



AMENDED AGENDA

CANBY CITY COUNCIL MEETING

October 3, 2018

7:00 PM

Council Chambers

222 NE 2nd Avenue, 1st Floor

Mayor Brian Hodson

Council President Tim Dale

Councilor Tracie Heidt

Councilor Traci Hensley

Councilor Greg Parker

Councilor Tyler Smith

Councilor Sarah Spoon

City Council WORK SESSION - 6:30 PM

Willow Creek Conference Room

222 NE 2nd Avenue, 1st Floor

The City Council will be meeting in a Work Session to discuss the land use approval process.

CITY COUNCIL MEETING – 7:00 PM

1. **CALL TO ORDER – 6:00 PM – Willow Creek Conference Room** – The Council will immediately go into Executive Session with the Regular Session following at 7:00 PM in the Council Chambers.
2. **EXECUTIVE SESSION: ORS 192.660(2)(h) Litigation**
3. **OPENING CEREMONIES**
 - A. Invocation
 - B. Pledge of Allegiance
 - C. Swearing In of Police Officer
 - D. Walk and Bike to School Day Proclamation Pg. 1
 - E. Manufacturing Day Proclamation Pg. 2
4. **COMMUNICATIONS**
5. **CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS**

(This is an opportunity for audience members to address the City Council on items not on the agenda. Each person will be given 3 minutes to speak. You are first required to fill out a testimony/comment card prior to speaking and hand it to the City Recorder. These forms are available by the sign-in podium. Staff and the City Council will make every effort to respond to questions raised during citizens input before tonight's meeting ends or as quickly as possible thereafter. For Agenda items, please fill out a testimony/comment card and give to the City Recorder noting which item you wish to speak on.)
6. **MAYOR'S BUSINESS**
7. **COUNCILOR COMMENTS & LIAISON REPORTS**

8. CONSENT AGENDA

(This section allows the City Council to consider routine items that require no discussion and can be approved in one comprehensive motion. An item may be discussed if it is pulled from the consent agenda to New Business.)

- A. Approval of Minutes of the September 19, 2018 City Council Work Session & Regular Meeting
- B. Change of Ownership Liquor License Application for FOB Taproom Pg. 3

9. PUBLIC HEARINGS

- A. ANN 18-02/ZC 18-02 (Cutsforth) Pg. 5
- B. ZC 18-04 (Busse) Pg. 104

10. RESOLUTIONS & ORDINANCES

- A. Res. 1298, Adopting Amendment No. 3 to the Cooperative IGA Between the City of Canby and Clackamas County Library District and Member Cities Pg. 144
- B. Ord. 1493, Proclaiming Annexation into the City of Canby of 9.55 Acres Including 8.91 Acres of Real Property and 0.64 Acres of Right-of-Way; Amending the Zoning; and Setting the Boundaries of the Property to be Included Within the City of Canby Pg. 98
- C. Ord. 1494, Amending the Zoning Map of the City of Canby, Clackamas County, Oregon for Tax Lot 4800 of Tax Map 4-1E-04DA Pg. 142
- D. Ord. 1495, Authorizing Contract with PBS Engineering & Environmental, Inc. for Transportation Engineering & Technical Services of North Quiet Zone Improvements (N Elm St – N Grant St. – N Ivy St); and Declaring an Emergency (**2nd Reading**) Pg. 154

11. NEW BUSINESS

- A. Amendment to Employment Contracts with City Administrator, City Attorney, and Municipal Court Judge Pg. 172

12. CITY ADMINISTRATOR’S BUSINESS & STAFF REPORTS

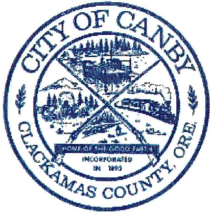
13. CITIZEN INPUT

14. ACTION REVIEW

15. EXECUTIVE SESSION: ORS 192.660(2)(h) Litigation

16. ADJOURN

*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Kim Scheafer at 503.266.0733. A copy of this Agenda can be found on the City’s web page at www.canbyoregon.gov. City Council and Planning Commission Meetings are broadcast live and can be viewed on CTV Channel 5. For a schedule of the playback times, please call 503.263.6287.



Office of the Mayor

Proclamation

Walk & Bike to School Day

WHEREAS, for more than a century the bicycle has been an utilitarian, economical, environmentally sound and effective means of personal transportation, recreation and fitness; and

WHEREAS, the City of Canby encourages the use of bicycles and walking as a means of transportation; and

WHEREAS, the City of Canby recognizes the bicycle as a legitimate roadway vehicle and therefore is entitled to legal and responsible use of all public roadway facilities in Oregon except highways constructed to interstate standards; and

WHEREAS, the City of Canby encourages the increased use of the bicycle and walking - benefiting all citizens of Canby by improving air quality, reducing traffic congestion and noise, decreasing the use of and dependence upon finite energy sources, and fostering physical fitness; and

WHEREAS, the City of Canby recognizes the use of bicycles and walking as viable modes of transportation, endeavors to promote safe and responsible bicycling and walking and is committed to incorporating the development of bicycle and pedestrian facilities in the vision for revitalizing downtown Canby; and

WHEREAS, the City of Canby's Bicycle and Pedestrian Committee and the Mayor encourage all citizens to ride their bicycles or walk to work, to the store, to the park, to school, and around their neighborhoods with friends, family, and neighbors in order to promote the personal and societal benefits achieved from bicycling and walking and to experience to joy and fun of bicycling and walking.

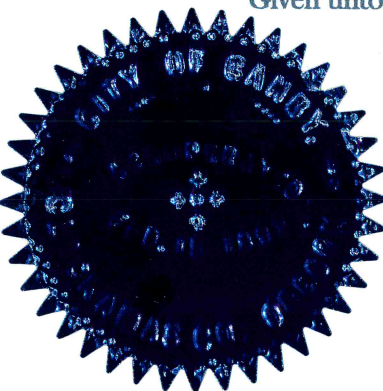
NOW, THEREFORE, I, Brian Hodson, by virtue of the authority vested in me as Mayor of the City of Canby, do hereby proclaim October 10, 2018, as:

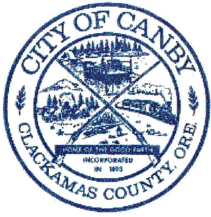
WALK & BIKE TO SCHOOL DAY

in the City of Canby and do urge all those in the Canby area to support Safe Routes to School and promote this observance.

Given unto my hand this 3rd day of October 2018 in the City of Canby, Oregon.

Brian Hodson
Mayor





Office of the Mayor

Proclamation

Manufacturing Day

WHEREAS, Manufacturing significantly contributes to the national, state and local economy; and

WHEREAS, Our community is fortunate to be the home of many world-class manufacturing companies; and

WHEREAS, Manufacturing companies bring vitality and prosperity to Canby by providing career opportunities and investment; and

WHEREAS, The community wants to introduce as many people as possible to the important role played by manufacturing; and

WHEREAS, Canby's manufacturers benefit from Canby School District efforts to prepare the current and future workforce through training, job shadows, internships, and other programs; and

WHEREAS, October 5 is dedicated to celebrating the great work and innovation of the men and women who contribute to Canby's strong manufacturing economy.

NOW THEREFORE, BE IT RESOLVED that I, Brian Hodson, Mayor of the City of Canby, Oregon, do hereby proclaim October 5, 2018 as:

Manufacturing Day in Canby


and urge all citizens to join in recognizing the value of our manufacturers and the importance they serve in our community.

Given unto my hand this 3rd day of October 2018 in the City of Canby, Oregon.

Brian Hodson
Mayor



Memo

To: Mayor Hodson & Members of City Council
From: Bret J. Smith, Chief of Police 
CC: Kim Scheafer, City Recorder
Date: September 20, 2018
Re: Liquor License Application / "FOB Taproom"

I have reviewed the attached liquor license application completed by the applicant, Steve and Leanne Puga, for the business, "FOB Taproom", located at 1109 SW 1st Avenue, Suite #D, Canby, Oregon, 97013.

On September 20, 2018, I spoke with applicant Mr. Steve Puga and we discussed the laws involving the sale of alcoholic beverages. He told me he is familiar with the Oregon liquor laws, stating he has prior experience in the liquor and restaurant industry.

Mr. Puga said he recently received his server's license and will ensure all employees have received training on the liquor laws from OLCC. Additionally, he said he understands the consequences for failure to comply with the rules as set forth by Oregon State law.

It is my recommendation that the Canby City Council approve this application to the Oregon Liquor Control Commission (OLCC).



OREGON LIQUOR CONTROL COMMISSION

LIQUOR LICENSE APPLICATION

PD #75.00
9/20/19 #4125
Kg

LICENSE FEE: Do not include the license fee with the application (the license fee will be collected at a later time).

APPLICATION: Application is being made for:

- ☐ Brewery
☐ Brewery-Public House
☐ Distillery
☐ Full On-Premises, Commercial
☐ Full On-Premises, Caterer
☐ Full On-Premises, Passenger Carrier
☐ Full On-Premises, Other Public Location
☐ Full On-Premises, Nonprofit Private Club
☐ Full On-Premises, For-Profit Private Club
☐ Grower Sales Privilege
☒ Limited On-Premises
☒ Off-Premises
☐ Off-Premises with Fuel Pumps
☐ Warehouse
☐ Wholesale Malt Beverage & Wine (WMBW)
☐ Winery
- LL268893

CITY AND COUNTY USE ONLY

Date application received 9-19-2018Name of City or County CanbyRecommends this license be ☐ Granted ☐ Denied

By _____

Date _____

OLCC USE

Application received by [Signature]Date 9-19-18

License Action:

40 A/privilege C/TN

1. LEGAL ENTITY (example: corporation or LLC) or INDIVIDUAL(S) applying for the license:

Applicant #1

MAN BIER LLC

Applicant #2

STEVE PUGA

Applicant #3

LEANNE PUGA

Applicant #4

2. Trade Name of the Business (the name customers will see):

FOB TAPROOM

3. Business Location: Number and Street

City CANBY County CLACKAMAS ZIP 970134. Is the business at this location currently licensed by the OLCC? ☒ Yes ☐ No

5. Mailing Address (where the OLCC will send your mail):

PO Box, Number, Street, Rural Route

City CANBY State OR ZIP 97013

6. Phone Number of the Business Location:

503-263-2337

7. Contact Person for this Application:

Name STEVE PUGA Phone Number 503-505-1219

Mailing Address, City, State, ZIP

CANBY, OR 97013

Email _____

I understand that marijuana (such as use, consumption, ingestion, inhalation, samples, give-away, sale, etc.) is **prohibited** on the licensed premises.

Signature of Applicant #1

[Signature]

Signature of Applicant #2

[Signature]

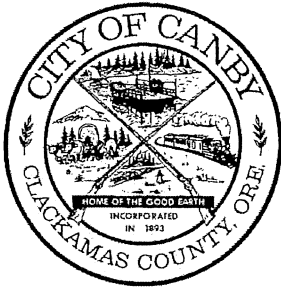
Signature of Applicant #3

Signature of Applicant #4

RECEIVED

SEP 18 2018

Initials: _____



City of Canby

MEMORANDUM

DATE: *Prepared: September 12, 2018 for October 3, 2018 Council Hearing*

TO: *Mayor and City Council*

FROM: *Bryan Brown, Planning Director*

RE: *Annexation/Zone Change (File No. ANN/ZC 18-02 Cutsforth)*

Background Summary:

At their September 10, 2018 meeting, the Canby Planning Commission recommended that annexation and zone change (**City File# ANN/ZC 18-02**) be approved by the City Council. This request if approved would annex 9.55 acres into the City limits – including 8.91 acres of real property consisting of three tax lots owned by the applicant (Cutsforth) along with approximately .64 acres of adjacent NE Territorial Road right-of-way, and assigns R-1 Low Density Residential zoning in accordance with the Comprehensive Plan Map.

Discussion:

Generally, the City of Canby's annexation ordinance requires either a Development Concept Plan (DCP) or a Development Agreement (DA) for properties that are a part of an annexation request. However, these particular properties are not designated on the City of Canby Annexation Development Map (16.84.040(A)). Subsequently, submittal of a Development Agreement or a DCP is not required for this application. However, the applicant submitted a conceptual development plan for future development of the parcels into a 22 lot subdivision for single-family homes that would accommodate two existing homes.

The Planning Commission accepted the evidence presented by the applicant demonstrating that the annexation of this additional land was needed and suitable to maintain a three-year supply of available developable R-1 zoned land within the City for new homes. The R-1 zone to be applied would provide 20 new single family home sites ranging between 7000 and 9400 square feet. The area is within the City's Urban Growth Boundary which is designated for future urbanization.

All necessary public services are readily available for extension by the developer to serve this proposed annexation area. There is a steep ravine with natural drainage that comes across Hwy. 99E that results in about 2.85 acres of unbuildable area that is expected to be platted as separate unbuildable Tracts A-D and attached to the adjacent lots having new public street frontage. So the area would remain owned by the individual lot owners but clearly indicated as restricted from future development.

A Transportation Planning Rule (TPR) analysis in accordance with State Statute was performed when a change of zoning of land is involved to demonstrate that the City has an acknowledged Transportation System Plan and that the proposed zoning is consistent with the TSP.

Planning Commission Recommendation:

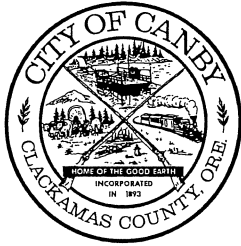
The Planning Commission found that the annexation review criteria had been met, and therefore recommended that the City Council:

1. Approve Annexation/Zone Change ANN/ZC 18-02, and,
2. Upon annexation, the zoning of the subject properties shall be designated as R-1 on the official zoning map for the City of Canby in accordance with the Canby Comprehensive Plan Map (LDR) Low Density Residential designation.

Recommended Council Motion: I move to approve the Cutsforth Annexation/Zone Change File ANN/ZC 18-02 pursuant to the recommendation forwarded by the Planning Commission.

Attachments:

- Planning Commission Final Findings
- Planning Commission Annexation & Zone Change Public Hearing Draft Minutes for September 10, 2018 (if available)
- Staff Report ANN/ZC 18-02 Cutsforth Annexation & Zone Change with written public comments
- The Cutsforth applicant submittal, including application forms, narrative, and drawings, neighborhood meeting notes, and pre-application minutes



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

A REQUEST FOR APPROVAL OF)	FINDINGS, CONCLUSION & FINAL ORDER
ANNEXATION AND ZONE CHANGE)	ANN 18-02/ZC 18-02
FOR PROPERTY LOCATED IN)	FRANK AND KATHLEEN CUTSFORTH
NORTHEAST CANBY AT 2265/2285 NE)	
TERRITORIAL ROAD)	

NATURE OF THE APPLICATION

The Applicants sought approval for an annexation/zone change application ANN 18-02/ZC 18-02 to annex 9.55 acres of real property described as Tax Lots 31E27DB00800, 00900 and 31E27AD00601 Clackamas County, Oregon. The property is zoned Clackamas County RRFF-5 and is requested to be zoned City R-1, (Low Density Residential).

HEARINGS

The Planning Commission considered applications ANN 18-02/ZC 18-02 after the duly noticed hearing on September 10, 2018 during which the Planning Commission recommended by a 5/0 vote that the City Council approve ANN 18-02/ZC 18-02 per the recommendation contained in the staff report.

CRITERIA AND STANDARDS

In judging whether or not the annexation and zone change applications shall be approved, the Planning Commission determines whether criteria from the *City of Canby Land Development and Planning Ordinance* are met, or can be met by observance of conditions. Applicable criteria and standards were reviewed in the Planning Commission staff report dated August 29, 2018 and presented at the September 10, 2018 public hearing of the Planning Commission.

FINDINGS AND REASONS

The Planning Commission considered applications ANN 18-02/ZC 18-02 at a public hearing held on September 10, 2018 during which the staff report was presented, including all applicant submittal attachments. Staff recommended that the Planning Commission forward a recommendation of approval to the City Council for the proposed annexation and new zoning designation in accordance with the Comprehensive Plan Map land use designation.

After hearing public testimony, and closing the public hearing, the Planning Commission made no additional findings beyond those contained in the staff report to arrive at their decision and support their recommendation.

CONCLUSION

In summary, the Planning Commission adopted the findings contained in the staff report, concluded that the annexation/zone change/Development Agreement with their directed revision meets all applicable approval criteria, and approved Files ANN 18-02/ZC 18-02 as stated below. The Planning Commission's order is reflected below.

ORDER


Based on the application submitted and the facts, findings, and conclusions of the staff report, and the from the public hearing, the Planning Commission recommended to the City Council **APPROVAL** of annexation and zone change applications **ANN 18-02/ZC 18-02** as follows:

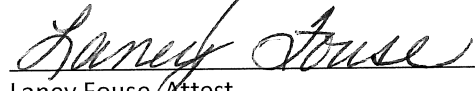
1. ANN 18-02/ZC 18-02 be approved and,
2. Upon annexation, the zoning of the subject properties be designated as R-1 as indicated by the Canby Comprehensive Plan Map.

I CERTIFY THAT THIS ORDER approving ANN 18-02/ZC 18-02 CUTSFORTH ANNEXATION & ZONE CHANGE which was presented to and APPROVED FOR RECOMMENDATION TO THE CITY COUNCIL by the Planning Commission of the City of Canby.

DATED this 10th day of September, 2018.


 John Savory
 Planning Commission Chair


 Bryan Brown
 Planning Director


 Laney Fouse, Attest
 Recording Secretary

ORAL DECISION: September 10, 2018

Name	Aye	No	Abstain	Absent
John Savory	X			
John Serlet				X
Larry Boatright				X
Derrick Mottern	X			
Tyler Hall	X			
Shawn Varwig	X			
Andrey Chernishov	X			

WRITTEN DECISION: September, 2018

Name	Aye	No	Abstain	Absent
John Savory	X			
John Serlet				X
Larry Boatright				X
Derrick Mottern	X			
Tyler Hall	X			
Shawn Varwig	X			
Andrey Chernishov	X			



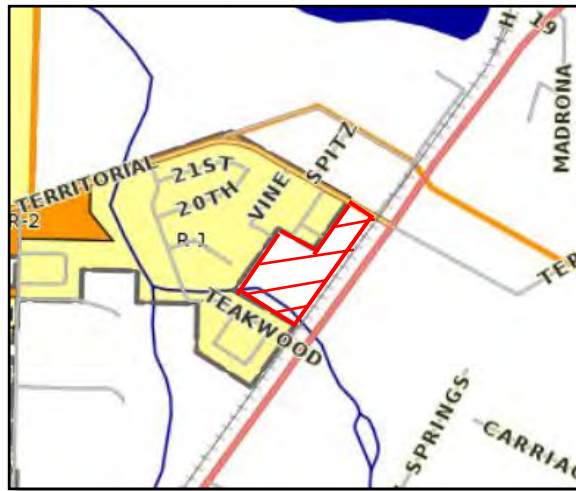
City of Canby

ANNEXATION AND ZONE CHANGE STAFF REPORT

FILE #: ANN 18-02/ZC 18-02

Prepared for the September 10, 2018 Planning Commission Meeting

LOCATION: 2265 and 2285 NE Territorial Road on the south side of NE Territorial Road approximately 175 feet west of State Highway 99E and approximately 160 feet east of N. Walnut Street, and bordered on the east by the Union Pacific Railroad right-of-way.



ANNEXATION PROPERTY SIZE: The site is approximately 9.55 gross acres and 8.91 net acres, (minus .64 acres of Street R.O.W).

TAX LOTS: Tax Lots 31E27DB00800, 31E27DB00900, and 31E27AD00601

COMPREHENSIVE PLAN DESIGNATION: Low Density Residential (LDR)

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

PROPOSED ZONING: Low Density Residential (R-1)

OWNER: Frank and Kathleen Cutsforth

APPLICANT: FRANK CUTSFORTH

REPRESENTATIVE: PAT SISUL – SISUL ENGINEERING

APPLICATION TYPE: Annexation/Zone Change (Type IV)

CITY FILE NUMBER: ANN 18-02/ZC 18-02

I. **PROJECT OVERVIEW & EXISTING CONDITIONS**

The property owners of three different parcels located in the northeast portion of the City of Canby's Urban Growth Boundary (UGB) propose annexation into the city limits. The property owners also propose a zone change application to change the current zoning from the Clackamas County RRFF-5 (Rural Residential Farm Forest-5) to the City of Canby's R-1, Low Density Residential Zone. The subject parcels are contiguous and are bordered on the west by developed subdivisions that include, The Meadows Subdivision, Walnut Creek Subdivision,

and Willow Creek Estates on the west and south. Property to the north and east is outside the Canby City limits. The annexation will also extend into NE Territorial Road and incorporate 20 feet of right-of-way along the property frontage. The applicant is requesting a zone change to R-1 (Single-Family Residential) which is consistent with the current Canby Comprehensive Plan designation. The applicant indicates that the “blue line” stream delineated on available maps is a drainage that flows under State Highway 99E and through adjacent Willow Creek Estates Subdivision and feeds into Willow Creek. The applicant stated that the drainage will be incorporated as such in the future subdivision. Before future development of the properties, the applicant should contact DSL (Division of State Lands) to see if any permits or mitigation is required from that agency.

Generally, the City of Canby’s annexation ordinance requires either a Development Concept Plan (DCP) or a Development Agreement (DA) for properties that are a part of an annexation request. However, these particular properties are not designated on the City of Canby Annexation Development Map (16.84.040(A)). Subsequently, submittal of a Development Agreement or a DCP is not required for this application. However, the applicant submitted a conceptual development plan for future development of the parcels into a 20 lot subdivision for single-family homes.

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

II. ATTACHMENTS

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

III. APPLICABLE REVIEW CRITERIA & FINDINGS

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

- 16.84 Annexations
- 16.54 Amendments to Zoning Map

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

*City of Canby Comprehensive Plan Policies and Implementation Measures
State Statutes- ORS 195.065 and 222*

Chapter 16.84 Annexation Compliance

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

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

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

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

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

This criteria is not applicable.

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*

This Criteria is not applicable.

Findings: **A DCP or a DA is not required for this application. However, the applicant provided information to address City of Canby future infrastructure requirements for the area, and**

work has gone into planning for how the defined area would best be developed and served by all necessary infrastructure.

A traffic analysis was not required for this proposal. However, DKS Engineering provided a Transportation Planning Rule Analysis, to address traffic impacts associated with anticipated full development of the properties in accordance with the applicable zoning designation and the planning rule. The analysis, dated June 4, 2018 summarized how the requirements of Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR), are met for the subject properties. The surrounding roadways and intersections were found to have sufficient capacity to accommodate the proposed annexation, and zone change in the Development Agreement Area. The Transportation Planning Rule requirements of State Statute were determined to have been met as documented in the Analysis.

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

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

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

The applicant included in the file an analysis indicating the deficiency of Canby's three-year supply of developable land based on population data obtained from Portland State University Population Research Center and existing available platted and proposed lots. The applicant provided an analysis that included subdivisions that are preliminarily approved and have yet to record platted lots. The applicant determined that approximately 212 new households units for single-family lots in the next three years, and the total lots projected to be available, including the Cutsforth annexation lots, amount to 191 lots for low density development, which is a 2.7 year supply. The applicant assumed a third of the projected new households would be medium or multi-family development. The applicant factored in an absorption rate into the submitted data. Based on available information, the city has had an average absorption rate of nearly 45 lots per year for the last 10 years, but that number has increased to 67 for the last 3 year average. This corresponds closely to the projected

household need to serve our population growth of 71 homes per year. This indicates the supply of readily available platted lots with all necessary infrastructures is projected to be just below a three-year supply if no other subdivisions are approved. If annexed, this property would add to the buildable land supply. It will likely take 2 to 3 years for this land to be fully platted and the lots made available. Staff concludes that information indicates this criterion is met.

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

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

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

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

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

Findings: Staff finds that the information contained in the applicant's narrative and the file is sufficient, and the applicable criteria can be met.

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

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

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

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

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

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

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

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

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

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

Chapter 16.54 Amendments to the Zoning Map Analysis

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

16.54.010 & 0.20 & 0.30 Amendments to the Zoning Map

Findings:

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

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

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

16.54.040 Standards and criteria

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

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

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

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

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

16.08.150 Traffic Impact Study (TIS)

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

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

Findings: The Transportation Planning Rule (TPR) within State Statute (OAR 660-12-0060-9) requires that there be a record of traffic generation findings which are consistent with the City’s Transportation System Plan with any Comprehensive Plan Map Amendment or Zoning Map Amendment. As previously mentioned, DKS Engineering provided a TPR Analysis that confirmed the proposed annexation met provisions of the TPR. The findings of the analysis determined that the zone change contemplated and the resulting traffic, if developed as allowed, was assumed for trip modeling in the 2010 Canby Transportation System Plan, and therefore, the Transportation Planning Rule requirements are met. The zone change from the proposed annexation would not have a significant effect on the surrounding transportation

network, and no mitigation measures would be required to satisfy TPR requirements. This review criterion is met.

Chapter 16.89.060 Process Compliance

16.89.060 Type IV Decision

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

- A. Pre-application conference. A pre-application conference may be required by the Planning Director for Type IV applications.
- B. Neighborhood meetings. The applicant may be required to present their development proposal at a neighborhood meeting (see Section 16.89.070). Table 16.89.020 sets the minimum guidelines for neighborhood review but the Planning Director may require other applications to go through neighborhood review as well.
- C. Application requirements. Type IV applications shall be made on forms provided by the Planning Director. The application shall be accompanied by all required information and fees.
- D. Public notice and hearings. The public notice and hearings process for the Planning Commission's review of Type IV applications shall follow that for Type III applications, as provided in subsections 16.89.050.D and 16.89.050.E.
- E. Decision process.
 - 1. Approval or denial of a Type IV decision shall be based on the standards and criteria located in the code.
 - 2. The hearings body shall issue a final written order containing findings and conclusions recommending that the City Council approve, approve with conditions, or deny the application.
 - 3. The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts.
 - 4. In cases involving attorneys, the prevailing attorney shall prepare the findings, conclusions, and final order. Staff shall review and, if necessary, revise, these materials prior to submittal to the hearings body.
- F. City Council proceedings:
 - 1. Upon receipt of the record of the Planning Commission proceedings, and the recommendation of the Commission, the City Council shall conduct a review of that

record and shall vote to approve, approve with conditions, or deny the recommendation of the Planning Commission.

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

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

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

Notice of this application and the Planning Commission and Council Hearing dates was made to surrounding property owners on August 20, 2018, at least 20-days prior to the hearing. Prior notification and neighborhood meetings were completed during application process. The site was posted with a Public Hearing Notice sign by August 31, 2018. A notice meeting ordinance requirements of the public hearings was published in the Canby Herald on September 5, 2018. A pre-application meeting was held May 1, 2018. 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 August 20, 2018. Complete comments are documented in the file. As of the date of this Staff Report, the following comments were received by City of Canby from the following persons/agencies:

Persons/Agency/City Department Comments.

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

Conclusion Regarding Consistency with the Standards of the

Canby Municipal Code

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

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

16.89 Recommendation

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

1. ANN 18-02/ZC 18-02 be approved and,
2. Upon annexation, the zoning of the subject properties be designated as R-1 as indicated by the Canby Comprehensive Plan Map.

Application for Annexation

2265 & 2285 NE Territorial Road

Canby, OR 97013

Owner/Applicants:	Frank & Kathleen Cutsforth 2285 NE Territorial Road Canby, OR 97013 Phone: (503) 266-2016
Location	2265 & 2285 NE Territorial Road South of NE Territorial Road, west of Highway 99E and the Union Pacific Railroad. North and west of Willow Creek Estates subdivision.
Legal Description	Tax Lots 601, 800 & 900, Sec. 27DB, T3S R1E WM (Assessor Map 3 1E 27DB)
Zoning	Current: Clackamas County, RRFF-5 Proposed: City of Canby, R-1
Proposal	Annexation of 9.55 acres into the City of Canby 8.96 acres of real property & 0.59 acres of NE Territorial Road right-of-way

Table of Contents

I.	Application Forms
II.	Written Narrative
III.	Pre-Application Meeting Minutes
IV.	Neighborhood Meeting Notes
V.	Annexation Petition
VI.	Transportation Planning Rule Letter
VII.	Deeds & Legal Descriptions
VIII.	Legal Description for Annexation
IX.	Maps
	a. Vicinity Map
	b. Aerial Map
	c. Assessor Map
	d. Comprehensive Plan Map
	e. Record of Survey
	f. Existing Conditions / Topographic Map
	g. Conceptual Site Plan
Loose	Mailing Labels
	Full Size Plans

I. Application Forms



City of Canby
Planning Department
222 NE 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: Frank and Kathleen Cutsforth Phone: (503) 266-2016
Address: P.O. Box 261 Email: frank@cutsforths.com
City/State: Canby, OR Zip: 97013 glassart1@aol.com

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

☐ Property Owner Name: Frank Cutsforth Phone: (503) 266-2016
Signature: [Signature]
Address: P.O. Box 261 Email: frank@cutsforths.com
City/State: Canby, OR Zip: 97013

☐ Property Owner Name: Kathleen Cutsforth Phone: (503) 266-2016
Signature: [Signature]
Address: P.O. Box 261 Email: glassart1@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.
- 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>2265 & 2285 NE Territorial Road</u>	<u>9.0 Acres</u>	<u>3 1E 27DB #'s 601, 800 & 900</u>
Street Address or Location of Subject Property	Total Size of Property	Assessor Tax Lot Numbers
<u>Two homes and multiple other structures</u>	<u>RRFF-5</u>	<u>LDR - Low Density Residential</u>
Existing Use, Structures, Other Improvements on Site	Zoning	Comp Plan Designation

Annexation into the City of Canby.

Describe the Proposed Development or Use of Subject Property

STAFF USE ONLY				
ANN & ZC 18-02	7-6-18	LF		
FILE #	DATE RECEIVED	RECEIVED BY	RECEIPT #	DATE APP COMPLETE



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

LAND USE APPLICATION

Zone Map Change Application

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

☐ Applicant Name: Frank and Kathleen Cutsforth Phone: (503) 266-2016
Address: P.O. Box 261 Email: frank@cutsforths.com
City/State: Canby, OR Zip: 97013 glassart1@aol.com

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

☒ Property Owner Name(s)*: Frank Cutsforth Phone: (503) 266-2016
Signature: [Signature] [Signature]
Address: P.O. Box 261 Email: frank@cutsforths.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

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

PROPERTY & PROJECT INFORMATION:

<u>2265 & 2285 NE Territorial Road</u>	<u>9.0 Acres</u>	<u>3 1E 27DB #'s 601, 800 & 900</u>
Street Address or Location of Subject Property	Total Size of Property	Assessor Tax Lot Numbers
<u>Two homes and multiple other structures</u>	<u>RRFF-5</u>	<u>LDR - Low Density Residential</u>
Existing Use, Structures, Other Improvements on Site	Zoning	Comp Plan Designation

Annexation of the property into the City of Canby and change in zoning from Clackamas County
Brief description of proposed development or use
RRFF-5 zoning to City of Canby R-1, Low Density Residential zoning.

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

Visit our website at: www.canbyoregon.gov

Email Application to: PlanningApps@canbyoregon.gov

II. Written Narrative

Application for Annexation

Owner/Applicants	Frank and Kathe Cutsforth P.O. Box 261 Canby, OR 97013 Phone (503) 266-2016
Consultant	Sisul Engineering, Pat Sisul 375 Portland Avenue Gladstone, OR 97027 Phone: (503) 657-0188 Email: patsisul@sisulengineering.com
Location	2265 & 2285 NE Territorial Road South of NE Territorial Road, west of Highway 99E and the Union Pacific Railroad. North and west of Willow Creek Estates subdivision.
Legal Description	Tax Lots 601, 800 & 900, Sec. 27DB, T3S R1E WM (Assessor Map 3 1E 27DB)
Zoning	Current: Clackamas County, RRFF-5 Proposed: City of Canby, R-1
Site Size	8.91 Acres
Proposal	Annexation of 9.55 acres into the City of Canby 8.91 acres of real property & 0.64 acres of NE Territorial Road right-of-way
Date	July, 2018

PROPOSAL

The applicants propose annexation of 0.64 acres of street right-of-way and 8.91 acres of real 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, development of approximately 20 new single-family residences as shown on the conceptual plan submitted with the application if the property is subdivided.

SITE DESCRIPTION

The site is located south of NE Territorial Road, west of Highway 99E and the Union Pacific Railroad, and north and east of the Willow Creek Estates subdivision. There are three tax lots owned by the applicants that are included in the annexation area, two of which currently have homes on them.

Tax Lot 601 is the western-most parcel and the only one that is vacant. This tax lot measures 182 feet wide by 574 feet long and is bordered by the Willow Creek Estates subdivision to the south, Willow Creek Estates and Vine Meadows subdivisions to the west, the Walnut Crossing subdivision to the north, and Tax Lot 900 to the east. Two local City of Canby streets are stubbed to the northwest corner of Tax Lot 601, NE 19th Court from the Vine Meadows subdivision to the west and N Walnut Street from the Walnut Crossing subdivision to the north. Both right of ways are 40 feet in width, and both roadways are constructed to older City of Canby local street standards.

Tax Lot 800 is the northern-most parcel. This tax lot contains one home located near Territorial Road, which was constructed in 1963. Tax Lot 800 measures 204 feet wide by 427 feet deep. It is bordered by Territorial Road to the north, the Walnut Crossing subdivision to the west, and Tax Lot 900 to the south and east. Farther east is the Union Pacific Railroad and Highway 99E. Tax Lot 800 has 204 feet of frontage on NE Territorial Road and 40 feet of frontage on NE 20th Avenue, which is stubbed to the west line of the parcel. NE 20th Avenue is a local street, constructed to older City of Canby local street standards, while NE Territorial Road is a collector roadway. The home takes access from Territorial Road via a shared driveway with Tax Lot 900.

Tax Lot 900 is the largest and most southerly parcel of the three, and it is also a flag lot. The parcel measures approximately 390 feet by 575 feet deep, with a 12-foot wide by 427-foot-long stem extending out to Territorial Road between Tax Lot 800 and the railroad right-of-way. One home, which was constructed in 1984, is located on the lot as are several other outbuildings. This tax lot is bordered by the railroad to the east, Willow Creek Estates to the south, Tax Lot 601 to the west, and Tax Lot 800 and the Walnut Crossing subdivision to the north. The only public street frontage is the 12-foot wide strip to NE Territorial Road.

The three properties are bordered by the City of Canby to the south and west with newer subdivisions (Willow Creek Estates, Vine Meadows, Walnut Crossing) and modern homes. On the opposite side of NE Territorial Road from the site is the Seventh

Day Adventist Church, which is in unincorporated Clackamas County. To the east is the railroad, the highway, and farther east across the highway, Canby Church of the Nazarene and one other large parcel, both of which are located in unincorporated Clackamas County. The nearby County properties generally carry the County RRFF-5 zoning.

The upper, main portion of the site is a mixture of grasses, some lawn, and some garden areas. There are a wide variety of trees onsite, however, Oak, Cedar, and Douglas Fir are the predominant species. Tax Lot 601 and the southern portion of Tax Lot 900 are heavily treed. The northern portion of Tax Lot 900 has far fewer trees than the south portion of the lot, while Tax Lot 800 has few trees by comparison to the other two tax lots.

A natural drainageway in a steep ravine is located along the southern portion of Tax Lots 601 and 900. The drainageway receives runoff from a pond and creek on the east side of Highway 99E and that crosses underneath Highway 99E and the railroad in an 18-inch diameter culvert. The drainage leaves the property to the southwest where it enters an open space in the Willow Creek Estates subdivision and eventually joins with Willow Creek. The drainageway has approximately 5 feet of fall from east to west across the site.

The bottom of the drainageway is approximately 22 to 25 feet below the level of the home on Tax Lot 900. The upper portion of the site is somewhat flat north to south (parallel with the railroad and highway), but the terrain slopes from east to west away from the highway, toward Willow Creek and the Willamette River. The highest point onsite is the NE corner where access to Territorial Road is taken, at elevation 134. The western edge of the Territorial Road frontage is at elevation 120, the NE 20th Avenue street stub is at elevation 114, the N Walnut Street street stub is at elevation 109 and the NE 19th Court street stub is at elevation 106. The lowest portion of the site is the drainageway, which enters the site along the eastern property line at elevation 85 and leaves the site in the southwestern corner of the site at elevation 80. The floor elevation of the home on Tax Lot 800 is at 126, while the floor elevation of the home on Tax Lot 900 is at elevation 114.

Public sanitary sewer and water are available to the site in NE Territorial Road, NE 19th Court, and NE 20th Avenue. Other public utilities, such as natural gas, power and communications are also available from Territorial Road, NE 19th Court, NE 20th Avenue, and N Walnut Street. Fire protection is available to the property from Canby Fire District and police protection is available from the City of Canby Police Department. Storm drainage can be accommodated onsite through infiltration into the underlying soils and/or discharge to the natural drainageway onsite.

NE Territorial Road, N Walnut Street, NE 19th Court, and NE 20th Avenue are under the jurisdiction of the City of Canby. NE Territorial Road is designated as a collector, while the others are local streets. Although NW Territorial Road is under the jurisdiction of the City of Canby, much of the right-of-way has not been annexed into the City. This application proposes to annex all of the existing Territorial Road right-of-way between the east line of NE Spitz Road and the west line of the Union Pacific Railroad, that is not currently within the City of Canby. This right-of-way totals 0.64 acres.

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 soil types identified onsite include "Amity Silt Loam" and "Latourell Loam", both of which are suitable for agriculture or for development. The site is not being used for commercial agricultural purposes though, as it is too small for a viable farm and portions of the site are heavily covered by trees, while other areas are excessively steep. The site is bordered by new urban subdivisions on two sides and because the property is within the City's Urban Growth Boundary, the policy has been established by the City and County that the site will ultimately 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 slowly growing and converting to urban uses in locations where public utilities are available. Adjacent properties to the south and west are already within the City of Canby, while properties to the north, and across Highway 99E to the east remain in the County. City streets and utilities have been extended to serve the site from the west through development of two neighboring subdivisions. With the current pattern of development, these parcels remain a pocket of County zoned land bordered by land within the City limits on two sides, a railroad, and a collector roadway. The current pattern makes provision of some services less efficient than if the land within this pocket was within the City.

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. The proposed zoning for the site is consistent with the adopted Comprehensive Plan.

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 from NE Territorial Road and two neighboring subdivisions. Public sanitary sewer is available within NE Territorial Road, NE 19th Court, and NE 20th Avenue. The applicant has been advised that the City has adequate capacity to serve the site. Other public utilities, including public water, natural gas, power and communications are also available in all nearby streets. Fire protection is available through Canby Fire District and police protection is available from the City of Canby Police Department. Service providers have indicated that the site can be served at density levels consistent with the site's future R-1 zoning.

NE Territorial Road is a collector roadway. A Transportation Planning Rule letter, paid for by the applicant, and prepared by the City of Canby's traffic consultant, determined that when the site is developed as an R-1 subdivision, traffic from the site will not have a significant impact on the surrounding roadway system. The transportation assessment performed as a part of the City's Transportation System Plan accounted for the proposed development of the site as an R-1 subdivision, and therefore the rezoning of the site to R-1 is consistent with the acknowledged transportation system plan.

Public schools, by law, are required to provide for students within the district. The property is already located within the Canby School District and is served by Knight Elementary School, Baker Prairie Middle School. According to the school district officials, Canby School District currently has nearly flat enrollment and enrollment projections indicate that enrollment is anticipated to remain nearly flat for the next few years, even with the growth in the city. The school district has some classes near capacity, while other are below capacity, but generally, there is more room available at the high school level than at the lower grades. For the 2018-2019 school year, Canby School District is offering the following Open Enrollment openings for students living outside the school district boundaries:

Knight Elementary:	2 nd Grade: 2
	4 th Grade: 2
Baker Prairie Middle School:	7 th Grade: 15
	8 th Grade: 4
Canby High School:	9 th Grade: 50
	10 th Grade: 50
	11 th Grade: 50

The applicants intend to annex their land at this point and are unsure of how soon it may be developed as a subdivision. The applicants are not developers and they do not plan to develop the site. With the length of time required to go through the annexation and subdivision approval processes, the very earliest that homes could be constructed on the site would be beginning in the summer of 2019. Any new students generated by having new homes on this property would not impact district schools until fall 2019 at the earliest. More likely, most new residents moving into a subdivision on this site would not move in until late 2019 or 2020. However, this time line would only apply if an actual development proposal is submitted to the City and homes are constructed. Also, the applicants anticipate that their children's families, who already live in Canby, may occupy some of the lots within a future subdivision. Children from these families would not be new to the school district, as they are already attending Canby schools.

Land Use Element

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

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

Response: The City experienced a significant slowdown in building permits beginning in 2007 in response to regional and national trends in homebuilding and associated finance issues. That slowdown began to turn around in 2013 and the City has seen a significant uptick in building activity in recent years.

This site is identified in the Comprehensive Plan as LDR – Low Density Residential. Density in this zone is controlled by permitted maximum and minimum lot sizes identified in the Development Code for the R-1 zone. The ability to increase the density of the site, when developed, is limited by the requirements of the R-1 Chapter. Further, this site has a natural resource area located on site with a natural drainageway and steep slopes that makes a portion of the site unfeasible to develop.

In order to satisfy building demand, the Council adopted annexation supply policy to assure a 3-year supply of available platted lots for consumption. According to an analysis performed by the applicant, as of July 1, 2018 there are 106 platted available single-family lots (see Appendix A). Based on an average of 45 building permits per year, the existing inventory of buildable lots would provide approximately a 1.5-year supply. However, other “In Process” development applications will add a significant number of additional available buildable lots for new single family homes in the next two years.

Using the City of Canby’s Comprehensive Plan’s methodology for forecasting the potential residential development, small parcels of vacant land designated Low Density Residential within the City shall assume 15 percent of the land area shall be subtracted for dedication of street rights-of-way and easements, 10 percent of the remaining land area shall be assumed for public and semi-public purposes, and 5 percent of the remaining land area for an assumed vacancy factor. The remaining acreage shall be multiplied by 4.5 dwelling units per acre.

The proposed annexation would add approximately 8.9 acres of buildable land to the City, although the developable portion of the site would be considerably smaller considering that there are already two homes on the site and there is a significant natural resource on the south side of the property that will be undevelopable. If the natural resource area was ignored and not taken into account, the anticipated number of dwelling units and people added, per the methodology in the Comprehensive Plan, would be:

1. 9.0 acres less 1.35 acres (right-of-way and easements) = 7.65 acres
2. 7.65 acres less 0.75 acres (pubic & semi-public open space) = 6.90 acres
3. 6.90 acres less 0.35 acres (vacancy factor) = 6.55 acres

4. 6.55 acres x 4.5 units per acre = 29 dwelling units
5. 2 existing homes already exist = 27 new dwelling units
6. 27 dwelling units with 2.6 persons/dwelling unit = 70 people

However, the natural resource area encumbers approximately 2.85 acres. This area has a combination of a natural drainageway, steep slopes, and is too low in elevation to be served by sanitary sewer, which makes this portion of the site unfeasible to develop. Setting this area aside, the anticipated number of dwelling units and people added per the methodology in the Comprehensive Plan, would be:

1. 9.0 acres less 2.85 acres (natural resource area) = 6.15 acres
2. 6.15 acres less 0.92 acres (right-of-way and easements) = 5.23 acres
3. 5.23 acres less 0.52 acres (pubic & semi-public open space) = 4.71 acres
4. 4.71 acres less 0.24 acres (vacancy factor) = 4.47 acres
5. 4.47 acres x 4.5 units per acre = 20 dwelling units
6. 2 existing homes already exist = 18 new dwelling units
7. 18 dwelling units with 2.6 persons/dwelling unit = 47 people

The number of anticipated dwellings indicated on the Conceptual Development Plan prepared by the applicant is a total of 22 dwellings, the 2 existing homes plus 20 potential lots. The 20 potential lots is in between the number of dwelling units arrived at using the two calculation methodologies above.

Annexation of the land would not immediately result in 20 new lots being available for home development though. An application for subdivision would have to be completed, with approval required by the Planning Commission. Then construction plans would have to be prepared, land development would need to occur, and a subdivision plat would have to be filed. If approved, the earliest all of this could be accomplished would be summer 2019, with home construction possibly beginning in late summer or early fall 2019. It is likely that the first of the new dwellings in the annexation site would not become available for occupancy until spring 2020, nearly two years from now, after much of the current buildable lot inventory has been depleted.

If annexed, and once the land is platted, it would be expected to add approximately twenty single-family lots to the platted lot supply. Based on the rate of growth projected for Canby by a study completed by the Portland State University Population Resource Center (see Appendix A), this is anticipated to be a two to three-month supply.

The site adjacent to an area of newer development. Public facilities are stubbed to the edge of the property and are available to serve this land when it is annexed into the City. Annexation of the site would facilitate the orderly extension of public services and would facilitate the elimination of three temporary dead-end streets and water mains.

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: At only 9 acres and with 2 existing homes, a large natural resource area, and a significant number of trees, the site is not large enough to be viable as a farm. In addition to being small, the site is bordered by urban subdivisions within the City of Canby on two of its four sides, which would conflict with the noise, dust, and chemicals associated with agriculture. The ultimate destiny for this site was settled with establishment of the Urban Growth Boundary and earlier annexations that have edged up to the site and now border the property.

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. There is no agricultural use of this land.

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

Response: A drainageway ravine is located on the southern portion of Tax Lots 900 and 601 that conveys water flowing from a culvert underneath Highway 99E and the railroad, across the site. The drainage leaves the property in the southwest corner of the site and feeds into Willow Creek through the Willow Creek Estates subdivision. This natural resource will not be affected by the annexation and it is expected to remain in place when the site is eventually developed as a subdivision.

Policy 6-R. Canby shall preserve and, where possible, encourage restoration of historic sites and buildings.

Response: No historic sites or buildings are located on this site.

Policy 9-R. Canby shall attempt to minimize the adverse impacts of new developments on fish and wildlife habitats.

Response: An existing drainageway ravine is located on the southern portion of Tax Lots 601 and 900. This drainageway is fed from springs located on the east side of Highway 99E and it drains to the Willamette River through a riparian environment. The canopy of trees in this portion of the site also provides habitat for certain animal species.

Annexation of the property will not impact this habitat, however, land development could, if not protected. The applicants intend to protect this resource area and their submitted Conceptual Site plan indicates protection of the resource area through the establishment of 4 resource protection tracts. The ravine, at an elevation between 80 and 85 feet, is too low in elevation to be served by the sanitary sewer available to the site, which is at elevation 97.4 in NE 19th Court.

Policy 10-R. Canby shall attempt to minimize the adverse impacts of new developments on wetlands.

Response: It is not known whether any wetlands are associated with the drainageway located on the southern portion of the property, however, as mentioned in response to Policy 9-R, the applicants intend to protect the resource area on the southern portion of the property. Therefore, if there are any wetlands located adjacent to the stream, they will also remain protected.

Policies 1-H, 2-H, 3-H: Policies relating to hazards associated with topography and slope, flood prone areas, and poor soils.

Response: As already discussed several times above, on the southern portion of Tax Lots 601 and 900, there is a deep drainageway ravine. The ravine is over 20 feet deep on the eastern side of the site and less deep on the western portion of the site. The side slopes on the northern side of the ravine measure approximately 5:1, or 20%. The applicant's submitted Conceptual Site plan indicates protection of the resource area through the establishment of 4 resource protection tracts. Prohibition of development of this portion of the site will encourage consistency with the policies identified in these sections of the Comprehensive Plan.

The Soil Construction Limitation Map identifies a zone of thin soils, expanding soils and high groundwater running through a portion of the site extending from the railroad right-of-way through the site and into the Walnut Crossing and Vine Meadows subdivisions. Per the Comprehensive Plan, "Recognizing the relatively limited extent of these conditions and the low level of risk they present, the City's approach to development of these areas will be advisory rather than regulatory. In other words, an effort will be made to advise builders and property owners of the potential hazards, but no strict regulations will be enforced unless the scope of the hazards turns out to be more serious than present information indicates."

These same thin soils are also identified to exist in other areas near this site, including within the Walnut Crossing and Vine Meadows subdivisions adjacent to this site, and in

Erika Estates and Postlewait Estates located along the western side of N Redwood Street. Although areas of thin soils are within these existing subdivisions, the soils presented no particular hazards and no special construction techniques were implemented.

Transportation Element

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

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

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

Response: NE Territorial Rd. is now classified as a collector roadway by the City of Canby Transportation System Plan, while the other existing streets adjacent to the site are identified as local streets. NE Territorial Road is improved with curb and sidewalk across the frontage of the site, so the applicants anticipate no additional frontage improvements. The applicant would expect to construct any new streets within the development site, including appropriate extensions of NE 19th Court, NE 20th Avenue, and N Walnut Street at the time of subdivision.

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: A site plan for a future subdivision can be designed to provide access for all lots and to facilitate access for emergency vehicles. This will be demonstrated in the context of a subdivision application, after the site has been annexed into the City and City zoning has been applied. A conceptual layout for the site is included with this application, showing how new streets could be extended through the site to provide adequate emergency access, vehicular access, and safe and convenient bicycle and pedestrian access for neighborhood residents.

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 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 not located within a Development Agreement area identified on the City of Canby Annexation Development Map. The provisions of this section do not apply to this application.

- b. A Development Concept Plan (DCP) binding for all properties located within the boundaries of a designated DCP area as shown on the City of Canby Annexation Development Map. A Development Concept Plan shall address City 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 also do not apply to this application.

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

Response: A detailed study of need is located in Appendix A at the end of this narrative. In summary, the Current Inventory (July 1, 2018) has been determined to be 106 lots, or a 1.5-year supply, based on projected growth. The available lot inventory is anticipated to climb with approval and development of several "In Process" subdivisions, culminating in a projected high inventory of 295 lots / 4.2 years in October 2019.

However, at least two of the current application have been appealed by neighbors of the projects and would be considered as "controversial". If one or more of these projects is delayed, denied, or the number of lots is reduced below what has been applied for, then the projected inventory could be far less than projected and may never exceed a 3-year supply.

The Cutsforth property is a small player in the Canby buildable lot inventory. When developed as a single family residential subdivision, it is anticipated to add 20 additional homes to the inventory, a two to three-month supply. The first of these lots would be expected to be available in Spring, 2020, slightly less than two years from now. If no subdivision applications are submitted and approved (other than the Cutsforth application) in the following 3 years, the available lot inventory projected in July 2021, three years from now, would be anticipated to be 191 lots, a 2.7-year supply.

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 will 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 of Canby.

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

Response: Public facilities and services are available as previously discussed. Public sanitary sewer is available in NE 19th Court, NE 20th Avenue, and NE Territorial Road. Public water is available in all of the above-mentioned streets and also in N Walnut Street. Public streets nearby this site have the capacity to carry the number of trips expected to be generated by this site, at the R-1 zoning shown on the Comprehensive Plan, as discussed in the Transportation Analysis Letter prepared by DKS Associates, the City's Traffic Engineer. Public park facilities located near the site include the Logging Road Trail, the Eco Natural Area, the 19th Avenue Loop Natural Area and Maple Street Park. Schools that would serve this site, Knight Elementary, Baker Prairie Middle School and Canby High School have adequate capacity to serve additional students.

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

Response: Annexation by itself will not generate an increased demand on public services. Two homes are currently located on the property. The home near Territorial Road was constructed in 1963, while the applicant's home, located centrally within the site, was constructed in 1984. These homes will remain on current utilities until such time that the site is subdivided.

Subdivision of the property into multiple lots, each with a new home, would increase the demand for City facilities. Because the site is located within the City's UGB, it is expected to develop according to its Comprehensive Plan designation and therefore, the increases in the demand for public services should be within the range of anticipated impacts. The applicant has been advised that the City has adequate services to serve the site.

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

Response: Annexation of the property will not increase the demand for public services, however, subdivision of the property will create multiple lots that will increase demand for public water, sanitary sewer, streets, emergency services, parks and schools. Public utilities needed to serve the development of the property would be provided by the development through construction of new public utility infrastructure by the developer at the time of subdivision. Systems Development charges paid for by the homebuilders at the time a building permit is obtained, theoretically offset the impact of each single-family home has to the utility, roadway, or park system.

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

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

8. Statement indicating the type and nature of any Comprehensive Plan text or map amendments or Zoning text or map amendments that may be required to complete the proposed development.

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

9. Compliance with other applicable city ordinances or policies.

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

10. Compliance with applicable sections of ORS 222.

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

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

Conclusion

The foregoing narrative describes a proposal for annexation of 9.55 acres total, 8.91 acres of real property and 0.64 acres of NE Territorial Road 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.

Appendix A:

**Analysis of Population and Estimated Available Lot Inventory
July 1, 2018 through July 1, 2021**

According to the Portland State University Population Resource Center (PRC), Canby's estimated population for the years 2015 through 2017, is shown in Table 1 below:

Table 1: Estimated Population 2015-2017:

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

The above figures are based on population within the Canby city limits. PRC data and projections for the Canby Urban Growth Boundary, which includes population within the city limits as well as areas that are presently outside of the city but within the UGB, are shown in Table 2:

Table 2: Canby UGB Projected Growth

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

AAGR = Average Annual Growth Rate

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

For the purposes of judging the need for developable land for single-family homes, it is most appropriate to use the population data for the UGB as a whole, as the city limits will gradually expand outward to the current UGB line over the next twenty to forty years. The AAGR from 2017 to 2035 will likely taper off gradually from the 2.5% AAGR that occurred between 2000 and 2010. However, using a conservative approach of applying an AAGR of 1.6%, the projected population of the Canby UGB between 2018 and 2021 would be as shown in Table 3:

Table 3: Estimated Population 2018-2021

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

Assuming an average of 2.8 persons per household, the projected population increase of 891 people (19,155 – 18,264) would generate 318 new households in the next three years. Since development outside the city limits is constrained by Clackamas County's rural zoning, nearly all these new households will be accommodated by development located within the Canby city limits. Perhaps a third of the projected household units (106) will be addressed through new multi-family housing, which would still leave a need for 212 additional single-family lots. Over the course of a three-year period, this would equate to 71 single family lots per year, approximately 18 every quarter, or 6 per month.

The City of Canby has four residential building zones; R-1 Low Density Residential Zone, R-1.5 Medium Density Residential Zone, R-2 High Density Residential Zone, and C-R

Residential/Commercial Zone. Generally, lots developed in the R-1, R-1.5, and C-R zones would be single family lots while lots and housing developed in R-2 zones is more commonly multi-family residential. For this analysis, we assume that R-2 housing will be multi-family unless known or anticipated otherwise by the City Planning Department.

The inventory of available buildable lots in Canby is an ever-changing figure. Inventory climbs as new subdivision plats and partitions are recorded and dips with each new building permit pulled. For this analysis, we define “Current Inventory” to be the inventory as of July 1, 2018.

On July 1, 2018, the inventory of available platted lots in Canby is 106 lots, as calculated below in Table 4, Current Inventory:

Table 4: Current Inventory, July 1, 2018

Subdivision Name	Zoning	Total Lots	Homes	Lots Restricted from Building*	Lots Available
			Permitted for Building		
Timber Park	R-1.5	105	18	5	82
Northwood Estates 2	R-1	31	28	0	3
Northwood Estates 3	R-1	21	15	0	6
Caitlyn’s Place	R-1	6	4	0	2
Faist Addition 6	R-1	30	26	1	3
Faist Addition 7	R-1	6	4	0	2
Partition Plat	Zoning	Total Lots	Homes	Lots Restricted from Building	Lots Available
			Permitted for Building		
PP2017-044 Allee & Brito	R-1	2	0	0	2
PP2017-048 Pierce	R-1	3	0	0	3
PP2018-024 Harris	R-1	1	0	0	1
PP2018-018 White River	R-1	1	0	0	1
Mathieson (unrecorded)	R-1	1	0	0	1
July 1, 2018 Inventory:					106

- A number of lots in Faist Addition Phase 6 and Timber Park are currently being used as fire truck turnarounds. Most of these lots will become buildable with the platting of future planned subdivisions.

Based on a 3-year projected demand of 212 lots, 106 available platted lots equal a 1.5-year supply. In addition to the current inventory several other residential development applications are progressing through the land use, construction, and platting processes involved with creation of a new subdivision. The time required to take a subdivision application from the pre-application stage to the point that the parcel is a recorded plat with complete infrastructure improvements varies depending upon the size of the parcel, the complexity of the site, and given the weather of the Pacific Northwest, how the timing of the approve of the land use application falls in relation to the wet season. From our history of working in the City of Canby, we believe that the typical time frame required to take an application from a pre-application meeting to a completed development is roughly one year if timed perfectly. A 15 to 18-month period is common if a development is approved by the Planning Commission in mid-summer to mid-fall, where weather will delay project construction from beginning until mid-spring. Appeals to planning

decisions are rare, but two current land use applications have been slowed down by appeals to planning decisions. Appeals can slow a project down for an additional 6 months or more.

According to the City of Canby Planning Department, as of July 1, 2018 “In Process” single family land development projects working their way through the land use, construction, and platting processes include the following:

Table 5: In Process Development Projects

Application Name and/or Applicant	Zoning	Anticipated Lots
Faist Addition Phase 8, Netter	R-1	26
Tanoak, Marnella	R-1	8
Beck Pond, Stafford Land Co.	R-1/R-1.5	69 Total: 23 R-1, 46 R-1.5
Redwood Landing (Phase1), ICON	R-1	83
Seven Acres, Sprague	R-1	22
Canby Townhomes, Busse	C-R	30
S Pine Townhomes, Netter & Manuel	R-2	6
Cougar Run, Canby School District	R-1	23
Faist Addition Phase 9, Netter	R-1	6

For the purposes of this study, in Table 6 below, we estimate (by Quarter) when each project identified in Table 5 will be completed and platted and will add available inventory:

Table 6: In Process Projects, Estimated Completion/Platting Dates

Application Name and/or Applicant	Anticipated Date
Faist Addition Phase 8, Netter	10/1/18
Tanoak, Marnella	10/1/18
Beck Pond, Stafford Land Co.	4/1/19
Redwood Landing (Phase1), ICON	7/1/19
Seven Acres, Sprague	10/1/19
Canby Townhomes, Busse	10/1/19
S Pine Townhomes, Netter & Manuel	10/1/19
Cougar Run, Canby School District	10/1/19
Faist Addition Phase 9, Netter	10/1/19

Based on an average annual demand of 71 building permits, for each 3-month quarter, is it estimated that ¼ of the projected annual building permits would be issued, 17.75 per quarter. For the purposes of this analysis, we will assume 17 permits will be issued in Q1, and 18 will be issued in each of Q2 – Q4, for a total of 71 annually.

Beginning with the current inventory listed in Table 4, then adding lot inventory for the “In Process” single family development projects on the anticipated dates listed in Table 6, and deducting 17.75 lots for issued building permits each quarter, the projected quarterly inventory is estimated as follows for the next 36 months, assuming no new subdivision applications beyond those previously accounted for in this analysis are approved by the City:

Table 7, Inventory in 3 months, October 1, 2018

July 1, 2018 Inventory				106
Anticipated New Building Permits Issued (reduction in inventory)				(18)
New Subdivisions Recording				
Subdivision Name	Zoning	Total Lots		Lots
Faist Addition 8	R-1	26		26
Tanoak	R-1	8		8
Restricted Lots Becoming Buildable				
Timber Park	R-1.5			2
October 1, 2018 Inventory:				124

Table 8, Inventory in 6 months, January 1, 2019

October 1, 2018 Inventory				124
Anticipated New Building Permits Issued (reduction in inventory)				(18)
New Subdivisions Recording				
None				
January 1, 2019 Inventory:				106

Table 9: Inventory in 9 months, April 1, 2019

January 1, 2019 Inventory				106
Anticipated New Building Permits Issued (reduction in inventory)				(17)
New Subdivisions Recording				
Subdivision Name	Zoning	Total Lots		Lots
Beck Pond	R-1	23		23
	R-1.5	46		46
April 1, 2019 Inventory:				158

Table 10, Inventory in 12 months, July 1, 2019

April 1, 2019 Inventory				158
Anticipated New Building Permits Issued (reduction in inventory)				(18)
New Subdivisions Recording				
Subdivision Name	Zoning	Total Lots		Lots
Redwood Landing	R-1	83		83
July 1, 2019 Inventory:				223

Table 11: Inventory in 15 months, October 1, 2019

July 1, 2019 Inventory			223
Anticipated New Building Permits Issued (reduction in inventory)			(18)
New Subdivisions Recording			
Subdivision Name	Zoning	Total Lots	Lots
Seven Acres	R-1	22	22
Canby Townhomes	C-R	30	30
S Pine Townhomes	R-2	6	6
Cougar Run	R-1	23	23
Faist Addition 9	R-1	6	6
Restricted Lots Becoming Buildable			
Timber Park	R-1.5	2	2
Faist Addition 6	R-1	1	1
October 1, 2019 Inventory:			295

Table 12: Inventory in 18 months, January 1, 2020

October 1, 2019 Inventory			295
Anticipated New Building Permits Issued (reduction in inventory)			(18)
New Subdivisions Recording			
None			
January 1, 2020 Inventory:			277

Table 13: Inventory in 21 months, April 1, 2020

January 1, 2020 Inventory			277
Anticipated New Building Permits Issued (reduction in inventory)			(17)
New Subdivisions Recording			
None			
April 1, 2020 Inventory:			260

Table 14: Inventory in 24 months, July 1, 2020

April 1, 2020 Inventory			260
Anticipated New Building Permits Issued (reduction in inventory)			(18)
New Subdivisions Recording			
None			
July 1, 2020 Inventory:			242

Table 15: Inventory in 27 months, October 1, 2020

July 1, 2020 Inventory	242
Anticipated New Building Permits Issued (reduction in inventory)	(18)
New Subdivisions Recording	
None	
October 1, 2020 Inventory:	224

Table 16: Inventory in 30 months, January 1, 2021

October 1, 2020 Inventory	224
Anticipated New Building Permits Issued (reduction in inventory)	(18)
New Subdivisions Recording	
None	
January 1, 2021 Inventory:	206

Table 17: Inventory in 33 months, April 1, 2021

January 1, 2021 Inventory	206
Anticipated New Building Permits Issued (reduction in inventory)	(17)
New Subdivisions Recording	
None	
April 1, 2021 Inventory:	189

Table 18: Inventory in 36 months, July 1, 2021

January 1, 2021 Inventory	189
Anticipated New Building Permits Issued (reduction in inventory)	(18)
New Subdivisions Recording	
None	
July 1, 2021 Inventory:	171

The Cutsforth Annexation could potentially add 20 lots to the buildable inventory when developed. Given the time that is required to get through an annexation land use decision and then a subdivision land use application, engineering plan review, construction of improvements and time to record a subdivision plat, it is not anticipated that any new lots on the Cutsforth property would be platted prior to April 1, 2020. Given this time frame, a summary of the estimated available inventory for July 1, 2018 through July 1, 2021 as calculated above, is shown below in Table 19, with and without the Cutsforth inventory.

Table 19: Summary of Estimated Building Inventory

Date	Estimated Inventory (Lots)	Estimated Inventory (years)	Estimated Inventory with Cutsforth Added (Lots)	Estimated Inventory with Cutsforth added (years)
July 1, 2018	106	1.5		
October 1, 2018	124	1.7		
January 1, 2019	106	1.5		
April 1, 2019	158	2.2		
July 1, 2019	223	3.1		
October 1, 2019	295	4.2		
January 1, 2020	277	3.9		
April 1, 2020	260	3.7	280	3.9
July 1, 2020	242	3.4	262	3.7
October 1, 2020	224	3.2	244	3.4
January 1, 2021	206	2.9	226	3.2
April 1, 2021	189	2.7	209	2.9
July 1, 2021	171	2.4	191	2.7

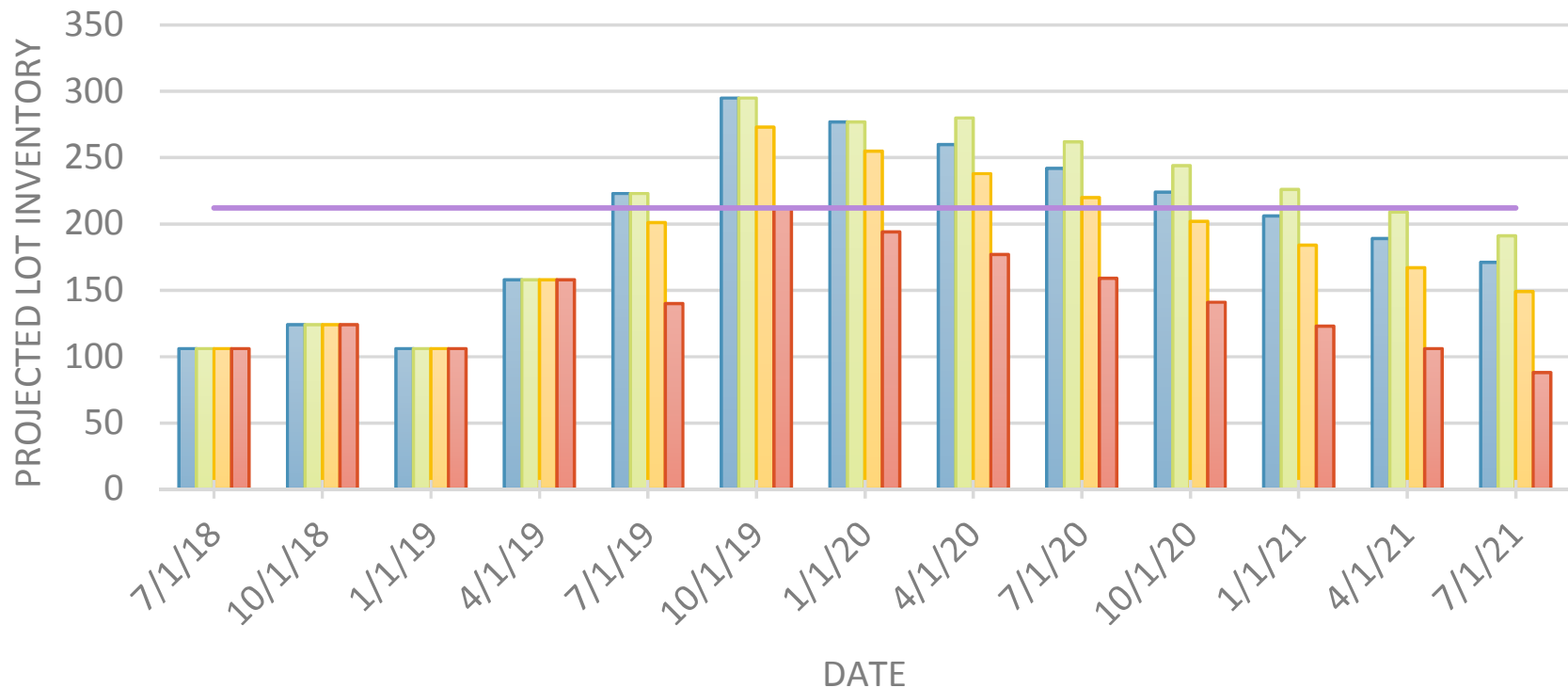
The current inventory is 106 lots/1.5 years. This inventory is anticipated to climb with development of several “In Process” subdivisions, culminating in a projected high inventory of 295 lots/4.2 years on October 1, 2019. The Cutsforth property (if annexed and subdivided) would add 20 lots, a 2 to 3-month supply, in April, 2020 unless the development is phased. Assuming no development applications are submitted and approved (other than the Cutsforth application) in the intervening 3 years, the July 2021 inventory is anticipated to be 191 lots, a 2.7-year supply.

Two “In Process” development applications have been appealed and would be considered as “controversial”. The Seven Acres subdivision was appealed to LUBA once, and the City’s decision has recently gone back to LUBA. At the time of this analysis, it is within the window of opportunity for the application to be appealed to LUBA a second time, however, it is not anticipated. The Redwood Landing subdivision was appealed to City Council by neighbors of the development and the City Council affirmed the approval on June 6, 2018. At this time, it is not known whether this application may be appealed to LUBA. It is possible that either of these two projects may be approved as proposed, approved with fewer lots, or denied.

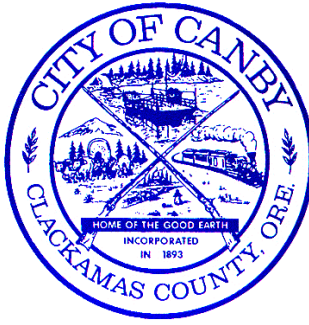
On the following page, we graph multiple inventory scenarios. Scenario 1 (blue) assumes that all “In Process” projects will be approved as submitted. The Cutsforth annexation is not included in the inventory. Scenario 2 (green) takes the inventory in Scenario 1 and adds 20 additional lots in for development of the Cutsforth property on April 1, 2020. Scenario 3 (orange) assumes that based on appeals, the Seven Acres subdivision is prevented from being developed. It is calculated as Scenario 2 minus the 22 lots proposed in the Seven Acres development. Scenario 4 (red) assumes that based on appeals, the Redwood Landing subdivision is prevented from being developed. It is calculated as Scenario 2 minus the 83 lots proposed in Phase 1 of the Redwood Landing development.

3 Year Projected Lot Inventory

- All current applications approved, without Cutsforth
- All current applications approved, Cutsforth added 4/1/2020
- Seven Acres denied, Cutsforth added 4/1/2020
- Redwood Landing denied, Cutsforth added 4/1/2020
- Calculated 3-Year Demand (212 Lots)



III. Pre-application Meeting Minutes



April 10, 2018

Frank & Kathe Cutsforth
PO Box 261
Canby, OR 97013

Pat Sisul
375 Portland Avenue
Gladstone, OR 97027

Sent via email

Subject: Preapplication Conference

A Preapplication Conference for **2265 & 2285 NE Territorial Road** has been scheduled for **Tuesday, May 1, 2018 at 10:30 am** located at the City Shops Conference room 1470 NE Territorial Road, Canby, Oregon.

PLEASE NOTIFY ANY OF YOUR PEOPLE THAT NEED TO ATTEND.

The following are the service providers that have been notified and received the prints you provided.

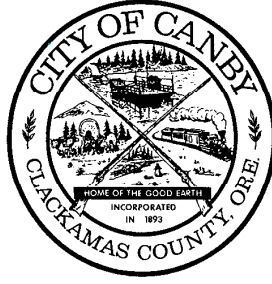
Canby Fire District, Todd Gary	503-266-5851	CUB, Water, Doug Quan	503-266-1156
Canby Planning, Bryan Brown	503-266-0702	CUB, Electric, Gary Stockwell	503-266-1156
Canby Public Works, Jerry Nelzen	503-266-0759	Curran-McLeod, Curt McLeod	503-684-3478
DirectLink, Dinh Vu	503-266-8201	Wave Broadband, Tim Gettel	503-307-0029
NW Natural, Dan Kizer	503-226-4211 x8166	Canby Public Works, Jennifer Cline	503-266-0780
Canby Erosion Control, Shane Hester	503-266-0698		

If you have any questions, feel free to contact me at 503-266-0798.

Thanks,

Ronda Rozzell

Ronda Rozzell
Shop Complex Secretary



Pre-Application Meeting

2265 & 2285 NE Territorial Road

May 1, 2018

10:30 am

Attended by:

Hassan Ibrahim, Curran-McLeod Engineering, 503-684-3478
Kathe Cutsforth, Owner, 503-936-9629
Jerry Nelzen, Public Works, 971-253-9173
Gary Stockwell, CU Electric, 503-263-4307
Bill Makowski, CU Water, 971-563-6315
Gary Potter, Citizen, 503-476-6588

Pat Sisul, Sisul Engineering, 503-657-0188
Frank Cutsforth, Owner, 503-936-9629
Jennifer Cline, Public Works, 503-266-0780
Tim Gettel, Wave Broadband, 503-307-0029
Jim Stuart, Canby Utility, 503-263-4322

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

SISUL ENGINEERING, Pat Sisul

- The Cutsforth's own three properties along NE Territorial Road, adjacent to the railroad and they are planning on annexing into the City of Canby. The properties are in the R-1 zone and have three streets stubbing into the site currently and all the utilities are stubbed to the edge of the property.
- The back south section of the site is very steep and a branch of Willow Creek runs along it and it is not developable due to the excessive grades.
- We put together a layout of the site and we would like to discuss all the planning options available. There are two existing homes on site and tax lot 800 by NE Territorial Road will remain, but we will modify the access bringing it through the development rather than coming off NE Territorial Road and utilize a portion of the existing driveway with a sidewalk along the driveway with the assumption the city would want a pedestrian connectivity to NE Territorial Road. The Cutsforth's home would remain on lot 16 and they would like to keep their water well for the time being and we want to make sure this will not be a problem. Jim said he did not have an issue with it unless the city has any codes to prevent them from keeping the well. Pat said the only complication we have is the storm drainage and keeping the drywells 267 ft away from the well.

CURRAN-MCLEOD ENGINEERING, Hassan Ibrahim

- There is sanitary sewer available at NE Territorial Road, NE 19th Court, NE 20th Avenue and N Walnut Street. The two houses are on septic and Frank said yes. Hassan said when we reconstructed NE Territorial Road we did provide a sewer lateral stub for the house at 2265 NE Territorial Road and when you want to connect after your septic fails you can make the connection. There will be system development charges (SDC) for the sewer and are you planning on keeping the houses on septic and Frank said he did not know yet. Pat said they would be on septic until the time they develop and I would assume be on city sewer. Bryan

said there is an ordinance and I think when a gravity sewer line is within 100 ft of your structure you are required to tie into it. What I do not know is if it applies to a water line and you would need to check. Hassan said from what I am hearing you will need to make those connections to the sewer. Pat asked if Hassan could provide him with the NE Territorial Road improvement as-builts, how deep the sewer lateral was on NE Territorial Road and was it behind the sidewalk and Hassan said it was very deep and yes it was stubbed behind the sidewalk.

- How wide are you planning on these streets and Pat said NE 19th Court, NE 20th Avenue and N Walnut Street are all stubbed to the property under the old standard, which is 40 ft wide right-of-way (ROW) and 36 ft wide paved curb to curb. I would expect to take NE 19th Court and keep it at a 36 ft wide street with curb tight sidewalks for the little extension and the same with NE 20th Avenue. On N Walnut Street we would keep the existing section and transition and build this street with the current 34 ft paved curb to curb along with a planter strip. This whole neighborhood is built with the 40 ft ROW and I know when we built Dinsmore Estates we were the last subdivision to come in and we kept the 40 ft ROW through this last piece to keep it similar with the existing. Our question is should we treat this subdivision like the existing and Bryan said you are planning on 34 ft wide with planter and Pat described how the streets would be laid out. Bryan stated you are definitely moving towards our new standards and it makes sense doing the transitions as you described. Hassan said the bulb needs to be 48 ft curb radius and I do not like this corner here (lot 12) and if we can sweep it into the eyebrow by shaving it off a bit.
- Jerry, Jennifer and I visited the site and you did not make mention getting rid of the existing pond. I think we agreed in principle to do away with the pond except there is another pipe from what I can see that goes northwest into the pond and it does not show on the plan. My thoughts are it is an overflow from the drywell and Pat said yes this catch basin goes into the pond and Hassan said it needs to be capped. We want the pond to go away and since you are placing drywells in and we want to do an overflow into Willow Creek and Jennifer said we have a couple of concerns, one is a drywell on this site is failing on N Walnut Street and Pat said this is just a sedimentation catch basin and when we designed the subdivision we did not put any drywells in and it drains into an infiltration pond. Jennifer said we need to have a report stating these drywells will function and I think because this is a tributary going to the Willamette River you may need to get approval from DEQ to have the outlet to the creek and they will want to see what pretreatment is going to happen. I am trying to get away from having manholes and access points and easements on private property because our vector truck cannot get to them. Pat said this pond is not public and it is not part of the Cutsforth's subdivision and decommissioning it is between the Cutsforth's and the Netter's to workout. The Netter's own it and do the maintenance on the pond and it is the Netter's long term plan in the future for both parties to get a lot out of it and I put it in the plans for us to discuss it today. If this cannot be done or too expensive to decommission, then they will probably take this area next to it and put in their own pond rather than drywells with an overflow to the river. This is the fallback and our experience with drywells in this area is questionable and Jerry said they work but they are slow. Pat said this is the reason for the overflow and we would have to test it and see what we can get out of it. Jerry said they were not getting the depth through the clay and had to go to a depth of 32 ft. Hassan asked if the city had an

NPDES MS4 permit which allows us to discharge into waterways and Jennifer will check and see if the city has an outfall permit. Hassan said you will have to submit to DEQ if we do not have the MS4 permit on file. Pat said if this becomes too difficult to do we would just leave the pond alone and forget this half a lot and put in another pond with a drywell overflow. Hassan said in his opinion it will not be difficult it is just a matter of treatment and Pat said the reason for this manhole is when you get to the top of the bank it drops off and you need something back there to make a grade change. This is more of a subdivision question than an annexation question and we want to make sure we are thinking on the same level. Hassan said we are pushing for the overflow due to selfish reasons because we have problems on the other side of this project site and we want to alleviate the problem, we would like to push for the overflow. Jerry said he has all the drywells connected in the area and this could potentially go back the other way into NE Territorial Road. We put in a 12 inch pipe and it is something to think about and Pat said when we get to that point we need to go to the site and discuss access. Jennifer said she would need an easement from the Netter's and Pat said the manhole is already here and has a pipe headed in that direction. We were thinking in the future it would go that way, but it can be easily changed. We will give you an easement, either way, it ends up going.

- All private storm stays on site.

CITY OF CANBY, PUBLIC WORKS DEPARTMENT, Jennifer Cline

- Just make the transition back further for the streets at the property lines.

CANBY UTILITY, ELECTRIC DEPARTMENT, Gary Stockwell

- The annexation policy will apply and currently, the property is served by Portland General Electric (PGE) and upon annexation, it will become a customer of Canby Utility. However, the actual cutover is deferred until development takes place on the property. The two existing homes will be incorporated into the subdivision and hooked up to Canby Utility. PGE has varied on the buyout costs and some of the subdivisions they remove their equipment and work with the developer directly and some of the subdivisions they will have us pay a buyout. If we are involved we would pass the costs onto the development fees.
- We have stubs from the previous developments in place to serve the property and also some conduits on NE Territorial Road and when you do your street improvements we will extend the conduits. Pat said we are planning on removing the driveway approach and Gary said we will place it back of sidewalk.
- The city can decide if they are comfortable with the current street lighting or if they want to add a light.
- Once the subdivision plan is approved send me the plan and I will put together an electrical design.

CANBY UTILITY, WATER DEPARTMENT, Jim Stuart

- As far as any water concerns we have already discussed it and as far as looping the system lots 1 and 3 will be coming off NE Territorial Road and the water line if very deep. The houses on wells, if you decide to connect to our system you will need to have a backflow prevention. Should they decide to decommission the wells, either one they will need to send

us a copy of all the decommissioning documents. Bill said you will be using a smaller line feeding lots 2 and 4 because they will be the only lots on this end of the line. Pat said there is a water main running through here and it was put in solely to loop the system because at the time we could not have dead end mains and no one is hooked to this line and Jim said we will look at it and get back to you. Pat said there is a gate valve at either end.

WAVE BROADBAND, Tim Gettel

- Tim asked Gary when he completes his electrical design to send him a copy and asked Pat to let him know when the trench is open and available.

CITY OF CANBY, PLANNING DEPARTMENT, Bryan Brown

- I do not know how much of these back lots are developable because of the steep slope, lots 14 through 17 are too big for an R-1 zone and you are not able to lot average because there are so many oversized lots. The provision in the code allowing you to do lot averaging will not work because you would have to shrink the other lots to compensate for the huge ones. Pat said the land right behind the house begins the fall and Bryan suggested bringing the looped roadway behind the houses to make it work. Discussion ensued on the large lot size. A proposed decision was to do a tract for each of the lots 14 through 17 and have each lot owner responsible for their tract maintenance. The rest of the design looks good.
- Even though the traffic is flowing through the existing developed streets I believe we need to do a bare minimum traffic study. You will need to provide us with a \$500.00 deposit to do a scope of work and hopefully, only a traffic generated letter will be needed. The cost is at least a \$1,750.00, but I do not know if that will be the cost and I cannot guarantee there will not be anything else. Pat asked about the driveway and pedestrian connection and Bryan said there would not be any way you could add the pedestrian walkway after the existing home was sold, but if it is already existing they would accept it. Pat said we put the sidewalk here because part of the driveway falls on the railroad property and we cannot put the sidewalk on that side and keep much of the existing driveway. Bryan said you should make sure you have the full width of the driveway and Hassan asked if the fire department would have an issue and Pat said he thought they would use NE Territorial Road. Jennifer said you will probably have to add a hydrant for the fire department requirements. Pat said he will talk to Todd Gary about the fire department issues.
- Pat asked about the demonstration for analysis on the most current annexation and Bryan said he would send him a copy of the staff report on the latest annexation.
- You will need to have a neighborhood meeting.
- I put a question mark on the date of June 20th for the Planning Commission meeting, because I do not think you can make it and I am thinking either July or August.

IV. Neighborhood Meeting Notice & Notes

May 11, 2018

RE: Neighborhood Meeting for proposed annexation
Assessor Map 31E27DB, Tax Lots 00601, 00800, 00900
2265 & 2285, NE Territorial Road

Dear Neighborhood Property Owner or Resident,

You are invited to attend a neighborhood meeting to discuss a proposal by Frank and Kathe Cutsforth to annex 3 parcels on NE Territorial Road into the City of Canby. The 3 parcels total 9.0 acres and are located near the Territorial Road intersection with 99E. A map of the property is located on the reverse side of this letter. You are receiving this notice because you own land or reside within 500 feet of the site.

The meeting will occur at 6:00 pm on Thursday, May 31st, 2018 at Cutsforth's Olde Town Hall, located upstairs at 225 NE 2nd Avenue. If needed, an elevator is located on the southeastern side of the building, facing the railroad.

We will provide a short presentation on the City of Canby annexation process and the features of the site, then we will open the meeting for questions that you may have. The meeting is anticipated to last 30-40 minutes and we will be available to answer questions following the meeting. We look forward to seeing you there.

Thank you,

Patrick A. Sisul, P.E.
Project Manager



31E27CA00208
Lori Andersen
1890 N Teakwood St
Canby, OR 97013

31E27DC00123
Richard Angelozzi & Lynn Roberta
1832 N Teakwood Cir
Canby, OR 97013

31E27DB00513
Arneson Glen R (Trustee)
1924 NE 19th Ave
Canby, OR 97013

31E27DC00103
Timothy Austen & Rebekah Robinson
1873 N Teakwood Cir
Canby, OR 97013

31E27DB03100
Charles Bailey
2101 N Walnut St
Canby, OR 97013

31E27DB04000
Donna & Randy Baker
2110 N Walnut St
Canby, OR 97013

31E27DB01300
Mary & Eric Baldwin
2057 N Vine St
Canby, OR 97013

31E27DB01800
Douglas & Doborah Berkner
2027 NE 19th Ave
Canby, OR 97013

31E27DB00509
Cheryl Boyce
1972 NE 19th Ave
Canby, OR 97013

31E27DB02300
Tomi Boyd
2066 N Vine St
Canby, OR 97013

31E27DB02600
Squire Bozorth
2102 N Vine St
Canby, OR 97013

31E27DB02700
John & Karen Brattain
2090 N Vine St
Canby, OR 97013

31E27DB04001
Jack & Ruth Brito
2096 N Walnut St
Canby, OR 97013

31E27DB00528
Lawrence Brons
2024 NE 21st Ave
Canby, OR 97013

31E27DB00502
Marianne Bunnell
1851 NE 19th Ave
Canby, OR 97013

31E27DC00109
W Burnum Jr
1821 N Teakwood Cir
Canby, OR 97013

31E27DD00600
Canby Ch Of The Nazarene Church Of
2323 SE Territorial Rd
Canby, OR 97013

31E27DC00119
Dennis & Kay Carter
1870 N Teakwood St
Canby, OR 97013

31E27AD01500
City Of Canby
Po Box 930
Canby, OR 97013

31E27DB02500
Clinton & Tami Coleman
2114 N Vine St
Canby, OR 97013

31E27DB00546
Kenneth & Laura Collman
1938 NE 20th Ave
Canby, OR 97013

31E27DB00508
Jeremy & Denise Conroy
1988 NE 19th Ave
Canby, OR 97013

31E27DB00200
Cowgirl Llc
21211 Olmstead Rd NE
Aurora, OR 97002

31E27DC00110
Joseph Cubillas
1819 N Teakwood Cir
Canby, OR 97013

31E27DB00601
Frank & Kathleen Cutsforth
Po Box 261
Canby, OR 97013

31E27DB00800
Frank & Kathleen Cutsforth
Po Box 261
Canby, OR 97013

31E27DB00900
Frank & Kathleen Cutsforth
Po Box 261
Canby, OR 97013

31E27DB01900
Joel & Thea Cutsforth
2051 NE 19th Ave
Canby, OR 97013

31E27DB00524
Todd & Sharon Davis
1957 NE 20th Ave
Canby, OR 97013

31E27DB03700
Raymond & Dorothy Davis
2142 NE 20th Ave
Canby, OR 97013

31E27DB00504
William Deller Jr
1921 NE 19th Ave
Canby, OR 97013

31E27DB03400
Christina Demulling
2015 N Walnut St
Canby, OR 97013

31E27DB02400
Mark & Dawn Depner
2078 N Vine St
Canby, OR 97013

31E27DC00115
Robin Downing & Downing Robin
1852 N Teakwood Cir
Canby, OR 97013

31E27DC00120
Jay & Maureen Formick
1876 N Teakwood St
Canby, OR 97013

31E27DC00108
James Frackowiak
1833 N Teakwood Cir
Canby, OR 97013

31E27DB00516
Richard Fry
401 SE 7th Ave
Canby, OR 97013

31E27DB01100
Ronald Gamble
2089 N Vine St
Canby, OR 97013

31E27DB00505
Anne Hansberry
1945 NE 19th Ave
Canby, OR 97013

31E27DC00104
William & Mary Hanson
Po Box 23
Canby, OR 97013

31E27DC00105
Donald Hart
1847 N Teakwood Cir
Canby, OR 97013

31E27DC00126
Keith & Cara Hawkins
1863 N Teakwood St
Canby, OR 97013

31E27CA00210
William & Marcine Rucker
1886 N Teakwood St
Canby, OR 97013

31E27DC00112
Elnoy Hessian
15623 Village Dr
Lake Oswego, OR 97034

31E27DB00514
Elaine Hill
1912 NE 19th Ave
Canby, OR 97013

31E27DB00510
Frank & Kimberly Hosford
1952 NE 19th Ave
Canby, OR 97013

31E27DB00506
Hostetler Ronald B (Trustee)
1967 NE 19th Ave
Canby, OR 97013

31E27DB00522
Paul & Pamela Huggins
1903 NE 20th Ave
Canby, OR 97013

31E27CA00207
James Hunter
1894 N Teakwood St
Canby, OR 97013

31E27DA00900
Gustafson Steve
2350 SE Territorial Rd
Canby, OR 97013

31E27DB00512
Reimer Jackson
1936 NE 19th Ave
Canby, OR 97013

31E27DB01600
Cynthia Jeskey
2009 N Vine St
Canby, OR 97013

31E27DB03800
Douglas & Chareen Kayser
2120 NE 20th Ave
Canby, OR 97013

31E27DB03200
Kenneth & Barbara Kendall
2095 N Walnut St
Canby, OR 97013

31E27DC00111
Sally Kloosterman
1810 N Teakwood Cir
Canby, OR 97013

31E27DB00511
David & Valerie Koch
1944 NE 19th Ave
Canby, OR 97013

31E27DB01400
Catherine Lear
2041 N Vine St
Canby, OR 97013

31E27DB01700
Cynthia Leask
2015 NE 19th Ave
Canby, OR 97013

31E27DB01500
Michael & Laura Lightner
2025 N Vine St
Canby, OR 97013

31E27DB00521
Cameron Long
1889 NE 20th Ave
Canby, OR 97013

31E27DC00114
Joseph & Nancy Meyer
1846 N Teakwood Cir
Canby, OR 97013

31E27DC00124
David & Sheila Morehouse
1822 N Teakwood Cir
Canby, OR 97013

31E27DC00101
Geoff Mowry
1879 N Teakwood Cir
Canby, OR 97013

31E27DC00118
Janice Neff
1868 N Teakwood St
Canby, OR 97013

31E27DB03300
Nick & Jamie Netter
2045 N Walnut St
Canby, OR 97013

31E27DB04100
Nick & Jamie Netter
2045 N Walnut St
Canby, OR 97013

31E27DB00100
Oregon Conference Adventist Churches
19800 Oatfield Rd
Gladstone, OR 97027

31E34A 00500
Steven Skinner
Po Box 27
Canby, OR 97013

31E27DB02100
Petersen Lori H (Trustee)
2018 N Vine St
Canby, OR 97013

31E27DC00106
Timothy & Roxann Peterson
1845 N Teakwood Cir
Canby, OR 97013

31E27DC00117
Steven Pfeifer
Po Box 641
Canby, OR 97013

31E27DB00545
Thomas Pierce
1962 NE 20th Ave
Canby, OR 97013

31E27DC00122
Alex Poe & Lyn Jessica
1848 N Teakwood Cir
Canby, OR 97013

31E27DB03600
Gary & Lisa Potter
2149 NE 20th Ave
Canby, OR 97013

31E27CA00213
Public Park
Po Box 930
Canby, OR 97013

31E27DC00127
Public Park
Po Box 930
Canby, OR 97013

31E27DB00544
Melinda Reynolds-Pena
1983 NE 21st Ave
Canby, OR 97013

31E27DB02200
Phillip & Jennifer Roland
2030 N Vine St
Canby, OR 97013

31E27DB00525
Patrick Schauer
1969 NE 20th Ave
Canby, OR 97013

31E27DC00121
David & Mariann Schindler
1864 N Teakwood Cir
Canby, OR 97013

31E27DB01000
Ryan & Nicole Schulze
2105 N Vine St
Canby, OR 97013

31E34A 00400
Schweitzer Gwen (Trustee)
22600 S Highway 99e
Canby, OR 97013

31E27CA00212
A Scott
130 SW 2nd Ave STE 102
Canby, OR 97013

31E27CA00209
Jonathan & Brianna Sheckard
1878 N Teakwood St
Canby, OR 97013

31E27CA00211
James & Diane Shishido
1884 N Teakwood St
Canby, OR 97013

31E27DB00515
Kenneth & Jane Simmons
1896 NE 19th Ave
Canby, OR 97013

31E34A 00501
Steven Skinner
Po Box 27
Canby, OR 97013

31E27DC00125
Roger & Ann Skoe
1853 N Teakwood Cir
Canby, OR 97013

31E27DB00526
Gene Smith & Elizabeth Luchini
1991 NE 20th Ave
Canby, OR 97013

31E27DB00527
Zane & Gloria Smith
2015 NE 20th Ave
Canby, OR 97013

31E27DB03900
Todd & Theresa Snelson
2084 N Walnut St
Canby, OR 97013

31E27DB02900
Shane & Susan Strangfield
2042 N Vine St
Canby, OR 97013

31E27DB00503
Ronald & Annette Swor
1883 NE 19th Ave
Canby, OR 97013

31E27C 00600
Linda Thomas
1864 N Redwood St
Canby, OR 97013

31E27DB00523
Bruce Tuner & Margaret Gratton
1935 NE 20th Ave
Canby, OR 97013

31E27 01000
Gentle Steve
1400 Douglas St # 1640
Omaha, NE 68179

31E33CC08200
Gentle Steve
1400 Douglas St # 1640
Omaha, NE 68179

31E27DB02000
Marilyn & John Warnell
2063 NE 19th Ave
Canby, OR 97013

31E27DB03000
Timothy Weaver
Po Box 814
Newport, OR 97365

31E27DC00107
Sharon Weaver & Bruce William
1839 N Teakwood Cir
Canby, OR 97013

31E27DC00116
Daniel Weber & Susan Carolyn
1858 N Teakwood St
Canby, OR 97013

31E27DC00102
William Walker
1875 N Teakwood Cir
Canby, OR 97013

31E27DB03500
James & Yvonne Wisely
2127 NE 20th Ave
Canby, OR 97013

31E27DC00113
Richard Wright
1836 N Teakwood Cir
Canby, OR 97013

31E27DB01200
Young Diane Morgan (Trustee)
2073 N Vine St
Canby, OR 97013

Neighborhood Meeting Attendance Sheet

May 31, 2018

	Name	Address
1.	PAT SISUL	375 PORTLAND AVE. GLADSTONE
2.	Clint Coleman	2114 N Vine St Canby,
3.	Tim Weaver	2060 NE 19 th Ave Canby
4.	Margaret Gratton	1935 NE 20 th Ave Canby
5.	Bruce Turner	"
6.	TIM STUART	1320 N. Hwy Canby, OR 97013
7.	Ledell Halvorson	358 NW 1st, Canby OR
8.	Dave Koch	1944 NE 19 th Ave
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		
21.		
22.		
23.		
24.		
25.		
26.		
27.		
28.		
29.		

NE Territorial Road Annexation - Neighborhood Meeting
May 31, 2018, 6:00 pm @ Cutsforth's Olde Town Hall

Eleven people attended the meeting. Six were neighbors of the site, 2 were real estates agents representing a neighbor, one was the applicant's representative, and the 2 applicants were also in attendance. A sign in sheet is attached, although not everyone in attendance signed in.

The meeting began at 6:00 PM, some attendees arrived late.

Large maps were provided that showed the annexation area, including an Assessor Maps, an Aerial Map, the City of Canby Zoning Map, the City of Canby Comprehensive Plan Map, and a plan of a potential subdivision layout.

Pat Sisul began the meeting by discussing how the land use process works and that the Neighborhood meeting is the first opportunity for neighbors of the annexation area to have input on an application. Other opportunities for input would be after application is made and the City Staff requests comments from neighbors, or if they choose to testify at the Planning Commission or City Council hearings.

After a brief explanation of the process, the presentation moved to a discussion of the site proposed for annexation. The site is currently in Clackamas County, zoned RRFF-5. The City's Comprehensive Plan identifies the site as LDR, Low Density Residential. It would have Z-1 zoning when annexed into the City. R-1 zoning typically permits lots of between 7,000 and 10,000 square feet, although exceptions are available under certain circumstances. All housing in the R-1 zone is to be Single Family detached residential.

It was explained that no application has been submitted to the City of Canby at this time. This meeting is required before an application is submitted. It is expected that the application would be ready to submit before the end of June. This would likely lead to a Planning Commission hearing in August or September, with a City Council hearing approximately one month later. No subdivision is proposed at this time. A subdivision will likely be developed later, although the applicants aren't sure of what they want to do. After the discussion of the proposed development plan, the meeting was opened up for questions.

Below is a summary of topics that were discussed concerning the proposed annexation:

- Who are you here representing, the City? *No, I work for the Cutsforth's.*
- Why doesn't the site stay in the County, what's the negative? *The property cannot be further divided if it remains in the County. The applicants have toyed with the idea of annexing for 12 years and the time appears to right to them now, for a variety of reasons.*
- It's surprising that the site is not already in the City of Canby, why isn't it? *The land has just never been brought in. It's the last remaining piece along this side of Territorial Road that is in the County, although most parcels on the other side of Territorial are not in the City.*
- Traffic is a concern, what is your opinion of a roundabout at Territorial Road and Redwood Street? *That may be a good location for a roundabout. They take a lot of real estate, but the*

City owns a lot of real estate on the north side of Territorial Road at the intersection. I'm not an expert on warrants for traffic management devices such as those. The City would have their traffic engineer weigh in to make the determination.

- *Would you expect most of the traffic from the future subdivision to use Walnut or Vine? I would expect most of the traffic to use Walnut, although there would be some additional vehicles using Vine.*
- *There was a project approved on Redwood Street that permits lots as small as 5,000 sf. The east side of N Redwood Street is in a Master Planned area known as the N Redwood Development Concept Plan. That Master Plan provided for density transfer when land was dedicated for parks. That was in the Master Plan that the City Council approved. I don't know that it was realized at the time what a large impact that density transfer might have on a neighborhood.*
- *What prevents this site from having lots of 5,000 square feet? The area off of N Redwood Street was master planned, and that master plan went to the City Council for approval that allowed special development provisions. This site does not have to be master planned at the time of annexation. It will simply come into the City as R-1 zoned land that must be the standards of the R-1 zone. The City Code does allow other types of developments, such as Planned Developments, that offer flexibility at the subdivision stage. These are uncommon in Canby and although they are permitted, they are unanticipated. The Cutsforth's have an idea in mind for the site and small lots are not their plan.*
- *We heard that the project off of Redwood is building a bridge and filling wetlands, can they do that? I'm not aware of that. Under certain circumstances wetlands can be filled, but there is mitigation that has to be done in order to compensate for the loss of the resource.*
- *Do they have a say in what the subdivision looks like if they're not the developer? They can, it depends upon who they choose to sell the land to at the time of development. Land deals can be structured in different ways. There was a large development approved off of SE 13th Avenue that was master planned. Although the land was zoned R-1.5, which permitted lots as small as 5,000 square feet, the original property owners wanted the lots to be larger. The average lot size ended up being between 6,200 and 6,300 square feet.*
- *Does the City want to know what the homes will look like, such as size, architecture, etc. when a subdivision application is submitted? No, the City does not ask for that information.*
- *How large will the homes be? We expect that the homes will be of similar size and likely similar style to the rest of the neighborhood. Although the builder isn't known, the homes that will be constructed need to be within a certain range. The land is too expensive, and the lots will be too large to build starter homes in the subdivision, while the neighborhood won't support multi-million-dollar homes. There is an appropriate range and builders know what that range is, it is similar to other homes recently constructed.*
- *What will happen to the small area next to the existing infiltration pond in Walnut Crossing? That area is not large enough to be a lot. The Netters own the pond next door and it's possible that the pond could be decommissioned, and the two small parcels could be combined into a single lot. There are more options available for storm drainage disposal now than there were back when Walnut Crossing subdivision was developed. The minimum distance between drywells and wells used to be 500 feet, but that was dropped to 267 feet when the City of Canby adopted their Stormwater Master Plan. So, it's now possible that the existing pond could be eliminated and served by a drywell. We expect that no matter what the*

storm drain facility is, that there will most likely be an overflow through the subdivision to the creek on the south side of the property.

- *Could that area be a park? It is up to the City of Canby as to whether they want park land in a subdivision or money in lieu of park land. To this point, the City has expressed that they will likely want the money in lieu of the park land. A lot of small parks becomes problematic because it means another unload and load of the park crew's mower to mow another small site. The City will make a final decision regarding a park at the subdivision stage.*
- *What is the timeline? The annexation application will likely be heard before the Planning Commission in August or September. After the Planning Commission, it goes to City Council, approximately 30 days later. It used to be that there was a public vote on whether land was annexed into the City, but that was overturned state-wide a couple of years ago. If approved by City Council, then work on a subdivision application could begin shortly after that. It would be conceivable to get the point of where underground work on a subdivision could begin in approximately one year, although, Frank and Kathe aren't sure what they want to do, after the land is annexed, and therefore, it isn't as likely that this site will be developed into a subdivision that quickly.*

The meeting ended at approximately 7:30 PM, although informal discussion did continue for several minutes.

Notes prepared by Pat Sisul, Sisul Engineering

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.

Property	Name of Owner	Signature	Acres	Assessed Value
Township 3S, Range 1E, Section 27DB, Tax Lot #'s 601, 800, 900	Frank Cutsforth		8.96	\$931,363
	Kathleen Cutsforth			
TOTALS				
% Signed			100%	100%

VI. Transportation Planning Rule Letter



MEMORANDUM

DATE: June 4, 2018

TO: Bryan Brown, City of Canby

FROM: Christopher S. Maciejewski, PE, PTOE
Jordin Kelly, EIT

SUBJECT: Canby Cutsforth Annexation – Transportation Planning Rule (TPR) Analysis

P#11010-100

This memorandum summarizes how the requirements of Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR), are met for a proposed annexation for a property on the southwest corner of the Highway 99E/NE Territorial Road intersection in Canby, Oregon (tax lots 31E27DB00 numbers 601, 800 and 900). There are currently two single family houses on the site that will remain as part of the proposed 22 unit subdivision (net difference of 20 single family units). The following section describes the consistency of the annexation request with both the City's Comprehensive Plan and Transportation System Plan as well as documents the net difference in trip generation between what is proposed and what is existing.

Property Zoning Designation

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

Table 1: Proposed Annexation at Tax Lot 31E27DB00 numbers 601, 800 & 900

Property	Tax Lots	Lot Size (acres)	Proposed Zoning	Clackamas County Zoning	City of Canby Comprehensive Plan Land Use
2285 & 2265 NE Territorial Road	31E27DB00 numbers 601, 800 & 900	9	R-1 (Low Density Residential)	RRFF-5 (Rural Residential Farm Forest)	LDR (Low Density Residential)

Transportation Planning Rule Findings

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



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

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

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

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

Each of these criteria is addressed below:

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

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

Trip Generation Documentation

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

Trip generation was calculated for the proposed 22 dwelling units (ITE Land Use Code 210: Single Family Housing) as well as the existing two dwelling units for the AM and PM peak hour, and daily trips.

As shown in Table 2 at the top of the next page, the net vehicle trips (proposed minus existing) expected to be added to the surrounding roadway network is 19 (5 in, 14 out) AM peak hour trips, 23 (14 in, 9 out) new PM peak hour trips, and 230 daily trips.

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

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



Table 2: Net Trip Generation Summary

ITE Land Use	ITE Code	Daily Trips	AM Peak Hour			PM Peak Hour		
			IN	OUT	TOTAL	IN	OUT	TOTAL
Proposed: 22 Dwelling Units	210 (Single Family Detached Housing)	258	5	15	20	15	9	24
Existing: 2 Dwelling Units	210 (Single Family Detached Housing)	28	0	1	1	1	0	1
Net Vehicle Trips Added (Proposed – Existing)		230	5	14	19	14	9	23

VII. Deeds & Legal Descriptions



First American Title™

Customer Service Department
121 SW Morrison St., Suite 300
Portland, OR 97204
Phone: 503.219.TRIO (8746)
Fax: 503.790.7872
Email: cs.portland@firstam.com
Date: 2/7/2018

OWNERSHIP INFORMATION

Owner: Frank & Kathleen Cutsforth
CoOwner:
Site: OR 97013
Mail: PO Box 261 Canby OR 97013

Parcel #: 00774987
Ref Parcel #: 31E27DB00601
TRS: 03S / 01E / 27 / SE
County: Clackamas

PROPERTY DESCRIPTION

Map Grid: 746-F4
Census Tract: 022901 Block: 1027
Neighborhood: CANBY
School Dist: 86 CANBY
Impr Type:
Subdiv/Plat:
Land Use: RSFR - SINGLE FAMILY RESIDENCE
Zoning: Clackamas Co.-RRFF5 - Rural Residential Farm Forest
5 Acre Min
Watershed: Abernethy Creek-Willamette River
Legal: Section 27 Township 3S Range 1E Quarter DB TAX
LOT 00601|Y|179081

ASSESSMENT AND TAXATION

Market Land: \$33,396.00
Market Impr: \$0.00
Market Total: \$33,396.00 (2017)
% Improved: 0%
Assessed Total: \$14,776.00 (2017)
Levy Code: 086-020
Tax: \$204.09 (2017)
Millage Rate: 13.8122

PROPERTY CHARACTERISTICS

Bedrooms: 0
Baths, Total: 0
Baths, Full: 0
Baths, Half: 0
Total Units: 1
Stories:
Fireplaces: 0
Cooling:
Heating:
Building Style:

Building Area: 0 SqFt
First Floor: 0 SqFt
Second Floor: 0 SqFt
Basement Fin: 0 SqFt
Basement Unfin:
Basement Total: 0 SqFt
Attic Fin: 0 SqFt
Attic Unfin: 0 SqFt
Attic Total: 0 SqFt 0 SqFt
Garage: 0 SqFt

Year Built: 0
Eff Year Built:
Lot Size Ac: 1.74 Acres
Lot Size SF: 75,794 SqFt
Lot Width: 0
Lot Depth: 0
Roof Material:
Roof Shape:
Ext Walls:

SALES AND LOAN INFORMATION

Owner	Date	Doc #	Sale Price	Deed Type	Loan Amt	Loan Type
		87-00524	\$0.00		\$0.00	

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

12-
WARRANTY DEED — STATUTORY FORM
(INDIVIDUAL or CORPORATION)

EARL OLIVER and SABINA OLIVER, husband and wife

Grantor, conveys and warrants to FRANK D. CUTSFORTH and KATHLEEN M. CUTSFORTH, husband and wife

A tract of land in the Walter Fish D.L.C. No. 45, in Section 27, Township 3 South, Range 1 East of the Willamette Meridian, in Clackamas County, Oregon, described as follows:

Beginning at the most Westerly corner of that tract conveyed to Melissa Churchill, et al, by Deed Recorded in Book 313, Page 409, Clackamas County Records, said corner being North 0° 39' 30" West 112.35 feet North 3° 45' 30" East 1301.40 feet, and North 60° 42' 30" West 388.75 feet from the one-quarter corner between Sections 27 and 34, in said Township and Range; thence North 32° 45' 30" East along the Northwestern line of said Churchill Tract 574.83 feet to the most Northerly corner thereof; thence North 60° 41' 15" West along the Southwest line of that tract conveyed to Richard Greer, et al, by Recorder's Fee No. 78-37881, Clackamas County Records, and the Westerly projection thereof, 132.00 feet; thence South 32° 45' 30" West 573.97 feet; thence South 60° 33' 45" East along the Westerly projection of the Southerly line of that tract conveyed to Melissa Churchill, et al, as above mentioned, 132.00 feet to the most Westerly corner of said tract and the point of beginning.

87 00524

87 00524

This instrument does not guarantee that any particular use may be made of the property described in this instrument. A buyer should check with the appropriate city or county planning department to verify approved uses.

Encumbrances: "This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify approved uses."

Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of an unnamed creek.

The true consideration for this conveyance is \$ 17,400.00 (Here comply with the requirements of ORS 93.030).

Dated this 5th day of January, 1987, if a corporate grantor, it has caused its name to be signed by order of its board of directors.

Earl Oliver
EARL OLIVER

Sabina Oliver
SABINA OLIVER

STATE OF OREGON,)
County of Clackamas) ss.
January 5, 1987)
Personally appeared the above named)
EARL OLIVER and SABINA OLIVER)
and acknowledged the foregoing instru-)
ment to be their voluntary act and deed.

STATE OF OREGON, County of) ss.
1987)
Personally appeared) and
who, being duly sworn,
each for himself and not one for the other, did say that the former is
the president and that the latter is the
secretary of the
a corporation, and that said instrument
was signed in behalf of said corporation by authority of its board of directors;
and each of them acknowledged said instrument to be its voluntary act and
deed.

Notary Public for Oregon
My commission expires: 11-30-87
Robert R. Boring

Notary Public for Oregon
My commission expires:

* If the consideration consists of or includes other property or value, add the following:

"The actual consideration consists of or includes other property or value given or promised which is part of the whole consideration (indicate which)".

Earl Oliver and Sabina Oliver
117 NE 3rd
Canby, Oregon 97013
Grantor's Name and Address

Frank D. and Kathleen M. Cutsforth
2285 NE Territorial Road
Canby, Oregon 97013
Grantee's Name and Address

After recording return to:
Frank D. and Kathleen M. Cutsforth
2285 NE Territorial Road
Canby, Oregon 97013
Name, Address, Zip

Until a change is requested all tax statements shall be sent to the follow-
ing address: Frank D. and Kathleen M. Cutsforth
2285 NE Territorial Road
Canby, Oregon 97013

Name, Address, Zip

SAFECO Stock No. ORL-0303 (Rev. 4-84)

STATE OF OREGON
County of Clackamas
I, John F. Kauffman, County Clerk for the County of
Clackamas, do hereby certify that the foregoing
writing was received for recording in the records of said
county at



Witness my hand and seal affixed
John F. Kauffman
JOHN F. KAUFFMAN
County Clerk



First American Title™

Customer Service Department
121 SW Morrison St., Suite 300
Portland, OR 97204
Phone: 503.219.TRIO (8746)
Fax: 503.790.7872
Email: cs.portland@firstam.com
Date: 2/7/2018

OWNERSHIP INFORMATION

Owner: Frank & Kathleen Cutsforth
CoOwner:
Site: 2265 NE Territorial Rd Canby OR 97013
Mail: PO Box 261 Canby OR 97013

Parcel #: 00775012
Ref Parcel #: 31E27DB00800
TRS: 03S / 01E / 27 / SE
County: Clackamas

PROPERTY DESCRIPTION

Map Grid: 746-F4
Census Tract: 022901 Block: 1015
Neighborhood: CANBY
School Dist: 86 CANBY
Impr Type:
Subdiv/Plat:
Land Use: RSFR - SINGLE FAMILY RESIDENCE
Zoning: Clackamas Co.-RRFF5 - Rural Residential Farm Forest
5 Acre Min
Watershed: Abernethy Creek-Willamette River
Legal: Section 27 Township 3S Range 1E Quarter DB TAX
LOT 00800|Y|179081

ASSESSMENT AND TAXATION

Market Land: \$231,214.00
Market Impr: \$243,670.00
Market Total: \$474,884.00 (2017)
% Improved: 51%
Assessed Total: \$277,304.00 (2017)
Levy Code: 086-020
Tax: \$3,830.18 (2017)
Millage Rate: 13.8122

PROPERTY CHARACTERISTICS

Bedrooms: 3
Baths, Total: 1
Baths, Full: 1
Baths, Half: 0
Total Units: 1
Stories: 1
Fireplaces: 1
Cooling:
Heating: Heat Pump
Building Style: 14 - Single family res, class 4

Building Area: 2,800 SqFt
First Floor: 1,468 SqFt
Second Floor: 0 SqFt
Basement Fin: 0 SqFt
Basement Unfin:
Basement Total: 0 SqFt
Attic Fin: 0 SqFt
Attic Unfin: 0 SqFt
Attic Total: 0 SqFt 0 SqFt
Garage: 441 SqFt

Year Built: 1963
Eff Year Built:
Lot Size Ac: 1.95 Acres
Lot Size SF: 84,942 SqFt
Lot Width: 0
Lot Depth: 0
Roof Material:
Roof Shape:
Ext Walls: 2

SALES AND LOAN INFORMATION

Owner	Date	Doc #	Sale Price	Deed Type	Loan Amt	Loan Type
	7/1/1993	0000050421	\$139,500.00		\$0.00	Conv/Unk

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.



STEWART TITLE

AFTER RECORDING RETURN TO:

FRANK D CUTSFORTH
KATHLEEN M CUTSFORTH
PO BOX 261
CANBY, OR 97013

UNTIL FURTHER NOTICE, ALL FUTURE
TAX STATEMENTS SHALL BE SENT TO:

FRANK D CUTSFORTH
KATHLEEN M CUTSFORTH
PO BOX 261
CANBY, OR 97013
TAX ACCOUNT NO.: R31E 27DB 00800

STATUTORY WARRANTY DEED

DIANE LOUISE NIELSEN, TRUSTEE, OF MARY FLORENCE NIELSEN
REVOCABLE LIVING TRUST U/T/D 11/6/92, Grantor, conveys and
warrants to FRANK D CUTSFORTH and KATHLEEN M CUTSFORTH, Husband
and Wife, Grantee, the following described real property free of
encumbrances except as specifically set forth herein situated
in CLACKAMAS County, Oregon, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

The said property is free from encumbrances EXCEPT: Rights of
the public to any portion lying within the boundaries of roads or
highways:

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN
THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND
REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE
PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE
APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY
APPROVED USES.

The true consideration for this conveyance is \$139,500.00.

Dated this 13th day of July, 1993.

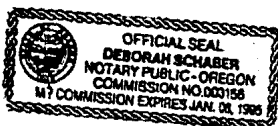
MARY F NIELSEN REVOCABLE LIVING TRUST

Diane Louise Nielsen
DIANE LOUISE NIELSEN, TRUSTEE

LIVING TRUST U/T/D 11/6/92

STATE OF OREGON
COUNTY OF CLACKAMAS

Personally appeared the above named DIANE LOUISE NIELSEN, TRUSTEE of
the MARY FLORENCE NIELSEN REVOCABLE LIVING TRUST UTD 11/6/92,
acknowledged the foregoing instruments to be her voluntary act and
deed.



Deborah Schaber
Notary Public for State of Oregon
My commission expires 1/01/95

93 50421

Order No. 93068148-C

EXHIBIT "A"

Being a part of the Walter Fish D.L.C. No. 45 in Township 3 South, Range 1 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, bounded and described as follows, to wit:

Beginning at an iron pipe driven on the Southerly boundary of County Road No. 1485, which point is North 0 degrees 39'30" West 112.35 feet distant and North 32 degrees 45'30" East 2303.09 feet distant and North 60 degrees 42'30" West 12.00 feet distant from the one-quarter section corner between Sections 27 and 34, Township 3 South, Range 1 East of the Willamette Meridian; running thence North 60 degrees 42'30" West tracing the Southerly boundary of County Road No. 1485, aforesaid, a distance of 204.38 feet to an iron pipe; thence South 32 degrees 45'30" West parallel to the Northwesterly boundary of the right of way of the Southern Pacific Railroad Company 427.06 feet to an iron pipe; thence South 60 degrees 42'30" East 204.38 feet to an iron pipe driven at a point which is 12.00 feet Northwesterly from the Northwesterly boundary of the right of way of the Southern Pacific Railroad Company; thence North 32 degrees 45'30" East parallel to the Northwesterly boundary of said railroad right of way 427.06 feet to the place of beginning.

2

STATE OF OREGON
County of Clackamas
I, John Kaufman, County Clerk, for the County of Clackamas, do hereby certify that the foregoing writing was received for recording in the record of said county at

93 JUL 19 PM 2:43



Witness my hand and seal this 19th day of July 1993.
John Kaufman
JOHN KAUFMAN
County Clerk
Recording Certificate
CCL-14 (Rev. 6/91) 93 50421



First American Title™

Customer Service Department
121 SW Morrison St., Suite 300
Portland, OR 97204
Phone: 503.219.TRIO (8746)
Fax: 503.790.7872
Email: cs.portland@firstam.com
Date: 2/7/2018

OWNERSHIP INFORMATION

Owner: Frank & Kathleen Cutsforth
CoOwner:
Site: 2285 NE Territorial Rd Canby OR 97013
Mail: PO Box 261 Canby OR 97013

Parcel #: 00775021
Ref Parcel #: 31E27DB00900
TRS: 03S / 01E / 27 / SE
County: Clackamas

PROPERTY DESCRIPTION

Map Grid: 746-F4
Census Tract: 022901 Block: 1027
Neighborhood: CANBY
School Dist: 86 CANBY
Impr Type:
Subdiv/Plat:
Land Use: AMSC - AGRICULTURAL MISC
Zoning: Clackamas Co.-RRFF5 - Rural Residential Farm Forest
5 Acre Min
Watershed: Abernethy Creek-Willamette River
Legal: Section 27 Township 3S Range 1E Quarter DB TAX
LOT 00900|Y|179081

ASSESSMENT AND TAXATION

Market Land: \$339,956.00
Market Impr: \$502,360.00
Market Total: \$842,316.00 (2017)
% Improved: 60%
Assessed Total: \$639,283.00 (2017)
Levy Code: 086-020
Tax: \$8,829.90 (2017)
Millage Rate: 13.8122

PROPERTY CHARACTERISTICS

Bedrooms: 5	Building Area: 4,357 SqFt	Year Built: 1984
Baths, Total: 4	First Floor: 1,455 SqFt	Eff Year Built:
Baths, Full: 4	Second Floor: 1,441 SqFt	Lot Size Ac: 5.25 Acres
Baths, Half: 0	Basement Fin: 1,455 SqFt	Lot Size SF: 228,690 SqFt
Total Units: 1	Basement Unfin:	Lot Width: 0
# Stories: 2	Basement Total: 1,455 SqFt	Lot Depth: 0
# Fireplaces: 1	Attic Fin: 0 SqFt	Roof Material:
Cooling:	Attic Unfin: 0 SqFt	Roof Shape:
Heating: Heat Pump	Attic Total: 0 SqFt 0 SqFt	Ext Walls: 2
Building Style: 15 - Single family res, class 5	Garage: 597 SqFt	

SALES AND LOAN INFORMATION

Owner	Date	Doc #	Sale Price	Deed Type	Loan Amt	Loan Type
CUTSFORTH,FRANK D & KATHLEEN M	5/12/2015	0000027759	\$0.00	Trust	\$150,000.00	
CUTSFORTH,FRANK D & KATHLEEN M	3/2/2015	0000011044	\$0.00	Trust	\$196,000.00	
CUTSFORTH,FRANK D & KATHLEEN M	9/26/2011	0000054410	\$0.00	Trust	\$270,000.00	Conv/Unk
CUTSFORTH,FRANK D & KATHLEEN M	6/27/2005	0000058999	\$0.00	Trust	\$172,130.00	Conv/Unk
		80-16958	\$0.00		\$0.00	

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That MARISE L. MASSEY

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by FRANK D. CUTSFORTH and KATHLEEN M. CUTSFORTH, husband and wife, hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Clackamas and State of Oregon, described as follows, to-wit:

Being a part of the Walter Fish Donation Land Claim No. 45 in Township 3 South, Range 1 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, bounded and described as follows, to-wit:

Beginning at the intersection of the center of a spring branch with the Northwesterly boundary of the right of way of the Southern Pacific Railway Company which point is North 0° 39' 30" West 112.35 feet distant and North 32° 45' 30" East 1357.13 feet distant from the one-quarter Section corner between Sections 27 and 34, Township 3 South, Range 1 East of the Willamette Meridian. Running thence North 32° 45' 30" East tracing the (Continued on reverse side)

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever. And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances except rights of the public and of governmental bodies in that portion of the above described property lying below the high water mark of Spring Branch Creek.

and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 57,500.00. However, the actual consideration consists of or includes other property or value given or promised which is the whole or part of the consideration (indicate which). If the sentence between the symbols is not applicable, should be deleted. See ORS 95-030.

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 3rd day of May, 1980, if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

Marise L. Massey
Marise L. Massey

(If executed by a corporation, affix corporate seal)

STATE OF OREGON,) ss.
County of Clackamas)
May 3rd, 1980

Personally appeared the above named

MARISE L. MASSEY
and acknowledged the foregoing instrument to be her voluntary act and deed.
Before me, *Frank P. Bettis, Jr.*
(OFFICIAL SEAL) Notary Public for Oregon
My commission expires: 11/22/81

STATE OF OREGON, County of) ss.
Personally appeared , 1980

who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of

a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Before me:

Notary Public for Oregon
My commission expires:

(OFFICIAL SEAL)

MARISE L. MASSEY
1254 Terrace Place, Timber Terrace Apts.
Canby, Oregon 97013

GRANTOR'S NAME AND ADDRESS
FRANK D. and KATHLEEN M. CUTSFORTH
865 N. Hawthorne Street
Canby, Oregon 97013

After recording return to:

BETTIS & REIF
160 N.W. Third Ave.
Canby, Oregon 97013

Until a change is requested all tax statements shall be sent to the following address.

FRANK D. and KATHLEEN M. CUTSFORTH
865 N. Hawthorne Street
Canby, Oregon 97013

SPACE RESERVED
FOR
RECORDER'S USE

STATE OF OREGON,) ss.
County of

I certify that the within instrument was received for record on the day of 1980, at o'clock M., and recorded in book on page or as file/reel number. Record of Deeds of said county. Witness my hand and seal of County affixed.

By Recording Officer
Deputy

80 16958

(Legal description continued)

Northwesterly boundary of said Railway right of way 945.96 feet to the Southwesterly right of way boundary of County Road No. 1485; thence tracing the Southwesterly boundary of said Road North 60° 42' 30" West 12.00 feet; thence parallel to the Northwesterly boundary of the right of way of the said Southern Pacific Railway Company South 32° 45' 30" West 427.06 feet; thence North 60° 42' 30" West 182.33 feet to a point; thence South 32° 34' 30" West 140.00 feet, more or less, to a point in the center of the aforesaid spring branch; thence Southeasterly tracing the meander of the center of said spring branch up stream 200 feet, more or less, to the place of beginning.

Also a tract of land bounded and described as follows, to-wit:

Being a part of the Walter Fish Donation Land Claim No. 45, in Township 3 South, Range 1 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, bounded and described as follows, to-wit:

Beginning at the intersection of a spring branch with the Northwesterly boundary of the right of way of the Southern Pacific Railway Company which point is North 0° 39' 30" West 112.35 feet distant and North 32° 45' 30" East 1357.13 feet distant from the one-quarter section corner between Section 27 and 34, Township 3 South, Range 1 East of the Willamette Meridian, said point being the most Southerly corner of that certain 2.25 acre tract of land conveyed to Melissa Churchill and John Erickson by deed recorded in Book 292, page 315, Record of Deeds of Clackamas County, Oregon; running thence Northwesterly following the meanders of said spring branch and along the Southwesterly boundary of said 2.25 acre tract 200.00 feet, more or less, to the most Westerly corner thereof; thence North 32° 45' 30" East tracing the Northwesterly boundary of said tract 440.00 feet, more or less, to an iron pipe driven at the Northwest corner of said tract; thence North 60° 42' 30" West 194.37 feet; thence South 32° 45' 30" West 574.83 feet to a point; thence South 60° 42' 30" East 388.75 feet to a point on the Northwesterly boundary of the right of way of the Southern Pacific Railway Company aforesaid; thence tracing the Northwesterly boundary of said right of way North 32° 45' 30" East 55.73 feet to the place of beginning.

TOGETHER WITH THE CERTIFICATE OF WATER RIGHT Issued June 26, 1972 under Permit No. 31213 by the State Engineer of the State of Oregon and recorded in State Record of Water Right Certificates, Volume 30, Page 38324.

STATE OF OREGON)
County of Clackamas) ss.
I, George D. Poppen, County Clerk, Ex-Officio
Recorder of Conveyances and Ex-Officio Clerk
of the Circuit Court of the State of Oregon, do hereby certify that the within instrument has been received for
recording and is a true and correct copy of the original as
and recorded in the records of said county at

80 MAY 7 8 45



Witness my hand and the seal of said County at
Clackamas, Oregon, this 5th day of May, 1972.
George D. Poppen
County Clerk
Recording Certificate 80 16358
CCP-R4

2

VIII. Legal Description for Annexation

Griffin Land Surveying Inc.

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

Office: (503)201-3116

June 21, 2018

Cutsforth Annexation

Project: 0688

Cutsforth Property

Assessors Map 31E27DB

Clackamas County, Oregon

A tract of land situated in the S.E. 1/4 of Section 27, T.3S., R.1E., W.M., Clackamas County, Oregon, being more particularly described as follows:

Beginning at the most Easterly corner of 'WILLOW CREEK ESTATES 2', a subdivision filed in Clackamas County Plat Records; thence N 60°42'56" W along the Northeasterly line of said 'WILLOW CREEK ESTATES 2', 519.77 feet to the most Southerly Southeast corner of 'WILLOW CREEK ESTATES 1', a subdivision filed in Clackamas County Plat Records; thence N 32°39'17" E along the Southeasterly line of said 'WILLOW CREEK ESTATES 1', 285.60 feet to the most Easterly corner thereof; thence N 32°36'47" E along the Southeasterly line of 'VINE MEADOWS', a subdivision filed in Clackamas County Plat Records, 288.42 feet to the most Westerly corner of 'WALNUT CROSSING', a subdivision files in Clackamas County Plat Records; thence S 60°48'16" E along the Southwesterly line of said 'WALNUT CROSSING', 303.65 feet to the most Southerly corner thereof; thence N 32°41'03" E along the Southeasterly line of said 'WALNUT CROSSING', 417.04 feet to the Southwesterly Right of Way line of Territorial Road, being 30 feet, when measured at right angles, from the centerline; thence S 60°44'31" E along said Right of Way line, 216.19 feet to the Northwesterly line of Southern Pacific Railroad; thence S 32°39'27" W along said line, 1001.64 feet to the point of beginning.

Contains 8.91 Acres.



Griffin Land Surveying Inc.

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

Office: (503)201-3116

June 21, 2018

Cutsforth Annexation

Project: 0688

Territorial Road Right of Way

Assessors Map 31E27DB

Clackamas County, Oregon

A tract of land situated in the S.E. 1/4 of Section 27, T.3S., R.1E., W.M., Clackamas County, Oregon, being more particularly described as follows:

Commencing at the most Southerly corner of 'WALNUT CROSSING', a subdivision files in Clackamas County Plat Records; thence N 32°41'03" E along the Southeasterly line of said 'WALNUT CROSSING', 417.04 feet to the Southwesterly Right of Way line of Territorial Road, being 30 feet, when measured at right angles, from the centerline and the TRUE POINT OF BEGINNING; thence continuing N 32°41'03" E, 10.02 feet to a point 20 feet Southwesterly, when measured at right angles, from said centerline; thence N 60°44'31" W parallel with said centerline, 300.54 feet, more or less to the Southwesterly extension of the Southeasterly line of Spitz Road; thence Northeasterly along said Southeasterly line of Spitz Road, 50 feet to the Northeasterly Right of Way line of said Territorial Road, being 30 feet, when measured at right angles, from the centerline; thence S 60°44'31" E along said Northeasterly Right of Way line, 515.35 feet, more or less, to the Northwesterly line of Southern Pacific Railroad; thence Southwesterly along said line to said Southwesterly Right of Way line of Territorial Road, being 30 feet, when measured at right angles, from the centerline; thence N 60°44'31" W along said Right of Way line, 216.19 feet to the point of beginning.

Contains 27,964 square feet.

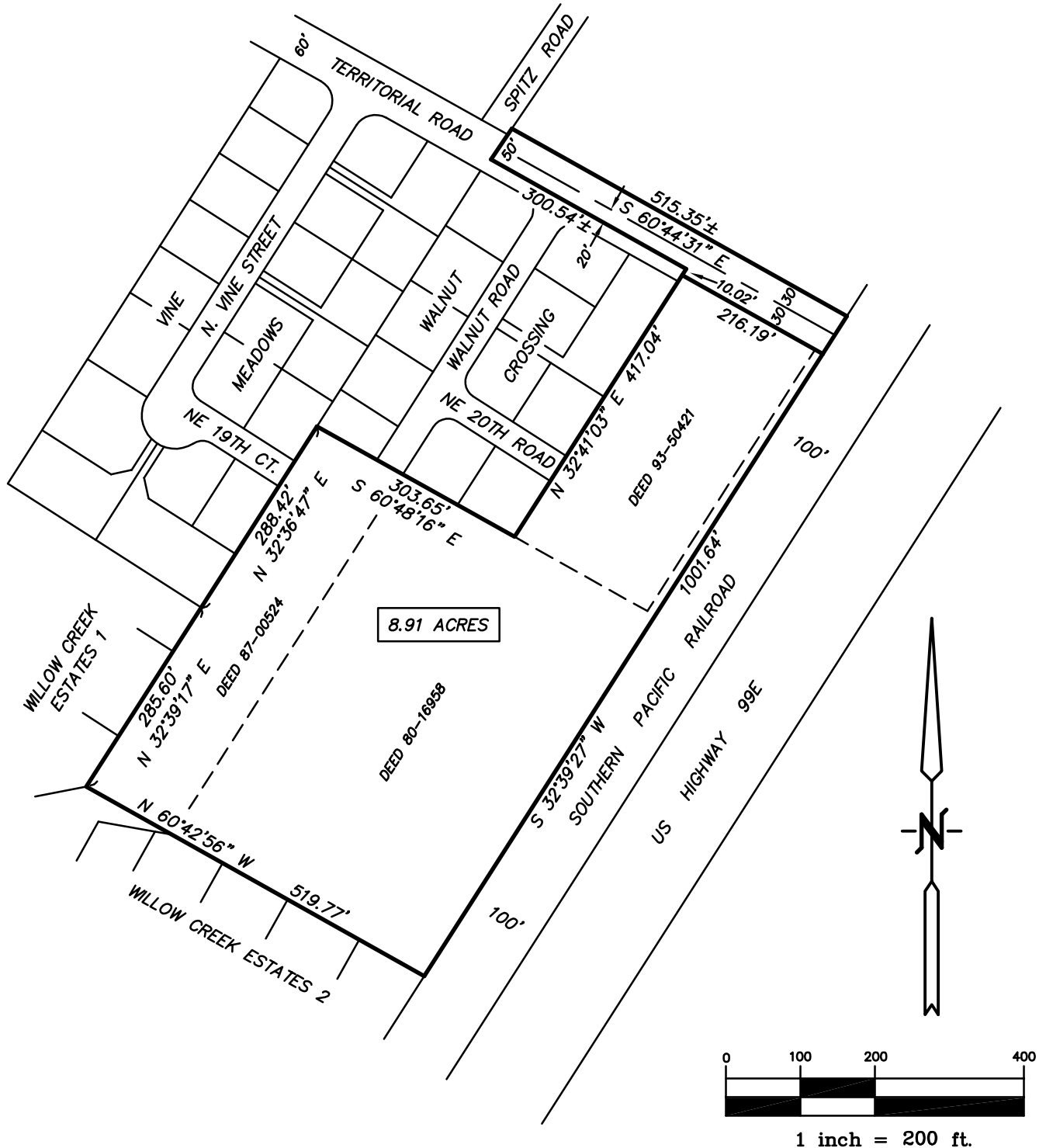


EXHIBIT B

Exhibit Map

IN THE S.E. 1/4 OF SECTION 27, T.3S., R.1E, W.M.
CLACKAMAS COUNTY, OREGON

JUNE 21, 2018



GRIFFIN LAND SURVEYING INC.

6107 SW MURRAY BLVD. #409

BEAVERTON, OR. 97008

PHONE: (503)201-3116

Council Packet Page 65 of 174

IX. Maps

- a. Vicinity Map
- b. Aerial Map
- c. Assessor Map
- d. Comprehensive Plan Map
- e. Record of Survey
- f. Existing Conditions / Topographic Map
- g. Conceptual Site Plan



LEGEND

FUNCTIONAL CLASSIFICATION

- STATE HIGHWAY
- OTHER JURISDICTION
- INTERSTATE
- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- URBAN COLLECTOR/RURAL MAJOR COLLECTOR
- MINOR COLLECTOR
- LOCAL ROAD
- INTERSTATE - US ROUTE - ORE. ROUTE
- NATIONAL HIGHWAY SYSTEM ROUTE
- CITY LIMIT
- URBAN GROWTH BOUNDARY
- RAILROAD - AMTRAK PASSENGER STATION
- GRAVEL WY. QUARRY - ODOT STOCKPILE
- ODOT MAINTENANCE STATION

PUBLIC BUILDING

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

Published by

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

NORTH

SCALE

0 650 1,300 2,600 Feet

0 195 390 780 Meters

CANBY
POPULATION 15,910

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

OREGON TRANSPORTATION MAP

Showing Federal Functional Classification of Roads
City of

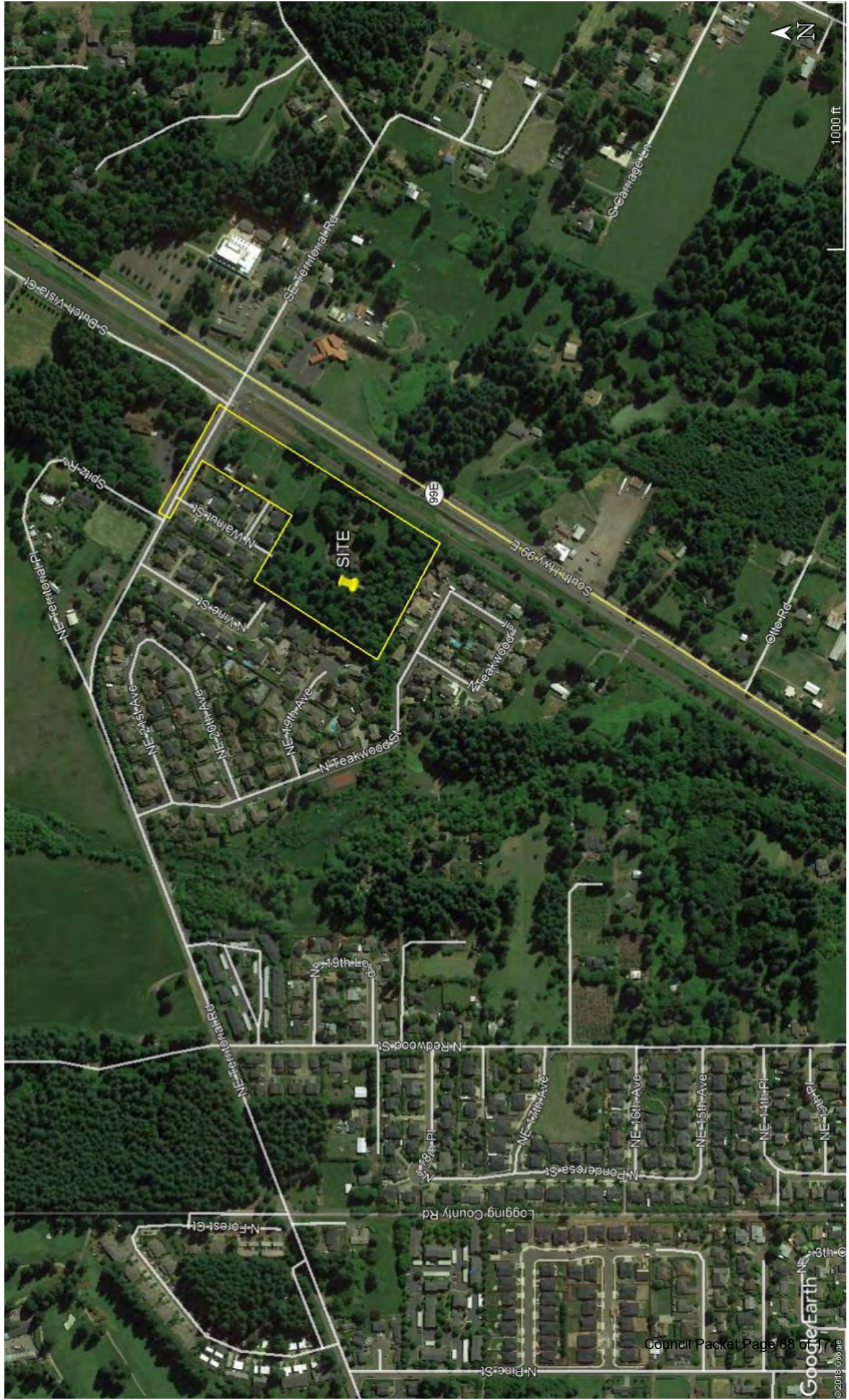
CANBY

CLACKAMAS COUNTY
2013 Edition

Council Packet Page 87 of 174

PORT AIRPORT COMM. AIR

Copyright Available from the Oregon Department of Transportation, Geographic Information Services Unit, 6000 NE Oregon Street, Portland, Oregon 97218, (503) 886-0154. <http://www.oregon.gov/ODOT/ITD/DATA/Pages/gis/tylmaps.aspx>
Population numbers are based on current Oregon Population Report, College of Urban and Public Affairs, Portland State University, <http://psu.cba.uoregon.edu>



This map was prepared for assessment purpose only.

CANCELLED

101
501
500
507
600
2800
602
700

SEE MAP 3 1E 27AD

116 COR.

AC.

1

ad p

1

ON
1
W
00

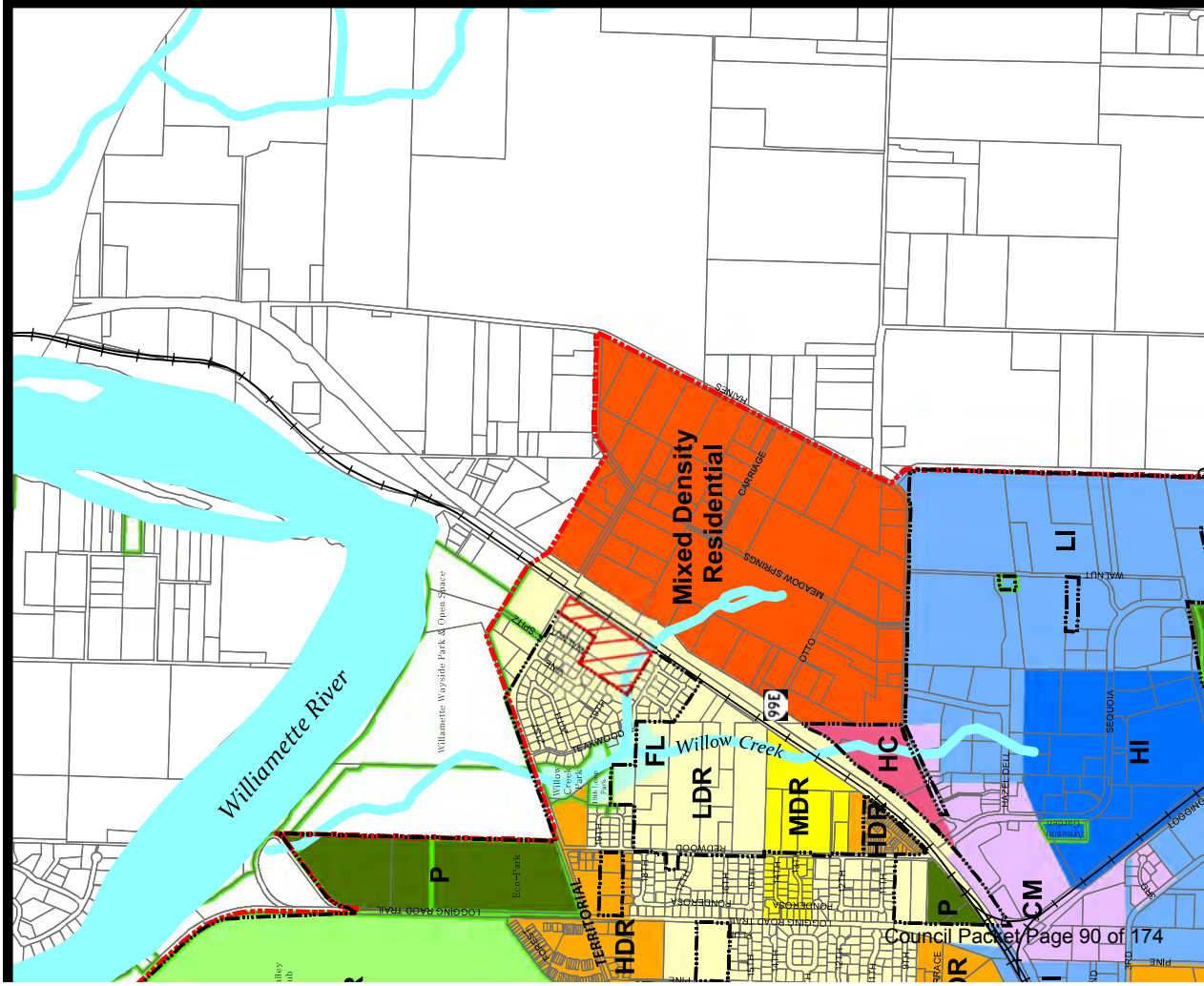
RIGHT-OF-WAY
0.64 ACRES

P. PLAT
2007-061

RRF-5
REAL PROPERTY
8.91 ACRES

3
LE 27 DB
F.A.R.
BOOK 23

SEE MAP 3 IE 27 DC

[illegible]

Record of Survey

IN THE S.E. 1/4 OF SECTION 27, T.3S., R.1E., W.M.
CLACKAMAS COUNTY, OREGON

JUNE 21, 2018

FOR: FRANK CUTSFORTH

CLACKAMAS COUNTY SURVEYOR

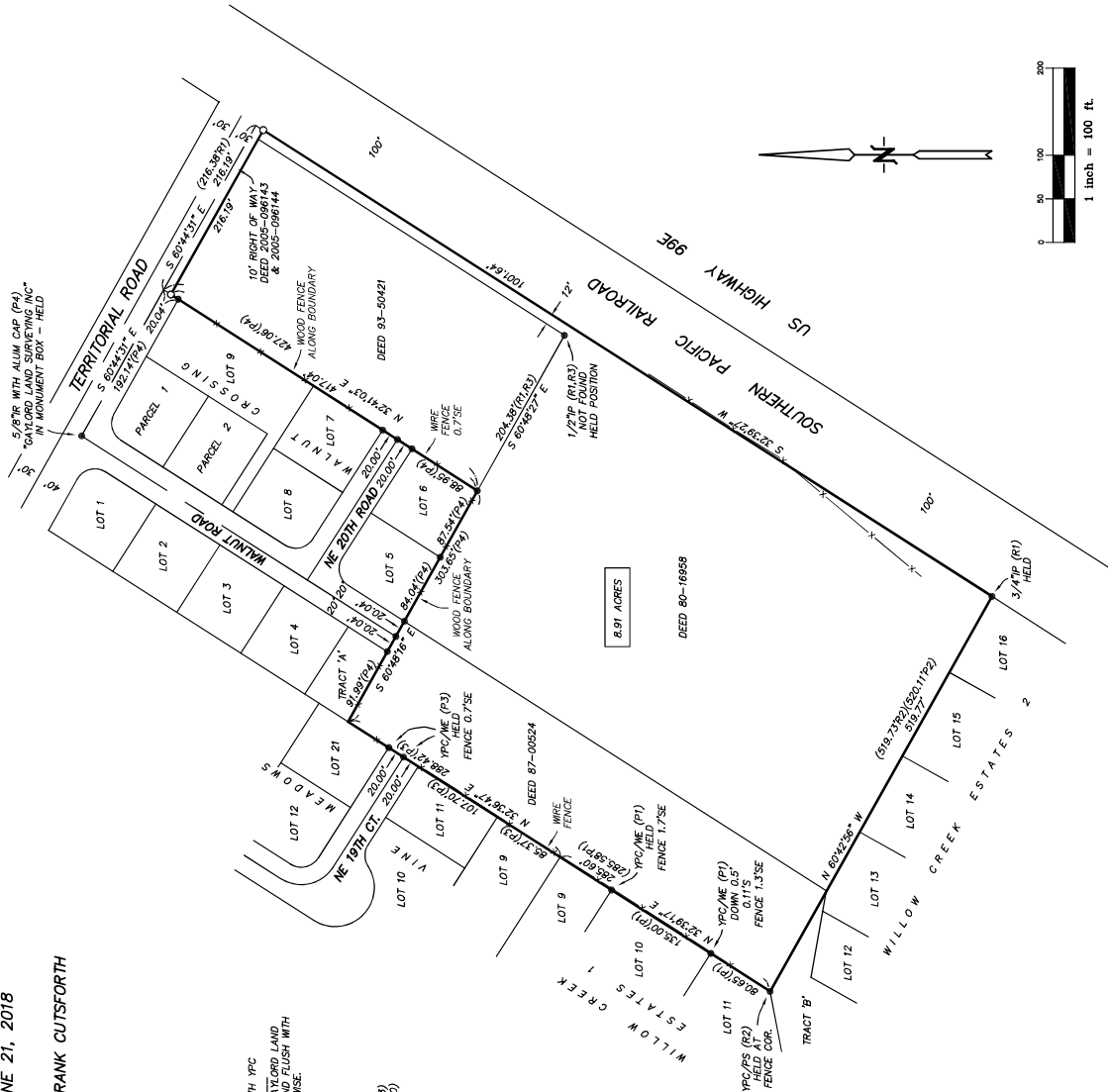
RECEIVED: _____

ACCEPTED FOR FILING: _____

SURVEY NUMBER: _____

LEGEND:

- O - DENOTES SET 5/8" IRON ROD WITH YPC
- INScribed "LS 2146" SET ON 5/8" GALVANIZED IRON ROD
- - SURVEYING "NAIL" PER P.A. STRAIGHT AND FLUSH WITH THE SURFACE, UNLESS NOTED OTHERWISE.
- YPC - 5/8" IRON WITH YELLOW PLASTIC CAP
- YPC/PS - (INScribed AS NOTED)
- YPC/ME - YPC "WILHELM ENG OR LS 2413"
- IP - INSIDE DIAMETER IRON PIPE
- P1 - WILLOW CREEK ESTATES 1 (PLAT 2963)
- P2 - WILLOW CREEK ESTATES 2 (PLAT 3060)
- P3 - WINE MEADOWS (PLAT 3406)
- R1 - DTM 117 CROSSING (PLAT 3892)
- R2 - PS 21464
- R3 - SN 2004-298



NARRATIVE:

THIS SURVEY WAS PERFORMED TO SET OUT THE EXTERIOR BOUNDARIES OF CLACKAMAS COUNTY RECORD PLAT 3892, BEING PARTS OF DEEDS 93-50421 AND 93-50422. THE SURVEY WAS PERFORMED BY THE CLACKAMAS COUNTY SURVEYOR. THE SURVEY WAS PERFORMED ON THE SOUTHEAST LINE OF THE PLAT "WALNUT CROSSING". MONUMENTS WERE HELD ALONG THE BOUNDARIES OF THE ADJOINING SUBDIVISION PLATS AS SHOWN TO ESTABLISH THE SW AND NW LINES OF THE TERRITORIAL ROAD. HELD MONUMENTS AND DIRECTION (S 60°44'31" E) PER THE PLAT "WALNUT CROSSING" AS SHOWN. SOUTHEAST LINE, HELD THE MONUMENT AT THE NE CORNER OF "WILLOW CREEK ESTATES 2" AND A POINT 12" MEASURED AT RIGHT ANGLES FROM THE 1/2" P. SET IN DTM 117 PER SAID SURVEY AND ADJACENT DEEDS AND INTERSECTED WITH THE SW RIGHT OF WAY OF TERRITORIAL ROAD.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

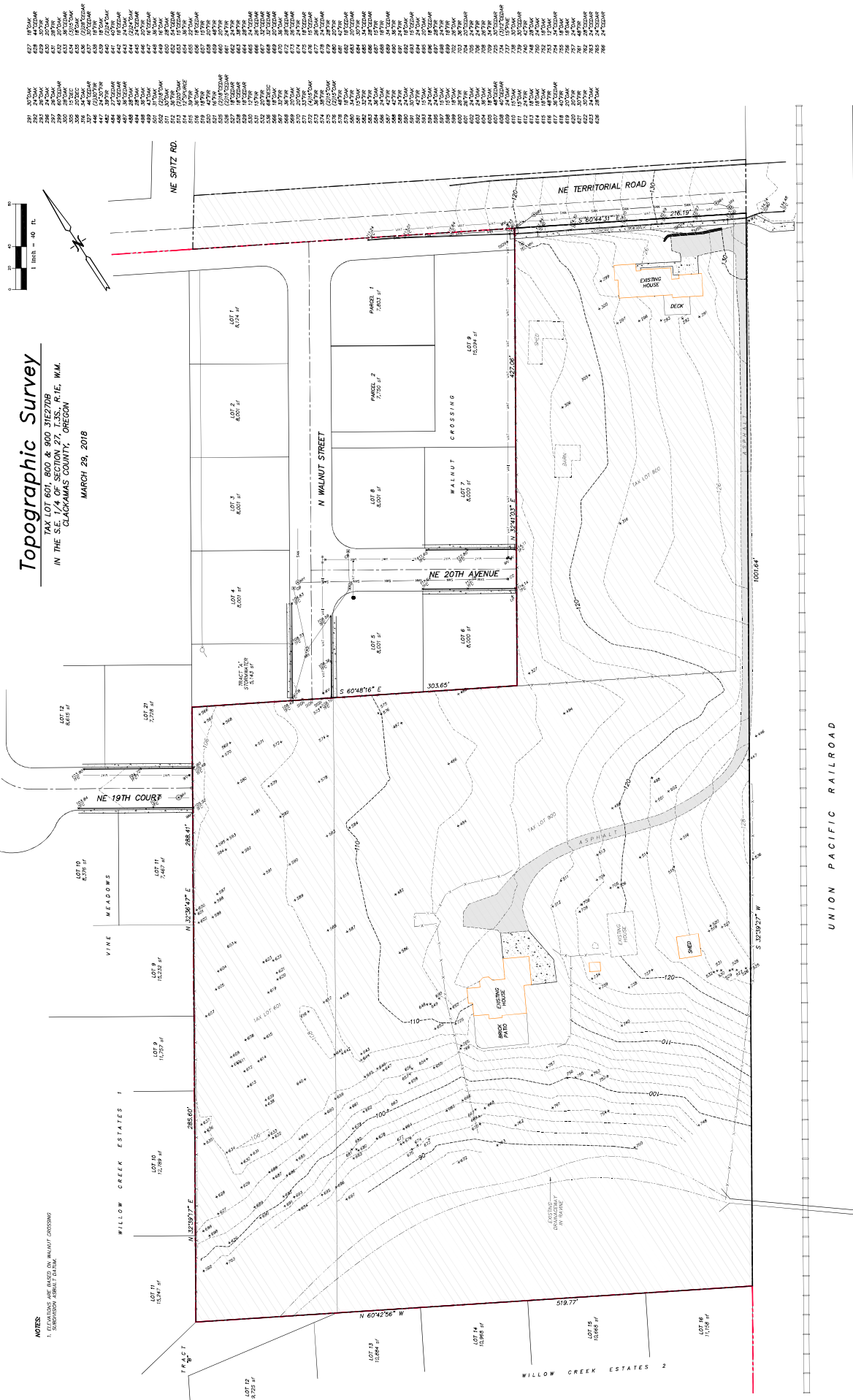
OREGON
JULY 26, 1985
KENNETH D. GRIFFIN
2147
RENEWALS: 6/30/79
6827 TIMBER PARK AS

GRIFFIN LAND SURVEYING, INC.
6707 NE 10TH AVE, SUITE 100
BEAVERTON, OR 97008
PHONE: (503)201-3116

TAX LOT 601, 800 & 900 31E27DB
IN THE S.E. 1/4 OF SECTION 27, T.3S., R.1E, W.M.
CLACKAMAS COUNTY, OREGON

TAX LOT 601, 800 & 900 31E27DB
IN THE S.E. 1/4 OF SECTION 27, T.3S., R.1E, W.M.
CLACKAMAS COUNTY, OREGON

1. ELEVATIONS ARE BASED ON WALNUT CROSSING SUBMISSION AS BUILT DATUM.



US HIGHWAY 99E

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

Proposed Annexation
Frank + Kathie Cutforth

REVISIONS	BY



Laney Fouse

From: DANIELSON Marah B
<Marah.B.DANIELSON@odot.state.or.us>
Sent: Wednesday, August 29, 2018 4:35 PM
To: David Epling
Subject: ANN 18-02/ZC 18-02
Attachments: Rail Fence details.pdf

Hi David,

ODOT has review the proposed annexation and zone change and determined there will be no significant impacts to OR 99E and no additional state review is required.

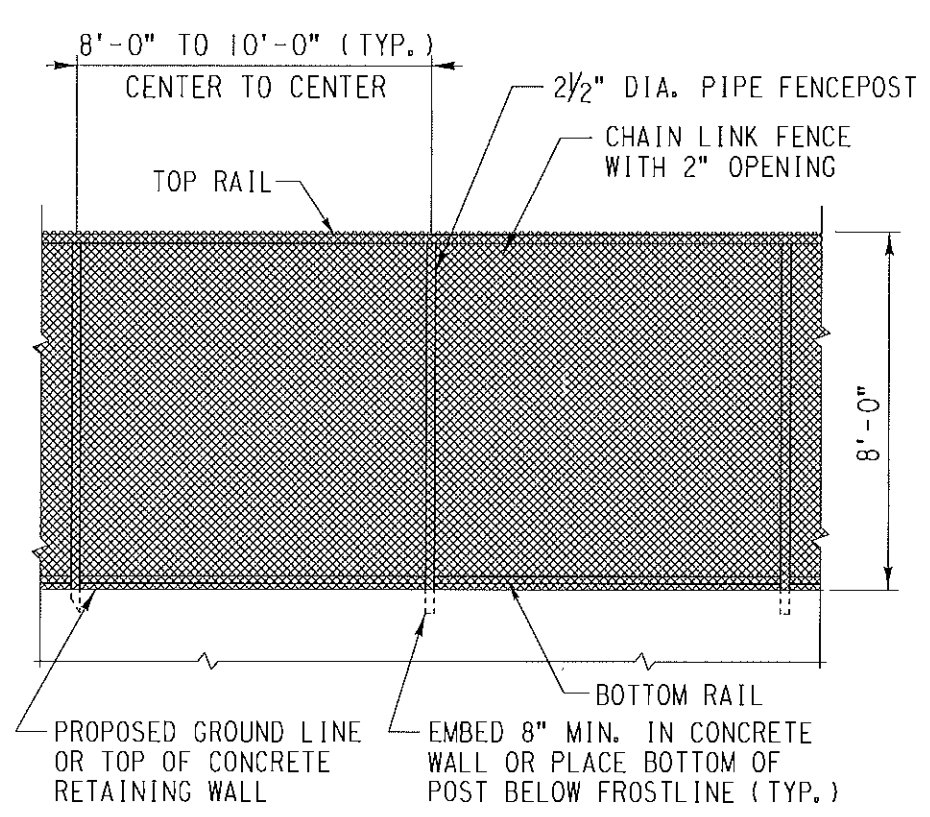
At the time of development, we recommend the applicant install continuous fencing (no gates) along the property line fronting the rail tracks to ensure the safe operation of trains by preventing illegal trespassing of pedestrians across the tracks (see attached Rail Fence Detail).

The applicant is advised that a residential development on the proposed site may be exposed to noise from heavy rail freight trains or passenger trains. It is generally not the State's responsibility to provide mitigation for receptors that are built after the noise source is in place. Builders should take appropriate measures to mitigate the noise impacts.

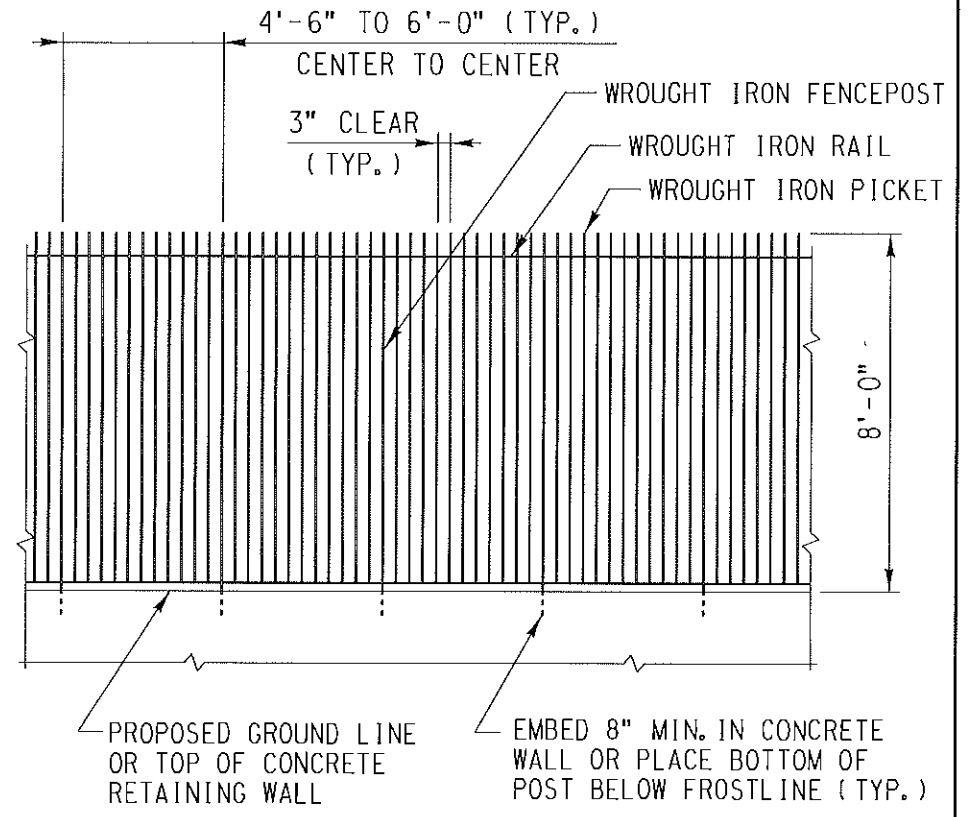
Thank you for the opportunity to comment.

Marah Danielson, Senior Planner
ODOT R1 Development Review Program
(503) 731-8258
marah.b.danielson@odot.state.or.us

FILE NAME: P:\ustation\dn\std\pp-guidelines.dgn



CHAIN LINK FENCE





WROUGHT IRON PICKET FENCE

FENCE ELEVATION

SCALE: $\frac{3}{16}'' = 1'-0''$

REVISIONS			DESIGN BY: RAF	DRAWN BY: FJS	CHECKED BY: KHJ
DATE	LTR.	DESCRIPTION	APPROVED:		
/			<i>K.H. Tennison</i> BNSF - ASSISTANT DIRECTOR STRUCTURES DESIGN <i>George J. Meyn</i> UPRR - MGR SPECIAL PROJECTS STRUCTURES DESIGN		
/					
/					
/					
/					
/					



BRIDGE STANDARDS
RIGHT-OF-WAY FENCING

FENCE DETAILS

FILE OWNER: UPRR	DATE: 1/24/07
PLAN NO.: 711000	SHEET: 1



City of Canby

PUBLIC HEARING NOTICE & REQUEST FOR COMMENTS FORM

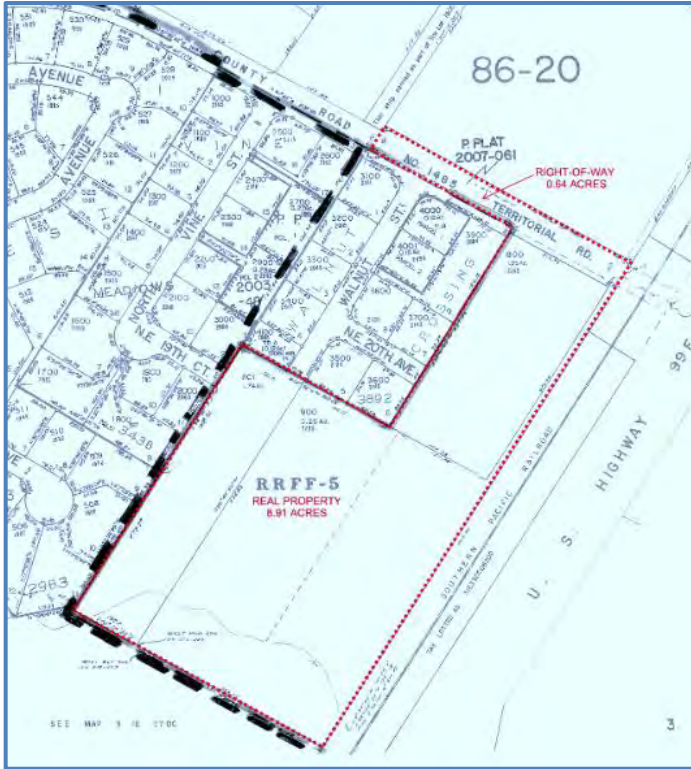
City File No.: ANN 18-02/ZC 18-02

Project Name: CUTSFORTH ANNEXATION, & ZONE CHANGE

PUBLIC HEARING DATES: PC—September 10, 2018.

CC – October 3, 2018

The purpose of this Notice is to invite you to the Planning Commission and City Council Public Hearings and to request your written comments regarding Annexation and Zoning Map Amendment applications (ANN 18-02/ZC 18-02). Applicant proposes to annex and re-zone in accordance with the Canby Comprehensive Plan, properties located in an unincorporated area of Clackamas County on the south side of NE Territorial Road, west of State Highway 99E and Union Pacific Railroad, and north and west of Willow Creek Estates Subdivision. Both Public Hearings will be held in the Council Chambers, at 222 NE 2nd Ave, Canby, OR 97013. **The Planning Commission will meet Monday, September 10, 2018, 7 pm. The City Council will meet Wednesday, October 3, 2018, 7 pm.**



Location: 2265 & 2285 NE Territorial Rd, No Situs (Tax Lot 00601), and 0.64 acre of NE Territorial Road R.O.W. (See properties in red on map at left).

Tax Lots: 31E27DB00601, 31E27DB00800, and 31E27AD00900.

Lot Size & Zoning: 9.55 acres, zoned Clackamas County Rural Residential Farm Forest-5 Acre (RRFF-5)

Property Owners: Frank & Kathleen Cutsforth

Representative: Pat Sisul

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

City File Number: ANN 18-02/ZC 18-02

Contact: David Epling, eplingd@canbyoregon.gov
503-266-0686

Comments Due – If you would like your comments to be incorporated into the City's Staff Report, please return the Comment Form by August 29, 2018 for the Planning Commission meeting and by September 21, 2018 for the City Council meeting. Written and oral comments can also be submitted up to the time of the Public Hearings and may also be delivered in person during the Public Hearings.

What is the Decision Process? The Planning Commission will consider the Annexation/Zoning Map Amendment applications to annex and zone property and make a recommendation to

the City Council. The City Council will then consider the Annexation/Zoning Map Amendment applications and make a final decision on the annexation, and this property annexation does not require approval by the Canby electorate (Senate Bill 1573).

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

How can I review the documents and staff report? Weekdays from 8 AM to 5 PM at the Canby Planning Department. The Planning staff report will be available starting Friday, August 31, 2018 and the Council Staff Memo will be available on September 25, 2018 and can be viewed on the City's website: www.canbyoregon.gov. Copies are available at \$0.25 per page or can be emailed to you upon request.

Applicable Canby Municipal Code Chapters:

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

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

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

Written comments to be included in Planning Commission packet are due by August 29, 2018.
Written comments to be included in City Council packet are due by September 21, 2018.
Written and oral comments can be submitted up to the time of the Public Hearings and may also be delivered in person during the Public Hearings.

[illegible]

PLEASE EMAIL COMMENTS TO
PublicComments@canbyoregon.gov

NAME: _____
AGENCY: _____
DATE: _____

Council Packet Page 97 of 174

ORDINANCE NO. 1493

AN ORDINANCE, PROCLAIMING ANNEXATION INTO THE CITY OF CANBY, OREGON 9.55 ACRES INCLUDING 8.91 ACRES OF REAL PROPERTY DESCRIBED AS TAX LOTS 800 AND 900 OF PORTION OF SE ¼, SEC. 27, T.3S., R.1E., W.M. (TAX MAP 31E27DB); AND TAX LOT 601 OF PORTION OF SE ¼, SEC. 27, T.3S., R.1E., W.M. (TAX MAP 31E27AD); AND APPROX. 0.64 ACRES OF ADJACENT NE TERRITORIAL ROAD RIGHT-OF-WAY; AND AMENDING THE EXISTING COUNTY ZONING FROM RURAL RESIDENTIAL FARM FOREST FIVE ACRE (RRFF-5) TO CITY LOW DENSITY RESIDENTIAL (R-1) FOR THE ENTIRE AREA; AND SETTING THE BOUNDARIES OF THE PROPERTY TO BE INCLUDED WITHIN THE CANBY CITY LIMITS.

WHEREAS, on October 3, 2018, at a public hearing the City Council of the City of Canby approved by a vote of _____ to _____, Annexation (ANN/ZC 18-02) which called for the annexation of 9.55 acres into the City of Canby. The applicants are Frank and Kathleen Cutsforth and owners of Tax Lot 800, 900 of Tax Map 31E27DB and Tax Lot 601 of Tax Map 31E27AD. A complete legal description and survey map of the applicant's tax lots and adjacent Territorial Road right-of-way abutting along the north delineates the property to be annexed and is attached hereto as Exhibit A & B respectively and by this reference are incorporated herein; and

WHEREAS, Pursuant to CMC 16.84.080, the City must proclaim by ordinance or resolution, the annexation of said property into the City and set the boundaries of the property by legal description; and

WHEREAS, the zoning of the annexed land shall be designated as R-1 Low Density Residential to conform with the Canby Comprehensive Plan Map, and such zoning shall be indicated on the official zoning map for the City of Canby; and

WHEREAS, an application was filed with the City by the applicant listed above to change the zoning of three parcels as indicated herein along with the adjacent road right-of-way where the applicable R-1 Low Density Residential zoning will also apply; and

WHEREAS, a public hearing was conducted by the Canby Planning Commission on September 10, 2018 after public notices were mailed, posted and published in the Canby Herald, as required by law; and

WHEREAS, the Canby Planning Commission heard and considered testimony regarding the annexation and accompanying zone change required for annexations by Figure 16.84.040 of Chapter 16.84 of the Land Development and Planning Ordinance at the public hearing and at the conclusion of the public hearing; the Planning Commission voted to recommend that the City Council approve the applications and the Planning Commission written Findings, Conclusions and Order was approved; and

WHEREAS, the Canby City Council considered the matter and the recommendation of the Planning Commission following a public hearing held at its regular meeting on September 10, 2018; and

WHEREAS, the Canby City Council, after considering the applicant's submittal, the staff report, the Planning Commission's hearing record and their recommendation documented in their written Findings, Conclusions and Order and after conducting its own public hearing; voted to approve the annexation and associated zoning designation for the properties; and

WHEREAS, the written Findings, Conclusions and Order of the Council action is to be approved by the City Council at the next regular Council meeting on October 17, 2018.

NOW, THEREFORE, THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. It is hereby proclaimed by the City Council of Canby that 9.55 acres of property described, set, and shown in Exhibit A & B and attached hereto, is annexed into the corporate limits of the City of Canby, Oregon.

Section 2. The annexed land shall be rezoned from the county Rural Residential Farm Forest (RRFF-5) to city Low Density Residential (R-1) as reflected on the Canby's Comprehensive Plan Map and as indicated by Tax Lot and legal description in this Ordinance. The Mayor, attested by the City Recorder, is hereby authorized and directed to have the zone change made to the official zoning map for the City of Canby.

SUBMITTED to the Council and read the first time at a regular meeting thereof on October 3, 2018 and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter, and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on October 17, 2018, commencing at the hour of 7:00 PM at the Council Meeting Chambers located at 222 NE 2nd Avenue, 1st Floor, Canby, Oregon.

Kimberly Scheafer, MMC
City Recorder

PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on October 17, 2018 by the following vote:

YEAS_____

NAYS_____

Brian Hodson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder

Griffin Land Surveying Inc.

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

Office: (503)201-3116

June 21, 2018

Cutsforth Annexation

Project: 0688

Cutsforth Property

Assessors Map 31E27DB
Clackamas County, Oregon

A tract of land situated in the S.E. 1/4 of Section 27, T.3S., R.1E., W.M., Clackamas County, Oregon, being more particularly described as follows:

Beginning at the most Easterly corner of 'WILLOW CREEK ESTATES 2', a subdivision filed in Clackamas County Plat Records; thence N 60°42'56" W along the Northeasterly line of said 'WILLOW CREEK ESTATES 2', 519.77 feet to the most Southerly Southeast corner of 'WILLOW CREEK ESTATES 1', a subdivision filed in Clackamas County Plat Records; thence N 32°39'17" E along the Southeasterly line of said 'WILLOW CREEK ESTATES 1', 285.60 feet to the most Easterly corner thereof; thence N 32°36'47" E along the Southeasterly line of 'VINE MEADOWS', a subdivision filed in Clackamas County Plat Records, 288.42 feet to the most Westerly corner of 'WALNUT CROSSING', a subdivision files in Clackamas County Plat Records; thence S 60°48'16" E along the Southwesterly line of said 'WALNUT CROSSING', 303.65 feet to the most Southerly corner thereof; thence N 32°41'03" E along the Southeasterly line of said 'WALNUT CROSSING', 417.04 feet to the Southwesterly Right of Way line of Territorial Road, being 30 feet, when measured at right angles, from the centerline; thence S 60°44'31" E along said Right of Way line, 216.19 feet to the Northwesterly line of Southern Pacific Railroad; thence S 32°39'27" W along said line, 1001.64 feet to the point of beginning.

Contains 8.91 Acres.



Griffin Land Surveying Inc.

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

Office: (503)201-3116

June 21, 2018

Cutsforth Annexation

Project: 0688

Territorial Road Right of Way

Assessors Map 31E27DB

Clackamas County, Oregon

A tract of land situated in the S.E. 1/4 of Section 27, T.3S., R.1E., W.M., Clackamas County, Oregon, being more particularly described as follows:

Commencing at the most Southerly corner of 'WALNUT CROSSING', a subdivision files in Clackamas County Plat Records; thence N 32°41'03" E along the Southeasterly line of said 'WALNUT CROSSING', 417.04 feet to the Southwesterly Right of Way line of Territorial Road, being 30 feet, when measured at right angles, from the centerline and the TRUE POINT OF BEGINNING; thence continuing N 32°41'03" E, 10.02 feet to a point 20 feet Southwesterly, when measured at right angles, from said centerline; thence N 60°44'31" W parallel with said centerline, 300.54 feet, more or less to the Southwesterly extension of the Southeasterly line of Spitz Road; thence Northeasterly along said Southeasterly line of Spitz Road, 50 feet to the Northeasterly Right of Way line of said Territorial Road, being 30 feet, when measured at right angles, from the centerline; thence S 60°44'31" E along said Northeasterly Right of Way line, 515.35 feet, more or less, to the Northwesterly line of Southern Pacific Railroad; thence Southwesterly along said line to said Southwesterly Right of Way line of Territorial Road, being 30 feet, when measured at right angles, from the centerline; thence N 60°44'31" W along said Right of Way line, 216.19 feet to the point of beginning.

Contains 27,964 square feet.

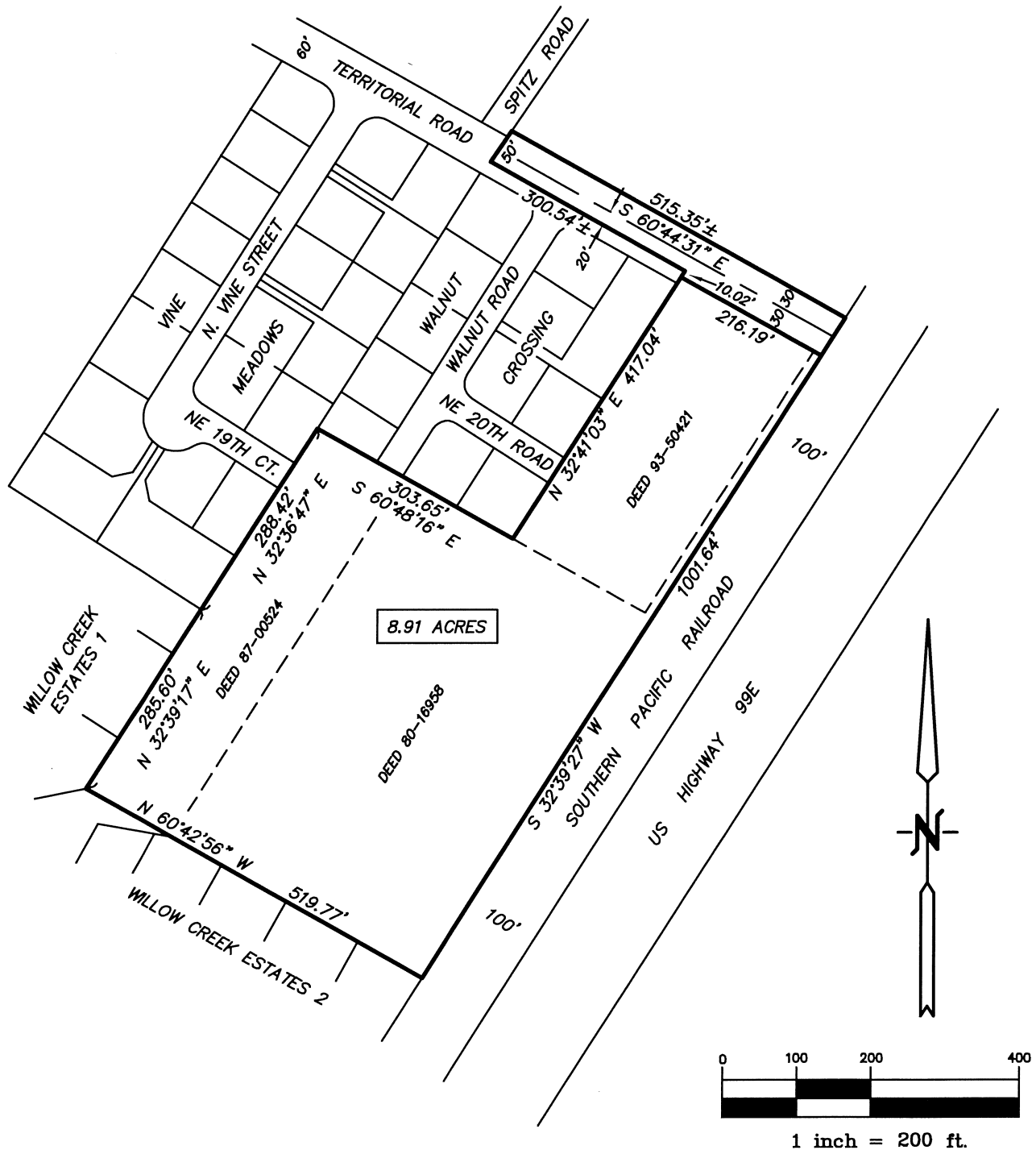


EXHIBIT B

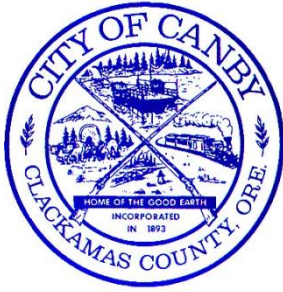
Exhibit Map

IN THE S.E. 1/4 OF SECTION 27, T.3S., R.1E, W.M.
CLACKAMAS COUNTY, OREGON

JUNE 21, 2018



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



City of Canby

MEMORANDUM

DATE: *Prepared: September 14, 2018 for October 3, 2018 Council Hearing*

TO: *Mayor and City Council*

FROM: *Bryan Brown, Planning Director*

RE: *Map Amendment Zone Change (File No. ZC 18-04 Busse)*

Background Summary:

At their September 10, 2018 meeting, the Canby Planning Commission recommended on a vote of 4 – 1 that map amendment zone change (**City File# ZC 18-04**) be denied by the City Council. The application is to approve a change in zoning of 2.59 acres located at 1300 S Ivy Street from (R-1) Low Density Residential to (C-R) Residential/Commercial. This request has been determined to align with the intended future Land Use designation for the property as envisioned by the Comprehensive Plan and shown on the Comprehensive Plan Land Use Plan Map.

The applicant for this rezone has concurrent development application(s) for approval of the proposed Canby Townhome project for the same property for which approval of the proposed zone change application is a prerequisite to allow the development project, as single-family dwellings having common wall construction (townhomes) are not allowed in the existing R-1 zone, and only allowed within the proposed C-R zone with approval of a Conditional Use permit. The Planning Commission continued the public to afford the applicant an opportunity to address about five concerns raised in the staff report and to further review possible additional items of relevancy from written testimony submitted at the hearing.

Discussion:

The Planning Commission as a whole essentially rejected the findings presented within the staff report when considering the suitability of the proposed rezoning at this location. In short, the staff findings were primarily based on a determination that the Comprehensive Plan Text Amendment passed in 2003 by Ordinance 1120 created a Special Area of Concern “K” for the subject property and established a placeholder land use designation of Residential/Commercial (RC) on the parcel as a means of offering the property owner more future options with the property but kept the current R-1 zone until redevelopment of the property were to be proposed. The use of the terminology “placeholder” has left some uncertainty by some with intent, but staff believes the intent of the content of special area of concern “K” was to designate this property with a future Comprehensive Plan Land Use Designation supporting a future request for the C-R zone. Thus, the RC designation shown on the Comprehensive

Plan Map changed at that time is correct. The Comprehensive Plan provisions under Policy 6: Implementation Measures: A) indicates: "A map of "Areas of Special Concern" is included in the back of this Plan Element. That map is to be regarded as having the full force and effect of the Land Use Map in determining appropriate land uses and levels of development. Development proposals, even those that appear to conform with existing zoning, will be considered to conform with the Comprehensive Plan only if they meet the requirements imposed here." The full wording within the "Special Areas of Concern "K" applicable to this property under Policy 6 as shown on the Areas of Special Concern Map in conjunction with the above statement leads staff to the conclusion that a zone change would be required from the existing R-1 upon proposed redevelopment of the property if it were to fully conform with the Comprehensive Plan.

It was noted in the text of the special area of concern "K" in the Plan that the proximity of this property at the intersection of two arterial streets with a variety of nearby uses supported some sort of neighborhood service oriented commercial uses and/or a mix of residential and commercial use. In addition, there is some evidence showing that Ordinance No. 1120 was passed as part of the City's mandated periodic review process through DLCD Department of Land Conservation and Development to better align the Comprehensive Plan land use designations to assist the City in better meeting various State mandated land use goals – including identifying areas suitable to accommodate a wider variety of housing options.

The Planning Commission found that "circumstances are different today than 15 years ago" in the area around this property. The decision made in 2003 that established the special area of concern "K" for the subject property was found to have not fully considered the limitations associated with access to the property due to driveway spacing standards limiting development to a single-driveway without an exception. It may have been considered appropriate to rezone this property in 2003 when the Comprehensive Plan text amendment was approved when less traffic existed on the adjacent streets and the 10 acre property to the east was an undeveloped vacant field. It is clear today that the increased intensity and/or density of uses possible under the C-R zone will only degrade the livability and safety of those living within the neighborhood and traveling through the adjacent busy intersection. A large amount of new homes have been built directly next door and many more further to the east and approved to the south which has resulted in much greater levels of traffic on the two arterial streets. Heavy pedestrian activity, especially children getting to school raises safety concerns should the volume of traffic from this site be greatly increased as a result of approving a more intense zone for the property.

Staff will point out to the Council that there is some uncertainty in the text language found in the special area of concern "K" within the Comprehensive Plan and implementing an actual change to the zoning of properties to align with a new Comprehensive Plan land use designation is often done to help support the transition, but Canby has numerous areas where our Comprehensive Plan Map land use designation is not yet aligned with the current use and zoning of the property. Many times this is a simple recognition that the "future plan map" often does not go so far as to impose an actual change to someone's property without their consent.

The availability of street and utility services were evaluated to serve the concurrent application to serve the Canby Townhome project. All necessary public services are readily available for extension and improvement by the developer to serve this property for the planned development and reportedly for

any other possible uses if the proposed C-R zone were to be approved. A limitation to driveway access spacing on the arterial streets exists which results in only one allowed access on SE 13th Avenue which is less than optimum from the intersection. The access restriction impacts any proposed use of the property, but a means of access cannot be refused.

The CR land use designation for this property was assumed with the 2010 Canby Transportation System Plan, thus accounting for the reasonable anticipated traffic generation from this property if rezoned to the CR zone. A Transportation Planning Rule (TPR) parameters of State law are satisfied as the proposed change of zone was recognized in the City's acknowledge Transportation System Plan and staff has determined that the proposed zoning is consistent with the TSP and the city's Comprehensive Plan.

The Comprehensive Plan special area of concern "K" designation for this property and its placeholder for the CR zone for the future indicates that higher density uses such as single-family homes built to the R 1.5 development standards, office use, light neighborhood oriented commercial service uses – such as a small day care center, church, senior center, assisted living center, personal service retail uses like a bakery, barber, hobby and crafts shop or various arts studios or a mixture of both residential and the limited service commercial uses identified by the CR zone district would be appropriate for this property.

Planning Commission Recommendation:

The Planning Commission recommended that the City Council:

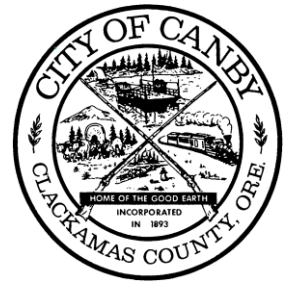
1. Deny zone change ZC 18-04, leaving the R-1 zone in place as offering a more suitable and compatible uses for the area.

Planning Commission Recommended Council Motion: I move to deny the zone change file ZC 18-04 pursuant to the recommendation forwarded by the Planning Commission.

Alternative Possible Council Motion: I move to approve the zone change file ZC 18-04, recognizing the request to be aligned with City's intent for this property within the adopted Comprehensive Plan and land use map, and citing findings that higher intensity uses allowed by the zone are suitable at this busy arterial intersection and that all necessary services are available to adequately serve those uses.

Attachments:

- Planning Commission Final Findings
- Planning Commission Zone Change Public Hearing Draft Minutes for September 10, 2018 (if available)
- Staff Report ZC 18-04 Busse Zone Change with written public comments
- The Busse applicant rezone narrative submittal



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

**A REQUEST FOR A ZONE CHANGE
FROM R-1 LOW DENSITY RESIDENTIAL ZONE
TO C-R RESIDENTIAL-COMMERCIAL ZONE**

**FINDINGS, CONCLUSION & FINAL ORDER
1300 S IVY STREET
ZC 18-04 BUTCH BUSSE**

NATURE OF APPLICATION

The applicant is seeking a Zoning Map Amendment to change an existing tax lot 41E04DA04800, totaling 2.59 acres located at 1300 S Ivy from the existing R-1 Low Density Residential Zone to C-R Residential-Commercial Zone.

HEARINGS

The Planning Commission held a public hearing and considered these applications at its meeting on September 10, 2018 during which the Planning Commission recommended by a 4/1 vote that the City Council deny ZC 18-04 therefore not accepting the recommendation contained in the staff report.

CRITERIA AND STANDARDS

In judging whether or not the Zoning Map should be amended or changed, the Planning Commission and City Council shall consider Section 16.54.040 AND Section 16.88.190 of the Canby Municipal Code which states the applicable review criteria when reviewing a quasi-judicial zone change map amendment, including the following:

For A Map Amendment (Zone Change) (CMC Section 16.54.040):

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;
- 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.

(Section 16.54.060)

- 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 zoned change.

- 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.

Section 16.88.190

- 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). A plan or land use regulation amendment significantly affects a transportation facility if it:
 - 1. Changes the functional classification of an existing or planned transportation facility;
 - 2. Changes standards implementing a functional classification system;
 - 3. As measured at the end of the planning period identified in the adopted plan:
 - a. Allows types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or,
 - b. Would reduce the performance of the facility below the minimum acceptable performance standard identified in the Transportation System Plan.
 - c. Would worsen the performance of a facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the Transportation System Plan.

FINDINGS AND CONCLUSIONS

After holding a public hearing and considering the September 10, 2018 dated staff report, the Planning Commission deliberated and reached a decision on September 10, 2018 recommending denial of the applicant's request for a Zoning Map change. The Planning Commission adopted the findings and conclusions contained in the staff report.

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

The Planning Commission found that "circumstances are different today than 15 years ago" in the area around this property. The decision made in 2003 that established the special area of concern "K" for the subject property was found to have not fully considered the limitations associated with access to the property due to driveway spacing standards limiting development to a single-driveway without an exception. It may have been considered appropriate to rezone this property in 2003 when the Comprehensive Plan text amendment was approved when less traffic existed on the adjacent streets and the 10 acre property to the east was an undeveloped vacant field. It is clear today that the increased intensity and/or density of uses possible under the C-R zone will only degrade the livability and safety of those living within the neighborhood and traveling through the adjacent busy intersection. A large amount of new homes have been built directly next door and many more further to the east and approved to the south which has resulted in much greater levels of traffic on the two arterial streets. Heavy pedestrian activity, especially children getting to school raises safety concerns should the volume of traffic from this

site be greatly increased as a result of approving a more intense zone for the property.

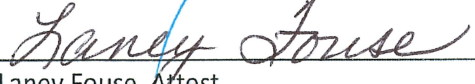
RECOMMENDATION

IT IS RECOMMENDED BY THE PLANNING COMMISSION of the City of Canby that the Canby City Council deny **ZC 18-04**.

I CERTIFY THAT THIS ORDER for Zone Change ZC 18-04 (Butch Busse) was presented and recommended by the Planning Commission for **DENIAL** to the City Council, **DATED** this 24th day of September, 2018


John Savory
Planning Commission Chair


Bryan Brown
Planning Director


Laney Fouse, Attest
Recording Secretary

ORAL DECISION: September 10, 2018

Name	Aye	No	Abstain	Absent
John Savory	✓			
John Serlet				✓
Larry Boatright				✓
Derrick Mottern	✓			
Tyler Hall	✓			
Shawn Varwig	✓			
Andrey Chernishov		✓		

WRITTEN DECISION: September 24, 2018

Name	Aye	No	Abstain	Absent
John Savory	✓			
John Serlet				✓
Larry Boatright	✓			
Derrick Mottern	✓			
Tyler Hall				✓
Shawn Varwig	✓			
Andrey Chernishov				✓



City of Canby

ZONE CHANGE STAFF REPORT

FILE #: ZC 18-04

Busse – R-1 to CR Zone

Prepared for the September 10, 2018 Planning Commission Meeting

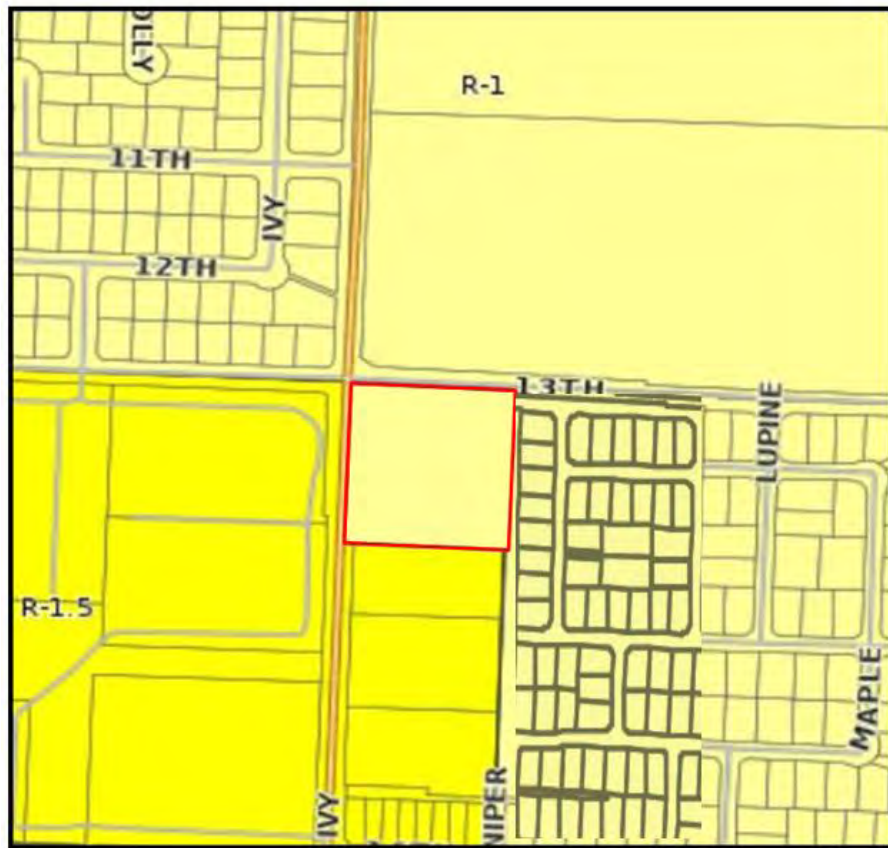
LOCATION: 1300 S. Ivy Street

TAX LOT: 41E04DA04800 (Bordered in map below)

LOT SIZE: 2.59 acres

ZONING: Existing-R-1 Low Density Residential; Proposed-C-R Residential-Commercial

OWNER: Willamette Capital Investments, LLC



APPLICANT: Butch Busse

APPLICATION TYPE: Map Amendment (Rezoning) (Type III)

CITY FILE NUMBER: ZC 18-04

I. PROJECT OVERVIEW & EXISTING CONDITIONS

The proposed zone change is for a mostly underutilized site consisting of a 2.59 acre tract at 1300 S Ivy Street. The applicant for this rezone has concurrent development application(s) for approval of the Canby Townhome project for the same property for which approval of the proposed zone change application is a prerequisite to allow the development project. This application is to change the current zoning of this property from R-1-Low Density Residential to the C-R Residential Commercial zone district to allow the applicant's planned use of the property. The applicant has a contract with the current property owner to purchase this property subject to obtaining the necessary land use entitlements. The subject property contains an existing home in the southwest corner of the lot and barn type storage structure further north on the property.

The property is located within the Canby city limits, and is designated as appropriate for CR Residential Commercial zone in the text of the adopted and acknowledged Canby Comprehensive Plan and on the associated Land Use Plan Map. A Comprehensive Plan Amendment adopted by Ordinance No. 1120 in 2003 provides the primary guidance and basis for a finding and conclusion of law that the rezoning of this property to CR zone can be considered "to be in conformance with the Comprehensive Plan" and therefore a suitable request for the subject property.

The context of surrounding zoning and uses is also an important factor in deciding the suitability of a proposed rezoning. The zoning of the surrounding properties and the use on them have not changed since the 2003 Comprehensive Plan amendment establishing the appropriateness of the CR zone except for the actual construction of adjacent single-family homes in Dinsmore Estates subdivision located directly adjacent to the east of the proposed rezoning. The senior center, swim center, and elementary school is located to the north across SE 13th Avenue with the R-1 zone, Dinsmore Estates subdivision to the east with R-1, older large lot residential use to the south with R 1.5 Medium Density Residential zone and R 1.5 zone for the entire Hope Village Campus in the block across S Ivy Street to the west.

The City of Canby Comprehensive Plan amendment adopted in 2003 envisioned the ultimate best use of this underutilized property at the intersection of two busy arterial streets to be suitable for higher density residential uses, office use, light neighborhood oriented commercial service uses – such as a small day care center, church, senior center, assisted living center, personal service retail uses like a bakery, barber, hobby and crafts shop or various arts studios or a mixture of both residential and the limited service commercial uses identified by the CR zone district. The suitability of any of the uses listed in the CR zone was considered in 2003 when the Comprehensive Plan Text Amendment was considered and adopted and should be considered again at this time with this request to rezone to the CR district.

It is relevant to consider that the Comprehensive Plan and land use plan map are important tools to help the City of Canby identify on a community wide basis and on a more localized neighborhood basis how to best meet the needs of a diversified population when considering how the provision for a wide variety of types and affordability of housing choices and opportunities for new commercial and industrial business locations to serve both our

neighborhoods and the community. Looking at the community as a whole and designating the suitability of various land uses on the Comprehensive Plan Map is paramount to make sure areas are identified that will help the City meet the variety of zone districts and resulting allowed uses that help meet the needs within the community.

A look at the Comprehensive Plan text amendment performed in 2003 reveals that it was initiated as a part of the State Mandated Periodic Review process. In order to meet State land use goal requirements, every City in Oregon is required to adopt a Comprehensive Plan which has been reviewed by the State Department of Land Conservation and Development (DLCD) for conformance with land use goals. A common thread in Canby's past periodic review processes has been the identification of suitable locations and willing property owners for designating areas suitable for a higher residential density than the low density residential R-1 zone which historically has been in much greater supply than the R 1.5 or R-2 zones. In addition, the establishment of the CR zone appears to have been an attempt to provide areas suitable for limited commercial uses that could directly serve and benefit a localized neighborhood area and/or areas that could accommodate higher density residential use or a combination of both residential and commercial uses. The 2003 Comprehensive Plan text amendment adopted sought out areas suitable for the CR zone with willing property owners at the time to help satisfy the overall State mandated land use planning process to find suitable areas to meet nearby neighborhood commercial and/or alternative housing type needs which was in short supply.

The Land Development and Zoning Ordinance indicates that outright permitted residential uses in the proposed CR zone are to be built and conform to the R 1.5 district development standards, while uses permitted conditionally are to be built to the R-2 district development standards. The applicant's planned use of the property if rezoned to the CR zone is for single-family dwellings having common wall construction which is an outright permitted use in the R 1.5 zone but a conditionally allowed use in the CR zone. Lot size for single-family common wall use in the R 1.5 zone is a minimum 3,000 square feet with minimum 40 feet lot width and street frontage and when allowed by conditional use permit within the CR zone there is no minimum lot size but rather a minimum 14 dwelling unit per acre standard with a 20' minimum lot width and street frontage standard. Commercial uses that would be allowed in the CR district have a minimum lot area of 7,000 square feet.

II. ATTACHMENTS

- A.** Signed Application Form
- B.** Applicant Written Narrative
- C.** Assessor's Map and Aerial Photo
- D.** Comprehensive Plan Pages 60-67
- E.** Ordinance No. 1123
- F.** City Maps: Comprehensive Plan Map-2014, Zoning Map Jan. 2014 Originally Relied On By Applicant, City Corrected Zoning Map Aug. 2018
- G.** Agency/Citizen Comments

III. APPLICABLE REVIEW CRITERIA & FINDINGS

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

- 16.24 C-R Residential/Commercial Zone
- 16.54 Amendments to Zoning Map
- 16.89 Application and Review Procedures

City of Canby Comprehensive Plan Policies and Implementation Measures

Chapter 16.54 Amendments to the Zoning Map Analysis

16.54.010 & 0.20 & 0.30 Amendments to the Zoning Map

16.54.010 – Authorization to initiate amendments:

16.54.020 – Application and Fee:

16.54.030 – Public Hearing on Amendment:

Findings: The property owner has authorized initiation of the proposed map amendment by signing an application form. This criterion has been met.

The map amendment application and associated fee required were received from the applicant. This criterion has been met.

Public Hearing criterion will be met when the Planning Commission holds a public hearing and makes a recommendation to the City Council and when the City Council conducts its own hearing and issues a decision.

16.54.040 Standards and criteria

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

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

Findings: The subject property is identified as being in Area “K” as an “Area of Special Concern” that is stated in Policy 6 of the Comprehensive Plan on page 60 and shown on the “Area of Special Concern” map on page 67 of the Plan. Area “K” pertains to the subject property of this rezoning request. The text within the Plan indicates “because of its proximity to Hope Village, schools, and residential neighborhoods, this parcel was identified as a good area for some sort of convenience or residential commercial”... A zone change would be required from R-1 upon redevelopment of the property”. City planning staff researched the official City records and found that Ordinance No. 1123 that adopted the new Area of Special Concern “K” did not change the zoning of the property from the then existing R-1 designation and that no other subsequent request to rezone the property had been approved. Therefore, the zoning of the property is currently R-1 Low Density Residential and we are now processing a rezoning by the applicant with the consent of the owner of the property to secure the C-R zone as indicated to be suitable for this property by the provisions of the adopted Comprehensive Plan text amendment that created Special Area of Concern “K”. The Plan text further states “A placeholder designation of Residential/Commercial (R-C) has been placed on the parcel because it offers the property owner more options at this time”. Staff has concluded that the Canby Comprehensive Plan Map was suitably changed at the time of the adoption of Ordinance

No. 1123 to reflect a land use designation of R-C. The requested zone for the property is consistent with the zone designation on the Comprehensive Plan Map and with the text describing the Special Area of Concern "K". After a review of the Comprehensive Plan and the applicant's narrative, staff concludes that the request meets provisions in Policy 6 and the applicable goals and policies listed in the Comprehensive Plan.

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

Findings: No problems or issues in the City's ability to provide adequate utility services to serve allowed uses within the proposed zone have been identified and the extension of utility services to serve the proposed use of the property as identified in a separate concurrent development application have not been raised by City service providers that would prevent adequate services at the time of development. There is no evidence that future development of the property for any of the allowed uses within the R-C zone or for the proposed use could not meet standards for adequate public facilities.

Chapter 16.08 General Provisions

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 Comprehensive Plan Map Amendment or Zoning Map Amendment. A traffic study has been performed with the separate concurrent development applications. In addition, the proposed zone and its resulting level of traffic when redeveloped with permitted uses within the C-R zone were accounted for within the adopted TSP. This review criterion has been met.

Chapter 16.24 C-R Residential/Commercial Zone

The subject property is proposed to be rezoned to the C-R zone as indicated in "Special Area of Concern "K" within the Comprehensive Plan.

Findings: After receiving zone change approval, the property shall meet all development criteria and standards of the C-R zone including the allowed uses. In order to develop the parcel the applicant has concurrently filed applicable development applications for approval as required by the C-R zone. Approval of the concurrent development applications shall be conditioned on approval of the requested C-R zone as the proposed use is not otherwise allowed in the existing R-1 district.

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: Amendments to the Zoning Map, or "Zone Changes", are processed as a Type IV "quasi-judicial" process which is considered through a public hearing at the Planning Commission that forwards a recommendation to the City Council. The City Council also holds a public hearing and issues a final decision. The decision for a Map Amendment is documented by the Council through approval of an Ordinance. The notice requirements are the same as for Type III applications.

Notice of this application and the Planning Commission and Council Hearing dates was made to surrounding property owners at least 20-days prior to the hearing(s) on August 20, 2018. A neighborhood meeting for this zone change application was not held since a previous one was held for the concurrent development applications. The site was posted with a Public Hearing Notice sign in July, 2018. A new notice meeting ordinance requirements of the public hearings was published in the Canby Herald on September 5, 2018. 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, including all residents of Hope Village, to all applicable public agencies and City departments on August 20, 2018. Comments are summarized below while the actual comments received are attached to this report. As of the date of this Staff Report, the following comments were received by City of Canby from the following persons/agencies:

Persons/Agency/City Department Comments.

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

- Rick Brown, 1395 S Larch Street. In opposition to the requested zone change by indicating this area is not designed or suitable for possible commercial uses that could

be allowed. The additional traffic from the proposed use would greatly impact all the surrounding uses.

- Micke A Paul, 1315 S Larch Street (Lot 63). In opposition to the requested zone change with concern for compatibility of housing types, neighboring 2-story homes looking down into windows and backyard, and not expected use in the neighborhood, no place to park in the private street, and need for two full service entry's.
- Craig & Barb Carpenter, 325 SE 13th Place. In opposition to the zone change as it has always been R-1 zoning and that is what it should remain to be consistent with the surrounding area, the rezone would increase the amount of traffic, inadequate parking planned, dangerous to school children in the area due to traffic, not proper turnaround for emergency providers, and mistaken statement that 3 story structures would imposed (they are only 2-story) that would infringe on privacy of existing residences on Larch Street.

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 application and proposed rezoning is in conformance with applicable sections of the City's Comprehensive Plan and Land Development and Planning Ordinance when the determinations contained in this staff report are applied.
2. The requested zoning of the property to C-R Residential/Commercial, as indicated in the application and pursuant to the approval criteria set forth for map amendments in CMC Section 16.54.040; have been satisfactorily met.
3. There are sufficient public and private agency utility and service capacity to serve the site for the uses that would be allowed in the C-R zone.

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. ZC 18-04 be approved and,
2. The zoning of the subject property be designated as C-R Commercial-Residential as indicated by the Canby Comprehensive Plan Map.



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

LAND USE APPLICATION

Zone Map Change Application

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

☐ Applicant Name: Butch Busse Phone: 503-572-6442
Address: P.O. Box 2375 Email: butchb@hrhomes.net
City/State: Clackamas, Oregon Zip: 97015

☒ Representative Name: Brandie Dalton, Planner Phone: 503-363-9227
Address: 1155 13th Street SE Email: bdalton@mtengineering.net
City/State: Salem, Oregon Zip: 97302

☐ Property Owner Name(s)*: Willamette Capital Invest. Phone: 503-407-8957

Signature: Pat Hanlin 8/3/2018 | 10:32 AM PDT CD 8/3/2018 | 10:43 AM PDT
Address: _____ Email: _____
City/State: _____ Zip: _____

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

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

PROPERTY & PROJECT INFORMATION:

1300 S. Ivy Street 2.59 Acres 41E04DA/TL 4800
Street Address or Location of Subject Property Total Size of Property Assessor Tax Lot Numbers

Vacant R-1 Residential-Commercial
Existing Use, Structures, Other Improvements on Site Zoning Comp Plan Designation

Zone Change from R-1 to C-R
Brief description of proposed development or use
See Attached Narrative

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

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

Canby Zone Change

SITE:

The subject property is located at 1300 S Ivy Street (41E04DA/Tax Lot 4800). The subject property is about 2.59 acres in size and is zoned R-1 with a Residential/Commercial (RC) Comprehensive Plan designation.

PROPOSAL:

The applicant is proposing to rezone the subject property from R-1 to C-R. This zone designation will be consistent with the Residential/Commercial (RC) Comprehensive Plan designation.

VICINITY INFORMATION:

There is an existing single-family dwelling and shed on the time that will be removed prior to development. The surrounding properties are fully developed.

North: R-1 zone; Across 13th Avenue, an existing adult center

East: R-1 zone; Existing single-family dwellings

South: R-1.5 zone; Existing single-family dwellings

West: R-1.5 zone; Across Ivy Street, existing attached single-family dwellings



ZONE CHANGE CRITERIA 16.54.040:

- 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;***

The proposed development is consistent with the policies of the comprehensive plan. The applicable Policies of the Comprehensive Plan are addressed as follows:

The intent of the comprehensive plan is to project the goal of the most desirable pattern of land use in the area taking into account various factors such as the transportation system, location of public facilities, and the needs of the people which are important to the creation and maintenance of a healthful and pleasing urban environment. To ensure that the anticipated urban land use needs are met, the Plan map demonstrates a commitment that land for a wide variety of uses will be available at appropriate locations as needed.

Citizen Involvement Policies 1 and 2:

The City's adopted Comprehensive Plan Goals and Policies, and its adopted zone code, implement the Statewide Citizen Involvement Goal. This application will be reviewed according to the public review process established by the City of Canby. The City's Plan is acknowledged to be in compliance with this Policy. Notice of the proposal will be provided to property owners and public agencies. The notice will identify the applicable criteria. A public hearing to consider the request will be held. Through the notification and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, attend the public hearing, and participate in the decision.

These procedures meet the requirements of the policies for citizen involvement in the land use planning process.

Environmental Policies 1-R-B, 3-R, 4-R, 8-R:

The City's adopted Comprehensive Plan, Scenic and Historic Areas, Natural Resources and Hazards, Commercial, Industrial and Transportation Goals and Policies along with adopted facilities plans implement this Policy.

Development is required to meet applicable State and Federal requirements for air and water quality. The proposal to develop the site is reviewed by the City and any applicable outside agencies for impacts on environment and compliance to applicable standards and regulations. Development is required to meet applicable water, sewer, and storm drainage system requirements. Upon development, the City is responsible for assuring that wastewater discharges are treated to meet the applicable standards for environmental quality. Prior to development, the applicant will obtain all required State, Federal, and local permits.

The City has identified the process through which water; sewer and storm drainage will be supplied to the site as stated in previous meetings with the applicant.

The major impact to air quality in the vicinity is vehicle traffic along the boundary streets. The traffic generated from the site will be minor compared to the total volume of traffic in this area,

and will not create a significant additional air quality impact. At this time, a Traffic Impact Analysis is not required for this level of development.

The proposed development will have no significant impact on the quality of the land. Considering the location of the site within the city, the availability of public facilities to provide water, sewage disposal and storm drainage services, and the surrounding transportation system, the proposal will have no significant impacts to the quality of the air, water or land. The City's adopted facility plans implement Goal 6.

The City's adopted Comprehensive Plan Open Space Policies implements the Statewide Recreation Needs Goal by encouraging conservation and identification of existing and needed park resources and funding mechanisms. The subject property will be developed as a PUD which will be required to provide on-site open space areas. These areas will provide recreational areas for the residents. At the time of development, the proposal will provide improved public pedestrian connections via hard-surfaced sidewalks the will connect to the existing pedestrian circulation.

Therefore, the proposal complies with these policies.

Transportation Policies 1, 2, 3, 4, 6:

The City's adopted Comprehensive Plan Transportation Goals and Policies implements the Statewide Transportation Goal by encouraging a safe, convenient and economic transportation system. The subject property is located along Ivy Street and 13th Street. The major streets are in place due to previous development. The County will be notified of the proposal and will provide comments regarding any county roads effected by this proposal.

All improvements will be made as required by Code and any Conditions of Approval.

Policy No.6: 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.

Under Policy No. 6, the subject property is identified as an "Area of Special Concern" and identified as Area "K" on page 60 of the Canby Comprehensive Plan.

Area "K" is approximately 2.5 acres in size and is currently inside City Limits with a zoning of R-1. The parcel is located on the southeast corner of SE 13th Avenue and S. Ivy Street and is currently being operated as a commercial nursery (a grandfathered use from before it was annexed). Because of its proximity to Hope Village, schools, and residential neighborhoods, this parcel was identified as a good area for some sort of convenience or residential commercial. Because of the different allowed uses in each zone, it is difficult to determine which designation would be most appropriate. Many meeting participants felt that a convenience store (allowed outright in the Convenience Commercial (CC) zone but not at all in the Residential Commercial (CR) zone) might be appropriate but it is unclear as to whether a service station (also allowed outright in the CC zone) is equally as compatible with surrounding uses. A placeholder designation of Residential Commercial (RC) has been placed on the parcel because it offers the property owner more options at this time, but the City may wish to consider a text

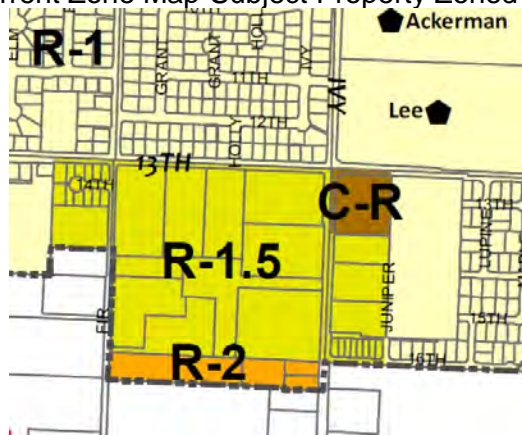
amendment to change the allowed or conditional uses in either zone to provide for a well-designed convenience store at this location. A zone change would be required from R-1 upon redevelopment of the property.

This property is currently zoned R-1 with a Residential Commercial (RC) comprehensive zone designation. As stated above, the RC Comprehensive plan designation is a place holder for the C-R zone which would allow the owner a wider range of developer options than the current R-1 zone.

After doing research (online adopted zone maps and pre-application notes) on the site and speaking with City staff the applicant was informed that the subject property was zoned C-R. Several months later the applicant was informed that staff had made a mistake and an error existed on the current adopted zone map. Staff then informed the applicant that the subject property is actually zone R-1 and would require a zone change to C-R.

Therefore, the requested zone change is due to City error. The rezoning of the subject property will allow the applicant to proceed with future development of the site and fulfil the intent of Policy No. 6 and the Special Area "K" as stated above.

Current Zone Map-Subject Property Zoned C-R



The existing neighborhood consists of detached single-family housing and attached single-family dwellings. In order to maintain the character of the neighborhood, the site will be developed in compliance with required Design Standards.

Therefore, these policies have been met.

Public Facilities Policies:

The City's adopted Comprehensive Plan, residential, Transportation Goal and Policies, and adopted Storm water and Water Master Plans implement the Statewide Public Facilities and Services Goal by requiring development to be served by public services. The proposal is for revitalized urban development in an area where future extensions of those services can be provided in the most feasible, efficient and economical manner. All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time building permits are requested.

In order to assure compliance and prior to building permits, the applicant will work with the Fire Department and all other required agencies.

Sidewalks are or will be provided throughout the site for pedestrian circulation. The location along a major transportation corridor facilitates vehicle access, bicycle and pedestrian access, provides significant opportunity to reduce vehicle miles traveled. The vehicle, bicycle, and pedestrian circulation systems will be designed to connect to the existing street and sidewalk systems.

The education district's master plan provides for growth in the district and has options to meet the demand. The education district reviews the population factors to determine planning, funding and locating new schools or providing additional facilities on the sites of existing schools.

Other private service providers supply garbage, telephone, television, postal and internet services as needed by the development. The required public services and facilities to serve new development will be determined by the City at the time development permits are requested. By providing adequate public facilities and services for the proposed use, the requirements of these policies are 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.*

The submitted plans show that the proposed buildings can be serviced by the infrastructure to support the development and will be designed to City standards.

Prior to construction of the site, the applicant will provide plans that identify all existing and proposed utilities. The plans will show how all required utilities will be connected to existing or relocated to provide services to the proposed development.

The applicant will obtain all required permits prior to construction.

In Conclusion: The rezoning of the site to C-R is the fair thing to do based on the City's error. The rezone will be consistent with the intent of Policy No. 6 as stated above.

As shown above and on attached materials, the applicant's findings and site plan meet the Code requirements and therefore approval of this Zone Change is warranted.

Cancelled Taxes






4 1 E 04DA
CANBY

Untitled Map

Write a description for your map.



Legend

-  Commercial @ Fairway
-  Courthouse Athletic Club
-  Robins Lane Apartment Complex

Distinguished by design guidelines and standards to be applied to the area contained in Canby's Industrial Area Master Plan. This area is generally bound by Highway 99-E and 1st Avenue to the north, Mulino Road to the east, SE 13th Avenue to the south, and Molalla Western Railroad to the west. Land uses are allowed in this area as per the underlying zone designations. Design standards and guidelines are found in the Industrial Area Master Plan.

FINDING NO. 6

In every community there are certain areas which, because of unique development constraints or other special circumstances, warrant special attention in terms of land use regulations. By identifying these areas on a map to be used in conjunction with the Land Use Map, such special regulations can be delineated in the Comprehensive Plan without the necessity of making Zoning Ordinance revisions for each special area. After the adoption of the Comprehensive Plan and Land Development/Planning Ordinance in January 1984, L.C.D.C. staff requested that additional work be done to assure that sites which are planned for eventual densities and intensities of development beyond those allowed by present zoning, are protected from incompatible development during the interim. A number of new Areas of Special Concern have been added to those originally adopted in order to accomplish this.

All of the various Areas of Special Concern have characteristics which necessitate unique treatment rather than conventional development to minimum standards set by present zoning. Some of the areas presently lack full urban services of the sort necessary to support the density or intensity of development which is planned to eventually occur. Other areas are presently developed in a certain manner which conflicts with the planned use of the site (e.g., single-family dwellings in an area designated for eventual commercial use). In such cases, it is proper to leave the present Low Density Residential Zoning intact as a "holding pattern" until a thorough "redevelopment" of the area is undertaken. In other locations upzoning is appropriate as soon as any increased development is undertaken. Finally, there are some locations requiring special design considerations to assure that development, or redevelopment, is appropriate. It is the City's intention to use the upzoning process to implement the Comprehensive Plan in all cases where upzoning is indicated on the Land Use Map. In some cases, the upzoning could happen in the very near future. In other cases, it may be years before all required physical improvements are adequate to serve the subject properties. The City will continue to rely on the upzoning process as a means of assuring that improvements are made in a timely fashion. At the same time, all of these sites will continue to be protected from development which would preclude their eventual use as shown on the Land Use Map.

POLICY NO. 6: 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.

IMPLEMENTATION MEASURES:

A) A map of “Areas of Special Concern” is included in the back of this Plan Element. That map is to be regarded as having the full force and effect of the Land Use Map in determining appropriate land uses and levels of development. Development proposals, even those that appear to conform with existing zoning, will be considered to conform with the Comprehensive Plan only if they meet the requirements imposed here.

B) Specific characteristics of the Areas of Special Concern are as follows:

1. *Area “A”* is significant because of its location on Highway 99-E at a main entry to the City. This site has long been zoned for industrial development but has remained vacant because of topographic constraints, lack of State highway access, and limited rail access. With the installation of traffic signals at the intersection of Highway 99-E and S.W. Berg Parkway, the opportunity for major access improvements to the site can be seen. It now appears that commercial development would better utilize this area, but with a large adjacent area designated for industrial development, it would seem most reasonable to allow either light industrial or general commercial development (provided that any commercial development utilize the signalized intersection for access to Highway 99-E). The development of Area “A” is expected to have an impact on access to Area “B,” which is adjacent. Area “A” has been rezoned C-M.
2. *Area “B”* is designated for Heavy Industrial use on the Land Use Map. It is unique because of its location within an old aggregate removal site, with special access, water and sewer service, and drainage concerns which result from its physical condition and location. Area “B” will be upzoned to M-2 when all public facilities are available to serve the area and access problems have been resolved.
3. *Area “C”* includes all of the property shown on the Land Use Map within the “Residential-Commercial” category and having frontage on S. Ivy Street. Every-increasing traffic on S. Ivy Street necessitates special treatment for access, especially where commercial or multi-family residential development occurs. The site plan review process shall be used to assure that strict adherence to parking and access requirements are maintained. Portions of this area which have already been zoned R-2 and developed residentially will be allowed to remain in R-2 zoning. C-R zoning has begun to be used as individual applications for zone changes have been processed. There is no reason to attempt to hasten this transition process because residential uses can eventually be converted to mixed residential/commercial use.

4. *Area "D"* is significant because of its location separating industrial, multiple-family residential, and single family residential areas. Originally intended as a "buffer strip" between conflicting uses, the site remains in private ownership with no known development plans. In order to assure that the development of the site does not conflict with surrounding uses, a review of any proposed design will be necessary. To assure maximum yield to the owner, without creating any undue hardships for residents, M-1/PUD zoning has been applied to the site.
5. *Area "E"* is significant because of its preponderance of extremely deep lots with resulting access constraints. Density of development remains extremely low because of poor access. As a means of opening this area up to increased development, while solving the access problem at the same time, planned unit developments using looped, one-way access roads are encouraged. Such one-way roads will be at least 20 feet in width, with parking restricted to one side and sidewalks required on one side only. They shall be private roads, but the City shall be guaranteed that the roads are maintained or work performed at the owners expense. The Land Use Map designates the area for Medium Density Residential use with appropriate zoning to remain R-1 until a specific proposal is made for R-1.5 PUD zoning.
6. *Area "F"* consists of a relatively narrow strip of land along the west side of N. Maple Street, north of N.W. 22nd Avenue. This land was included within the City's Urban Growth Boundary to allow for the eventual widening of N. Maple Street, which is presently a half street. It has been identified as an area of special concern because the City may need to allow special development techniques to maximize density while still requiring adequate buffers to minimize conflicts with adjacent agricultural activities. The improvement of N. Maple Street to full width is a major city concern because of the potential for increased development in the area, particularly within the Country Club. Development along the street must also allow for streets to eventually be constructed intersecting N. Maple Street from the west. R-1/PUD zoning will be applied to this area at the time of annexation.
7. *Area "G"* is a small triangular shaped piece of property with potential development limitations due to steeply sloping west and south sides and lack of present sewer service. Proper site planning and some financial investment should mitigate both problems at some point in the future. Until that time, development will be limited to a single family dwelling. Any further development will require the prior upzoning to R-1.5.
8. *Area "H"* is a developed neighborhood of single-family dwellings on conventional City lots. It is planned for eventual redevelopment to more of a multiple family and duplex character. The existing developed nature

of the area obviates any need for an immediate zone change at this time. Any proposals for new development or redevelopment of the area, other than for one single-family dwelling, per lot, will require prior upzoning to R-2.

9. *Area "I"* consists of a wide strip of property bordering N.E. Territorial Road. It includes properties which are planned for medium density residential use and properties planned for high density residential use. Present development in the area includes apartments, condominiums, single-family dwellings, and vacant lots. Present zoning includes some R-2 areas and a predominance of R-1 areas. Street dedications and, in some cases, street improvements are needed to make some of the properties suitable for higher density development. New developments, other than one single-family dwelling per lot, will require prior upzoning to either R-1.5 or R-2, as appropriate.
10. *Area "J"* is a large area of multiple owners bounded on the west side by Highway 99E, SE 1st Avenue to the South, Haines Road to the East, and the Urban Growth Boundary to the north. The area contains numerous single family homes, a pub (The Spinning Wheel), several churches, and significant open space and natural features, the most notable is a large, man-made lake located in the approximate center of the area. Because of the existing mix of uses, this area presents a unique opportunity for the City to master plan the area and create appropriate zoning language and/or zoning overlays to encourage a mixed density neighborhood. Until a master plan is adopted, this area should be held in reserve and properties in this area should remain a low priority for annexation. The creation of this master plan should be high on the priority list for long-range planning project for the City. Through the 2002-2003 public process to locate appropriate areas for Medium and High Density Residential Land, this area was found to be appropriate for the equivalent of a minimum of 12 acres of High Density Residential Development and a minimum of 15 acres of Medium Density Development. During the master planning process, these numbers should be used as a guideline, but could be increased if, through a public input process, more is deemed desirable, especially if it is to protect existing open spaces, natural features, or other desirable elements for the area. Development of the master plan should concentrate on protecting the special natural and physical characteristics of the area.
11. *Area "K"* is approximately 2.5 acres in size and is currently inside City Limits with a zoning of R-1. The parcel is located on the southeast corner of SE 13th Avenue and S. Ivy Street and is currently being operated as a commercial nursery (a grandfathered use from before it was annexed). Because of its proximity to Hope Village, schools, and residential neighborhoods, this parcel was identified as a good area for some sort of

convenience or residential commercial. Because of the different allowed uses in each zone, it is difficult to determine which designation would be most appropriate. Many meeting participants felt that a convenience store (allowed outright in the Convenience Commercial (CC) zone but not at all in the Residential Commercial (CR) zone) might be appropriate but it is unclear as to whether a service station (also allowed outright in the CC zone) is equally as compatible with surrounding uses. A placeholder designation of Residential Commercial (RC) has been placed on the parcel because it offers the property owner more options at this time, but the City may wish to consider a text amendment to change the allowed or conditional uses in either zone to provide for a well designed convenience store at this location. A zone change would be required from R-1 upon redevelopment of the property.

12. *Area "L"* comprises approximately 30 acres of parcels zoned for low density residential development. The parcels have been farmed for many years and were outside the Urban Growth Boundary of the City until 2003. The area presents a unique challenge because it is surrounded by existing neighborhoods that could be negatively impacted by development. In addition, the City has infrastructure requirements that must be developed following a comprehensive master plan addressing parks and/or open space provision, street and infrastructure design, public safety facilities, buffering, and other relevant issues. The master plan should integrated reasonable foreseeable uses of adjacent properties, Subdivision of the property should not occur unless such a master plan is approved by the Planning Commission. Creation of the master plan should include input from the public and neighborhood association.
- C) In each of the examples listed above where one single family dwelling per lot is to be allowed prior to up zoning, the City will review the plot plans of such dwelling units and set such conditions regarding building setbacks or orientation as may be necessary to assure that future higher densities or intensities of development will not be precluded because of such building placement.

FIGURE III-1

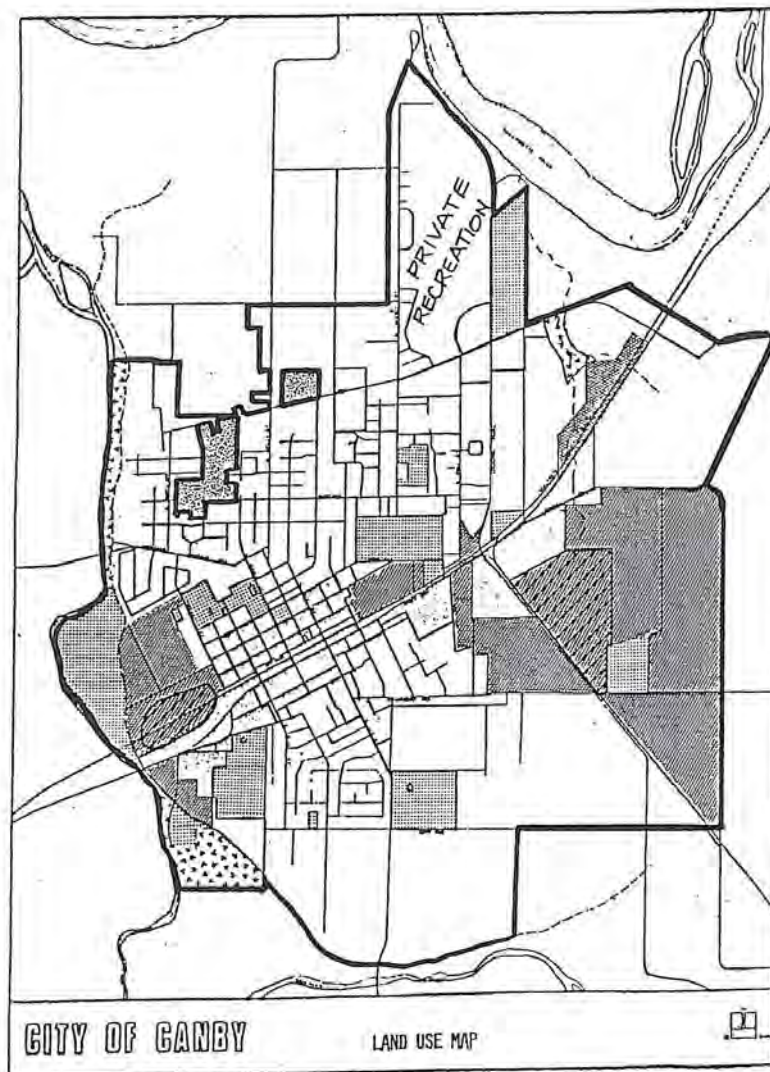
LAND USE MAP ACREAGE FIGURES

	<i>Within City Limits</i>	<i>Within UGB</i>	<i>Total City + UGB</i>
Agricultural	30.5	13.4	43.9**
Low Density Residential	668.5	1,140.0	1,808.5
Medium Density Residential	85.4	12.3	97.7
High Density Residential	206.6	52.4	259.0
Private - Recreational	149.8	-0-	149.8
Public Owned	221.0	19.2*	240.2
Downtown Commercial	58.0	-0-	58.0
Convenience Commercial	-0-	2.0	2.0
Residential - Commercial	17.8	-0-	17.8
Highway Commercial	95.0	14.0	109.0
Commercial Manufacturing	27.2	44.4	71.6
Light Industrial	153.8	240.4	394.2
Heavy Industrial	24.8	69.5	94.3
Flood-Sleep Slope	<u>57.0</u>	<u>25.0</u>	<u>82.0</u>
TOTALS	1,795.4	1,632.6	3,428.0

*Zion Memorial Cemetery already City-owned

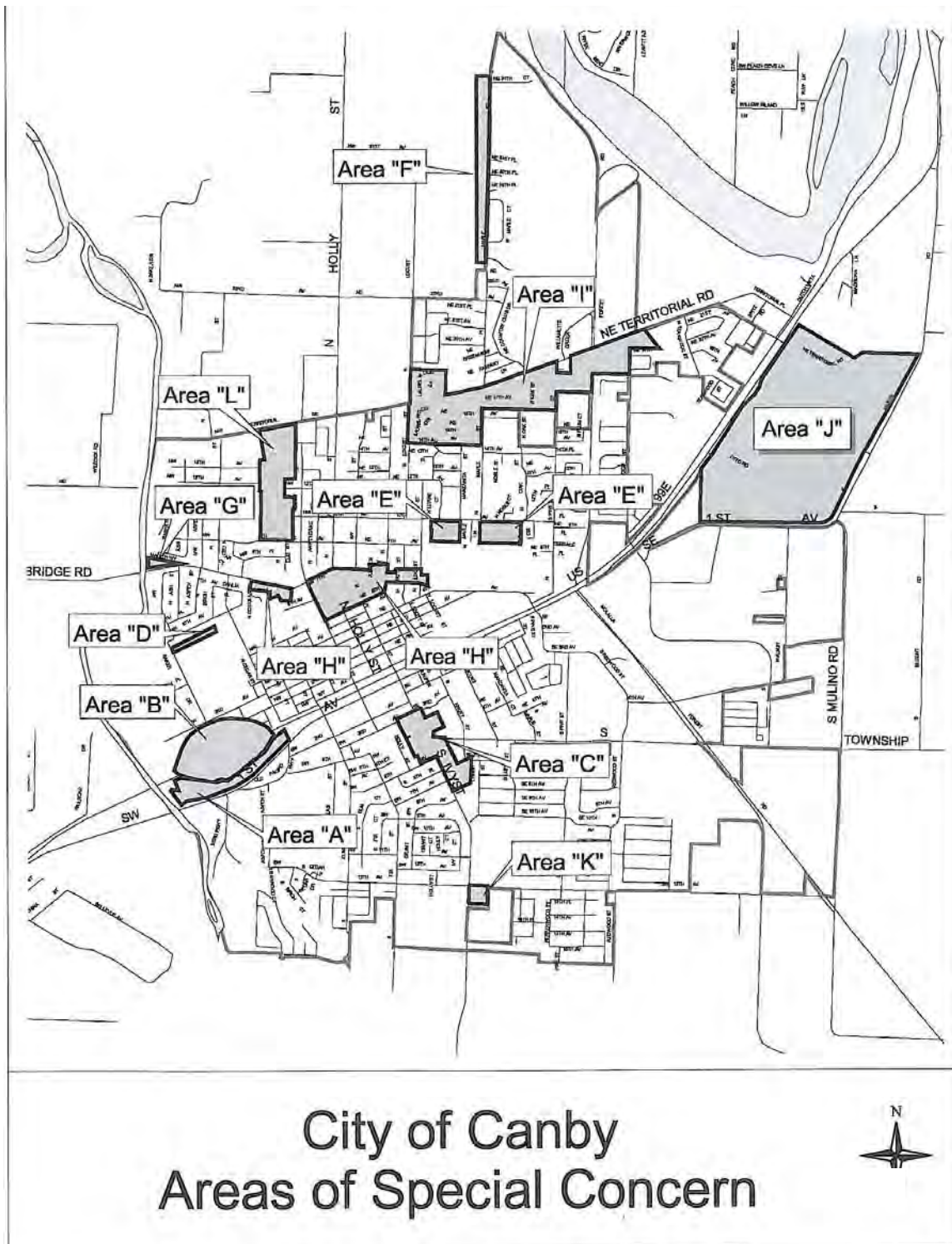
**This property excluded from U.G.B.

NOTE: The locations shown on this map are generalized. More specific information can be gained from the official land use map on file in City Hall.

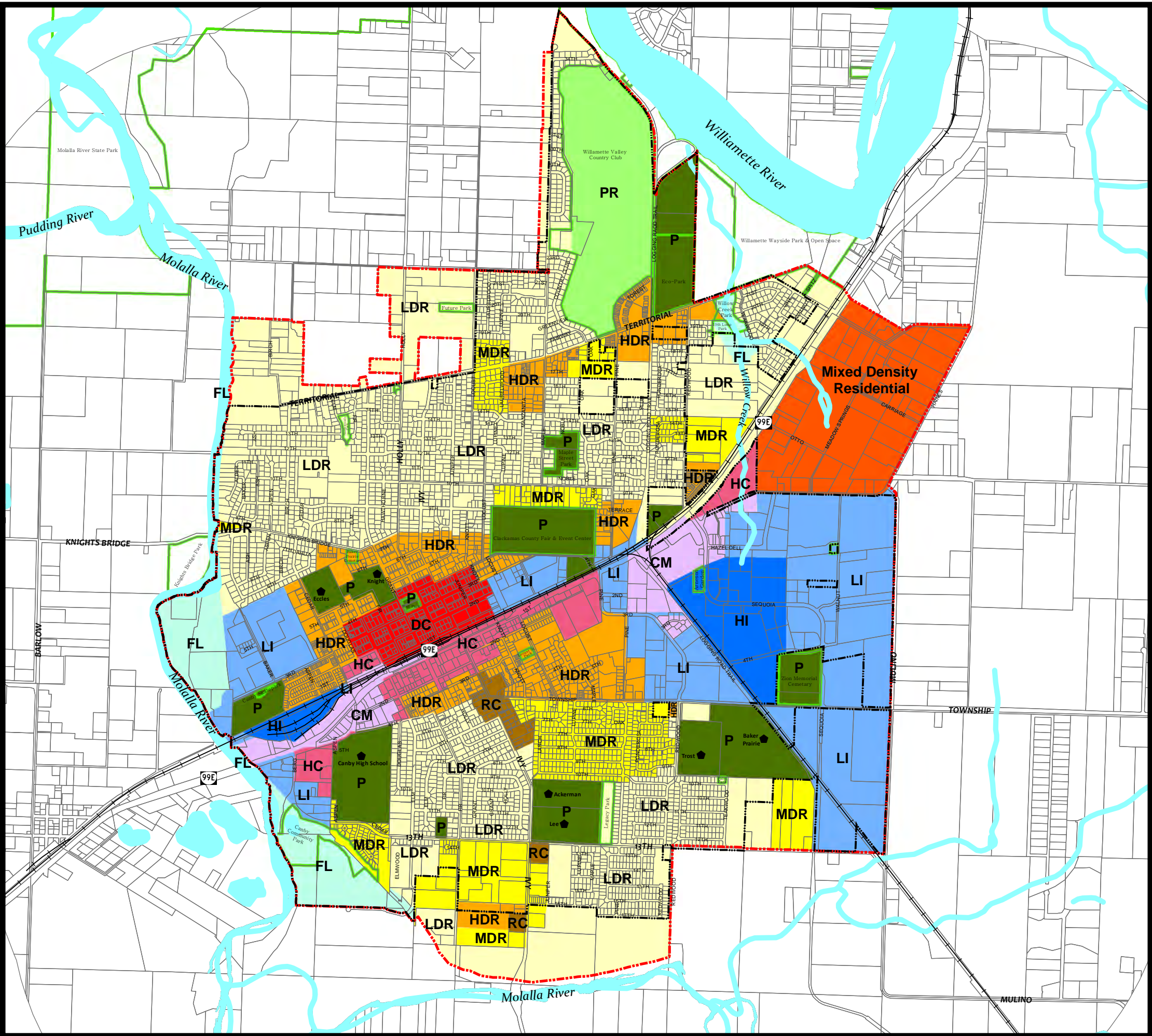


Canby Comprehensive Plan

Land Use Map



City of Canby Comprehensive Plan Map



- City Limits
- Urban Growth Boundary
- Parks
- LDR-Low Density Residential
- MDR-Medium Density Residential
- HDR-High Density Residential
- Mixed Density Residential
- RC-Residential Commercial
- DC-Downtown Commercial
- HC-Highway Commercial
- CM-Commercial/Manufacturing
- LI-Light Industrial
- HI-Heavy Industrial
- P-Public
- PR-Private Recreation
- FL-Flood Prone/Steep Slopes

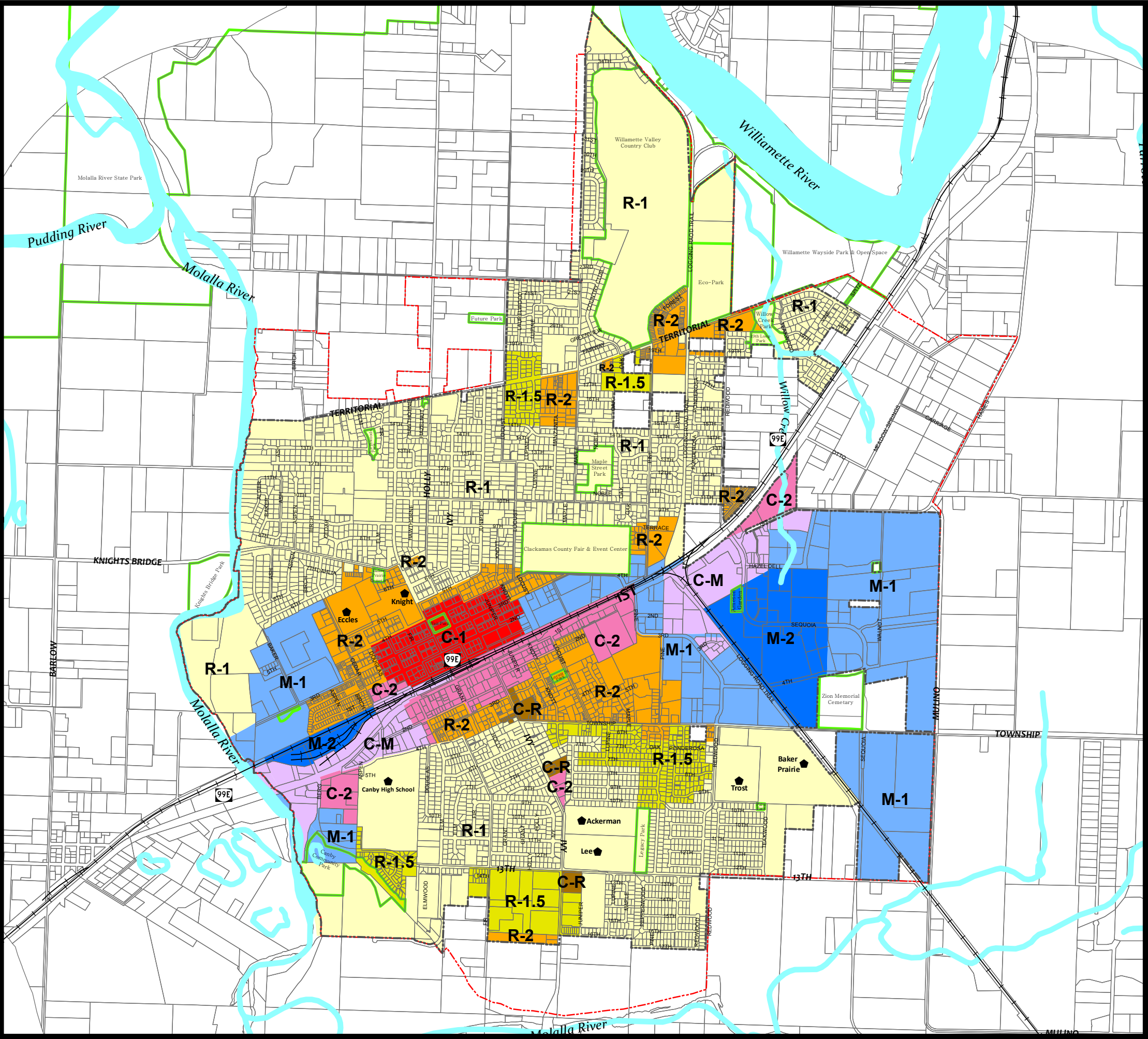
0 0.25 0.5 1 Miles

May 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.



City of Canby Zoning Map



City Limits

Urban Growth Boundary

Parks

R-1 Low Density Residential

R-1.5 Medium Density Residential

R-2 High Density Residential

C-R Residential Commercial

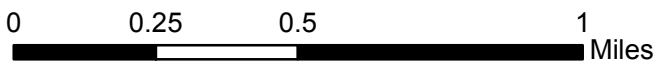
C-1 Downtown Commercial

C-2 Highway Commercial

C-M Commercial Manufacturing

M-1 Light Industrial

M-2 Heavy Industrial

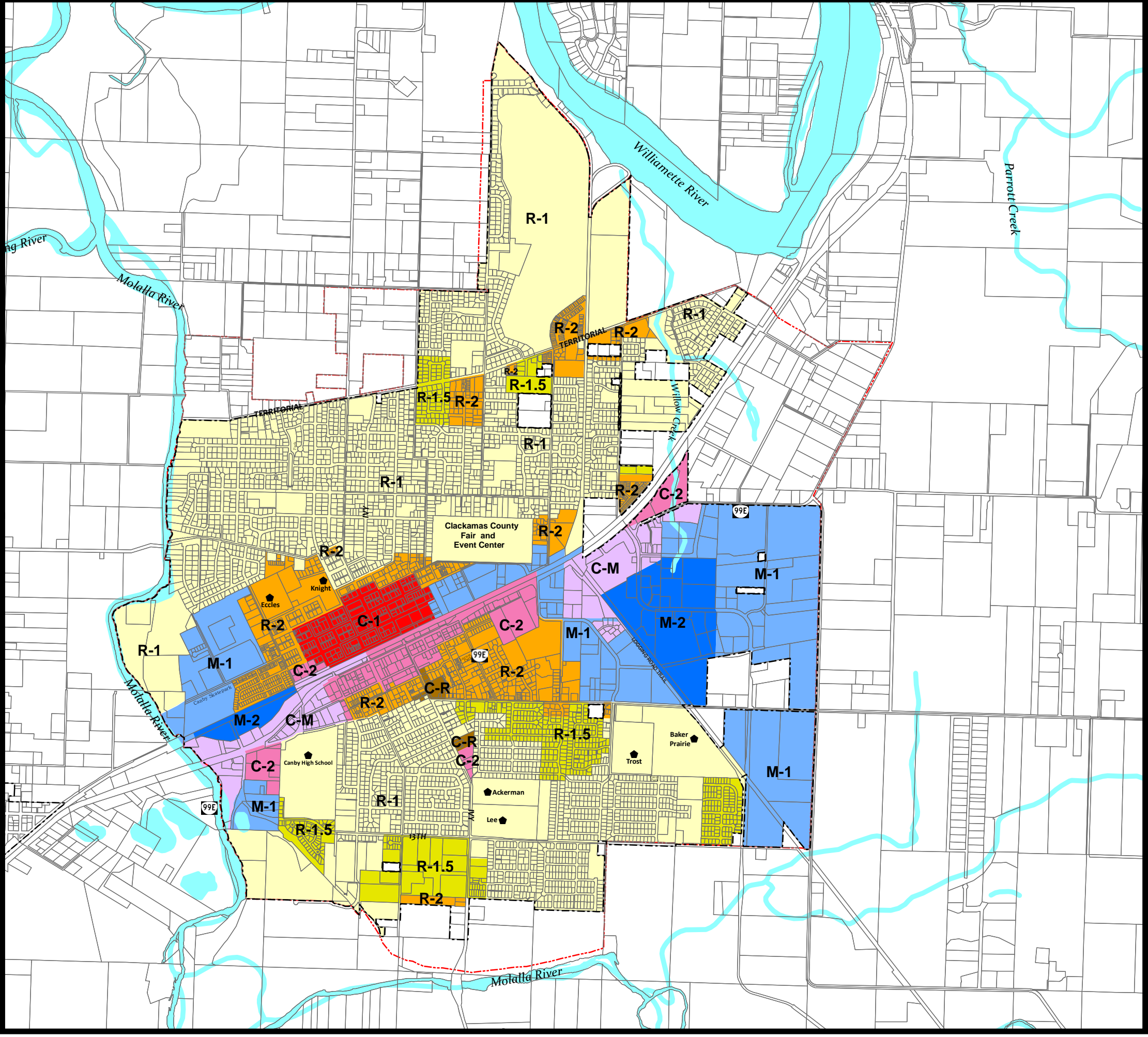


January 2014

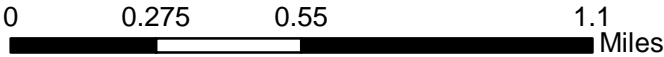


The information depicted on this map is for general reference only. The City of Canby cannot accept any responsibility for errors, omissions, or positional accuracy. However, notification of errors would be appreciated.

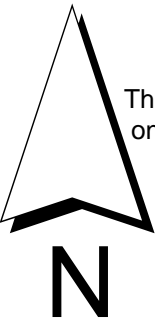
City of Canby Zoning Map



- City Limits
- Urban Growth Boundary
- R-1 Low Density Residential
- R-1.5 Medium Density Residential
- R-2 High Density Residential
- C-R Residential Commercial
- C-1 Downtown Commercial
- C-2 Highway Commercial
- C-M Commercial Manufacturing
- M-1 Light Industrial
- M-2 Heavy Industrial



September 2018



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.

Laney Fouse

From: Craig-Barb Carpenter <craigbarb.carpenter@yahoo.com>
Sent: Wednesday, August 29, 2018 2:45 PM
To: PublicComments
Subject: City File # ZC 18-04, ZONE CHANGE, 1300 S Ivy St:
Comments & Concerns

We oppose the zone change from R-1 to C-R, for the following concerns:

- 1) The "SALE" should never have been listed as C-R, when the zone is, and was at the time of listing, R-1. The existing R-1 Low Density zone designation should remain to be consistent with the surrounding area.
- 2) A C-R zone change would result in an abundance of increased traffic on 13th and inadequate parking for a C-R build of 30-38 units.
- 3) Increased traffic is a safety concern for school children at both Ackerman and Philander Lee
- 4) Overflow parking for a C-R build would potentially be on Larch, 13th Place and the Canby Adult Center lot
- 5) Emergency responders would not have adequate access to enter / turn around / exit
- 6) A high density C-R build would effect the current available water supply, which is dependent on the level of the Molalla river.
- 7) The proposed C-R build is essentially a series of 3 story structures, at approx 38' high, which would infringe on the privacy of residence on Larch.

Thank you for your consideration.

Regards,
Craig & Barb Carpenter
craigbarb.carpenter@yahoo.com
325 SE 13th Place
8/29/18

CITY OF CANBY –COMMENT FORM

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

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

Written comments to be included in Planning Commission packet are due by August 31, 2018.

Written comments to be included in City Council packet are due by September 21, 2018.

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

Application: Zone Change 1300 S Ivy St (ZC 18-04)

COMMENTS:

It is important that this land parcel remain R1 and NOT BE changed. The entire properties adjoining this land is not designed for commercial uses. Additional traffic for a commercial development "Canby Townhouses" would greatly effect not only the existing neighborhoods but the schools and Senior Center and swimming pool traffic. Please do not allow this zone change.

CITIZEN NAME: Rich Brown
EMAIL: browaco1@frontier.com
ORGANIZATION/BUSINESS/AGENCY: _____
ADDRESS: 1395 S. Carch St Canby OR 97013
PHONE # (optional): _____
DATE: 8/22/18

PLEASE EMAIL COMMENTS TO
PublicComments@canbyoregon.gov

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

- ☐ Adequate Public Services (of your agency) are available
- ☐ Adequate Public Services will become available through the development
- ☐ Conditions are needed, as indicated
- ☐ Adequate public services are not available and will not become available
- ☐ No Comments

NAME: _____
AGENCY: _____
DATE: _____

Thank you!

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

CITY OF CANBY –COMMENT FORM

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

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

Written comments to be included in Planning Commission packet are due by August 31, 2018.

Written comments to be included in City Council packet are due by September 21, 2018.

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

Application: Zone Change 1300 S Ivy St (ZC 18-04)

COMMENTS:

This is not the appropriate time, if ever, to try and change the zoning of this property. At one time maybe, before the higher scale homes were built on what would be the next block east of the proposed town homes that would look down into our windows and back yards. And certainly not expected in the neighborhood.

However, the Willamette Capital Investment applicant wants the zone change to stuff high density residential/commercial with 38 town units and their own private service entrance which is not a standard size street. They must have an off street two car garage for each unit and will become storage areas with no place to park on street. Therefore will seek parking elsewhere which would fill up our already full neighborhoods. They do not have two service entrances which would be needed. Their other entrance has no outlet as it is to be provided for emergency services only.

This greediness jeopardizes all of us living here. Please say no to a zone change.

CITIZEN NAME: MICKI A PAUL

EMAIL: micmac@canby.com

ORGANIZATION/BUSINESS/AGENCY: HOA LOT 63

ADDRESS: 1315 S WARCH ST, Canby, Or

PHONE # (optional): 503 266 4699

DATE: 8/23/18

PLEASE EMAIL COMMENTS TO
PublicComments@canbyoregon.gov

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

- ☐ Adequate Public Services (of your agency) are available
- ☐ Adequate Public Services will become available through the development
- ☐ Conditions are needed, as indicated
- ☐ Adequate public services are not available and will not become available
- ☐ No Comments

NAME: _____

AGENCY: _____

DATE: _____



Thank you!

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



City of Canby

PUBLIC HEARING NOTICE & REQUEST FOR COMMENTS FORM

City File No.: ZC 18-04

Project Name: ZONE CHANGE, 1300 S Ivy St

PUBLIC HEARING DATES: PC—September 10, 2018.

CC – October 3, 2018

The purpose of this notice is to invite you to the Planning Commission and City Council Public Hearings and to request your written comments regarding a Zone Map Amendment (ZC 18-04). Applicant proposes to re-zone 2.59 acres at 1300 S Ivy St from R-1 Low Density Residential to C-R Residential Commercial in accordance with the Canby Comprehensive Plan. Both Public Hearings will be held in the Council Chambers, at 222 NE 2nd Ave, Canby, OR 97013. **The Planning Commission will meet Monday, September 10, 2018, 7 pm. The City Council will meet Wednesday, October 3, 2018, 7 pm.**



Location: 1300 S Ivy St (See property hatched in red on map on left.)

Tax Lots: 41E04DA04800.

Lot Size & Zoning: 2.59 acres, R-1 Low Density Residential

Proposed Zoning: C-R Residential-Commercial

Property Owners: Willamette Capital Investment

Applicant: Butch Busse

Application Type: Zone Map Amendment (Type IV)

City File Number: ZC 18-04

Contact: Bryan Brown, 503-266-0702,

brownb@canbyoregon.gov

Comments Due – If you would like your comments to be incorporated into the Staff Report, please return the Comment Form by Wednesday, August 29, 2018 for the Planning Commission meeting and by Friday, September 21, 2018 for the City Council meeting. **Written and oral comments can also be submitted up to the time of the Public Hearings and may also be delivered in person during the Public Hearings.**

What is the Decision Process? The Planning Commission will consider the Zoning Map

Amendment application and will forward a recommendation to the City Council. The City Council will then consider the Zoning Map Amendment application and make a final decision.

Where can I send my comments? Written comments may be mailed to the Canby Planning Department, P O Box 930, Canby, OR 97013; delivered in person to 222 NE 2nd Ave; or emailed to PublicComments@canbyoregon.gov.

How can I review the documents and staff report? Weekdays from 8 AM to 5 PM at the Canby Planning Department. The Planning staff report will be available Friday, August 31, 2018. The Council Staff Memo will be available Tuesday, September 25, 2018. Both can be viewed on the City's website: www.canbyoregon.gov. Copies are available at \$0.25 per page or can be emailed to you upon request.

Applicable Canby Municipal Code Chapters:

- 16.08.020 & .030 Zoning Map & Boundaries
- 16.16 R-1 Low Density Residential Zone
- 16.24 CR Residential/Commercial Zone
- 16.54 Amendments to Zoning Map
- 16.89 Application & Review Procedures
- Canby Comprehensive Plan (Policy No. 6 Implementation Measure B.11, Areas of Special Concern Map)

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

ORDINANCE NO. 1494

**AN ORDINANCE AMENDING THE ZONING MAP OF
THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON
FOR TAX LOT 4800 OF TAX MAP 4-1E-04DA**

WHEREAS, an application was filed with the City by Butch Busse to change the zoning of a parcel totaling 2.59 acres from Low Density Residential (R-1) to Residential-Commercial (C-R); and

WHEREAS, a public hearing was conducted by the Canby Planning Commission on September 10, 2018 after public notices were mailed, posted and printed in the Canby Herald, as required by law; and

WHEREAS, the Canby Planning Commission heard the staff report and considered testimony regarding the proposed zone change at the public hearing. At the conclusion of the public hearing, the Planning Commission voted 5/1 to not recommend that the City Council approve the application.

WHEREAS, the Canby City Council considered the matter and the recommendation of the Planning Commission following a public hearing held at its regular meeting on October 3, 2018; and

WHEREAS, The Canby City Council, after considering the staff report, reviewing the record of the Planning Commission's decision and conducting its own public hearing, voted to not accept the Planning Commission's recommendation, and approved the zone change;

NOW, THEREFORE, THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: Tax Lot 4800 of Tax Map 4-1E-04DA is rezoned from Low Density Residential (R-1) to Residential-Commercial (C-R) as called for in Canby's Comprehensive Plan.

Section 2: The Mayor, attested by the City Recorder, is hereby authorized and directed to have the appropriate change made to the City's Zoning Map in accordance with the dictates of Section 1 of this Ordinance.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, October 3, 2018, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on Wednesday, October 17, 2018, commencing at the hour of 7:00 p.m. in the Council Meeting Chambers located at 222 NW 2nd Avenue, 1st Floor, Canby, Oregon.

Kimberly Scheafer, MMC
City Recorder

PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on October 17, 2018 by the following vote:

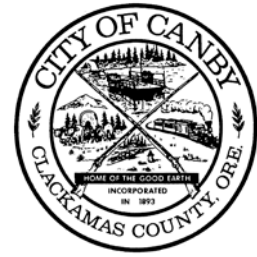
YEAS _____ NAYS _____

Brian Hodson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder

MEMORANDUM



TO: *Honorable Mayor Hodson and City Council*
FROM: *Irene Green, Library Director*
DATE: *9/15/18*
THROUGH: *Rick Robinson, City Administrator*

Issue: Clackamas County is requesting that the City Councils of the Clackamas County Library District library service providers (the cities of Canby, Estacada, Gladstone, Happy Valley, Lake Oswego, Milwaukie, Molalla, Oregon City, Sandy, West Linn, and Wilsonville) approve the attached amendment to the Cooperative Intergovernmental Agreement Between the Library District of Clackamas County and Member Cities ("Master IGA").

Synopsis: **SPECIFIC CHANGES TO THE IGA ARE BEING PROPOSED**

The County would like all Library Service Providers adopt the proposed amendments as soon as possible, but no later than October 31, 2018.

The proposed amendment includes:

- An amended section 1.6, which would designate the County, and not the City of Gladstone, as the eventual recipient of retained funds currently held in trust by the District to support the construction of new library facilities for the Gladstone and Oak Lodge service areas.
- A new section 2.4, which would establish Clackamas County as the permanent Library Service Provider for the Oak Lodge Library Service area and memorializes the intent for Clackamas County to construct and manage two new libraries using District distributions, accumulated reserves, and other revenues.
- An amended Attachment B, which would eliminate language regarding service area boundary changes which were originally contemplated when it was anticipated that the City of Gladstone would construct a single facility to serve both the Gladstone and Oak Lodge library service areas.

WHY ARE THESE CHANGES NECESSARY?

When the Master IGA was drafted, it was anticipated that the City of Gladstone would construct and operate a new library facility which would serve both the Oak Lodge and Gladstone library service areas, and that Clackamas County would only operate the current Oak Lodge library until this new Gladstone library facility was open.

Based on these assumptions, the Master IGA currently specifies that the District will retain in trust any unused portion of the annual distributions made to the Oak Lodge Library, for distribution to the City of Gladstone once construction of a new library facility to serve the Oak Lodge and Gladstone library service areas commences. In addition, the Master IGA only contemplates Clackamas County acting as the library service provider for the Oak Lodge library service area on an interim basis. Finally, the Master IGA indicates that certain boundary changes will be made when the City of Gladstone opens a new, single facility to

serve both the Oak Lodge and Gladstone service areas.

For a variety of reasons, the original plan for Gladstone to construct a library and provide service to both the Oak Lodge and Gladstone library service areas did not come to fruition, and issues surrounding library facilities and services for these areas eventually became the subject of litigation between Clackamas County and the City of Gladstone.

On October 16, 2017, the County and the City of Gladstone resolved this pending litigation and entered into a Settlement Agreement which contemplates the County will construct and operate two new libraries, one located within the City of Gladstone, and one located in unincorporated Clackamas County within the Oak Lodge Library service area.

Both Clackamas County and the City of Gladstone agreed that the funds being held in trust for eventual use by the City of Gladstone should instead be distributed to Clackamas County to finance construction of these two new facilities. However, in order to distribute these retained funds to Clackamas County, the Master IGA must be changed to designate the County, and not the City of Gladstone, as the eventual recipient.

In addition, the Master IGA is being amended to recognize the County as the library service provider for the Oak Lodge library service area, placing the County under the same service obligations as all other participating Library Cities. This amendment also memorializes the intent for the County and the City of Gladstone to work collaboratively and enter into separate agreements for the County to construct and manage new Oak Lodge and Gladstone libraries using District distributions from both service areas, retained funds, and other revenue sources.

Finally, the IGA is being changed to preserve all library service area boundaries as they currently exist; language in the original IGA which contemplated a change to the Oak Lodge service area boundary (under the assumption that a single facility in the Gladstone area would be serving two service areas) will be eliminated.

Recommendation: It is the recommendation City Council vote to sign the amended IGA so the County can implement the settlement agreement made with the City of Gladstone.

Rationale: The amendments were developed and refined by the Settlement Agreement Implementation Task Force, a task force formed by the Board of County Commissioners (with the support of the Library District Advisory Committee) and charged with recommending the minimum changes necessary to the Master IGA in order to implement the settlement agreement between Clackamas County and the City of Gladstone and facilitate the construction of two new library facilities. This Task Force consisted of County and City of Gladstone staff and legal counsel, one County Commissioner, and three citizen members (including the Oak Lodge and Gladstone representatives to the Library District Advisory Committee). Task Force meetings were open to the public, and the Task Force's recommendations were submitted to and accepted by the Board of County Commissioners on July 17, 2018.

In order to amend the Master IGA, both the Board of County Commissioners (as Library

District Board) and two-thirds of Library Cities must approve the proposed changes.

Options:

1. Vote to sign the amended IGA.
2. Vote not to sign the amended IGA. The Canby Public Library Board would like to go on record that they do not approve the amended Master IGA. The Canby Public Library Board realizes the County's autonomy in the use of General Funds. However, the library board unanimously agrees that the County's settlement agreement with Gladstone was not in the interest of County taxpayers and the county should not have agreed to the settlement terms based on these concerns:
 - a. The County should treat all libraries consistently.
 - b. County personnel should not be using time to assist local libraries.
 - c. As problems arise, and they will, the County will use taxpayer monies to assist in solving problems.
 - d. The terms of the agreement are not consistent with what voters approved. District Funds were for operational costs and not construction costs.

According to the documents presented to LDAC and reviewed by the Canby Public Library Board, should the County be in violation of the settlement agreement, the County will pay the City of Gladstone \$360,000.00. It is the opinion of the library board paying Gladstone this sum of money action will have less financial impact on County tax payers than the terms of the settlement agreement.

Fiscal Impact: These amendments will not make any changes to the Library District Distribution formula.

Recommended

Motion: *"I move to adopt Resolution 1298, **A RESOLUTION ADOPTING AMENDMENT NO. 3 TO THE COOPERATIVE INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN THE CITY OF CANBY (CITY) AND CLACKAMAS COUNTY LIBRARY DISTRICT AND MEMBER CITIES**".*

Attachments: Resolution 1298
Exhibit "A" Final IGA Amendment No. 3

RESOLUTION NO. 1298

A RESOLUTION ADOPTING AMENDMENT NO. 3 TO THE COOPERATIVE INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN THE CITY OF CANBY (CITY) AND CLACKAMAS COUNTY LIBRARY DISTRICT AND MEMBER CITIES

WHEREAS, the voters approved formation of a Clackamas County Library District to provide financial support to the library service providers of Clackamas County; and

WHEREAS, Clackamas County and the various member cities of Clackamas County wish to enter into a cooperative intergovernmental agreements (IGA) with each other to collect and administer the tax for the district; and

WHEREAS, in August 2016, the City of Gladstone filed suit against Clackamas County for breach of contract stemming from an IGA between the parties for the construction of a library within the City of Gladstone; and

WHEREAS, on October 16, 2017 the County and City of Gladstone entered into a Settlement Agreement and as part of the Settlement Agreement, Clackamas County agreed to undertake good faith efforts to effectuate and support any amendments to this Agreement necessary to implement the terms of the Settlement Agreement; and

WHEREAS, the original IGA has been amended to reflect the Settlement Agreement terms.

NOW, THEREFORE, BE IT RESOLVED by the City of Canby City Council as follows:

1. That the attached Amendment No. 3, marked as Exhibit “A” and by this reference incorporated herein, by and between the Library District of Clackamas County and the City of Canby is hereby adopted. The Mayor is authorized to sign the Amendment on behalf of the City.

2. This resolution shall take effect on October 3, 2018.

ADOPTED this 3rd day of October 2018 by the Canby City Council.

Brian Hodson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder

AMENDMENT NO. 3
TO THE
COOPERATIVE INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE LIBRARY DISTRICT OF CLACKAMAS COUNTY
AND
LIBRARY CITIES

THIS AMENDMENT NO. 3 (this “Amendment”) is entered into this ____ day of _____, 2018, by and between the Library District of Clackamas County (the “District”) a county service district formed under ORS Chapter 451, Clackamas County, a political subdivision of the State of Oregon (“County”), each of the Cities of Canby, Estacada, Gladstone, Happy Valley, Lake Oswego, Milwaukie, Molalla, Oregon City, Sandy, West Linn, and Wilsonville (each, a “City” and collectively, the “Library Cities”).

WHEREAS, the District, the County and the Library Cities entered into that certain intergovernmental agreement regarding the distribution of funds from the District to the County and Library Cities in support of the provision of library services to the residents of the District (the “Agreement”); and

WHEREAS, in August 2016, the City of Gladstone filed suit against Clackamas County for breach of contract stemming from an IGA between the parties for the construction of a library within the City of Gladstone; and

WHEREAS, on October 16, 2017, the County and the City of Gladstone entered into a Settlement Agreement which contemplates the County will construct and operate two new libraries, one located within the City of Gladstone, and one located in unincorporated Clackamas County within the Oak Lodge Library service area with a specific site to be determined after appropriate public input; and

WHEREAS, as part of the Settlement Agreement, Clackamas County agreed to undertake good faith efforts to effectuate and support any amendments to this Agreement necessary to implement the terms of the Settlement Agreement; and

WHEREAS, Section 3.3 of the Agreement provides for the mechanism of amendment of the Agreement to address these changes;

NOW, THEREFORE, the District, the County, and the Library Cities each agree to the following:

1. This Agreement’s section 1.6 and Attachment B are hereby amended and restated to read in their entirety:

1.6 Transition Payments. The District shall distribute funds to Clackamas County for the operation of the Oak Lodge Library pursuant to the current Oak Lodge Service area map. To the extent the annual distribution of funds to Clackamas County is greater than the annual need to operate the Oak Lodge library, the District shall retain such funds in trust for Clackamas County for distribution at such time as the County is constructing new library facilities. No unincorporated areas assigned to, or reserves accumulated by, the Oak Lodge

Library service area shall be reassigned, contributed or transferred to another Library City.

Attachment B

Service population maps are included as Attachment B.

1. The maps divide Clackamas County into library service areas. These areas are based on distance, roads, rivers, travel patterns, etc. and are intended to define where people are most likely to receive library service, and to give a Library City the ability to meet the library threshold standards in Attachment C. Each Library City's service area has been constructed by assigning Census tracts into library service areas. Based on census data compiled every 10 years, the population in each census tract will be verified and then the total unincorporated population within each service area will be used to calculate the Formula.

[See attached maps]

2. A new section 2.4 is hereby added to this Agreement to read in its entirety:

2.4 Clackamas County as Library City. The City of Gladstone and Clackamas County desire to work cooperatively in the provision of library services in the Gladstone and Oak Lodge service areas. Gladstone and the County may enter into separate agreements regarding the management of their respective libraries. All parties hereto acknowledge the intention of the Plan is to have Clackamas County, through the use of District distributions for the Oak Lodge and Gladstone service areas, accumulated reserves referred to in section 1.6 above and other non-District revenues, to construct and manage both a new Oak Lodge library and new Gladstone library, and that nothing herein shall be construed to restrict or otherwise impair such plan. Clackamas County shall be considered a "Library City" in all respects for the Oak Lodge Library service area.

3. Except as set forth herein, the District, County, and the Library Cities ratify the remainder of the Agreement and affirm that no other changes are made hereby.

[Signature Page Follows]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officers or representatives as of the day and year first above written.

DISTRICT & COUNTY

CLACKAMAS COUNTY BOARD OF COMMISSIONERS, AS THE GOVERNING BODY OF THE	
LIBRARY DISTRICT OF CLACKAMAS COUNTY	
By: _____ Title: _____	
ATTEST: _____	

LIBRARY CITIES

THE CITY OF CANBY	THE CITY OF ESTACADA
By: _____ Title: _____	By: _____ Title: _____
ATTEST: _____	ATTEST: _____

THE CITY OF GLADSTONE	THE CITY OF HAPPY VALLEY
By: _____	By: _____
Title: _____	Title: _____
ATTEST: _____	ATTEST: _____

THE CITY OF LAKE OSWEGO	THE CITY OF MILWAUKIE
By: _____	By: _____
Title: _____	Title: _____
ATTEST: _____	ATTEST: _____

THE CITY OF MOLALLA	THE CITY OF OREGON CITY
By: _____	By: _____
Title: _____	Title: _____
ATTEST: _____	ATTEST: _____

THE CITY OF SANDY	THE CITY OF WEST LINN
By: _____	By: _____
Title: _____	Title: _____
ATTEST: _____	ATTEST: _____

THE CITY OF WILSONVILLE	CLACKAMAS COUNTY AS LIBRARY CITY FOR THE OAK LODGE LIBRARY SERVICE AREA
By: _____	By: _____
Title: _____	Title: _____
ATTEST: _____	ATTEST: _____

ORDINANCE NO. 1495

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH PBS ENGINEERING & ENVIRONMENTAL, INC. FOR TRANSPORTATION ENGINEERING & TECHNICAL SERVICES OF NORTH QUIET ZONE IMPROVEMENTS (N ELM ST – N GRANT ST – N IVY ST); AND DECLARING AN EMERGENCY

WHEREAS, PBS ENGINEERING & ENVIRONMENTAL, INC. is the City's contracted engineer of record; and

WHEREAS, PBS ENGINEERING & ENVIRONMENTAL, INC. has provided the project scope, schedule and cost estimates for engineering and construction of the Quiet Zone Improvements (N Elm St – N Grant St – N Ivy St) Project up to 30 percent; and

WHEREAS, the CITY OF CANBY anticipates the need to complete project design of the A copy of a contract with PBS ENGINEERING & ENVIRONMENTAL, INC, is attached hereto and marked as Exhibit "A" and by this reference incorporated herein. within the 2018-2019 Fiscal Year.

NOW, THEREFORE, THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. The City Administrator is hereby authorized and directed to make, execute, and declare in the name of the CITY OF CANBY and on its behalf, an appropriate contract with PBS ENGINEERING & ENVIRONMENTAL, INC for transportation engineering and technical services in an amount not to exceed \$56,155.00. A copy of a contract with PBS ENGINEERING & ENVIRONMENTAL, INC, is attached hereto and marked as Exhibit "A" and by this reference incorporated herein. A copy of the Project Scope, Schedule and Budget for the Quiet Zone Improvements (N Elm St – N Grant St – N Ivy St) Project up to 30 percent design, is attached hereto and marked as Exhibit "B" and by this reference incorporated herein.

Section 2. Inasmuch as it is in the best interest of the citizens of Canby, Oregon, to enact this ordinance as soon as possible due to the expedited project schedule, an emergency is hereby declared to exist and this ordinance shall therefore take effect immediately upon its enactment after final reading.

2nd Reading

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, September 19, 2018, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on Wednesday, October 3, 2018, commencing at the hour of 7:00 p.m. in the Council Meeting Chambers located at 222 NW 2nd Avenue, 1st Floor, Canby, Oregon.

Kimberly Scheafer, MMC
City Recorder

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the 3rd day of October 2018, by the following vote:

YEAS _____

NAYS _____

Brian Hodson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder

PERSONAL SERVICES AGREEMENT

THIS AGREEMENT is between the CITY OF CANBY (City) and PBS Engineering and Environmental (Consultant).

- A. City requires services which Consultant is capable of providing, under terms and conditions hereinafter described.
- B. Consultant is able and prepared to provide such services as City requires, under those terms and conditions set forth.

The Parties Agree a Follows:

- 1. Scope of Services. Consultant's services under this Agreement are set forth in Exhibit "A", attached hereto.
- 2. Consultant Identification. Consultant shall furnish to City its employer identification number as designated by the Internal Revenue Service, or Consultant's Social Security Number, as City deems applicable. **Consultant understands it is required to obtain a City of Canby Business License for conducting business in the City. Consultant agrees to obtain a Canby Business License prior to commencing work under this contract.**
- 3. Qualification.
 - A. Consultant agrees to maintain and provide proof of eligibility to compete on either **Tier A PA or Tier B PA ODOT Local Agency Transportation** projects.
 - B. **Consultant agrees to maintain eligibility and provide proof for all staff with practicing Professional Engineering Licenses from the OSBEELS or other practical state required professional licenses.**
- 4. Compensation:
 - A. For the period of this Agreement, Consultant agrees to provide services at the rates set forth in Exhibit "B", attached hereto.
 - B. For authorized reimbursable expenses, the City will pay Consultant at the rate specified. For unscheduled reimbursement items, Consultant will be reimbursed at Consultant's direct cost without markup.
 - C. Consultant will not be entitled to or be paid for services provided in excess of any guaranteed maximum price or fixed price that has been established for such services unless authorized by a written scope change.
 - D. Consultant will provide the City with monthly statement(s) of services rendered

and authorized reimbursable expenses incurred for the preceding month. Consultant expressly waives any right to payment for services rendered if such services are not billed within sixty (60) days following their rendition.

- E. In addition to the monthly statement described in 4.4, Consultant's invoices will include a summary of services provided; a summary of reimbursable expenses; and a summary of authorized additional services, all in accordance with the compensation provisions of this Agreement, as well as an estimate of the percent of services completed as of the invoice date.
 - F. Invoices for reimbursable expenses will be accompanied by supporting documentation.
 - G. Invoices for authorized additional services will outline and identify the services performed and by whom, the number of hours each person worked and applicable pay rates.
 - H. Payments will be made monthly for services performed and invoiced.
 - I. Consultant shall keep its billing records, including timesheets, rate schedules and invoices necessary to support invoices for time and materials, additional services and expenses current and consistent with generally recognized accounting principles and Records must be maintained for a period of two (2) years following completion or abandonment of the Project. Such records will be available to the City for inspection, copying and/or audit during normal business hours.
 - J. City agrees to pay Consultant within 30 days after receipt of Consultant's itemized statement reporting completed work. Amounts disputed by the City may be withheld pending settlement.
 - K. City certifies that sufficient funds are available and authorized for expenditure to finance costs of the Agreement.
5. Consultant is Independent Consultant.
- A. Consultant's services shall be provided under the general supervision of the City Administrator. Consultant shall be an independent Consultant for all purposes and shall be entitled to no compensation other than the compensation provided for under Paragraph #3 of this Agreement.
 - B. Consultant certifies that it is either a carrier-insured employer or a self-insured employer as provided in Chapter 656 of the Oregon Revised Statutes.
 - C. Consultant hereby represents that no employee of the City, or any partnership or corporation in which a City Employee has an interest, will or has received any remuneration of any description from Consultant, either directly or indirectly, in connection with the letting or performance of this contract, except as specifically declared in writing.

6. **SubConsultants and Assignment.** Consultant shall neither subcontract any of the work, nor assign any rights acquired hereunder, without obtaining prior written approval from City. City, by this Agreement, incurs no liability to third persons for payment of any compensation provided herein to Consultant. Any subcontract between Consultant and subConsultant shall require the subConsultant to comply with all terms and conditions this agreement as well as applicable OSHA regulations and requirements.
7. Work is Property of City. All work performed by Consultant under this Agreement shall be the property of the City. City agrees that the Consultant may use its work in other assignments if all City of Canby data and references are removed.
8. Term.
 - A. This Agreement may be terminated by:
 1. Mutual written consent of the parties.
 2. Either party, upon thirty (30) days written notice to the other, delivered by certified mail or in person.
 3. City, effective upon delivery of written notice to Consultant by certified mail, or in person, under any of the following:
 - a. If Consultant fails to provide services called for by this Agreement within the time specified or any extension thereof.
 - b. If Consultant fails to abide by the terms of this Agreement.
 - c. If services are no longer required.
8. Professional Standards. Consultant shall be responsible to the level of competency presently maintained by others practicing the same type of work in City's community, for the professional and technical soundness, accuracy and adequacy of all work and materials furnished under this authorization.

By entering into this agreement, Consultant represents and warranties that they have complied with the tax laws of the State of Oregon and the City of Canby. Further, for the duration of this contract, Consultant promises to continue to comply with said State and local tax laws. Any failure to comply with tax laws will be considered a default of this contract and could result in the immediate termination of this agreement and/or other sought damages or other such relief under applicable law.

9. Insurance. Insurance shall be maintained by the Consultant with the following limits:

A. For Comprehensive General Liability Insurance, Consultant shall provide a Certificate of Insurance naming the City of Canby as an additional named insured showing policy limits of not less than \$2,000,000 Combined Single Limit for Bodily Injury/Property Damage on an occurrence basis.

B. For Automobile Insurance, Consultant shall provide a Certificate of Insurance naming the City of Canby as an additional named insured showing policy limits of not less than \$2,000,000 Combined Single Limit for Bodily Injury/Property Damage on an occurrence basis for any vehicle used for City business or use otherwise related to this contract.

C. For Professional Liability—errors and omissions—a \$2,000,000 Combined Single Limit for Bodily Injury/Property Damage limit. **(Required for Architects, Appraisers, Attorneys, Consultants, Engineers, Planners, Programmers, etc.).** For purposes of professional liability, Consultant shall provide proof of a Certificate of Insurance naming the City of Canby as a Certificate Holder.

D. For Worker's Compensation, Consultant shall provide a Certificate of Insurance naming the City of Canby as a Certificate Holder showing Worker's Compensation Insurance with statutory limits of coverage.

Consultant will require that any subConsultants engaged or employed by Consultant carry and maintain similar insurance as listed above with the same limits and coverage requirements.

Procuring of such required insurance at the above-stated levels shall not be construed to limit the Consultant's liability hereunder. Notwithstanding said insurance, Consultant shall be obligated for the total amount of any damage, injury, loss, or related costs caused by or related to Consultant's negligence or neglect connected with this Agreement.

10. Indemnity. To the fullest extent permitted by law, Consultant is responsible for any and all liability arising out of or related to the performance of work pursuant to this Agreement. To the fullest extent permitted by law, Consultant will indemnify, defend (with counsel acceptable to City) and hold City, its councilors, officers, employees, agents and insures (collectively "City") harmless for and against any and all liability, losses, costs, settlements and expenses in connection with any action, suit or claim resulting or allegedly resulting from Consultant's acts, omissions, activities or services in the course of performing under this Agreement.
11. Legal Expense. In the event legal action is brought by City or Consultant against

the other to enforce any of the obligations hereunder or arising out of any dispute concerning the terms and conditions hereby created, the losing party shall pay the prevailing party such reasonable amounts for attorney's fees, costs, and expenses as may be set by the court both at trial and all appeals there from.

11. Modifications. Any modification of the provisions of this Agreement shall be in writing and signed by the parties.
12. Notices. Any notice, bills, invoices, reports, or other documents required by this Agreement shall be sent by the parties by United States mail, postage paid, electronically, faxed, or personally delivered to the address below. All notices shall be in writing and shall be effective when delivered. If mailed, notices shall be deemed effective forty-eight (48) hours after mailing unless sooner received.
13. Entire Agreement. This Agreement contains the entire understanding of the parties regarding the subject matter of this Agreement and supersedes all prior and contemporaneous negotiations and agreements, whether written or oral, between the parties with respect to the subject matter of this Agreement.
14. Savings Clause. Should any provision of this Agreement be found to be in conflict with any federal or Oregon state law, or final controlling decision of any Court of competent jurisdiction, or ruling or decision of any controlling administrative agency, all other provisions of this Agreement shall remain in full force and effect.

CITY: Rick Robinson, City Administrator
City of Canby
PO Box 930
Canby, OR 97013

CONSULTANT: PBS Engineering and Environmental
415 W 6th Street
Vancouver, WA 98660

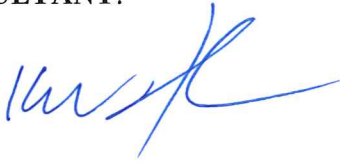
**Please submit invoices to: Attn: Accounts Payable
City of Canby
PO Box 930
Canby, OR 97013
ap@canbyoregon.gov**

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly appointed officers.

CONSULTANT:

CITY OF CANBY

By:



By:

Date:

9/11/18

Date:

SubConsultants will be used ____ Yes ____ No (If Yes, please complete List of SubConsultants attached to this Agreement)

Approved as to Form:

__/__/18
Joseph Lindsay, City Attorney

LIST OF SUBCONSULTANTS

As per Section 5 of the Personal Services Agreement, the following businesses will be subConsultants. SubConsultants are required to have a City of Canby Business License prior to commencing work under this contract.

[illegible]

The City hereby approves the above listed subConsultants.

City of Canby

Date

CITY OF CANBY, OREGON

Scope of Work Quiet Zone Improvements (N Elm St – N Grant St – N Ivy St) City of Canby Project # J1013

INTRODUCTION

PBS Engineering and Environmental, Inc. and their Consultant team have been selected by the City of Canby to perform traffic and roadway design engineering, environmental permitting, public involvement process and other related engineering services for the Quiet Zone Improvements (N Elm St – N Grant St – N Ivy St) project. Professional services will include land surveying, Railroad and ODOT coordination, roadway design, stormwater design, traffic analysis and engineering, signal modification design, environmental documentation & permits, utility coordination and project coordination.

The project team includes:

- Wiser Rail Engineering (Wiser) – Railroad Coordination.

The Quiet Zone Improvements project is partial funded through an Immediate Opportunity Fund grant through ODOT.

PROJECT DESCRIPTION/BACKGROUND

The railroad crossings at N Elm St – N Grant St – N Ivy St currently are train whistle (warning) crossings. This project will update crossing infrastructure to a point to allow train crossings without whistles, creating a quiet zone. There has been previous coordination with both Union Pacific (UPRR) railroad and ODOT rail. This coordination led to an onsite diagnostic meeting in 2015. One item required from the diagnostic meeting was the upgrade of the NE curb ramp at Hwy 99E and N Elm Street to allow for truck turning movements. Upgrade of this curb ramp has not been accomplished and is part of this work. The project has been stalled for over three years, this project will pick up where the previous project left off.

This will be phase one of a three phase project. The goal of this first phase is to update the topographic survey, prepare 30% plans addressing the 2015 diagnostic meeting, prepare and submit the Notice of Intent.

Included in Phase one will be:

- Project administration and management
- Updated the topographic survey
- Traffic count analysis
- Prepare 30% civil plans
- Prepare the Notice of Intent (NOI)
- Coordination with FRA, UPRR and ODOT Rail
- Coordination with PGE utility and N Elm Street property owner
- Meetings with City staff, FRA, UPRR and ODOT Rail

SCOPE OF WORK

TASK 1: PROJECT MANAGEMENT AND ADMINISTRATION

PBS shall oversee project tasks and coordinate with City representatives to manage the scope, schedule and budget for the design engineering phase.

Subtask 1.1 – Contract Administration, Invoicing, and Progress Reports

- Prepare and submit monthly invoices. Each invoice will include: date period covered by invoice, number of hours worked during the billing period with billing rates shown with detail information / timesheet provide as a backup; expenses and associated mark-ups; total cost for labor and expenses for the billing period; subconsultants fees with detail information / timesheet provide as a backup including markups for the billing period; and a total amount summarizing labor, expenses, and subconsultant fees.
- Prepare a Contract Summary Report to accompany the monthly invoices. The Contract Summary Report will list each invoice as well as current invoice with an itemized summary of invoice numbers, dates, and amounts billed for labor, expenses, and subconsultants as well as total amounts for each invoice. The Contract Summary Report will also list the total amount billed to date, total amount remaining under contract, and contract expiration date.
- Prepare a brief Project Status Report to accompany the monthly invoices. The Project Status Report will include: date period covered by Status Report, brief summary of work performed during the billing period, a notice to CITY raising any issues or concerns that could require a contract amendment/supplement, a brief summary of completed and/or upcoming project milestones, and action items needed from CITY for project delivery. Consultant shall monitor the status of the budget and take corrective actions to correct undesirable budget trends involving the CITY if scope is impacted.
- Maintain project documentation including a design memorandum, design criteria matrix and design decisions. Provide copies of project files and records to the CITY for city records. Final submittal documents shall be provided in electronic format – word or excel documents.

Deliverables

- Monthly invoices, Contract Summary Reports, and Project Status Reports.
- Project Documentation

Subtask 1.2 – Meetings

This item includes the preparing for and facilitating regular meetings to successfully complete the project.

- The Consultant shall schedule Project team meetings and prepare meeting agendas. This includes a Project kick-off meeting, monthly progress meetings with City staff, review meetings and coordination meetings.

- 1 Kick-off meeting
- 4 monthly meetings
- 2 offsite meetings with UPRR and ODOT rail

Deliverables

- Meeting Agendas and Meeting Summaries delivered within 5 working days of the meeting

Subtask 1.3 – Management, Coordination, and Direction

- The Consultant shall provide management, coordination, and direction to the Project team in order to complete the project on time and within budget. The City fosters a partnership approach of all stakeholders in the Project. The Consultant shall integrate this strategy into the overall management approach.
- The Consultant shall establish a quality management program and designate responsibility for review of technical work and other deliverable products.
- The Consultant shall prepare and maintain a project design schedule. The schedule shall identify CONSULTANT tasks, major milestones and deliverables, and items provided by CITY and other consultants. The schedule shall be updated every month or as circumstances require.
- The Consultant shall coordinate Consultant tasks and activities with the City. This shall include using monthly meetings to plan and coordinate upcoming activities.
- The Consultant shall coordinate with private and public utilities, including power, phone, cable, gas and other utilities.
- The Consultant shall coordinate with property owners adjacent to the Project who will be affected by the roadway design. Prior approval from the City's Project Manager will be required before any contact with private property owners occurs.
- The consultant shall update the project estimate when project changes occur.
- The consultant shall update the project schedule to include major project changes or impacts.

Deliverables

- Project Schedule & Schedule Updates,
- Summary notes of coordination efforts
- Updated project estimates

TASK 2: DATA COLLECTION

UPRR has raised the rails and installed new crossings since the last topographic survey was completed. PBS will perform topographic surveying and data collection services to include the following:

Subtask 2.1: Surveying

- Establish a control network throughout the project limits.
- Conduct research of existing records for information on deeds, surveys, plats, road rights-of-way and easements along the project corridor.
- The survey field crew will collect data (property corners, right-of-way/centerline monuments, control and physical boundary/right-of-way features) in the project area and relevant to the project site. The project surveyor will then review research and use field data to determine the right-of-way location.
- Perform topographic survey at the railroad crossings at N Elm St – N Grant St – N Ivy St including the NE corner of Hwy 99E and Elm street. PBS will conduct research of existing records for information on available as-built and utility maps, call one-call utility locates and then field survey existing above ground features (i.e. edge of pavement, curbs, sidewalks, buildings, trees, utilities, etc.) as well as elevations for utilities. Obtain field invert elevations on culvert ends and pipes inside manholes.
- Prepare surface model reflecting collected topographic survey and breaklines.

Subtask 2.2: Base Map

- Upon completion of topographic survey and development of surface model, PBS will prepare an existing conditions base map showing mapped features and utilities collected from both survey and as-built plans.
- Consultant shall coordinate with City staff regarding drafting standards and conventions.

Subtask 2.3: Site Visits

- Consultant survey manager will conduct a site visit for field verification of survey data represented in the project base map.

Deliverables

- Topographic Survey
- Surface Model
- Base map

TASK 3: FRA, UPRR AND ODOT RAIL COORDINATION

Subtask 3.1 – Preparation of Notice of intent

The consultant will coordinate with FRA, UPRR and ODOT Rail for the preparation of the Notice of Intent. Coordination will include up to three meetings, one each, onsite, in Salem and in Portland.

The consultant will update the National Grade Crossing Inventory prior to submitting the NOI.

The consultant will prepare the Notice of Intent (NOI) for review and approval by FRA, UPRR and ODOT Rail.

Deliverables

- Meeting notes
- Draft and final updated National Grade Crossing Inventory
- Draft NOI for City staff review.
- Final NOI for City submittal to FRA, UPRR and ODOT Rail

TASK 4: DESIGN ENGINEERING – PLANS, SPECIFICATIONS & ESTIMATE

The Consultant will advance the roadway design through preliminary (30 percent) plans as part of this task. Consultant will be responsible to provide design engineering services for the deliverables outlined below for the following submittals:

- Preliminary (30%) Submittal

Subtask 4.1: 30 Percent Design (Preliminary)

The Consultant will develop preliminary construction documents to the 30 percent design stage. Review documents will consist of drawings, and a preliminary opinion of probable construction cost. At this design level, the overall design layout, footprint, and geometrics of the project are established and all decisions required to generate construction details have been made.

Design tasks include the following

- Analyze traffic counts and develop median curb, roadway geometry, signing and drainage for Quiet Zone improvements at the N Elm, N Grant and N Ivy Street crossing. Develop curb and lane geometry at intersection of Elm and Hwy 99E
- Assess truck turning movements at the Elm Street intersection @ 99E
- Develop preliminary drainage layout, utility relocation layout, right of way easement layout for the N Elm Street and HWY 99E intersection
- Develop a signing plan addressing the comments received during the 2015 diagnostic meeting
- Meet with City / FRA, UPRR and ODOT staff after review of the 30% plans

The 30% plans shall include:

- Cover Sheet with vicinity map and sheet index.
- Legend Sheet
- Plan Sheet showing basic roadway geometry information and incorporating recommended

- intersection geometry, and lane configurations
- Signing Plan
- Utility plan,
- ROW plan with proposed easement.
- Plan sheets showing conceptual storm layout in plan view only

Deliverables

- 30% Civil Plans (3 copies on 11X17 and a PDF (electronic copy) of the plan set)
- 30% Construction Cost Estimate

TASK 5: UTILITY COORDINATION

Task 5: Utility Coordination

Contact PGE concerning PGE pole relocation.

Identify and discuss with PGE special requirements associated with their facility relocation or modification.

Subtask 5.1: Utility Meetings

Organize and facilitate one utility meeting with PGE.

Deliverables

- Meeting notes for utility meeting.

TASK 6: RIGHT OF WAY COORDINATION

Task 6: Right of Way Coordination

Research right of way at N Elm Street and Hwy 99 E.

Develop proposed right of way/easement plan sheet

Coordination with property owner adjacent to N Elm Street and Hwy 99 E.

Deliverables

- Right of way/easement plan sheet
- Meeting and research notes

Design

The City reserves the right to enter into a phase 2 agreement for the completion of design tasks

Right of way Acquisition

The City reserves the right to enter into a phase 3 agreement for the completion of acquisition tasks

Construction Management

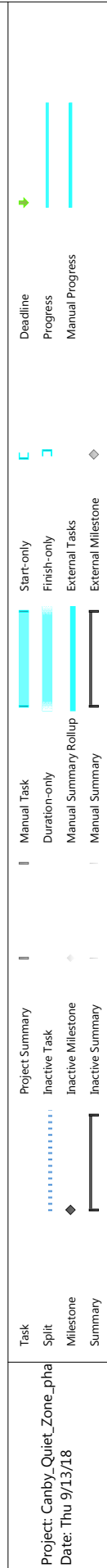
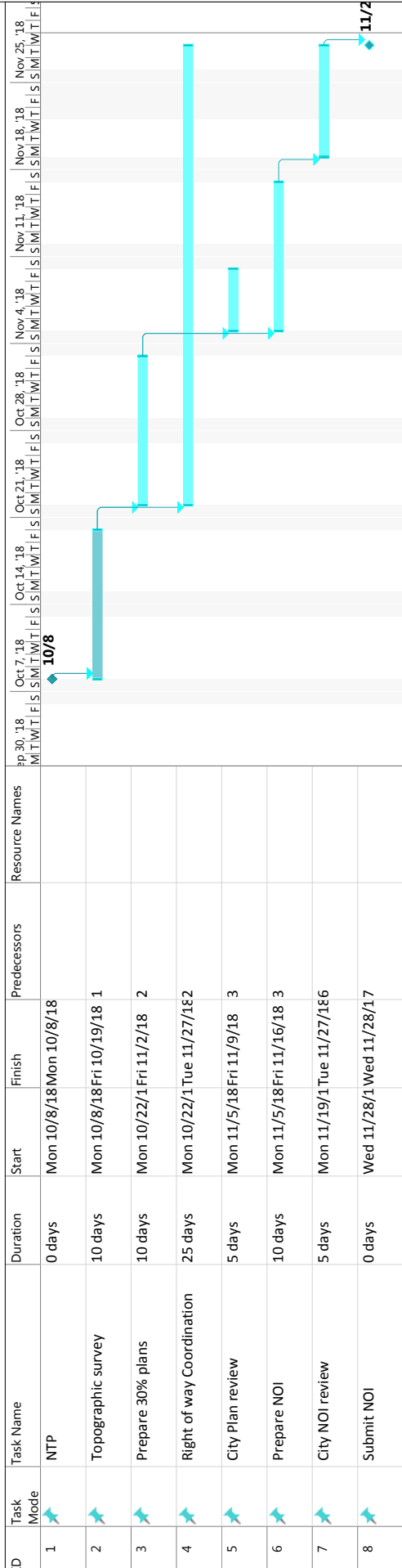
The City reserves the right to request PBS Engineering and Environmental to prepare an amendment to this contract for construction-phase inspection and engineering services for this project.

City of Canby

Quiet Zone Improvements - Phase 1

Budget worksheet

Quiet Zone Improvements - Phase 1															
Budget worksheet															
Task and Description	PBS Engineering and Environmental (Engineering/Management)										PBS TOTAL	SUB TOTAL	BUDGET AMOUNT		
	SUBCONSULTANTS														
	Eng - Prin	ENG-VII	Survey-Mngr	Survey IV - PLS	Survey II	TECH-IV	CAD-I	Admin - I	Expense	Wiser					
TASK 1: PROJECT MANAGEMENT AND ADMINISTRATION															\$8,855.00
Task 1.1 - Contract Administration, Invoicing, and Progress Reports		6.00					1.00	4.00			1,455.00			0.00	\$1,455.00
Task 1.2 - Meetings		20.00							400.00		3,900.00			0.00	\$3,900.00
Task 1.3 Management, Coordination, and Direction		20.00									3,500.00			0.00	\$3,500.00
											0.00			0.00	\$0.00
Task 2: Data Collection															12,000.00
Task 2.1: Surveying			8.00	8.00	64.00				500.00		8,740.00			0.00	\$8,740.00
Task 2.2 Base Map		4.00		4.00	8.00						1,960.00			0.00	\$1,960.00
Task 2.3 Site visit		4.00		4.00					100.00		1,300.00			0.00	\$1,300.00
											0.00			0.00	\$0.00
Task 3: FRA, UPRR and ODOT Rail Coordination															14,000.00
Task 3.1: Preparation of NOI		20.00				20.00					6,000.00		8,000.00	8,000.00	\$14,000.00
											0.00			0.00	\$0.00
											0.00			0.00	\$0.00
Task 4: DESIGN ENGINEERING -- PLANS, SPECIFICATIONS & ESTIMATE															11,000.00
Task 4.1 Preliminary (30% Submittal)		20.00				60.00					11,000.00			0.00	\$11,000.00
											0.00			0.00	\$0.00
											0.00			0.00	\$0.00
											0.00			0.00	\$0.00
											0.00			0.00	\$0.00
											0.00			0.00	\$0.00
Task 5: Utility Coordination															1,400.00
Task 5.1 Utility Meetings		8.00									1,400.00			0.00	\$1,400.00
											0.00			0.00	\$0.00
											0.00			0.00	\$0.00
Task 6: Right of Way Coordination															3,900.00
task 6.1 Right of Way Coordination		8.00				20.00					3,900.00			0.00	\$3,900.00
Contingency															5,000.00
contingency											0.00			0.00	\$5,000.00
											0.00			0.00	\$0.00
											0.00			0.00	\$0.00
Expenses											0.00			0.00	\$0.00
TOTAL HOURS	0.00	110.00	8.00	16.00	72.00	100.00	1.00	4.00							
HOURLY RATES	215.00	175.00	145.00	125.00	95.00	125.00	85.00	80.00							
TOTAL DOLLARS	0.00	19,250.00	1,160.00	2,000.00	6,840.00	12,500.00	85.00	320.00	1,000.00		43,155.00		8,000.00	8,000.00	56,155.00



AMENDMENT TO EMPLOYMENT CONTRACT
City Administrator

This Amendment, dated October 3, 2018, to the Employment Agreement dated October 13, 2014, between the City of Canby, Oregon, a Municipal Corporation, and Richard Robinson, is intended to memorialize negotiations between the parties regarding a three percent (3%) cost of living adjustment and a two percent (2%) merit increase in base salary.

Section 5 of the current employment agreement is amended by changing the amount of the base salary to \$154,350.00 per year, effective October 13, 2018, and continuing at said base salary until further amended in accordance with the provisions of this paragraph.

All other terms and conditions of the current employment agreement remain in full force and effect.

IN WITNESS WHEREOF, the undersigned have executed this Amendment to Employment Agreement the day and year first written above.

CITY OF CANBY:

Brian Hodson,
Mayor

ATTEST:

Kimberly Scheafer,
City Recorder, MMC

Richard Robinson,
Canby City Administrator

AMENDMENT TO EMPLOYMENT CONTRACT
City Attorney

This Amendment, dated October 3, 2018, to the Employment Agreement dated March 12, 2012, between the City of Canby, Oregon, a Municipal Corporation, and Joseph A. Lindsay, is intended to memorialize negotiations between the parties regarding a market salary adjustment to the current base salary.

Section 5 of the current employment agreement is amended by changing the amount of the base salary to \$127,000.00 per year, effective retroactive to March 12, 2018, representing a salary adjustment increase and continuing at said base salary until further amended in accordance with the provisions of this paragraph.

Effective March 12, 2018, Section 5 of the current employment agreement is amended by changing the amount of the base salary to \$127,000.00 per year, which represents a comparable and competitive salary for the City Attorney position.

All other terms and conditions of the current employment agreement remain in full force and effect, including a full time, five-day workweek.

IN WITNESS WHEREOF, the undersigned have executed this Amendment to Employment Agreement the day and year first written above.

CITY OF CANBY:

Brian Hodson
Mayor

ATTEST:

Kimberly Scheafer,
City Recorder, MMC

Joseph A. Lindsay,
Canby City Attorney

**AMENDMENT TO CONTRACT FOR PROFESSIONAL SERVICES
OF A MUNICIPAL JUDGE**

This Amendment, dated October 3, 2018, to the Contract for Professional Services of a Municipal Judge dated January 16, 2008 between the City of Canby, Oregon, a Municipal Corporation, and Rodney H. Grafe, is intended to memorialize negotiations between the parties regarding a three percent (3%) cost of living increase in base salary.

Paragraph c of Section 4, of the current contract is amended by changing the amount of the base salary to \$ 4023.57 per month, effective retroactive to January 1, 2018, representing an increase of 3% and continuing at said base salary until further amended in accordance with the provisions of this paragraph.

All other terms and conditions of the current contract remain in full force and effect.

IN WITNESS WHEREOF, the undersigned have executed this Amendment to Contract for Professional Services the day and year first written above.

CITY OF CANBY:

Brian Hodson,
Mayor

ATTEST:

Kimberly Scheafer,
City Recorder, MMC

Rodney H. Grafe,
Canby Municipal Judge