedications have to be deducted along both Territorial Road and Oak Street. Using the City of Canby's Comprehensive Plan's methodology for forecasting the potential residential development of small parcels of vacant land designated Medium Density Residential within the City (subtract 15 percent of the land area for right-of-ways and easements, subtract 10 percent of the remaining land area for public and semi-public purposes, and then subtract 5 percent of the remaining land area for an assumed vacancy factor, and multiplying the remaining acreage by 8 dwelling units per acre) this proposed annexation would result in a potential of 9.6 dwelling units. This generally corresponds with the Conceptual Development Plans prepared by the applicant that shows the existing home remaining plus an additional 8 lots on this site.

However, the annexation would not immediately result in the 8 new lots being available for home development. An application for subdivision, construction plans, and final plat would likely not be approved until spring 2017, with home construction possibly beginning in summer of 2017. It is likely that the first new dwellings in the proposed annexation site would not become available for occupancy until the fall of 2017, over one year from now, after much of the current buildable land inventory has been depleted.

If annexed, when the property is platted, this property would add approximately eight buildable lots to the platted land supply, approximately a two-month supply, based on the long term historical averages, or a one-month supply based on the 2015 building rate.

The site is located in an area that is currently developing and where public facilities are available. Annexation of the site would facilitate the orderly provision of public services by filling in the gap between portions of the city in this area.

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

Response: The applicant has contacted the City and other service providers. No problems have been identified with the provision of any public facility or service.

Environmental Concerns Element

Goal 1. To protect identified natural and historical resources.

Goal 2. To prevent air, water, land, and noise pollution.

Goal 3. To protect lives and property from natural hazards.

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

Response: The site is presently part of an area that is, for practical purposes, surrounded by city land and its ultimate destiny was settled with establishment of the Urban Growth Boundary and earlier annexations. The site is not used for agricultural purposes and is not large enough, by itself, to be a viable farm. No natural or historic resources will be affected by the annexation.

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

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

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

Response: There are no surface water features on the site or in the vicinity. Storm water from a future subdivision project would be managed by directing run-off into the ground through the use of drywells, consistent with the Storm Drainage section of the City of Canby Public Works Construction Standards.

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

Response: None of the referenced conditions affect the site.

Transportation Element

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

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

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

Response: NE Territorial Rd. is classified as an Arterial and N Oak Street is classified as a local street by the Transportation System Plan. New streets within the development site would also be classified as local streets. The applicant would expect to widen NE Territorial Road and N Oak Street to current "urban" standards when the parcel is subdivided to accommodate anticipated vehicular and pedestrian traffic and to meet the City's growth needs. The applicant would also expect to construct any new streets within the development site.

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

Response: The layout for any future development can be designed to provide access for all lots and to facilitate access for emergency vehicles. This will be demonstrated in the context of a subdivision application. A conceptual layout for the site is included with this application, showing how new streets can be extended to provide access for future lots in this development while also providing for the future extension of roadways to serve surrounding undeveloped or underdeveloped properties in a logical manner.

Public Facilities and Services Element

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

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

Housing Element

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

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

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

ANNEXATION CRITERIA

(Canby Municipal Code Section 16.84.040)

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 the 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.*
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.

Response: The site is within a Development Agreement area identified on the City of Canby Annexation Development Map. A Development Agreement has been drafted by the applicant and has been submitted with the 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 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 City Council prior to granting a change in zoning classification.

Response: The site is not within a Development Concept Plan area as shown on the City of Canby Annexation Development Map. The provisions of this section do not apply to this application.

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

Response: "Need" was discussed with relation to the "Land Use Element" of the Comprehensive Plan. The annexation would add 1.65 acres to the City, and a potential for approximately eight additional buildable lots in the R-1.5 zone. Given the City's historical average rate of approximately 45 residential building permits per year and the property's maximum development potential of approximately 8 new lots, the site could provide approximately a two month supply of buildable land. Based upon the 2015

building rate of 85 residential permits, the site could provide approximately a one month supply of buildable land. As the land development process can take well over a year to get from annexation to recorded plat, the projected additional lots wouldn't likely become available until fall of 2017, when much of the currently available land supply has been depleted.

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 proposed concerns, if any.

Response: The site is within the City's UGB, and is expected to develop according to the Comprehensive Plan designations. Some residents on adjacent properties may experience a loss of open space. However, vacant and undeveloped land within an UGB is expected to be utilized to accomplish the community's goals as expressed in the Comprehensive Plan. Therefore, the aesthetic and social impacts of development of the annexation site should be within the anticipated range of impacts associated with continuing growth within the City.

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

Response: Public facilities and services are available or can be made available, as previously discussed. Public sanitary sewer and water are available in both NE Territorial Road and N Oak Street. Public streets in the vicinity of the site generally have adequate capacity. Public park facilities located near the site include the Logging Road Trail, the Eco Natural Area, the 19th Avenue Loop Natural Area and Maple Street Park. Schools that would serve this site, Knight Elementary, Baker Prairie Middle School and Canby High School have adequate capacity to serve additional students.

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

Response: Annexation by itself will not generate an increased demand on public services. One home exists on site and has been located on the site for several decades. Development of the property into multiple lots and multiple homes would increase the demand for City facilities. The site is within the City's UGB and is expected to develop according to its Comprehensive Plan designation; therefore increases in demand for public services should be within the range of impacts anticipated by the adopted Comprehensive Plan. The applicant has been advised that the City has adequate services to serve the 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.

Response: Annexation of the property will not increase the demand for public services, however, subdivision of the property will create multiple lots that would increase demand for public water, sanitary sewer, streets, emergency services, parks and schools. Public

utilities needed to serve the development of the property would be provided by the development through construction of new public facilities by the developer at the time of subdivision.

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

Response: Public facilities to serve the development will be provided by the development through construction of new facilities by the developer (water, sewer, drainage, streets) and through the payment of SDC fees (water, wastewater, transportation, storm and parks) by homebuilders building homes within the development. Homebuilders will also pay the construction excise tax for the school district.

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.

Response: The proposed use of the site is consistent with the adopted Comprehensive Plan Map designation and the text contained in the City's Land Development and Planning Ordinance. No text or map amendments are anticipated to be needed for development of the site.

9. Compliance with other applicable city ordinances or policies.

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

10. Compliance with applicable sections of ORS 222.

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

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

Conclusion

The foregoing narrative describes a proposal for annexation of 1.80 acres total, 1.65 acres of real property and 0.15 acres of public street right-of-way. The annexation supports the City's goals and policies and satisfies applicable criteria identified in the City's Comprehensive Plan and Land Development and Planning Code. Therefore, the proposed annexation should be approved.

Available Platted Lots in Canby by Subdivisions

As of July 25, 2016

YEAR	PLAT #	SUBDIVISION NAME	Zoning	Total Lots	Homes Permitted	R-1 Zone Lots Remaining	R-1.5 Zone Lots Remaining	R-2 Zone Lots Remaining	Total Remaining
1991	2995	North Pine Addition No. 2	R-1	13	12	1	0	0	1
2004	3947	Yorkfield	R-2	136	133	0	0	3	3
2005	4089	Kraft Place	R-1	4	1	3	0	0	3
2006	4095	Bremer Court	R-1	7	6	1	0	0	1
2006	4218	Dinsmore Estates	R-1	14	13	1	0	0	1
2006	4162	Knott Commons	R-2	10	7	0	0	3	3
2014	4396	Northwoods Estates No. 2	R-1	33	16	17	0	0	17
2015	4409	Dinsmore Estates - 2	R-1	41	41	0	0	0	0
2015	4422	Pine Meadow	R-1	19	19	0	0	0	0
2015	4423	Poplar Townhomes	R-2	6	4	0	0	2	2
2015	4433	Faist Addition Phase 6	R-1	30	13	17	0	0	17
2015	4436	Dinsmore Estates - 3	R-1.5	10	10	0	0	0	0
2016	4445	Emerald Gardens	R-2	15	0	0	0	15	15
2016	4457	Franz Meadow	R-1	18	3	15	0	0	15
Total Platted Lots Remaining in Subdivisions						55	0	23	78
as of <u>7/25/16</u>									

Available Platted Lots in Canby by Minor Land Partitions

As of February 25, 2016

YEAR	PLAT #	SUBDIVISION NAME	Zoning	Total Lots	Homes Permitted	R-1 Zone Lots Remaining	R-1.5 Zone Lots Remaining	R-2 Zone Lots Remaining	Total Remaining
2008	PP2008-022	Fawver	R-2	2	1	0	0	1	1
2008	PP2008-100	Kacalek	R-1	2	1	1	0	0	1
2009	PP2009-036	City of Canby	R-1	3	0	3	0	0	3
2009	PP2009-048	WVCC	R-1	2	1	1	0	0	1
2011	PP2011-038	Zimmer	R-2	3	1	0	0	2	2
2015	PP2015-004	White River Homes	R-1	2	1	1	0	0	1
Total Platted Lots Remaining MLP						6	0	3	9
as of <u>7/25/16</u>									
Total Buildable Residential Lots									
as of <u>7/25/16</u>						61	0	26	87
TOTAL SFR (R-1 & R1.5)						61			
TOTAL MFR (R-2)						26			

SFR = Single Family Residential
MFR = Multi Family Residential

2015 Month	SFR	MFR	TOTAL Permits
Jan	4	0	4
Feb	1	2	3
March	6	6	12
April	4	0	4
May	4	3	7
June	4	0	4
July	13	0	13
August	6	6	12
Sept	8	0	8
Oct	8	0	8
Nov	4	0	4
Dec	6	0	6
Total	68	17	85

TOTAL BUILDING PERMITS - NEW RESIDENTIAL CONSTRUCTION - as of January 1, 2016

10 Year Historical Average	447 Permits	44.7 per year	3.73 per month
3 Year Historical Average	136 Permits	45.3 per year	3.78 per month
2015 Actuals	68 Permits	17 Permits	85 per year
	SFR	MFR	Total
			7.08 per month

****REMAINING BUILDABLE LOT SUPPLY - as of February 25, 2016**

	Avg Permits	In Years
10 Year Historical Average	44.7 per year	1.95 years
3 Year Historical Average	45.3 per year	1.92 years
2015 Actuals	85 per year	1.02 years

** as of January 1, 2016

*****REMAINING BUILDABLE LOT SUPPLY - End of 2016**

Including the following subdivisions that have been approved and are anticipated to record prior to the end of 2016

SUBDIVISION NAME	Developer	Zoning	Total Lots
Faist Addition Phase 7	Ralph Netter	R-1	6
Caityns Place	Charlie Clark	R-1	6

Avg Permits		In Years
10 Year Historical Average	44.7 per year	1.80 years
3 Year Historical Average	45.3 per year	1.77 years
2015 Actuals	85 per year	0.75 years

***Estimate End of 2016

John Meredith
377 NW Territorial Road
Canby, Oregon 97013

June 28, 2016

RE: Neighborhood Meeting for proposed annexation
1009 NE Territorial Road, Assessor Map 3 1E 28DD Tax Lot 1800

Dear Neighbor,

You are invited to attend a neighborhood meeting to discuss an annexation request for property located at 1009 NE Territorial Rd. in Canby. The site is located south of Territorial Road and east of N Oak Street. The property is 1.65 acres in size and has a home located on it. It is part of a small island of County land surrounded by the City of Canby. On the reverse side is a vicinity map of where the property is located.

The meeting will be held at 6:00pm on Wednesday, July 13th, 2016 at the Canby United Methodist Church, 1520 N. Holly St. The meeting is anticipated to last between 30 and 60 minutes.

We look forward to seeing you there. If you are unable to attend but would like to discuss the development with me, please email me at longhorn.dev@gmail.com.

Thank you,

John Meredith



Neighborhood Meeting Attendance Sheet

July 13, 2016

	Name	Address
1.	Larry McClanahan	1805 N. Oak Canby
2.	Cherie L. McClanahan	1805 N. Oak Canby
3.	Quint Moya	1787 N. Pine Canby
4.	Francis Scott	1027 NE Territorial Rd Canby
5.	B.V. Hill	1007 N.E. Territorial Rd Canby
6.	M. Mena	377 N.W. Territorial
7.	Pat Sural	375 PORTLAND AVE., GLADSTONE, OR
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NE Territorial Road & N Oak Street annexation - Neighborhood Meeting
July 14, 2016, 6:00 pm @ Canby United Methodist Church

Seven people attended the meeting including the applicant & his representative. A sign in sheet is attached.

The meeting began at 6:00 PM.

A two large Site Plans and an Aerial Map were provided that showed the existing surrounding neighborhood and the proposed annexation area. One site plan included a Shadow Plat with how lots could be configured on the site of the proposed annexation and on neighboring undeveloped properties. A large section of the City of Canby Comprehensive Plan Map was also on hand to show neighbors where surrounding land transitions from low density to medium density and from medium density to high density.

John Meredith knew all of the neighbors who were in attendance. John began the meeting by introducing Pat Sisul. Pat then discussed how the City land use process works and that the Neighborhood meeting is the first opportunity for neighbors of the development site to have input on an annexation request. Additional opportunities for input would be after application is made and the City Staff requests comments from neighbors. The third opportunity for input would be if they chose to testify at a public hearing. Then, before any development is approved, the process would be repeated with another neighborhood meeting and more hearings required for any proposed subdivision. A vote by the citizens is no longer a requirement, the State of Oregon removed that requirement earlier this year. After the discussion on the process, Pat discussed what can be constructed in an R-1.5 zone and John discussed his thoughts on what lots would have homes and which may have duplexes. Pat discussed the lot size and density requirements for single family homes and duplexes.

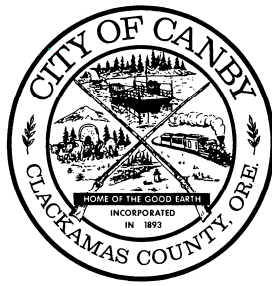
The neighbors who attended the meeting included The McClanahan's at the southern termination of Oak St, Trinka Morford and the Scotts who border the property to the east. Scotts are in the City of Canby, while Ms. Morford is located outside of the City in Clackamas County. The meeting was kept informal with questions being asked whenever folks had a question. Below is a summary of some of the questions/topics discussed.

- Oak Street will see more traffic. *Oak Street will definitely see more traffic if the property is annexed and developed, but the street will be widened and sidewalks will be constructed on the east side of the street with construction of homes on the lots. The wider street will accommodate the increased traffic. Oak will continue to be a dead-end street to the south, but in time the street will be extended south and 18th Avenue will be extended east providing for connectivity. The south end of Oak Street should not see a lot of additional congestion as the Shadow Plat does not show any driveways facing Oak Street south of the 18th Avenue intersection. A traffic study will likely be required by the City prior to annexation to study the larger traffic issues in the area.*
- Will the homes be one or two stories? *Many will likely be two-story, although there is a market for both single story and 2 story homes.*

- Elaine McClanahan noted that due to the trees on the south side of this parcel and hers, the catch basin inlets at the south end of Oak Street always clog in the fall, and it is up to her to get out there and keep them cleaned out. What is being done for drainage? *The City Public Works Department mentioned that a new catch basin may have to be installed on the west side of Oak Street to fix an existing drainage problem. New inlets will be installed on the east side of the street and on 18th Avenue to collect street runoff. The runoff goes into catch basins, then to water quality manholes, then to drywells. Drywells have to meet either horizontal or vertical separation requirements from existing water wells in order to protect groundwater.*
 - What is the timing? *The project would likely go to the Planning Commission in August, then to City Council shortly after. A subdivision application would be submitted in the winter, with construction occurring in the spring and home construction beginning in late summer or fall of 2017.*
 - How does this plan match up to what Thomas Holmes had planned to do on the property to the south? *The Shadow Plan doesn't match well with Mr. Holmes plan because the Holmes annexation occurred prior to the Norm Beck annexation. When Beck annexed, the City made Beck moved the location of SE 17th Avenue where it intersected Pine Street. The adjustment of that intersection will change all of the Shadow Plans that preceded it. The biggest adjustment in the Code over the past few years is that the Code now generally wants blocks to be less than 400 feet. Because of this, the original Beck Plan, the Holmes plan and John Merediths original site plan no longer work. The City really wants an extension of 18th Avenue from Oak Street to Pine Street.*
 - None of the neighbors were opposed to the annexation. They understood that John Meredith had owned it for a number of years and was always planning on developing it. While they don't particularly want more neighbors, they generally were OK with the proposed layout and the annexation request.
-

The meeting ended at approximately 6:50 PM.

Notes prepared by Pat Sisul, Sisul Engineering



Pre-Application Meeting

**Annexation for 1009 NE Territorial Road
December 30, 2015
10:30 am**

Attended by:

Hassan Ibrahim, Curran-McLeod Engineering, 503-684-3478
Jerry Nelzen, Public Works, 971-253-9173
Boe Teasdale, NW Natural, 503-931-38/58
Doug Quan, Canby Utility, Water, 971-563-6314

Pat Sisul, Sisul Engineering, 503-657-0188
Dan Mickelsen, Erosion Control, 503-266-0698
Mark Gunter, Public Works, 541-231-8674
Bryan Brown, Planning, 503-266-0702

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

SISUL ENGINEERING, Pat Sisul

- John Meredith, Longhorn Development would like to annex 1009 NE Territorial Road into the City of Canby. This parcel has one existing house on the property and will be lot 1 of the subdivision.
- North Oak Street is partially constructed and so is the south side of NE Territorial Road. The proposed site to the south as shown on the site plan, we laid out when we did the Pine Meadow development and we built off of it. I talked to Bryan Brown about the need of NE 18th Avenue and Bryan felt there was a need for putting in NE 18th Avenue. We also made provisions to break up the block between the proposed NE 17th Avenue.
- This meeting is for annexation and we not proposing the development at this time, but we really need to know if the utilities are available and if there is any reason why we would have any difficulty serving this development.
- Pat asked if Tom Holmes decided to develop his land, is there a possibility of having his storm water a part of the N Redwood Drainage System. Bryan said they did a rigorous analysis on what the capacity for this system could handle and I doubt it would have any extra room other than the N Redwood area for storm water. Jerry said we need to you look at it because we might have to do something for this area and it is a concern for us all.

CURRAN-MCLEOD ENGINEERING, Hassan Ibrahim

- As far as sanitary sewer I do not think there will be any capacity issues in terms of the treatment plant. There is a sanitary sewer main in NE Territorial Road and I saw a manhole at the intersection of NE Territorial Road and N Oak and Jerry stated there was a cleanout at the dead end of N Oak Street. The sewer main line is 8" plastic pipe.
- N Oak Street is basically shot and there is curb partially along the west side of N Oak and no return at the intersection. You will have to do half street improvements with curb and sidewalks. Pat asked what do you mean by half street improvements on NE Territorial Road and Hassan stated we need to make it 42 feet wide, curb to curb. Pat said we would just saw cut the clean edge of the roadway and you are not talking about going to the center line and

Hassan said no. Hassan said the new standard calls for a planter strip and Jerry said we need to match the existing, which is curb tight and NE Territorial Road has parking, bike lane and sidewalk. Hassan said there are two 11 foot lanes, two 6 foot bike lanes and 8 foot parking for the 42 feet of right-of-way. N Oak Street will be a local street and the right-of-way is 34 feet of paved street and I do not know if you would be responsible for the other half and we need to come up with some money to overlay the other side. Jerry asked if we can rip it out and re-do the entire roadway and Pat said we would pay for one side and the city pay for the other half. Consensus agreed with sharing the cost of rebuilding the street. Hassan said the curb and sidewalk on the partial section of N Oak Street and looks pretty new and should be okay. You are proposing a 50 foot right-of-way and that is adequate for a local street.

- We discussed parts of the storm drainage in this area and we think it is too wet as is and drywells may not function well. Jerry said we are running into drainage issues in this area and Pat said he noticed from the storm water master plan there is an unknown size of storm drain line running down NE Territorial Road. Dan stated it would be just for overflow purposes only and Jerry said it was what he was thinking with a sedimentation manhole, drywell and overflow to the storm line and Pat said that would work for us. Jerry asked about placing catch basins at the two dead ends for the proposed John Meredith subdivision project and Pat asked if there was a drainage problems in this area. Pat said we need to be aware of the water wells in the area. Discussion ensued. Pat stated the storm water master plan projection shows a storm line coming down NE 10th Avenue, picking up all the failed drywells and piping them north on N Pine Street. Jerry said he did not know how they would do it because there is not any fall.
- Hassan said is this best option for the proposed annexation alignment of N Oak Street for future land development. Pat said Bryan and I looked at the proposed alignment for N Oak Street and if you are swinging it through and use the radiuses here you cannot get a long enough tangent in the middle to make it work. Since we could not make it work this is why we went this route because at least it met code. Discussion ensued. Bryan said we developed this proposed street plans when they developed Pine and Franz Meadow subdivisions and what was most important is we have interconnectability and we want the streets to go through. Pat said he tried to show the proposed NE 18th Avenue connecting with this proposed annexation and with these lots likely to develop and some not to develop. I tried to push the enough roadway to this side for these property owners could build a half street having two lanes of traffic without these properties being developed. Unfortunately, it does not align with the apartment's driveway and there would need to have a traffic study for this section in the future and Bryan agreed and said he would talk to our traffic consultants.

CITY OF CANBY, PUBLIC WORKS, Jerry Nelzen

- Jerry asked where the drywells would be and Pat said we do not know at this time and we would have to find the surrounding wells and go from there. Discussion ensued. Pat said we would need to place the drywells on the westerly side of N Oak Street and Jerry said he wanted to know if there would be enough fall to pipe it over and my thoughts are for the future proposed areas to make sure we can get drainage for them also. We would like to see a manhole in the center of the streets at the dead ends so you do not have to cut the roadways in the future and Hassan said Pat would need to do a profile and see what would happen with the catch basins and it would manifest itself during the design to help alleviate your future

concerns. Dan said we need to think about the water coming off of NE Territorial Road coming down onto N Oak Street because we would need a drywell just for that purpose and they would need a drywell for their own needs. Pat said if there is a need to have two drywells in this area would the city pick up the costs for one of them and Jerry said it does not matter what has to happen we just need to figure it out and do it. One drywell will not handle all the water and when the proposed subdivision is put in, it will definitely not be able to handle the storm water. I would like to have the entire storm line connected together and Pat said we could also pipe the overflow to the city's storm line and Jerry said that would be fine. Dan wanted to mention the overflow should just be for emergencies only because you will not be able to rely on it. Pat said we will put in pipe at the ends of N Oak Street and NE 18th Avenue and Jerry said to make sure there is enough fall to bring it back to the drywells in N Oak Street.

- Jerry said you know the understanding of what we need for the sewer mains and Pat said yes.
- Pat said we assume for lot 1 we would use the existing driveway approach onto NE Territorial Road and we wanted to know if lot 2's driveway approach could come off of NE Territorial Road. Bryan stated if there is an option for a lesser classification street for the driveway approaches you are always supposed to use it. Pat said he thought so.

CANBY UTILITY, WATER DEPARTMENT, Doug Quan

- We have a 6 inch PVC water line in N Oak Street located in the street and goes off to the side where the blow off is located. The water main will be changed to an 8 inch because it is dictated in our master plan and for fire flow purposes it has to be an 8 inch line. If you put in NE 18th Avenue and due to the shortness of road you will not get the fire flow from the 6 inch for a hydrant and I do not think the fire department would like the reduced flow. Pat asked who would be paying for the upsizing of the main from a 6 to an 8 inch line. Doug said good question, but since you will be tearing the entire roadway up it should be easy to accomplish. Pat said if we put in an 8 inch line on NE 18th Avenue and part of N Oak Street still utilize the 6 inch, would that work for you and Doug said no because if John does this and the others do not develop for another two to three years it will be an issue. Pat said Bryan and I will need to know for the development agreement who is paying for it and Doug said if the street will be torn up anyway and you will be putting in a new base for the road it will not be that much more to put in an 8 inch line. If this is just an annexation you are still a ways a way and Pat said it would not annex until the end of next year and it would not be a subdivision until 9 months after that. Doug said we have a few budget cycles to go through before we have to figure it out. Pat said the other option would be to put in an 8 inch line to the hydrant and leave the 6 inch and Doug said it would not be that much further to take it to the end because when the other proposed subdivisions tie in everything will be an 8 inch line.
- You will still have to have automatic blow off stations at the end. Pat said you have one already in and another just needs to be added on NE 18th Avenue and Doug concurred. Jerry said we need to discuss the problems we are having with the automatic blow off stations you have installed at Faist 6 subdivision. Doug said we are having an issue with Faist 6 and when the contractor put in the lines we discovered they dropped the service lines coming off of the blow off stations to a 4 inch and manufactures specifications are for a 6 inch line. They tied into the house lateral and I do not know why they did not use a sweep "Y" and Jerry said they used a "T". Doug said we discussed using a sweep "Y" because it would

direct the flow downstream and I think they installed a “T”. Pat said if we run into a situation where we cannot go into an end of a cleanout, do you want the lateral for the blow off station be a “Y” instead of a “T” and everyone concurred. Pat said we have to do a “Y” on private sewer and storm, but for public works it is just the opposite and everything is a “T” and if you want that from now on we can spec it. Doug said make sure they put in a 6 inch for the discharge side. Jerry asked if they make the automatic blow offs with de-chlorination and Doug said yes. Jerry wanted to know if they could have the blow off line go into our storm system and Doug said they can be configured to either storm or sewer. The dechlorination systems are a tablet feed and water just goes over them and into the line. We tested the automatic blow off at Dinsmore 3 and it worked well and Jerry said if you do a 6 inch pipe it will not hurt anything, but at Faist 6 it does not work and if we could go into the catch basin it would work much better. We would not have to worry about it flooding the houses through the sanitary sewer lines. Jerry said it is Mark’s call because he signs for the sanitary sewer system. Doug said the automatic blow off stations can be retrofitted with a dechlorination system and the consensus was to use the storm system instead of the sewer laterals. Jerry said we would like to try it on the next project and Doug said okay.

NW NATURAL, Boe Teasdale

- We have a gas line on N Oak Street and it would have to be relocated with the new road improvements and I assume you will put in a public utility easement (PUE) on the east side and Pat said yes. Boe said we usually tag along with power in the trench line and we would have to reconnect a service line at 1805 N Oak Street. Pat asked if the existing line was a joint trench and Boe said in 2005 when the line was put in, it did not specify whether it was a joint trench.
- To service lot 1 we would need to access NE Territorial Road and Pat said he did not see a service to the existing house and I would assume they are not going to change now. We will put a PUE along the frontage and Boe said that would be great for the future.

CITY OF CANBY, PLANNING DEPARTMENT, Bryan Brown



- Jerry asked if they would be doing curb tight sidewalks and Bryan said I am not sure that needs to be decided at this stage. Hassan said on the west side of N Oak Street there is existing curb tight sidewalks and Bryan asked what the right-of-way is and Hassan stated a 50 foot right-of-way, the current standard for the local streets are 50 to 62 feet.
- The development agreement is binding on all the properties located within the designated development area as shown on the Canby annexation development map. It means we are not just dealing with John Meredith’s property being annexed but we are also using the other two tax lots along N Pine Street which would be a part of the development agreement and whatever provisions are put in. With that being said if we are tying the future streets through their property and we say something in the development agreement, it would be in the best interest during your neighborhood meeting before annexation by getting them involved and letting them realize we will be dictating how their property might be developed in the future through the development agreement. Pat asked who would be signing the development agreement and Bryan said he did not know, but the owners would be signing it also by the way it was worded. Pat said we have done prior development agreements and Bryan said yes, but we have never had one that involved property other than what was being annexed.

Pat said what about Pine and Franz Meadows they were blue box and it was just signed by the individual. Bryan said the way we read this is all the owners of property in the defined development agreement area and Pat said are they subjected to same development agreement or are they subjected to a development agreement? Bryan said it does not say and I can easily interpret they should be a single development agreement that applies to the defined area on the annexation development map. Apparently we have not be doing it that way and when I read it today it seems to me we should be doing one development agreement area for the area identified on the annexation map. Pat said he did not know how we could do it because you could have one property owner not signing the agreement and nobody gets annexed. Bryan said it is the same problem with the concept plans and it again describes the ordinance you do not have to have an agreement from everyone to get the council to approve a concept development plan and the same thing could be true with a development agreement. They might not sign it, but it applies to the entire area.

- We have been typically taking both an annexation application and a zone change application. When you do have more than one application you get the lowest cost one at half price.
- To my knowledge we need to do a traffic impact study and it means fairly soon if you are going to make this into a February deadline to make the application. You should get a scoping started, which means giving us a \$500 deposit and we can start the scope of work.
- We do have some questions on whether John wants to do two or three family dwellings and it will be related to what we do to the traffic analysis. Whether having a duplex or a triplex could it cause any problems on the slope of the street or the nearby intersection, I do not think so for this many lots, but we should think of a trip cap which I know has come up in the past on re-zones. My thoughts are we could put it in the development agreement and it state there will be no more trips or trip capped and would be only single family homes or so many duplexes can be the possibility and be bound by it and do less of a traffic study. I can talk to the traffic engineers and see what they have to say about it. Pat said he will talk to John and see what he would like to do, either all single family homes or a mixture of single family and duplexes.

**ANNEXATION PETITION
CITY OF CANBY, OREGON**

By signing below I indicate my consent to and support of being annexed into the City of Canby, Oregon.
I also consent to allow my signature (below) to be used for any application form required for this annexation.
Note: This Petition may be signed by qualified persons even though they may not know their property description or precinct number.

Signature	Printed Name	I AM A*			Property Description			Precinct #	Date
		PO	RV	OV	Lot #	¼ Sec	Twnshp		
	John Meredith	✓			1800	28DD	3S	1E	
	Katherine Meredith	✓			1800	28DD	3S	1E	

* PO = Property Owner
RV = Registered Voter
OV = Owner and Registered Voter

TRIPLE MAJORITY WORKSHEET

Please list all properties and registered voters included in the proposal. If needed, use separate sheets for additional listings.

PROPERTY OWNERS

Tax Lot #'s	Name of Owner	Acres	Assessed Value	Signed Petition (Y/N)
1800	John Meredith	1.65	\$249,868	Y
1800	Katherine Meredith			Y
TOTALS				
% Signed		100%	100%	100%

2

AFTER RECORDING RETURN TO:
John T. and Katherine A. Meredith
377 NW Territorial Rd.
Canby OR 97013

Clackamas County Official Records
Sherry Hall, County Clerk

2011-001990



\$52.00

01465275201100019900020027

01/07/2011 02:09:30 PM

D-D Cnt=1 Stn=9 DIANNAW
\$10.00 \$10.00 \$16.00 \$16.00

UNTIL REQUESTED OTHERWISE,
SEND TAX STATEMENTS TO:
John and Katherine Meredith
377 NW Territorial Road
Canby OR 97013

WARRANTY DEED

LONGHORN PROPERTIES, LLC, GRANTOR, conveys and warrants to **JOHN T. MEREDITH and KATHERINE A. MEREDITH**, husband and wife, GRANTEE, the following described real property, free of encumbrances except as specifically set forth herein, in Clackamas County, Oregon:

SEE ATTACHED EXHIBIT A.

The true and actual consideration for this conveyance is \$NIL. Distribution from Grantor's limited liability company.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

DATED this 7th day of January, 2011.

LONGHORN PROPERTIES, LLC


JOHN T. MEREDITH, Manager - Grantor

STATE OF OREGON)
) ss.
County of Clackamas)

On this 7th day of January, 2011, before me, personally appeared JOHN T. MEREDITH, Manager, LONGHORN PROPERTIES, LLC, and acknowledged the foregoing instrument to be his voluntary act and deed.





Notary Public for Oregon
My commission expires: Feb 2, 2014

EXHIBIT A

LEGAL DESCRIPTION:

A parcel of land situated in the Southeast quarter of Section 28, Township 3 South, Range 1 East, of the Willamette Meridian, being part of Tract 60, CANBY GARDENS, in the County of Clackamas and State of Oregon, more particularly described as follows:

Beginning at the Southwest corner of said Tract 60; thence East along the South boundary of said Tract 60 a distance of 149.6 feet to the true point of beginning; thence continuing East along the South boundary of said Tract 60 a distance of 200.00 feet to a point which is also the Southeast corner of that certain parcel of land conveyed to Francis M. Garmire and Charlotte H. Garmire, his wife, by deed recorded September 11, 1956 in Book 516, Page 250; thence North at right angles to said South boundary a distance of 398.34 feet to the Northwesterly boundary of said Tract 60, which boundary is also the Southerly boundary of Territorial Road; thence South 69°03' West a distance of 214.13 feet along the North boundary of said Tract 60 to a point; thence South 321.83 feet to the South boundary of said Tract 60, to a point being the true point of beginning.

(2)

AFTER RECORDING RETURN TO:
City of Canby
P O Box 930
Canby OR 97013

UNTIL REQUESTED OTHERWISE,
SEND TAX STATEMENTS TO:
John Meredith
377 NW Territorial Road
Canby, OR 97013

DEVELOPMENT AGREEMENT (ANNEXATION)

RECITALS:

1. John Meredith hereinafter referred to as "MEREDITH", own real property commonly described as 1009 NE Territorial Road, Canby, OR 97013 and more particularly described in the attached Exhibit A and depicted on a survey attached as Exhibit B.
2. The City of Canby, hereinafter referred to as "CANBY", is an Oregon municipal corporation.
3. The property described in Exhibit A and depicted on Exhibit B is located within the boundaries of a designated annexation "Development Agreement Area" as shown on the City of Canby Annexation Development Map (City of Canby Municipal Code Title 16, Figure 16.84.040).
4. CANBY procedures for annexation specify the Planning Commission shall conduct a public hearing to review any proposed annexations and determine the appropriate zoning designation upon annexation. The Planning Commission shall furnish its recommendation concerning annexation and assigned zoning to the City Council. The City Council will determine whether the applicable standards and criteria of Canby Municipal Code 16.84.040 are met and will determine appropriate zoning for the property based on the criteria set forth in the Canby Municipal Code 16.54.040.
5. The purpose of this Annexation Development Agreement is to satisfy the requirements of Canby Municipal Code 16.84.040 including providing adequate public information and information evaluating the physical, environmental, and related social effects of a proposed annexation. The proposed annexation does not require the statutory development agreement of ORS 94.504 et seq.

NOW, THEREFORE, it is hereby agreed:

I. CANBY MUNICIPAL CODE 16.84.040 APPLICABLE PROVISIONS.

A. Timing of the submittal of an application for zoning. Concurrent with review of this Agreement, the Council shall consider MEREDITH'S annexation application and requests that, upon approval of the annexation by the City Council, the property described in Exhibit A shall be zoned R-1.5. This approach will insure that the development agreement as well as the annexation and zone change approvals are consistent with City Code 16.84.

B. Scope of annexation request. In addition to the property owned by MEREDITH and described in Exhibit A, MEREDITH's annexation application shall include the southern one-half of the NE Territorial Road right-of-way, County Road No. 1485 adjacent to the MEREDITH property. The southern half of the NE Territorial Road right-of-way shall be measured from the right-of-way centerline and also as described in Exhibit A and depicted on Exhibit B. MEREDITH agrees to dedicate street right-of-way for NE Territorial Road to meet the standards of the City of Canby with future land use actions on the property as part of the development approval process.

C. Timing for Recording. MEREDITH shall have seven (7) calendar days from the date the City Council takes final action approving this Agreement, the annexation, the zone change request, to record this Agreement. A condition of approval will be attached to the annexation and zone change approval imposing this requirement.

D. Dedication of land for future public facilities including park and open space land. At the time of development, MEREDITH agrees to dedicate street right-of-way for NE Territorial Road, N. Oak Street and for other streets being created inside the property to the standards of the City of Canby and to satisfy CANBY's parkland dedication obligation through payment of the City's park system development charge.

E. Street construction/layouts, utilities, right of ways/dedications, and lots. At the time of development, City required public street improvements will be constructed to Canby Municipal Code specifications by MEREDITH. Specifically, MEREDITH agrees to improve the southern one-half of the NE Territorial Road right-of-way and the east one-half of the N. Oak Street right-of-way along the frontage of the property, and to construct a new street, NE 18th Avenue, west from N. Oak Street. The southern one-half of the NE Territorial Road right-of-way and the east one-half of the N. Oak Street right-of-way shall be measured from the right-of-way centerline. MEREDITH will position the NE 18th Avenue intersection to N Oak Street at a location deemed appropriate by the City of Canby Planning Department during the tentative plat design and approval process. Street cross section layouts, public utilities, franchise utilities, and right of way widths/associated dedications will be determined at the time of development in conformance with the Canby Municipal Code and Canby Public Works Design Standards. The submitted General Land Use Plan dated July, 2016 in conjunction with the ANN/ZC 16-?? applications is for general reference only and is non-binding. Lot sizes and layouts will be determined at the time of development and are contingent upon street cross sections and right of way widths.

F. Utility availability. At the time of development, MEREDITH agrees to ensure that utilities and infrastructure are available to serve the property described in Exhibit A at densities currently authorized in the R-1.5 zone. To the extent that additional utility or service infrastructure is required to serve the property in the future, MEREDITH agrees to provide those utilities and services in a way that is commensurate with the impacts from development and consistent with the City's Code. MEREDITH also agrees to allow connection to MEREDITH's constructed public facilities by adjacent property owners.

G. Water and Sewer. At the time of development, MEREDITH agrees to install public waterlines in all new or extended public streets and sewer lines in new City streets as is needed to serve the development. CANBY agrees that MEREDITH can connect to the public water system and that MEREDITH can connect the existing public sanitary sewer. CANBY agrees that no new sewer main is needed in NE Territorial Road along the frontage of the Meredith parcel.

H. Waiver of compensation claims. MEREDITH waives compensation or waiver of land use regulations as provided in ORS 195.300 and 195.336, as well as Measure 49, resulting from annexation and the concurrent zone change approval.

I. Rough proportionality of future exactions. To the extent that this agreement identifies right-of-way dedication, utility or service obligations, these obligations are necessary and will be limited to an amount necessary to serve this development based on the proposed development application as well as on the uses and densities permitted in the R-1.5 zone.

J. Other commitments deemed valuable to the City of Canby. MEREDITH agrees any future development will meet the requirements of the adopted CANBY Municipal Code in effect at the time of development.

II. OTHER CONSIDERATIONS.

A. Duration. This Agreement shall be effective upon CANBY, acting by and through its city council, approving this Agreement and upon its recording with the Clackamas County Recording Office. As used herein, "approval" means the granting of the approval and the expiration of the period of appeal, or if appeal is filed, the resolution of

that appeal. This Agreement shall continue in effect for a period of eight (8) years after its effective date unless cancelled as provided in Section II, C below

B. Recording. Within seven (7) calendar days after the City Council makes a final decision approving ANN/ZC 16-??, MEREDITH shall record this agreement with the Clackamas County Recorder's Office and provide a copy of the recorded agreement to the City Attorney.

C. Cancellation. This Development Agreement shall not be cancelled.

D. Modification. This Agreement may be modified, amended, or extended upon the mutual consent of MEREDITH and CANBY.

Dated this ____ day of _____, 2016.

John Meredith

CITY OF CANBY, OREGON

By: _____
Amanda Zeiber, Interim City Administrator

Dated: _____

APPROVED AS TO FORM:

By: _____

Dated: _____

APPROVED BY ACTION OF CITY COUNCIL ON _____, 2016.
CITY COUNCIL RESOLUTION NO.: _____.

STATE OF OREGON)
) ss.
County of Clackamas) _____, 2016

Personally appeared before me, JOHN MEREDITH, and acknowledged the foregoing instrument to be his voluntary act and deed.

Notary Public for Oregon
My Commission Expires: _____

STATE OF OREGON)
) ss.
County of Clackamas)

_____, 2016

Personally appeared before me,
Administrator of the City of Canby, Oregon.

AMANDA ZEIBER, as the Interim City

Notary Public for Oregon
My Commission Expires: _____

EXHIBIT "A"

Associated Land Surveyors, Inc.

375 Portland Ave., Gladstone OR 503-656-9440

Exhibit A

July 20, 2016

Property description for annexation to the City of Canby
Meredith Property and Territorial Road

A portion of Tract 60, CANBY GARDENS, in the Southeast quarter of Section 28, Township 3 South, Range 1 East, of the Willamette Meridian, Clackamas County, Oregon, more particularly described as follows:

Commencing at the Southwest corner of said Tract 60; thence N89°59' E along the South boundary of said Tract 60 a distance of 149.6 feet to the Point of Beginning of the property herein described; thence continuing along said South boundary a distance of 200 feet to the Southeast corner of the tract of land conveyed to John T. Meredith and Katherine A. Meredith by Clackamas County Deed Document No. 2011-001990; thence N00°01'W along the East line thereof a distance of 398.34 feet to the Northeast corner of said Meredith property on the Southeasterly right-of-way line of Territorial Road (County Road No. 1485); thence S69°03'W along said Southeasterly right-of-way line a distance of 214.13 feet to Northwest corner of said Meredith property; thence S00°01'E along the West line thereof a distance of 321.83 feet to the Point of Beginning.

Together with the following described portion of Territorial Road (County Road No. 1485) abutting said Meredith property:

Beginning at the Northeast corner of the above described Meredith property; thence N 00°01'W along the Northerly extension of the East line thereof a distance of 32.12 feet to the center line of said Territorial Road; thence S69°03'W along said center line a distance of 214.13 feet to the intersection with the Northerly extension of the West line of said Meredith property; thence S00°01'E along said line a distance of 32.12 feet to the Northwest corner of said Meredith property on the Southeasterly right-of-way line of Territorial Road; thence N69°03'E along said line a distance of 214.13 feet to the point of beginning.

The combined areas totaling 1.80 acres.

The courses of this description are as shown on a survey filed at the Clackamas County Surveyor's Office as PS 5957.

canbyannex.doc

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JANUARY 19, 1982
KURTIS H. KUIPER
1976

VALID THRU: 6/30/17

EXHIBIT "B"

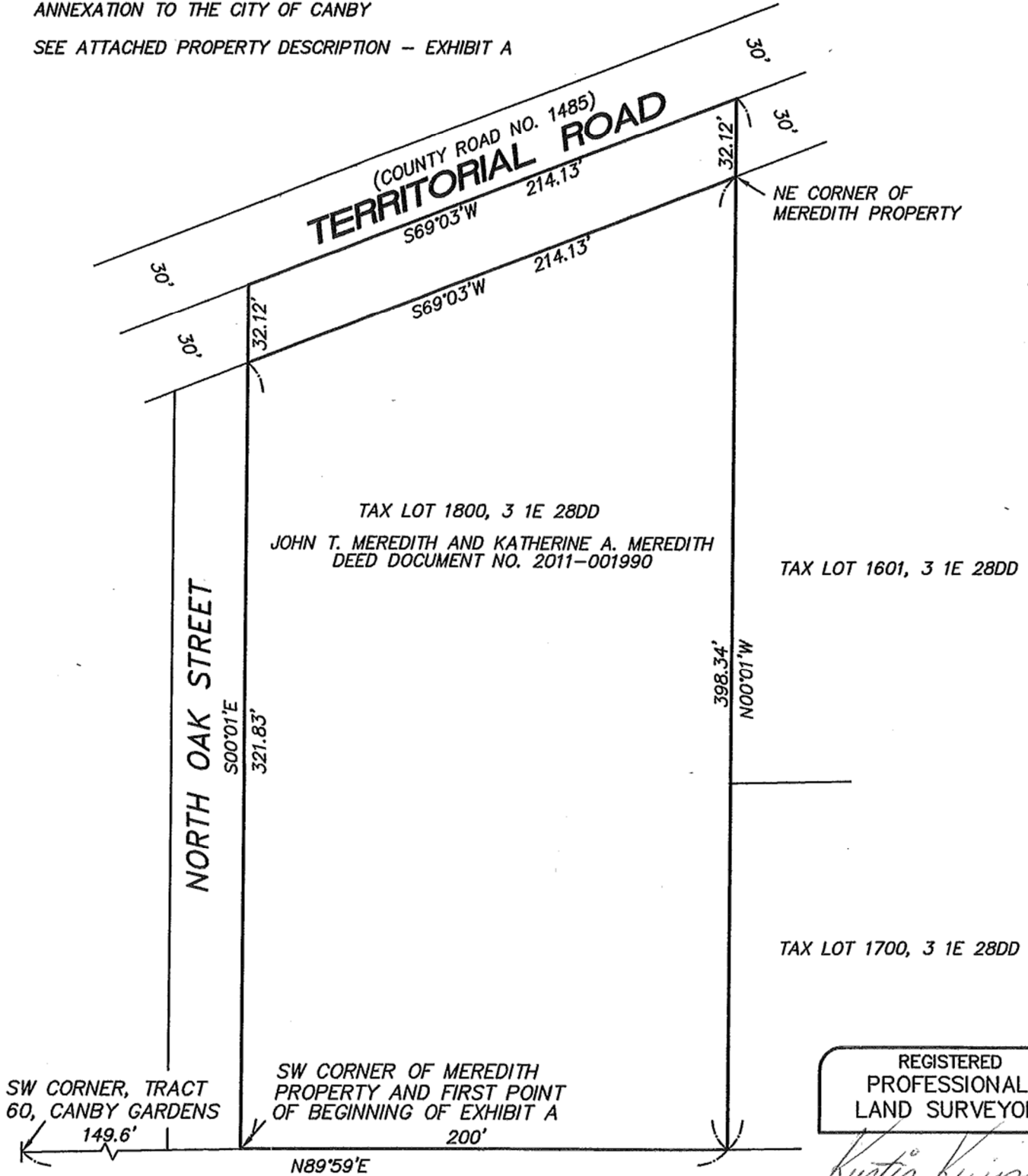
EXHIBIT B

July 20, 2016

Scale: 1" = 60'

MEREDITH PROPERTY & PORTION OF TERRITORIAL ROAD
ANNEXATION TO THE CITY OF CANBY

SEE ATTACHED PROPERTY DESCRIPTION - EXHIBIT A



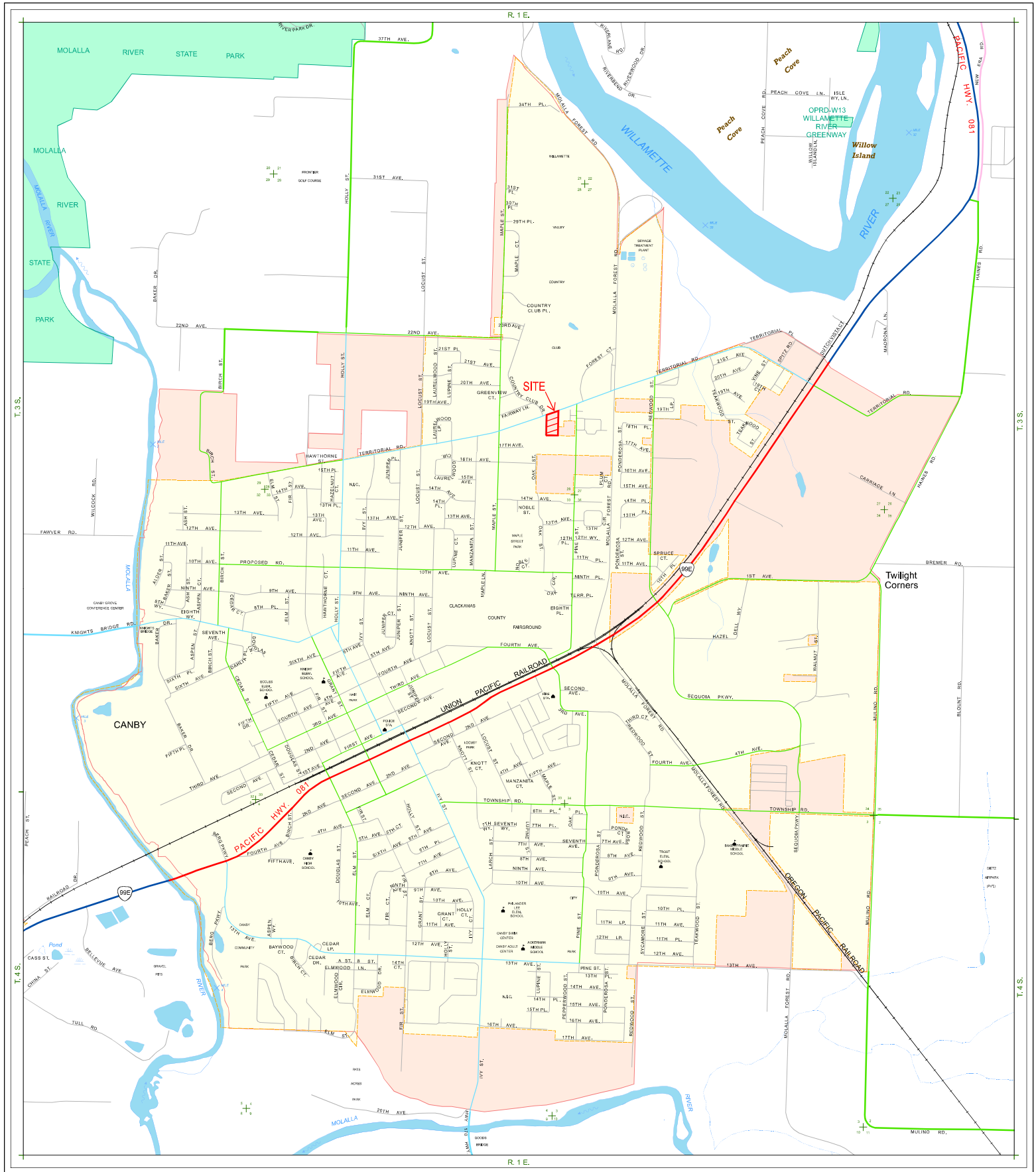
PREPARED BY:

ASSOCIATED LAND SURVEYORS, INC.
375 PORTLAND AVE.
GLADSTONE, OREGON 97027
PHONE: (503) 656-9440

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Kurtis Kuiper
OREGON
JANUARY 19, 1982
KURTIS H. KUIPER
1976

VALID THRU: 6/30/17
PROJECT: 1609



LEGEND

FOR FURTHER FUNCTIONAL CLASSIFICATION INFORMATION, CONTACT ODOT REGION OFFICE.

- INTERSTATE
- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- URBAN COLLECTOR/RURAL MAJOR COLLECTOR
- MINOR COLLECTOR
- LOCAL ROAD
- CITY LIMIT
- URBAN GROWTH BOUNDARY
- RAILROAD - AMTRAK PASSENGER STATION
- GRAVEL PIT - QUARRY - ODOT STOCKPILE
- ODOT MAINTENANCE STATION

Published by

PREPARED ORIGINALLY BY THE OREGON DEPARTMENT OF TRANSPORTATION IN COOPERATION WITH THE U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION

OREGON TRANSPORTATION MAP
Showing Federal Functional Classification of Roads
City of

CANBY

POPULATION 15,910

T. 3-4 S. R. 1 E. W.M.

SCALE

0 650 1,300 2,600 Feet

0 195 390 780 Meters

FUNCTIONAL CLASSIFICATION

STATE HIGHWAY OTHER HIGHWAY

PUBLIC BUILDING

- COURTHOUSE
- HOSPITAL
- CITY HALL
- ARMORY
- POST OFFICE
- SCHOOL
- LIBRARY
- SAFETY REST AREA
- WEIGH STATION
- PARK & RIDE LOCATION
- INTERCITY CITY TRANSIT
- COMMERCIAL - GENERAL AVIATION
- PORT FACILITY

FUNCTIONAL CLASSIFICATION

- PASSENGER
- INTERBUS
- AMTRAK
- AVAILABLE TRANSPORTATION SERVICES SHOWN WITH YELLOW BACKGROUND

CLACKAMAS COUNTY
2013 Edition

PORT FACILITY

SPRINKLER

SUMM AIR

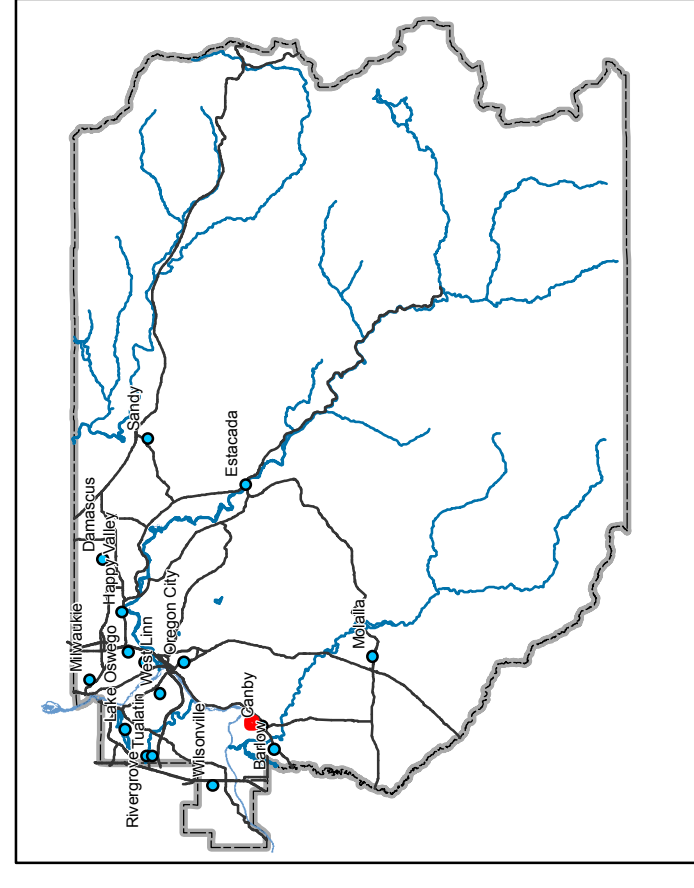
Copies Available: From the Oregon Department of Transportation, Geographic Information Services Unit, 1800 NE Oregon Street, Portland, Oregon 97232. (503) 888-1154. <http://www.oregon.gov/ODOT/IT/DT/DTDATA/Pages/citymaps.aspx>
Population numbers are based on current Oregon Population Report, Office of Urban and Public Affairs, Portland State University, <http://psu.edu>

3 1 E 28DD
CANBY
S.E. 1/4 S.E. 1/4 SEC. 28 T.3S. R.1E. W.M.
CLACKAMAS COUNTY
1" = 100'

Cancelled Taxlots

2190
2500
1900
1901
1904
1905
1906
2200
2000
2001
1500

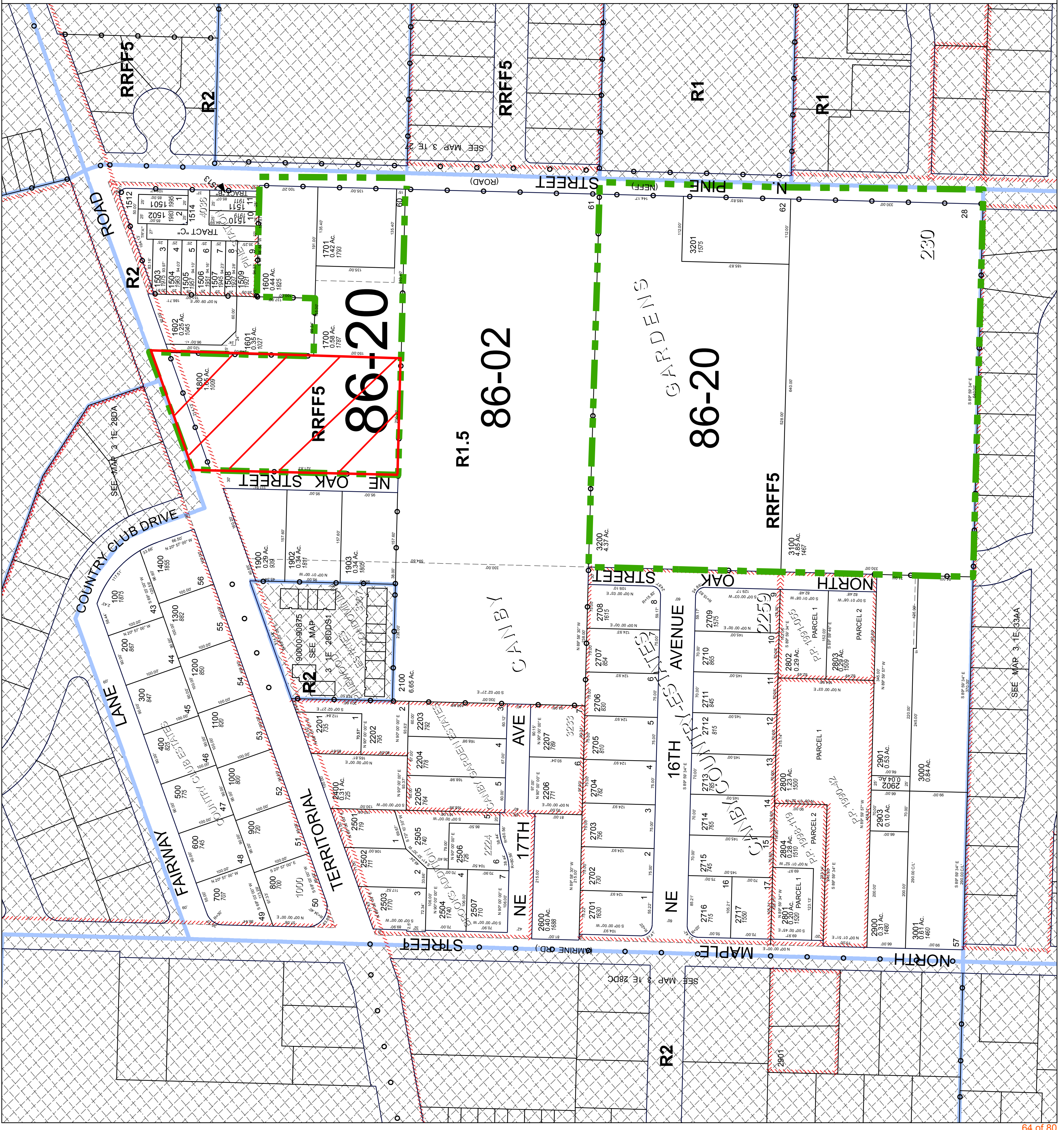
- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- TaxCodeLines
- Map Index
- WaterLines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor 20'

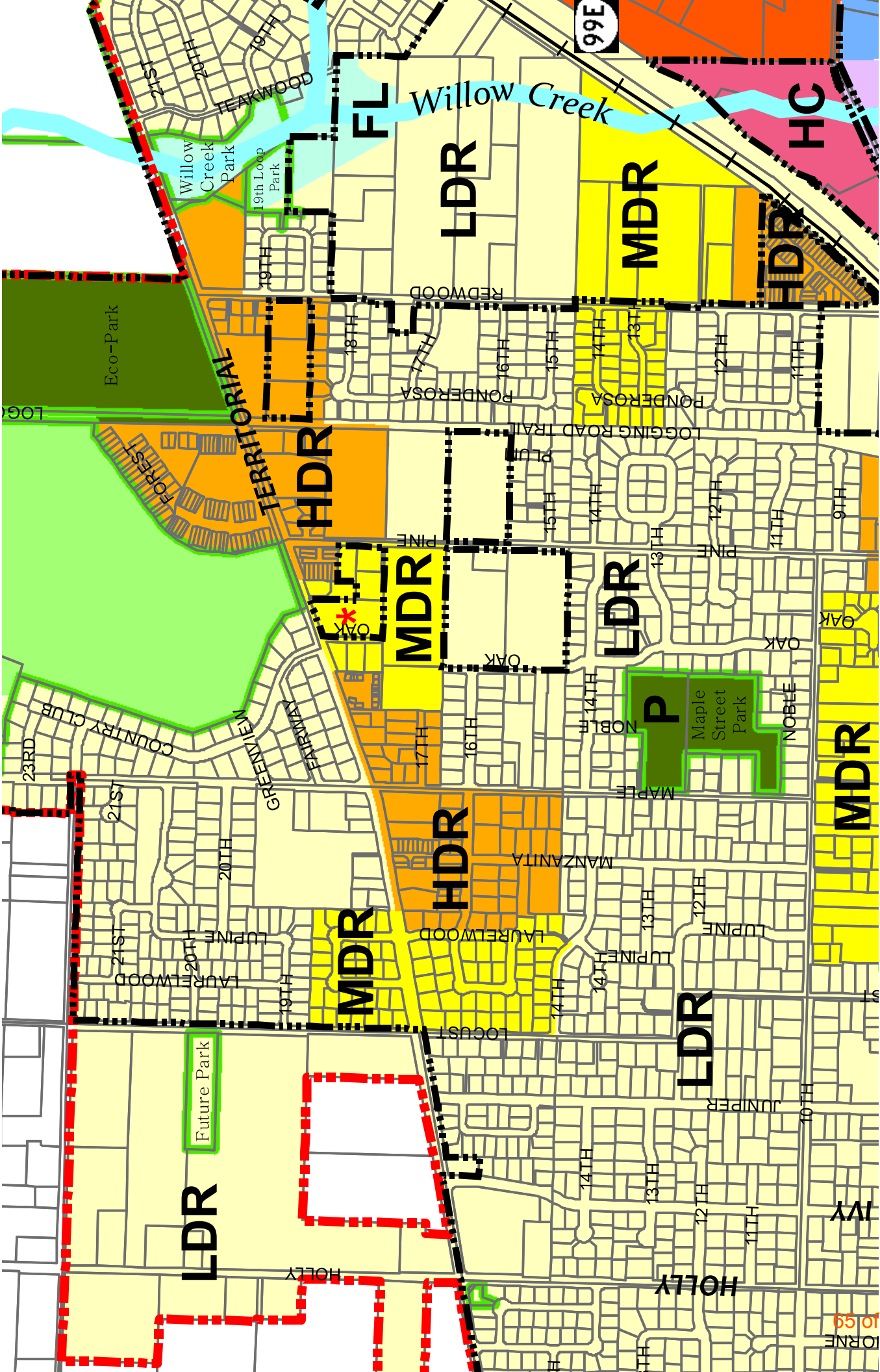


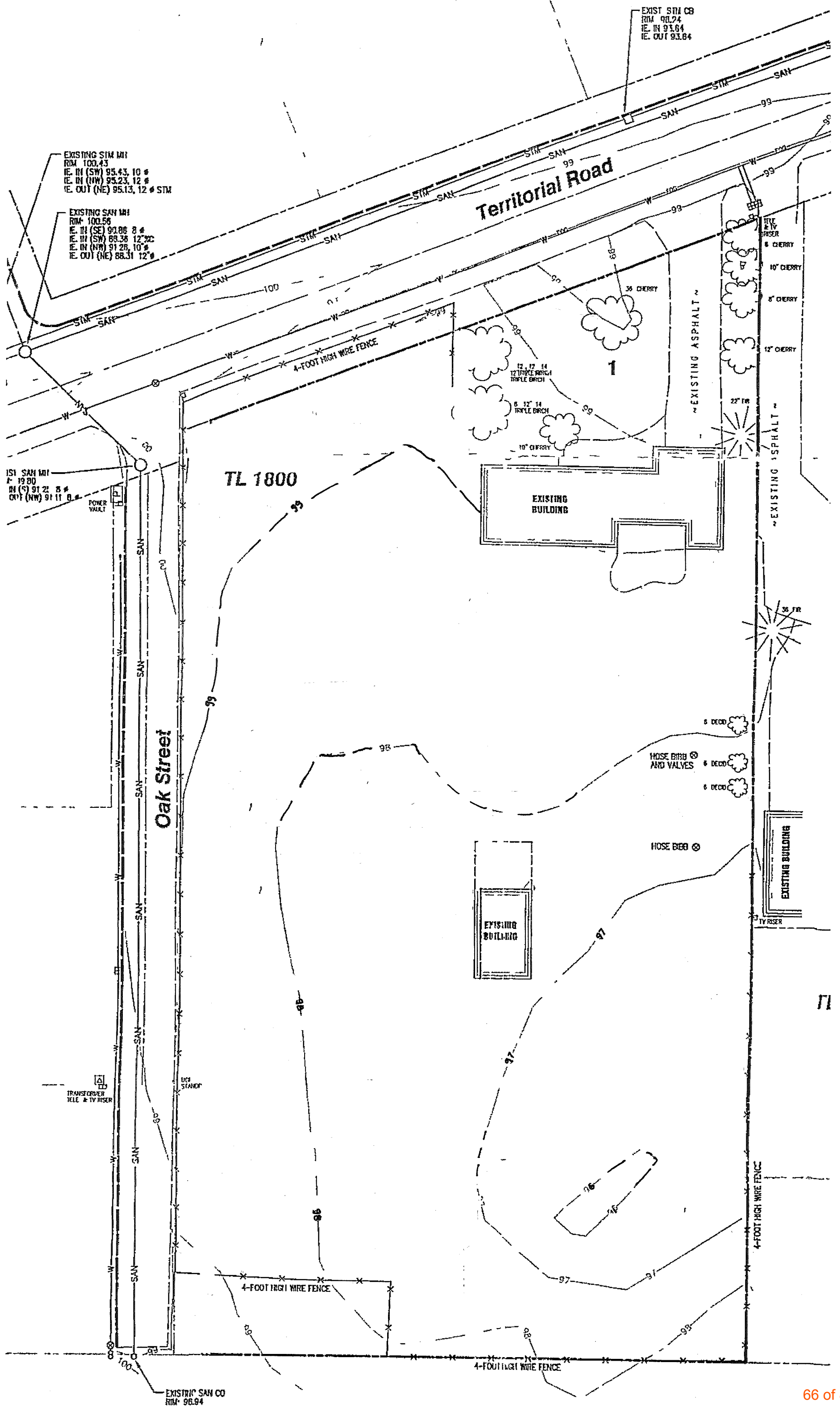
THIS MAP IS FOR ASSESSMENT
PURPOSES ONLY

3 1 E 28DD
CANBY

10/28/2015







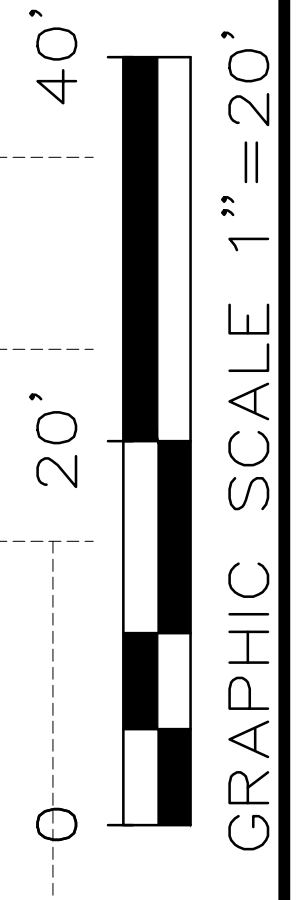
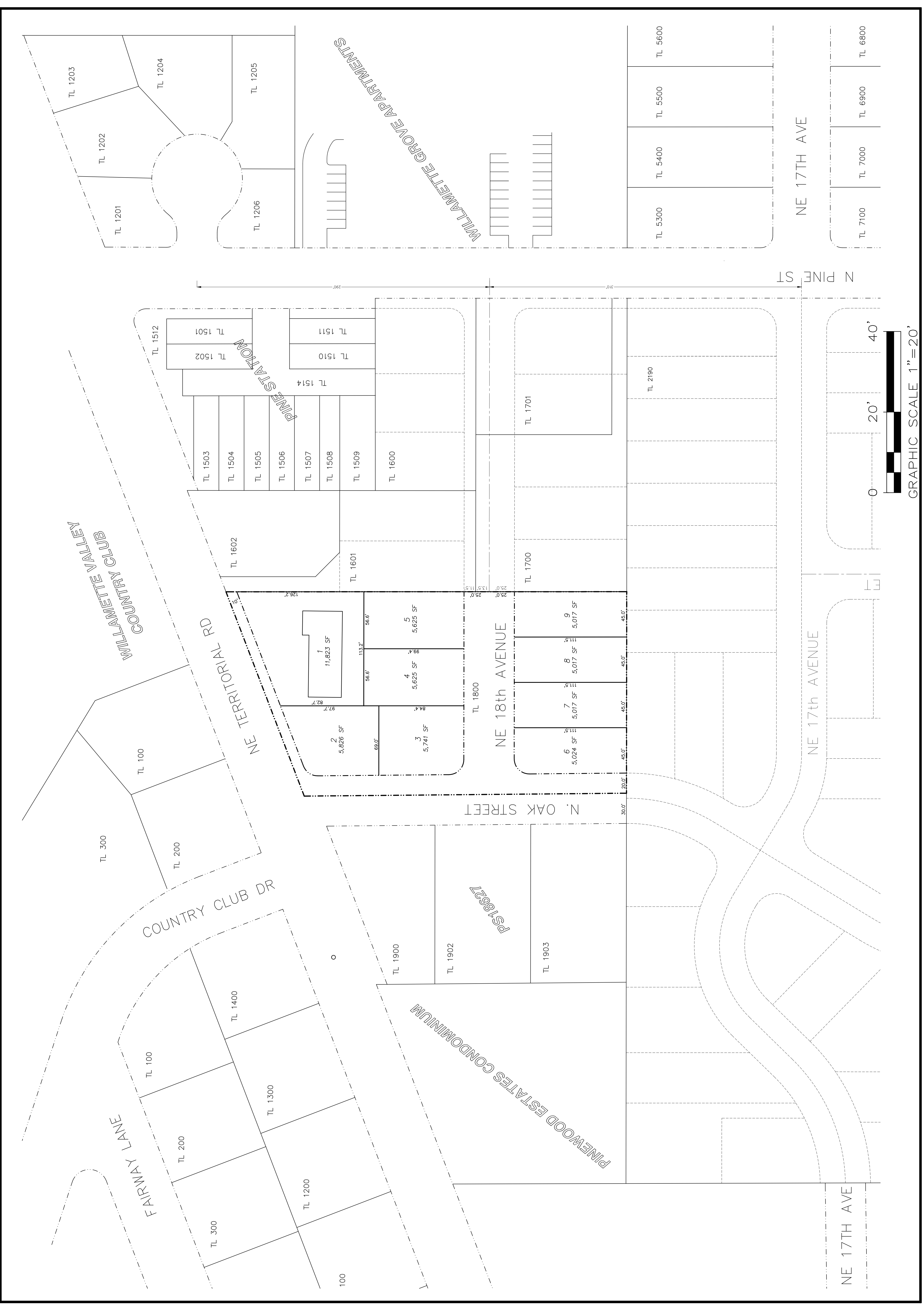
REVISIONS	BY

Oak St. Annexation
Longhorn Development

General Lane Use Plan

SISUL ENGINEERING
376 PORTLAND AVENUE
GLADSTONE, OREGON 97027
(503) 657-0188
DRAWING NO. 150115-01

DATE: JULY, 2016
SCALE: 1" = 40'
DRAWN: PS
JOB: SGL15-104
SHEET: 1 OF 1 SHEETS





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



MEMORANDUM

DATE: September 2, 2016

TO: Bryan Brown, City of Canby

FROM: Julie Sosnovske, PE
 Christopher S. Maciejewski, PE, PTOE

SUBJECT: Canby N Oak Street Annexation – Transportation Planning Rule (TPR) Analysis P#11010-071

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 on NE Territorial Road, just east of N Oak Street, in Canby, Oregon. The following section describes the consistency of the annexation request (and corresponding rezone) with both the City’s Comprehensive Plan and Transportation System Plan.

Transportation Planning Rule Findings

The proposed annexation is located inside Canby’s Urban Growth Boundary (UGB) in unincorporated Clackamas County. It is located at 1009 NE Territorial Road, tax lot 3 1E 28DD 1800. It is currently designated Clackamas County RRFF-5 zoning. The City’s comprehensive plan designation is MDR – Medium Density Residential and the proposed zoning is R 1.5 Medium Density Residential. The proposed zoning is consistent with the City’s adopted Comprehensive Plan designation.

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 annexation, and associated proposed zoning, are 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. Per email from City staff, the parcels subject to the zoning map amendment were not exempt from this rule at the time of an urban growth boundary amendment².

Based on the discussion above, all three criteria are satisfied; therefore, the proposed rezone will not have a significant effect on the transportation system. The proposed rezoning is consistent with the existing comprehensive plan map designation, as summarized in Table 1. Additionally, the transportation assessment performed as part of the City’s TSP accounts for the proposed uses related to annexation of the property, therefore the proposed rezoning is consistent with the acknowledged transportation system plan.

Table 1: Proposed Annexation at 1009 NE Territorial Road, Tax Lot 3 1E 28DD 1800

	Tax Lots	Lot Size (acres)	Clackamas County Zoning	City of Canby Zoning	City of Canby Comprehensive Plan Land Use
Annexation Application	3 1E 28DD 1800	1.65 acres	RRFF-5 (Rural Residential Farm Forest)	R-1.5 (Medium Density Residential)	MDR (Medium Density Residential)

¹ Based on the estimated acreages of potentially redevelopable parcels within the same TAZ as the proposed annexation (TAZ 11 in the City of Canby TSP, 2010), approximately eight additional households were accounted for on the proposed annexation site, as part of the TSP. Based on the City's zoning code, a minimum of six (6) two, three or four-family homes per acre would be allowed, after accounting for street right-of-way and public open space requirements.

² Email from Bryan Brown, City of Canby, August 23, 2016

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 111 NW Second Avenue. **After Oct. 1st at 222 NE 2nd Ave**
E-mail: eplingd@ci.canby.or.us After Oct 1st: eplingd@canbyoregon.gov

Written comments to be included in Planning Commission packet are due by **Wednesday, Sept. 14, 2014**.
Written comments to be included in City Council packet are due by Monday, Oct. 10, 2016. 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/ZC 16-04 – John Meredith, 1009 NE Territorial Rd.

COMMENTS:

SEE ATTACHED MEMO DATED SEPTEMBER 7, 2016

NAME: HASSAN IBRAHIM
EMAIL: hai@Curran-mcleod.com
ORGANIZATION/BUSINESS/AGENCY: Curran - McLeod, Inc
ADDRESS: 6655 SW Hampton St, suite 210, Portland, OR 97223
PHONE # (optional): _____
DATE: September 7, 2016


AGENCY RESPONSE - *Please check one box and fill in your Name/Agency/Date above:*

- 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

September 7, 2016

MEMORANDUM

TO: Mr. Bryan Brown
City of Canby

FROM: Hassan Ibrahim, P.E. 
Curran-McLeod, Inc.

RE: **CITY OF CANBY**
1009 NE TERRITORIAL RD (ANN/ZC 16-04)

We have reviewed the submitted plans on the above mentioned project and have the following comments:

1. NE Territorial Rd is a City road and is classified by the City Transportation System Plan (TSP) as a collector road. A 10-foot right-of-way dedication along the entire site frontage and half street improvements in conformance with the City TSP, collector section will be required and constructed as part of this development. The curb will be located at 21 feet measured from the right-of-way centerline with a 6-foot concrete sidewalks, ADA ramps, street lights and utilities as needed. The public improvements shall be constructed in conformance with section 2.207 of the City of Canby Public Works Design Standards, dated June 2012.
2. A half street improvements along the entire site frontage with N Oak Street shall be designed to City local street standards with 50-foot right-of-way and 34-foot paved width, curbs, 4.5' planters, 6' sidewalks, street lights and utilities in conformance with Chapter 2 of the City of Canby Public Works Design Standards, dated June 2012. Turnarounds may be required at the end of the street as directed by Canby Fire Department.
3. NE 18th Avenue shall be designed to City local street standards with 50-foot right-of-way and 34-foot paved width section to include curbs, planters, 6' sidewalks, streets lights and utilities.
4. The existing curb on the opposite side of N Oak Street appears to be in good condition but the existing pavement has deteriorated. As part of this development, the City has agreed in principle on the reconstruction of the west side of N Oak Street. A Transportation System Development Charges (SDC) credit can be given to the developer

for paying the cost for such improvements. The SDC's will be applied toward the lots within the subdivision, if the cost of the improvements exceeds the SDC credits, the City will pay the developer the remaining balance.

5. As part of the final design, the developer's design engineer shall provide a minimum of 200-foot future centerline street profile design for NE 18th Ave and N Oak Street to assure future grades can be met.
6. The UIC structures location shall meet at least one of the two conditions: (1) the vertical separation distance between the UIC and seasonal high groundwater is more than 2.5 feet or (2) the horizontal separation distance between the UIC and any water well is a minimum of 267 feet in accordance of the City of Canby Stormwater Master Plan, Appendix "C", Groundwater Protectiveness Demonstration and Risk Prioritization for Underground Injection Control (UIC) Devices.
7. A storm drainage analysis shall be submitted to the City for review and approval during the final design phase. The analysis shall meet Chapter 4 of the City of Canby Public Works Design Standards dated June 2012.
8. An erosion control permit will be required from the City of Canby prior to any on-site disturbance.
9. Any existing domestic or irrigation wells shall be abandoned in conformance with OAR 690-220-0030. A copy of Oregon Water Rights Department (OWRD) abandonment shall be submitted to the City.
10. Any existing on-site sewage disposal system shall be abandoned in conformance with Clackamas County Water Environmental Services (WES) regulations. A copy of the septic tank removal certificate shall be submitted to the City.
11. All street names and traffic signs shall be installed by the developer as part of this development.

Should you have any questions or need additional information, please let me know.

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Application: ANN/ZC 16-04 – John Meredith, 1009 NE Territorial Rd.

COMMENTS:

SEE ATTACHED MEMO DATED SEPTEMBER 7, 2016

NAME: HASSAN IBRAHIM
EMAIL: hai@Curran-mcleod.com
ORGANIZATION/BUSINESS/AGENCY: Curran - McLeod, Inc
ADDRESS: 6655 SW Hampton St, suite 210, Portland, OR 97223
PHONE # (optional): _____
DATE: September 7, 2016

AGENCY RESPONSE - *Please check one box and fill in your Name/Agency/Date above:*

- 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


CURRAN-McLEOD, INC.
CONSULTING ENGINEERS

6655 S.W. HAMPTON STREET, SUITE 210
PORTLAND, OREGON 97223

September 7, 2016

MEMORANDUM

TO: Mr. Bryan Brown
City of Canby

FROM: Hassan Ibrahim, P.E. 
Curran-McLeod, Inc.

RE: **CITY OF CANBY**
1009 NE TERRITORIAL RD (ANN/ZC 16-04)

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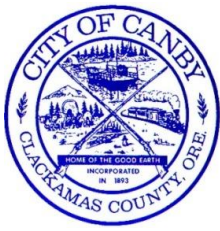
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for paying the cost for such improvements. The SDC's will be applied toward the lots within the subdivision, if the cost of the improvements exceeds the SDC credits, the City will pay the developer the remaining balance.

5. As part of the final design, the developer's design engineer shall provide a minimum of 200-foot future centerline street profile design for NE 18th Ave and N Oak Street to assure future grades can be met.
6. The UIC structures location shall meet at least one of the two conditions: (1) the vertical separation distance between the UIC and seasonal high groundwater is more than 2.5 feet or (2) the horizontal separation distance between the UIC and any water well is a minimum of 267 feet in accordance of the City of Canby Stormwater Master Plan, Appendix "C", Groundwater Protectiveness Demonstration and Risk Prioritization for Underground Injection Control (UIC) Devices.
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11. All street names and traffic signs shall be installed by the developer as part of this development.

Should you have any questions or need additional information, please let me know.



City of Canby

NOTICE OF PUBLIC HEARINGS & REQUEST FOR COMMENTS

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 the Annexation and Zoning Map Amendment applications to annex and rezone 1.80 acres (1.65 acres of real property and 0.15 acres of street right-of-way) located at 1009 NE Territorial Road. The **Planning Commission Public Hearing will be held in the Council Chambers, at 155 NW 2nd Avenue** at 7:00 PM, Monday, September 26, 2016. The **City Council Public Hearing will be held in the new Council Chambers at 222 NW 2nd Avenue** at 7:30 PM, Wednesday, October 19, 2016.



Location: 1009 NE Territorial Road, southeast corner of NE Territorial Road & N. Oak Street (See map on left property bordered in red).

Applications: City File: ANN/ZC 16-04

Tax Lot: 31E28DD01800

Zoning: 1.65 acres of real property currently zoned Clackamas County RRF-5 to be rezoned to R-1.5 Medium Density Residential in conformance with the adopted Comprehensive Plan designation, and includes 0.15 acres of NE Territorial Road right-of-way.

Application Type: Annexation & Zone Map Change

Contact: David Epling at 503-266-0686

Comments due- If you would like your comments to be incorporated into the City’s Staff Report, please return the Comment Form by Wednesday, September 14, 2014 for the

Planning Commission Meeting and by Monday, October 10, 2016 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 and make a recommendation to City Council. The City Council will then consider the Annexation/Zoning Map Amendment applications and make a final decision. Most types of property annexations no longer need approval by the Canby electorate per 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 111 NW Second Avenue; or emailed to eplingd@ci.canby.or.us. Effective Oct. 1st, we will relocate to our new Library/Civic Center, 222 NE 2nd Avenue. After this date please email comments to eplingd@canbyoregon.gov and deliver comments for the City Council Public Hearing to this new location.

How can I review the documents and staff report? Weekdays from 8 AM to 5 PM at the Canby Planning Department. The staff report prepared for the Planning Commission will be available for inspection starting Friday, September 16, 2016 at 111 NW 2nd Ave, and can be viewed on the City’s website: www.ci.canby.or.us. Copies are available at \$0.25 per page or can be emailed to you upon request.

PLEASE NOTE: AFTER OCT. 1st we will be located in the new Civic Building at 222 NE 2nd Ave. The City website will change to: www.canbyoregon.gov.

Applicable Canby Municipal Code Chapters:

- 16.18 R-1.5 Medium Density Residential Zone
- 16.54 Amendments to Zoning Map
- 16.84 Annexations
- 16.89 Application & Review Procedures

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.

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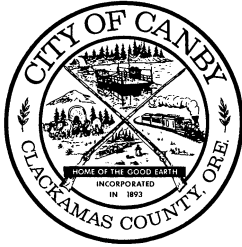
Application: ANN/ZC 16-04 – John Meredith, 1009 NE Territorial Rd.

COMMENTS:

NAME: _____
EMAIL: _____
ORGANIZATION/BUSINESS/AGENCY: _____
ADDRESS: _____
PHONE # (optional): _____
DATE: _____

AGENCY RESPONSE - *Please check one box and fill in your Name/Agency/Date above:*

- 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



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

**A REQUEST FOR APPROVAL OF)
ANNEXATION AND ZONE CHANGE)
FOR PROPERTY LOCATED AT)
1009 NE TERRITORIAL ROAD)** **FINDINGS, CONCLUSION & FINAL ORDER
ANN/ZC 16-04
JOHN AND KATHERINE MEREDITH**

NATURE OF THE APPLICATION

The Applicants sought approval for an annexation/zone change application ANN/ZC 16-04 of 1.65 acres of real property described as Tax Lots 31E28DD01800, Clackamas County, Oregon. The property is zoned Clackamas County RRRF5 and is requested to be zoned City R-1.5 (Medium Density Residential).

HEARINGS

The Planning Commission considered applications ANN/ZC 16-04 after the duly noticed hearing on September 26, 2016 during which the Planning Commission recommended by a 4/0 vote that the City Council approve ANN/ZC 16-04 per the recommendation contained in the staff report.

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 September 16, 2016 and presented at the September 26, 2016 public hearing of the Planning Commission.

FINDINGS AND REASONS

The Planning Commission considered applications ANN/ZC 16-04 at a public hearing held on September 26, 2016 during which the staff report was presented, including all attachments. Staff recommended that the Planning Commission forward a recommendation of approval to the City Council for the proposed annexation and new zoning designation.

After hearing public testimony, and closing the public hearing, the Planning Commission made no 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 meets all applicable approval criteria, and approved Files ANN/ZC 16-04 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/ZC 16-04** as follows:

1. ANN/ZC 16-04 be approved and,
2. Upon annexation, the zoning of the subject properties be designated as R-1.5 (Medium Density Residential) as indicated by the Canby Comprehensive Plan Map.

I CERTIFY THAT THIS ORDER approving ANN/ZC 16-04 was presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 26th day of September, 2016

John Savory
Planning Commission Chair

Bryan Brown
Planning Director

Laney Fouse, Attest
Recording Secretary

ORAL DECISION: September 26, 2016

Name	Aye	No	Abstain	Absent
<i>John Savory</i>				
<i>Shawn Hensley</i>				
<i>John Serlet</i>				
<i>Larry Boatright</i>				
<i>Kristene Rocha</i>				
<i>Derrick Mottern</i>				
<i>Tyler Smith</i>				

WRITTEN DECISION: September 26, 2016

Name	Aye	No	Abstain	Absent
<i>John Savory</i>				
<i>Shawn Hensley</i>				
<i>John Serlet</i>				
<i>Larry Boatright</i>				
<i>Kristene Rocha</i>				
<i>Derrick Mottern</i>				
<i>Tyler Smith</i>				