

**PLANNING COMMISSION
Meeting Agenda
Monday – June 9, 2014
7:00 PM**

City Council Chambers – 155 NW 2nd Avenue

Commissioner Tyler Smith (Chair)

**Commissioner John Savory
Commissioner John Serlet
Commissioner (Vacant)**

**Commissioner Shawn Hensley
Commissioner Larry Boatright
Commissioner (Vacant)**

1. CALL TO ORDER

2. CITIZEN INPUT ON NON-AGENDA ITEMS

3. MINUTES

- a. Approval of the May 12, 2014 and May 28, 2014 Planning Commission Minutes

4. PUBLIC HEARING

- a. Consider a request from Ray N. Franz and Connie E. Vicker for approval to: 1) Annex 4.47 acres of real property and .15 acres of North Pine Street right-of-way; 2) Change the zone district from Clackamas County Exclusive Farm Use (EFU) to City of Canby City of Canby R-1 Low Density Residential for property at 1546 North Pine Street, and 3) Approve a Development Agreement to be recorded and run as a covenant with the land **(ANN 14-01/ZC 14-01)**.
- b. Consider a request from Daniel & Mary Stoller, Geraldine K. Marcum, Jerry & Cynthia Rice, Ralph A. Netter, and Hugh & Roberta Boyle for approval to: 1) Annex 31.10 acres of real property and .50 acres of SE 13th Avenue right of way; 2) Change the zone district from Clackamas County Exclusive Farm Use (EFU) to City of Canby City of Canby R-1 Low Density Residential and R-1.5 Medium Density Residential for property located North of SE 13th Avenue, east of South Teakwood Street and west of the Logging Road Trail & the Sequoia Parkway Extension, and 3) adopt a Development Concept Plan **(ANN 14-02/ZC 14-02)**.

5. NEW BUSINESS

6. FINAL DECISIONS - None

7. ITEMS OF INTEREST/REPORT FROM STAFF

- a. *Next Planning Commission meeting scheduled for Monday, June 23, 2014*
 - *Eli Subdivision (SUB 14-03)*
 - *Final Findings - Annexations*
- b. *Canby Square (Pre-App held June 4, 2014)*
- c. *Faist Subdivision (Neighborhood meeting held June 4, 2014)*
- d. *Beck Subdivision (Neighborhood meeting scheduled for June 12, 2014)*

8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION

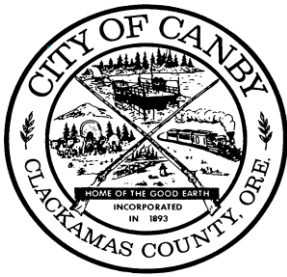
9. ADJOURNMENT

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for person with disabilities should be made at least 48 hours before the meeting at 503-266-7001.

A copy of this agenda can be found on the City's web page at www.ci.canby.or.us

City Council and Planning Commission Meetings are broadcast live and can be viewed on OCTS Channel 5.

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



MINUTES
PLANNING COMMISSION
Monday – May 12, 2014
7:00 PM

City Council Chambers – 155 NW 2nd Avenue

PRESENT: Commissioners Tyler Smith, Shawn Hensley, John Savory, John Serlet, and Larry Boatright

STAFF: Bryan Brown, Planning Director, Angie Lehnert, Associate Planner, and Laney Fouse, Planning Staff

OTHERS: Michael Cerbone, Seth GaRey, Mindy Montecucco, Doug Bates, and Randy Yoder

1. CALL TO ORDER

Chair Smith called the meeting to order at 7 pm.

2. CITIZEN INPUT ON NON-AGENDA ITEMS - None

3. MINUTES

a. *Approval of Planning Commission Minutes for April 14, 2014.*

Motion: Commissioner Savory moved to approve the April 14, 2014 Planning Commission Minutes, Commissioner Serlet seconded. Motion passed 5/0.

4. PUBLIC HEARING

Public Hearing to approve a Site & Design Review for a proposed rebuild of the existing McDonald's Restaurant located at 709 SW 1st Avenue and for the Classic Pool & Spa property located at 701 SW 1st Avenue. The proposed McDonald's includes a new building that will encompass both tax lots, with added site improvements, drive aisles, and drive-thru lanes. (DR 14-03/LLA 14-02)

Chair Smith opened the public hearing and read the public hearing format. The Commissioners had no conflicts of interest or ex parte contacts to declare. All of the Commissioners had visited the site.

Bryan Brown, Planning Director, entered the staff report into the record. He explained the Lot Line Adjustment was to consolidate the two current tax lots. There were sidewalks all along the site. The new building was proposed to be 4,597 square feet and would be located further to the west which allowed the site to be enlarged to accommodate more parking spots and have a better drive thru area. The traffic analysis showed the new design would help eliminate the stacking that currently happened on SW 2nd Avenue. He discussed the façade renderings and elevations which were for a standard looking modernized version of McDonald's. He explained the truck traffic and large

vehicle turn radius and how trucks could get through the site with the full service driveway. It would be a one way ingress and truck deliveries were generally scheduled when there was not a lot of traffic on the site. Issues of note with this application were the fact this application did not comply with the Floor Area Ratio as required by the downtown overlay outer highway commercial subarea district and the application did not comply with the requirement to place a portion of the building within 10 feet of the front property boundary which would be along Highway 99E. Any drive thru restaurant needed circulation around the entire site and it would be difficult for them to meet these requirements. If the application was approved, these requirements would be waived. The Gateway Plan called for a planter strip to be curb tight with a separated sidewalk, but it was not proposed for this site due to ODOT concern about visibility through trees if the existing sidewalk was moved back in favor of a planter strip along the highway. The existing sidewalks were in good condition with handicap accessible ramps at the driveway intersections to be added. There is a potential site distance problem with putting street trees on the highway. ODOT was in charge of where the driveways would be allowed on 99E and finally approved the full service driveway and location. This would be the only driveway into the site. ODOT required a driveway approach application, which the applicant had turned in, but it was not yet approved. The traffic analysis showed there would not be enough increased traffic to warrant any off site analysis at the nearby intersections. He discussed the Phase 1 Environmental Assessment which was done due to tearing down of the existing building. A geotechnical investigation and preliminary drainage report were also completed. Low impact storm water facilities were being proposed on the south side of the site. Staff recommended approval of the application with conditions.

Applicant:

Michael Cerbone, Land Use Planner with Cardno, represented the applicant. Mr. Cerbone explained this was to upgrade the McDonald's store and image as well as resolve the issues of queuing and access to the site. The application would also resolve the issue of multiple driveways on 99E by consolidating to one driveway. The driveway would be safer as it was further away from Birch which would provide more reaction time for people coming off of Birch and entering and exiting the property and less interaction points for pedestrians. There would be 37 parking spaces and he reviewed the traffic analysis and environmental assessment. For storm water there would be a swale in the back and catch basins that would connect to the existing 99E storm water line. He thought the conditions proposed by staff were fair. He agreed with Mr. Brown about the street trees and site distance and did not think ODOT would allow the trees.

Proponents:

Mindy Montecucco built the current store in 1993. she wanted to put in a play land on the site and appreciated being in the community. Doug Bates, construction manager for McDonald's, said this would not be feasible without the additional property they were purchasing. This gave them the opportunity to maximize the site, put the site circulation in proper order, maximize the drive thru, and

make sure the site was much safer. The new design would allow for an entrance and exit off of 99E and making both right and left hand turns at the driveway. He explained the trash area, fencing, landscaping, and pedestrian route from the high school.

Opponents:

Randy Yoder, 659 SW 1st Ave, owned Fishers Supply next door. He asked if this would cut into his driveway as it looked like he would lose a third of his entrance. He had several semi-trucks come in and out of his facility per day. He suggested angling the McDonald's driveway so he could retain his driveway.

Rebuttal:

Mr. Cerbone showed on the existing conditions plan where the property line and driveway were. He was willing to work with ODOT to have a transition to allow the trucks an easier turn into the site. Allowing the driveway to remain on the site would eat into the circulation and landscape requirements for the site. Mr. Yoder did have another driveway access on his property.

Seth GaRey, Civil Engineer with Cardno, sat down with ODOT early on in the project and what was proposed was based on their recommendations. ODOT did have a standard that would allow a seven foot taper so the flat spot within the concrete sidewalk would then be closer to 28 feet and allow that turning movement into the site for the trucks. ODOT would have the ultimate say in what would be approved.

Mr. Bates said McDonald's was willing to work with their neighbor and it had been a challenge working with ODOT.

Mr. Cerbone said they had to rebuild that portion of the sidewalk anyway and wouldn't object to the seven foot taper.

Mr. Banes reiterated the neighbor did have two driveways. Mr. Yoder said the semi-trucks were too long to use the second driveway. He thought the seven foot taper would help.

Mr. Cerbone gave other options for the flow of movement and potential loading areas on the neighbor's site.

Chair Smith closed the public hearing.

Commissioner Savory thought it was a well thought out plan and it sounded like the applicant would work with the neighbor on the driveway issue.

Chair Smith suggested a condition that the applicant demonstrate that they had worked with ODOT to minimize the driveway impact on the neighbor.

Commissioner Hensley thought it was reasonable to require demonstration as it was ultimately ODOT's call.

Motion: Commissioner Savory moved to approve DR 14-03/LLA 14-02 with the condition that the applicant must demonstrate to the Planning Director that they had done everything allowed by ODOT to minimize any impacts on the driveway entrance reduction of the neighboring property, Commissioner Hensley seconded.

Mr. Brown discussed two possible changes to the existing conditions. Condition 6 would be an additional condition that said the applicant agreed to satisfy ODOT's recommendations with clarification on the first one that talked about the right-of-way and paving width of the highway to clarify how the application was not completely meeting the City's TSP and Gateway and Corridor Design Plan. The other condition was in regard to the applicant keeping the existing pole sign. It would become a grandfathered in sign so they could leave it in place. Condition 15 did not say they needed to get building permits for the signs shown on the façade of the building and he suggested adding that wording in Condition 16 and substituting it for Condition 15.

Amendment to the Motion: Commissioner Serlet moved to amend the motion to include the changes to Conditions 6 and 16 as proposed by staff, Commissioner Savory seconded. The amendment to the motion passed 5/0.

The motion to approve DR 14-03/LLA 14-02 as amended passed 5/0.

b. Continued Public Hearing from April 28, 2014, City Staff is requesting consideration of a text amendment to streamline, clarify, and update the development review process for industrially zoned land in the Canby Pioneer Industrial Park. (Code Streamlining Industrial Development TA 12-02)

Chair Smith reopened the public hearing.

Angie Lehnert, Associate Planner, entered her staff report into the record. She discussed the landscape screening requirements if the property abutted a road or residential zone which were to screen outdoor storage, large vehicle loading areas, and bus areas with landscaping, fence, or berm. There had been a lot of amendments to the wording in the Industrial Overlay Zone chapter and the design matrix had been updated. Type 2 process language had been added. She clarified the provision that all parking should be located to the side or rear was not a requirement, but more of an encouragement. If the parking was in the front, it would need to be screened.

The Commission had not received the updated line by line information that Ms. Lehnert was reviewing.

Motion: Commissioner Savory moved to continue the hearing on Code streamlining for industrial development, TA 12-02, to a date certain of Wednesday, May 28, 2014, Commissioner Serlet seconded. Motion passed 5/0.

5. NEW BUSINESS

No new business.

6. FINAL DECISIONS

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

Dinsmore Estates (SUB 14-02)

Emerald Garden Townhomes (PUD 14-01/SUB 14-01)

McDonald's Rebuild (DR 14-03/LLA 14-02)

a. Final Findings – Dinsmore Estates Phase II (SUB 14-02)

Ms. Lehnert explained the added general findings from the meeting. For Condition 1, staff removed several of the design sheets the applicant submitted because they had the no Larch Street connection. They were approving the tentative site plan that was at the pre-application meeting. The applicant suggested wording nuances to Conditions 2, 3, and 7 for clarification. The changes to Condition 2 clarified not every agency would need to sign construction plans, in particular excluding DEQ. The changes to Condition 3 clarified the applicant's engineer would not prepare the electric plan or cable plan. Condition 7 was added in for the new Larch intersection vision clearance. Condition 9b had a grammatical change. The Larch Street connection needed a crosswalk with painted stripes. Condition 26 was reworded slightly to say the City was responsible for the trees, but if they planted other landscaping, the maintenance fell to the HOA. Conditions 32 and 33 were reworded appropriately to clarify how a plat was recorded with the County. The pedestrian walkway condition was removed. Staff proposed that Condition 39 be deleted as the County was finicky about putting notes on the final plats and Condition 36 and the CC&Rs would state the same thing. Condition 40 did state the easement included the wall and the easement should be a sufficient width for a four and a half foot street tree planting area. Condition 42 clarified the street tree fee was applicable to local streets and along SE 13th.

Motion: Chair Smith moved to approve the findings, conclusions, and final order for Dinsmore Estates (SUB 14-02) with Condition 39 deleted and removing the italics on pages 4, 5, and 6 of the Findings and Final Order document, Commissioner Hensley seconded. Motion passed 5/0.

b. Emerald Garden Townhomes (PUD 14-01/SUB 14-01)

Commissioner Serlet recommended a change to Condition #19. Chair Smith clarified the condition had been changed and now reflected what Commissioner Serlet recommended.

Motion: Commissioner Savory moved to approve the findings, conclusions, and final order for PUD 14-01/SUB 14-01, Commissioner Hensley seconded. Motion passed 5/0.

c. McDonald's Rebuild (DR 14-03/LLA 14-02)

Mr. Brown clarified that the draft had two bullets at the bottom of the first page that recognized there would be a finding or two for the added condition the Planning Commission made that night. This was a way to facilitate the process to give the applicant the potential of starting construction two weeks earlier as they had requested.

Chair Smith was not comfortable with voting on findings unless he knew what they were going to say.

Motion: Commissioner Savory moved to continue the consideration of the Final Findings and Order for the McDonald's rebuild to the meeting on May 28, 2014, Commissioner Serlet seconded. Motion passed 5/0.

7. ITEMS OF INTEREST/REPORT FROM STAFF

Mr. Brown said on May 1 the record was settled for the Fred Meyer fuel facility.

Chair Smith wanted to make sure that any new information including PowerPoint presentations was put into the record.

There was discussion regarding the Commission receiving information electronically rather than photocopies.

Chair Smith suggested the Commission assume all the material in the packet sent out electronically was all the material staff had to date and the Commission could ask staff to print it out, otherwise the printed packet might be abbreviated for cost savings. Anything received after the packet went out needed to be printed out and brought to the meeting.

Laney Fouse, Planning Staff, said she could send links to the information as well. She would send out a sample to the Commission.

8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION

Chair Smith proposed two future agenda items. The first was discussion regarding the minimum R-1 lot size of 7,000 square feet and maximum lot size of 10,000 square feet. He thought the limit should not be so low and should be modified. There was consensus to have staff look into options and discuss it at a future meeting.

Chair Smith thought the Commission should also consider the Brooks incident with the factory that was incinerating human remains in order to produce electricity. There was consensus to have language that would preclude this use.

Commissioner Serlet discussed a distraught neighbor on Juniper who had addressed the City Council. He thought the company that was running the project was absolutely excellent to work with.

Councilor Rider said after meeting with the neighbor, they could not make an allowance as it would set precedent.

9. ADJOURNMENT

Motion: Commissioner Savory moved for adjournment, Commissioner Hensley seconded. Motion passed 5/0. Meeting adjourned at 9:00 pm.

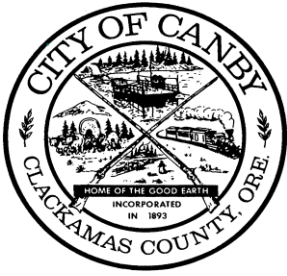
The undersigned certify the May 12, 2014 Planning Commission minutes were presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 9th day of June, 2014

Bryan Brown, Planning Director

Laney Fouse, Minutes Taker

Assisted with Preparation of Minutes – Susan Wood



PLANNING COMMISSION

Minutes

Monday – May 28, 2014

7:00 PM

City Council Chambers – 155 NW 2nd Avenue

Commissioners: Tyler Smith, John Savory, Shawn Hensley, John Serlet, and Larry Boatright

Planning Staff: Bryan Brown, Planning Director, Angie Lehnert, Associate Planner, and Laney Fouse, Planning Staff

Others: Craig Lewelling and Deone Mateson

1. CALL TO ORDER

Chair Smith called the meeting to order at 7 pm.

2. MINUTES

a. *Planning Commission Minutes of April 28, 2014*

Motion: Commissioner Savory moved to approve the April 28, 2014 Planning Commission Minutes, Commissioner Serlet seconded. Motion passed 5/0.

3. CITIZEN INPUT ON NON-AGENDA ITEMS - None

4. PUBLIC HEARING

TA 14-01 Code Streamlining Industrial Development (continued from May 12, 2014)

Chair Smith re-opened the public hearing.

Angie Lehnert, Associate Planner, entered her staff report into the record. She reviewed the text amendments one by one. She said there was one comment from Scott McCormack, owner of Trend Business Center in the Canby Industrial Park about screening in the loading areas. She said it was preferable for some businesses to have loading areas in the front of industrial buildings, however it was difficult to screen such loading areas completely. In a previous version, the parking was to be on the side or the rear, but that had been changed. The point of these revisions was to streamline the process, not put more restrictions, and it was up to the Commission to decide on this provision. In the existing Code it says loading areas should be screened from public view with landscaping, walls, or other means as approved. Staff's intent was to address concerns about existing outdoor storage that wasn't screened and bus parking areas that weren't currently required to be screened.

Chair Smith said there were three options for the screening, landscaping, fence, or a berm. He questioned if the landscaping would need to screen it completely or if the applicant needed only to have landscaping in the front.

Bryan Brown, Planning Director, said the proposed wording made the McCormacks nervous as they had a building planned that would front 4th Avenue that had loading areas in the front of the building. They were nervous to see choices they were trying to market now that might not be allowed by what

the Code said. There was a question regarding how strict the screening would be. The trend was now for loading docks to be in the front and some type of landscaping might be possible, but they were against the idea of needing to screen a loading area from a public road.

Commissioner Serlet said it made a lot of sense what the McCormacks said and he had the same views especially for industrial parks. He thought a storage area should be screened to some degree, but not a loading dock.

Commissioner Hensley agreed with that direction as this was an industrial area abutting a public road.

Commissioner Savory also agreed as it would restrict the type of activity on the site. There should be more flexibility in the type of business that went in.

Commissioner Boatright would rather see a loading dock than an old beat up fence 10 years from now.

Ms. Lehnert said there was clarification on page 12 that this was a conditional use as it is not an outright permitted use and explained the changes she made in the review matrix for evaluating conditional uses in the M2 zone. Added in the matrix was a low impact design and sustainability features category.

Chair Smith asked about the industry standard for use of these matrixes as the City used a lot of matrices to determine whether or not to approve an application.

Mr. Brown said matrixes were supposed to provide more flexibility to developers and to produce better quality development by accumulating more points in the matrix instead of prescribing what each project absolutely had to have. Planning consultants developed these Codes after hours of debate on what should be included. He had mixed feelings about them and thought they were difficult for staff and developers to evaluate, however the flexibility was a good thing.

Ms. Lehnert reviewed the language clean up on page 14 clarifying the boundary of the Industrial Park and comments from this morning had been made about page 16.

The goal of the existing #1 and addition of #8 was to discourage warehouses that didn't create a lot of jobs. However, warehouses were a permitted use. Since the aim was more employees, she recommended just using #1.

Commissioner Serlet questioned how the six employees per developed acre would be enforced.

Mr. Brown said in the past staff had ignored that provision which was why the number was being lowered from 12 to 6. The Council wanted employee intensive businesses, which was why this provision was put in there. The McCormacks supported keeping the provision with the lower number and supported what was trying to be achieved in the Industrial Park. They did not think #8 was needed.

Ms. Lehnert suggested for #7 crossing out the "or more than 30,000 square feet" which made it a little more permissive to encourage industrial and not retail in the M1 and M2 zones but still allowed a mix of uses. Page 18 was just a clean-up of the language including how to determine street right of ways by the TSP, revisions to the proposed Type II process, accommodations for those who wanted to use drought tolerant plants, and grammatical corrections. The matrix was revised to clarify the requirement for the trees. There were no more streets to build in the overlay zone so the street alignments were not applicable. The revisions to the second pedestrian walkway element clarified the categories and point possibilities and lowered the points needed to pass. The tree retention section was not applicable anymore because there were not any areas left with large groves of trees. The outdoor amenities section was changed to more precise language. There was rewording about points

for landscaping. Staff discussed building materials, which was somewhat controversial, as metal buildings were not allowed. The McCormacks liked that there were higher quality buildings in the Industrial Park. She proposed not including a low impact design matrix at this time. She said on page 24 and 25 the Type II process language was added along with grammatical corrections and renumbering.

Commissioner Hensley asked what the purpose of this change was because it seemed to create more work for staff instead of less.

Mr. Brown clarified that there was the potential of cutting off 30 days in the process by going through a Type II process. It was more important to businesses in the Industrial Park than it would be to commercial businesses downtown to be able to have that reduction of time when they were shopping around for a location. He used Shimadzu as an example. The idea came out of the Visioning process to expedite and facilitate development in the Industrial Park.

Chair Smith asked for a provision for appeal of the Type II decision. He thought it should come to the Planning Commission.

Ms. Lehnert confirmed an appeal of a Planning Director decision would come before the Planning Commission.

Mr. Brown said appeal of a Type II process would make it a longer process than if they had come before the Planning Commission to start with. The assumption was appeals were rare.

Chair Smith thought the Type II process would streamline the process and make it more cost effective for the applicant.

Commissioner Savory thought there should be more discussion regarding page 16, the number of employees per developed acre. Commissioner Serlet supported the intent but didn't think it was doable.

Motion: Commissioner Savory moved to strike subsection 1, the requirement for 6 employees per developed acre, Commissioner Serlet seconded. Motion passed 5/0.

Motion: Chair Smith moved to strike subsection 8 as recommended by staff, Commissioner Savory seconded. Motion passed 5/0.

Chair Smith said regarding page 6, subsection 4, he wanted to keep the screening next to residential zones, but not next to a public road. The new wording would be "outside storage areas abutting a residential zone shall be screened from view by a site blocking fence, landscaping, or berm."

Motion: Chair Smith moved to amend 16.30.030(F).4, 16.32.030(D).4, 16.34.030(F).2 as proposed, Commissioner Savory seconded. Motion passed 5/0.

Commissioner Savory asked if the McCormack's concerns had been adequately addressed. Chair Smith explained how they had been addressed by the language that had been taken out.

Motion: Commissioner Savory moved to adopt TA 14-01, Code streamlining industrial development as amended, Commissioner Serlet seconded. Motion passed 4/1 with Commissioner Hensley opposed.

5. FINAL FINDINGS

- a. McDonald's Rebuild (DR 14-03/LLA 14-02)

Commissioner Serlet asked about getting answers from ODOT regarding the provision for truck access on the driveway between the two businesses. Mr. Brown said that wording was included in the findings. It had not been done yet, but was in the construction approval process.

There was consensus to approve the final findings, conclusion, and final order for the McDonald's Rebuild (DR 14-03/LLA 14-02).

6. ITEMS OF INTEREST/REPORT FROM STAFF

- a. June 9, 2014 two annexations
- b. Open Counter unveiling
- c. Sequoia Parkway Extension Grand Opening

Mr. Brown reviewed the agenda for June 9. The Open Counter unveiling would be held on June 4 and Sequoia Parkway Extension Grand Opening would be held on June 9.

7. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION

None

9. ADJOURNMENT

Chair Smith adjourned the meeting at 8:05 pm.

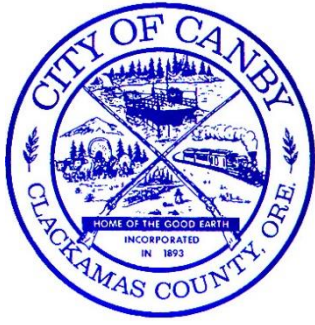
The undersigned certify the May 28, 2014 Planning Commission minutes were presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 9th day of June, 2014

Bryan Brown, Planning Director

Laney Fouse, Minutes Taker

Assisted with Preparation of Minutes – Susan Wood



City of Canby

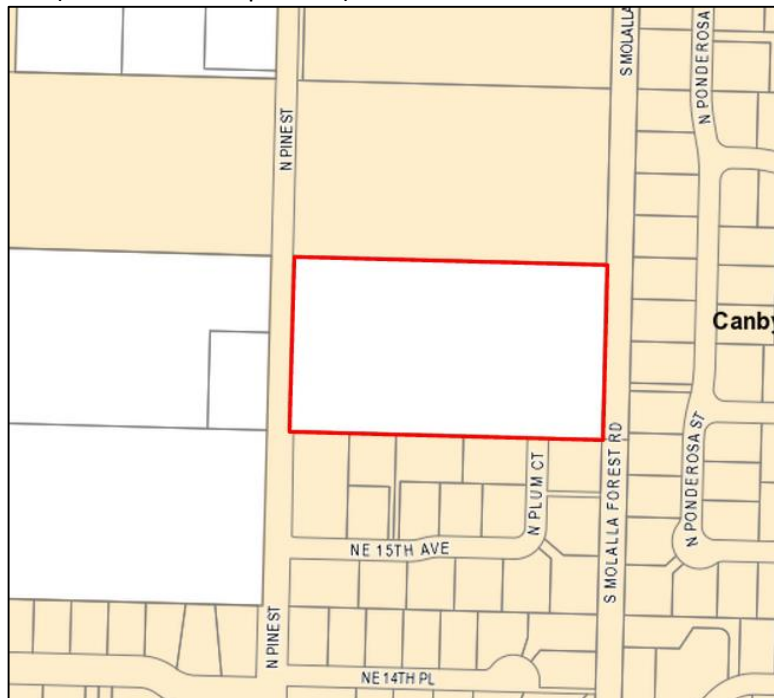
SITE AND DESIGN REVIEW STAFF REPORT

FILE #: ANN/ZC 14-01

Prepared for the June 9, 2014 Planning Commission Meeting

LOCATION: 1546 N. Pine

TAXLOT: 31E27C 02600 (Bordered in map below)



LOT SIZE: 4.47 acre taxlot + 0.15 acres of North Pine St. right-of-way

ZONING: County RRF-5 (Rural Residential Farm Forest); proposed city R-1 Low Density Residential

OWNER: Ray N. Franz-Trustee, Connie E. Vicker-Trustee, Jerry E. Franz-Trustee, Connie E. Franz-Trustee

APPLICANT: Ray Franz & Connie Vicker

APPLICATION TYPE: Annexation/Zone Change (Type IV)

CITY FILE NUMBER: ANN/ZC 14-01

I. **PROJECT OVERVIEW & EXISTING CONDITIONS**

Statement from the applicant's narrative:

"The applicants propose annexation of 0.15 acres of street right-of-way and 4.47 acres of property into the City of Canby with zoning of R -1, Low Density Residential, in conformance with the adopted Comprehensive Plan designation. Annexation will allow, in theory, the development of approximately nineteen new single family residences as shown on the conceptual plan."

II. ATTACHMENTS

- A. Application forms
- B. Application narrative
- C. DKS Traffic Impact Analysis Memo dated 3/5/14
- D. Neighborhood meeting materials & minutes
- E. Pre-application meeting minutes
- F. Triple majority worksheet
- G. Legal description & survey
- H. Draft Development Agreement
- I. Reference maps & conceptual land use layout drawing set
- J. Citizen & agency comments
- K. Other supporting materials submitted with the applications

III. APPLICABLE CRITERIA & FINDINGS

Major approval criteria used in evaluating this application are the following Chapters from the *City of Canby's Land Development and Planning Ordinance (Zoning Code)*:

- Chapter 16.08 General Provisions
- Chapter 16.10 Off Street Parking & Loading
- Chapter 16.16 R-1 Low Density Residential Zone
- Chapter 16.46 Access Limitations on Project Density
- Chapter 16.54 Amendments to Zoning Map
- Chapter 16.84 Annexations
- Chapter 16.86 Street Alignments
- Chapter 16.88 General Standards & Procedures
- Chapter 16.89 Application & Review Procedures
- Chapter 16.120 Parks, Open Space, & Recreation Land

Applicable code criteria are highlighted below in **gray**, with findings and discussion after the citations; most full code citations are omitted for brevity. If not discussed below, other standards from the code are either met fully, not applicable, and/or do not warrant discussion. Most met provisions have no discussion for brevity.

Chapter 16.08 General Provisions

16.08.040 Zoning of annexed areas

Zoning of newly annexed areas shall be considered by the Planning Commission in its review and by the Council in conducting its public hearing for the annexation.

Findings: The applicant proposes to re-zone the subject property from county RRFF-5 to city R-1 Low Density Residential; this is consistent with the Comprehensive Plan's designation of this property as Low Density Residential (LDR).

16.08.150 Traffic Impact Study (TIS)

Findings: The applicant submitted a traffic study conducted by DKS. The following findings were made from the traffic study; most of the suggestions will be addressed when the property is subdivided:

- *“The site was designated as Low Density Residential in the Comprehensive Plan and the change in land use was assumed for trip modeling in the 2010 Canby Transportation System Plan. Therefore, TPR requirements are met.”*
- *“The concept plan for the site would meet access spacing standards and intersection sight distance requirements. Any new trees, fences, or retaining walls should be set back to maintain adequate visibility. Prior to occupation of the site, sight distance at the new project access point will need to be verified, documented, and stamped by a registered professional Civil Engineer licensed in the State of Oregon.”*
- *“The parcel would have multi modal connectivity through nearby access to the County Logging Road multi modal trail north and south of the site and through recommended frontage improvements, including half street improvements along N Pine Street to City's collector street standards. Because the current street does not meet the collector standard for cross-section, the developer should maintain proper setback for future right -of-way.”*
- *“The concept plan proposes to construct NE 16th Avenue and N Plum Court to the City's local road standards, including required right-of-way and sidewalks. Appropriate intersection traffic control should be provided where new roadways intersect.”*

Chapter 16.10 Off Street Parking & Loading

16.10.070 Parking lots and access.

B. Access

Minimum Access Requirements			
16.10.070(B)(8): Minimum access requirements for residential uses - ingress and egress for residential uses shall not be less than the following (except that in the case of flag lots, section 16.64.0400) shall apply):			
3-19	1	20 feet	Minimum of one sidewalk connection to residences and parking areas; curb required if sidewalk adjacent to driveway.
20-49	Option A: 1 access	20 feet	Minimum of one sidewalk connection to residences and parking areas; curb required if sidewalk adjacent to driveway.
	OR Option B: 2 accesses	12 feet	

Findings: Two accesses will be available for residential access with the development of the subject property: NE 15th and NE 16th. The subject taxlot will be able to accommodate approximately 19 lots, although lot layout and numbers may be altered in the future. Therefore, approximately 34 new and existing total lots will utilize NE 15th and NE 16th. In addition, a planned subdivision to the north will also accommodate approximately 19 lots and will extend N. Plum Ct. and NE 17th. Therefore, there is the potential for three accesses for approximately 53 existing and future lots. Future subdivision applications will verify compliance with the above table; future street connections should be able to meet the above standards.

10. Distance Between Driveways and Intersections- Except for single-family dwellings [see subsection (f) below] the minimum distance between driveways and intersections shall be as provided below. Distances listed shall be measured from the stop bar at the intersection:
- f. The minimum distance between driveways for single-family residential houses and an intersection shall be thirty (30) feet. The distance shall be measured from the curb intersection point [as measured for vision clearance area (16.04.670)].

Findings: Lot intersection-to-driveway spacing will be verified for compliance during home construction. Canby's Public Works Design Standards require a more restrictive 50' intersection-to-driveway separation; consistency between the two documents is a needed Code amendment. Staff proposes to address this at the building permit stage and/or with code amendments.

Additionally, there is an existing residential driveway ~140 feet north of the proposed NE 16th intersection, which meets the above 30' spacing standard.

16.16 R-1 Low Density Residential Zone

16.32.010 Uses permitted outright

- A. Single-family dwelling; one single-family dwelling per lot;

Findings: The proposed single family residential use is permitted. R-1 dimensional requirements will be verified for compliance when subdividing and/or with residential building permits.

16.46 Access Limitations on Project Density

16.46.010 Number of units in residential development

A major factor in determining the appropriate density of residential development, particularly in higher density areas, is vehicular access. In order to assure that sufficient access is provided for emergency response as well as the convenience of residents, the following special limitations shall be placed on the allowable number of units in a residential development:

- A. Single-family residential access, public and private roads:
 - 2. The number of units permitted are as follows:
 - Two accesses: 132 units

Findings: Two accesses will be available for residential access with the development of the subject property: NE 15th and NE 16th. The subject taxlot will be able to accommodate approximately 19 lots, although lot layout and numbers may be altered in the future. Therefore, approximately 34 new and existing total lots will utilize NE 15th and NE 16th. In addition, a planned subdivision to the north will also accommodate approximately 19 lots and will extend N. Plum Ct. and NE 17th. Therefore, there is the potential for three accesses for approximately 53 existing and future lots. Future subdivision applications will verify compliance with the above table; future street connections should be able to meet the above standards.

16.46.030 Access connection

- A. Spacing of accesses on City streets. The number and spacing of accesses on City streets shall be as specified in Table 16.46.030. Proposed developments or land use actions that do not comply with

these standards will be required to obtain an access spacing exception and address the joint and cross access requirements of this Chapter.

TABLE 16.46.30			
Access Management Guidelines for City Streets*			
Street Facility	Maximum spacing** of roadways	Minimum spacing** of roadways	Minimum spacing** of roadway to driveway***
Collector	600 feet	250 feet	100 feet
Neighborhood/Local	600 feet	150 feet	50 feet****

* Exceptions may be made in the downtown commercial district, if approved by the City Engineering or Public Works Department, where alleys and historic street grids do not conform to access spacing standards.

** Measured centerline on both sides of the street

*** Private access to arterial roadways shall only be granted through a requested variance of access spacing policies when access to a lower classification facility is not feasible (which shall include an access management plan evaluation).

**** Not applicable for single-family residential driveways; refer to section 16.10.070(B)(10) for single-family residential access standards

Note: Spacing shall be measured between access points on both sides of the street.

Findings: Pine is classified as a collector in the city's TSP and NE 16th and Plum Ct. will be classified as local streets. NE 16th will be ~370 ft. north of NE 15th, thus meeting min/max roadway spacing for local and collector streets. There is an existing driveway ~140 ft. north of the proposed NE 16th intersection, thus meeting local and collector roadway to driveway spacing standards.

16.54 Amendments to Zoning Map

16.54.010 Authorization to initiate amendments

An amendment to the zoning map may be initiated by the City Council, by the Planning Commission, or by application of the property owner or his authorized agent. The Planning Commission shall, within forty days after closing the hearing, recommend to the City Council, approval, disapproval or modification of the proposed amendment.

16.54.030 Public hearing on amendment

Before taking final action on a proposed amendment, the Planning Commission shall hold a public hearing on the amendment following the requirements for advertising and conduct of hearing prescribed in Division VIII.

Findings: The Planning Commission will hold a public hearing on the proposed annexation and zone change and make a recommendation to Council.

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;

Applicable Comprehensive plan Elements and goals:

Citizen Involvement Element

Goal: To provide the opportunity for citizen involvement throughout the planning process.

Urban Growth Element

Goals:

- 1) *To preserve and maintain designated agricultural and forest lands by protecting them from urbanization.*
- 2) *To provide adequate urbanizable area for the growth of the city, within the framework of an efficient system for the transition from rural to urban land use.*

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.

Environmental concerns element

Goals:

- To protect identified natural and historical resources.*
- To prevent air, water, land, and noise pollution.*
- To protect lives and property from natural hazards.*

Transportation element

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

Public facilities and services element

Like other cities, Canby must be able to provide adequate public facilities and services to support the community's growth and quality of life

Economic element

Goal: to diversify and improve the economy of the city of Canby

Housing element

Goal: to provide for the housing needs of the citizens of Canby

Energy conservation element

Goal: to conserve energy and encourage the use of renewable resources in place of non-renewable resources.

Findings: Staff accepts the applicant's response to Comprehensive Plan criteria (in the submitted narrative). Policy 6 of the Comprehensive Plan concerns Areas of Special Concern in the UGB that require additional planning and analysis; the subject property is not within an Area of Special Concern. In addition, the Code is an implementation tool of the Comprehensive Plan, and therefore by default any development that is in conformance with the Code is concurrently in conformance with the Comprehensive Plan.

The Comprehensive Plan encourages annexation of the least agriculturally productive lands in the UGB first. The subject property is currently open land not being used for agricultural purposes, and, according to the applicant, is not large enough by itself to be a viable farm.

- 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.

Findings: A pre-application meeting was held with utility providers and public works; application request for comments were also sent out to applicable agencies and utility providers. Infrastructure design preferences were stated, but no concerns have been raised on the city's/utility provider's service capacities. Pine is under Clackamas County jurisdiction and may be subject to county standards.

City and agency long range plans are based on the assumption of UGB build-outs; therefore, in theory, cities and agencies have plans to provide services throughout the UGB. Typically, developers install infrastructure to service their developments and the cities/agencies maintain the systems. SDCs are also assessed to finance the expansion of public facilities and services.

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 or 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.

Findings: The Development Agreement addresses future street alignments and the provision of public facilities. Further evaluation and design specifics will be addressed at the time of subdividing. Half street improvements will be required on Pine Street in conjunction with future development of the property. Pine is under Clackamas County jurisdiction and may be subject to county standards.

A pathway connection to the Logging Road was discussed at the pre-application meeting, but a connection may be considered unnecessary at the time of subdivision because of the existing pathway approximately 110 feet south of the subject property. Section 16.64.030(D) states that *"Developments that abut the Molalla Forest Road multi-use path shall provide a pedestrian/bicycle access to the path. The city may determine the development to be exempt from this standard if there is an existing or planned access to the path within 300 feet of the development."* This is a discretionary decision that will be made at the time of subdivision.

16.84 Annexations

16.84.005 Background

The process of annexation of land to the city allows for the orderly expansion of the city and adequate provision for public facilities and services. The city charter requires that, unless mandated by state law, annexation, delayed annexations, and extension of city services, may only be approved by a majority vote among the electorate.

Findings: If Council approves the annexation, zone change, and development agreement, then the annexation will be submitted to the electorate for the November ballot. If the ballot measure passes, Council will pass a resolution confirming the annexation.

16.84.010 Purpose

It is the purpose and general intent of this division to delineate the appropriate procedures to be followed to annex territory to the city. It is recognized that alterations to the corporate limits are major land use actions affecting all aspects of city government including taxation, the provision of public services, land use patterns, vehicular circulation, etc. Decisions on proposed annexations are, therefore, of critical importance to the city. The procedures and standards established in this chapter are required for review of proposed annexations in order to:

- A. Provide adequate public information and sufficient time for public review before an annexation election;
- B. Maximize citizen involvement in the annexation review process;
- C. Establish a system for measuring the physical, environmental, and related social effects of proposed annexations; and
- D. Ensure adequate time for staff review.

16.84.020 State regulations

The regulations and requirements of Oregon Revised Statutes Chapter 222 are adopted by reference and made a part of this division.

Findings: The annexation is being processed in compliance with the above. ORS 222 involves annexation procedures, most notably agency notifications after annexations are approved. If the annexation is passed by the electorate, applicable agencies will be notified.

16.84.030 Filing procedure

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

- A. Application Filing Deadlines. Application deadlines are established to permit public hearings by both the Planning Commission and the City Council in time to meet state and county requirements for submitting ballot information for these election dates. Application deadlines are as follows:
 - 1. Regular annexation dates are in May and November. Annexations must be filed with the City before 5:00 p.m. on the last working day in August for a ballot election in May and the last working day in February for a ballot election in November. Incomplete applications may result in missing these planned election dates, at the City's discretion.
- B. Application Submittal. Application procedures shall be as described in Chapter 16.89, on forms provided by the Planning Department.

Findings: Per above, upon Council approval, the annexation is required to record a Development Agreement that shall be recorded at Clackamas County as a covenant running with the land, binding on the landowner's successors in interest. The Development Agreement specifies future street extensions and public facility requirements. The agreement also specifies that the submitted site plan is conceptual only and is subject to change based on future infrastructure and road cross-section requirements. In addition, the agreement states that no parks are proposed to be dedicated with future development; park SDCs will be assessed in lieu of parkland dedication.

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:

Past Council interpretations of the above 3 year supply requirement have clarified that there shall be a 3 year supply of platted lots available for anticipated population growth. As of February 2014, there were 54 platted lots available in the city (according to the applicant's analysis), with an average of 45 building permits per year being issued (according to staff data). Therefore, currently available platted lots would only provide about a one year supply of residential lots.

However, this analysis does not take into account recently approved subdivisions and other anticipated subdivisions and annexations in the near future. These lots are not yet platted but are anticipated soon and will contribute to the available supply of platted lots within the city. Approximately 144 lots are anticipated in subdivisions alone, which would provide a three year supply of available lots based on rate of 45 lots built per year.

It is difficult to predict future building rates and the subdivision timeframes. However, if the amount of available platted lots today and the rate of building as of February 2014 is used, then the city does not have adequate availability of platted lots for a three year supply of residential construction.

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: As with most developments, there will be a loss of open space and increased traffic levels. These are typical consequences of growth. The applicant stated at the pre-application meeting that no trees are being removed.

A neighborhood meeting was held; the primary concern expressed was a desire to not have the land be developed into apartments. The property is designated as low density residential in the Comprehensive Plan and the corresponding R-1 designation is proposed upon annexation.

Allowance of high density residential developments such as apartments would require a Comprehensive Plan amendment and a re-zone, both of which are long processes that are not likely to gain public support.

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;

Findings: Staff accepts the applicant's statement submitted in their narrative addressing the above criteria. Public facilities will become available when this property is subdivided and developed. An Advanced Financing District, a method of financing and installing public improvements, was set up to provide for storm drainage on this property. The remainder of Advanced Financing fees will need to be paid before a final subdivision plat is recorded; the development agreement stipulates this condition.

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.

Findings: A Zoning Map amendment is proposed in conjunction with the annexation application. The applicant is in conformance with other city ordinances and policies and is expected to comply with state annexation statutes. Further evaluation will be conducted when the property is subdivided.

16.84.050 Consideration of applications

- A. Upon receipt of an application, staff shall review the completeness of the application. After accepting the application as complete, staff shall schedule a public hearing to be held by the Planning Commission.
- B. The commission shall conduct a public hearing to evaluate the proposed annexation and determine the appropriate zoning designation upon annexation. Following the close of the public hearing, the commission shall forward its recommendation concerning the annexation to the City Council. The commission's recommendation shall include findings that specify how the proposal has or has not complied with the above review criteria (16.84.040). The commission shall specify such consideration as findings in support of its decision and recommendation.
- C. Upon receipt of the commission's recommendation the matter shall be set for review by the City Council following the procedures outlined in Division VIII. The City Council shall review all proposals prior to the city application deadline for submitting measures to the voters in May or November. The City Council shall only set for an election those annexations that are consistent

with the above review criteria (16.84.040). The City Council shall specify such considerations as findings in support of its decision to schedule an annexation for an election.

- D. The City Council's decision to submit an annexation to the electorate is the last discretionary decision in the process. Certifying the election after votes are counted is not a discretionary decision.
- E. The council's decision not to set an election for the annexation (a decision of denial), or the results of the election is the final action in the city's review of an annexation application.

Findings: The above procedures are being followed. Upon annexation, the property is proposed to be zoned R-1. The annexation will be referred to the electorate if Council approves the annexation, zone change, and development agreement.

16.84.060 Legal Advertisement of Pending Election

After City Council review and approval, the city administrator shall cause a legal advertisement describing the proposed annexation and pending election to be published in at least one newspaper of general circulation in the city. The advertisement shall be placed at least 14 days prior to the election. The size of the advertisement shall be determined by the City Administrator, but shall not be less than one-half of a full page. The advertisement shall contain: a description of the location of the property, the size of the property, its current zoning and zoning upon annexation, a general description of the land use intended, a description of any Comprehensive Plan text or Map amendment of Zoning Ordinance text or Map amendment that is required; and a description of the positive and negative effects contained in the staff report, as well as the findings upon which the City Council based its decision.

16.84.070 Election Procedures

- A. Pursuant to ORS 222.130(1), the statement of chief purpose in the ballot title for a proposal for annexation shall contain a general description of the boundaries of each territory proposed to be annexed. The description shall use streets and other generally recognized features. Notwithstanding ORS 250.035, the statement of chief purpose shall not exceed 150 words. The ballot title wording shall be prepared by the City Attorney.
- B. Pursuant to ORS 222.130(2), the notice of an annexation election shall be given as provided in ORS 254.095 and 254.205, except that in addition the notice shall contain a map indicating the boundaries of each territory proposed to be annexed.
- C. Pursuant to ORS 222.11(7), two or more proposals for annexation of territory may be voted upon simultaneously; however, each proposal shall be stated separately on the ballot and voted on separately.

16.84.080 Setting of Boundaries and Proclamation of Annexation

If the annexation is approved by the electorate, the City Council, by resolution or ordinance, shall set the final boundaries of the area to be annexed by a legal description and proclaim the annexation

Findings: The above procedures will be followed if the Council approves the applications and refers a ballot measure. If the voters pass the annexation, then Council formally adopt the annexation by resolution.

16.84.090 Exceptions

The City Council may authorize an exception to any of the requirements of this chapter. An exception shall require a statement of findings that indicates the basis for the exception. Exceptions may be granted for reasons including, but not limited to: identified health hazards, limited development

potential, or administrative error. An exception to referring an annexation application that meets the approval criteria to an election cannot be granted except as provided in the Oregon Revised Statutes.

Findings: No exceptions are requested with this application.

16.86 Street Alignments

16.86.020 General provisions

- A.** The Transportation System Plan shall be used to determine which streets are to be arterials, collectors, and neighborhood connectors. All new streets are required to comply with the roadway design standards provided in Chapter 7 of the TSP. The city may require right-of-way dedication and/or special setbacks as necessary to ensure adequate right-of-way is available to accommodate future road widening projects identified in the TSP.
- B.** Right-of-way widths and cross section standards for new streets shall be in conformance with the Canby Transportation System Plan and the Public Works Design Standards.
- F.** Bikeways and bike lanes shall be provided consistent with the Bicycle Plan element of the Transportation System Plan.
- G.** Pedestrian facilities shall be provided consistent with the Pedestrian Plan element of the Transportation System Plan.

16.86.040 Recommended Roadway Standards

Specific standards for roadway design are located in the Transportation System Plan and Canby Public Works Design Standards.

Findings: Roadway widths and designs will be evaluated during the subdivision process. Because of the potential for various right of way and cross section requirements, the Development Agreement does not include the conceptual lot layout submitted by the applicant. This conceptual site plan is for informational purposes and the lot layouts and sizes are subject to change at the subdivision stage.

16.86.060 Street Connectivity

When developing the street network in Canby, the emphasis should be upon a connected continuous grid pattern of local, collector, and arterial streets rather than discontinuous curvilinear streets and cul-de-sacs. Deviation from this pattern of connected streets shall only be permitted in cases of extreme topographical challenges including excessive slopes (35 percent plus), hazard areas, steep drainage-ways and wetlands. In such cases, deviations may be allowed but the connected continuous pattern must be reestablished once the topographic challenge is passed.

Findings: The development agreement ensures that NE 16th will be extended and N. Plum Ct. will be extended to meet the above standard. N. Plum Court will also extend into the Beck property to the north. The exact alignment of the streets will be determined at the subdivision stage.

16.88 General Standards & Procedures

16.88.060 Council acceptance of dedicated land

No property shall be considered to be dedicated to the city unless first accepted as such by the council, or shown as such on a legally recorded subdivision plat which has been signed by the City. The

Planning Commission is empowered to accept dedication of land for public street purposes in a subdivision only, with all other dedications being the responsibility of the council. The applicant shall be responsible for furnishing adequate title insurance for any such land to be dedicated, unless this requirement is waived by the council for good cause.

Findings: Land dedications for streets and other applicable infrastructure will be made when property develops; no dedications are proposed in conjunction with this annexation.

16.88.190 Conformance with Transportation System Plan and Transportation Planning Rule

A. A proposed comprehensive plan amendment, zone change or land use regulation change, whether initiated by the city or by a private interest, shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with the Transportation Planning Rule (OAR 660-012-0060)...

Findings: The submitted traffic study evaluated if a Transportation Planning Rule (TPR) analysis was needed for the proposing rezoning. A TPR analysis was determined to not be needed because the rezoning is consistent with the city's Comprehensive Plan and TSP. The most recent TSP modeled traffic growth to 2030 and modeled the subject property based on the LDR designation. No significant traffic capacity issues were identified in the submitted traffic study.

16.89 Application and Review Procedures

Findings: This application is being processed in accordance with Chapter 16.89. This chapter requires a Type IV process for annexations/re-zonings with final Council approval required. Notice of the public hearing was mailed to owners and residents of lots as within 500 feet of the subject annexation/zoning and to applicable agencies. Notice was also given to the Oregon Department of Land Conservation and Development (DLCD). Notice of the Planning Commission and City Council meetings will be posted at the Development Services Building, City Hall, and published in the *Canby Herald*. A neighborhood meeting was required; minutes of the meeting are in the packet.

16.120 Parks, Open Space & Recreation Land

Findings: Future developments will be charged SDCs in lieu of dedicating park land.

IV. PUBLIC TESTIMONY

Notice of this application and opportunity to provide comment was mailed to owners and residents of lots within 500 feet of the subject properties and to all applicable public agencies. All written testimony will be presented to the City Council and Planning Commission, and there will be an opportunity for public testimony at the public hearings.

V. CONDITIONS OF APPROVAL

Staff concludes that, with conditions, the application will meet the requirements for an annexation/zone change. Staff has concluded the following conditions of approval:

VI. Decision

Based on the application submitted and the facts, findings and conclusions of this report, staff

recommends that the Planning Commission recommend to the City Council that:

1. Annexation/Zone Change 14-01 should be approved; and
2. Approvals of these applications should be based on submitted application materials and public testimony. Approval should be strictly limited to the submitted proposals and not extended to any other development of the property. Any modification not in conformance with the approval of application file #ANN/ZC 14-01, including all conditions of approval, should first require an approved modification in conformance with the relevant sections of the *Canby Land Development and Planning Ordinance*; and
3. The Development Agreement should be approved, executed, and recorded; and
4. The zoning of the property upon annexation should be designated as R-1 Low Density Residential; and
5. Annexation/Zone Change 14-01 should be approved for submission to the electorate for a vote of the people; and
6. The applicant shall have seven (7) calendar days from the date the Council approves the Development Agreement, annexation, and zone change, to record the Development Agreement at Clackamas County. The Development Agreement shall be recorded as a covenant running with the land, binding on the landowner's successors in interest. Failure to record the Development Agreement within the time specified will result in removal of the annexation application from the ballot for consideration by the electors.

Based on the applications submitted and the facts, findings, and conclusions of this report, staff recommends that the Planning Commission recommend City Council **approval** of Annexation/Zone Change File #ANN/ZC 14-01 pursuant to the Decision presented in this staff report.

Sample motion: I move to recommend City Council approval of Annexation/Zone Change File #ANN/ZC 14-01 pursuant to the Decision presented in this staff report.

Application for Annexation

1546 N Pine Street

Canby, OR 97013

Applicants: Ray Franz & Connie Vicker
10921 Martin Lane NE
Aurora, OR 97002
Phone: (503) 678-5739

Location 1546 N. Pine Street
South of Territorial Road, east of N. Pine Street and west of
the Logging Road Trail.

Legal Description Tax Lot 2600, Sec. 27, T3S R1E WM
(Assessor Map 3 1E 27C)

Zone County: RRFF-5
Proposed City of Canby: R-1

Proposal Annexation of 4.62 acres into the City of Canby
4.47 Acres of real property &
0.15 Acres of North Pine Street right-of-way

Table of Contents

- I. Application Forms
- II. Written Narrative
- III. Neighborhood Meeting Notes
- IV. Pre-Application Meeting Minutes
- V. Triple Majority Worksheet
- VI. Legal Description and Survey
- VII. Development Agreement
- VIII. Maps
 - a. Vicinity Map
 - b. Assessor Map
 - c. Comprehensive Plan Map
 - d. Topographic Survey
 - e. General Land Use Plan
- Loose Mailing Labels

I. Application Forms



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: Ray N. Franz & Connie Vicker Phone: (503) 678-5769
 Address: 10921 Martin Lane NE Email: rayfranz@centurytel.net
 City/State: Aurora, OR Zip: 97002 connievicker@centurytel.net

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: Ray N. Franz, Trustee Phone: (503) 678-5769
 Signature: *Ray N Franz*
 Address: 10921 Martin Lane NE Email: rayfranz@centurytel.net
 City/State: Aurora, OR Zip: 97002

Property Owner Name: Connie E. Vicker, Trustee Phone: (503) 678-5769
 Signature: *Connie E. Vicker*
 Address: 10921 Martin Lane NE Email: connievicker@centurytel.net
 City/State: Aurora, OR Zip: 97002

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

- ① 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.
- ② 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.
- ③ 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.

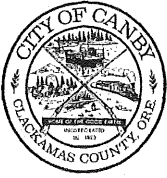
PROPERTY & PROJECT INFORMATION:

1546 N Pine Street 4.47 Ac 2600 Map 3 1E 27C
 Street Address or Location of Subject Property Total Size of Property Assessor Tax Lot Numbers

One single family residence County RRFF-5 LDR Low Density Residential
 Existing Use, Structures, Other Improvements on Site Zoning Comp Plan Designation

Annexation of property for future land division
 Describe the Proposed Development or Use of Subject Property

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



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: Ray N. Franz & Connie Vicker Phone: (503) 678-5769
 Address: 10921 Martin Lane NE Email: rayfranz@centurytel.net
 City/State: Aurora, OR Zip: 97002 connievicker@centurytel.net

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: Jerry E. Franz, Trustee Phone: 503-266-3988
 Signature: Jerry E. Franz
 Address: 22840 S HAINES RD Email: _____
 City/State: Canby Oregon Zip: 97013

Property Owner Name: Connie A. Franz, Trustee Phone: 503-266-3988
 Signature: Connie A. Franz
 Address: 22840 S. HAINES RD Email: _____
 City/State: Canby Oregon Zip: 97013

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

- ① 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.
- ② 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.
- ③ 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>1546 N Pine Street</u>	<u>4.47 Ac</u>	<u>2600 Map 3 1E 27C</u>
Street Address or Location of Subject Property	Total Size of Property	Assessor Tax Lot Numbers
<u>One single family residence</u>	<u>County RRFF-5</u>	<u>LDR Low Density Residential</u>
Existing Use, Structures, Other Improvements on Site	Zoning	Comp Plan Designation

Annexation of property for future land division
 Describe the Proposed Development or Use of Subject Property

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

**CITY OF CANBY
ZONE MAP CHANGE APPLICATION**

Fee \$2,640

OWNERS

APPLICANT**

Name Ray Franz & Connie Vicker, Trustees

Name Ray N. Franz & Connie E Vicker

Address 10921 Martin Lane NE

Address 10921 Martin Lane NE

City Aurora State OR Zip 97002

City Aurora State OR Zip 97002

Phone (503) 678-5769 Fax _____

Phone (503) 678-5769 Fax _____

E-mail rayfranz@centurytel.net

E-mail connievicker@centurytel.net

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 Ray N Franz Connie E Vicker

DESCRIPTION OF PROPERTY

Address 1546 N Pine Street, Canby, OR 97013

Tax Map 3 1E 27C

Tax Lot(s) 2600

Lot Size 4.47
(Acres/Sq.Ft.)

Existing Use One single family home

Proposed Use Annexation of property for future land division

Existing Structures One single family home and multiple out buildings

Zoning Current: RRFF-5, Proposed: City R-1

Comprehensive Plan Designation LDR

Project Description Annexation of 4.47 Acres of property and 0.15 Acres of N Pine Street right-of-way

Previous Land Use Action (If any) None

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.**

CITY OF CANBY ZONE MAP CHANGE APPLICATION

Fee \$2,640

OWNERS

APPLICANT**

Name Jerry Franz & Connie Franz, Trustees
 Address _____
 City _____ State _____ Zip _____
 Phone _____ Fax _____
 E-mail _____

Name Ray N. Franz & Connie E Vicker
 Address 10921 Martin Lane NE
 City Aurora State OR Zip 97002
 Phone (503) 678-5769 Fax _____
 E-mail connievicker@centurytel.net

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 *Jerry E. Franz* *Connie A. Franz*

DESCRIPTION OF PROPERTY

Address 1546 N Pine Street, Canby, OR 97013

Tax Map 3 1E 27C

Tax Lot(s) 2600

Lot Size 4.47
(Acres/Sq.Ft.)

Existing Use One single family home

Proposed Use Annexation of property for future land division

Existing Structures One single family home and multiple out buildings

Zoning Current: RRFF-5, Proposed: City R-1

Comprehensive Plan Designation LDR

Project Description Annexation of 4.47 Acres of property and 0.15 Acres of N Pine Street right-of-way

Previous Land Use Action (If any) None

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.**

II. Written Narrative

Application for Annexation

Applicants	Ray N. Franz and Connie E. Vicker 10921 Martin Lane NE Aurora, OR 97002 Phone (503) 678-5769
Owners	Jerry E. Franz and Connie A. Franz, Trustees of the Jerry E. Franz and Connie A. Franz Revocable Living Trust 22840 S Haines Road Canby, OR 97013 Phone (503) 266-3988 Ray N. Franz and Connie E. Vicker, Trustees of the Franz-Vicker Joint Revocable Living Trust 10921 Martin Lane NE Aurora, OR 97002 Phone (503) 678-5769
Representative	Sisul Engineering, Inc. 375 Portland Avenue Gladstone, OR 97027 (503) 657-0188 Contact: Pat Sisul
Location	1546 N. Pine Street South of Territorial Road, east of N. Pine Street and west of the Logging Road Trail.
Legal Description	Tax Lot 2600, Sec. 27, T3S R1E WM (Assessor Map 3 1E 27C)
Zone	County: RRFF-5 Proposed City of Canby: R-1
Site Size	4.47 Acres
Proposal	Annexation of 4.62 acres into the City of Canby 4.47 Acres of real property & 0.15 Acres of North Pine Street right-of-way
Date	February 2014

PROPOSAL

The applicants propose annexation of 0.15 acres of street right-of-way and 4.47 acres of property into the City of Canby with zoning of R-1, Low Density Residential, in conformance with the adopted Comprehensive Plan designation. Annexation will allow, in theory, the development of approximately nineteen new single family residences as shown on the conceptual plan.

SITE DESCRIPTION

The site is located south of NE Territorial Road, east of N Pine Street and west of the Logging Road Trail in northeast Canby. It is part of a remnant of County land forming an island surrounded by the City of Canby. The site has frontage on North Pine Street and the Logging Road Trail. To the north of the site is the undeveloped Beck property and the Willamette Grove Apartment complex. South of the site is the North Pine Addition No. 2 subdivision platted in 1991. The Postlewait Estates and Postlewait Estates 2 subdivisions are located across the Logging Road Trail to the east. To the west, across N Pine Street, are larger undeveloped lots. The parcel immediately north of the site, the Beck property, was annexed into the City of Canby by the voters in the November, 2010 general election and it remains undeveloped.

The site is presently occupied by a single residence and associated out buildings located near N Pine Street in the southwest corner of the property. A mowed yard, with landscaping and several trees is located in the portion of the property around the home. The remainder of the property is pasture.

The high point of the site is the home in the southwest corner located at an elevation of 118 feet. The northwest corner is at 114 feet and the property falls east toward the Logging Road Trail. The northeast and southeast corners are at 104 feet and the lowest point onsite is located in the center of the east line, at 101 feet. The property has no identified significant natural resources or physical hazards.

Public sewer is available to the site in N. Pine Street, N Plum Court and in the Logging Road Trail. Public water is available in N. Pine Street and in N. Plum Court. Public storm drainage is available through a connection to the North Redwood Storm Drain, Advanced Financing District, located in the Logging Road Trail right of way.

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 site is primarily "Canderly Sandy Loam," with some Latourell Loam along the east boundary. Both soils are 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 and west have not yet been developed, while adjacent properties to the south, east and farther north have been developed to urban uses. The property directly north of the site was annexed into the City in November, 2010. 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).

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 sewer is available in N. Pine Street, N Plum Court, and in the Logging Road Trail. Public water is available in N. Pine Street and in N. Plum Court. The applicant has been advised that the City has adequate capacity to serve the site. Storm water will be directed to the North Redwood Storm Drain system that currently terminates in the Logging Road Trail right-of-way near the SE corner of the site.

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 575 students and a current enrollment of 393. The middle school has a capacity of 814 and a current enrollment of 602. The high school has a capacity of 1,846 and a current enrollment of 1,517.¹

With the complex approval processes required for annexations and land development, it is likely that new lots will not become available until summer 2015. New homes will likely not be constructed before late 2015 or early 2016, so new students from this property would not attend area schools until at least the fall of 2015 and more likely, spring or fall of 2015. 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.

The City's eight year single-family home consumptions rate averages 45 lots per year with a high of 201 in 2006 and a low of 4 in 2009 and 2010. 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 February 21, 2014 there were 54 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 fifteen month supply.

The proposed annexation would add approximately 4.47 Acres of developable land. Using the City of Canby's Comprehensive Plan's methodology for forecasting the potential residential development of small parcels of vacant land designated Low Density Residential within the City (subtracting 5 percent of the land area for public or semi-public purposes, an additional 5 percent for public rights-of-way and easements, and then subtracting 5 percent of the remaining land area for an assumed vacancy rate, and multiplying the remaining acreage by 4.5 dwelling units per acre for standard type

¹ Enrollment figures are from the Oregon Department of Education website October 1, 2013 Enrollment Summary. Capacity figures are from the Canby School District and were current as of February 2009.

construction) this proposed annexation would result in a potential addition of 17 dwelling units. This generally corresponds with the Conceptual Development Plans prepared by the applicant that show potential for 18 or 19 developed lots on this site.

However, the annexation would not be finalized until a public vote occurred in November, 2014. An application for subdivision, construction plans, and final plat would likely not be approved until summer 2015. Construction might begin in the summer of 2015, but could be delayed until fall or early in 2016. It is likely that new dwellings in the proposed annexation site would not become available until the fall of 2015 at the earliest—approximately a year and a half from now, after the current fifteen month supply has been used. The length and complexity of the approval process, even without an annexation, makes it difficult to predict the rate at which lots are developed and used.

If annexed, when the property is platted, this property would add approximately five months to the available platted land supply. The new lots would become available in 2015 or 2016, at a point when the available lot supply may be depleted further than it is today.

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. The property is located within the North Redwood Advanced Financing District. Storm water from a subdivision project would be managed by directing run-off to the North Redwood Storm Drain system in the Logging Road Trail.

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. and N. Pine St. are classified as an Arterial and a Collector, respectively, by the Transportation System Plan. New streets within the development site would be classified as local streets. The applicant would expect to construct the new interior streets and the N. Pine Street frontage to current "urban" standards when the parcel is subdivided to accommodate anticipated vehicular and pedestrian traffic and to meet the City's growth needs.

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

Response: The layout for any future development can be designed to provide multi-directional access for all lots and 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 and connected to existing roadways between N. Pine Street and the Logging Road Trail.

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 4.47 acres to the City's supply of available, buildable land. Given the City's eight year rate of 45 building permits per year and the property's maximum development potential of 19 lots, the site could provide approximately a five month supply of buildable lots at the rate of 45 lots per year. The development process, from land acquisition to annexation to subdivision application to completion of public facilities improvements, can take well over a year. The estimated supply of land may vary, depending on rate of growth and difficulties involved in the development process, such as obtaining financing, designing and constructing public improvements, and so on. The proposed annexation would add approximately five months' supply of buildable land in the R-1 zone (based on projections of annual need for dwellings) that would become part of the available land supply within the City for use in 2015 through 2016, given the time involved in converting raw land to suitable lots ready for building permits.

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 water is available in N Pine Street and N Plum Court. Public sanitary sewer is available in N. Pine Street, N Plum Court, and the Logging Road Trail. Storm drainage facilities are available through a connection to the North Redwood Storm Drain Advanced Financing District, which is located in the Logging Road Trail (or by way of N Plum Court connection to the Logging Road Trail) near the SE corner of the site. Public streets in the vicinity of the site generally have adequate capacity. Public park facilities located near the site include the Logging Road Trail (adjacent to the site), 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 multiple lots would increase demand for public water, sewer, drainage, 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) through the payment of advanced financing district fees by the developer (drainage), 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 4.47 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 and forwarded to the voters.

Appendix A:
Available Platted Lots in Canby, as of February 21, 2014

AVAILABLE PLATTED LOTS IN CANBY

(Available lots include lots that have been sold, but a building permit has not yet been issued. Once a building permit has been issued it is no longer considered to be available.)

SUBDIVISIONS – Platted Lots										
Year	Plat #	Subdivision Name	Total Lots	Total Permitted	R-1 Remaining	R-1.5 Remaining	R-2 Remaining	Total Remaining		
1991	2995	North Pine Addition No. 2	13	12	1			1		
2004	3947	Yorkfield (Apollo Homes)	136	110			7	7		
2005	4089	Kraft Place	4	1	3			3		
2006	4095	Bremer Court	7	5	2			2		
2006	4140	Northwood Estates (Phase One)	41	33	8			8		
2006	4120	Postlewait Estates Phase 2	18	16	2			2		
2006	4202	Locust Corner	8	5	3			3		
2006	4218	Dinsmore Estates (R-1.5 was replatted)	14	9	5			5		
2006	4162	Knott Commons	10	7			3	3		
2014	4376	Dinsmore Estates West	7	0		7		7		
		Lots remaining in subdivisions			24	7	10	41		
PARTITIONS (2007-2014) – Platted Lots										
Year	Plat #	Development File / Applicant	Total Lots	Total Built	R-1 Remaining	R-1.5 Remaining	R-2 Remaining	Total Remaining		
2008	PP2008-022	MLP06-13 Bud & Joann Fawver (NW 6 th)	2	1			1	1		
2008	PP2008-100	MLP07-02 Brett Kacalek (N Maple)	2	1	1			1		
2008	PP2008-103	MLP07-05 Williford & Schellenberg (S Knott)	2	1			1	1		
2009	PP2009-036	MLP08-02 City of Canby (N Maple)	3	0	3			3		
2009	PP2009-038	MLP07-04 Philip Poole (NW Territorial)	3	1	2			2		
2009	PP2009-048	MOD05-02 /SUB04-06 WVCC (NE 34 th Court)	2	0	2			2		
2011	PP2011-013	MLP10-01 Gery Engler (N Juniper)	2	1	1			1		
2011	PP2011-038	LLA10-02 Robert Zimmer (NW 5 th)	3	1			2	2		
		Lots remaining in partitions			9	0	4	13		
		Total lots remaining			33	7	14	54		

MEMORANDUM



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

DATE: March 5, 2014

TO: Bryan Brown, City of Canby

FROM: Chris Maciejewski, PE, PTOE
Steve Boice, PE
Kate Drennan

SUBJECT: Canby N Pine Street Annexation Transportation Impact Analysis

P#11010-033-000

This memorandum evaluates the transportation impacts associated with the proposed annexation and land use rezone of a five acre site along N Pine Street in Canby, Oregon. The site is located at 1546 N Pine Street (tax lot 2600) just north of NE 15th Avenue and currently features a single family home. The site is located within the Urban Growth Boundary (UGB), but outside the current Canby city limits. It is currently zoned RRFF-5 (Rural Residential Farm Forest) by Clackamas County. The proposed land use action is to annex the site into the City of Canby, and rezone the site from RRFF-5 to R-1 (Low Density Residential). This change in zoning is consistent with the City's Comprehensive Map designation of this area as LDR (Low Density Residential).

Our understanding is that the applicant does not intend to obtain land use development approval for a specific development at this time. Therefore this Transportation Impact Analysis (TIA) is focused on satisfying Oregon Transportation Planning Rule (TPR) requirements (OAR 660-12-0060) and ensuring that there are adequate transportation facilities to accommodate the development of the site.

Although N Pine Street is under the jurisdiction of Clackamas County, the City's standards have been applied for this analysis since it is likely that the City may take over jurisdiction of N Pine Street in the future¹.

¹ Phone conversation with Bryan Brown, City of Canby, February 19, 2014.



Project Site

The project site consists of a five acre parcel in the north-east portion of Canby. A proposal for the site development can be found attached to this memorandum. The land is currently undeveloped except for a single family home in the southwest corner. It is bordered on the east by Logging County Road, a paved multiuse trail, and on the west by N Pine Street. North of the parcel is the "Beck Property", and a single family housing development borders the parcel on the south perimeter. Clackamas County has designated the parcel as RRF5-5, but the City of Canby has more recently designated the area as low density residential according to their Comprehensive Plan Map, seen in Figure 1.

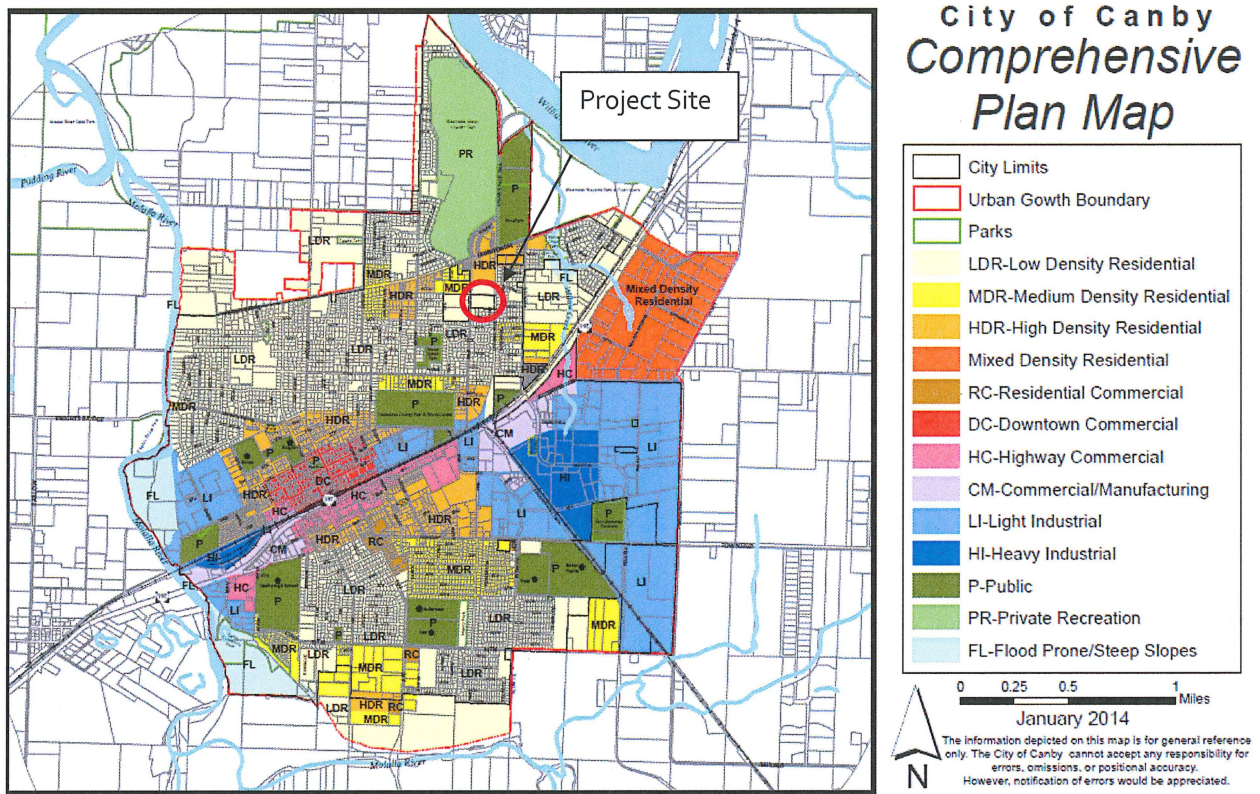


Figure 1: Canby Comprehensive Plan Map

Site Access and Connectivity

N Pine Street along the project site frontage is classified as a collector by the City of Canby. The road is not striped and the paved width varies between 20 to 22 feet. The portion of roadway fronting the site does not have any shoulder, sidewalk, or bike lane. The posted speed of N Pine Street is 25 miles-per-hour (mph).

The following sections summarize site access to the property, intersection sight distance, and multi-modal connectivity to the project site to determine the adequacy of public facilities serving the site.



Site Access

The proposed site plan has two proposed access points via two new local roads. The first is NE 16th Avenue, connecting the interior of the site with N Pine Street at the west perimeter. The second is an extension of N Plum Court, which currently terminates at the southeast corner of the site. Both streets are proposed to have 50 foot cross-sections, with a curb to curb width of 34 feet. This is consistent with City local street standards.

The City retains access standards based upon the functional classification of its streets. The primary access point is NE 16th Avenue which Canby classifies as a collector. This encourages shared driveways and a minimum spacing of 250 feet between roadways and 100 feet between driveways as shown in Table 1. There is an existing driveway to the site for a single family household located approximately 230 feet north of NE 15th Avenue. The proposed construction of NE 16th Avenue for ingress and egress to the site would meet the City’s access spacing standards. This roadway would be located approximately 370 feet north of NE 15th Avenue and 140 feet north of the existing driveway.

Table 1: Access Spacing Standards for City Street Facilities²

Street Facility	Minimum Spacing of Roadways	Minimum Spacing of Driveways	Minimum Spacing of Roadway to Driveway
Arterial	660 feet	330 feet or combine	330 feet
Collector	250 feet	100 feet or combine	100 feet
Neighborhood Route/ Local	150 feet	10 feet	50 feet

² City of Canby TSP, 2010, Table 7-2

Intersection Sight Distance

Intersection sight distance was reviewed in the field to ensure adequate safety at site access points³. The measurements are provided in Table 2 and are compared to the American Association of State Highway and Transportation Officials (AASHTO) requirements based on the posted speed of 25 mph along N Pine Street⁴.

Table 2: Intersection Sight Distance Summary for Proposed Access Point - NE 16th Avenue/N Pine Street

Criteria	Intersection Sight Distance	
	Looking North	Looking South
Field Measurement (feet)	>300 ft	>300 ft
AASHTO Standard (feet)	240 ft	280 ft
Standard Met?	YES	YES

As indicated in the table and illustrated in Figure 2, intersection sight distance would be met at the access point at the proposed NE 16th Avenue to N Pine Street.

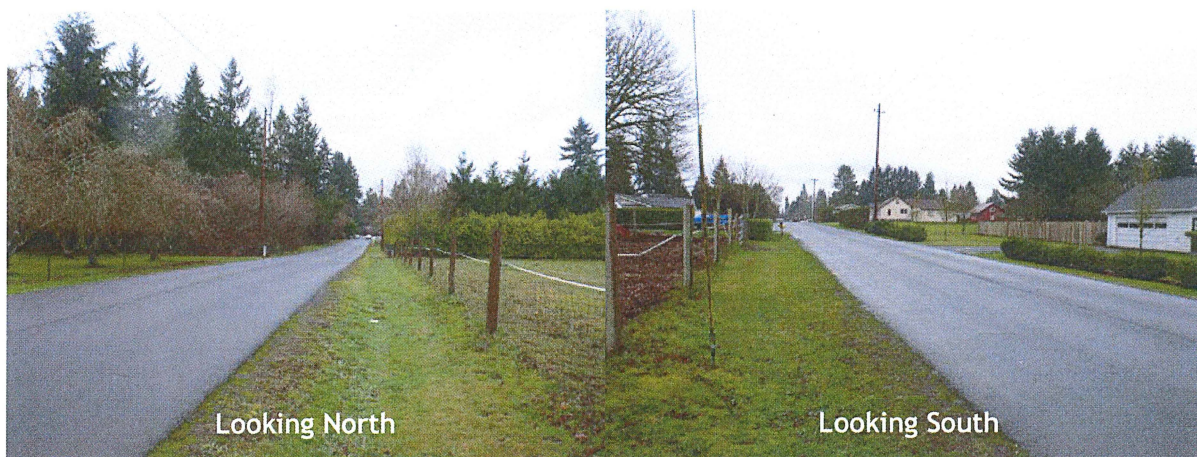


Figure 2: Intersection Sight Distance (Looking North and South from Proposed NE 16th Avenue)

³ Site visit conducted by DKS Associates, February 20, 2014.

⁴ *A Policy on Geometric Design of Highways and Streets*, American Association of State Highway and Transportation Officials, Table 9-6: Decision Intersection Sight Distance and Table 9-8: Design Intersection Sight Distance, 2011.



Multi-Modal Connectivity

There are currently no sidewalks on N Pine Street directly adjacent to the site. There is a four and half foot sidewalk on the east side of N Pine Street which terminates at the southern perimeter of the site. The sidewalk resumes on the east side of N Pine Street approximately 335 feet from the northern perimeter of the site.

To meet the City's collector standards, the roadway would need to be widened and rebuilt. Collector standards call for a six foot bike lane, eight foot parking lane, an optional landscaping strip, and a six to eight foot sidewalk on each side of the road. Along the site's west frontage to N Pine Street, it is recommended that the development provide half-street roadway improvements including curb, sidewalks, and appropriate set-back for bike lanes in the future. These improvements should be coordinated with City staff, and may include half-street improvements to County standards. Internal connectivity should be provided when the site develops, and external connections to the existing N Pine Street sidewalk network would allow for good pedestrian connectivity.

There is currently poor bicycle connectivity to the site due to N Pine Street's narrow roadway width and no shoulders or bicycle lanes. If the roadway is rebuilt to collector standards, the street's bicycle lanes would create connectivity with the nearest major roadway at NE Territorial Road, which currently has bicycle lanes. Additionally, the Logging County Road is a multi-use trail bordering the eastern perimeter of the site. There is an existing connection to this facility located just south of the site along N Plum Court. Additionally it is our understanding that a new trail connection would be provided with the future development of the property to the north thus providing two direct access points within 300 feet. The Logging Country Road provides a stress-free walking and bicycling link to nearby NE Territorial Road, as well as a grade separated crossing of Hwy 99E for north-south travel throughout Canby.

While the TSP does not propose improvements for N Pine Street in the immediate vicinity of the site, any internal circulation or improvement adjacent to the development should be done in coordination with the City of Canby.

Transportation Planning Rule

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 (TSP). 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:

"If a proposed rezoning is consistent with the existing comprehensive plan map designation, and consistent with the acknowledged transportation system plan, then it can be approved without considering the effect on the transportation system. Special provisions in subsection (c) apply if the area was added to the urban growth boundary (UGB)."

Since the site is already within the UGB, provisions from subsection (c) would not apply. The Parcel located at N Pine Street meets this allowance because the site is designated as low density residential in the City's



Comprehensive Plan. Additionally, in the most recent TSP, the traffic modeling forecasted growth to 2030 and the traffic analysis zone for this area assumed LDR land use and found the surrounding transportation system would meet operating standards.⁵

Findings

Based upon the analysis presented in this memorandum, the following items are recommended for the annexation of the of the 5-acre site along N Pine Street (consisting of tax lot 2600) to ensure consistency with City standards.

- The site was designated as Low Density Residential in the Comprehensive Plan and the change in land use was assumed for trip modeling in the 2010 Canby Transportation System Plan. Therefore, TPR requirements are met.
- The concept plan for the site would meet access spacing standards and intersection sight distance requirements. Any new trees, fences, or retaining walls should be set back to maintain adequate visibility. Prior to occupation of the site, sight distance at the new project access point will need to be verified, documented, and stamped by a registered professional Civil Engineer licensed in the State of Oregon.
- The parcel would have multimodal connectivity through nearby access to the County Logging Road multimodal trail north and south of the site and through recommended frontage improvements, including half street improvements along N Pine Street to City's collector street standards. Because the current street does not meet the collector standard for cross-section, the developer should maintain proper setback for future right-of-way.
- The concept plan proposes to construct NE 16th Avenue and N Plum Court to the City's local road standards, including required right-of-way and sidewalks. Appropriate intersection traffic control should be provided where new roadways intersect.

⁵ Future Needs Report, Travel Demand and Land Use, Canby Transportation System Plan, 2010

"BECK PROPERTY"



PLAN B SITE PLAN 12-23-13

III. Neighborhood Meeting Notes

North East Canby Neighborhood Association
Meeting Feb - 13 - 2014

1. Leonard Walker
2. Evelyn Wick
3. Pat Wilkey
4. Pat Susul
5. Bud Fawver
6. JoAnn Fawver
7. Clint Coleman
8. Ann Lussen
9. Mike Jordan
10. DAN MORFORD
11. Don Adkins
12. Carolyn Adkins
13. ~~John~~ Hamilton
14. Shirley Hamilton Hollar
15. Connie Vecken
16. Roy Trapp
17. Dan Leischner
- 18.
- 19.
- 20.
- 21.
- 22.
- 23.
- 24.
- 25.

1546 N Pine Street Annexation - Neighborhood Meeting
Regularly scheduled NECNA meeting, February 13, 2014, 7:00 pm
Willamette Green Clubhouse

A list of meeting attendees provided by the NECNA is attached.

The presentation began at approximately 7:00 PM.

The applicant's representative, Pat Sisul of Sisul Engineering provided large vicinity maps that showed the annexation area, the general area and also showed two conceptual Land Use development plans for the site. Plan A was an 18 lot plan and Plan B was a 19 lot plan. Both plans showed a connection of 16th Avenue to N Pine Street and a northern extension of N Plum Court to the Beck property to the north.

Pat Sisul explained that the site is identified in the Comprehensive Plan as being R-1, which allows for minimum lot sizes of 7,000 sf and minimum lot widths of 60 feet. He mentioned that the site was approximately 4.5 acres and that ½ of the Pine Street right-of-way would also be involved in the annexation. When developed the east side of N Pine Street would be improved with new pavement, curbs and sidewalks.

Pat Sisul explained that this neighborhood meeting was the first opportunity for neighbors to ask questions and offer comments. The application had to be submitted to the City by the end of February in order to qualify for the November election. A Planning Commission hearing and a City Council hearing will be held before the annexation is referred to the voters. If the property is annexed, before it can be developed, another neighborhood meeting would have to be held and there would be another Planning Commission meeting for the proposed development, so there are a lot of opportunities for input.

It was discussed that as of a couple of weeks ago the inventory of platted, available lots in Canby was at 57 lots, and several permits have been taken out since that time. The City has calculated that the 8-year average was 45 permits per year, with a high of 201 in 2006 and a low of 4 in two different years.

Below is a summary of questions that were asked during the meeting. *A summary of the response to the question is given in italics.*

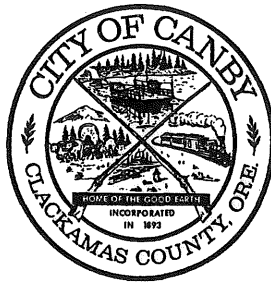
- What is the zoning of the property? *The site is identified in the City's Comprehensive Plan as Low Density Residential and it will come into the City with R-1 zoning.*
- What guarantee do the neighbors have that the property would not be developed as high density? *In order to change the zoning, the applicant would have to go through a Comprehensive Plan adjustment and a zone change, which are not easy processes to go through. We doubt there would be any support from the City for such a change due to the site having R-1 zoning around it to the east and south. The applicants indicated that they had no intentions of changing the zoning to anything other than low density residential.*

- What is zoning of the Willamette Grove Apartments and the Holmes property? *The apartments are zoned R-2, the Holmes property is either R-1.5 or R-2.*
 - Can the site be developed as apartments? *Not under the R-1 zoning.*
 - Will the project improve Pine Street across the property frontage? *Yes, the applicant will improve Pine Street across the property frontage. It is likely that the improvement will include the east ½ of the street and a travel lane on the west side of Pine Street.*
 - How do we prevent apartments from being built? *The best way to prevent apartments is to keep the zoning as R-1. It could likely be written into the Development Agreement between the applicant and the City that the property has to be developed consistent with R-1 zoning.*
 - Will we get to see what is in the Development Agreement before the election? *We anticipate that the Development Agreement has to be fully prepared before the application goes to the City Council prior to a recommendation to the voters. This would be several months prior to the election.*
 - Will there be any park dedication? *No, the City has indicated that they will want this development to pay a fee-in-lieu rather than dedicate land. The choice of dedication or the fee is the City's choice. The fee-in-lieu is roughly \$4,900 per lot.*
 - Will there be a pathway to the Logging Road Trail? *No, the City has indicated that the Beck property will have one pathway to the trail and there is an existing pathway one lot south of this site. A third trail connection is not desired by the City as it is more that they need to maintain.*
-

The presentation was ended at approximately 7:40 PM. The regular meeting continued.

Notes prepared by
Pat Sisul, Sisul Engineering

IV. Pre-application Meeting Minutes



Pre-Application Meeting

**1546 N Pine Street Annexation
January 9, 2014
10:30 am**

Attended by:

Hassan Ibrahim, Curran-McLeod, 503-684-3478
Connie Vicker, Owner, 503-678-5769
Dan Mickelsen, Erosion Control, 503-266-0698
Doug Quan, Canby Utility, Water Dept., 971-563-6314
Bryan Brown, Planning Department, 503-266-0702

Ray Franz, Owner, 503-678-5769
Jerry Nelzen, Public Works, 503-266-0759
Pat Sisul, Sisul Engineering, 503-657-0188
Gary Stockwell, Canby Utility, Electric Dept., 503-263-4307

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

SISUL ENGINEERING, Pat Sisul

- Ray and Connie are the owners of the property and this is just south of the Beck property and we had a pre-application meeting last October. Ray and Connie do not plan to develop the property, but they want it annexed in Canby and sell it to somebody as a development property. We have two different layouts we submitted, plan A and B, which they are similar and we would extend NE 16th Avenue. We assume NE 16th Avenue would extend from the existing NE 16th Avenue located on the west side of N Pine Street and it would "T" into an extension of N Plum Court. Both of these layouts can be used if this subdivision develops by itself, it could be developed with the Beck property also. It could be developed before, after or at the same time. Layouts could change although expect NE 16th Avenue would stay where it is at N Pine Street and so would NE 17th Avenue, those two street locations are fixed, but the rest could change if they went at the same time.
- The two site plans are slightly different, one has a bow in N Plum Court and give us a little more area on the east side to gain five lots up against the logging road trail, instead of four lots with the other option. That is the benefit to plan B, we would have to have a couple of flag lots off of NE 16th Avenue with four lots facing N Pine Street and we would like to get your feedback on both scenarios for us to tell people who want to develop in the future.

CITY OF CANBY, PLANNING DEPARTMENT, Bryan Brown

- I would like to emphasize what Pat was saying, the fact since this could come in together with another, before or after and we are not actually approving the plan right now. One of the things Pat and I will need is to take this through the Planning Commission and Council getting the annexation going, because it is a part of the development agreement area designated by the annexation ordinance. We need to specify the terms of the development agreement and everyone at this meeting can help with it. In my memo to Pat, it states in the development agreement we accept this land use plan concept, which is defined by where the streets are going and generally about how many lots will be developed and how is it going to be served by all the necessary utility providers. I think in the agreement we would end up

stating something about the street pattern and agree NE 16th Avenue and N Plum Court will connect through and state it is subjected to the N Redwood Advanced Financing. We also agree the drainage will be piped off of this site and there will not be any detention or treatment required. They would agree to whatever you guys say is needed in N Pine Street in terms of an extension of a 12 inch water main or an 8 inch sanitary sewer main, whatever lineal feet and dimension of pipes. When whoever develops this property in the future they will be bound by the development agreement. I want to make sure everyone is on the same page.

- The other item is the traffic study and I am thinking you will need to do one because the most recent study was done in 2009 for the Beck property by Lancaster Engineering. My concern is we do not have representation of the cumulative effect of lots when the study was done. There has not been much change in this area since the study was complete, but it did not tell me if there was any difference if you add these 19 lots to Beck's 19 lots. I do not know if there is a way around it without doing another study, I would feel better and you would be better protected as you go through the Council process adding to the previous study.
- I did supply a paragraph to help with your buildable land supply, just in the fact we have an adopted Council policy, which states we need a three year supply based upon the average growth rate. What I have quickly looked at in the past eight years and our average consumption rate for single-family residential lots is about 45 per year. It is based upon a high of 201 houses in 2006 and a low of 2 houses in the years of 2009 and 2010. If you average it by year, it comes to 45 lots for our consumption rate and this means we need about 135 lots supplied by the Council policy. I seriously doubt we have 135 lots, which means you are home free in terms of justifying this annexation and this is what you are working towards. You will need to know how many plated lots we have currently left and we will try to supply you some information in the next couple of days. Carla will have to take the 57 permits we have issued the past two years, putting an address to a lot and the subdivision name and we will give you that list. Pat asked what zones are the 45 lots per year, R-1 and R-2 and Bryan said those are single-family homes, they probably potentially include some R-2 zoned areas. That is a good question and it was really based upon single-family homes. Pat said when we looked at this before we grouped R-1 and R-1.5 together and we are shooting for a three year supply of single family homes and I think R-2 should have a three year supply of multi-family homes. The code does not exactly say it and Bryan said I was kind of excluding the R-2 zoning from my thought process, but I forgot about the 1.5. Pat asked how can we look at the property that has been annexed into the city, but has not been developed. Bryan said the policy reads specifically plated lots and as far as I am concerned you can ignore it. Pat said Dinsmore Estates is out there and the application has not come in yet and the same with the McRobbie property. Bryan said I think you use the lots that have been recorded of record and are currently vacant without building permits issued. That would be in your favor to justify we need more lots. Pat said the thing with those subdivisions is by the time they are developed and plated as lots it will take a good chunk of the yearly quota and you have 40 or more lots built by that time. Bryan said he will have to remind this Council we have previously adopted this policy because it has been a while and most of them are new. They clarify it specifically to say they only cared about plated lots in making that decision.

- The Planning staff believes your general land use layout is fine for us to basing our annexation assumptions on.
- Bryan asked if there were any trees to be removed and if any of the neighbors would object. The answer was no, the trees were removed a long time ago.
- Bryan will ask DKS Engineering if they have a traffic study in the area.
- Bryan said if this subdivision goes first how do you get the sewer and Hassan said it looks like we have a manhole here and it is at 5.75 feet deep and Jerry said it could be stubbed out to the end of the street. If you would like us to TV it, we can. Pat said I do not think you need to TV it yet.

CURRAN-MCLEOD ENGINEERING, Hassan Ibrahim

- As far as annexation purposes the Waste Water Treatment Plant has plenty of capacity, we are at 50 percent at this point and there are no concerns. As for the layout and I see we have a few options available, depending on whether the Beck property goes first or this one, let us assume this one will go first, you will be coming from the logging road and then terminating just short of N Pine Street and that is fine with us. However, Jerry, Dan and I had a discussion and we do not think you need to put in the sewer along N Pine Street. If I am correct the Beck property was bringing the sewer in from the logging road turning the corner and coming up and Pat said we were going to be 10 feet deep. Hassan said it will serve these two property to the west from there and when the most southerly property develops it will pick it up from that point and extend it. I would imagine NE 16th Avenue will go through to the other side as well and they can turn the corner at that point. Basically in brief, we do not think at this time you have to put in the sewer main on N Pine Street because it has no benefit to you at this time.
- I believe Bryan touched on the storm water issue and there is a fee yet to be paid. According to our records it is \$27,360 you would have to pay. Ray asked at what point this fee needs to be paid and Hassan stated when you develop the property. Hassan asked Bryan to confirm the time the fee needed to be paid and Bryan said prior to a plat being filed of record. The best possible scenario would have them pay before they connect to the North Redwood storm line.
- Water quality is required and we normally require a sump manhole. Jerry said yes.
- I do not have a preference on the street layout on options A or B, but I do like the option A better. I want to make sure on either option we meet the radius on the intersection of NE Plum Court and NE 16th Avenue. Bryan said he liked option A because he does not like the flag lots.

CITY OF CANBY, PUBLIC WORKS DEPARTMENT, Jerry Nelzen

- Have you thought of running the sewer down to N Plum Court and Pat said no they did not think about it. Jerry said there is an existing manhole there and it will save you having another crossing and adding another manhole into our main line. The Collections crew are going to N Plum Court to check the depth and I will let you know. Pat asked if the storm went that way too and Jerry said yes. Pat said the house in front of the existing manhole belongs to Leonard Walker who is the chair of the neighborhood association and having the

neighborhood meeting showing a number of impacts to the street would not be good and be a tough meeting. Jerry said he understood.

- Would you put the sedimentation manhole at the same spot where you are crossing? Pat asked if we were to take the storm out through the walkway, is there a sedimentation manhole down there before it goes in? Jerry said he asked the crew to check about the sedimentation manhole. If you can do as I request it would save us money, time and maintenance on the lines. Pat said we will certainly look at it during the time of development because once it is in we will know how things are tying in with the neighboring development. Jerry said I will get you the information before the end of the meeting.

CANBY UTILITY, ELCTRIC DEPARTMENT, Gary Stockwell

- At this stage of the game there is not much to talk about other than I like the straight option and I am anti-flag lot myself. At the time of development I will need the approved plat plan before I can give you the trenching detail for the layout.
- We are now having the developer draw in the street lights and do the photometrics for the city and I will draw the source in for the street lights when I do the electric plan. At the time of development, contact us and we will give you the type of lights we are using.
- Canby Utility has an annexation policy with Portland General Electric (PGE) and this interagency agreement is approved by the PUC for service territories. When a property is annexed, served by PGE they will do an inventory of what type of equipment is on site and place a value on it. Canby Utility pays them for the value of their equipment and at the time of development you become a Canby Utility customer. As soon as development occurs there will be a fee of whatever PGE assesses their equipment it will be passed on. The cost historically with a single phase transformer pole drop is approximately \$1,500 to \$2,000.
- We have conduit adjoining the property from the south with a street crossing for a pole, if required. I will need to look at it again when development gets closer.

CITY OF CANBY, EROSION CONTROL, Dan Mickelsen

- Since the sanitary line is not going in on N Pine Street, we were thinking if we could move the sewer line over to the other side of N Pine Street from the manhole. We are trying not to dig up the new half street improvements you will be doing on N Pine Street. Doug is having their water line going in on N Pine Street anyhow and with the street open it should be easy to put a stick of pipe to the other side of the road. Pat said you would like a stub out of the manhole heading west and Dan said yes. Hassan said Dan is asking for a sewer line crossing to the west by a few feet.
- Dan asked Pat how much of a difference between the jog on Options A and B. Pat said we are trying to hit the two streets with a 90 degree. Dan explained about not having a driveway at the jog in the roadway because someone could possibly drive through their driveway. Pat said we could intersect straight on and I think the code allows for 75 degrees but 90 degrees is preferred and exceptions are allowed up to 75 degrees.
- Dan asked Pat if he had the survey yet and Pat said he did not have it back. Dan said he went to the site and the lots are probably at least 36 inches below the logging bridge road. Ray concurred. What I am saying is if this is going downhill and if we can make this as slight as possible so the houses are not built up to much. Bryan and I have discussed this issue and

there is nothing in the code saying it cannot be done, we just need to get the elevations right. Pat said he understands and it will be a gradual fall from N Pine Street to N Plum Court and there would probably be some fill on lots 8 through 10.

- You will need to get an Erosion Control application.
- Dan asked if the existing house would be incorporated into the subdivision. Ray said we do not really know. If we did the flag lots it might make a difference, but we would lose the access to N Pine Street and if we do that the whole configuration will change and the existing house will probably go away. Pat said if the existing house were to remain on this land would the access go away from N Pine Street. Bryan said the preference would be to switch it to NE 16th Avenue, but if you cannot pull into a garage that would not make any sense. Ray said the garage faces out to N Pine Street. Pat said the garage is partially on lot 17 and Ray said they would need to have both lots if they were to do that and Pat said the garage would have to be torn down. Bryan said he did not know if it was an important enough matter to really be upset about an existing driveway staying on N Pine Street. It is not the preference, but it is there and if the house stays, then okay.
- Dan asked what was happening with the storm water and Bryan said it will be taken by the N Redwood storm water drainage. Dan said it will be piped rather than having weep holes at the curb and the answer was piped. Pat said in our last discussion weep holes would be okay if we did curb and gutter. Hassan said for the storm there is a sump manhole from what the crew is saying. Jerry said he wanted Pat to have the information to decide because if we remove tract A, eliminating the storm line, we can give back the land to lots 10 and 11. We would not have to worry about the maintenance of the walking pathway. Pat said are you suggesting not having the walking pathway and Bryan said he had not thought about it and Jerry said he wanted to go away from it. Bryan said you are thinking this 10 acre development having one access would be adequate and Jerry said just this subdivision. Hassan said there will be one access two lots down on the existing N Plum Court and Pat said the Beck property will have an access to the north of lot 8. Bryan was not aware the accesses were that close. Jerry said it would save us a lot of maintenance and Bryan said it was overdoing it. Pat was asked to change the plans by removing tract A.

CANBY UTILITY, WATER DEPARTMENT, Doug Quan

- Our system is pretty simple in this area, we have lines in N Pine, N Plum Court and NE 16th Avenue. Doug said the drawing is fine as far as I am concerned and when we get closer we will look at hydrant placement. Pat asked what size is the main and Doug said 8 inch line in N Plum Court and N Pine Street and further down on N Pine Street there is a 12 inch main.

V. Triple Majority Worksheet

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)
2600	Ray N. Franz	4.47	\$182,298	Y
2600	Connie E. Vicker			Y
2600	Jerry E. Franz			Y
2600	Connie A. Franz			Y
TOTALS				
% Signed		100%	100%	100%

**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		
<i>Ray N Franz</i>	Ray N Franz	✓			2600	27C	3S	1E	
<i>Connie E Vicker</i>	Connie E Vicker	✓			2600	27C	3S	1E	
<i>Jerry E Franz</i>	Jerry E Franz	✓			2600	27C	3S	1E	
<i>Connie A Franz</i>	Connie A Franz	✓			2600	27C	3S	1E	

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

VI. Legal Description & Survey



Harper
Houf Peterson
Righellis Inc.

Exhibit "A"

LEGAL DESCRIPTION
VICKERS – SXE-09
LEGAL DESCRIPTION FOR ANNEXATION
January 24, 2014
Page 1 OF 1

LEGAL DESCRIPTION FOR ANNEXATION (VICKERS):

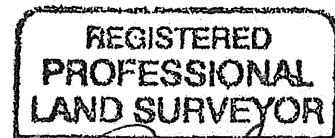
A PORTION OF LOT 76, CANBY GARDENS, PLAT NO. 230, IN THE SOUTHWEST ONE QUARTER OF SECTION 27, T3S, R1E, W.M., CITY OF CANBY, STATE OF OREGON MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT A POINT ON THE SOUTH LINE OF LOT 76, CANBY GARDENS AND THE WEST RIGHT-OF-WAY LINE OF THE MOLALLA FOREST ROAD, 50 FEET WEST OF THE SOUTHEAST CORNER OF SAID LOT 76; THENCE ALONG THE SOUTH LINE OF THE SAID LOT, NORTH 89°56'10" WEST 589.98 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF NORTH PINE STREET, COUNTY ROAD NO. 2580; THENCE ALONG THE SAID RIGHT OF WAY LINE, NORTH 00°01'33" WEST 329.82 FEET TO A POINT ON THE NORTH LINE OF LOT 76; THENCE ALONG THE SAID NORTH LINE, SOUTH 89°56'45" EAST 589.96 FEET TO A POINT ON THE SAID WEST RIGHT-OF-WAY OF THE MOLALLA FOREST ROAD; THENCE ALONG THE SAID WEST RIGHT OF WAY LINE, SOUTH 00°01'43" EAST 329.92 FEET TO THE POINT OF BEGINNING. CONTAINING 4.47 ACRES MORE OR LESS.

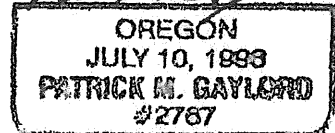
TOGETHER WITH THE EAST ONE HALF OF NORTH PINE STREET, COUNTY ROAD NO. 2580, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF LOT 76, CANBY GARDENS AND THE WEST RIGHT-OF-WAY LINE OF THE MOLALLA FOREST ROAD, 50 FEET WEST OF THE SOUTHEAST CORNER OF SAID LOT 76; THENCE ALONG THE SOUTH LINE OF THE SAID LOT, NORTH 89°56'10" WEST 589.98 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF NORTH PINE STREET, COUNTY ROAD NO. 2580 AND THE TRUE POINT OF BEGINNING; THENCE NORTH 89°56'10" WEST 20.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 76, BEING ALSO A POINT ON THE CENTERLINE OF NORTH PINE STREET; THENCE ALONG THE WEST LINE OF THE SAID LOT AND THE SAID STREET CENTERLINE, NORTH 00°01'33" WEST 329.81 FEET TO THE NORTHWEST CORNER OF THE SAID LOT; THENCE ALONG THE NORTH LINE OF SAID LOT 76, SOUTH 89°56'45" EAST 20.00 FEET TO THE NORTHWEST CORNER OF THE HEREIN ABOVE DESCRIBED TRACT OF LAND; THENCE LEAVING THE NORTH LINE OF LOT 76 ALONG THE EAST RIGHT-OF-WAY LINE OF NORTH PINE STREET SOUTH 00°01'33" EAST 329.82 FEET TO THE TRUE POINT OF BEGINNING. CONTAINING 0.15 ACRES MORE OR LESS.

THE COMBINED AREAS TOTTALLING 4.62 ACRES MORE OR LESS.



Patrick M. Gaylord



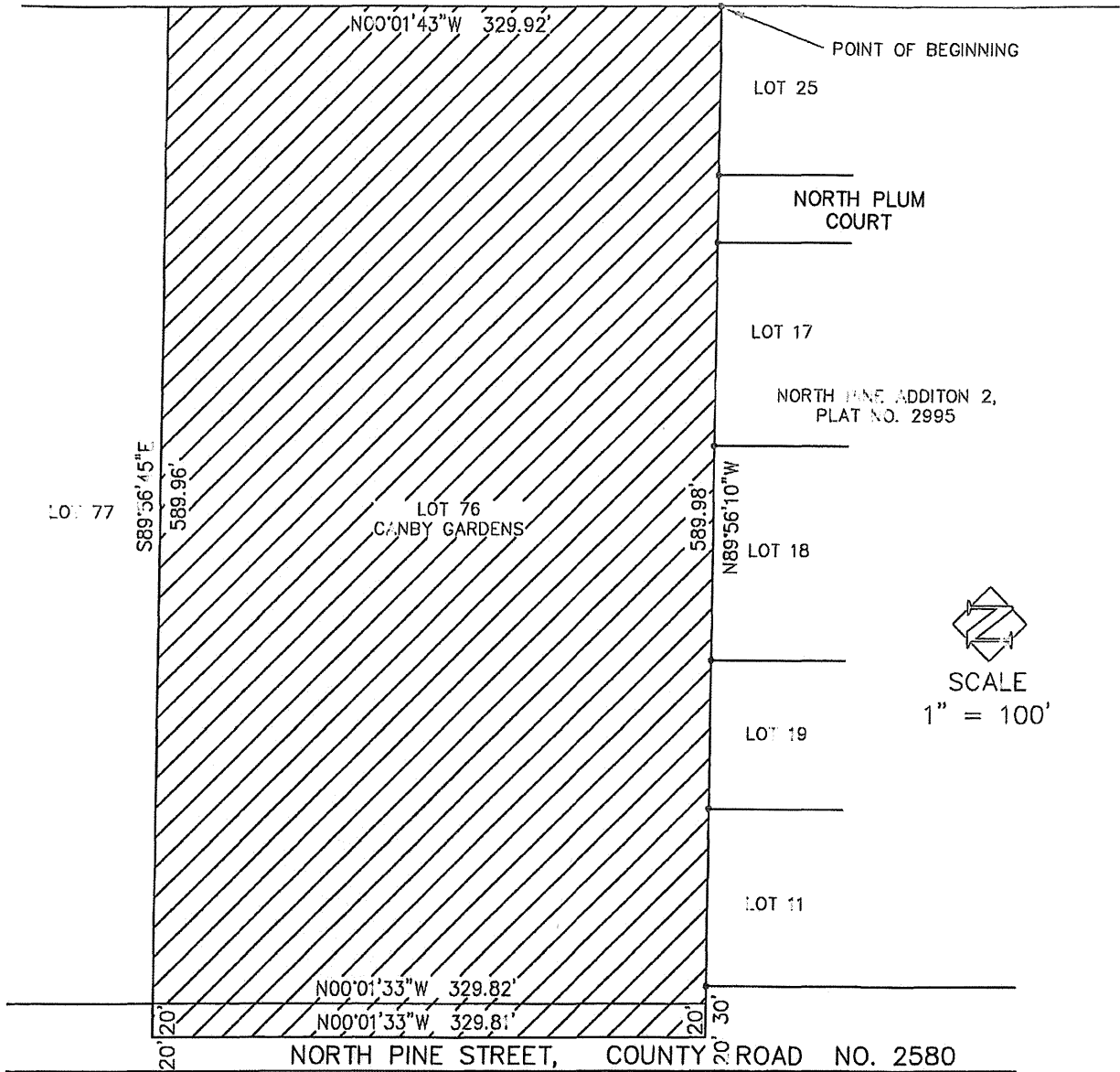
Renewed through 6/30/2015

EXHIBIT "B"
VICKERS ANNEXATION

POSTLEWAIT ESTATES,
PHASE 2

POSTLEWAIT ESTATES

50' MOLLALA FOREST ROAD



SCALE
1" = 100'

LEGEND



PROPOSED ANNEXATION
± 4.62 ACRES

SEE ATTACHED
LEGAL DESCRIPTION



Harper
Houf Peterson
Righellis Inc.

ENGINEERS PLANNERS
LANDSCAPE ARCHITECTS SURVEYORS

205 SE Spokane Street, Suite 200, Portland, OR 97202
phone: 503.221.1131 www.hhpr.com fax: 503.221.1171

SXE-09 JTH 01/21/2014 PAGE 1 OF 1

VII. Development Agreement

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

UNTIL REQUESTED OTHERWISE,
SEND TAX STATEMENTS TO:
Connie Vicker
10921 Martin Lane NE
Aurora, OR 97002

DEVELOPMENT AGREEMENT (ANNEXATION)

RECITALS:

1. Ray N. Franz and Connie E. Vicker, Trustees of the Franz-Vicker Joint Revocable Living Trust and Jerry N. Franz and Connie A. Franz, Co-Trustees of the ~~Ray~~ Jerry N. Franz Revocable Living Trust, hereinafter referred to as "FRANZ", own real property commonly described as 1546 N. Pine Street, 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 authorize an election for annexation when it is determined 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. Thereafter the annexation may only be approved by a majority vote among the electorate of Canby.
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 FRANZ'S annexation application and requests that, upon approval of the annexation by the voters, the property described in Exhibit A shall be zoned R-1. 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 FRANZ and described in Exhibit A, FRANZ's annexation application shall include the eastern one-half of the N. Pine Street right-of-way, County Road No. 2580 adjacent to the FRANZ

property. The eastern half of the N. Pine Street right-of-way shall be measured from the right-of-way centerline and also as described in Exhibit A and depicted on Exhibit B. FRANZ agrees to dedicate street right-of-way for N. Pine Street 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. FRANZ shall have seven (7) calendar days from the date the City Council takes final action approving this Agreement, the annexation, the zone change request, and after the Council submits the annexation to the electorate, to record this Agreement. Failure to record this agreement within the time specified will result in removal of the annexation application from the ballot for consideration by the electors. A condition of approval will be attached to the annexation and zone change approval imposing this same requirement.

D. Dedication of land for future public facilities including park and open space land. At the time of development, FRANZ agrees to dedicate street right-of-way for N. Pine 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 FRANZ. Specifically, FRANZ agrees to improve the East one-half of the N. Pine Street right-of-way along the frontage of the property, extend N Plum Court through the property and to construct a new street, 16th Avenue, to connect N Plum Court to N Pine Street. The eastern one-half of the N. Pine Street right-of-way shall be measured from the right-of-way centerline. FRANZ will position the 16th Avenue intersection to N Pine Street and the N Plum Court intersection to 16th Avenue 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 February 2014 in conjunction with the ANN/ZC 14-01 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. Storm Drainage. At the time of development, FRANZ will connect to the North Redwood Storm Drain Advance Financing District without having to provide on-site water quality treatment or storm drain detention improvements. The cost of installing the pipe needed to connect FRANZ to the North Redwood Storm Drain pipe system will be borne by FRANZ. FRANZ will also be required to pay CANBY the North Redwood Storm Drain Advanced Financing District fee in the amount of \$6,061.16 plus accrued interest as associated with the FRANZ property. FRANZ will only be required to extend the North Redwood Storm Drain pipe in the Logging Road Trail as far as is needed to make connection to the system and will not be required to extend the pipe across the entire frontage of the site to the north end of the Franz property.

G. Utility availability. At the time of development, FRANZ 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 zone. To the extent that additional utility or service infrastructure is required to serve the property in the future, FRANZ 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. FRANZ also agrees to allow connection to FRANZ's constructed public facilities by adjacent property owners.

H. Water and Sewer. At the time of development, FRANZ agrees to install public waterlines in N Pine Street and all new or extended public streets and sewer lines in new City streets as is needed to serve the development. CANBY agrees that FRANZ can connect to the public water system and that FRANZ can connect the existing public sanitary sewer through a connection to the Logging Road Trail, N Pine Court to the north of the site, or N Pine Court to the south of the site. CANBY agrees that no sewer main is needed in N Pine Street along the frontage of the Franz parcel.

I. Waiver of compensation claims. FRANZ 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.

J. 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 zone.

K. Other commitments deemed valuable to the City of Canby. FRANZ 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 14-01 and submits the annexation to the electorate, , FRANZ 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. In the event a majority of the city electorate denies the annexation, FRANZ may request the cancellation of this Development Agreement. FRANZ and CANBY agree to cooperate to prepare and record a mutually agreeable document to rescind this Development Agreement. Upon rescission, this Development Agreement shall be null and void without further legal effect.

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

Dated this _____ day of _____, 2014.

Ray N. Franz

Connie E. Vicker

Jerry E. Franz

Connie A. Franz

CITY OF CANBY, OREGON

By: _____
Amanda Zeiber, Interim City Administrator

Dated: _____

APPROVED AS TO FORM:

By: _____

Dated: _____

APPROVED BY ACTION OF CITY COUNCIL ON _____, 2014.
CITY COUNCIL RESOLUTION NO.: _____.

STATE OF OREGON)
) ss.
County of Clackamas) _____, 2014

Personally appeared before me, RAY N. FRANZ, 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) _____, 2014

Personally appeared before me, CONNIE E. VICKER, and acknowledged the foregoing instrument to be her voluntary act and deed.

Notary Public for Oregon
My Commission Expires: _____

STATE OF OREGON)
) ss.
County of Clackamas) _____, 2014

Personally appeared before me, JERRY E. FRANZ, 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) _____, 2014

Personally appeared before me, CONNIE A. FRANZ, and acknowledged the foregoing instrument to be her voluntary act and deed.

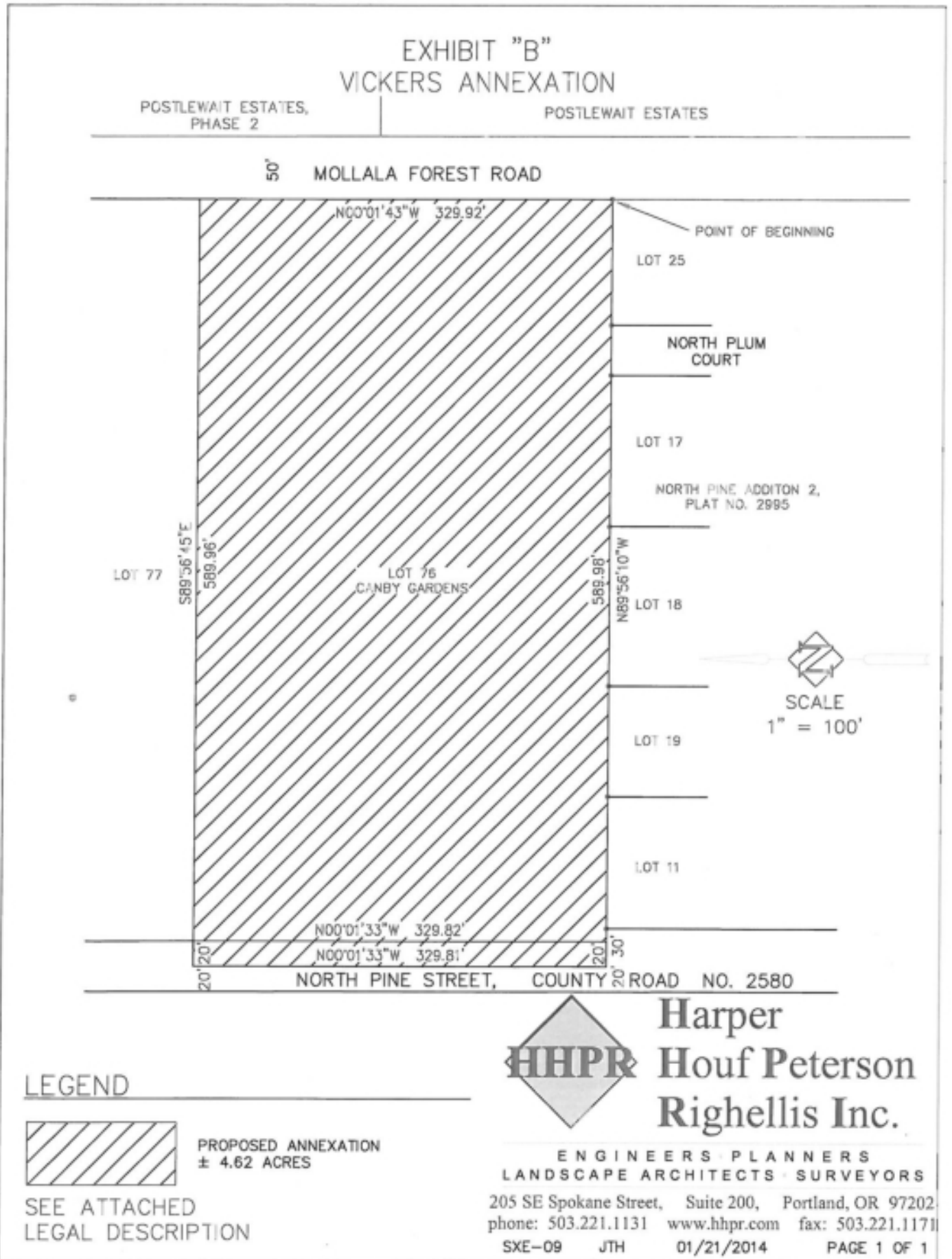
Notary Public for Oregon
My Commission Expires: _____

STATE OF OREGON)
) ss.
County of Clackamas) _____, 2014

Personally appeared before me, AMANDA ZEIBER, as the Interim City Administrator of the City of Canby, Oregon.

Notary Public for Oregon
My Commission Expires: _____

EXHIBIT "A"
EXHIBIT "B"



VIII. Maps

- a. Vicinity Map
- b. Assessor Map
- c. Comprehensive Plan Map
- d. Topographic Survey
- e. General Land Use Plan

Cancelled Taxlots

2001

2000

302

1600

1604

1605

1700

1800

2100

1602

1501

1503

703

801

901

2200

2201

2202

701

702

703

800

900

100

1600

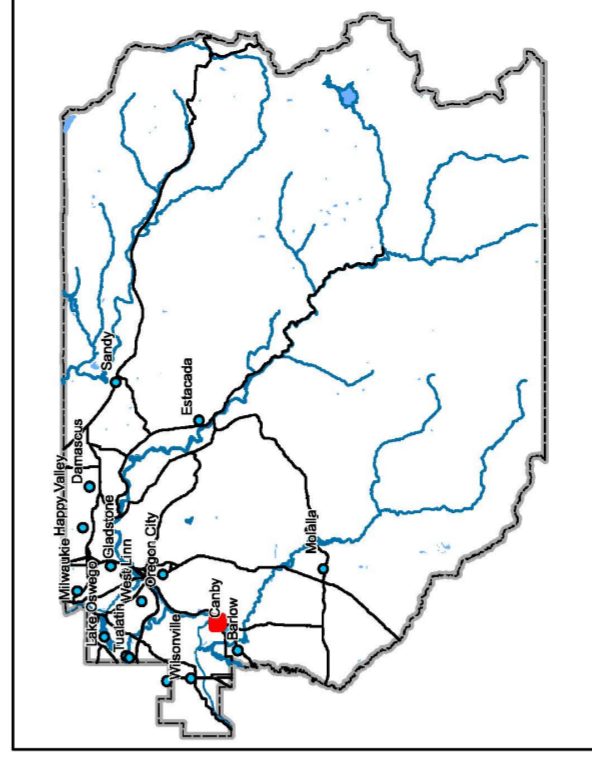
1601

1400

1401

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



LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 27,
TOWNSHIP 3 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN
CITY OF CANBY, CLACKAMAS COUNTY, OREGON

FIELD WORK DATES: 1/02/2013 TO 1/07/2013

VICKERS
TOPOGRAPHIC SURVEY
CANBY, OREGON

Harper
Houf Peterson
Righellis Inc.



REGISTERED
PROFESSIONAL
LAND SURVEYOR
OREGON
JANUARY 1986
PATRICK M. GAYLORD
2007

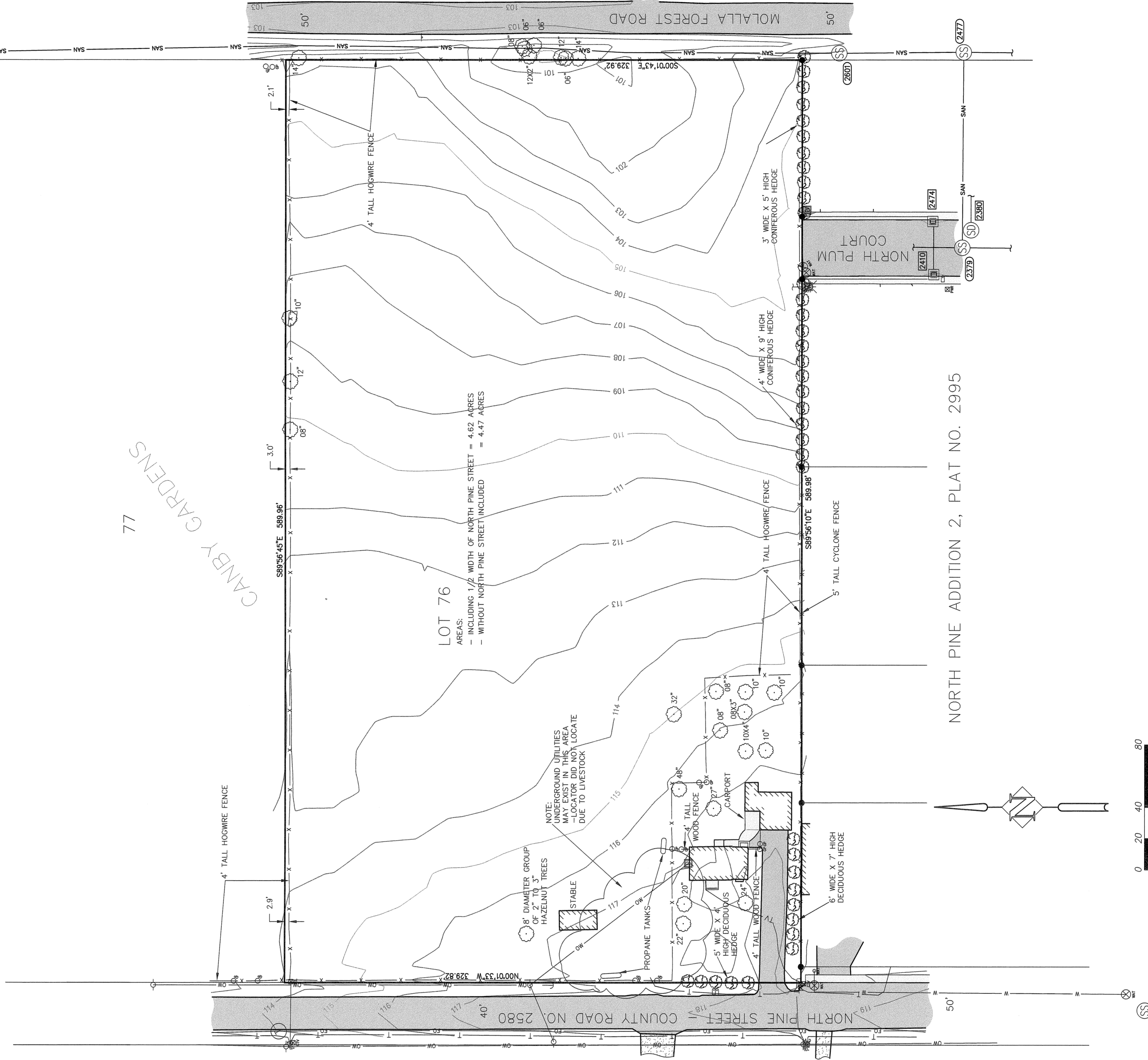
DESIGNED: JTH
DRAWN: JTH
CHECKED: PMG
DATE: 01/21/2014
RENEWAL DATE 6-30-2015

DATE	NO.	DESCRIPTION

SHEET NO. 1 OF 1
JOB NO. SXE-09

POSTLEWAIT
ESTATES,
PHASE 2

POSTLEWAIT
ESTATES



TOPOGRAPHIC LEGEND:

- STM STORM SEWER LINE
- SAN SANITARY SEWER LINE
- WATER LINE
- OVERHEAD WIRE
- FENCE LINE, TYPE AS NOTED
- TELEPHONE LINE
- FIBER OPTIC LINE
- ELECTRIC LINE
- CABLE TELEVISION LINE
- BUILDING LINE
- UTILITY LINE IS BELIEVED TO CONTINUE CONNECTION NOT LOCATED OR UNKNOWN
- MAJOR CONTOUR - 5' INTERVALS
- MINOR CONTOUR - 1' INTERVALS
- EXISTING CONCRETE SURFACE
- EXISTING ASPHALT SURFACE
- EXISTING GRAVEL SURFACE
- SHRUB / BUSH LINE
- PROXIMATE DRAINAGE (APPROXIMATE DRAINAGE)
- BREAST HIGH AS NOTED
- 12X2= TWO 12" TREES
- UTILITY POLE
- SIGN, AUTHORIZED VEHICLES ONLY
- POWER METER
- FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "WILHELM ENG. OR. LS 2413"

STORM SEWER NOTES:

- (2380) STORM MANHOLE
RM= 105.54
IE 12" CPPE= 102.21'
STANDING WATER=101.72
7.5' OF SILT
BOTTOM= 93.62'
- (2410) STORM CATCH BASIN
RM= 104.95'
IE 15" (S)= 102.54'
SUMP= 101.56'
- (2474) STORM CATCH BASIN
RM= 104.94'
IE 15" (S)= 102.09'
SUMP= 101.35'

SANITARY SEWER NOTES:

- (2375) SANITARY MANHOLE
RM= 105.54
IE 8" PVC(N)= 99.83'
IE 8" PVC(S)= 99.79'
IE 8" PVC(E)= 99.77'
- (2477) SANITARY MANHOLE
RM= 104.43'
IE 15" (N)= 98.86'
IE 15" (S)= 98.88'
IE 8" PVC(N)= 99.22'
- (2478) SANITARY MANHOLE
RM= 102.97'
IE 18" (S)= 85.63'
IE 18" (N)= 96.83'
IE 15" (S)= 98.69'
- (2501) SANITARY MANHOLE
RM= 104.35'
IE 18" (N)= 96.83'
IE 15" (S)= 98.69'

VERTICAL DATUM:

CITY OF CANBY SANITARY SEWER DATUM

UTILITY STATEMENT:

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM LOCATE PAINT MARKERS AND/OR AS-BUILT INFORMATION PROVIDED BY THE COMPANIES. THIS SURVEY DOES NOT SHOW PAINT MARKERS PROVIDED BY THE COMPANIES. THIS SURVEY WAS COMPLETED AS-BUILT DRAWING INFORMATION THAT WAS NOT PROVIDED IS NOT REFLECTED ON THIS SURVEY. AS-BUILT INFORMATION, IF PROVIDED, WAS USED TO IDENTIFY UNDERGROUND PIPE SIZE AND TYPE (IF SHOWN, AND NOT OTHERWISE NOTED). UNDERGROUND UTILITIES SHOWN ARE BASED ON LOCATE PAINT MARKERS WERE PROVIDED, AS-BUILT INFORMATION WAS USED TO HORIZONTALLY LOCATE THE UNDERGROUND UTILITIES.

THIS SURVEY MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE OF ALL SUCH UTILITIES IN THE AREA. THE UNDERGROUND UTILITIES SHOWN ARE BASED ON LOCATE PAINT MARKERS AND/OR AS-BUILT INFORMATION PROVIDED BY COMPANIES. AS ACCURATELY AS POSSIBLE FROM THE INFORMATION PROVIDED, MANHOLES OTHER THAN SANITARY AND STORM SEWER WERE IDENTIFIED BY MANHOLE LIDS AND MAY NOT BE LABELED CORRECTLY.

UTILITY LOCATIONS MUST BE VERIFIED BY THE STATE UTILITY NOTIFICATION CENTER IMMEDIATELY PRIOR TO ANY EXCAVATION.

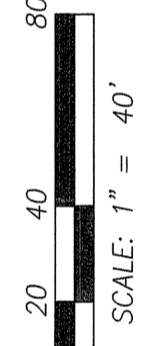
UTILITY LOCATIONS MUST BE VERIFIED BY THE STATE UTILITY NOTIFICATION CENTER IMMEDIATELY PRIOR TO ANY EXCAVATION.

UTILITY LOCATES WERE REQUESTED 12/24/2013 UNDER TICKET NUMBER 13272821
FOLLOWING IS A LIST OF UTILITY PROVIDERS NOTIFIED:
CITY OF CANBY (503)286-0788
CLACKAMAS CITY D.O.T. (503)722-6301
CANBY TELEPHONE (503)286-8245
CLACKAMAS COUNTY PUBLIC BOARD (503)286-1196
NW NATURAL (503)255-4634
PORTLAND GENERAL ELECTRIC (503)255-4634
WAVE BROADBAND (503)255-4634

MANHOLE LOCATION INFORMATION:

DUE TO THE HAZARDOUS NATURE AND APPLICABLE OSHA REQUIREMENTS REGARDING CONFINED SPACES, IT IS COMPANY POLICY TO NOT SEND OUR FIELD STAFF INTO UTILITY MANHOLES TO RETRIEVE DEPTH AND SIZE INFORMATION (PIPE SIZES AND DEPTHS ARE OBTAINED THROUGH ABOVE GROUND METHODS). THEREFORE, ANY MANHOLE ELEVATION INFORMATION SHOWN ON THIS SURVEY IS AN ESTIMATE. MANHOLE DEPTHS, SIZES, OR MANHOLE D.I.T. OR GREATER (DEPENDS ON DEPTH, SIZE, FLOW, AND CONSTRUCTION OF MANHOLE). MANHOLE PIPE SIZES ARE ALSO SUBJECT TO AN UNCERTAINTY OF TWO INCHES OR MORE (DEPENDS ON DEPTH, SIZE, FLOW, AND CONSTRUCTION OF MANHOLE). IF A HIGHER ACCURACY IS NEEDED, ADDITIONAL TIME, EQUIPMENT, AND PERSONNEL WILL BE REQUIRED TO ENTER THE MANHOLE AND RETRIEVE SAID INFORMATION.

MANHOLE LOCATIONS SHOWN ARE TO CENTER OF LID, NOT CENTER OF STRUCTURE.



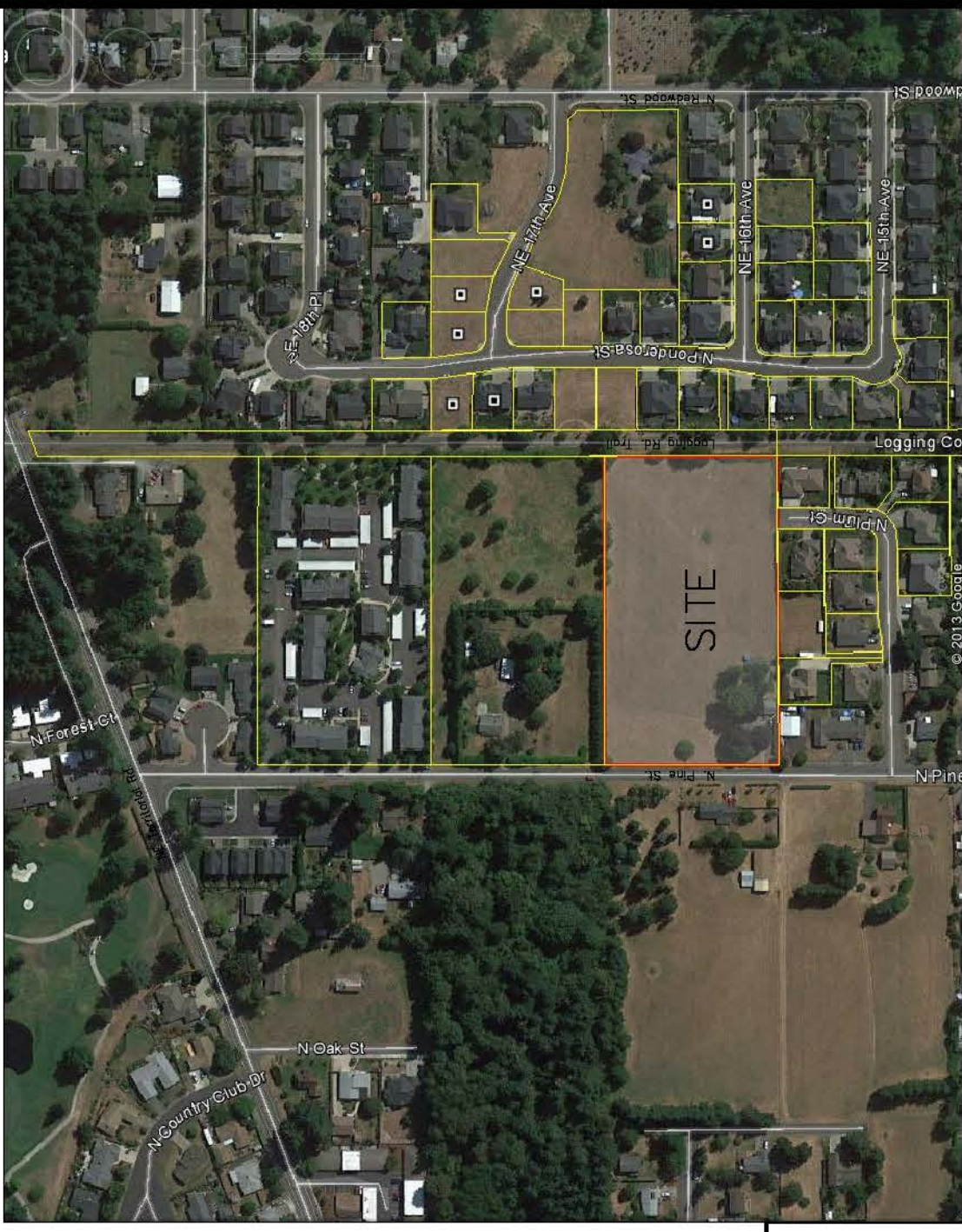
NO.	DATE	BY	REVISIONS

PROPOSED ANNEXATION
1546 N. PINE STREET
 Ray Franz & Connie Vicker

General Land Use Plan

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

DATE: FEB., 2014
 SCALE: 1"=40'
 DRAWN: PS
 JOB: SGL13-063
 SHEET: **1**
 OF 1 SHEETS

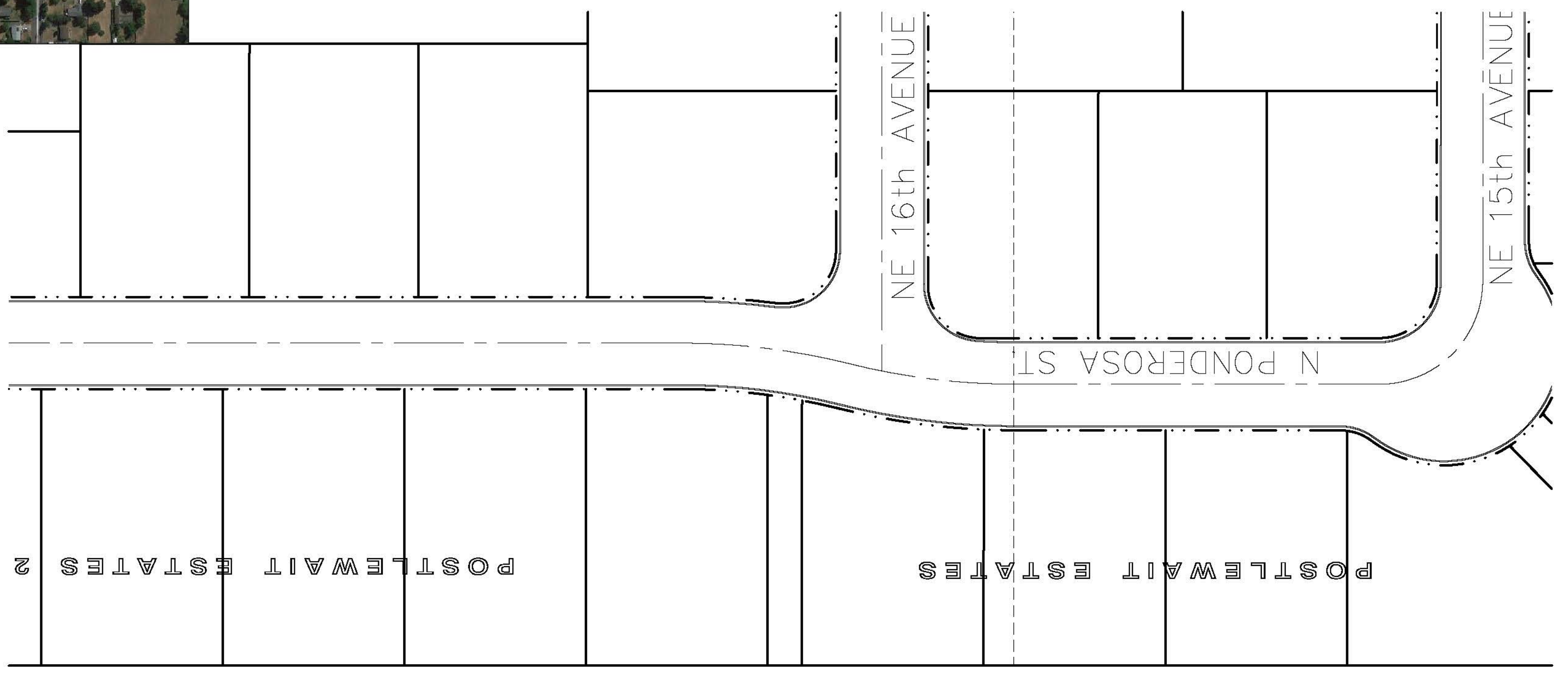
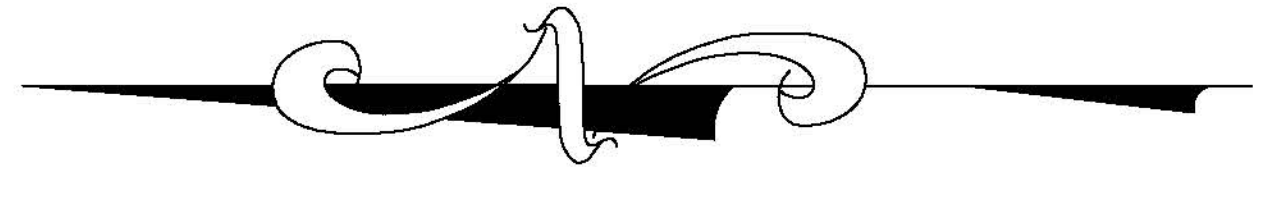
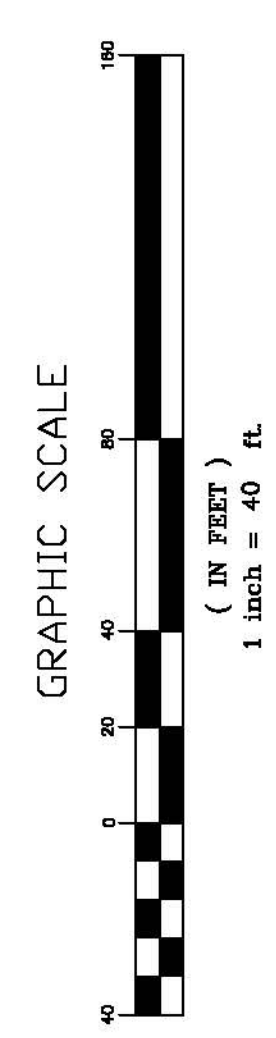


SITE ADDRESS:
 1546 N. PINE STREET
 CANBY, OR 97013

APPLICANT:
 RAY FRANZ & CONNIE VICKER
 10921 MARTIN LANE NE
 AURORA, OR 97002
 (503) 678-5769

LEGAL DESCRIPTION:
 T3S, R1E, S27C
 TAX LOT 2600

SITE SIZE:
 4.47 ACRES



AGENCY/CITIZEN COMMENTS

Annexation request of the Ray N. Franz & Connie E. Vicker property 1546 N. Pine

Planning commission

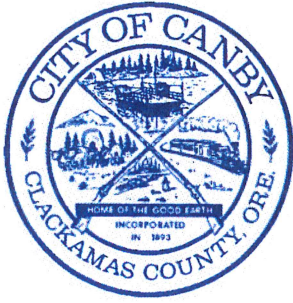
Sirs

I chaired a N. E. Canby Neighborhood Association meeting with the owners and Pat Sisul of Sisul engineering.

As I recall, we agreed with the owners of the property that it would be low density R-1 zoned.

One point we did not agree was an absents of a connection to the logging Road . The map as presented , did not show a connection. As I recall every new addition that abuts the logging road, in at least the last 20 years or more, has a connection. My neighbors and I think this practice should be continued .

Leonard Walker



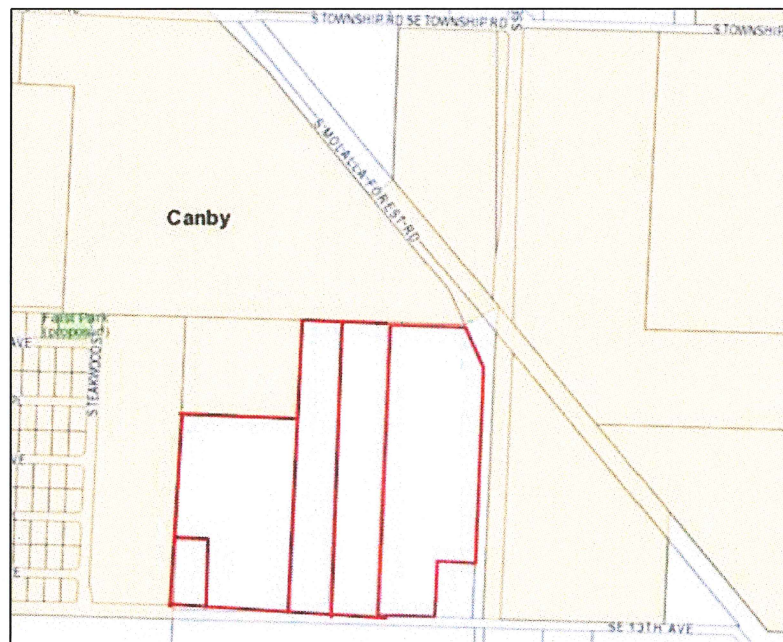
City of Canby

SITE AND DESIGN REVIEW STAFF REPORT

FILE #: ANN 14-02/ZC 14-02

Prepared for the June 9, 2014 Planning Commission Meeting

LOCATION: North of SE 13th Avenue, east of S. Teakwood Street & west of the Logging Road Trail & Sequoia Parkway Extension



ANNEXATION PROPERTY SIZE: The site is 32.10 acres – real property-31.60 acres, SE 13th Avenue ROW-0.50 acres

TAX LOTS: Tax Lots 400, 500, 600, 700 & 800; Sec. 3, T4S R1E WM (Assessor Map 4 1E 03)

COMPREHENSIVE PLAN DESIGNATION: Low & Medium Density Residential (LDR & MDR)

CURRENT ZONING DESIGNATION: Clackamas County: Exclusive Farm Use (EFU)

PROPOSED ZONING: City: Low & Medium Density Residential (R-1 & R-1.5)

OWNER/APPLICANT: Five Different Owners for the 5 Tax Lots: TL 400 – Daniel & Mary Stoller; TL 500 – Geraldine K. Marcum; TL 600 – Jerry & Cynthia Rice; TL 700 – Ralph A. Netter; TL 800 – Hugh & Roberta Boyle

APPLICATION TYPE: Annexation/Zone Change (Type IV)

CITY FILE NUMBER: ANN/ZC 14-01

DATE OF REPORT: May 29, 2014

DATE OF PUBLIC HEARING: June 9, 2014

I. PROJECT OVERVIEW & EXISTING CONDITIONS

A group of property owners in the southeastern portion of the Canby area have come together for the expressed purpose of annexing their properties to the City of Canby. Property owners Boyle, Netter, Rice, Marcum and Stoller own a total of 30.67 acres in contiguous parcels located north of SE 13th Avenue, south of Baker Prairie Middle School, generally east of S. Teakwood Street, and west of Sequoia Parkway Extension and the old Logging Road Trail.

The City of Canby's annexation ordinance requires a Concept Development Plan for the Tax Lots which are a part of this annexation request. This has encouraged the group of property owners to band together to provide adequate planning for further expansion of this area to eventually include an additional residential neighborhood. The group of property owners involved with this annexation has work together to meet the Concept Development Plan requirements for the area which has allowed them to more fairly distribute the annexation cost and eventual cost of development which includes the dedication of a new City park which is entirely on one property.

The existing annexation area is located within the City of Canby's Urban Growth Boundary. The City of Canby Comprehensive Plan has planned for ultimate urbanization of this area and its intended land use. The Comprehensive Plan Map indicates residential use with a portion shown at low density and a portion at medium density. The area is currently within Clackamas County's jurisdiction and is currently zoned as Exclusive Farm Use (EFU). This annexation request is to rezone the properties involved to the corresponding City zoning of R-1 and R 1.5 in accordance with the City's Comprehensive Plan Map land use designation. These zoned districts will take effect if annexed as indicated in this application with the Netter (Tax Lot 700) and Boyle (Tax Lot 800) being zoned R-1 – low density residential; and the Stoller (Tax Lot 400), Marcum (Tax Lot 500), and Rice (Tax Lot 600) being zoned R-1.5 – medium density residential.

The applicable Concept Development Plan (DCP) area as indicated in the annexation ordinance includes one additional tax lot (Herrod - 401) which is not part of or requesting to be annexed at this time. The DCP is intended to address City of Canby infrastructure requirements for the DCP area and the Development Concept Plan is to be adopted by the City Council prior to granting a change in zoning classification. The DCP is not a specific development proposal as this will come later after the property is annexed. The DCP provides a clear understanding and framework of how the properties must be developed by being adopted with the annexation.

II. ATTACHMENTS

- A.** Application forms for each property owner – 5
- B.** Submitted Written Narrative containing:
 - a. Introduction
 - b. Description of the Site and Surrounding Area
 - c. Facilities and Services – Statement on Adequacy of Infrastructure Services
 - d. Neighborhood meeting held
 - e. Applicant's Explanation of Conformance with all Required Approval Criteria

- C. Chart of Available Platted Lot Supply in Canby
- D. Neighborhood Meeting Notes/Attendance List/Notification Letter
- E. Pre-Annexation application Meeting Minutes
- F. Consent to Annexation Petition
- G. Survey of Property to Be Annexed and Legal Description of Private Property and ½ of adjacent 13th Avenue Right-of-Way to be Annexed
- H. Tax Lot Ownership Survey
- I. Maps: Aerial Vicinity Map, Assessor Map, Canby Comprehensive Plan Map, Proposed Annexation Area Map
- J. Development Concept Plan Submittal Packet
 - a. Purpose
 - b. Existing Conditions
 - c. Opportunities and Constraints
 - d. Concept Plan
 - e. Utility Service
 - f. Park Dedication & Reimbursement to Stoller
 - g. Development Concept Plan Maps 1-9
- K. Traffic Analysis - contracted by applicant with City's Consulting Traffic Engineer
- L. Agency/Citizen Comments

III. **APPLICABLE REVIEW CRITERIA & FINDINGS**

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

- 16.84 Annexations
- 16.54 Amendments to Zoning Map
- 16.89 Application and Review Procedures
- 16.16 R-1 Low Density Residential Zone
- 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

Staff Report Approach: This staff report incorporates and references the findings within the applicant's written narrative submittal to acknowledge compliance with applicable approval criteria when determined to be appropriate. The applicant submitted a land supply analysis in conjunction with their application for which staff assisted with some data.

Excerpts from the code are highlighted below in **gray**, with findings and discussion after the code citations within a red box. If not discussed below, other standards from the Code are either considered to be fully met by the applicants submittal and findings and/or do not warrant discussion.

Chapter 16.84 Annexation Compliance

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

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

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

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

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

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

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

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

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

Findings: The applicant's engineer has provided an extensive packet of information with their

Concept Plan to address City of Canby future infrastructure requirements for the area. A great deal of engineering level work has gone into planning for how the concept plan defined area would best be developed and served by all necessary infrastructure. A traffic analysis of the entire site was completed to address traffic impacts associated with likely full development of the property in accordance with the zoning district requesting. The surrounding roadways and intersections were found to have sufficient capacity to accommodate the proposed annexation, zone change, and development concept plan. The Transportation Planning Rule requirements of State Statute were determined to have been met. All necessary utility services are generally available or can be made available through service line extensions to the annexation area. The Concept Plan maps indicate along with the Concept Plan & Utility Service narrative the options for necessary infrastructure services to serve this area. Actual development will trigger a City SDC eligible project to install either a temporary or permanent sanitary sewer lift station near Mulino Road and SE 13th Avenue intersection. Stormwater management for street runoff will be handled with the installation of new public underground injection wells and the associated catch basins and pollution control manholes for water quality treatment. Private property runoff will be handled on-site with underground injection devices within the individual yard areas. A future city park is proposed to be dedicated in-lieu of payment of the park system development charge for an equivalent value exchange as determined by an appraisal at the time it is to be dedicated to the City. The applicant on whose property the proposed park is located desires to retain the option to develop the park as part of the value exchange as indicated on the detailed park plan sheet of the Development Concept Plan. Staff has negotiated for the dedication of this park finding it is a desirable property for park and recreation purposes conforming with and as set forth in the Canby Park and Recreation Master Plan and Acquisition Plan. This criterion is determined to be fully met.

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 class of that proposed. A 3-year supply of developable R-1 and R 1.5 zoned land is to be considered sufficient. The City Council previously provided a defined policy direction to staff that analysis of actual number of platted lots based on a reasonable assessment of the expected consumption rate moving forward is the appropriate metric to utilize in determining the adequacy of the developable land supply. The applicant submitted an analysis indicating that there are 33 R-1 and 7 R 1.5 vacant platted lots remaining as an 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 one-year supply. If annexed, this property would add approximately three years 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 concurs and incorporates the applicant's narrative as findings that indicate 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: This staff report incorporates the relevant section of the applicant's narrative as findings. Future development is anticipated to develop the site at a net density of 5.52 units per acre. Potential traffic generation has been shown to be within the capabilities of the surrounding road system with no mitigation necessary. The addition of a new neighborhood park is considered a plus for this future developing area. Staff does not foresee any significant impacts from the proposal or need to mitigate any identified concerns. Staff agrees that the future development indicated by the Development Concept Plan indicates that this development will "fit" in with the character of this part of town. This applicable criterion is considered to be 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 applicants submitted Development Concept Plan maps fully demonstrate how utility infrastructure will be made available, and no capacity issues were identified by City departments and agencies at the pre-application meeting. The proposed public park will be beneficial in serving this area of Canby. There are significant tree resources available for the park area and it provides easy direct access to the logging road trail. This applicable criterion has or can be met at the time of development.

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

Findings: Staff accepts the relevant section of the applicant's narrative as findings. Staff finds that the applicant narrative is sufficient and the applicable criteria are or can be met.

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

Findings: This staff report incorporates the relevant section of the applicant's narrative as findings. All necessary utility extensions are straight forward to serve this area when development occurs if annexed. A temporary sanitary sewer lift station or permanent lift station will be necessary to serve this area and would be installed by the City utilizing SDC funding. Staff finds that the applicant narrative 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: This staff report incorporates the relevant Section of the applicant’s narrative as findings. The applicant will pay the necessary costs of their own development. There are some regional infrastructure improvements that will fall to the City as capital projects expenditures to accommodate development of this area. At some point, a new permanent regional sanitary sewer lift station at SE 13th Avenue and Mulino Road will be necessary. A temporary regional sanitary sewer lift station at SE 13th Avenue and Sequoia Parkway may provide an interim solution to serve residential development in this area if it occurs prior to further industrial development which will likely trigger installation of the permanent regional lift station. Staff finds that the applicant narrative is sufficient 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 staff report incorporates the applicant’s narrative as findings. Only the change in zoning map amendment that accompanies this annexation request is necessary to accommodate the Development Concept Plan as proposed. Staff finds that this criterion has been met.

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

Findings: Staff incorporates the relevant section of the applicant’s narrative as applicable findings that would indicate compliance 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: Staff incorporates the relevant section of the applicant’s narrative as findings. The application complies with all applicable 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: All five 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 applicants. This criterion has been met.

16.54.030 – Public Hearing on Amendment: Upon the Planning Commission holding a hearing and making a recommendation and the City Council holding its own hearing and making a decision this criterion will be fulfilled.

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: Staff incorporates the relevant section of the applicant’s narrative as sufficient findings to show this criterion has been met.

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: Staff incorporates the relevant section of the applicant’s narrative as sufficient findings to show this criterion has been met. No problem or issues in the extension of utility services have been raised by City service providers that would prevent services at the time of development. The City will need to provide a temporary lift station to provide sanitary sewer service for the area.

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. Therefore, staff required that a Traffic Impact Study be prepare for this application. The TIS is included as attachment K to this staff report. The findings of the TIS determined that the zone change contemplated and the resulting traffic if developed as allowed was assumed for trip modeling in the 2010 Canby Transportation System Plan, and therefore the Transportation

Planning Rule requirements are met. The zone change from the proposed annexation would not have any significant effect on the surrounding transportation network, and no mitigation measures would be required to satisfy TPR requirements. This review criterion is met.

Chapter 16.89.060 Process Compliance

16.89.060 Type IV Decision.

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

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

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

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

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

E. Decision process.

1. Approval or denial of a Type IV decision shall be based on the standards and criteria located in the code.

2. The hearings body shall issue a final written order containing findings and conclusions recommending that the City Council approve, approve with conditions, or deny the application.

3. The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts.

4. In cases involving attorneys, the prevailing attorney shall prepare the findings, conclusions, and final order. Staff shall review and, if necessary, revise, these materials prior to submittal to the hearings body.

F. City Council proceedings:

1. Upon receipt of the record of the Planning Commission proceedings, and the recommendation of the Commission, the City Council shall conduct a review of that record and shall vote to approve, approve with conditions, or deny the recommendation of the Planning Commission.

2. The City Council may question those individuals who were a party to the public hearing conducted by the Planning Commission if the Commission's record appears to be lacking sufficient information to allow for a decision by the Council. The Council shall hear arguments based solely on the record of the Commission.

3. The City Council may choose to conduct public hearings on Comprehensive Plan amendments, amendments to the text of this title, zone map amendments, and annexations. If the Council elects to conduct such hearings, it may do so in joint session with the Planning Commission or after receiving the written record of the Commission. (Ord. 1080, 2001)

Findings: Annexations are processed as a Type IV "quasi-judicial" process which is considered through a public hearing with a recommendation made by the Planning Commission and decision by the City Council if they determine to set the request for voter approval on the November, 2014 general ballot. The notice requirements are the same as for Type III applications. Notice of this application and the Planning Commission and Council Hearing dates to be held was made to surrounding property owners on May 20, 2014, at least 20-days prior to the hearing. The applicant provided prior notification on February 6, 2014 and held a neighborhood meeting on February 20, 2014 and provided a summary of that meeting as attachment D to this report. The site was posted with a Public Hearing Notice sign on May 30, 2014. A notice meeting ordinance requirements of the public hearings was published in the Canby Herald on June 4, 2014. A pre-application meeting was held on January 23, 2014. The Planning Commission submits a recommendation to the City Council for a decision to refer the annexation to the voters for a general election on November, 2014. 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 May 20, 2014. 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:

- Dan Kiser, field engineer with NW Natural indicated that they would not have any comments.
- Robin & Charlie Bergin, who reside at 1739 SE 11th Place indicated they have some concerns with the additional traffic that might use S. Teakwood Street that currently is not built to full city standard width and has no sidewalk on the east side. They also believe traffic is already congested by school buses who use this street and the Baker

Prairie Middle School drop-off and pick up times. (See attached email)

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 conditions contained in this staff report are applied.
2. A satisfactory Development Concept Plan and explanatory narrative was submitted as required by the annexation ordinance detailing how all necessary infrastructure to the area proposed to be annexed will serve the area.
3. The proposed annexation meets the approval criteria set forth in CMC 16.84.040.A.
4. The zoning of the property, if annexed, should be R-1 and 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's requested zoning districts of R-1 and 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, noting that either a temporary or permanent regional sanitary lift station to be provided by the City will be necessary to serve eventual development.
8. In accordance with the UGMA with Clackamas County, this proposed annexation application includes one-half of the adjacent road right-of-way with the properties proposed for annexation.
9. It has been determined there is currently well below a three-year supply of developed R-1 and R 1.5 residential zoned lots available within the City limits – a policy set by the Canby City Council to guide and assist decisions on annexation requests. Therefore, the supply does not exceed a three-year supply and there is a "need" for low to moderate 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 14-02 be approved for submission to the electorate for a vote of the people;
2. That the accompanying Development Concept Plan be adopted by the City Council prior to granting a change in zoning classification; and,
3. Upon annexation, the zoning of the subject property be designated as R-1 and R 1.5 as indicated by the Zoning Designation Concept Plan map.

I. Application Forms

Application for Annexation

SE 13TH Avenue Property Owners

Canby, OR 97013

Owner / Applicants:	Tax Lot 400 Daniel & Mary Stoller 2220 SE 13 th Avenue Canby, OR 97013	Tax Lot 500 Geraldine K. Marcum 2192 SE 13 th Avenue Canby, OR 97013
	Tax Lot 600 Jerry & Cynthia Rice 2134 SE 13 th Avenue Canby, OR 97013	Tax Lot 700 Ralph A. Netter 356 NW 14 th Avenue Canby, OR 97013
	Tax Lot 800 Hugh & Roberta Boyle 1966 SE 13 th Avenue Canby, OR 97013	
Location	North of 13 th Avenue, east of S. Teakwood Street & west of the Logging Road Trail & the Sequoia Parkway extension.	
Legal Description	Tax Lots 400, 500, 600, 700 & 800 Sec. 3, T4S R1E WM (Assessor Map 4 1E 03)	
Zone	Current: County EFU Proposed: City: R-1 & R-1.5 consistent with Comp Plan designations	
Proposal	Annexation of 32.10 acres into the City of Canby 31.60 Acres of real property & 0.50 Acres of SE 13 th Avenue right-of-way (to centerline)	



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: Daniel Stoller Phone: 503/616-8031
 Address: 2220 SE 13th Avenue Email: dmstoller@canby.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: Daniel Stoller Phone: 503/616-8031
 Signature: [Signature]
 Address: 2220 SE 13th Avenue Email: dmstoller@canby.com
 City/State: Canby, OR Zip: 97013

Property Owner Name: Mary Stoller Phone: 503/680-7920
 Signature: [Signature]
 Address: 2220 SE 13th Avenue Email: dmstoller@canby.com
 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

- ① 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.
- ② 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.
- ③ 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:

2220 SE 13th Avenue 10.86 41E03 00400
 Street Address or Location of Subject Property Total Size of Property Assessor Tax Lot Numbers

Residential/Farm EFU
 Existing Use, Structures, Other Improvements on Site Zoning Comp Plan Designation

Residential Housing (noted medium density in Canby Urban Growth Boundary)
 Describe the Proposed Development or Use of Subject Property

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

CITY OF CANBY ZONE MAP CHANGE APPLICATION

Fee \$2,640

OWNERS

APPLICANT**

Name Daniel & Mary Stoller

Name Daniel Stoller

Address 2220 SE 13th Avenue

Address 2220 SE 13th Avenue

City Canby State OR Zip 97013

City Canby State OR Zip 97013

Phone 503/680-7920 Fax _____

Phone 503/616-8031 Fax _____

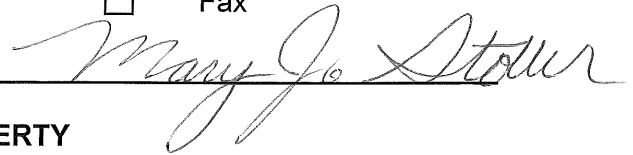
E-mail dmstoller@canby.com

E-mail dmstoller@canby.com

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

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

OWNER'S SIGNATURE _____



DESCRIPTION OF PROPERTY

Address 2220 SE 13th Avenue, Canby, OR 97013

Tax Map 41E03

Tax Lot(s) 00400

Lot Size 10.86
(Acres/Sq.Ft.)

Existing Use Farm EFU

Proposed Use Medium Density Residential Housing

Existing Structures 2,300 sq. ft residence w/barn

Zoning EFU Farm ^{CURRENT} City: R-1.5 ^{PROPOSED} Comprehensive Plan Designation within ^{MDR - MEDIUM DENSITY RES.} Canby Urban Growth Boundary

Project Description ANNEXATION & ZONE CHANGE

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.**



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: SAME AS OWNER Phone: _____
 Address: _____ Email: _____
 City/State: _____ Zip: _____

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: Geraldine K. Marcum Phone: 503-266-6694
 Signature: Geraldine K. Marcum
 Address: 2192 SE 13TH AVENUE Email: gerrym@kinetictraining.com
 City/State: CANBY, OR Zip: 97013

Property Owner Name: _____ Phone: _____
 Signature: _____
 Address: _____ Email: _____
 City/State: _____ Zip: _____

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

- ① 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.
- ② 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.
- ③ 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>2192 SE 13TH AVENUE</u>	<u>5.93 AC</u>	<u>4 1E 03 TAX LOT 500</u>
Street Address or Location of Subject Property	Total Size of Property	Assessor Tax Lot Numbers
<u>ONE SINGLE FAMILY HOME, MULTIPLE AGRICULTURAL BLDGS</u>	<u>CURRENT: EFU</u>	<u>MDR - MEDIUM DENSITY RES.</u>
Existing Use, Structures, Other Improvements on Site	Proposed: <u>R-1S</u> Zoning	Comp Plan Designation

ANNEXATION FOR FUTURE RESIDENTIAL DEVELOPMENT
 Describe the Proposed Development or Use of Subject Property

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

CITY OF CANBY ZONE MAP CHANGE APPLICATION

Fee \$2,640

OWNERS

APPLICANT**

Name GERALDINE K. MARLUT

Name SAME AS OWNER

Address 2192 SE 13TH AVENUE

Address _____

City CANBY State OR Zip 97013

City _____ State _____ Zip _____

Phone (503) 244-4694 Fax _____

Phone _____ Fax _____

E-mail gerym@kinetictraining.com

E-mail _____

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

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

OWNER'S SIGNATURE Geraldine K. Marcut

DESCRIPTION OF PROPERTY

Address 2192 SE 13TH AVENUE

Tax Map 41E 03 Tax Lot(s) 500 Lot Size 5.93
(Acres/Sq.Ft.)

Existing Use ONE SINGLE FAMILY HOME & AGRICULTURAL

Proposed Use SAVIE

Existing Structures ONE HOME, MULTIPLE AGRICULTURAL BUILDINGS

EXISTING: COUNTY EFD
Zoning PROPOSED: CITY R-1.5 Comprehensive Plan Designation MDR

Project Description ANNEXATION & ZONE CHANGE

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.**



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: SAME AS OWNERS Phone: _____
 Address: _____ Email: _____
 City/State: _____ Zip: _____

Representative Name: PAT SISUL, SISUL ENGINEERING Phone: (503) 657-0188
 Address: 375 PORTLAND AVENUE Email: pat.sisul@sisulengineering.com
 City/State: GLADSTONE, OR Zip: 97027

Property Owner Name: Jerry R Rice Phone: _____
 Signature: Jerry R Rice Cynthia A Rice
 Address: 2134 SE 13th AV Email: _____
 City/State: Canby, Or Zip: 97013

Property Owner Name: Cynthia A. Rice Phone: 503-475-2366
 Signature: Cynthia A. Rice
 Address: 2134 SE 13th Ave Email: gogrannygoat@yahoo.com
 City/State: Canby, Or Zip: 97013
Cynthia.Farrier.rice@gmail.com

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

- 1 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.
- 2 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.
- 3 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:

2134 SE 13th AVENUE 4.95 AC 4 IE 03 TAX LOT 600
 Street Address or Location of Subject Property Total Size of Property Assessor Tax Lot Numbers

ONE HOME WITH MULTIPLE AGRICULTURAL BLDGS CURRENT: EFU
 Existing Use, Structures, Other Improvements on Site PROPOSED: R-1.5 MEDIUM DENSITY RESIDENTIAL
 Zoning Comp Plan Designation

ANNEXATION TO ALLOW FOR FUTURE RESIDENTIAL DEVELOPMENT
 Describe the Proposed Development or Use of Subject Property

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

**CITY OF CANBY
ZONE MAP CHANGE APPLICATION**

Fee \$2,640

OWNERS

APPLICANT**

Name Jerry & Cynthia Rice
 Address 2134 SE 13th AV
 City Canby State OR Zip 97013
 Phone 503-475-2366 Fax _____
 E-mail gogrannygoat@yahoo.com

Name Jerry & Cynthia Rice
 Address 2134 SE 13th AV
 City Canby State OR Zip 97013
 Phone 503-475-2366 Fax _____
 E-mail gogrannygoat@yahoo.com
cynthia.farrier.rice@gmail.com

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

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

OWNER'S SIGNATURE

Jerry & Cynthia Rice

DESCRIPTION OF PROPERTY

Address 2134 SE 13th AVENUE

Tax Map 4 1E 03

Tax Lot(s) 600

Lot Size 4.95
(Acres/Sq.Ft.)

Existing Use ONE SINGLE FAMILY HOME W/ AGRICULTURAL

Proposed Use SAME

Existing Structures ONE HOME WITH MULTIPLE AGRICULTURAL & OUT BUILDINGS

CURRENT: COUNTY EFD
 Zoning PROPOSED: CITY R-1.5

Comprehensive Plan Designation MDR - MEDIUM DENSITY RES.

Project Description ANNEXATION & ZONE CHANGE

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.**



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: SAME AS OWNER Phone: _____
 Address: _____ Email: _____
 City/State: _____ Zip: _____

Representative Name: PAT SISUL, SISUL ENGINEERING Phone: (503) 657-0188
 Address: 375 PORTLAND AVENUE Email: patsisul@sisulengineering.com
 City/State: GLAOSTONE, OR Zip: 97027

Property Owner Name: Ralph A. Netter Rev. Trust Phone: 503-789-4926
 Signature: Ralph A. Netter Trst
 Address: 356 N.W. 14th Ave. Email: TRNetter@yahoo.com
 City/State: Canby, Or. Zip: 97013

Property Owner Name: _____ Phone: _____
 Signature: _____
 Address: _____ Email: _____
 City/State: _____ Zip: _____

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

- ① 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.
- ② 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.
- ③ 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:

S.E. 13th St. Street Address or Location of Subject Property
8.83 ac. Total Size of Property
700 Assessor Tax Lot Numbers
NONE Existing Use, Structures, Other Improvements on Site
CURRENT: EFU Zoning
PROPOSED: R-1 Zoning
LDR - LOW DENSITY RESIDENTIAL Comp Plan Designation

ANNEXATION FOR FUTURE DEVELOPMENT
 Describe the Proposed Development or Use of Subject Property

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

**CITY OF CANBY
ZONE MAP CHANGE APPLICATION**

Fee \$2,640

OWNERS

APPLICANT**

Name Ralph A. Netter rev. Trust
 Address 356 N.W. 14th Ave.
 City Canby State Or. Zip 97013
 Phone 503-789-4926 Fax _____
 E-mail _____

Name SAME AS OWNER
 Address _____
 City _____ State _____ Zip _____
 Phone _____ Fax _____
 E-mail _____

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

Owner Email US Postal Fax
 Applicant Email US Postal Fax

OWNER'S SIGNATURE Ralph A. Netter Trust

DESCRIPTION OF PROPERTY

Address SE. 13th
 Tax Map 41E03 Tax Lot(s) 700 Lot Size 8.83 ac.
 (Acres/Sq.Ft.)
 Existing Use Farm
 Proposed Use SAME
 Existing Structures 0
 Zoning EXISTING: COUNTY EPU Comprehensive Plan Designation LDR
PROPOSED: CITY R-1
 Project Description APPEALATION & ZONE CHANGE
 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.**



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: Hugh R Boyle Phone: 503-266-2303
 Address: 1966 S.E. 13th Ave. Email: hubert@canby.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: Hugh R Boyle Phone: 503-266-2303
 Signature: Hugh R Boyle
 Address: 1966 SE 13th Ave. Email: hubert@canby.com
 City/State: Canby OR Zip: 97013

Property Owner Name: Roberta M. Boyle Phone: 503-266-2303
 Signature: Roberta M Boyle
 Address: 1966 S.E. 13th Ave Email: hubert@canby.com
 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

- ① 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.
- ② 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.
- ③ 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:

1966 S.E. 13th Ave. Canby OR 0.94 41E03 00800
 Street Address or Location of Subject Property Total Size of Property Assessor Tax Lot Numbers

ONE SINGLE FAMILY HOME WITH OUT BUILDINGS CURRENT: EFU
 Existing Use, Structures, Other Improvements on Site Zoning LDR - LOW DENSITY RESIDENTIAL
 Comp Plan Designation

ANNEXATION FOR FUTURE DEVELOPMENT
 Describe the Proposed Development or Use of Subject Property

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

**CITY OF CANBY
ZONE MAP CHANGE APPLICATION**

Fee \$2,640

OWNERS

APPLICANT**

Name Hugh R. & Roberta M Boyle

Name SAME AS OWNER

Address 1966 SE 13th Ave.

Address _____

City Canby State OR Zip 97013

City _____ State _____ Zip _____

Phone 503-266-2303 Fax n/a

Phone _____ Fax _____

E-mail hubert@canby.com

E-mail _____

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

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

OWNER'S SIGNATURE

Hugh R Boyle

Roberta M Boyle

DESCRIPTION OF PROPERTY

Address 1966 SE 13th Ave.; Canby OR 97013

Tax Map 41 E 03

Tax Lot(s) 00800

Lot Size 0.94
(Acres/Sq.Ft.)

Existing Use ONE SINGLE FAMILY HOME

Proposed Use SAME

Existing Structures ONE HOME WITH OUT BUILDINGS

EXISTING: COUNTY EAU

Zoning PROPOSED: CITY R-1

Comprehensive Plan Designation LDR

Project Description ANNEXATION & ZONE CHANGE

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.**

II. Written Narrative

I. Introduction

A group of property owners in the southeasterly portion of the Canby area have come together for the expressed purpose of annexing their properties to the City of Canby. Property owners Boyle, Netter, Rice, Marcum and Stoller own a total of 32.10 acres in contiguous parcels located north of SE 13th Avenue, south of Baker Prairie Middle School, generally east of S. Teakwood Street, and west of Sequoia Parkway Extension and the old Logging Road Trail.

Based on the recent growth of the Canby area, the applicants have determined that the time is right for annexation to the City of Canby. Site development is generally proposed in accordance with the Conceptual Development Plan map submitted as part of the application for annexation, but timing of development may depend on other factors. Therefore, the purpose of the annexation is to allow adequate planning for further expansion of the southeastern Canby area to include an additional residential area. The area proposed for annexation has proposed zoning of R-1 (Low Density Residential) for the Boyle and Netter parcels, and R-1.5 (Medium Density Residential) for the Rice, Marcum and Stoller parcels. It should be noted that a separate parcel owned by the Herrod (Tax Lot 401) is included in the proposed Development Concept Plan, but is not included in the annexation request.

There has been prior annexation of the Faist property east of S. Teakwood Street and of a Canby School District parcel located in the “notched out” area in the northeast corner of the Development Concept Plan area. Neither the Faist property nor the Canby School District property has been formally proposed for development, although the northern portion of the Faist property is currently being planned for a proposed development. Both of these properties have been included in the Conceptual Development Plan for this annexation request in order to illustrate potential street extensions and connections. These street extensions and connections will facilitate service connections with the properties that are proposed for the current annexation request.

West of S. Teakwood Street and south of S.E. 13th Avenue there is a current development proposal for a 41 lot subdivision that is proceeding through the City’s approval process. Other larger residential developments have recently been reviewed and approved by the city in the area west of S. Teakwood Street and south of SE 13th Avenue. Tofte Farms is one example of such development activity. All in all, this area of southeasterly Canby has been one of the more active areas of the City in the past decade with annexations and residential development proposals. Seeking to take advantage of the recent growth trend in the Canby area, and the future outlook for further expansion and growth, the group of property owners have banded together to further the advantages that Canby has to offer and to more fairly distribute the cost of development. To this end, this annexation is applied for.

As part of the annexation process, the group of property owners must request a proposed zoning to change the designation of the site to Low and Medium Residential. Although the site is within the Canby Urban Growth Boundary, Clackamas County’s Comprehensive Plan has the subject area designated for Agricultural Resource. Therefore, an amendment to the city’s zoning map is required. Because the site is currently zoned Exclusive Farm Use (EFU) in Clackamas County, it must be zoned differently once it is annexed. The city’s designation on its Comprehensive Plan is LDR

and MDR, Low and Medium Density Residential. These designations allow for zoning to R-1 and R-1.5 as proposed.

No other regulatory actions are requested, whether conditional use, variance, or other action. The development proposed by the group of property owners can be accommodated on the subject site without any other regulatory actions. The Development Concept Plan reflects the plan for future development as envisioned by the property owners.

For the record, the group of property owners proposing annexation is:

- Hugh and Roberta Boyle
- Ralph Netter
- Jerry and Samantha Rice
- Gerry Marcum
- Dan and Mary Stoller

A sixth property, owned by Kelly Herrod, is located inside the Development Concept Plan Area, but is not included in the proposed annexation.

II. Description of the Site and Surrounding Area

The 32.10 acre site is a nearly square area, with the northwesterly corner removed, or “notched out”. This is the area owned by the Canby School District that has been included for conceptual planning purposes along with the Faist property to the west. This proposed annexation area is comprised of five (5) tax lots, varying from one (1.0) acre to 10.86 acres in size. The legal description of the parcels is Tax Lot 400 (Stoller), 500 (Marcum), 600 (Rice), 700 (Netter), and 800 (Boyle) in Tax Map 4S-1E-03. These five tax lots comprise 31.60 acres of the total 32.10 acre annexation. Also included in 0.50 acre of SE 13th Avenue right of way.

The following is a listing of the property ownerships and the area of ownership. See the attached copy of the Assessor’s map, surveyor’s legal description and surveyor’s map for additional dimensional information:

TL400	10.86 acres	Stoller
TL500	5.93 acres	Marcum
TL600	4.95 acres	Rice
TL700	8.86 acres	Netter
TL800	1.00 acre	Boyle
	<u>0.50 acre</u>	SE 13 th Ave right of way
	32.10 acres	

The Faist property abuts the annexation area to the west and Baker Prairie Middle School abuts the property to the north. Somewhat further to the west and north of SE 13th Avenue are the Ackerman Center and the Canby Adult Center. The Hope Village campus is also to the southwest, east of Ivy Street and south of 13th Avenue. Adjacent properties to the east and south are under agricultural use located in Clackamas County.

The annexation area is generally level with only minor topographical features. The high point of the site is at 180 MSL in the southwesterly most corner, while the low point is at 170 MSL in the northeasterly most corner. The 11 foot change of elevation spread across the large area makes the site seem relatively flat overall.

The site is similar in character to most of the surrounding area in the southeasterly Canby area. The area is currently rural in nature and contains larger lot single-family and agricultural uses. Development is limited, but has been encroaching into the neighborhood from the west and north. The area is served by SE 13th Avenue, which is the most significant east-west street in the vicinity. North-south streets are currently limited, but the city has nearly completed the Sequoia Parkway extension just to the east of the annexation area that will provide convenient north-south connections to the site. Access to the site is currently limited to SE 13th Avenue because through streets have not yet been fully developed in this area of Canby. However, with residential development of the Faist property, more east-west street connections will be available to serve the annexation area.

There continues to be considerable farming activity in the immediate vicinity, most of which is located outside the city limits. Urban development is gradually encroaching into this neighborhood and most urban infrastructure has been extended to the edge of the annexation area. As such, local services and facilities should be available for the proposed annexation area or can be made available through short service extensions.

III. Facilities and Services

Based on the level of development surrounding the subject site, necessary facilities and services are available for the proposed annexation at the proposed R-1 and R-1.5 zoning designations.

Water: Water is provided through Canby Utility's Water Department. There is a 14-inch water line located in S.E. 13th Avenue to the southwest corner of the site at the southeast corner of the Faist property. The City of Canby and Canby Utility has also recently installed a new 14-inch water main to the southeast corner of the site as a part of the Sequoia Parkway extension. Water to serve future homes in the proposed annexation area will be provided from a connection between these two mains and the loop that will be created. Alternatively, there are also 8 inch water lines in S.E. 10th Avenue, S.E. 10th Place, S.E. 11th Avenue, S.E. 11th Place, and S.E. 12th Avenue that connect to an 8-inch main in S Teakwood Street. These lines will be extended into the proposed annexation area with development of the Faist parcel;

Sanitary Sewer: Sanitary sewer is provided by the City of Canby. The nearest sewer collection system was installed in S. Teakwood Street and in SE 13th Avenue at the southwest corner of the site with the Faist Addition subdivisions. Manholes in S. Teakwood Street are located at each of the numbered streets and could be used for to serve some of the DCP area by gravity service to the west if the Faist property is developed prior to the annexation area. Without development of the Faist property, a small portion of the southwest portion of the site could gravity flow to the western-flowing main in SE 13th Avenue.

The future sanitary sewer system for the annexation area will depend upon what order the properties are annexed and developed, as urban utility lines are not typically permitted to cross land zoned Exclusive Farm Use by Clackamas County. If all properties are annexed at one time, it would allow for a more efficient sanitary sewer system to be created as easements could be created across City zoned properties even if the properties did not all develop simultaneously.

Much of the annexation area is planned to drain east to a dry sanitary main being installed in the Sequoia Parkway extension that will be usable for this development. When it is needed, the city will build a temporary pump station near the intersection of Sequoia Parkway and SE 13th Avenue. A permanent pump station will be constructed at a later date at Mulino Road and 13th Avenue when there is a need for the facility and after the City has acquired the land for the facility. The permanent pump station will make sanitary sewer service available throughout the entire local vicinity. Construction of the pump station and the associated gravity and force mains will be paid for with Systems Development fees collected on the various properties. The project will be completed by the City of Canby when the first development project has been approved that requires the pump station. Annexation of property will not trigger the need for the pump station to be completed;

Storm Drainage: Roof drains from homes developed within subdivisions will be directed to infiltration systems located on each individual lot. Street drainage will be directed to sumped catch basins and pollution control manholes for water quality treatment and then to dry wells located throughout the development area for disposal through underground injection. Other than the roof drain systems, all storm drainage facilities are proposed to be public facilities. The public facilities are consistent with the newly adopted City of Canby Stormwater Master Plan and the Canby Public Works Design Standards. At the time development proposals are submitted, the storm water management devices will be determined in greater detail.

Fire Protection: Fire protection for the local neighborhood is currently provided by Canby Fire Department, which serves all of the City of Canby and the surrounding area. Service to this site could come from the existing fire facilities within the city. Canby Fire has indicated that it can serve the property when annexed, and if the property is developed consistent with adopted standards, then Canby Fire Department will be able to serve future developments. However, specific comments regarding service are withheld until consideration of detailed development applications;

Police Protection: Police protection is currently provided by the Clackamas County Sherriff's Department, since the subject site is not within the city limits. At annexation, service will transfer to the Canby Police Department;

Schools: The site is within the Canby School District. Students from this development would attend Lee Elementary School, Baker Prairie Middle School, and Canby High School;

Parks: Park facilities in the city are administered by the Canby Parks Department. New park facilities will be provided in the northeast corner of the annexation area as the annexation area develops. The park facilities will be owned by the City and will be for use by all residents and visitors;

Private Utilities: Private utilities providing service for telephone, natural gas, cable, garbage and recycling collection are all available in the general neighborhood. These utilities generally operate on a franchise basis. Electrical power is provided through Canby Utility's Electrical Department in conjunction with PGE. Dry utilities such as power, communications and natural gas are available in the southwest corner of the site at the southeast corner of the Faist property in SE 13th Avenue. Alternatively, dry utilities are also available in S. Teakwood Avenue and would be available to the annexation area through development of the Faist property.

IV. Neighborhood Meeting

A requirement of the annexation process is the holding of an informative neighborhood meeting. The purpose is to inform neighbors within 500 feet of any point of the subject site of the proposal to annex the site to the city. This meeting is not limited to neighbors, but any interested party may attend. A mailing list was prepared a notice was sent by the applicant's group to every name and address on the Clackamas County Assessor's records within 500 feet of any part of the subject site.

The neighborhood meeting was held on Thursday, February 20, 2014 at the Canby Senior Center. Approximately 20 neighbors, property owners, and/or interested individuals attended this open meeting. Those names are on the sign-in sheet that accompanies this application. In addition, a summary of the meeting was prepared and also accompanies the application for annexation.

Notes of the meeting were taken by Mary Stoller, and these notes are submitted as part of the overall application package.

With the holding of the informative neighborhood meeting, this requirement has been fulfilled.

V. Approval Criteria

There are a number of approval criteria contained in the Canby Municipal Code that must be addressed as part of the application for annexation. As part of the annexation process, an amendment to the Canby Comprehensive Plan is required to provide a designation to the properties to be annexed, which were previously (prior to annexation) designated "Agricultural Resource" by Clackamas County. In addition, a zone change must also be requested concurrently with the annexation. The bulk of the criteria are contained in CMC 16.84 Annexations and CMC 16.54 Amendments to Zoning Map, although there are other criteria to address including Policy 6, and others, of the Canby Comprehensive Plan; any criteria and/or requirements contained in the Urban Growth Management Agreement with Clackamas County; and State Statutes, ORS 195.065 and 222. Finally, we have addressed CMC 16.16, R-1 Low Density Residential Zone and CMC 16.18, R-1.5 Medium Density Residential Zone because the R-1 and R-1.5 zones are what the applicants request as part of the zone map amendment process.

CMC 16.84, Annexations

The specific criteria under which the City will consider the annexation request are contained in CMC 16.84.040 Standards and criteria. These criteria are addressed as follows:

- 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.*

Finding: Because the subject 32.10 acre site is not within a designated Development Area on the City's Annexation Development Map, this particular criterion is not applicable to the proposed annexation.

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.*

Finding: The subject 32.10 acre site is located within the Southeast Canby DCP Area, as identified on Figure 16.84.040, and is subject to the requirements of a Development Concept Plan. As such, a DCP has been prepared for the site area. Through the creation of a DCP for the site area, this criterion has been fulfilled.

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;*

Finding: The applicant has reviewed available data and determined that the City currently is limited in its supply of R-1 Low Density Residential land and R-1.5 Medium Density Residential land within the City limits due to the influx of new housing starts that have occurred over the last 10 to 15 years.

Data on buildable lands includes the City Comprehensive Plan updated in 2007, a 1999 Land Needs Study prepared by OTAK Inc. and a School District Enrollment forecast prepared by Portland State University Population Research Center dated February 2009. However, a recent analysis performed by Sisul Engineering provides the most current – and telling - information of all. All of these sources when taken together lead to the same conclusion – the City of Canby is deficient in a three year supply of available platted residential lots throughout the city. Although the Comprehensive Plan was updated in 2007, considerable important changes have taken place since that time. Because the economy has been rebounding since 2011, and because development never really “stopped” as a result of the down economy that began in 2006, the city has been seeking to “absorb” approximately 45 single family sized lots per year.

The most recent information assembled by Sisul Engineering (dated February 21, 2014) indicates that through subdivisions dating back to 1991 and partitions dating back to 2007, there are currently 33 lots remaining in the R-1 zoned areas of the city, and 7 lots remaining in the R-1.5 zoned areas. Taken together, there are a total of 40 lots remaining in in the city’s inventory, where the city seeks to maintain an inventory that would allow for an absorption of approximately 45 lots per year. See spreadsheet by Sisul Engineering that is included in this application package. Based upon this information, the city’s supply of available, platted lots is considerably deficient and requires a “re-stocking” through platting and partitioning of numerous additional lots.

The criterion calls for two parts: 1) To identify buildable lands within the City, and 2) Identify the rate of development of those lands. The analysis completed by Sisul Engineering indicates the available supply of developable lands, and also indicates how many lots have been developed in the same period of time.

The Development Concept Plan for the 32.10 annexation area indicates that there is potential for approximately 135 lots, which would represent a three year supply in itself. In addition, other projects could be expected to come on line within that period of time, adding to the inventory. To offset that supply, absorption of lots should increase as the economy continues to improve, leading to a balancing of the supply and demand in terms of developable lots over a reasonable and acceptable period of time.

The result of the analysis demonstrates that there is far less than a three-year supply of R-1 Low Density Residential and R-1.5 Medium Density Residential lands within the city’s platted, available and developable inventory. Such a deficiency can be addressed through annexation of lands that are appropriate to be zoned R-1 and R-1.5, as is the case for this 32.10 acre site. Adding 31.60 acres of developable land to the current supply would not immediately increase the supply of platted, available lots, as the land would have to be developed and platted in order increase the supply of land. Development of the proposed annexation area will likely occur over a several year period and may result in

periods of time where more than 3 years worth of supply is available, followed by periods where less than 3 years of supply are available as properties are developed and platted.

According to the “Growth Priorities” map on page 32 of the Plan, the subject site is within a *Priority Area*, which is seen as the area where growth will take place initially. The annexation of the subject site certainly falls within the first priority to preserve and protect agricultural land and to provide area efficiently for urbanizable land, fulfilling this element of the Plan. This conversion of land from rural (agricultural) to urban (residential) is an orderly means of development in Canby.

While the Comprehensive Plan suggests growth in the city to a population of approximately 20,000 by the year 2000, the economic downturn that began in the middle of the first decade of 2000 derailed that expectation somewhat, although the projected population of 20,000 by the year 2000 was not going to be realized in any event. Nevertheless, it is important that Canby continue its growth in a means other than the red-hot single family process that occurred in the first half of the first decade of the new millennium. The annexation and development of the site for residential development will help the city to grow, and to regain the balance from the debacle of “underwater” development that occurred until a recovery began slowly in recent years.

With development of approximately 135 units on 32.60 acres (the entire developable Concept Plan area), figuring a net development area of 24.45 acres (75%), a net density of 5.52 units per acre, would lead to a growth of approximately 270 persons based on a conservative household size of 2.0 persons. This growth will benefit the city because of the economic support that these citizens will provide to the community. It is likely, however, that this level of growth may be somewhat higher with families occupying new homes that will occur in these single family residential zones.

However, the annexation would not be finalized until a public vote occurred in November, 2014. As the annexation involves multiple properties, applications for subdivisions may be submitted in multiple applications as all of the properties are under separate ownership. Likely the first subdivision application would not be approved until summer of 2015 at the earliest. Construction could begin in the fall of 2015, but could be delayed until spring 2016. It is likely that the first new dwellings in the proposed annexation site would not become available until the the summer or fall of 2016—approximately two years from now. The length and complexity of the approval process, even without an annexation, makes it difficult to predict the rate at which lots are developed and used.

If annexed, this property would add approximately three years to the buildable land supply and, when subdivided, an equivalent time period to the platted, available land supply. Although the land would be annexed at one time, it is anticipated that the land would be platted incrementally. The first new lots would be anticipated to become available in 2016, at a point when most of the currently available lot will have been developed.

The first two Goals of the *Urban Growth Element* identify the need to preserve and protect agricultural lands that are outside the city's UGB. Because the subject site is within the UGB, and is directly contiguous to the existing city limits, the annexation of the subject site is a natural step in the development of Canby. In addition, the site is to be part of a designated DCP area, and should be one of the first areas annexed to the city. Because the proposed development is on land that would eventually be annexed at some time, its use as agricultural land is limited in scope and time frame. Further, only a portion of this 32.10 acre site is in agricultural use, with some of the five (5) tax lots being used simply for single family rural residential uses.

While particular attention is paid to Policy No. 6 of the Land Use Element through this review process, other Policies are also just as important. The first Policy, "*Canby shall guide the course of growth and development so as to separate conflicting or incompatible uses while grouping compatible uses*", serves to describe perfectly the proposed annexation and development of the subject site. With much of the Faist property having already been platted and other subdivision projects in process in the southeast Canby area (e.g., Dinsmore Estates 2), the synergistic relationship of this area is evident. The annexation is supported by ***Implementation Measure H*** which states, "*Continue to work towards a gradual increase in the density and intensity of development allowed within the City, discouraging wasteful development practices and designs.*" Fulfillment of this Policy and Implementation Measures is the goal of the applicant's development plans.

Policy No. 2 states "*Canby shall encourage a general increase in the intensity and density of permitted development as a means of minimizing urban sprawl.*", and ***Implementation Measures A and C*** support that proposed annexation and subsequent development, seeking to increase the range of housing opportunities and diversity of housing types.

Policy No. 3 states "*Canby shall discourage any development which will result in overburdening any of the community's public facilities and services.*" Information is available, and the Development Concept Plan explains how there is adequate infrastructure is available to allow development of the subject site as proposed. Therefore, the proposed annexation and subsequent development is in compliance with this Policy and its implementation measures.

Policy No. 4 states "*Canby shall limit development in areas identified as having an unacceptable level of risk because of natural hazards.*" The subject site is not within any area identified as a natural hazard area, and is no less developable than any other similar site not within a natural hazard area, regardless of location within the city. Because this site does not have an "H" overlay on it, this Policy is not specifically applicable to this site.

Finally, Policy No. 5 states "*Canby shall utilize the land use map as the basis of zoning and other planning or public facility decisions.*" The "Residential" Comprehensive Plan designation, and the commensurate R-1 and R-1.5 zoning, allow for annexation and development in keeping with the city's Comprehensive Plan, with no further changes, variances, revisions or etc.

Because the annexation area fronts on and has direct driveway access to S.E. 13th Avenue, it will be likely that any development of the subject site may continue to use S.E. 13th Avenue as the main point of access. However, it is also possible that the subject site will be able to take access through the undeveloped portion of the Faist property and the Canby School District property. The traffic analysis prepared for the project indicates that the developed site will have an acceptable level of impact on S.E. 13th Avenue and other streets in the immediate vicinity because the planned zoning will be consistent with the zoning anticipated by the Comprehensive Plan.

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.*

Finding: The R-1 and R-1.5 zoning districts were formulated to promote and allow low to medium density residential development in Canby. The 33.10 acre Development Concept Plan area is planned to accommodate approximately 135 future lots, which is in keeping with development that has already taken place in the same general area of southeasterly Canby. The roughly 30 acre annexation area is similar in size to the 30 acres developed with the (5) phases of the Faist Addition subdivision and is of smaller size than the Tofte Farms neighborhood farther southwest

With the sites planned single family residential use, the physical impacts of development could be somewhat predictable for this local neighborhood area, given the fact that the planned subdivision will be of similar scale to other residential developments that already exist in the immediate area. Other than nearby schools, virtually all development in this neighborhood area is residential development, dominated by the existing single family subdivisions.

Considering that the site may develop with approximately 135 units at a density of about 5.52 units per net acre, in keeping with the established character of the current area, residential development would appear to have a predictable impact on the local neighborhood. Additional development similar to the character of the proposed subdivision would definitely “fit in” with the character of the area to the extent that mitigation would not be necessary. Assuming that the expansion area would be required to do site landscaping and provide local park facilities, its aesthetic value as a planned neighborhood would be a “plus” to any city.

From the aesthetic perspective, residential development as proposed would have the most acceptable impacts because the design of the units, the materials used, the colors used, and the patterns of development would certainly be the least intrusive and most compatible. They would virtually match the existing subdivisions in the general vicinity and would require little to no mitigation. Even single family detached dwelling development would have more aesthetic impact because it would be of the same character as the adjacent existing development, with a similar density.

There are social differences between urban residential development, and between types of residential development. Residential development usually tends to have a few peaks and valleys based on the local economy, and continues to have that “new” appearance for some time after it is built. The proposed development of single family dwellings will result in perhaps the most continuous compatible appearance, because this is a growth area in Canby, and new development is expected and encouraged here. Thus the community’s residents become better with each other, resulting in a relatively closely knit neighborhood with valuable social connections.

Overall, residential development, and particularly the type proposed for this site, will have more significant positive impacts on the area neighborhood from the physical, aesthetic, and social perspectives. These positive impacts also require fewer mitigation measures, and measures that are less measurable.

With regard to a neighborhood meeting, such meeting was held on Thursday, Feb. 20, 2014 at the Canby Senior Center. It was attended by about 20 persons who had questions and comments about the idea of annexation of the subject site area. Project Engineer Patrick Sisul, P.E., provided an explanation of the project, the process, and answered questions regarding the project. It is important to note that there were no negative comments of substance. This neighborhood meeting meets the requirement of the Canby Municipal Code.

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

Finding: For analysis of water, sanitary sewer, storm water management, local surface water drainage, and other necessary utilities, please see the Development Concept Plan, attached with this application for annexation. This document indicates that future expansion of infrastructure and utilities will not be inhibited by the proposed annexation and subsequent development.

With regard to park and school facilities, the proposed annexation is of sufficient size to create additional need and demand for local park facilities, regardless of whether what level of residential use the site were to be developed for. While some open space and/or small “neighborhood” park development would be desirable, any such open space and/or park development would be appropriately scaled and would contribute significantly to the local neighborhood. The City has indicated that they desire a minimum 3-acre park to be located in the northeast corner of the annexation area. The Development Concept Plan included with this application indicates the location of the proposed 3.429 acre park.

With regard to schools, the development proposed for single family living will have some impact on schools, primarily because single family residential neighborhoods add students to the existing student population, thus creating some pressure on existing school facilities. However, because the development of this site is a longer term project, absorption of students into the school population and adaptation of school facilities to the increased number of students can be anticipated and planned for. Because the development of this proposed annexation area will be incremental, the addition of students to the school population is gradual as opposed to “all at once”. In addition, the students added

to the school population are of a range of ages from 6 to 18, thereby spreading the impact over the range of classes from K (Kindergarten) to 12th grade. Further, taxes paid by the residents of this new neighborhood help with overall school funding. And finally, parents, and residents in general, are often good partners with the schools when it comes to tutoring, reading, and other useful activities, especially for the younger aged students.

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

Finding: Should annexation take place, residential subdivisions will eventually occur on this site. It is anticipated that there will be approximately 135 new lots created in the Development Concept Plan area, slightly less on the lots currently proposed for annexation. Additional housing units are needed already, as is evident from the inventory and needs analysis prepared with this application. Because the previously annexed and planned areas adjacent to the subject site (Faist and Canby School District properties) will be ultimately developed as single family homes on individual lots, more than 135 lots will ultimately be developed in this area of southeast Canby.

As the children of the “baby boomers” come of family age, the need for housing is increasing. Satellite cities such as Canby, Sandy, Wilsonville, Forest Grove and others are experiencing growth pressures and demand for housing for those who choose to live in places other than the central city. In addition, the development of commercial and industrial lands in these satellite cities provide jobs and income for many of the new homeowners. Population growth requires new facilities and services, and the gradual growth of cities like Canby is a recognized fact in the scheme of overall growth of the greater metropolitan area. With new subdivisions of single family homes, the character of Canby will continue to develop, and this character will add even more to the City of Canby.

There is increasing need for new single family dwellings at the present time, given the current economic situation and the trend of increasing construction that is happening. Generally speaking, this also applies to multifamily housing and for commercial and industrial development. In Canby, at the present time, there is increasing demand for new single family housing in light of the improving economy, and there are more projects under construction, including those in southeast Canby.

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;

Finding: The proposed annexation and development as planned would require increased demand for most facilities, services, and utilities. Sanitary sewer, water service, storm drainage management, and street improvements by the applicant/developers will be needed as properties are developed. The Development Concept Plan submitted with this application describes the availability of public facilities and services necessary for the development of the site. However, these changes will be required for the actual physical development of the subject site, not for the annexation.

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

Finding: The applicants will pay the necessary costs of their own development. Because of the Sequoia Parkway extension, the need to extend a major water line along S.E. 13th Avenue, and the need for a temporary regional sanitary sewer lift station at S.E. 13th Avenue and Sequoia Parkway and for a permanent regional sanitary sewer lift station S.E. 13th Avenue and S. Mulino Road, there will be some costs of upgrades and improvements that will fall to the city as capital projects expenditures. Otherwise, the applicants will pay for the other extensions and improvements that are more localized to the development site.

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;

Finding: No comprehensive plan text or map amendment is being requested. In conjunction with the request for annexation to the City, the applicants are requesting a zone map amendment to rezone this property upon annexation and provide the site with the proper zoning, which would be a combination of R-1, Low Density Residential and R-1.5, Medium Density Residential. These are the zones identified by the Comprehensive Plan as being the appropriate for this site. The existing zone, Exclusive Farm Use (EFU) in Clackamas County, would become a combination of R-1 and R-1.5 upon annexation to Canby. The planning for the site has been based on the R-1, Low Density Residential and R-1.5, Medium Density Residential zones being applied upon annexation.

9. Compliance with other applicable city ordinances or policies;

Finding: Other official documents that are applicable to the requested annexation include Policy #6 of the of the land use element of the Comprehensive Plan; two state statutes (ORS 195.065 and ORS 222); and the Urban Growth Management Agreement (UGMA) between Clackamas County and the City of Canby. These documents are addressed in other parts of this application narrative.

10. Compliance of the application with the applicable sections of Oregon Revised Statutes, Chapter 222.

Finding: Compliance with ORS222 is addressed in another section of this application narrative.

There are no additional criteria in this section of the Canby Municipal Code that are applicable to the annexation application.

CMC 16.54, Amendments to the Zoning Map

As part of the overall process, the zone must be changed on the site once the annexation is completed. This would be the final step in the process. Chapter 16.54, Amendments to the Zoning Map, contain the criteria for review and the process that is to be followed for the zone change. Section 16.54.040, Standards and Criteria, contain two (2) specific criteria that must be addressed and satisfied in order for the requested zone change to be approved. In this case, the zone change will be from Exclusive Farm Use (EFU) in Clackamas County to R-1 Low Density Residential and R-1.5 Medium Density Residential in Canby. The zone that might have been applied universally to the site, R-1 Low Density Residential, will not be applied universally because the process goes directly from annexation to a combination of the two zones, R-1 and R-1.5, as part of this application package. The proposed zoning under the R-1 Low Density Residential designation will not be applied universally because the zoning designation will be changed when the new zone designations are applied. Therefore, the process will skip the R-1 universal zoning designation on the site in favor of the combination of R-1 and R-1.5 zoning designations.

As part of the annexation of any land area to the City of Canby, an Amendment to the Zoning Map of the City of Canby is required in order to change the existing zoning (EFU) applied by Clackamas County and to apply the zoning as designated by the city's Comprehensive Plan.

It is anticipated that development of the subject 33.10 Development Concept Plan area will yield approximately 135 lots, or about 5.52 units per net acre. Single family housing is a permitted use by the both the R-1 and R-1.5 zones at the density proposed by the DCP. No variances, conditional uses, or other dispensations for the provisions of the Canby Municipal Code are necessary to accomplish the stated goals for this site.

16.54.010, Authorization to initiate amendments

Finding: In this case, the application is initiated and submitted by the property owners Boyle, Netter, Rice, Marcum, and Stoller. By signing the application form, the property owners have authorized initiation of the proposed annexation and amendment. After the application has been deemed complete, it will be scheduled for a public hearing before the Canby Planning Commission. Therefore, this criterion will be fulfilled.

16.54.020, Application and fee

Finding: The application for an amendment to the zoning map to apply the designated R-1 and R-1.5 zones is submitted to the City along with the required fee. The city will follow the procedures set forth in CMC 16.89. Therefore, this criterion is satisfied.

16.54.030, Public hearing on amendment

Finding: The Planning Commission will schedule a public hearing once the application is deemed complete. Following the Planning Commission's public hearing and recommendation, the City Council will hold its own public hearing to make a final decision. By holding these public hearings, this criterion will be fulfilled.

16.54.040, Standards and criteria

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;*

Finding: The zone change to R-1 Low Density Residential and R-1.5 Medium Density Residential from EFU (Exclusive Farm Use) on the 32.10 acre site will allow the applicants to plan and develop the site in uniformity and consistency. With the plan to develop this total site for single family dwellings, the subject site would be out of "kilter" if it were to be zoned anything else.

Policy 6 is addressed below and demonstrates that the proposed development plan is an integral part of the Canby community and demonstrates an important element of growth and development that is desirable in Canby. Development for housing will be consistent with plans, goals and policies of the city, county, state and local districts. And the plan will preserve functions and local aspects of sensible and practical land conservation and development. Any individual plans prepared by these jurisdictions and agencies will continue to be consistent with the newly annexed 32.10 acre parcel. Therefore, this criterion will be satisfied.

B. *Whether all required public facilities and services exist or will be provided concurrent with development to adequately meet the needs and any use or development which would be permitted by the new zoning designation.*

Finding: The subject 32.10 acre site is currently served by subsurface septic systems and wells. These facilities will not be suitable for the level of housing proposed by this application. When planned and developed the site will require full services and facilities. As part of the previous annexations in the same vicinity, services and facilities were reviewed and it was determined that such new development would be adequately blended in to the existing city systems. The same applies to this site where services can be upgraded and improved to be adequate for the level of development proposed. The Development Concept Plan, submitted with this application, demonstrates how accommodations can be made for development of this site within the framework of the city's systems.

As noted in the summary of utility services in the Development Concept Plan, all services required for development of the site (i.e., water, sanitary sewer, surface water drainage and management, fire and police protection, etc.) are in place or can be extended or upgraded and improved to provide the proposed development with an adequate level of facilities and services. No problems or issues in the extension of utility services have been raised by City service providers that would prevent services at the time of development. As such, development of the site under the proposed R-1 Low Density Residential and R-1.5 Medium Density Residential zones will fulfill this criterion.

16.54.060, Improvement conditions

Finding: Any reasonable requirements for improvement of public and private facilities and services for the subject site will be undertaken by the applicants/developers. Where required, the applicants/developers will pay for those improvements. Where possible, and where oversizing or “late comers agreements” are appropriate, the applicants would request that some recapture of funds expended for expansion of facilities and services whose scope is beyond that of just the development of the subject site be provided back to the applicants.

Under subsection **B.**, any required improvements should not reduce housing densities below those anticipated through this application in its calculations of the ultimate number of units to be built.

Compliance with both **A.** and **B.** of this criterion will have been satisfied with the application of specific improvement conditions as imposed by the City.

16.54.070, Record of amendments

Finding: Appropriate and applicable records must be kept by the City. This particular criterion is not the responsibility of the applicant.

CMC 16.16, R-1 Low Density Residential Zone

CMC 16.18, R-1.5 Medium Density Residential Zone

City of Canby Comprehensive Plan Policies and Implementation Measures

Policy No. 6 of the Canby Comprehensive Plan states,

“Canby Shall Recognize The Unique Character Of Certain Areas And Will Utilize The Following Special Requirements, In Conjunction With The Requirements Of The Land Development And Planning Ordinance, In Guiding The Use And Development Of These Unique Areas.”

Finding: The southeast area of Canby is perhaps a unique area of Canby due to more growth in single family development having taken place in this part of the city over the past decade. The southeast area is a viable and valuable part of the community and has the ability to absorb a significant amount of growth and development.

In recognition of the southeastern area of Canby, the City should recognize and encourage the type of growth, stability, and character that recent growth and development brings to Canby. Continuing to allow, and in fact, encourage growth and development in this area of Canby will provide more options residential housing in Canby.

A traffic study, commissioned by the City of Canby and paid for by the applicants, has concluded the site was designated as Low and Medium Density Residential in the Comprehensive Plan and the change in land use was assumed for trip modeling in the 2010 Canby Transportation System Plan. Therefore, TPR requirements are met.

Clackamas County/City of Canby Urban Growth Management Agreement (UGMA)

The UGMA is codified as part of Resolution 519, dated Sept. 23, 1992, and requires certain actions and procedures for a variety of action relative to lands within the Urban Growth Management Boundary area. The UGMA contains seven (7) specific issues on which the City of Canby and Clackamas County agree. Those sections are identified and addressed as follows:

1. *Boundary*

Finding: The subject site is within the Urban Growth Boundary of Canby, thus satisfying this criterion.

2. *Comprehensive Planning, Plan Amendments and Public Facilities Planning for Lands in Unincorporated UGMB;*

Finding: The subject site is within the UGB, and has been included in long range planning for land use, traffic, services and facilities, utilities, and all similar and appropriate elements. The planning designation proposed for this site is consistent with the designated on the Canby Comprehensive Plan map (Low and Medium Density Residential). Finally, zoning is proposed to be consistent with what the city foresees as being appropriate for this site (R-1 and R-1.5). Upon annexation, the city will assume all planning responsibilities for the subject site. Once the site is annexed to the city by final legislative action, Clackamas County will have no further jurisdiction over or interest in the subject site. Therefore, this criterion is fulfilled.

3. *Development Proposals for Unincorporated UGMB Areas;*

Finding: This criterion does not apply because the formal development proposal by the applicants will be presented to the city once annexation has become effective, following regular city procedures.

4. *County Notice to and Coordination with the City;*

Finding: This criterion is not applicable because any development action will take place within the City of Canby, once annexation is effected, not within the jurisdiction of Clackamas County.

5. *City Notice to and Coordination with the County;*

Finding: Because this is a proposed annexation, the City is required under **A.** to notify Clackamas County of the impending action. This notification may also apply to **B.**

6. *City Annexation and Sewer, Water and Road Service;*

Finding: Under **A.** of this criterion, the City agrees to undertake any annexations in accordance with process and procedures agreed to by the County. In **B.**, The only public roadway that is affected is a portion of S.E. 13th Avenue that is directly adjacent to the southerly property line of the subject site.

As such, the applicant may be require to construct a “half street improvement” along the frontage of S.E. 13th Avenue to current City of Canby standards.

In **B.** on page 4 of the UGMA, all required facilities, services and utilities will be within the limits of the long range planning studies and tools for such public infrastructure. Please refer to the discussion on utility services in the Development Concept Plan submitted with this application for annexation.

For **C.** on page 4 of the UGMA, Public water and sanitary sewer are not currently available to the site for use in site development, but can be made available upon approval of the annexation application. This subject site is not, however, a health hazard. And for **D.** on page 4, the purpose of the proposed annexation is to obtain city services and facilities, and to develop under the jurisdiction of the City of Canby.

7. *Terms of Agreement*

Finding: This UGMA is between the City of Canby and Clackamas County. However, no part or measure of the proposed annexation of the subject site, nor the subsequent development for approximately 135 residential lots, violates or otherwise circumvents the measures required under this UGMA.

Therefore, all criterion of this UGMA have been satisfied and/or fulfilled.

State Statutes – ORS 195 and ORS 222

- ORS 195.065 requires various agreements between jurisdictions when urban services are to be provided. The Clackamas County Urban Growth Management Agreement (UGMA) states what agency will provide which services. While the applicants will benefit from the existence of such an agreement, the proposed annexation will not create any special or heretofore unforeseen circumstances where the provisions of the UGMA will not apply. The proposed annexation is exactly in keeping with what the City of Canby envisioned within its urban growth area. No new agreements, or any deviation from the provisions of the existing UGMA, will be required for this proposed annexation of this 32.10 acre site.
- ORS 222 requires several issues be considered prior to an annexation becoming effective. For example, ORS 222.040 provides that an annexation shall not become effective until an election has been conducted. Part of the process of applying for an annexation is meeting the application deadline in order that internal actions by the Planning Commission and City Council take place prior to the election. The city will provide proper notice as required, and agreements with local service providers will be enacted regarding inclusion of the subject site for service purposes after annexation (ORS 222.005). The procedures specified under ORS 222.111 will be followed by the city, which is the city's duty rather than one assigned to the applicant. Other sections such as ORS 222.130 (Annexation election; notice); ORS 222.150 (Election results); ORS 222.160 (Procedure when annexation is submitted to city vote); ORS 222.177 (Filing of annexation records with Secretary of State); and ORS 222.180 (Effective date of annexation) are all parts of the process the city must follow for any annexation.

Sections ORS 222.510 through ORS 222.830, as applicable, deal with the change of service jurisdiction for properties that will be serviced with urban services (water, sanitary sewer, fire protection, etc.) that may have been provided by other non-urban area providers while within the jurisdiction of Clackamas County. The heading of this section of the ORS Chapter is "Annexation of Public Service Districts" and deals with the transfer of service rights and obligations once a property is annexed. Whatever is required under these sections will be accomplished as part of the city's annexation process.

This annexation does not involve a merger of cities, an "island" annexation, or any health abatement, as included in sections included in ORS 222.700's; ORS 222.800's; or ORS 222.900's. Therefore, the proposed annexation complies with, meets, or otherwise fulfills all specific requirements contained in the appropriate and applicable sections of ORS, Ch. 222.

AVAILABLE PLATTED LOTS IN CANBY

(Available lots include lots that have been sold, but a building permit has not yet been issued. Once a building permit has been issued it is no longer considered to be available.)

SUBDIVISIONS – Platted Lots										
Year	Plat #	Subdivision Name	Total Lots	Total Permitted	R-1 Remaining	R-1.5 Remaining	R-2 Remaining	Total Remaining		
1991	2995	North Pine Addition No. 2	13	12	1			1		
2004	3947	Yorkfield (Apollo Homes)	136	110			7	7		
2005	4089	Kraft Place	4	1	3			3		
2006	4095	Bremer Court	7	5	2			2		
2006	4140	Northwood Estates (Phase One)	41	33	8			8		
2006	4120	Postlewait Estates Phase 2	18	16	2			2		
2006	4202	Locust Corner	8	5	3			3		
2006	4218	Dinsmore Estates (R-1.5 was replatted)	14	9	5			5		
2006	4162	Knott Commons	10	7			3	3		
2014	4376	Dinsmore Estates West	7	0		7		7		
		Lots remaining in subdivisions			24	7	10	41		

PARTITIONS (2007-2014) – Platted Lots										
Year	Plat #	Development File / Applicant	Total Lots	Total Built	R-1 Remaining	R-1.5 Remaining	R-2 Remaining	Total Remaining		
2008	PP2008-022	MLP06-13 Bud & Joann Fawver (NW 6 th)	2	1			1	1		
2008	PP2008-100	MLP07-02 Brett Kacalek (N Maple)	2	1	1			1		
2008	PP2008-103	MLP07-05 Williford & Schellenberg (S Knott)	2	1			1	1		
2009	PP2009-036	MLP08-02 City of Canby (N Maple)	3	0	3			3		
2009	PP2009-038	MLP07-04 Philip Poole (NW Territorial)	3	1	2			2		
2009	PP2009-048	MOD05-02 /SUB04-06 WVCC (NE 34 th Court)	2	0	2			2		
2011	PP2011-013	MLP10-01 Gerry Engler (N Juniper)	2	1	1			1		
2011	PP2011-038	LLA10-02 Robert Zimmer (NW 5 th)	3	1			2	2		
		Lots remaining in partitions			9	0	4	13		
		Total lots remaining			R-1 Remaining	R-1.5 Remaining	R-2 Remaining	Total Remaining		
					33	7	14	54		

III. Neighborhood Meeting Notes

February 6, 2014

RE: Neighborhood Meeting for proposed Annexation into the City of Canby

Dear SE Canby Property Owner or Resident,

You are invited to attend a neighborhood meeting to discuss the proposed annexation of property located along SE 13th Avenue in Canby. The meeting is scheduled for 7:00 pm Thursday, February 20th, 2014 at the Canby Adult Center, 1250 S Ivy Street.

The property proposed for annexation includes six parcels located on the north side of SE 13th Avenue east of S Teakwood Street, west of the Sequoia Parkway extension and south of Baker Prairie Middle School. The area totals approximately 32 acres and includes the following tax lots, Section 3, Township 3 South, Range 1 East, Tax Lots 400, 401, 500, 600, 700 & 800 (see attached map).

The City of Canby Comprehensive Plan identifies Tax Lots 400, 401, 500 & 600 as medium-density residential, R-1.5 and Tax Lots 700 & 800 as low-density residential R-1. The current proposal is for annexation only, no development is proposed at this time. We will provide general information concerning the proposed annexation and will be happy to answer any questions that you have.

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

Sincerely,

Property owners:

Dan & Mary Stoller, Hugh and Roberta Boyle, Kelly Herrod, Gerry Marcum, Jerry & Samantha Rice, and Ralph Netter

Consultant:

Pat Sisul, Sisul Engineering

Neighborhood Meeting Attendance Sheet

February 20, 2014

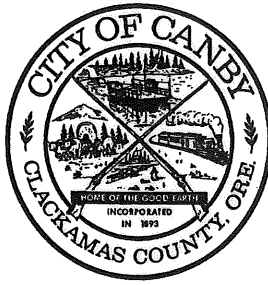
	Name	Address
1.	Craig & Kristin MORRIS	1744 SE 10th Place
2.	Dan & Mary Staller	2220 SE 13th, Canby OR
3.	Devy Marcum	2192 SE 13th Ave. Canby, OR
4.	Larry Faust	2187 SE 13th Ave
5.	Tim & Connie Faist	1866 SE 13th AVE
6.	DENNIS CINDY + BRAD KENNEDY	2185 SE 13th AVE
7.	Larry & Betty Faust	1866 - S.E. 13th Canby
8.	Tom Anderson	9575 SW PINEA, TIGARD, OR 97223
9.	Cynthia Jerry Rice	2134 SE 13th Ave Canby, OR 97013
10.	JOE LANDREP	2144 SE 13th AVE CANBY, OR 97013
11.	Ralph Netter	536 N.W. 14th Ave. Canby
12.	GORDON ROOT	485 SW 2nd STATE ST LO 97031
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		
21.		
22.		
23.		
24.		
25.		
26.		
27.		
28.		
29.		
30.		

CANBY ADULT CENTER
13th AVENUE NEIGHBORHOOD MEETING
Thursday, February 20, 2014 @ 7:00 pm

Pat Sisul from Sisul Engineering hosted the meeting. A sign in sheet was passed around for those present. Property owners present were: Ralph Netter, Gerri Marcum, Dan & Mary Stoller and Jerry & Samantha Rice. These were a few comments/questions by attendees:

- Were these going to be single family residences? There were concerns over possible high density apartment/townhouse designs going in by Dennis Kenagy, 13th Avenue property owner as well as others. They were concerned about this devaluing the neighboring area. Pat made a comment that the size and design of the proposed lots would not accommodate townhouses and also that the intent by the property owners was for single family houses.
- Will the City of Canby be purchasing the park space? Pat commented that there has not yet been a response from the City on this. There could be an option for the city to develop the park or the property owners.
- Is the park going to be fenced? It was indicated that there could be partial fencing along the bike path but that it will have openings for walking path access but the school fence line would remain as that was put in by the school district. Pat had also indicated that a few parking spaces would be factored into the park area for road access.
- There was a comment made over having 1 large park and how was the compensation to Stoller's going to work out for the park dedication? Pat indicated a compensation agreement was presently being worked out by his firm.
- Ralph Netter asked how the Industrial properties would pay for the Mulino Rd. pump station? Pat indicated that the SCD's will go to pay for the cost.
- Gordon Root of Stafford Land Company introduced himself then proceeded to ask Larry and Betty Faist if they have approved of "the roads crossing through their property? He asked if they were ready to develop. He then proceeded to explain the difficulty of getting properties (especially multiple) annexed and then developed at the same time, and then went in to greater detail....
- Gordon let property owners know that he would like to sit down and "talk with all of us". He handed out his business card to each of us. His associate Mr. Anderson was present also.
- Pat noted that there are presently 57 buildable lots in Canby and that there is a need for a 3 years buildable supply which Canby does not presently meet.
- The question was raised that what was the next step? Then when is the Planning Commission meeting.

IV. Pre-application Meeting Minutes



Pre-Application Meeting

SE 13th Avenue Subdivision - Annexation
January 23, 2014
10:30 am

Attended by:

Hassan Ibrahim, Curran-McLeod Engineering, 503-684-3478	Ralph Netter, Owner, 503-789-4926
Pat Sisul, Sisul Engineering, 503-657-0188	Dan Mickelsen, 503-266-0698
Doug Quan, Canby Utility, Water Dept., 971-563-6314	Dave Michaud, Wave Broadband, 971-338-3270
Gary Stockwell, Canby Utility, Electric Dept., 503-263-4307	Dan Stoller, Owner, 503-616-8031
Nick Netter, Contractor, 503-708-9979	Tom Scott, Canby School District Board, 503-266-5488
Renate Mengleberg, Economic Development, 503-266-0701	Bryan Brown, Planning Department, 503-266-0702
Jeff Snyder, Parks Department, 503-266-0732	

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

SISUL ENGINEERING, Pat Sisul

- We are here today to discuss the annexation for SE 13th Avenue beyond the Faist addition subdivision, Ralph being one of the property owners and there are a total of six different property owners.
- We are looking today at a development concept plan and need a master plan for the whole area before anyone can annex their property. We do not know how many will apply for annexation at this time, we are thinking all six and it would be on the November's 2014 election.
- Pat described the different lot layouts for each of the land owners on approximately 32 acres. The Canby School District's lots are already in the city limits. The Faist's property adjacent to this project have 10 acres they are holding onto it.
- We are trying to figure out the utilities and the services for the annexation. This is the current concept plan we are going with and the streets will intersect with S Teakwood Street and in the future the streets will be generally extended across the Faist's property. We planned out Canby School District's property as well because it looked different without that piece included. We are looking at a park area on Stoller's property where there are a lot of large trees and Matilda has her heart set on having a park there. We went through six different layouts to get to this one and we have met with Bryan and Matilda to discuss planning issues. One of the issues we discussed were how many access points to SE 13th Avenue because we cannot meet the access spacing between Sequoia Parkway and S Teakwood Street. They felt two access points to SE 13th Avenue were necessary for the number of lots in this area. They thought an access spacing exception could be approved for this subdivision and Planning would support it because there are no accesses east or west.
- Pat stated he expected the lot layouts will change when the individual subdivision will be developed and it may be possible to run the water line through an easement. Doug said we do go through private property with easements anymore due to liability issues.

CURRAN-MCLEOD ENGINEERING, Hassan Ibrahim

- We will discuss the sanitary sewer first. Pat and I have had a long discussion over the phone and this is just for the record. We talked about the east end of the Faist property's frontage and there is a manhole approximately 10 feet deep and I am not sure about the topography and how far can we get and Pat said approximately to S Vine and SE 11th Place because the land comes up and then falls back toward the north. Hassan said Dan did some research and there is a manhole located at S Teakwood and SE 10th Place at 15-1/2 feet deep, which triggers you have to go across the Faist's property and I do not know if that is possible. The first two options are determined on who develops first and how things work out, but the most economical and feasible option is coming to Sequoia Parkway. We have a dry line built as part of the Sequoia Parkway extension and I think we have two connections coming off of Sequoia Parkway and ultimately when this projects comes into play the sewers will have to go down to Mulino Road prompting a pump station to be built and pumped back to Township Road. Pat stated we do not know who is going to develop first, it would be likely either Ralph Netter or Dan Stoller because they both control the access points. Ralph has S Vine Street and Dan would control S Walnut Street as it is currently setup. It make sense if Dan's goes first and goes out to Sequoia Parkway, if it happened that way and developed from east to west, would we need to put sewer into SE 13th Avenue? Hassan said we want to demonstrate this property can be served with sewer and the sewer ends right here on SE 13th Avenue and Pat said it was 10 feet deep. Hassan asked how much fall and Pat said approximately 7 feet. I do not have a survey topographic on it, but it looks like 7 to 8 feet going back. Hassan said judging from this manhole according to Dan Mickelsen's numbers we may be able to cover this property in terms of sewer and if we can serve this property from S Teakwood or SE 13th Avenue we would have to definitely to extend it. Pat said if Ralph's or the school district's went first and if Faist was already in, I think everyone would try to bring the sewer in coming west to east from S Teakwood and be gravity. Ralph asked where the gravity would go to and Pat said there are sewer manholes at every one of the intersections on S Teakwood Street. Ralph asked how deep in S Teakwood and Dan said at SE 11th Avenue and S Teakwood the manhole is 10.6 feet, SE 10th Place is 15.6 feet, 11th Place is 9.06 feet, SE 10th Avenue is 7.85 feet and dead ends at SE 12th Avenue at 7.4 feet. I do not know if that is useful. Hassan said we have options on providing sewer, we just need to study it a little bit more and come up with a plan. Pat said the plan we will present to Council would be how we will connect to here if it is available and if Faist have an interest in developing before this property develops. We would bring as much east as possible, there are some in this corner we can gravity out and the rest of it will probably have to go to the pump station. Hassan said that would trigger the pump station at Mulino Road. Pat asked who will build the sewer line from Sequoia Parkway to Mulino Road and Hassan said the City will probably do it. Hassan said there will be some System Development Charge (SDC) credits for building of the sewer and you and I talked about what they will be entitled to and I will talk to Curt a little more on this subject of SDC credits. Pat asked if the sewer line going from Sequoia Parkway to Mulino Road be an advanced financing district. Hassan said it would be SDC, I would think. Pat said are you saying it will be paid by SDC's? Hassan said either the developer will build it and then they will get SDC credits for the lots and there is a lot of disparity between the cost and what will be entitled to in terms of SDC versus a cost to

build the system. There may be another way of paying for it, maybe the city will put it in and then the property owners will pay the SDC's or the city pay the difference. We will work something out, again I will talk to Curt about this issue. Bryan said he did not know much about this subject, but you are talking about the lift station and you have to get the sewer line to it. I am thinking in the worst case scenario, the city is in terrible financial straits, not having enough SDC funds, no money to do the job and they would have to build the sewer line. The issue would be how much would it cost and would it be equal to the amount of sewer SDC's being collected and hopefully that will not be the case. Hassan said I hope that will not happen, but in most cases the developer puts it in and they get the SDC credit, again it is the cost we will look at it. Pat said he thought the cost would be high for any one of these parcels by itself. Hassan concurred. Discussion ensued about where the pressure line from the pump station would be heading, S Township Road or SE 13th Avenue and the consensus was SE 13th Avenue.

- I do not have any problem with the layout of the streets, but I want to point out and assuming all the turning radius and cul-de-sacs meet the public works standards. We talked about the streets and S Teakwood is being downgraded in the Transportation System Plan (TSP) to a local street not a collector anymore. Bryan said the entire circulation and S Teakwood would be local streets and the answer was correct. SE 13th Avenue is an arterial street and it is under the jurisdiction of Clackamas County and it will have to be built to our TSP and it has to be 46 feet wide and right now it is 44 feet wide. This will trigger (2) 6 foot bike lanes, (2) 11 foot traffic lanes and (1) 12 foot center lane. Pat asked if he had any problems with the intersection access spacing because we have from S Teakwood to S Vine Street is 622, S Vine Street to S Walnut Street is 626 and S Walnut Street to Sequoia Parkway is 417. The minimum spacing is 660 to 1,000 feet on an arterial and we talked about this with Bryan and there are exceptions allowed when there are restrictions around the development. We cannot get access on two of the four sides. Hassan said he thought they could support it, but there will have to be a traffic study at one point and they may have to put some restrictions here because of the proximity between Sequoia Parkway and S Walnut Street. Bryan said I think we should proceed with a traffic study because they will need one for the annexation application and the TPR analysis is required to change the zoning. They will be analyzing the impact and the difference the traffic allowed today within the county zoning versus what would be allowed when it is rezoned to city zoning districts. I think you are going to propose the zoning is the same that corresponds with the comprehensive plan sets today and Pat said yes. Bryan said there will be two different zoning districts on this property like it is in the comprehensive plan. The traffic study will probably need to address those two location points on SE 13th Avenue and we can provide some input to DKS. Hassan said I am sure the county will have a say in it since the road remains under their jurisdiction. I am not sure how their access spacing is compared to the city's spacing.
- Dan, Jerry and I discussed LID versus drywells. We were thinking instead of drywells if there is a possibility of having the water quality in this section of the dedicated park land. Pat said he discussed this with Matilda whether there could be a possibility of doing water quality swales in the park area and she felt it was unlikely the parks would support it. Hassan said we were thinking of just a small part or section of the park to build a regional facility for the whole thing in this area as opposed to drywells. You and I talked about what to do for an

LID, do we do swales or rain gardens and on local streets they are tough to implement. Pat asked the facility you are talking about, are you thinking for just water quality and it would drain and Hassan stated for disposal. Pat said part of the problem would be, if this piece goes first (Netter) how do you get the water over there. Hassan said we need to implement the LID somehow and we thought it would be easier to maintain as a regional facility and if it does not work we need to figure out how to apply the new LID standards. Pat said he thought something over there could be an option, but my guess is it would not be credited as park land, it would be a storm water facility. Bryan said we could begin the park, but you would not get full credit because I do not think the parks would like a storm water facility and who would maintain it. Hassan said we would maintain it and Bryan said it would be an alternative to us taking care of all these parallel planter strip swales and Hassan said not if we do a regional facility disposal. Bryan asked do we want it on city property and Hassan said we are taking over the park what difference will it make. Discussion followed. Pat asked about the northeast corner, which is owned by the city and if it can be used. Hassan said he talked to Jerry and he stated it should not have be on city property when it is no benefit to the city when it serves this whole development. It should be part of the Stoller's property not physically put on city. Pat said I understand and I am looking at all the trees we are trying to save and if it was graded out for a storm water facility it will take out a significant number of the trees. We have done this before for parks and it works, but there are a lot of streets here and how big and deep will this facility be to retain one hundred percent of the runoff from the site because we do not get the infiltration rate at the 6 to 8 foot depth as we get at 26 feet. Bryan asked if this city property at the NE corner had any practical use and if we could add it to the proposed park and if part of the park could be used for a regional storm water retention because it does not have trees on it and we could save the trees. Dan Stoller stated it already has a 10 inch open pipe, which drains into it and Hassan said it dumps out into this property and the answer was yes. Dan said the ditch line follows the walking path and the pipe dumps into it and Dan Mickelsen said he thought nothing goes through it. Dan Stoller said theoretically it was going to drain to the ditch, but nothing ever does. Pat handed out a picture depicting the City of Portland's standard swales and Bryan asked if there were certain streets you are proposing. Pat said he was looking at where there were opportunities to do this and of course it would be where you will not have driveways. Renate asked if it would be the property owner's responsibility to maintain the swales. Pat said it was one of the questions he wanted to discuss, if something like this were to be done who would be expected to do the maintenance, an HOA, homeowner or the city. Hassan said there is a criteria for this design and with all due respect if the property owners do not maintain it, it will not meet the criteria for the swales performance. Pat said if we did something like this it would not be expect to be the storm water facility for the development. I would think it would have water flowing in, flow through and flow out into a catch basin to a drywell or some other type of facility. Gary said it would be a huge maintenance issue for whoever is responsible. Pat said he understood and do they have to be irrigated and the answer was yes. Hassan said the intent is to get away from drywells and Bryan said it was a tough issue for the city and we have been looking for a solution, but on long term maintenance and staffing that might be needed and it is what we have adopted. Discussion followed on maintenance of swales. Pat said the city will need to meet and discuss if the city will allow UIC's or do

water quality and Bryan said it reads unless there is no other reasonable alternative and I think they have a reasonable way to do something other than a UIC.

- Is this park going to be a general park or for just the community within this subdivision and Pat said it will be a public park. Hassan said is there going to be any type of a parking for the park and Pat said at the meeting we had with Matilda and she did not indicate she wanted parking. She wanted a restroom facility and we just figured people would park long the street in the subdivision. We know being so close to the ball fields and on weekends people are definitely going to be parking around here and taking the short cut to the soccer or baseball fields. There is no way to avoid it and even though it is city park and it is intended primarily for the people who live in this area as something to use, it will not have a lot of playground equipment and be more of a natural passage facility. It will have existing large trees, next to the bike trail and people can pull off from the pathway and enjoy the park and I do not think Matilda wanted to take a portion of the three acres and dedicate it to a parking lot. Hassan said they would have access to the logging bridge road and they would not have to have an access connection and Pat said we had connections to the pathway on earlier plans, but I felt with the access off of SE 13th Avenue and the fact there will be sidewalks also we probably did not need it and Hassan agreed.

CANBY UTILITY, WATER DEPARTMENT, Doug Quan

- There is a 14 inch water line in SE 13th Avenue and stops at the corner of the Boyle property just west of the house and it would have to be extended to Sequoia Parkway.
- Connections into the subdivision will be into S Vine and S Walnut Streets and connections out to Sequoia Parkway from SE 11th, SE 10th and SE 10th Place. We can go through the park to connect since it is not private property and if there are any dead ends created the automatic blow off stations will be installed and as this subdivision progresses it will be moved. It will be interesting on how you decide you want to do the 14 inch main line in SE 13th Avenue since there are six property owners along the roadway and how it develops and preferable the 14 inch main goes in one shot. Pat said if these properties go and we bring water from Sequoia Parkway and Doug said the 14 inch water main still has to be built. Pat asked if they could set the money aside for the main line extension to have it built at one time and Doug said the answer would have to go to the general manager and board of directors. In order to do the subdivision the main line extension has to be done. Pat asked about the water main in Sequoia Parkway and Doug said it was live and is a 14 inch water main. Hassan asked if they would get SDC's for upsizing the water line and Doug said he did not think so and Pat said they should get an oversize credit for putting in a water line larger than an 8 inch main. They should get the difference between the costs of a 14 inch line to the cost of an 8 inch line, it is what is typical. Bryan said the city has oversizing provisions in our ordinances and Doug said he did not know if Canby Utility has such a thing. Pat asked if Doug would follow up on the oversizing credit and let me know what your ordinances reads.
- On the two cul-de-sacs if we do not do a looped street the fire hydrants need to come out into S Walnut Street and we would let you drop the size of those mains down into the cul-de-sacs. It would be more reasonable to you instead of going to an automatic blow off stations. Pat asked what size of pipe and Doug said in the 4 inch range. As the subdivision builds you will have to move the automatic blow off stations.

- Eight inch ductile iron through the subdivision.
- You will need to watch for any conflicts with the elevations of the sewers because it looks like we may be fairly close in a couple of spots. Our water line depths are between 30 to 36 inches deep.

CITY OF CANBY, EROSION CONTROL, Dan Mickelsen

- Do you think Faist will be open to having an easement at SE 10th Place and cut across their property? It cannot be more than 400 feet and Pat said the Faist's have for years thought they may sell their property from SE 11th Place north, but the discussions have not gone anywhere. I do not know how serious they would be giving up an easement.
- Dan said he would like to see the entire subdivision property frontage on SE 13th Avenue completed at one time and not piecemealed. Nick said the problem with that is the land is not annexed yet. Pat said if this annexation gets defeated and they could come back and annex in one at a time, but what we need to do is get the master plan approved and probably all six property owners would look to annex the first time around. Hassan said it would get back to the cost of developing the entire length of frontage on SE 13th Avenue and the money does not work itself out with all six property owners. Pat said you could ask for the design of the whole road. Dan described how S Ivy Street was miss matched and would like to see the new roadway match the existing roadways. Pat said he understood about how standards change when you have not built in six years. We can set up a vertical profile and as long as the arterial road standards do not change from the 46 foot width, we can have a design for the entire frontage. Hassan said we will require for the first subdivision application horizontal and vertical alignment on SE 13th Avenue.
- Dan asked how Dan Stoller got these 2 lots here. Pat said he has not landed those lots yet. The city wants 3 acres of park and this area and at one time it made sense, but nothing has been done. The idea was to swap 15,000 square feet here for 15,000 square feet there, but there are some questions and I have not heard the answer from the city as to whether the city attorney is comfortable with it. Jeff and Bryan stated the city attorney is not comfortable with it and the land swap will not happen.

WAVE BROADBAND, David Michaud

- We request the final trench plans for us to design and build. Pat asked if they had any issue with serving this area right now and David said he did not know where their plan is actually at, but we will build to it. We do have conduit down the new Sequoia Parkway and have crossings available if need be. Pat asked if they have service to S Teakwood and SE 13th Avenue. I had this conversation with Gary and if Boyle does not develop the right-of-way dedication stops in front of the Faist property and the utilities are back at the edge of the right-of-way. If Ralph wants to develop and we do not have a dedication from Boyle, it is possible the right-of-way can jog out and come back in when Netter does his. Doug said their water main is close to the curb line and Pat said it is only a 10 foot dedication and the curb is out in front of that. Hassan said it was 22 feet off of centerline and it is a 30 foot half right-of-way and if the water line is more than 2 feet out in front of the curb it would be okay. Does that present any problems and David said no and if you give me your email I can actually do a screen shot of our design and send it to you.

CANBY UTILITY, ELECTRIC DEPARTMENT, Gary Stockwell

- At this stage of the game being an annexation, the technical aspect serving this subdivision is going to have to wait and see how it develops. There are certain requirements I will need to tie into the new Sequoia Parkway and the Faist's have an effect on the tie-ins with the existing Faist Subdivision. The main utility source sits at the corner of the Faist/Boyle property and we are able to serve the development.
- We will have to get in front of our existing utilities and get to Sequoia Parkway at some point to complete our feeder system.
- Canby Utility has an annexation policy with Portland General Electric (PGE) and is approved and sanctioned by the PUC. Upon annexation PGE will visit the individual properties and they will make an evaluation of their equipment on site and come up with a cost/value. Traditionally Canby Utility would pay the fee at the time of development and include it into your development fees. What I think is occurring now is PGE does not want to pay us and still operate the equipment, they are deferring payment until the time of development. Just be aware as property owners develop there is an additional fee, depending on how much equipment you have serving their property. Gary said he has no way of anticipating what the cost will be. Ralph asked if there was electrical coming down Sequoia Parkway and Gary said he had a conduit system in Sequoia and there is no power available there yet. What would be nice is to have SE 13th Avenue extended and this is not just small transformers, but will be underground feeder lines and I will place an 8 foot x 10 foot vaults. Once this is developed on SE 13th Avenue there will be one lot where I will need an additional easement because I will have set one of these larger vaults, either at Boyle or Netter's property.
- We have to complete the frontage of the property to tie-in and each one of these proposed streets if the Faist's goes along with you or you get permission to build the road through, each one of these are a point of contact. Ralph asked if it would be problem if the Faist's decide not to develop and Gary said at some point SE 11th Place and SE 12th Avenue will get developed and I will tie back. Ralph said what if Hugh Boyle decided not to give the 10 foot easement by the time I want to develop and Gary said it may require to go back an additional distance to tie into my existing duct and I can make a 45 degree or field sweep transition out in the street, we can get conduit down there and make it usable. It will also depend on the other utilities in the street and if we have to cross the street. Ralph said the power is only available from SE 13th Avenue and not Sequoia Parkway. Gary said until someone in the industrial area develops out there and pays the fees there really is no power on this section of Sequoia Parkway. We have a couple of crossing on Sequoia Parkway and how they line up, I do not know at this time, but it can be done in the future. Pat asked Hassan if the as-builts for the Sequoia Parkway extension would show the water and electric lines and Hassan said we have the as-builts for the electric but they may have shifted a little bit in the field. I can send them to you.
- Jerry and I have been talking about street lighting and the city does not have a policy and we are trying to come up one. Hopefully by the time it develops, we should have a policy in place. Pat asked what style of lighting is along SE 13th Avenue and Gary stated the post top style and the lighting has changed and we are using the cobra heads. On arterial streets we use a 30 foot mounting height and on the residential streets we use a 20 foot mounting height.

CITY OF CANBY, PARKS DEPARTMENT, Jeff Snyder

- I would like to make some clarifications, the only areas in considerations are in the yellow, no school district or Faist property and the answer was yes. Jeff said he had concerns about the narrow strips and it was my understanding the parks would only be interested in having some parking along S Walnut Street. I think you could get 6 to 8 parallel spaces and Pat said there will be parking available on both sides of the street. Bryan said maybe you would like vertical parking rather than parallel and you can get more spaces. Discussion followed on the type of parking. Jeff said if they did parallel parking we would have room for our trucks and trailers to do maintenance.
- Are the sewer and water being stubbed to the site? Pat said we could go two different ways, either we would be doing the design and installation of the park and the neighbors would have the say as to what came into the park or it would have to be approved as part of the master plan and the discussion was a drinking fountain and a restroom and water and sewer would be stubbed in. I do not remember the type of building Matilda was talking about, I think a one seat. Tom said he thought it was a drop in type building, we did not go into very much detail. Pat said we are trying to find a way to fund the park, the equity between all the owners in this development is the most difficult thing to solve, Dan Stoller is giving up a lot of land for the park and how does he get reimbursed. The monies need to come out even because the SDC monies (\$4,900 per lot) to do compare to the developable land Stoller is giving up.
- Jeff said we had a Park and Recreational board meeting and they wanted at a minimum to develop some sort of parking along the frontage of the park. Pat said the streets will be 34 feet with two travel lanes and parking on both sides and Hassan concurred. Pat said there is approximately 190 feet of park frontage and it is about 22 feet per stall, which works out to be about 8 to 9 spaces. Jeff said the crew will take up 4 spaces with a truck and trailer doing maintenance work. Pat said we could make the street a little wider here and bump it out and move the sidewalk back into the park a little farther. Jeff said he would like it bumped in to have people and kids get out safely from their cars. Hassan asked if they were thinking of trading and Pat said he was not thinking of trading he was thinking of providing something a little wider than the 7 feet and bump it out another 3 to 4 feet and it would be defined for parking at the park. Jeff said it would make everyone happy if we add parking there.

CANBY SCHOOL DISTRICT, BOARD MEMBER, Tom Scott

- The school district's property is not part of this project and will they be included in this park reimbursement or dedication and Pat said no. This area is sufficient park land for the 20 lots in the school district's area, but it is up to the city as to whether they want it to be a park or fee in lieu of land. We just set it up this way and if the city chooses they do not want these lineal parks then you could pay the fee in lieu and get 3 lots instead. Jeff said this is for future development and not part of this plan and Pat said yes.

CITY OF CANBY, PLANNING DEPARTMENT, Bryan Brown

- Bryan handed out his comments for SE 13th Avenue Annexation. I have addressed questions you had about the annexation process for this project of approximately 32 acres. The way I

read the code and the master fee schedule, there is a base fee of \$1,850 and then \$55 per acre and the total of \$3,610 for your annexation application. You will need to submit a zoning map with this application and we have in the past charged a fee for zoning map amendment on some and not on others. I am thinking since your zoning is corresponding to the comprehensive plan map designations we would not charge you, but you do need the application form. Pat asked if it needed to be signed by all six property owners and Bryan said he thought so. Pat said both applications and Bryan said yes. We will only charge you for the annexation application. We do require \$2,500 election deposit and any charges the city incurs related to setting up the ballot and if we do not use it all you will get a refund.

- There is a potential cost from the county for setting up the election. My understanding is if anything goes on the November general election ballot there is usually no cost, but a special election or anything else you are totally responsible for whatever the county will charge.
- We talked about the need for a traffic study and generally speaking you should try to get this done when you submit with your applications. We have a one or two month leeway where the study can be being done to make your deadline for your application. At some point it will become problematic if the study does not get done and we would need definitive answers. Pat said do we have DKS prepare it and Bryan said yes. You need to get started if you are heading for this deadline in February and start with the scoping work with the \$500 deposit to the city. Once complete it will tell you how much the study will cost. Pay the fee and you have a choice of using DKS or someone else, but the scope is required to be done by DKS.
- You have completed your concept plan and there might be some changes needed because of the storm water issues and we will help you. To my knowledge the city has not done a concept plan before, we have done development agreements with annexations. I do not really know how this will look and I am visualizing a drawing or two will probably answer what the criteria in the code states about the eight different infrastructure requirements, maybe a narrative or something could get adopted with the concept plan if needed. For instance, if you do a regional storm water detention and possibly have an agreement to go along with this concept plan, which reads if this part of ownership develops first then they will agree to dedicate a drainage easement across their property temporarily to get to their regional detection facility or something of the like. Pat said we discussed we were going cut the lots off when we do the development concept plan and show streets, park, storm water facility and if there will be a storm water facility and Bryan said he thought it would work.
- I need to look at the Oregon Revised Statutes again and reread Chapter 222 and see if there is anything in the state's statutes, which is applicable and our code reads you are bound by any applicable regulations of the state. Pat said he looked through it yesterday and did not see anything and Bryan said he could not remember if there was anything applicable.

CITY OF CANBY, ECONOMIC DEVELOPMENT, Renate Mengelberg

- This housing development is in the proximity of the Pioneer Industrial Park and we are in the process of working with Clackamas County on concept plans for the Weygrandt properties showing railroad spurs onto the 14 acre site. We want you to be aware there could be a potential of an industrial building with rail service across the street from this development and we are designing the spur towards the back of the building and there should not be too

much excessive noise. I just want you to be aware. Dan asked how they would access the Weygrandt property and Renate said it would be off of Sequoia Parkway.

V. Annexation Petition

**ANNEXATION PETITION
CITY OF CANBY, OREGON**

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. 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		
<i>Ralph Natter</i>	Ralph Natter	✓		.	700	03	4S	1E	
<i>Mary Stoller</i>	Mary Stoller	✓			400	03	4S	1E	
<i>Geraldine Marcus</i>	Geraldine Marcus	✓			500	03	4S	1E	
						03	4S	1E	
						03	4S	1E	
						03	4S	1E	
						03	4S	1E	
						03	4S	1E	
						03	4S	1E	
						03	4S	1E	
						03	4S	1E	
						03	4S	1E	

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

CLACKAMAS COUNTY SURVEYOR

RECEIVED: _____
 ACCEPTED FOR FILING: _____
 SURVEY NUMBER: _____

Record of Survey

SITUATED IN THE NORTHEAST 1/4 OF SECTION 3,
 TOWNSHIP 4 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN
 CLACKAMAS COUNTY, OREGON

FEBRUARY 28, 2014 SCALE: 1" = 100'
 FOR: SE 13TH AVENUE PROPERTY OWNERS

LEGEND:

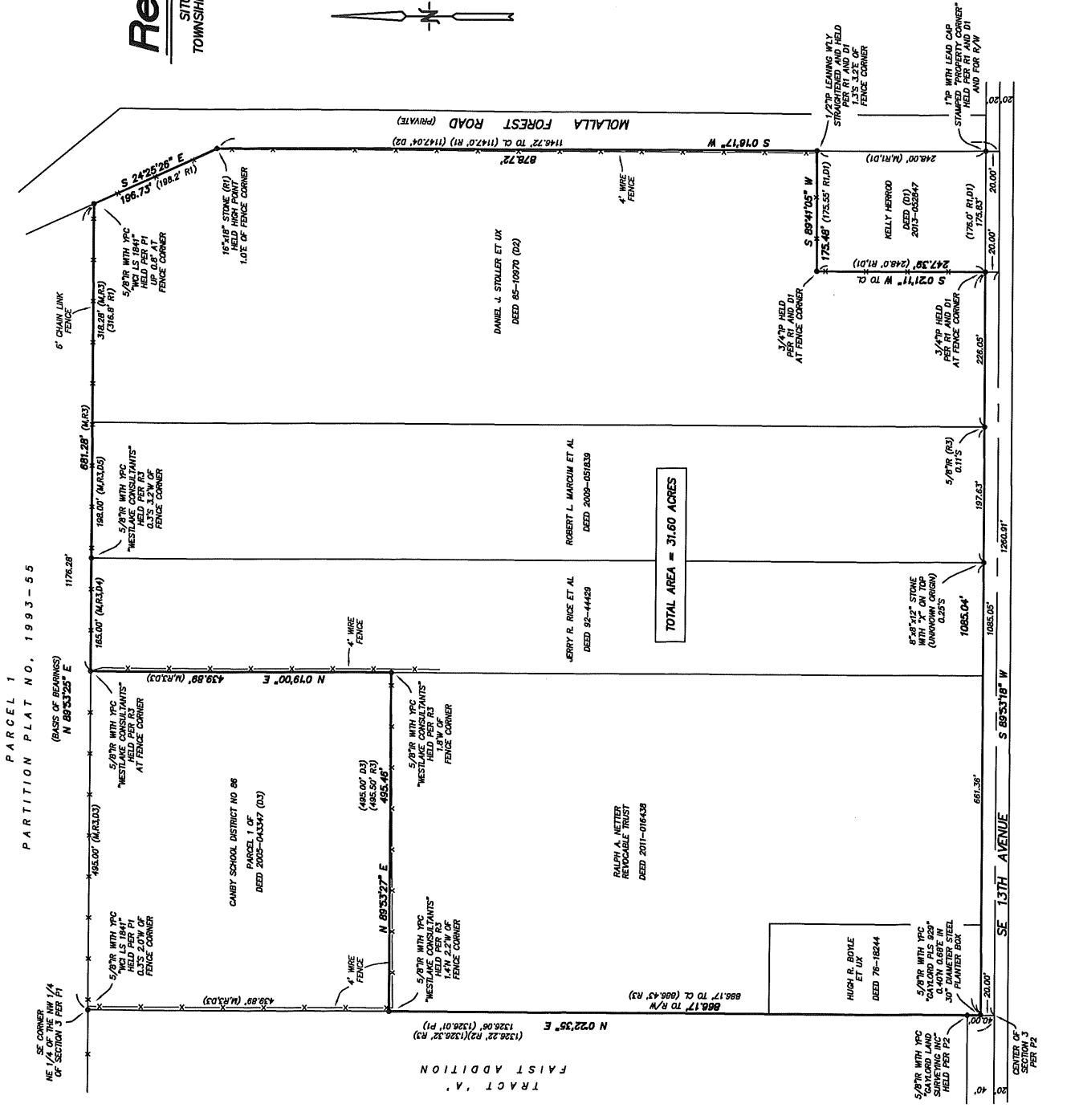
- - DENOTES FOUND MONUMENT AS NOTED, UNLESS NOTED OTHERWISE
- - DENOTES FOUND MONUMENT AS NOTED, UNLESS NOTED OTHERWISE
- Y/P - YELLOW PLASTIC CAP (INScribed AS NOTED)
- R - IRON ROD
- D - DEED
- D2 - DEED 2005-043347
- D3 - DEED 2005-043347
- D4 - DEED 2005-043347
- D5 - DEED 2005-043347
- D6 - DEED 2005-043347
- D7 - DEED 2005-043347
- D8 - DEED 2005-043347
- D9 - DEED 2005-043347
- D10 - DEED 2005-043347
- D11 - DEED 2005-043347
- D12 - DEED 2005-043347
- D13 - DEED 2005-043347
- D14 - DEED 2005-043347
- D15 - DEED 2005-043347
- D16 - DEED 2005-043347
- D17 - DEED 2005-043347
- D18 - DEED 2005-043347
- D19 - DEED 2005-043347
- D20 - DEED 2005-043347
- D21 - DEED 2005-043347
- D22 - DEED 2005-043347
- D23 - DEED 2005-043347
- D24 - DEED 2005-043347
- D25 - DEED 2005-043347
- D26 - DEED 2005-043347
- D27 - DEED 2005-043347
- D28 - DEED 2005-043347
- D29 - DEED 2005-043347
- D30 - DEED 2005-043347
- D31 - DEED 2005-043347
- D32 - DEED 2005-043347
- D33 - DEED 2005-043347
- D34 - DEED 2005-043347
- D35 - DEED 2005-043347
- D36 - DEED 2005-043347
- D37 - DEED 2005-043347
- D38 - DEED 2005-043347
- D39 - DEED 2005-043347
- D40 - DEED 2005-043347
- D41 - DEED 2005-043347
- D42 - DEED 2005-043347
- D43 - DEED 2005-043347
- D44 - DEED 2005-043347
- D45 - DEED 2005-043347
- D46 - DEED 2005-043347
- D47 - DEED 2005-043347
- D48 - DEED 2005-043347
- D49 - DEED 2005-043347
- D50 - DEED 2005-043347
- D51 - DEED 2005-043347
- D52 - DEED 2005-043347
- D53 - DEED 2005-043347
- D54 - DEED 2005-043347
- D55 - DEED 2005-043347
- D56 - DEED 2005-043347
- D57 - DEED 2005-043347
- D58 - DEED 2005-043347
- D59 - DEED 2005-043347
- D60 - DEED 2005-043347
- D61 - DEED 2005-043347
- D62 - DEED 2005-043347
- D63 - DEED 2005-043347
- D64 - DEED 2005-043347
- D65 - DEED 2005-043347
- D66 - DEED 2005-043347
- D67 - DEED 2005-043347
- D68 - DEED 2005-043347
- D69 - DEED 2005-043347
- D70 - DEED 2005-043347
- D71 - DEED 2005-043347
- D72 - DEED 2005-043347
- D73 - DEED 2005-043347
- D74 - DEED 2005-043347
- D75 - DEED 2005-043347
- D76 - DEED 2005-043347
- D77 - DEED 2005-043347
- D78 - DEED 2005-043347
- D79 - DEED 2005-043347
- D80 - DEED 2005-043347
- D81 - DEED 2005-043347
- D82 - DEED 2005-043347
- D83 - DEED 2005-043347
- D84 - DEED 2005-043347
- D85 - DEED 2005-043347
- D86 - DEED 2005-043347
- D87 - DEED 2005-043347
- D88 - DEED 2005-043347
- D89 - DEED 2005-043347
- D90 - DEED 2005-043347
- D91 - DEED 2005-043347
- D92 - DEED 2005-043347
- D93 - DEED 2005-043347
- D94 - DEED 2005-043347
- D95 - DEED 2005-043347
- D96 - DEED 2005-043347
- D97 - DEED 2005-043347
- D98 - DEED 2005-043347
- D99 - DEED 2005-043347
- D100 - DEED 2005-043347

NARRATIVE:

THE BASIS OF BEARINGS IS THE SOUTH LINE OF PARTITION PLAT NO. 1993-55. THIS SURVEY WAS PERFORMED TO SET OUT THE EXTERIOR CORNERS OF PARCELS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100. THE MONUMENTS AT THE SE CORNER NE 1/4 OF THE NW 1/4 OF SECTION 3 AND THE SE CORNER OF PARTITION PLAT NO. 1993-55. SOUTH LINE HELD THE MONUMENTS AT THE SE CORNER NE 1/4 OF THE NW 1/4 OF SECTION 3 AND THE SE CORNER OF TRACT "A" FAST ADDITION" PER SAID "FAST ADDITION". SOUTH LINE HELD CENTER OF SECTION 3 (ESTABLISHED ABOVE) AND THE MONUMENT AT THE SE CORNER OF DEED NO. 1993-55 NORTHERLY OF THE CENTERLINE. ESTABLISHED THE NORTH RIGHT OF WAY LINE 20' FROM THE CENTERLINE. EAST LINE HELD THE MONUMENT AT THE SE CORNER OF PARTITION PLAT NO. 1993-55 AND THE MONUMENTS ALONG THE EAST LINES OF DEED (D) AND (D2) AS SHOWN. HERRON TRACT HELD THE FOUND MONUMENTS PER (D1). CANBY SCHOOL DISTRICT NO. 88 TRACT HELD THE FOUND MONUMENTS PER SURVEY NO. 2005-111.

THIS SURVEY WAS PREPARED UNDER
 THE PROVISIONS OF OREGON LAWS
 RELATIVE TO SURVEYING AND
 THE OREGON PROFESSIONAL SURVEYOR
 ACT.
 REGISTERED PROFESSIONAL
 LAND SURVEYOR
 KENNETH D. GRIFFIN
 OREGON
 LICENSE NO. 2147
 EXPIRES 6/30/15

GRIFFIN LAND SURVEYING INC.
 6107 SW MURRAY BLVD., #200
 BEAVERTON, OR 97008
 PHONE: (503)301-3116



Griffin Land Surveying Inc.

6107 SW Murray Blvd. #409 – Beaverton, OR. 97008

Office: (503)201-3116

February 28, 2014

SE 13th Avenue Property Owners

Project: 0533

Total Property Description

Tax Lots 400, 500, 600, 700, 800 Map 41E03
Clackamas County, Oregon

A tract of land situated in the Northeast 1/4 of Section 3, Township 4 South, Range 1 East, Willamette Meridian, in the County of Multnomah, State of Oregon, being more particularly described as follows:

Commencing at the center of said Section 3; thence N 0°22'35" E, 20.00 feet to the North right of way line of SE 13th Avenue and the Point of Beginning; thence continuing N 0°22'35" E along the East line of "FAIST ADDITION", a subdivision filed in Clackamas County Plat Records, 866.17 feet to the Southwest corner of that tract described by Deed to Canby School District No. 86, recorded in Document No. 2005-043347, Clackamas County Records; thence N 89°53'27" E along the South line of said Canby School District tract, 495.46 feet to the Southeast corner thereof; thence N 0°19'00" E along the East line of said Canby School District tract, 439.89 feet to the South line of Parcel 1, Partition Plat No. 1993-55, Clackamas County Plat Records; thence N 89°53'25" E along the South line of said Parcel 1, 681.28 feet to the Southeast corner thereof; thence S 24°25'26" E along the East line of that tract described by Deed to Daniel J. Stoller, et ux, recorded in Document No. 85-10970, Clackamas County Records, 196.73 feet; thence S 0°16'17" W continuing along the East line of said Stoller tract, 878.72 feet to a 1/2" Iron Pipe at the Northeast corner of that tract described by Deed to Kelly Herrod, recorded in Document No. 2013-052847, Clackamas County Records; thence S 89°41'05" W along the North line of said Herrod tract, 175.48 feet to a 3/4" Iron Pipe at the Northwest corner thereof; thence S 0°21'11" W along the West line of said Herrod tract, 247.39 feet to a 3/4" Iron Pipe at the Southwest corner thereof, being on the North right of way line of said SE 13th Avenue; thence S 89°53'18" W along said North right of way line being 20.00 feet, when measured at right angles, from the centerline, 1085.04 feet to the point of beginning.

Contains 31.60 acres.



Griffin Land Surveying Inc.

6107 SW Murray Blvd. #409 – Beaverton, OR. 97008

Office: (503)201-3116

February 28, 2014

SE 13th Avenue Property Owners

Project: 0533

SE 13th Avenue Right of Way Description

Map 41E03

Clackamas County, Oregon

A tract of land situated in the Northeast 1/4 of Section 3, Township 4 South, Range 1 East, Willamette Meridian, in the County of Multnomah, State of Oregon, being more particularly described as follows:

Beginning at the center of said Section 3; thence N 0°22'35" E, 20.00 feet to the North right of way line of SE 13th Avenue; thence N 89°53'18" E along said North right of way line being 20.00 feet, when measured at right angles, from the centerline, 1085.04 feet to the Southwest corner of that tract described by Deed to Kelly Herrod, recorded in Document No. 2013-052847, Clackamas County Records; thence S 0°21'11" W, 20.00 feet to the centerline of said SE 13th Avenue; thence S 89°53'18" W along said centerline, 1085.05 feet to the point of beginning.

Contains 21,701 square feet.



13TH AVENUE PROPERTY OWNERS TAX LOTS 400, 500, 600, 700, 800 MAP 41E03 CLACKAMAS COUNTY, OREGON

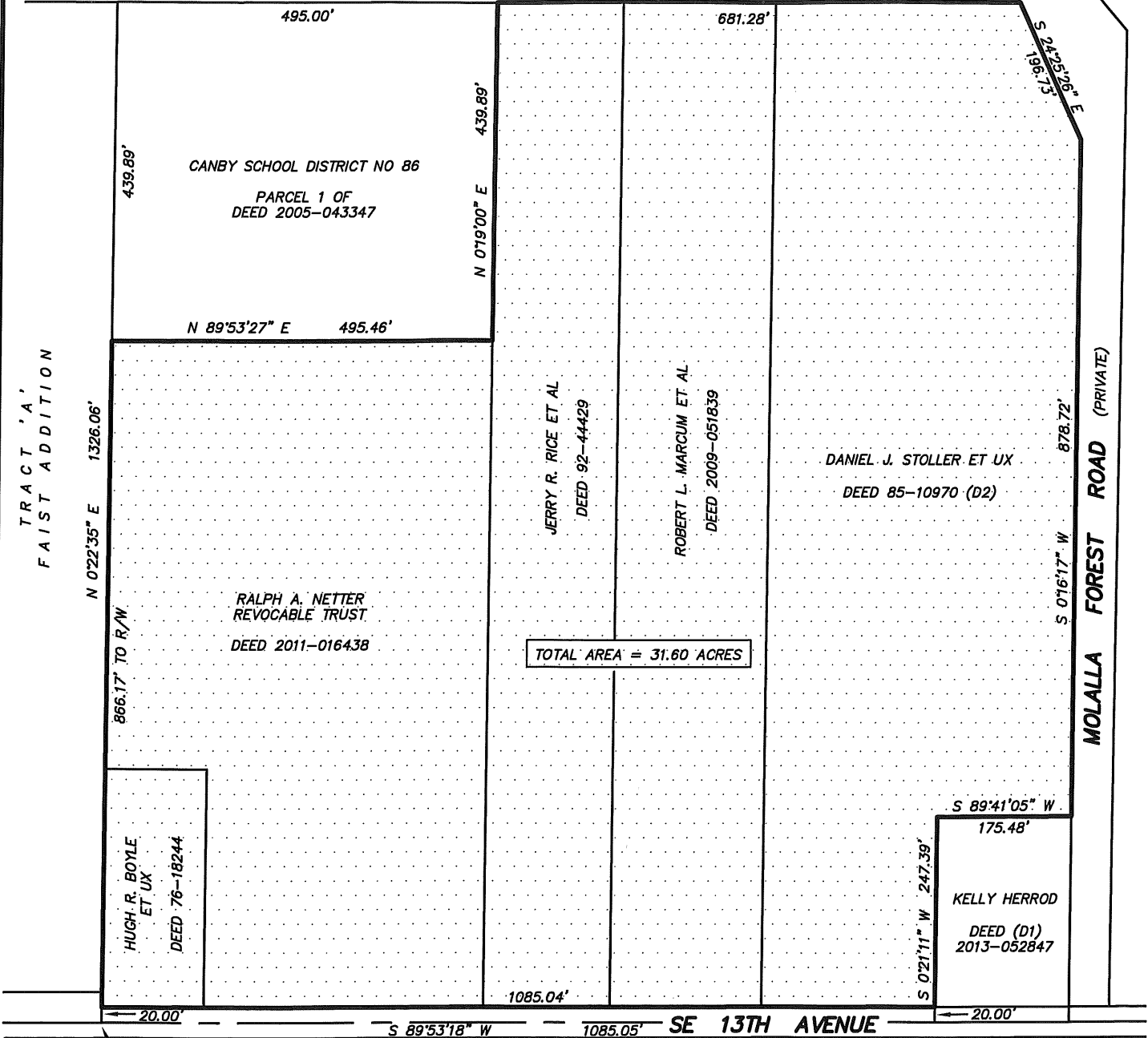
SCALE: 1" = 200'



SE CORNER
NE 1/4 OF THE NW 1/4
OF SECTION 3

PARCEL 1
PARTITION PLAT NO., 1993-55

N 89°53'25" E



TOTAL AREA = 31.60 ACRES

CENTER OF SECTION 3

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Kenneth D. Griffin

OREGON
JULY 26, 1985
KENNETH D. GRIFFIN
2147

GRIFFIN LAND SURVEYING INC.
6107 SW MURRAY BLVD. #409
BEAVERTON, OR. 97008
(503) 201-3116

RENEWS: 6/30/15
Planning Commission 6-9-14

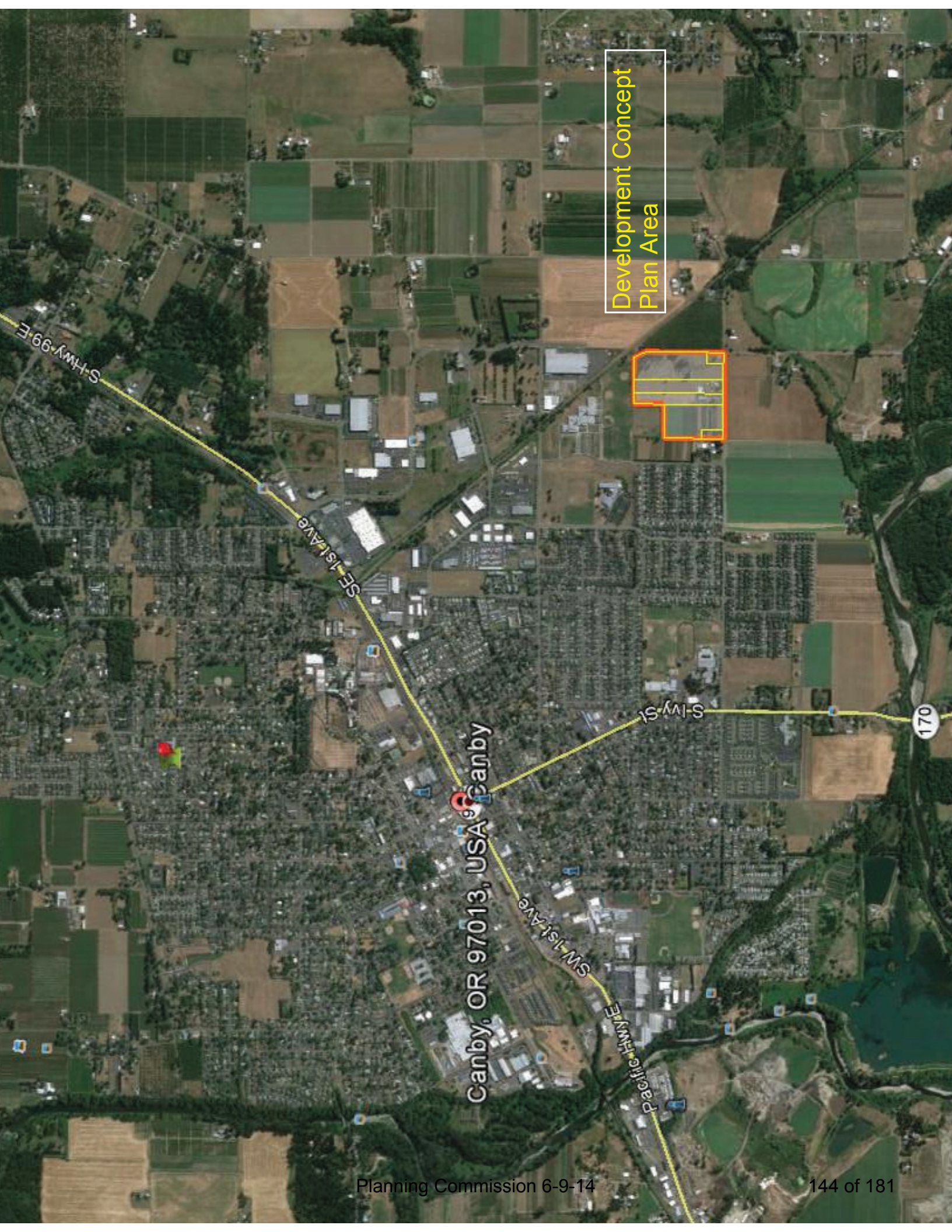
VII. Maps

a. Vicinity Map

b. Assessor Map

c. Comprehensive Plan Map

d. Proposed Annexation



Development Concept
Plan Area

Canby, OR 97013, USA

S-Hwy 99 E

SE 1st Ave

S Ivy St

SW 1st Ave

Pacific Hwy E

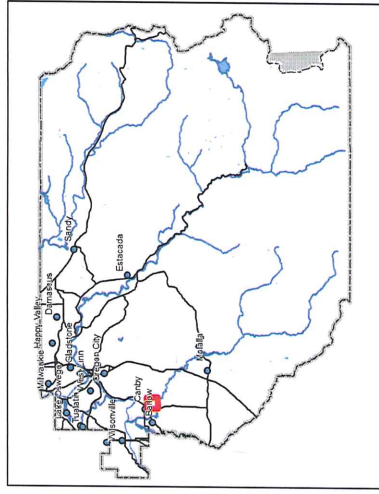
170

SECTION 3 T.4S. R.1E. W.M.
CLACKAMAS COUNTY
1" = 400'

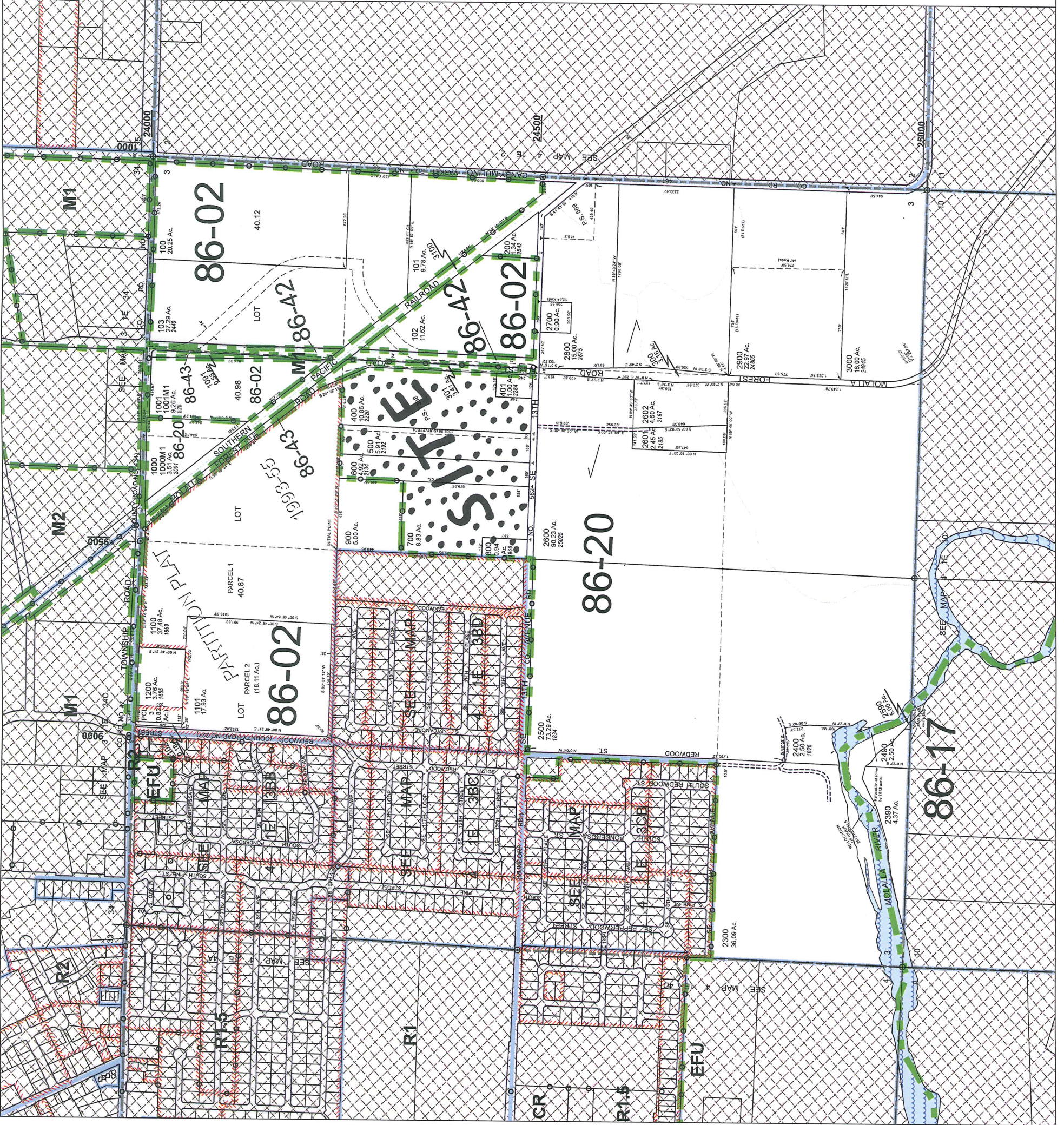
Cancelled Taxlots

- 1300
- 1400
- 1450
- 1500
- 1600
- 1700
- 1701
- 1800
- 1801
- 1850
- 1880
- 1900
- 2000
- 2001
- 2002
- 2050
- 2100
- 2200
- 280
- 290
- 1290
- 1330
- 152

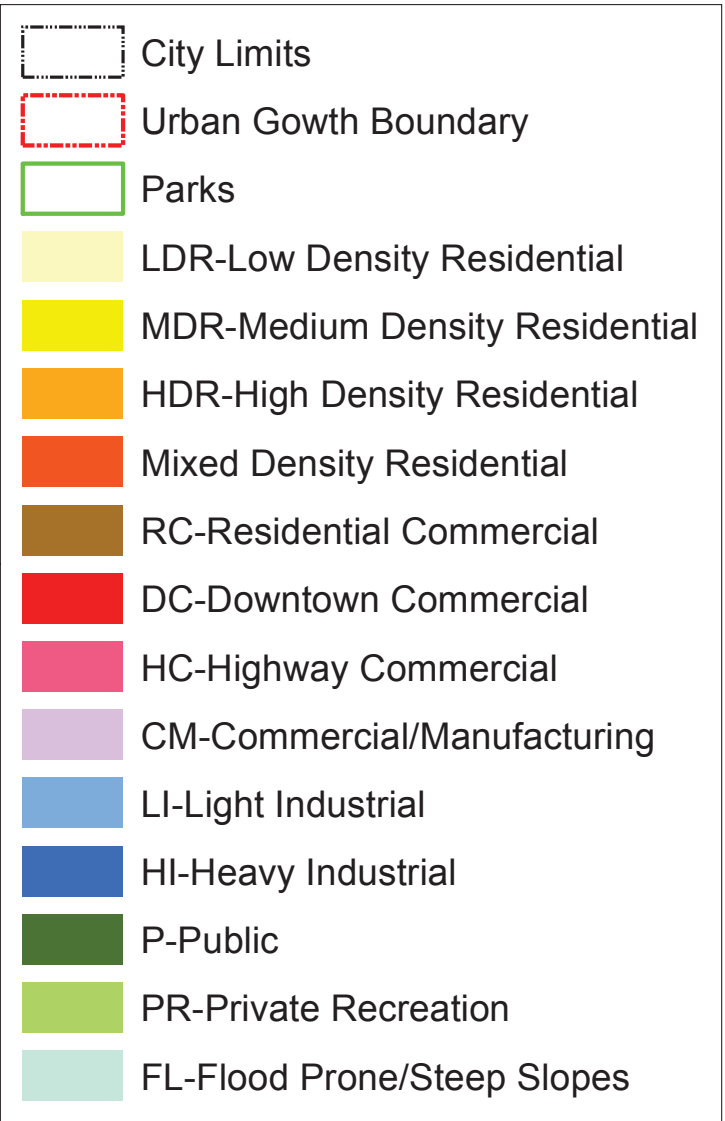
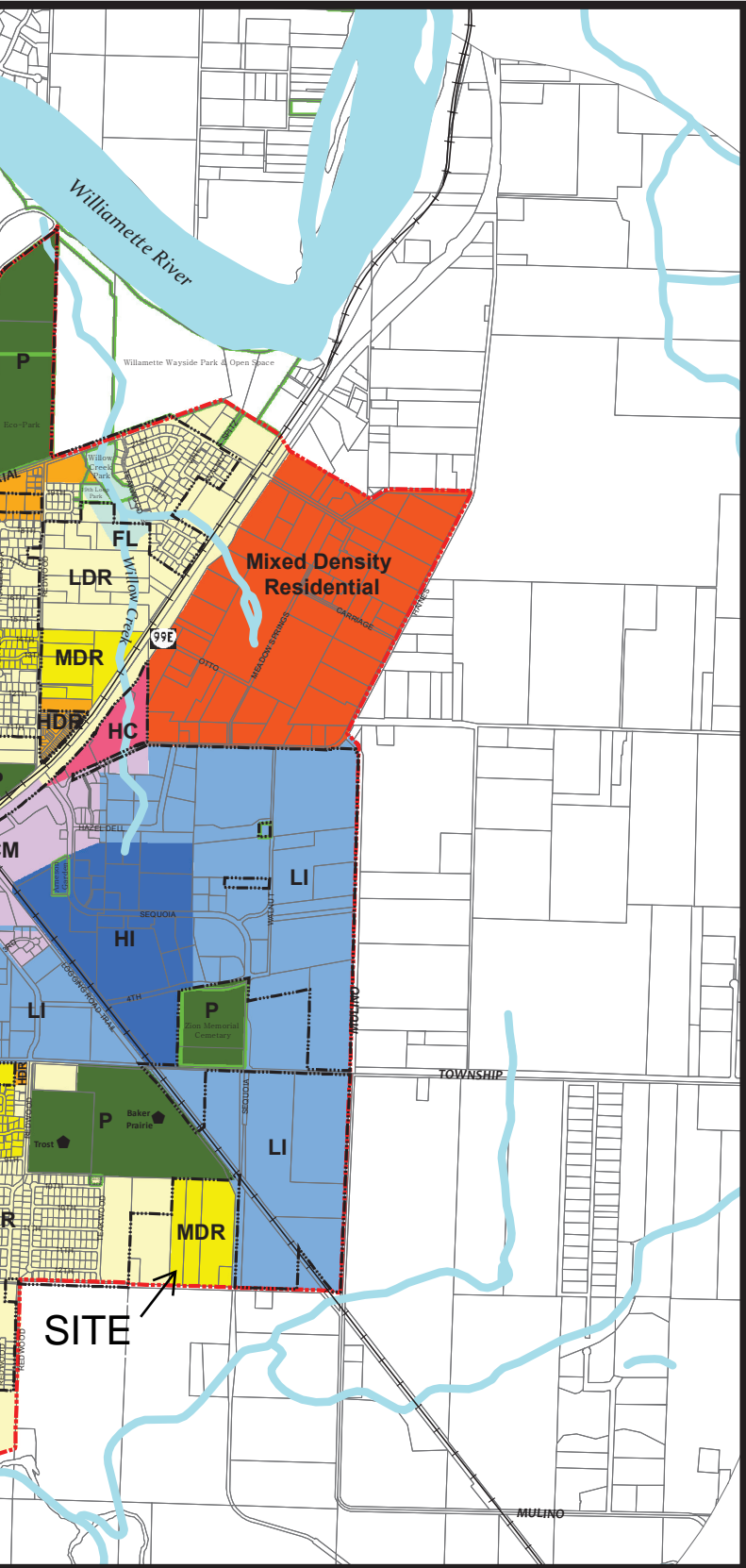
- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- TaxCodeLines
- Map Index
- WaterLines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor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



THIS MAP IS FOR ASSESSMENT PURPOSES ONLY



City of Canby Comprehensive Plan Map



January 2014

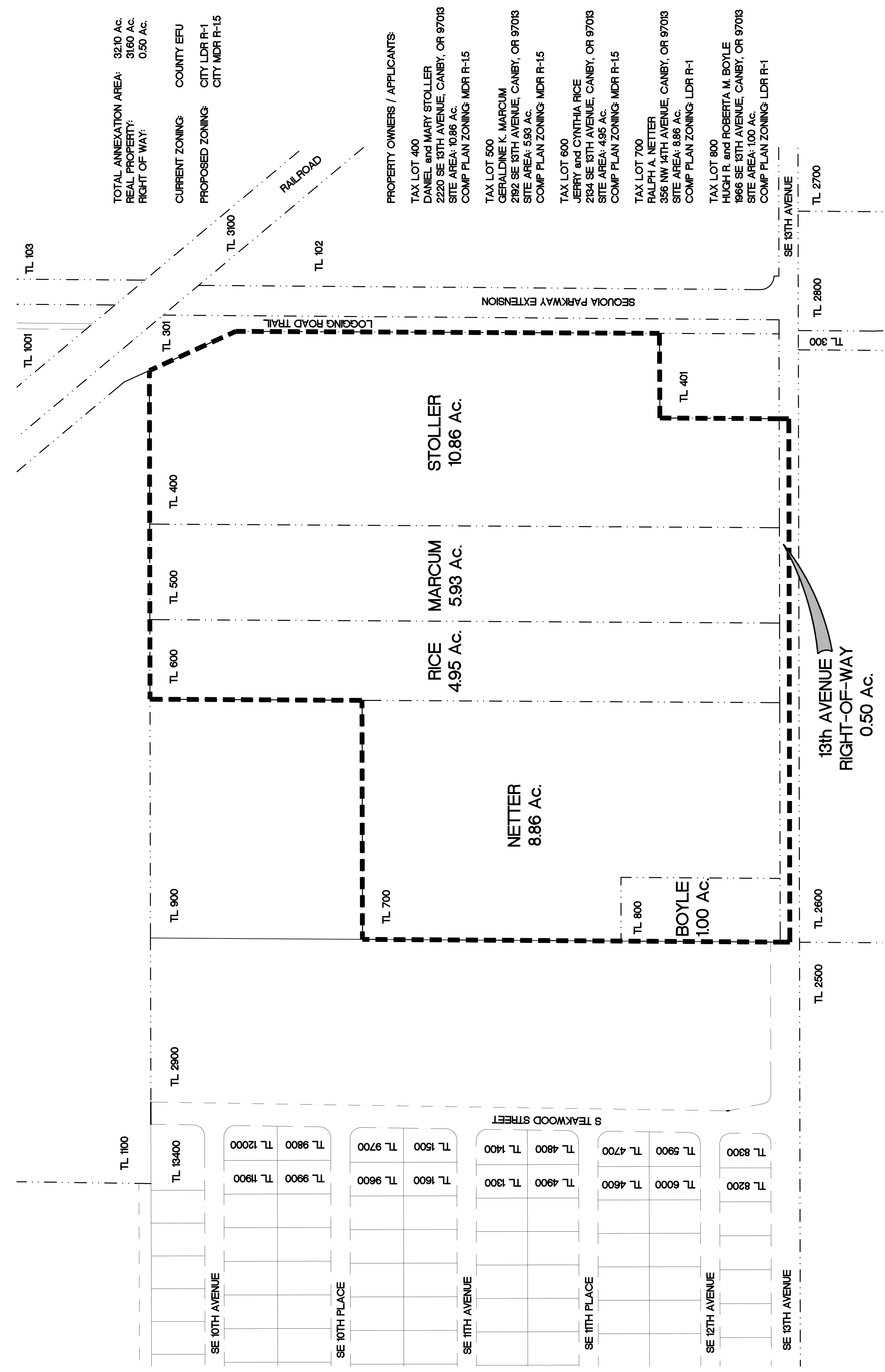
The information depicted on this map is for general reference only. The City of Canby cannot accept any responsibility for errors, omissions, or positional accuracy. However, notification of errors would be appreciated.

REVISIONS	BY

SE 13th Avenue Annexation
SE 13th Avenue Property Owners

Proposed Annexation

SISUL ENGINEERING
 976 PORTLAND AVENUE
 GLADSTONE, OREGON 97027
 (503) 657-0188
 DRAWN: PS
 DATE: FEB., 2014
 SCALE: 1" = 100'
 JOB: SGL05-032A
 SHEET: **1**
 OF 1 SHEETS



SE 13TH Avenue, Canby, OR Development Concept Plan



February 28, 2014
Revised May 27, 2014

Prepared by Sisul Engineering
375 Portland Avenue, Gladstone, OR 97027
Phone (503) 657-0188 www.sisulengineering.com

Table of Contents

- I. Purpose
- II. Existing Conditions
- III. Opportunities and Constraints
- IV. Concept Plan
- V. Utility Service
- VI. Park Dedication & Reimbursement to Stoller
- VII. Development Concept Plan Maps
 - 1. Ownership
 - 2. Zoning Designations
 - 3. Existing Conditions
 - 4. Street Plan
 - 5. Drainage
 - 6. Sanitary Sewer
 - 7. Waterline
 - 8. Parks
 - 9. Park Details

I. Purpose

City of Canby Municipal Code (CMC) Section 16.84 establishes criteria under which the City of Canby will consider annexation requests. The City of Canby Annexation Development Map (Figure 16.84.040) shall determine which properties are required to submit either:

- 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; or
- 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 group of property owners in the southeasterly portion of the Canby area have come together for the expressed purpose of annexing their properties into the City of Canby. Their contiguous properties are located north of SE 13th Avenue, south of Baker Prairie Middle School, east of S Teakwood Avenue and west of the Sequoia Parkway extension and the Logging Road Trail. These properties are located in a designated DCP area shown on the City of Canby Annexation Development Map.

The purpose of this Development Concept Plan is to address the specific requirement of the City of Canby Municipal Code Section 16.84 to prepare a Development Concept Plan for the properties prior to annexation.

II. Existing Conditions

The roughly 32 acre DCP area is nearly square, with the northwesterly corner removed, or “notched out”. This “notched out” area is owned by the Canby School District and is already inside the Canby city limits. The DCP area is comprised of six (6) tax lots, varying from one (1.0) acre to 10.86 acres in size. The parcels are located in Tax Map 4S-1E-03 and include the following properties and ownerships:

TL400	10.86 acres	Stoller
TL401	1.00 acre	Herrod
TL500	5.93 acres	Marcum
TL600	4.95 acres	Rice
TL700	8.86 acres	Netter
TL800	1.00 acre	Boyle

The site is adjacent to and abuts the Faist property to the west, and Baker Prairie School to the north. To the east and south the land is vacant and in agricultural use. Somewhat further to the west and north of SE 13th Avenue is the Ackerman Center and the Canby Adult Center.

The site appears nearly flat, but there is an 11 foot grade change across the site, with only minor topographical features. The high point of the site is at 180 MSL in the southwest corner, while the low point is at 170 MSL in the northeast corner.

The site is similar in character to most of the surrounding area in the southeasterly Canby area. The area is currently rural in nature and contains larger lot single-family and agricultural uses. The land is generally flat and level, but slopes gently off to the northeast. Development is limited in this area. The area is served by SE 13th Avenue, which is the most significant east-west street in the vicinity. Access from any direction other than SE 13th Avenue is difficult because through streets have not yet been fully developed in this area of Canby. North-south streets are currently limited, but the City of Canby is currently constructing the Sequoia Parkway extension just to the east of the subject site that will provide convenient north-south connectivity when completed.

While urban development is gradually increasing into this neighborhood there continues to be considerable farming activity in the immediate vicinity, most of which is located outside the city limits. Several homes located on large farm and non-farm use properties still remain in this local area. With the urban development, the urban infrastructure has been extended to the boundaries of the Concept Plan Area. As such, local services and facilities are generally available or can be made available through service line extensions.

III. Opportunities and Constraints

The DCP area is similar in character to much of the surrounding area in southeast Canby in that it is rural in nature and contains larger lot single-family and agricultural uses. The land is generally flat and level, but slopes gently off to the northeast. Development is limited immediately surrounding the DCP area, but it has been creeping in on the site since the late 1990's when the Faist Addition subdivisions to the west were developed. In the early 2000's the Toft Farms subdivisions were developed a little farther south and west of Faist Addition and then in the mid-2000's Baker Prairie Middle School and American Steel were developed north of the DCP area. Current construction in this area includes the City of Canby's Sequoia Parkway extension project which is extending Sequoia Parkway from SE Township Rd to SE 13th Avenue. The Sequoia Parkway extension is expected to be completed in the summer of 2014.

Baker Prairie Middle School – The school is located along the northern boundary of the DCP area and will provide convenient access for middle school aged students of future residential developments. The school has large athletic fields located near the site which will provide for active recreational opportunity areas on weekends, during summers, and at other times when school is not in session.

Bike and Walking Trails – A bicycle trail is located on the Baker Prairie Middle School site along the northern edge of the DCP area and the City-owned Logging Road Trail is located along the eastern side. These two trails provide for recreational opportunities and alternative transportation possibilities for future residents of this area.

Sequoia Parkway extension – The Sequoia Parkway extension will provide for convenient north-south access through Canby and for quick access to 99E shopping areas and restaurants. Vehicular access to Sequoia Parkway from the DCP area will not be permitted.

Railroad – A railroad spur line is located slightly off the northeast corner of the DCP area. Access across the railroad is limited.

SE 13th Avenue – SE 13th Avenue is a designated arterial roadway in the City of Canby Transportation System Plan. The roadway provides convenient east-west trips between S Mulino Road and 99E. Because SE 13th Avenue is an arterial, intersections are limited to a spacing guideline established by the City.

Trees on Stoller parcel – The Stoller parcel has a large stand of mature trees that is somewhat out of character for properties in this area. The trees are located southwest of the intersection of the Baker Prairie Middle School pathway and the Logging Road Trail in the northeast corner of the DCP area.

IV. Concept Plan

Zoning: The DCP proposes to use the zoning identified in the City of Canby Comprehensive Plan. The Comprehensive Plan identifies two separate zoning designations for the DCP area, LDR-Low Density Residential and MDR-Medium Density Residential. The two properties on the west side of the DCP area, Boyle and Netter (Tax Lots 700 & 800), are indicated as LDR-Low Density Residential and the DCP identifies that these two properties have City of Canby R-1 Low Density Residential Zoning applied at the time of annexation. These two properties will act as the transition from the R-1 properties located farther west to the R-1.5 zoning that will be applied to the four eastern properties located in the DCP. The four eastern properties, Stoller, Herrod, Marcum & Rice (Tax Lots 400, 401, 500 & 600) are indicated as MDR-Medium Density Residential on the Comprehensive Plan and the DCP agrees that this zoning is appropriate for these properties. MDR properties will have City of Canby R-1.5 Medium Density Residential Zoning applied at the time of annexation.

Canby Municipal Code (CMC) Chapter 16.16 (R-1 Low Density Residential Zone) permits lots created in the R-1 zone to be developed with one single family dwelling per lot in addition to other allowed uses. CMC Chapter 16.18 (R-1.5 Medium Density Residential Zone) permits lots created in the R-1.5 zone to be developed with uses permitted in the R-1 zone or with two or three family dwellings (one duplex or tri-plex on each lot). The DCP proposes to limit uses permitted outright in the R-1.5 zone to those uses permitted outright in the R-1 zone. Two-family and three-family uses would be permitted as Conditional Uses only. The owners of the land in the DCP area do not feel that multiple family dwellings are the proper fit for this particular R-1.5 zoned area and therefore want to set the bar higher for allowing that type of construction.

Streets: The DCP proposes to make connections to logical extensions of existing roadways in the Faist Addition subdivisions to the west of the DCP area and also proposes to make logical connections to SE 13th Avenue along the southern end of the site that are consistent with the planned local street connections anticipated in Figure 7-8 of the Canby TSP. Access to the north is blocked by Baker Prairie Middle School and access to the east is blocked by the Logging Road Trail and inability to connect to the new Sequoia Parkway extension.

East-west streets in the DCP area include extensions of SE 10th Avenue, SE 10th Place, SE 11th Avenue, SE 11th Place, SE 12th Avenue. SE 13th Avenue borders the DCP area to the south and will be improved with half-street improvements at the time of development.

New north-south streets in the DCP area that will intersect with SE 13th Avenue include S Vine Street and S Walnut Street. These two streets are anticipated by Figure 7-8 of the Canby TSP. Vine and Walnut will utilize the alphabetical tree street naming pattern for streets that generally travel north and south. Other north-south streets near the DCP area include Redwood, Sycamore & Teakwood to the west and Sequoia Parkway to the east. Sequoia Parkway is a unique street name that does not fit the established street naming pattern in the City.

Parks: Existing City parks in this area of Canby include Legacy Park and Faist Park both located west of the DCP area. Legacy Park is located adjacent to the Ackerman School grounds and features playgrounds, soccer fields, a picnic shelter and a meditation garden. Faist Park is a 15,041 sq. ft. parcel located west of Teakwood Avenue at the entrance to Baker Prairie Middle School. Faist Park is currently unimproved.

The DCP proposes to create a new 3.429-acre park in the northeast corner of the DCP area to serve the residents of this site, the neighborhood and the entire City of Canby. The park will take advantage of a large stand of trees located on the Stoller parcel in the northeast corner of the site and will include passive recreational opportunities such as walkways, picnic tables, and benches. The City Parks Department has determined that this property would make for an excellent park site and it is anticipated to be used as a location for picnicking or resting by people who use the City's Logging Road trail or the Baker Prairie Elementary School pathway. Park improvements such as a restroom, walkways, benches and tables may be constructed by project developers or may be developed by the City of Canby.

Per the City of Canby's park dedication formula, a park dedication of 3.429 acres will satisfy the need for 127 new lots. If more than 127 new lots are created in the DCP area, the additional lots will satisfy the City Parks SDC obligation through payment of the City SDC fee. See Section VI Parks, for additional information.

V. Utility Service

Based on the level of development surrounding the subject site, necessary facilities and services are available for the proposed annexation at the proposed R-1 and R-1.5 zoning designations. The applicant had a pre-application meeting with the City of Canby utility service providers and all utilities are available in the DCP area or can be made available through development of the site.

Water: Water is provided through Canby Utility's Water Department. A 14-inch water line installed during development of the Faist Addition subdivisions is located in S.E. 13th Avenue at the southwest corner of the site. The City of Canby and Canby Utility are also installing a new 14-inch water main to the southeast corner of the site as a part of the Sequoia Parkway extension. Water to serve homes in future developments will be provided through a connection between these two mains and the loop that will be created. Alternatively, there are 8 inch water lines in S.E. 10th Avenue, S.E. 10th Place, S.E. 11th Avenue, S.E. 11th Place, and S.E. 12th Avenue that connect to an 8 inch water main in S. Teakwood Street. These 8-inch mains can be extended through into the proposed annexation area with development of the remainder of the Faist parcel west of the DCP area;

Sanitary Sewer: Sanitary sewer is provided by the City of Canby. The nearest sewer collection system was installed in S. Teakwood Street and in SE 13th Avenue at the southwest corner of the site with the Faist Addition subdivisions. Manholes in S. Teakwood Street are located at each of the numbered streets and could be used for to serve some of the DCP area by gravity service to the west if the Faist property is developed prior to the DCP area. Without development of the Faist property, a small portion of the southwest portion of the site could gravity flow to the western-flowing main in SE 13th Avenue.

The exact layout of the future sanitary sewer system for the DCP area will depend upon what order the properties are annexed and developed, as urban utility lines are not typically permitted to cross land zoned Exclusive Farm Use by Clackamas County. Properties located on the western side of the DCP area will need to be able to drain to the main line in Sequoia Parkway in order to develop. This will either occur by construction of a sanitary sewer main line through the DCP area or by construction of a sanitary sewer main line in SE 13th Avenue along the southern edge of the DCP area.

In any case, much of the annexation area is planned to drain east to a dry sanitary main being installed in the Sequoia Parkway extension that will ultimately be usable for this development. When it is needed, the city will build a temporary pump station near the

intersection of Sequoia Parkway and SE 13th Avenue. A permanent pump station will be constructed at a later date at Mulino Road and 13th Avenue when there is a need for the facility and after the City has acquired the land for the facility. The permanent pump station will make sanitary sewer service available throughout the entire local vicinity as the permanent pump station is not only needed for the DCP area, but it is also needed to serve a large portion of the light industrial area to the east and northeast of Sequoia Parkway. Construction of the pump station and the associated gravity and force mains will be paid for with Systems Development fees collected on the various properties. The project will be completed by the City of Canby when the first development project has been approved that requires the pump station. Annexation of property will not trigger the need for the pump station to be completed;

Storm Drainage: Roof drains from homes within the subdivision will be directed to privately owned and maintained infiltration facilities on each individual lot. Street drainage will be directed to sumped catch basins and pollution control manholes for water quality treatment and then to dry wells located throughout the development area for disposal through underground injection. All street storm drainage facilities are proposed to be public facilities consistent with the newly adopted City of Canby Stormwater Master Plan and the Canby Public Works Design Standards. When development proposals are submitted, the issue of storm water management and drywell location can be discussed in greater detail.

Private Utilities: Private utilities providing service for telephone, natural gas, cable, garbage and recycling collection are all available in the general neighborhood. These utilities generally operate on a franchise basis. Electrical power is provided through Canby Utility's Electrical Department in conjunction with PGE. Dry utilities such as power, communications and natural gas are available to the DCP area in the southwest corner of the site where the utilities were stubbed to during construction of the Faist Addition subdivisions and some utilities will be available to the eastern side of the DCP area with the completion of the Sequoia Parkway extension. Alternatively, dry utilities are also available in S. Teakwood Avenue and would be available to the DCP area with development of the remainder of the Faist property.

VI. Park Dedication & Reimbursement to Stoller

Park Dedication:

General: A new 3.429-acre park, tentatively named “Stoller Park”, will be located in the northeast corner of the DCP area will serve residents of this site, the neighborhood and the entire City of Canby. The park will take advantage of a large stand of trees located on the Stoller property in the northeast corner of the site. The park will include passive recreational opportunities such as walkways, picnic tables, and benches and it will include a restroom facility. The park will allow for neighborhood residents to give their children a little more space to run, throw a ball or a Frisbee than is available on a typical lot. Neighborhood residents will also be able to use the park to sit and enjoy a book, walk their dog, or to access the nearby bike/pedestrian trails. With the parks location being adjacent to the City’s Logging Road Trail and the Baker Prairie Middle School bike path, it is anticipated that the park will also be used as a destination for people from all over Canby to picnic or rest when using these two trails.

Park Value: The entire 3.429 acre park is located within the boundary of the 10.86 acre Stoller property. The park land cannot be sold to the City of Canby prior to annexation of the Stoller property, as Clackamas County’s Exclusive Farm Use zoning will not permit further division of the property. Once the Stoller property has been annexed into the City, negotiations concerning selling the park land to the City of Canby can begin. The value of the park land will be established based on an MAI appraisal prepared jointly for the City of Canby and the Stollers. The City cannot pay more than the appraised value. If the park is sold to the City as unimproved land, Stollers would be paid by the City based on the value of raw park land. If the land is improved or partially improved as a park prior to its sale to the City, then the appraised value would be based on the value of the park land together with the improvements. It is the Stollers choice as to whether they want to improve the park land prior to selling it to the City. Park improvements are anticipated to include a restroom, walkways, benches and picnic tables.

Park SDC Obligation: Per the City of Canby’s park dedication formula of 2.7 people per single family home and 0.01 acres of park per person, a 3.429 acre park satisfies the need for 127 new lots. If more than 127 new lots are created in the DCP area, the additional lots will satisfy the City Parks SDC obligation through payment of the City SDC fee. It is assumed that the five existing homes will be granted a waiver of SDC fees upon annexation into the City of Canby and that these SDC rights will transfer to a future lot on each parent parcel that currently contains a home.

The division of the park dedication credits will be allocated to the DCP parcels according to Table A, below:

Table A: Park System Development Charge Credits by Owner:

A	B	C	D	E
Tax Lot	Owner	Existing Home Park Credit	Total Number of lots	
			Satisfied by Park Dedication	not paying a park SDC
TL 400	Stoller	1	33	34
TL 401	Herrod	1	0	1
TL 500	Marcum	1	30.5	31.5
TL 600	Rice	1	25.5	26.5
TL 700	Netter	0	37.5	37.5
TL 800	Boyle	1	0.5	1.5
Total		5	127	132

Table A, Column D identifies the number of park SDC credits satisfied for each owner by the park dedication. Taken together with the Existing Home Park Credits shown in Table A, Column C, they equal the number of lots not expected to pay a Park SDC, Column E. If the City of Canby will not allow the Existing Home Park Credit to transfer from an existing home to a new home, then the Table A, Column D will equal the total number of lots not paying a Park SDC. The City of Canby should note whether the Existing Home Park Credit can transfer from an existing home to a new home during the review of the Development Concept Plan.

If a parcel develops fewer lots than anticipated by Table A, the park area is not expected to be reduced. However, Park SDC credits can be transferred between owners if two owners agree to such a transfer. Therefore, if one parcel develops fewer lots and another parcel develops more lots than anticipated by Table A above, Park SDC credits can be transferred between owners. If no such transfer occurs, additional lots would satisfy the additional City Park SDC obligation through payment of a City Park SDC fee.

The City of Canby Development Services Department shall develop a system through which they can track the number of park credits allocated to each parcel, the number used and the number remaining. Issuance of Park SDC Credit Certificates is one method of tracking Park SDC Credits.

Reimbursement to Stollers:

General: In this particular Development Concept Plan Area it has been determined that the most suitable location for a park site, due to both to significant trees in that area and because of the large bridge structure constructed for the Sequoia Parkway extension that would be a deterrent to homes backing up to it, is an area in the northeast portion of the DCP area. The owners of that parcel, the Stollers, are willing to allow that area to be designated for a park site, however, the equity issues between themselves and the others in the annexation area has to be resolved, as designating the majority of the park site on the Stollers' parcel both increases the number of lots the other owners in the annexation area can develop and reduces the number of lots the Stollers can develop.

Agreement Required: The Stollers and the other four owners participating in the annexation request have come to a general agreement of how to resolve the equity issue. A development agreement between the five property owners must be signed prior to annexation establishing the methodology and timing for how the Stollers will be reimbursed by the owners/developers of the other benefitting properties. A development agreement between the five property owners requesting annexation shall be acknowledged by all five property owners and recorded with the Clackamas County before the Canby City Council refers the ballot to the voters. For the annexation request submitted in February, 2014, the due date for the City Council to refer the ballot to the voters is anticipated to be August 20, 2014. The development agreement between the property owners shall be signed and recorded prior to this date, or the annexation request shall not be sent before the voters. A copy of the recorded agreement shall be delivered to the City of Canby Development Services Department prior to the August 20, 2014 City Council meeting.

Herrod: Property: One of the six properties in the DCP area, the Herrod property (Tax Lot 401), is not participating in the February, 2014 annexation request. Because Herrod is not participating in the current annexation, Herrod has no obligation to work through the details of the DCP that the other owners are participating in. The Herrod property has intentionally been excluded as a beneficiary of the park dedication. When annexed, homes developed on the Herrod property will satisfy their park SDC obligation to the City of Canby through payment of the appropriate City Park SDC fee.

Multi-Modal Connectivity:

Currently SE 13th Avenue does not have sidewalks, but does have wide shoulders for bicycling or walking. Clackamas County’s cross section for minor arterials includes a minimum 60 feet of right of way which is consistent with the City’s cross section standards for an arterial. Cross section elements include two 11-12 foot travel lanes, 6-8 foot sidewalks, 5 foot landscaping strips, 6 foot bike lanes, and optional turn lanes. The development should provide half-street roadway improvements according to Clackamas County local road roadway standards including curb, sidewalks, and possibly set-back for bike lanes in the future. These improvements should be coordinated with City staff. Internal connectivity should be provided when the site develops.

S Teakwood Street currently has a pleasant pedestrian environment with a sidewalk and landscaping strip on the west side of the street. The low traffic volumes and speeds also make the street viable for bicycling. Additionally, the site is bracketed on the north and east sides by paved, multi-use paths, providing safe connections to trails as shown in Figure 4.



Figure 4: Multi-use trails surrounding development parcel

Potential Project Trip Generation

The amount of new vehicle trips generated by the proposed subdivision was estimated using trip generation estimates published in the ITE Trip Generation Manual for Single-Family Detached Housing⁷. The project site is currently undeveloped; therefore all trips generated to the site were treated as new trips to the existing roadway network. The proposed site is expected to generate 117 (32 in, 85 out) a.m. peak hour trips, 156 (86 in, 70 out) p.m. peak hour trips. Table 3 summarizes the trip generation estimates for the proposed site based on

⁷ Trip Generation Manual, Institute of Transportation Engineers, 9th Edition.

the development concept plan. Further analysis will be conducted when the applicant submits documentation for land use approval.

Table 3: Trip Generation Summary for proposed Site Development

Land Use (ITE Code)	Units	Time	Trip Generation	Peak Hour Trips		
		Period	Rate	In	Out	Total
Single Family Detached (210)	156	AM Peak	0.75 trips/unit	32	85	117
		PM Peak	1.0 trips/unit	86	70	156

During the 2010 TSP update, nearby intersections were observed and subsequently modeled to study operating conditions in 2030. The traffic analysis accounted for the proposed low and medium density residential development on this site. All of the nearby intersections would operate within the mobility standard and have excess capacity beyond 2030.

Transportation Planning Rule

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:

"If a proposed rezoning is consistent with the existing comprehensive plan map designation, and consistent with the acknowledged transportation system plan, then it can be approved without considering the effect on the transportation system. Special provisions in subsection (c) apply if the area was added to the urban growth boundary (UGB)."

Since the site is already within the UGB, provisions from subsection (c) would not apply. The project parcels meet this allowance because the site was designated at low density residential in the City's Comprehensive Plan. In the most recent TSP, the traffic modeling forecasted growth to 2030 and the traffic analysis zone for this area assumed LDR and MDR land use and found the surrounding transportation system met operating standards.⁸

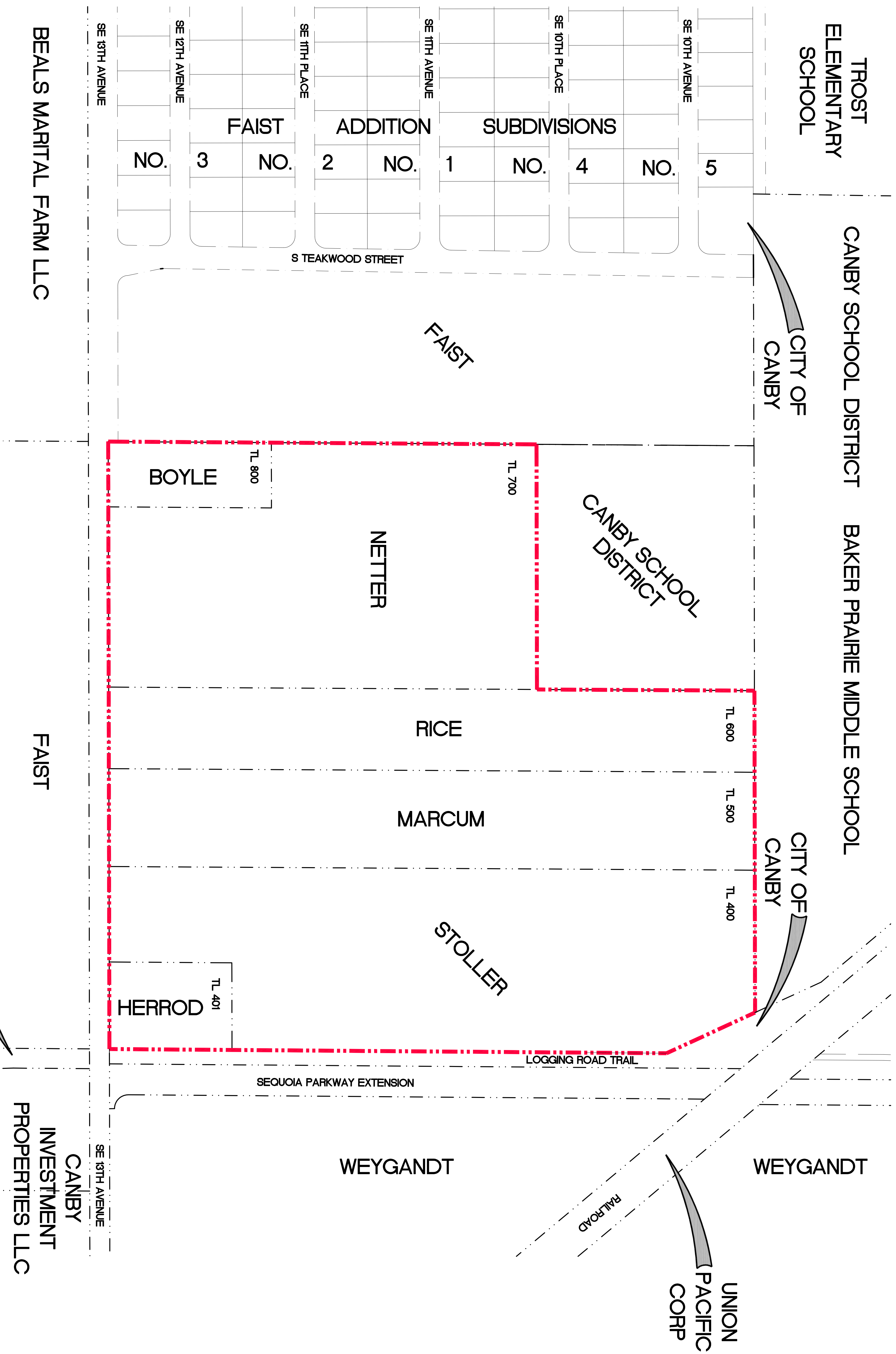
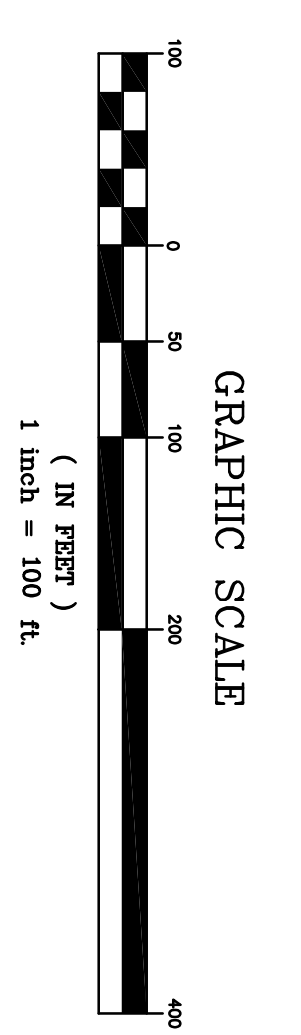
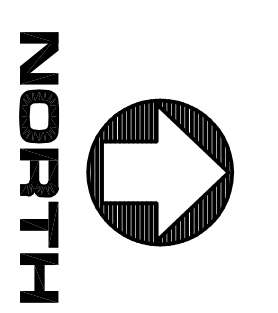
⁸ Future Needs Report, Travel Demand and Land Use, Canby Transportation System Plan, 2010

Findings

Based upon the analysis presented in this memorandum, the following items are recommended for the annexation and land use zoning change for five parcels along SE 13th Avenue to ensure consistency with City standards.

- The site was designated as Low and Medium Density Residential in the Comprehensive Plan and the change in land use was assumed for trip modeling in the 2010 Canby Transportation System Plan. Therefore, TPR requirements are met.
- The proposed concept plan would meet current City standards along S Teakwood Street and would meet Clackamas County standards on SE 13th Avenue for access spacing and sight distance requirements. However, if the City takes ownership of SE 13th Avenue and applies an arterial classification, the developer would need to request a deviation to the standard for roadway spacing of 660 feet. It should be noted that the two proposed streets have been identified in Figure 7-8 in the Canby TSP depicting "potential local street connection"; therefore are consistent with the City's TSP.
- Any new trees, fences, or retaining walls should be set back to maintain adequate visibility at site access points. Prior to occupation of the site, sight distance at the new project access point will need to be verified, documented, and stamped by a registered professional Civil Engineer licensed in the State of Oregon.
- It is recommended that the site provide multimodal connectivity through the proposed park dedication to the County Logging Road multimodal trail.
- The development should provide frontage improvements, including recommended half street improvements along SE 13th Avenue to the County's minor arterial road standards. The developer should allocate proper setback on SE 13th Avenue to preserve right-of-way. Both the County's and City's arterial cross-section would require a minimum of 60 feet of right-of-way to include sidewalks and bike lanes.
- The proposed concept plan would have adequate internal circulation through the site. All proposed streets (S Vine Street, S Walnut Street, SE 10th Avenue, SE 10th Place, SE 11th Avenue, SE 11th Place, and SE 12th Avenue) should be constructed to City local road standards, including required right-of-way, sidewalks, and appropriate intersection traffic control.
- Surrounding roadways and intersections would have sufficient capacity to accommodate the proposed annexation, zone change, and development concept plan.

--- = CONCEPT PLAN AREA BOUNDARY



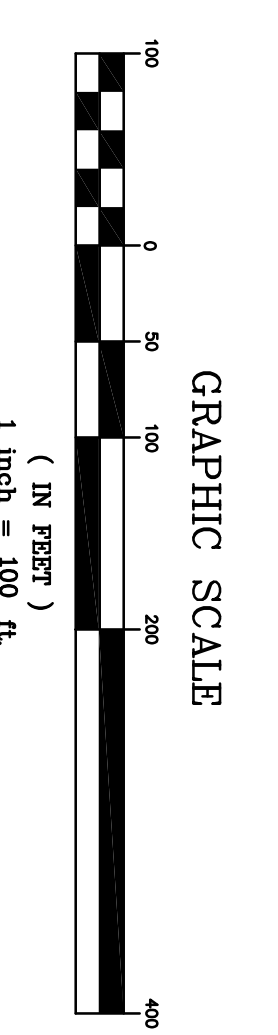
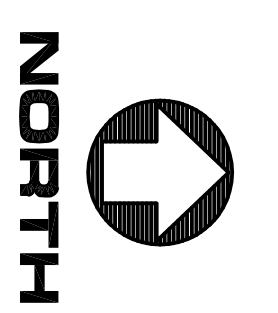
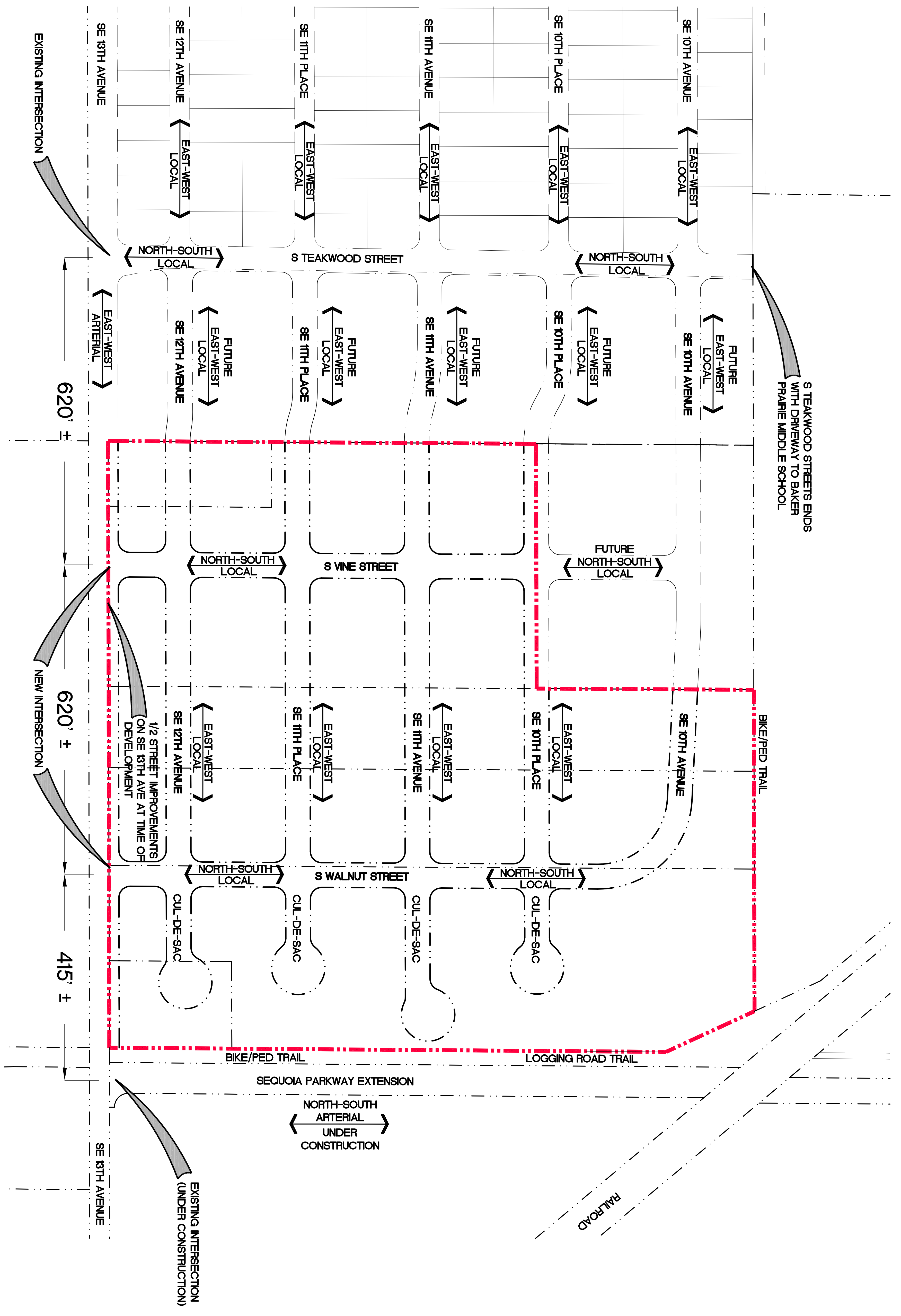
REVISIONS	BY

SE 13th Avenue Concept Plan
SE 13th Avenue Property Owners
 BOYLE, MARCUM, NETTER, RICE & STOLLER

Ownership

SISUL ENGINEERING
 375 PORTLAND AVENUE
 GLADSTONE, OREGON 97027
 (503) 867-0188
 DRAWING

DATE	FEB., 2014
SCALE	1" = 100'
DRAWN	PS
JOB	SQL05-032A
SHEET	1
OF 9 SHEETS	



DATE: FEB., 2014
 SCALE: 1" = 100'
 DRAWN: PS
 JOB: SGL05-032A
 SHEET: 4

SISUL ENGINEERING
 375 PORTLAND AVENUE
 GLADSTONE, OREGON 97027
 (503) 867-0188

Street Plan

SE 13th Avenue Concept Plan
SE 13th Avenue Property Owners

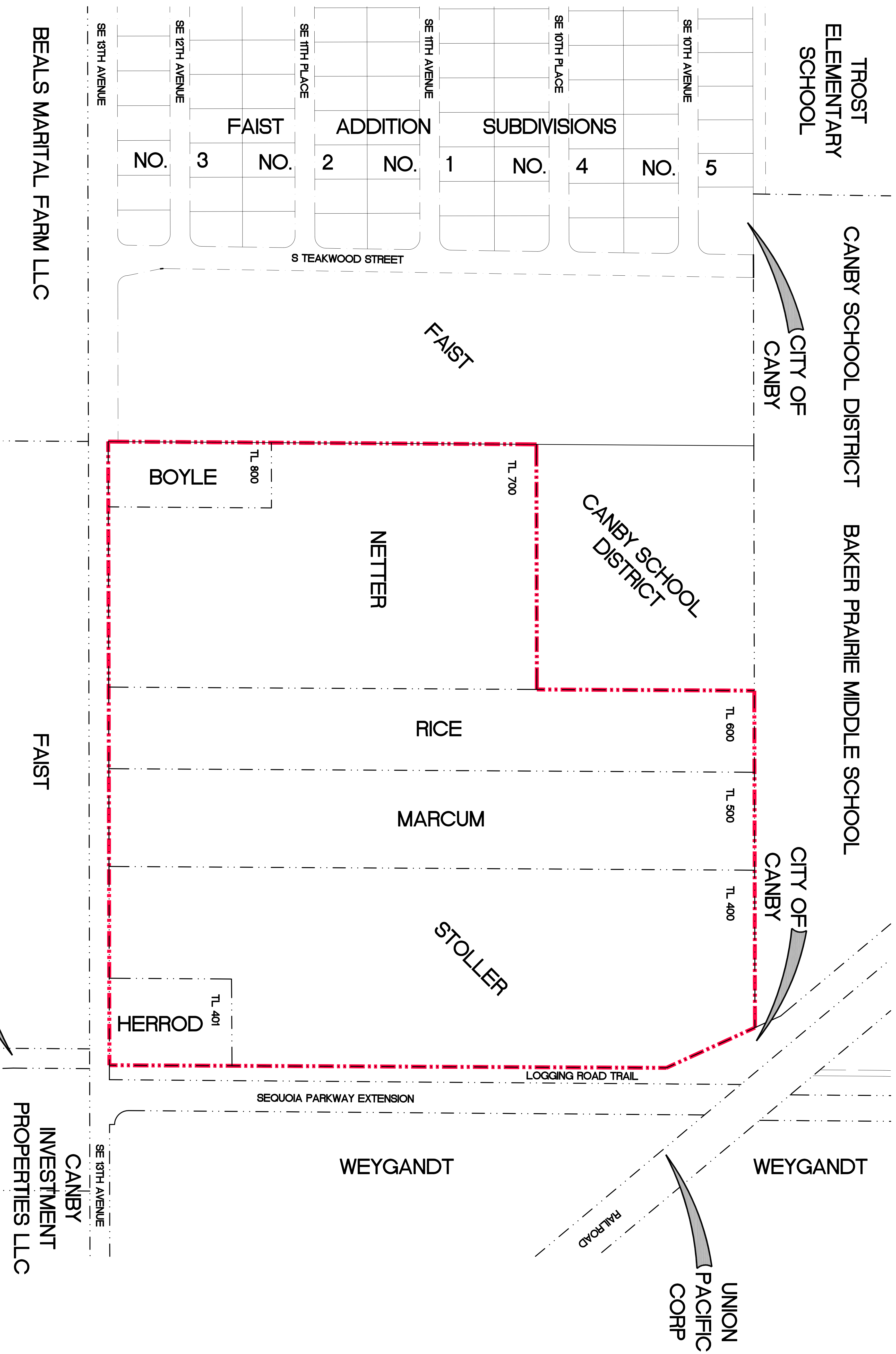
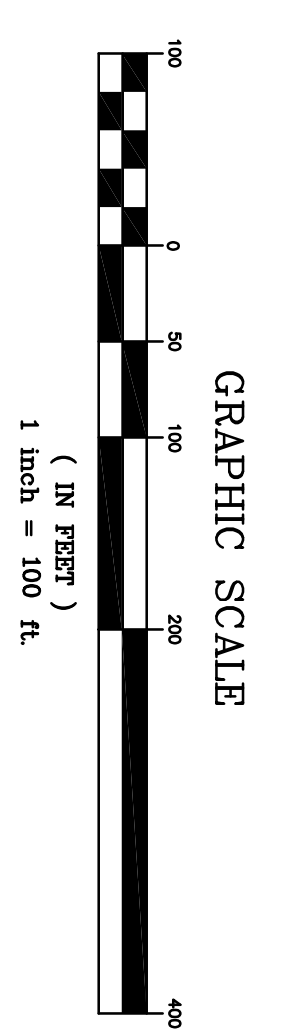
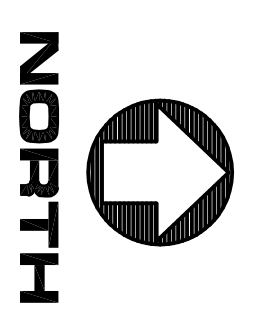
BOYLE, MARCUM, NETTER, RICE & STOLLER

REVISIONS	BY

VII. Development Concept Plan Maps

1. Ownership
2. Zoning Designations
3. Existing Conditions
4. Street Plan
5. Drainage
6. Sanitary Sewer
7. Waterline
8. Parks
9. Park Details

--- = CONCEPT PLAN AREA BOUNDARY



REVISIONS	BY

SE 13th Avenue Concept Plan

SE 13th Avenue Property Owners

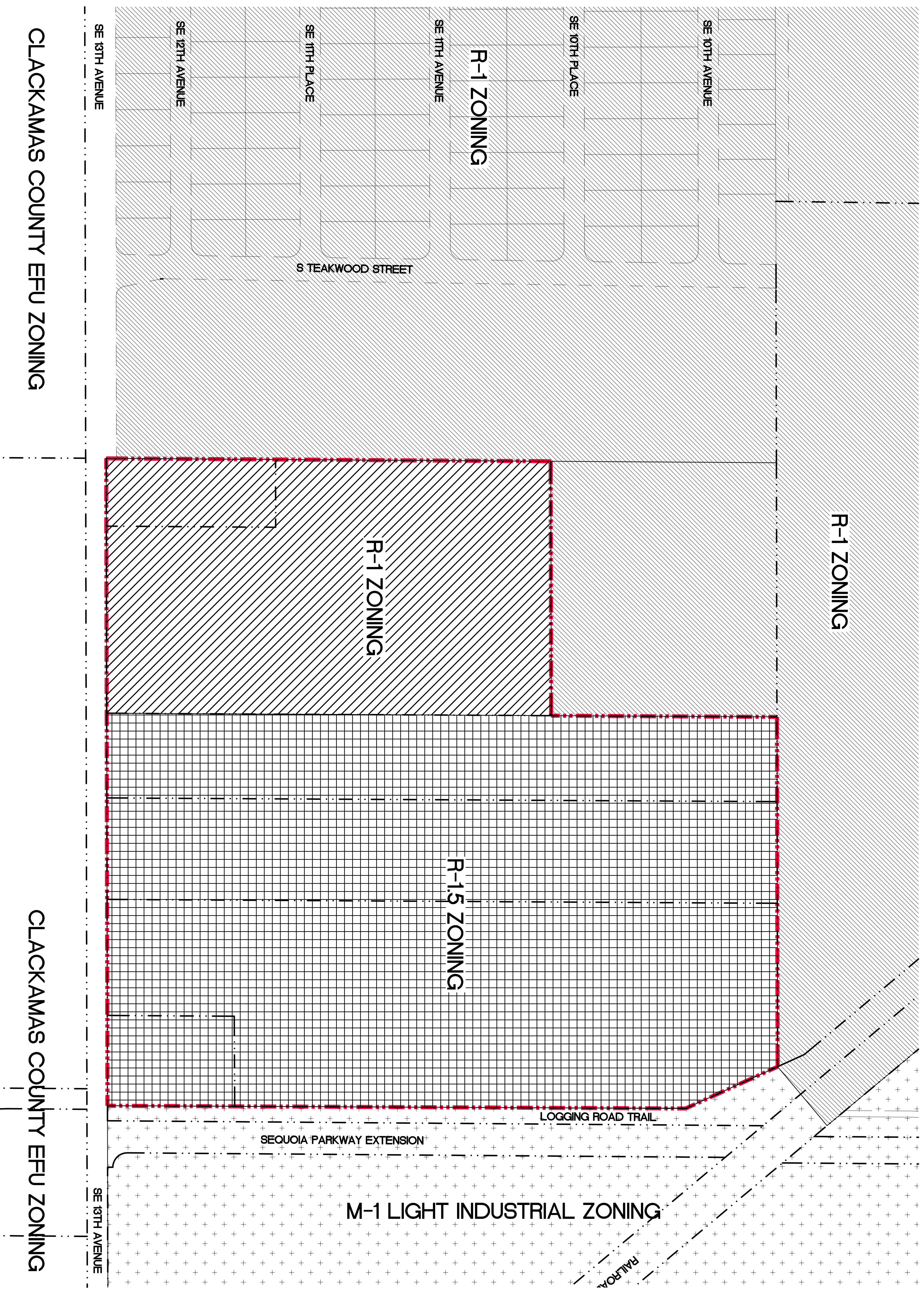
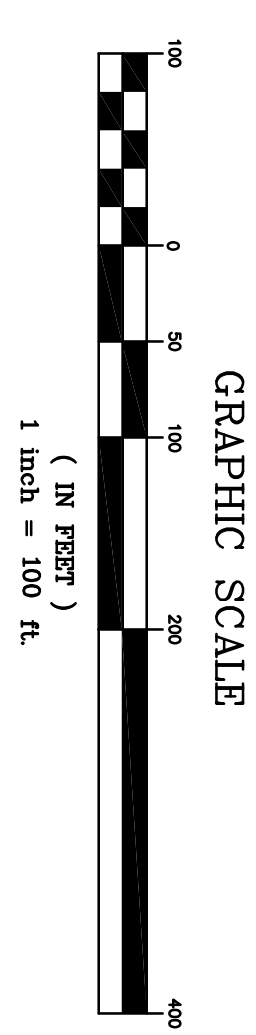
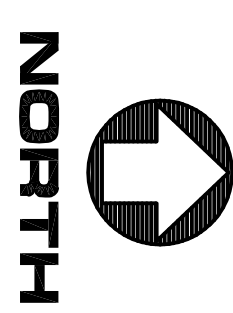
BOYLE, MARCUM, NETTER, RICE & STOLLER

Ownership

SISUL ENGINEERING
 375 PORTLAND AVENUE
 GLADSTONE, OREGON 97027
 (503) 867-0188

DATE	FEB., 2014
SCALE	1" = 100'
DRAWN	PS
JOB	SQL05-032A
SHEET	1
OF 9 SHEETS	

NOTE: THE DEVELOPMENT CONCEPT PLAN ALLOWS FOR THE FOLLOWING USES PERMITTED OUTRIGHT:
 USES PERMITTED OUTRIGHT IN THE R-1 ZONE: CMC CHAPTER 16.16.10.



- LEGEND:**
- CURRENT:**
- CITY R-1
 - CITY R-1.5
 - CITY M-1
 - COUNTY EFU
- PROPOSED:**
- CITY R-1
 - CITY R-1.5

CLACKAMAS COUNTY EFU ZONING

CLACKAMAS COUNTY EFU ZONING

SE 13th Avenue Concept Plan
SE 13th Avenue Property Owners

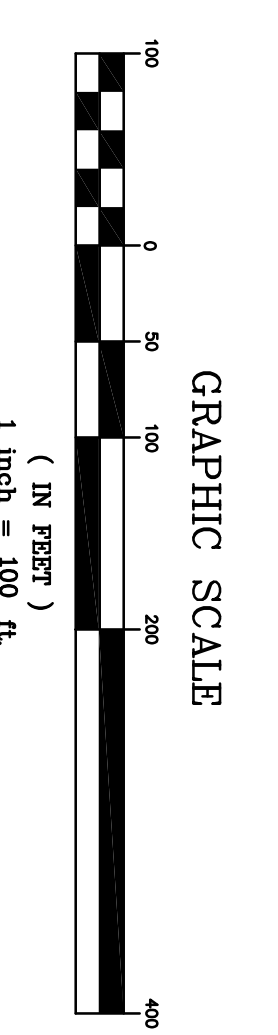
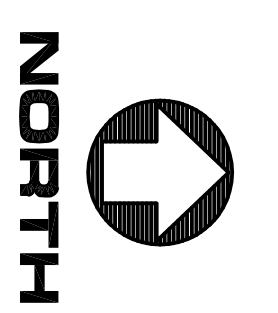
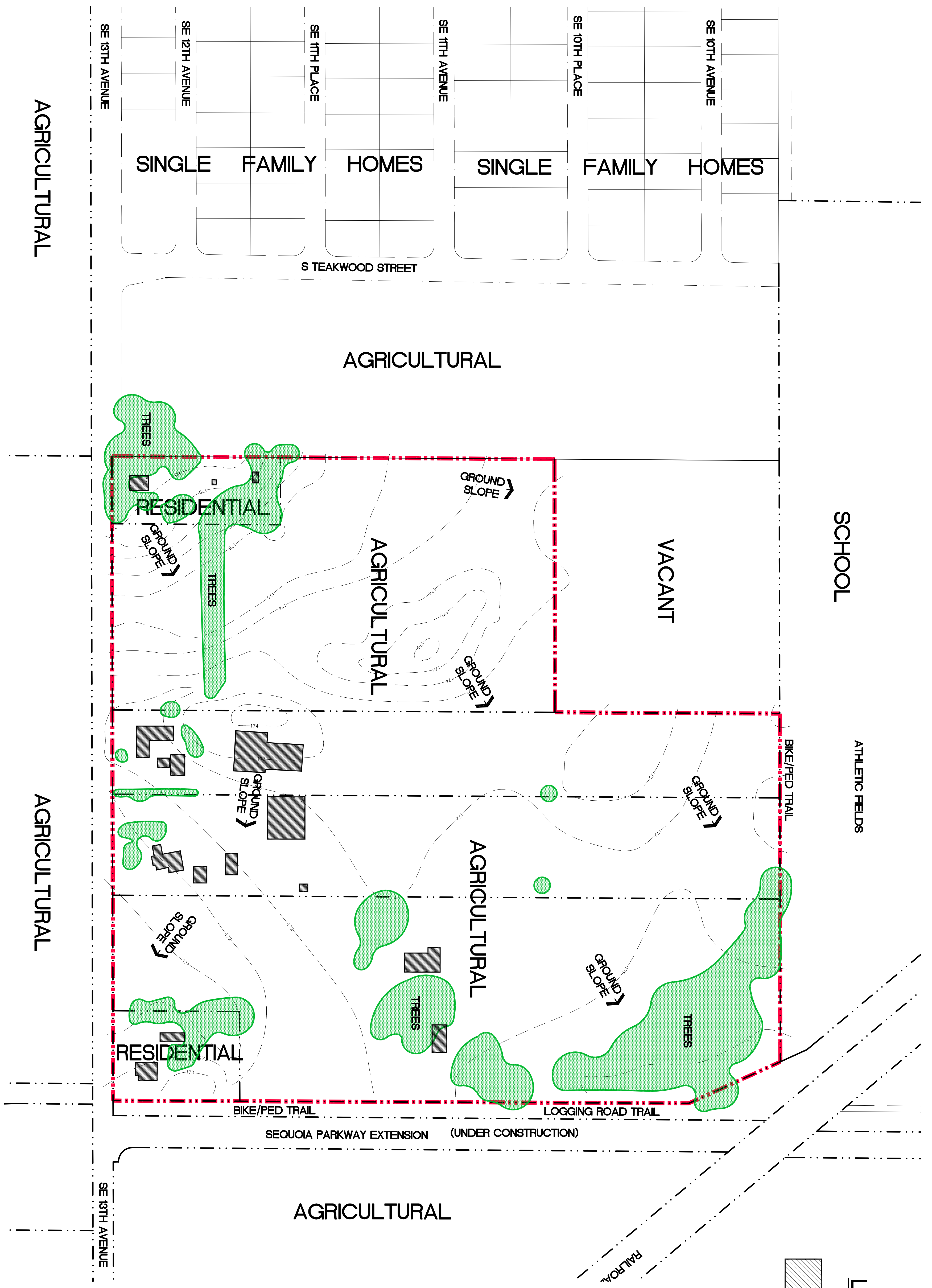
BOYLE, MARCUM, NETTER, RICE & STOLLER

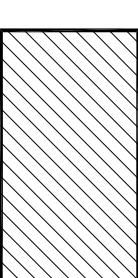
Zoning Designations

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

DATE	FEB., 2014
SCALE	1" = 100'
DRAWN	PS
JOB	SQL05-032A
SHEET	2
OF 9 SHEETS	

REVISIONS	BY
5-2-14	PS



LEGEND:
 EXISTING BUILDING

AGRICULTURAL

AGRICULTURAL

AGRICULTURAL

AGRICULTURAL

AGRICULTURAL

AGRICULTURAL

SINGLE FAMILY HOMES SINGLE FAMILY HOMES

RESIDENTIAL

RESIDENTIAL

VACANT

SCHOOL

ATHLETIC FIELDS

S TEAKWOOD STREET

SEQUOIA PARKWAY EXTENSION (UNDER CONSTRUCTION)

SE 10TH AVENUE SE 10TH PLACE SE 11TH AVENUE SE 11TH PLACE SE 12TH AVENUE SE 13TH AVENUE

SE 13TH AVENUE

RAILROAD

BIKE/PED TRAIL

LOGGING ROAD TRAIL

TREES

TREES

TREES

TREES

TREES

GROUND SLOPE

GROUND SLOPE

GROUND SLOPE

GROUND SLOPE

GROUND SLOPE

GROUND SLOPE

GROUND SLOPE

DATE: FEB., 2014
 SCALE: 1" = 100'
 DRAWN: PS
 JOB: SGL05-032A
 SHEET

SISUL ENGINEERING
 375 PORTLAND AVENUE
 GLADSTONE, OREGON 97027
 (503) 867-0188

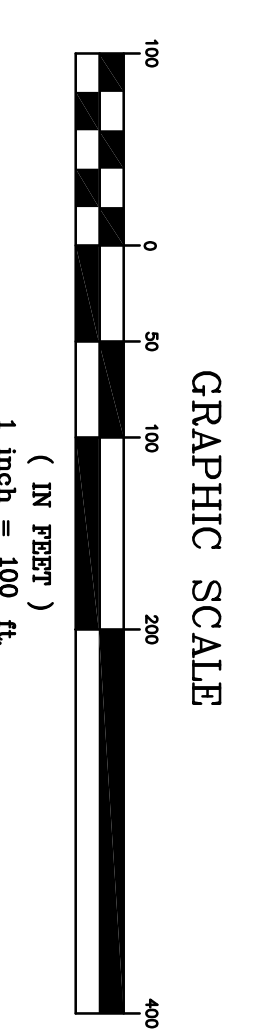
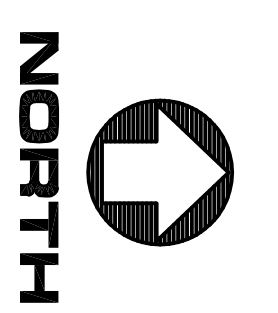
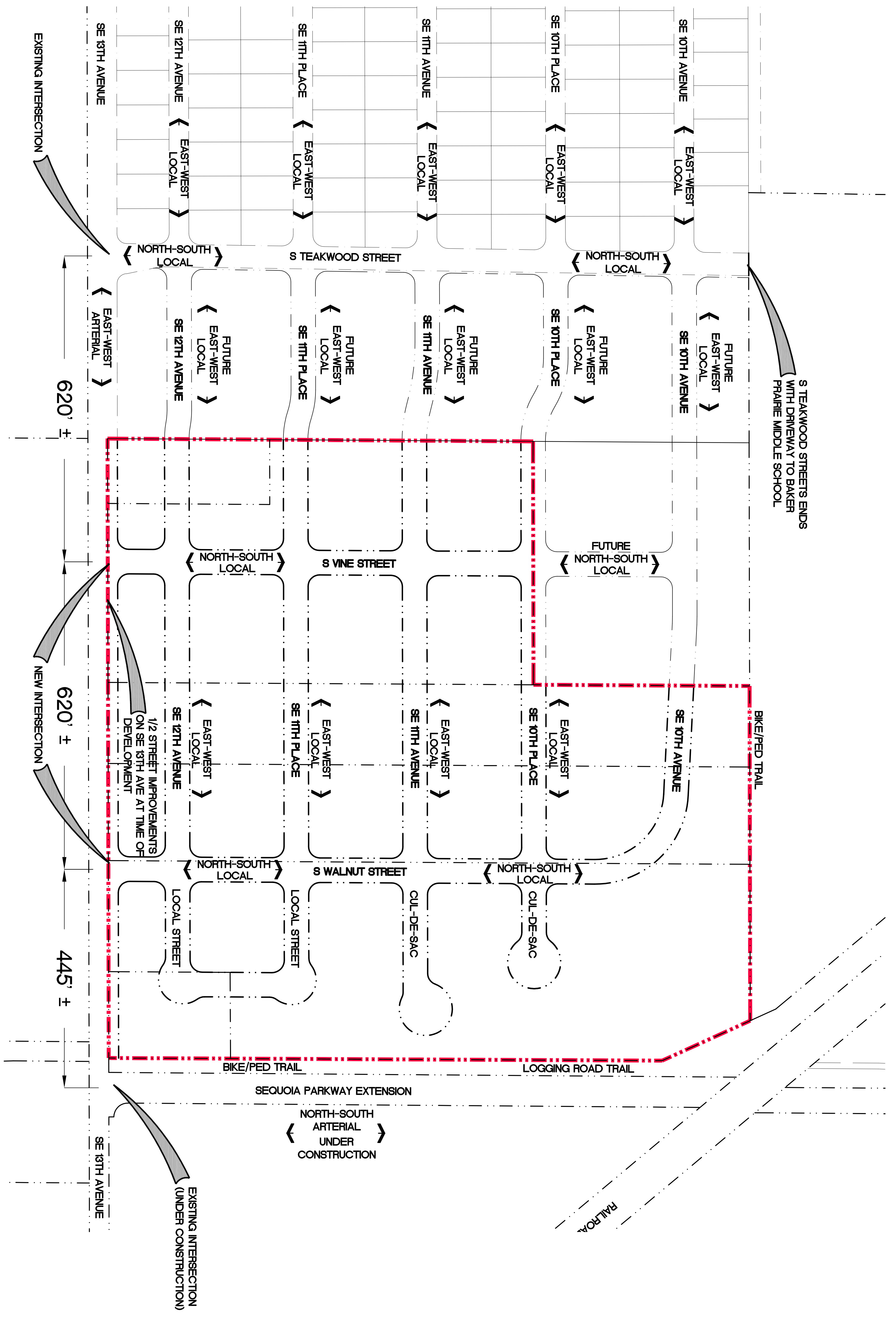
Existing Conditions

SE 13th Avenue Concept Plan
 SE 13th Avenue Property Owners

BOYLE, MARCUM, NETTER, RICE & STOLLER

NO.	REVISIONS	BY
1	ISSUED FOR PERMITS	PS

DF 9 SHEETS
3



REVISIONS	BY

SE 13th Avenue Concept Plan

SE 13th Avenue Property Owners

BOYLE, MARCUM, NETTER, RICE & STOLLER

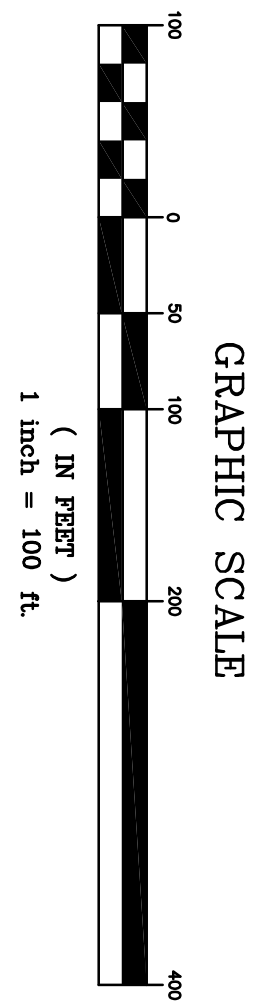
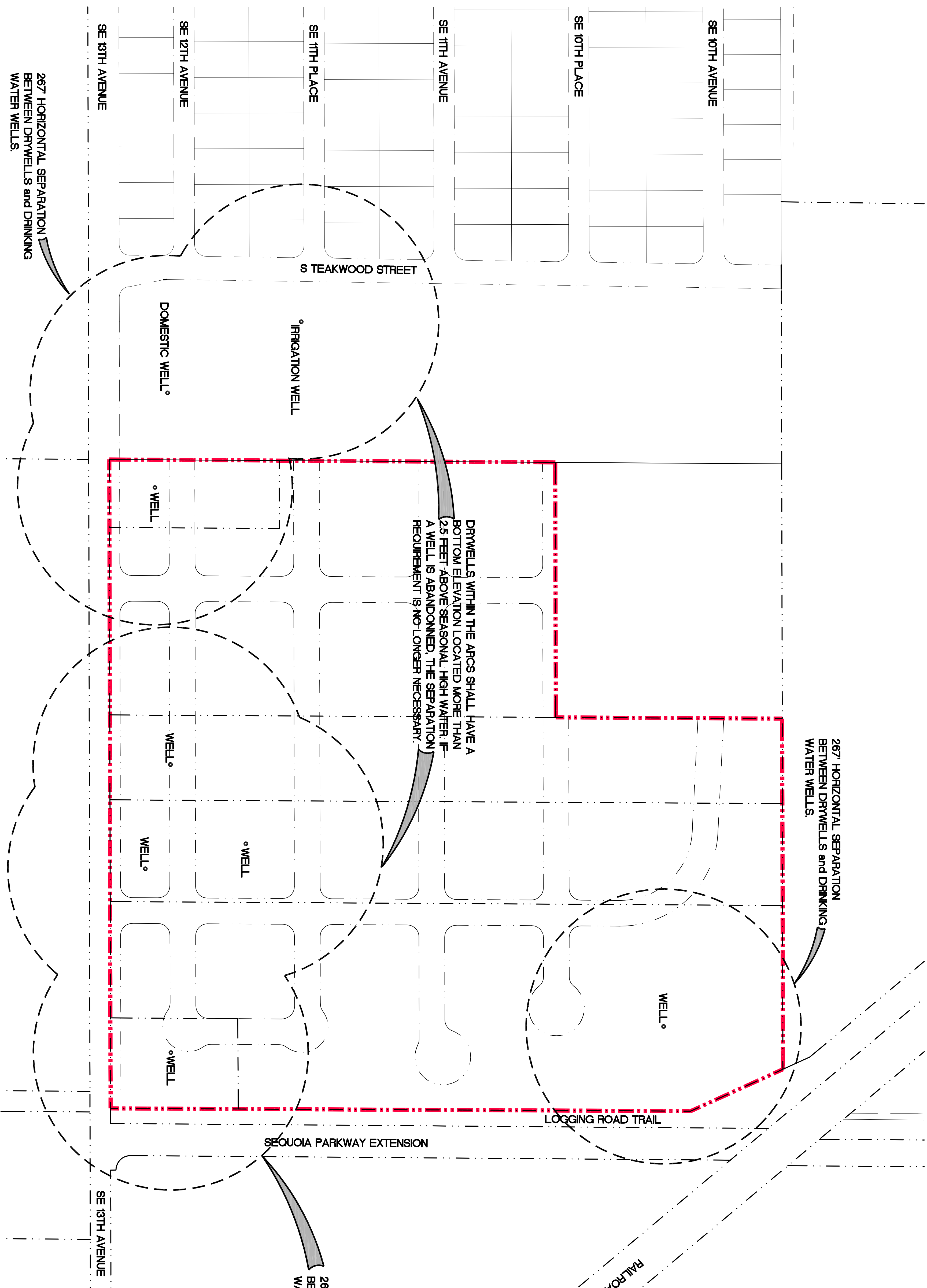
Street Plan

SISUL ENGINEERING
 375 PORTLAND AVENUE
 GLADSTONE, OREGON 97027
 (503) 867-0188

DATE	FEB., 2014
SCALE	1" = 100'
DRAWN	PS
JOB	SQL05-032A
SHEET	4
OF 9 SHEETS	

1. STORMWATER FROM PUBLIC STREETS WILL BE DISPOSED OF THROUGH THE USE OF DRYWELLS. DRYWELLS WILL BE PUBLIC, OWNED AND MAINTAINED BY THE CITY OF CANBY.
2. UPSTREAM OF THE DRYWELLS, CATCH BASINS WITH SUMPS AND POLLUTION CONTROL MANHOLES WILL BE USED AS WATER QUALITY TREATMENT DEVICES TO PROLONG THE LIFE OF THE DRYWELLS. WATER QUALITY TREATMENT DEVICES WILL BE PUBLIC, OWNED AND MAINTAINED BY THE CITY OF CANBY.
3. STORM WATER TREATMENT AND DISPOSAL BY THE CITY OF CANBY PUBLIC WORKS DEPARTMENT.
4. DRYWELLS INCLUDED ON THE CITY OF CANBY WATER QUALITY PERMIT WITH DEQ MUST HAVE ADEQUATE SEPARATION FROM DRINKING WATER WELLS. THE CITY OF CANBY STORMWATER MASTER PLAN HAS DETERMINED THAT ADEQUATE SEPARATION IS EITHER 267 FEET HORIZONTALLY OR 25 FEET VERTICALLY ABOVE THE SEASONAL HIGH WATER TABLE.

5. AS DEPICTED ON FIGURE 4 IN APPENDIX A OF THE CANBY STORMWATER MASTER PLAN, THE DEPTH TO SEASONAL HIGH GROUNDWATER IN THE CONCEPT PLAN AREA IS BETWEEN 40 AND 50 FEET. TYPICAL DRYWELL DEPTH IS 26 FEET.
6. DRYWELLS IN NEIGHBORING SUBDIVISIONS TO THE WEST HAVE SHOWN THE ABILITY TO ACCOMMODATE MORE THAN 1/2 ACRE OF PUBLIC STREET. DRYWELLS IN THIS AREA ARE ANTICIPATED TO ACCOMMODATE A SIMILAR DRAINAGE AREA.
7. ROOF RUNOFF FROM SINGLE FAMILY HOMES WILL BE DISPOSED OF THROUGH THE INSTALLATION OF UNDERGROUND INJECTION CHAMBERS OR MINI-SUMPS LOCATED IN THE YARD AREA AROUND THE HOMES, AS IS TYPICAL WITH MOST HOMES IN CANBY. ROOF DRAIN DISPOSAL SYSTEMS ON INDIVIDUAL LOTS WILL BE PRIVATELY OWNED AND MAINTAINED.
8. NO DRAINAGEWAYS OR STREAMS ARE LOCATED IN THE DEVELOPMENT CONCEPT PLAN AREA.



DRYWELLS WITHIN THE ARCS SHALL HAVE A BOTTOM ELEVATION LOCATED MORE THAN 25 FEET ABOVE SEASONAL HIGH WATER. IF A WELL IS ABANDONED, THE SEPARATION REQUIREMENT IS NO LONGER NECESSARY.

267' HORIZONTAL SEPARATION BETWEEN DRYWELLS and DRINKING WATER WELLS.

267' HORIZONTAL SEPARATION BETWEEN DRYWELLS and DRINKING WATER WELLS.

267' HORIZONTAL SEPARATION BETWEEN DRYWELLS and DRINKING WATER WELLS.

REVISIONS	BY

SE 13th Avenue Concept Plan

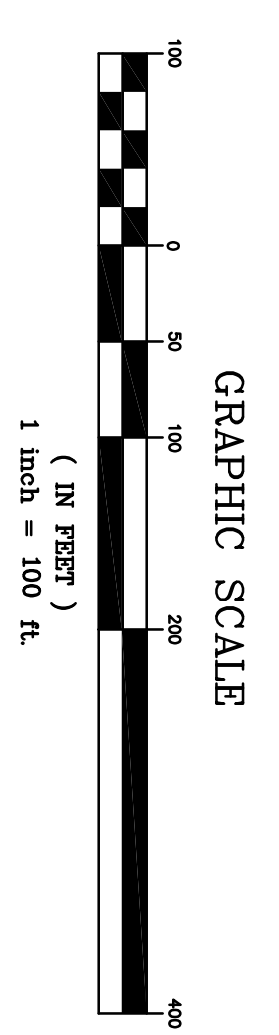
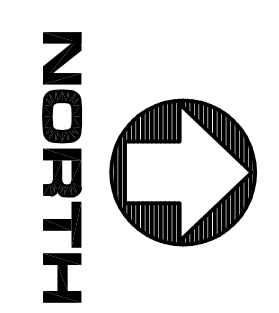
SE 13th Avenue Property Owners

BOYLE, MARCUM, NETTER, RICE & STOLLER

Drainage

SISUL ENGINEERING
 375 PORTLAND AVENUE
 GLADSTONE, OREGON 97027
 (503) 667-0188

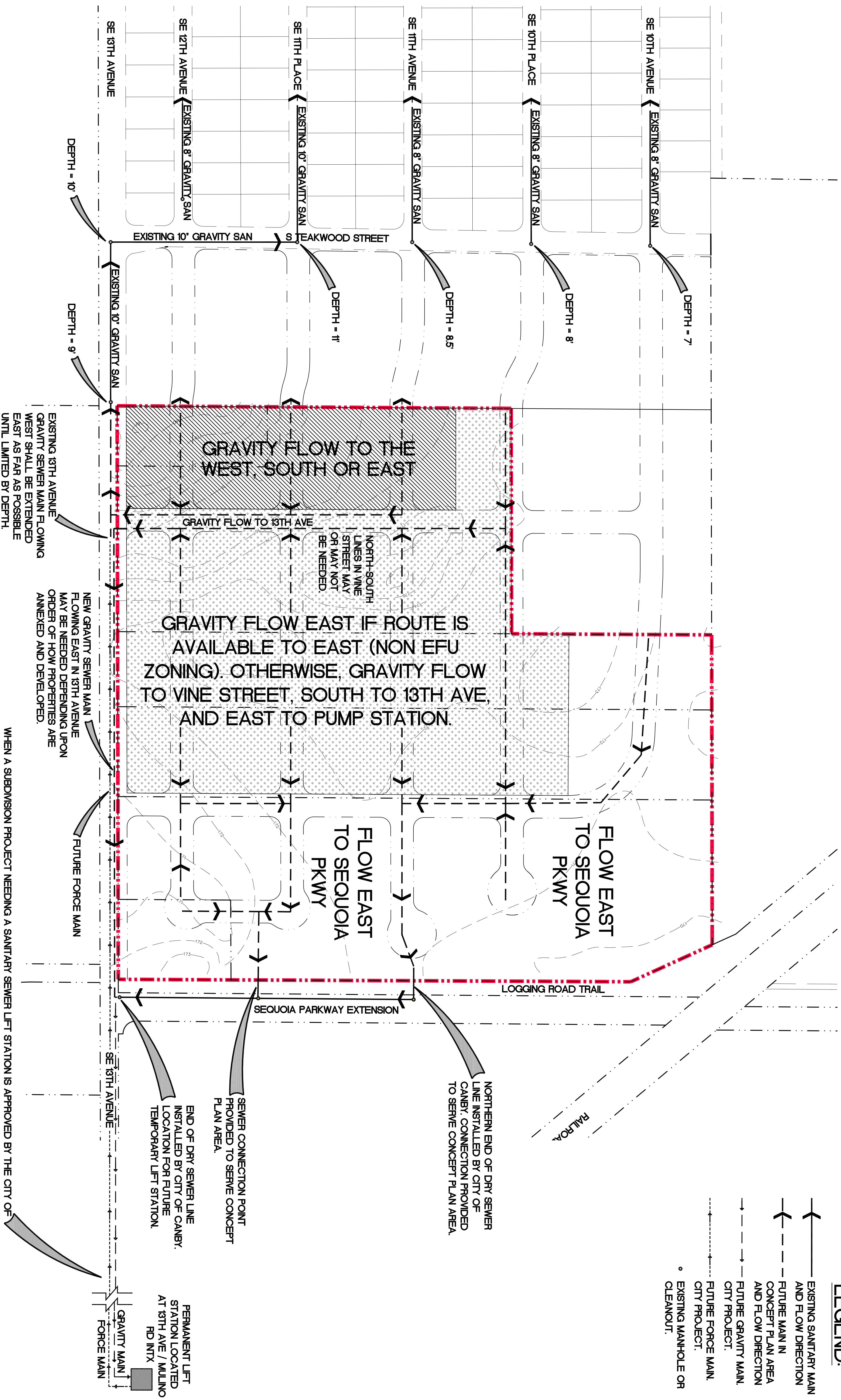
DATE	FEB., 2014
SCALE	1" = 100'
DRAWN	PS
JOB	SQL05-032A
SHEET	5
OF	9 SHEETS



GRAPHIC SCALE

LEGEND:

- > EXISTING SANITARY MAIN AND FLOW DIRECTION
- - -> FUTURE MAIN IN CONCEPT PLAN AREA AND FLOW DIRECTION
- - -> FUTURE GRAVITY MAIN, CITY PROJECT.
- - -> FUTURE FORCE MAIN, CITY PROJECT.
- o EXISTING MANHOLE OR CLEANOUT.



GRAVITY FLOW TO THE WEST, SOUTH OR EAST

GRAVITY FLOW EAST IF ROUTE IS AVAILABLE TO EAST (NON EFU ZONING). OTHERWISE, GRAVITY FLOW TO VINE STREET, SOUTH TO 13TH AVE, AND EAST TO PUMP STATION.

FLOW EAST TO SEQUOIA PKWY

FLOW EAST TO SEQUOIA PKWY

EXISTING 13TH AVENUE GRAVITY SEWER MAIN FLOWING WEST SHALL BE EXTENDED UNTIL LIMITED BY DEPTH.

NEW GRAVITY SEWER MAIN FLOWING EAST IN 13TH AVENUE MAY BE NEEDED DEPENDING UPON ORDER OF HOW PROPERTIES ARE ANNEXED AND DEVELOPED.

WHEN A SUBDIVISION PROJECT NEEDING A SANITARY SEWER LIFT STATION IS APPROVED BY THE CITY OF CANBY, THE CITY OF CANBY WILL CONSTRUCT A TEMPORARY SANITARY SEWER LIFT STATION AT THE END OF THE DRY SEWER LINE IN SEQUOIA PARKWAY. A SANITARY SEWER LIFT STATION AT SE 13TH AVENUE / S MULINO ROAD AND EXTENSION OF THE SANITARY MAIN IN SEQUOIA PARKWAY DOWN TO THE LIFT STATION WILL BE COMPLETED AT A LATER TIME WHEN THE CITY HAS ACQUIRED A PERMANENT LIFT STATION SITE. BOTH THE TEMPORARY AND PERMANENT LIFT STATIONS WILL PUMP BACK UP TO THE EXISTING 10-INCH GRAVITY SANITARY SEWER MAIN IN 13TH AVENUE THROUGH A FORCE MAIN.

SEWER CONNECTION POINT PROVIDED TO SERVE CONCEPT PLAN AREA.

NORTHERN END OF DRY SEWER LINE INSTALLED BY CITY OF CANBY. CONNECTION PROVIDED TO SERVE CONCEPT PLAN AREA.

PERMANENT LIFT STATION LOCATED AT 13TH AVE / MULINO RD INTX

SISUL ENGINEERING
 375 PORTLAND AVENUE
 GLADSTONE, OREGON 97027
 (503) 667-0188

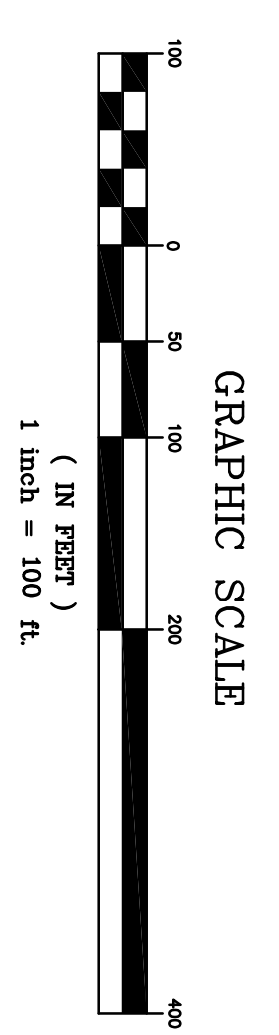
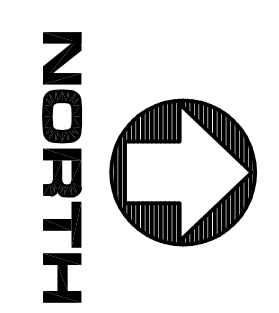
DATE: FEB., 2014
 SCALE: 1" = 100'
 DRAWN: PS
 DB: SGL05-032A
 SHEET: **6**
 OF 9 SHEETS

Sanitary Sewer

**SE 13th Avenue Concept Plan
SE 13th Avenue Property Owners**

BOYLE, MARCUM, NETTER, RICE & STOLLER

REVISIONS:	BY:



FIRE HYDRANTS SHALL BE INSTALLED WITH DEVELOPMENT AS REQUIRED BY AND AT LOCATIONS APPROVED BY THE CANBY FIRE DISTRICT.

FUTURE WATER SYSTEM LOOPS CREATED AS OFFSITE PARCELS TO THE WEST ARE DEVELOPED

FUTURE WATER SYSTEM LOOPS CREATED AS OFFSITE PARCELS TO THE WEST ARE DEVELOPED

FUTURE WATER SYSTEM LOOPS CREATED AS OFFSITE PARCELS TO THE WEST ARE DEVELOPED

END EXISTING 14-INCH WATER MAIN

NEW 14-INCH WATER MAIN TO BE INSTALLED IN SE 13TH AVENUE AT THE TIME OF THE FIRST DEVELOPMENT IN THE CONCEPT PLAN AREA. WATER MAIN SHALL CONNECT THE 14-INCH MAIN IN SE 13TH AVENUE TO THE 14-INCH MAIN IN SEQUOIA PARKWAY. OVERSIZING CREDITS AND ADVANCED FINANCING REIMBURSEMENT FEES MAY APPLY.

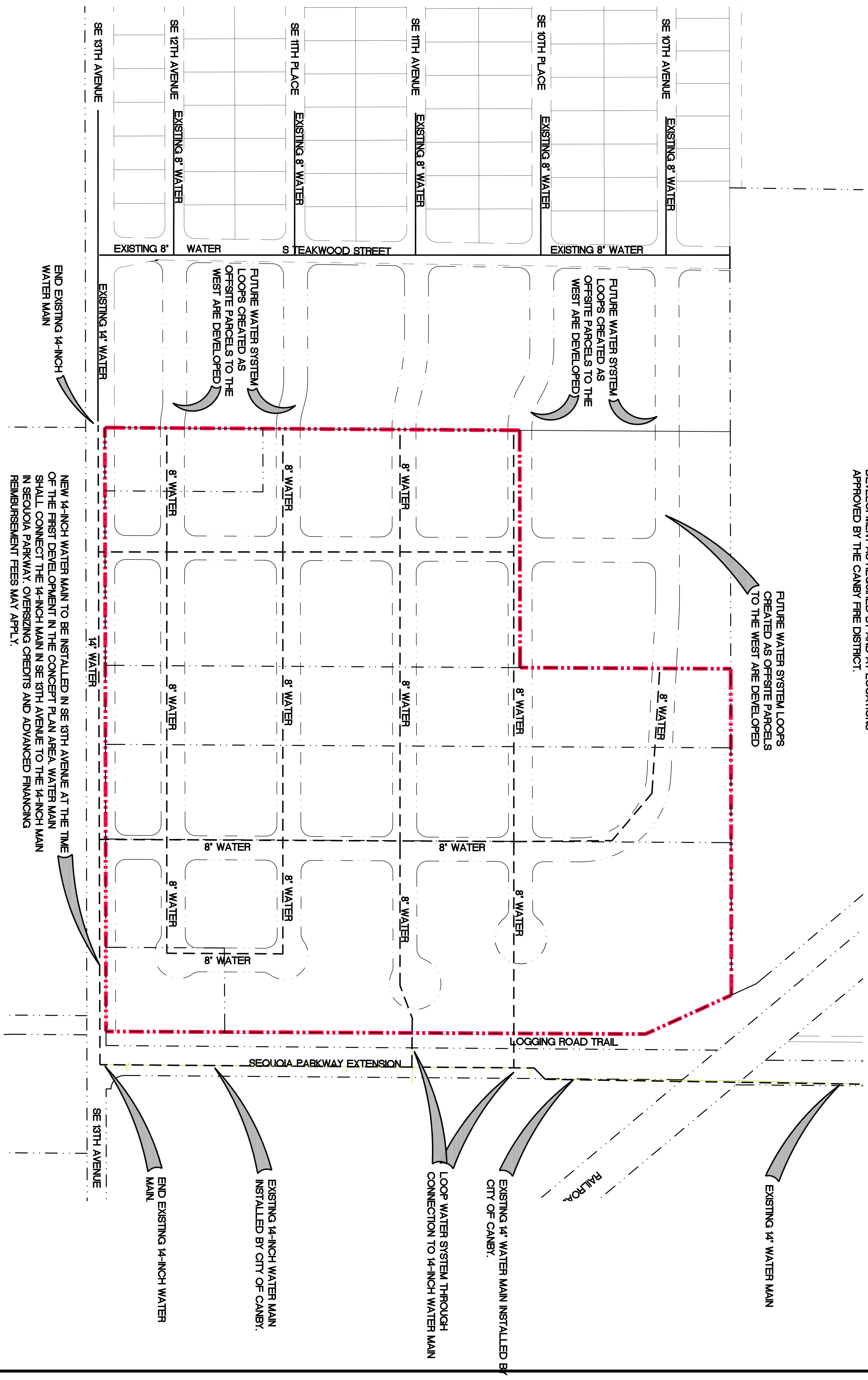
EXISTING 14" WATER MAIN

EXISTING 14" WATER MAIN INSTALLED BY CITY OF CANBY.

LOOP WATER SYSTEM THROUGH CONNECTION TO 14-INCH WATER MAIN

EXISTING 14-INCH WATER MAIN INSTALLED BY CITY OF CANBY.

END EXISTING 14-INCH WATER MAIN



SE 13th Avenue Concept Plan SE 13th Avenue Property Owners

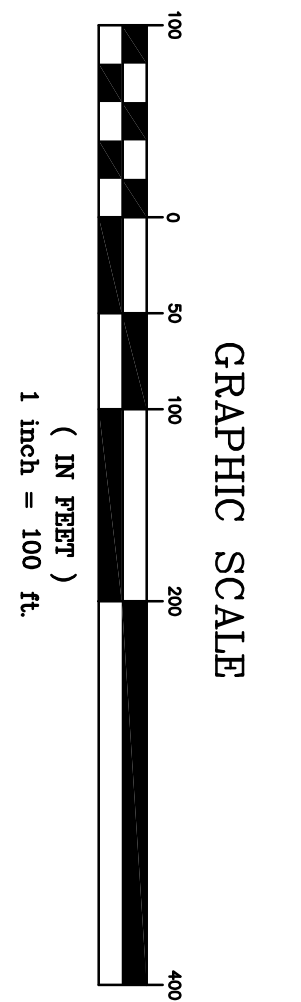
BOYLE, MARCUM, NETTER, RICE & STOLLER

Waterline

SISUL ENGINEERING
 375 PORTLAND AVENUE
 GLADSTONE, OREGON 97027
 (503) 867-0188

DATE	FEB., 2014
SCALE	1" = 100'
DRAWN	PS
JOB	SQ105-032A
SHEET	7
OF	9 SHEETS

REVISIONS	BY



← ACTIVE RECREATIONAL OPPORTUNITY AREA
LOCATED ON BAKER PRAIRIE MIDDLE SCHOOL SITE →

15,041 SF PARK OWNED BY
THE CITY OF CANBY,
DEDICATED TO THE CITY
WITH FAIST ADDITION NO. 5

← CANBY SCHOOL DISTRICT BIKE TRAIL →

NO CONNECTIVITY TO
CANBY SCHOOL DISTRICT
BIKE TRAIL DUE TO
SCHOOL DISTRICT FENCE.

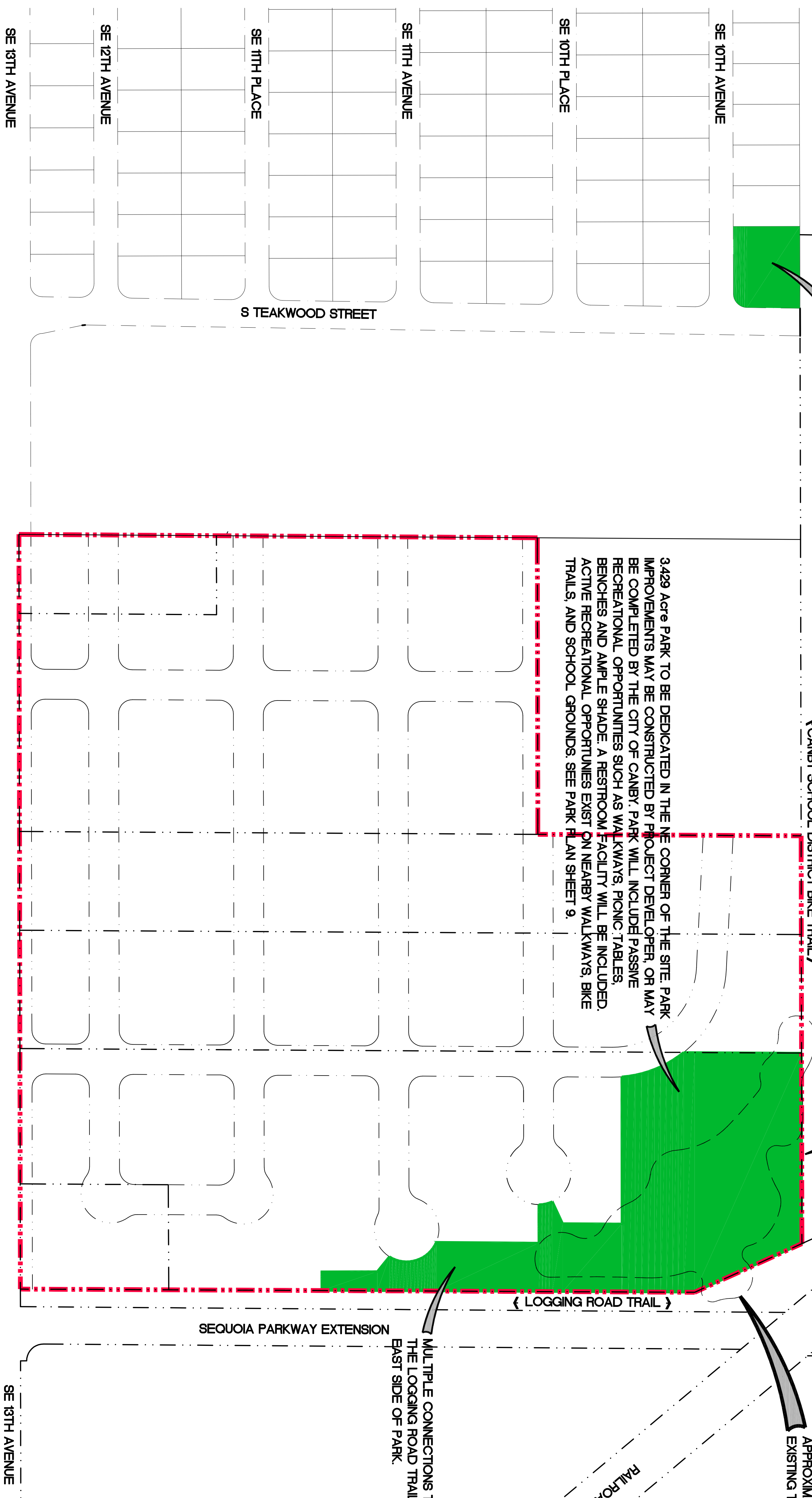
3,429 Acre PARK TO BE DEDICATED IN THE NE CORNER OF THE SITE. PARK
IMPROVEMENTS MAY BE CONSTRUCTED BY PROJECT DEVELOPER, OR MAY
BE COMPLETED BY THE CITY OF CANBY. PARK WILL INCLUDE PASSIVE
RECREATIONAL OPPORTUNITIES SUCH AS WALKWAYS, PICNIC TABLES,
BENCHES AND AMPLE SHADE. A RESTROOM FACILITY WILL BE INCLUDED.
ACTIVE RECREATIONAL OPPORTUNITIES EXIST ON NEARBY WALKWAYS, BIKE
TRAILS, AND SCHOOL GROUNDS. SEE PARK PLAN SHEET 9.

← LOGGING ROAD TRAIL →

APPROXIMATE LIMITS OF
EXISTING TREE CANOPY.

MULTIPLE CONNECTIONS TO
THE LOGGING ROAD TRAIL ON
EAST SIDE OF PARK.

SEQUOIA PARKWAY EXTENSION



SE 13th Avenue Concept Plan SE 13th Avenue Property Owners

BOYLE, MARCUM, NETTER, RICE & STOLLER

Parks

SISUL ENGINEERING
375 PORTLAND AVENUE
GLADSTONE, OREGON 97027
(503) 867-0188

DATE	FEB., 2014
SCALE	1" = 100'
DRAWN	PS
JOB	SQ105-032A
SHEET	8
OF	9 SHEETS

REVISIONS	BY

MEMORANDUM



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

DATE: March 12, 2014

TO: Bryan Brown, City of Canby

FROM: Chris Maciejewski, PE, PTOE
Steve Boice, PE
Kate Drennan

SUBJECT: Canby SE 13th Avenue Annexation Transportation Impact Analysis
P#11010-034-000

This memorandum evaluates the transportation impacts associated with the proposed annexation and land use zoning change for five parcels along SE 13th Avenue in Canby, Oregon. The five parcels (tax lots 400, 500, 600, 700, and 800) are located on the north side of SE 13th Avenue between S Teakwood Street and Logging County Road and combine to form 32-acres.

The parcels are located within the Canby Urban Growth Boundary (UGB), but are outside of the current Canby city limits. They are currently zoned EFU (Exclusive Farm Use) by Clackamas County. The proposed land use action is to annex the property into the City of Canby and rezone tax lots 700 and 800 from EFU to R-1 (Low Density Residential) and tax lots 400, 401, 500, and 600 from EFU to R-1.5 (Medium Density Residential). The proposed zoning (R-1 and R-1.5) is consistent with the City's Comprehensive Map designation for each respective parcel, as seen in Figure 1.

Per the City's Annexation Development Map¹ the site is located within the Development Concept Plan (DCP) area, which requires that a DCP be provided for infrastructure components, including water, sewer, storm water, access, internal circulation, street standards, fire department requirements, parks and open space. The developer has provided a site plan to satisfy the requirements of the DCP (see attached).

¹ Canby, OR Code or Ordinances, Figure 16.84.040

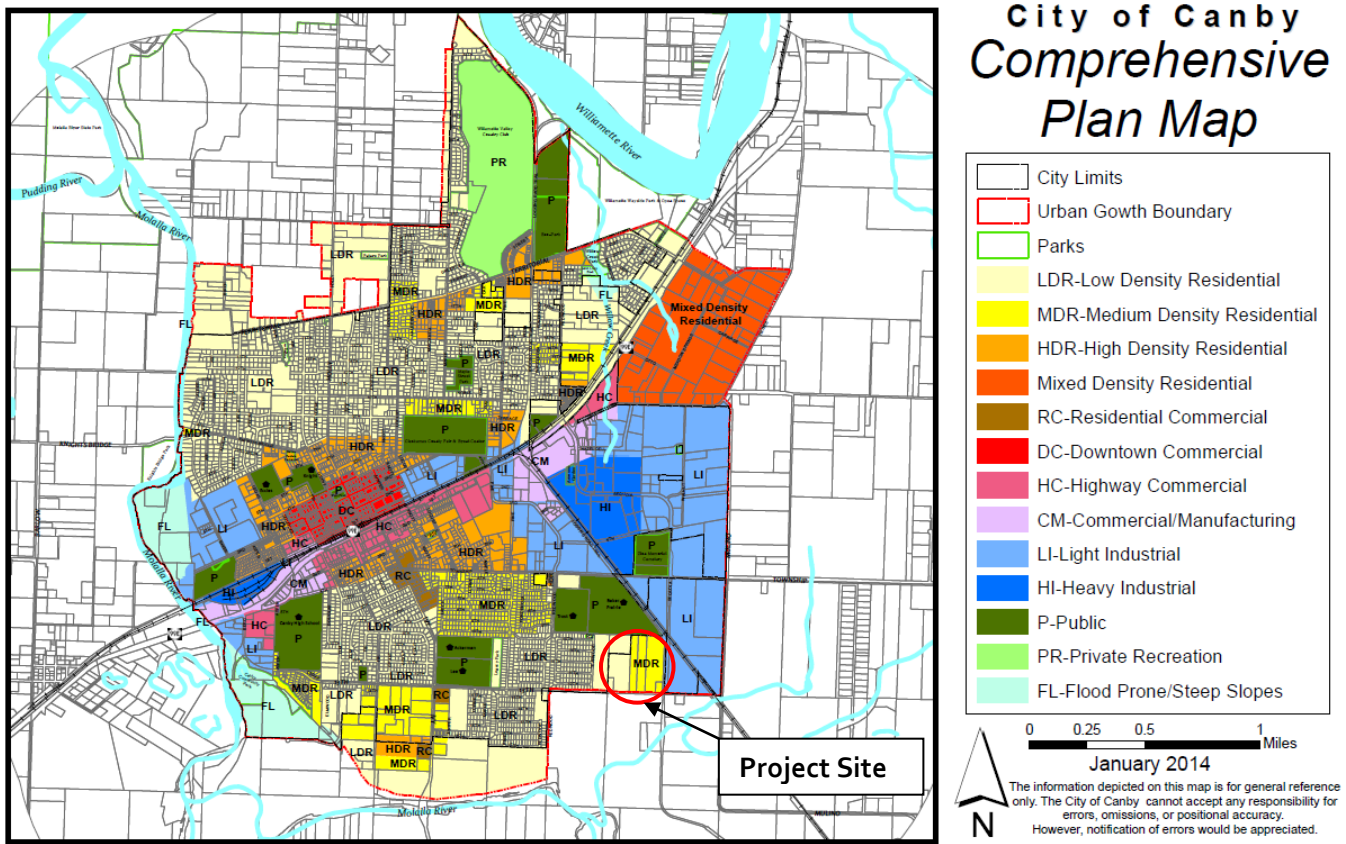


Figure 1: City of Canby Comprehensive Map

While the street connections shown in the site plan are intended to be permanent, with minor adjustments, the configuration of the lots is subject to future change. This Transportation Impact Analysis (TIA) therefore is focused on satisfying Oregon Transportation Planning Rule (TPR) requirements (OAR 660-12-0060) and approval of the DCP, which must demonstrate that the transportation system has available capacity to accommodate the change in zoning. Land use approval for a specific use would be addressed through subsequent applications and may require additional traffic impact evaluation depending on the proposed use and its unique site plan.

Project Site

The site consists of five parcels along the north side of SE 13th Avenue, beginning approximately 345 feet east of S Teakwood Street on the western frontage, and extending east to Logging County Road, a multiuse trail. The 32-acre combined parcel is within the Urban Growth Boundary (UGB) which is divided to the north and south by SE 13th Avenue. Currently, the site is being used for farming, with two residences and out buildings fronting SE 13th Avenue. The City of Canby Comprehensive Plan has planned the area for Low and Medium Density Residential. West of the site, across S Teakwood Street is a large gridded neighborhood. North of the site is the Baker Prairie Middle School. The northern edge of the parcel also features a ten foot paved path that serves as an edge to Baker Prairie Middle School's athletic fields and a non-motorized connection between S Teakwood Street and the Logging County Road.

Site Access and Connectivity

The following sections summarize site access to the property, intersection sight distance, and multi-modal connectivity to the project site to determine the adequacy of public facilities serving the site.

Site Access

The concept plan proposes two new north-south streets for circulation (S Vine Street and S Walnut Street), accessed off of SE 13th Avenue. SE 13th Avenue is under the jurisdiction of Clackamas County and classified as a minor arterial by the County (while the City of Canby classifies this facility as an arterial).² SE 13th Avenue is a two lane road with wide shoulders. The travel lanes are eleven feet, and the shoulder varies between seven to eleven feet, with a wider shoulder on the north side.

The proposed S Vine Street and S Walnut Street extending to the north would intersect with each of the five existing east-west streets from S Teakwood Street. S Vine Street is proposed to be located approximately 620 feet east of S Teakwood Street. S Walnut Street is proposed to be located approximately 620 feet east of S. Vine Street, where a private gravel drive currently exists. This would be approximately 415 feet west of Logging County Road and the proposed Sequoia Parkway extension currently under construction. These streets would meet the access spacing standards for the Clackamas County classification of a minor arterial (detailed in Table 1). However, if at a future time the City of Canby were to take jurisdiction of SE 13th Avenue and apply their standards for arterials, the proposed S Vine Street and S Walnut Street would not meet the City's arterial intersection spacing standards of 660 feet.

Table 1: Access Spacing Standards for City Street Facilities³

Street Facility	Minimum spacing of roadways		Minimum spacing of driveways	
	City of Canby	Clackamas County	City of Canby	Clackamas County
Arterial	660 feet	300-400 feet	330 feet or combine	300-400 feet
Collector	250 feet	150 feet	100 feet or combine	100-150 feet
Neighborhood Route/Connector or Local	150 feet	N/A	10 feet	N/A

² Clackamas County Transportation System Plan, Proposed Functional Classification Changes Map, approved December 11, 2013

³ City of Canby TSP, 2010, Table 7-2

To meet City standards, a deviation would be required for S Vine Street or S Walnut Street. To meet the requirements of an exception to the access spacing standards, an alternatives analysis would be required that demonstrates that an alternative meeting City standards has operational, safety, or site development issues that could be improved with the proposed deviation. The conceptual plan for the site could be altered to consolidate access into the site into one single road, but this may undermine circulation and access. However, it should be noted that the two proposed streets have been identified in Figure 7-8 in the Canby TSP depicting “potential local street connection” as shown in Figure 2.

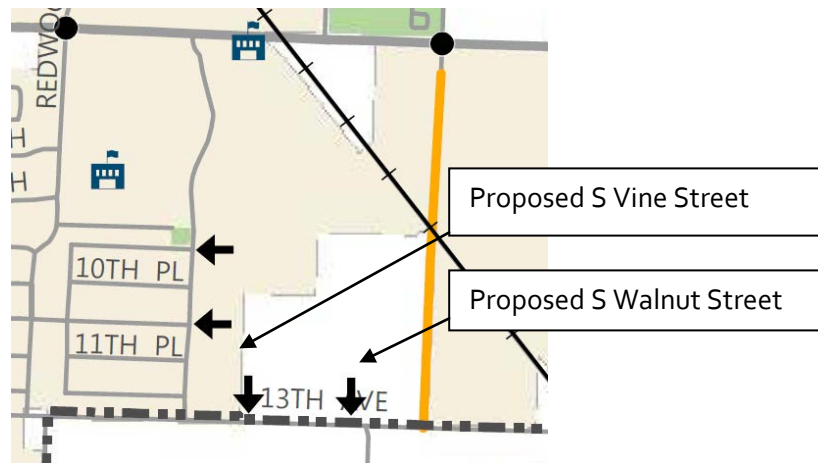


Figure 2: Potential Local Street Connections (Canby TSP Figure 7-8)

The site proposes a grid-like circulation system, with extensions of the existing streets of SE10th Avenue, SE 10th Place, SE 11th Avenue, SE 11th Place, SE 12th Avenue, and SE 13th Avenue running east-west through the neighboring property to S Teakwood Street. S Teakwood Street is classified as local road, is not striped, and has a width of about thirty feet curb to curb. There is a five and a half foot sidewalk and a three foot landscape strip on the west side of S Teakwood Street bordering the existing residential development. There is no curb or sidewalk on the east side of S Teakwood Street. The access spacing of these street extensions would meet the standards associated with local streets.

Intersection Sight Distance

Intersection sight distance was reviewed in the field to ensure adequate safety at site access points⁴. The measurements are provided in Table 2 and are compared to the American Association of State Highway and Transportation Officials (AASHTO) requirement based on the posted speed along SE 13th Avenue⁵. There is no posted speed limit along SE 13th Avenue within this location; however there is a 25 mph speed zone which begins at S Teakwood Street and continues to the west. Because the basic rule is in effect at this location, the 85th percentile speed has been used which was measured to be 45 mph.⁶

Table 2: Intersection Sight Distance Summary for Proposed Access Points - S Vine Street and S Walnut Street

Criteria	Intersection Sight Distance	
	Looking East	Looking West
Field Measurements (feet)	>550 ft.	>500 ft.
AASHTO Standard (feet)	500 ft.	430 ft.
Standard Met?	YES	YES

As indicated in the table and illustrated in Figure 3, intersection sight distance would be met at the proposed access points of S Vine Street and NE 13th Avenue, as well as S Walnut Street and NE 13th Avenue.



Figure 3: Intersection Sight Distance (Looking East and West from Proposed S Vine Street and NE 13th Ave)

⁴ Site visit conducted by DKS Associates, February 20, 2014.

⁵ *A Policy on Geometric Design of Highways and Streets*, American Association of State Highway and Transportation Officials, Table 9-6: Decision Intersection Sight Distance and Table 9-8: Design Intersection Sight Distance, 2011.

⁶ Canby SE 13th Avenue Pedestrian Study, DKS Associates, June 2013.

IV. AGENCY/CITIZEN COMMENTS

Bryan Brown

From: Robin Bergin <bergin@canby.com>
Sent: Monday, May 26, 2014 4:40 PM
To: Bryan Brown
Subject: Re-zoning of property

These comments are in response to the "Notice of Public Hearing & Request for Comments" regarding the application to annex & zone properties North of SE 13th Ave., East of S. Teakwood St. And west of the Logging Road Trail.

The current condition and usage patterns of Teakwood St. does not allow for additional traffic that an another residential neighborhood would bring. Teakwood street is a narrow road that does not allow for safe passage of 2-way traffic, especially if there is a vehicle parked on the West side of the street or if one of those vehicles is a school bus. The congestion created by the First Student busses, plus Baker Prairie Middle School drop-off & pick-up times, adds a miserable amount of traffic to contend with in our small, quiet residential neighborhood.

We also like to walk our dogs along the easement (grassy area West of the row of large trees) so our dogs are not relieving themselves on people's lawns and flower beds. Without a dog park in town our options are limited for places we can walk our dogs were they can relieve themselves and without imposing on private property. This means that we are walking the very edge of the pavement while our dogs are up in the grass to avoid being hit by a school bus or 2-way traffic. Often our walks have to be postponed until later in the evening, instead of being able to walk them when it is convenient for us.

The idea of additional traffic in our small neighborhood that we are already forced to share with the traffic from Baker Prairie and the busses for both Canby AND North Marion School Districts, seems more than reasonable for the current condition of our street. Adding to that, without 1. significantly widening of the road, 2. re-routing of bus and school traffic, and 3. opening the long-talked about dog park, is unreasonable in our opinion.

Respectfully,
Robin & Charlie Bergin
1739 SE 11th Pl.
Canby, OR
(503) 266-2544
5/26/2014

Sent from my iPad