

A G E N D A

CANBY PLANNING COMMISSION

REGULAR MEETING

**City Council Chambers
Monday, October 24, 1994
7:30 p.m.**

I. ROLL CALL

II. MINUTES

III. CITIZEN INPUT ON NON-AGENDA ITEMS

IV. COMMUNICATIONS

V. FINDINGS

DR 94-13 - Dave Anderson

VI. NEW BUSINESS

ANN 94-02, an application by Oregon Development, Inc. [Tom Kendall] and Larry and Betty Faist [owners] for approval to annex a 30.07 acre parcel into the City of Canby. The property is located on the north side of S.E. 13th Avenue, east of S. Ivy Street, and just east of the Valley Farms Subdivision (Tax Lot 2000 of Tax Map 4-1E-3).

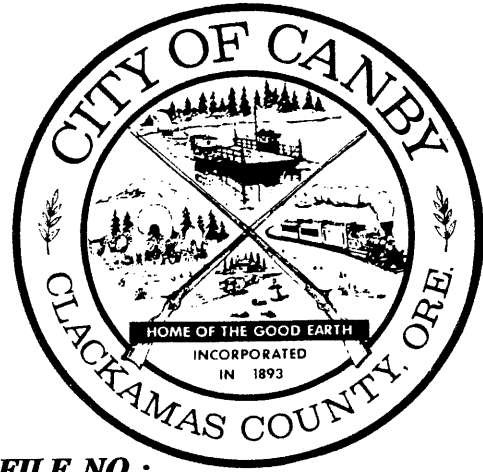
VII. PUBLIC HEARINGS

MLP 94-07, an application by Oregon Development, Inc. [Tom Kendall] and Larry and Betty Faist [owners] for approval to partition a 39.32 acre into two parcels, approximately 30.07 and 9.85 acres, respectively. The property is located on the north side of S.E. 13th Avenue, east of S. Ivy Street and just east of the Valley Farms Subdivision (Tax Lot 2000 of Tax Map 4-1E-3).

VIII. DIRECTOR'S REPORT

IX. ADJOURNMENT

- STAFF REPORT -



APPLICANT:

Tom Kendall
Oregon Development, Inc.
P.O. Box 151
Canby, OR 97013

FILE NO.:

ANN 94-02

OWNER:

Larry & Betty Faist
1866 S.E. 13th Avenue
Canby, OR 97013

STAFF:

James S. Wheeler
Assistant Planner

LEGAL DESCRIPTION:

Tax Lot 2000
Tax Map 4-1E-3

DATE OF REPORT:

October 14, 1994

LOCATION:

The north side of S.E. 13th Avenue
immediately east of Valley Farms Subdivision

DATE OF HEARING:

(City Council - earliest date)

COMP. PLAN DESIGNATION:

Low Density Residential

ZONING DESIGNATION:

County Zoning EFU-20 *(will come into City after Annexation as Low Density Residential R-1)*

I. APPLICANT'S REQUEST:

The applicant is requesting approval to annex a 30.07 acre portion of a 39.92 acre lot located on S.E. 13th Avenue.

II. MAJOR APPROVAL CRITERIA:

The Planning Commission forms a recommendation that the City Council may consider while conducting a public hearing. The City Council then forwards their recommendation to the Portland Metropolitan Area Local Government Boundary Commission (PMALGBC), where a final hearing and decision will be made.

- A. Section 16.84.040 of the Canby Municipal Code states that when reviewing a proposed annexation, the Commission shall give ample consideration to the following:
1. Compatibility with the text and maps of the Comprehensive Plan, giving special consideration to those portions of policies relating to the Urban Growth Boundary.
 2. Compliance with other applicable City ordinances or policies.
 3. Capability of the City and other affected service-providing entities to amply provide the area with urban level services.
 4. Compliance of the application with the applicable section of ORS 222.
 5. Appropriateness of the annexation of the specific area proposed, when compared to other properties that may be annexed to the City.
 6. Risk of natural hazards that might be expected to occur on the subject property.
 7. Effect of the urbanization of the subject property on specially designated open space, scenic, historic, or natural resource areas.
 8. Economic impacts which are likely to result from the annexation.
- B. If the proposed annexation involves property beyond the City's Urban Growth Boundary, or if the annexation is proposed prior to the acknowledgement of compliance of the City Comprehensive Plan by the State Land Conservation and Development Commission, the proposal shall be reviewed for compliance with the statewide planning goals. (Not Applicable since Canby's Comprehensive Plan has been acknowledged)

III. FINDINGS:

A. Background and Relationships:

The Comprehensive Plan Land Use designation of the subject parcel is for Low Density Residential. City zoning for the subject parcel will be R-1, Low Density Residential. S.E. 13th Avenue is an arterial street. The subject parcel is currently zoned EFU-20 (Exclusive Farm Use: 20 acre minimum lot size). The property to the east is not in the City and is also zoned EFU-20. The property to the south is not in the City and is zoned GAD (General Agricultural District). The remaining surrounding properties to the north and west are in the City and zoned R-1. The properties to the east, north, and west are in the Urban Growth Boundary. The property to the south is not in the Urban Growth Boundary.

The same Minor Land Partition (MLP 94-02) and Annexation (ANN 94-01) proposals were applied for earlier this year (4/19/94). Both applications were withdrawn. The Minor Land Partition application was withdrawn prior to the written Findings, Conclusion, and Final Order being adopted by the Planning Commission for denial of the proposal. The Annexation application was withdrawn at the same time, prior to the public hearing being held with the City Council. A new Minor Land Partition application (MLP 94-07) has been submitted and is being processed parallel with this application.

B. Comprehensive Plan Consistency Analysis

i. Citizen Involvement

■ **GOAL: TO PROVIDE THE OPPORTUNITY FOR CITIZEN INVOLVEMENT THROUGHOUT THE PLANNING PROCESS**

Policy #1: Canby shall reorganize its citizen involvement functions to formally recognize the role of the Planning Commission in meeting the six required citizen involvement components of statewide planning goal No. 1, and to re-emphasize the city's commitment to on-going citizen involvement.

Policy #2: Canby shall strive to eliminate unnecessarily costly, confusing, and time consuming practices in the development review process.

Policy #3: Canby shall review the contents of the comprehensive plan every two years and shall update the plan as necessary based upon that review.

ANALYSIS

1. The notification process and public hearing are a part of the compliance with adopted policies and process regarding citizen involvement. The Planning Commission seeks input of all citizens at the public hearing of all applications.
2. The Planning Commission adheres to acting upon applications within a sixty (60) day time period from the date of determination of a complete application. Any continuation of the review period is done with the approval of the applicant, or through admission of new information into the review process.
3. The review of the contents of the Comprehensive Plan is not germane to this application.

ii. Urban Growth

■ **GOAL:** *1) TO PRESERVE AND MAINTAIN DESIGNATED AGRICULTURAL AND FOREST LANDS BY PROTECTING THEM FROM URBANIZATION.*

2) TO PROVIDE ADEQUATE URBANIZABLE AREA FOR THE GROWTH OF THE CITY, WITH IN THE FRAMEWORK OF AN EFFICIENT SYSTEM FOR THE TRANSITION FROM RURAL TO URBAN LAND USE.

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

Policy #2: Canby shall provide the opportunity for amendments to the urban growth boundary (subject to the requirements of statewide planning goal 14) where warranted by unforeseen changes in circumstances.

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.

ANALYSIS

1. The County was sent a "Request for Comments" form. The response from the County indicated that there was not a problem with annexation of 30 acres of the subject property. The County suggests that the City take over control of the half of S.E. 13th

Avenue that will be annexed into the City. Merits of this suggestion will be discussed in the Transportation Element discussion.

2. No changes to the Urban Growth Boundary are proposed with this application. The property is currently being used agriculturally, however, it is fully within the current Urban Growth Boundary and has been acknowledged for 'future' urbanization. The applicant is requesting that the 'future' be considered now.

One of the two overall goals listed for the Urban Growth Boundary is to preserve and maintain designated agricultural and forest lands by protecting them from urbanization. This goal is for the determination of the placement of the Urban Growth Boundary. While the subject property is agricultural, the acknowledged Comprehensive Plan has already designated this property for future urbanization. **The actual placement of the Urban Growth Boundary included some agricultural lands that will be urbanized based on the "need" for developable land to handle the projected residential growth of the City.**

3. The proposal is to bring 30 acres into the City, thus allowing future development of the property to be serviced with all necessary urban services. The availability of urban level public facilities and services will be discussed under the Public Services Element discussion. **The property is located in "Area C" for annexation priority. Implementation measure D of Policy 3 states the following.**

"Annexation which is not in keeping with the phased growth concept shall only be permitted when the following findings are made:

- **Proponents of the proposed annexation have borne the burden of proving the appropriateness of the annexation. Such burden being greatest for those proposals which are least in keeping with the phased growth concept.**
- **There will be some special benefit to the City overall as a result of the annexation which would not occur if the phased growth pattern was followed.**
- **The annexation will result in no adverse impacts on the City's planned provision of public facilities and services.**

- **The annexation is appropriate in terms of timing for City growth and development.**

The applicant, in their detailed project narrative, has offered an argument for the appropriateness of the annexation, including special benefits, lack of adverse impacts, and appropriateness in terms of timing for City growth and development. This argument is found on pages 2 through 5 of the project narrative (exhibit 2 of this staff report).

iii. Land Use Element

- **GOAL: TO GUIDE THE DEVELOPMENT AND USES OF LAND SO THAT THEY ARE ORDERLY, EFFICIENT, AESTHETICALLY PLEASING AND SUITABLY RELATED TO ONE ANOTHER.**

- Policy #1 Canby shall guide the course of growth and development so as to separate conflicting or incompatible uses, while grouping compatible uses.
- Policy #2 Canby shall encourage a general increase in the intensity and density of permitted development as a means of minimizing urban sprawl.
- Policy #3 Canby shall discourage any development which will result in overburdening any of the community's public facilities or services.
- Policy #4: Canby shall limit development in areas identified as having an unacceptable level of risk because of natural hazards.
- Policy #5 Canby shall utilize the land use map as the basis of zoning and other planning or public facility decisions.
- Policy #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.

ANALYSIS

1. The current use of the property is agricultural. If the 30-acre parcel is annexed into the City, the intention of the applicant and owner is to develop the property with single family residences. Single-family residential development would be compatible with the school to the north and the single-family residential development to the west. To the east and the south are more agricultural uses. Agricultural practices and residential uses are not always compatible as some farming operations are considered nuisances by homeowners. The properties to the east are within the Urban Growth Boundary and will eventually be urbanized themselves. In the meantime, the boundary area between the urbanized land within the City and the non-urbanized land in the County will be a boundary of potential "incompatible" uses. The property to the south is not in the Urban Growth Boundary, but will be minimally separated from the 30-acre parcel by a sixty (60) foot right-of-way. The degree of conflict is dependent on the nature of the immediately adjacent uses. The development review process should account for this potential through buffers, fences, or other means.
2. The annexation of the 30-acre parcel will permit future development of the property according to the Comprehensive Plan. A land partition is a required preliminary step to the annexation of the property. An application is under review to partition this 30-acre parcel from the parent property. Approval of the partition, **whether by the City now or by the County at a later date**, is necessary to permit the annexation of the 30-acre parcel. Use of the 30-acre property for single-family residential development is in accordance with the Comprehensive Plan and will minimize urban sprawl. If the property is not developed residentially, as directed by the Comprehensive Plan, but retained as agricultural land solely because it is agricultural land, then the residential development needed would occur unnecessarily beyond the Urban Growth Boundary, the essence of urban sprawl.
3. Request for comments have been sent to all public facility and service providers (see discussion under Public Services Element).
4. No natural hazards have been identified on the subject property.
5. The zoning of the property, if annexed into the City (R-1, Low Density Residential) is consistent with the Land Use Map designation for the property (Low Density Residential). The

minimum lot size for parcels in the R-1 zone is 7000 square feet, and both parcels will meet the minimum lot size.

6. The subject property is not identified as one of the "unique" sites or "areas of special concern".

iv. ENVIRONMENTAL CONCERNS

■ **GOAL:** *1) TO PROTECT IDENTIFIED NATURAL AND HISTORICAL RESOURCES.*

2) TO PREVENT AIR, WATER, LAND, AND NOISE POLLUTION. TO PROTECT LIVES AND PROPERTY FROM NATURAL HAZARDS.

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

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

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

Policy #3-R: Canby shall require that all existing and future development activities meet the prescribed standards for air, water and land pollution.

Policy #4-R: Canby shall seek to mitigate, wherever possible, noise pollution generated from new proposals or existing activities.

Policy #5-R: Canby shall support local sand and gravel operations and will cooperate with county and state agencies in the review of aggregate removal applications.

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

Policy #7-R: Canby shall seek to improve the overall scenic and aesthetic qualities of the City.

Policy #8-R: Canby shall seek to preserve and maintain open space where appropriate, and where compatible with other land uses.

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

Policy #1-H: Canby shall restrict urbanization in areas of identified steep slopes.

Policy #2-H: Canby shall continue to participate in and shall actively support the federal flood insurance program.

Policy #3-H: Canby shall seek to inform property owners and builders of the potential risks associated with construction in areas of expansive soils, high water tables, and shallow topsoil.

ANALYSIS

1-R-A. The subject property **has Class I soils. The applicant has submitted information that concludes that farming is not viable on this property.** There is other land, designated for residential use, that can be annexed at this time. **However, the availability of non-agricultural land within either the priority A or priority B areas for annexation and development is questionable. While the "need" for development is questionable, in order for residential development to continue in the City beyond approximately one year, more land will be needed within the City limits. The figures regarding the recent building activity, the vacancy and build-out rates, and the availability of lots for development that the applicant provided on page 5 of the project narrative are correct.**

1-R-B. **The discussion under 1-R-A is also applicable for 1-R-B.**

2-R. The storm water drainage of the subject property is handled on-site. Clackamas County reviews storm water management and compliance with the Federal Clean Water Act.

3-R. The existing use has not created a known pollution problem. No residential construction, beyond one single-family home would be permitted without further development review. Construction activity, the development activity directly related to residential development, is required to comply with prescribed standards for air, water, and land pollution, through the building permit process. Storm water drainage is mentioned in the above 2-R.

4-R. Noise will be expected as a result of residential construction. No residential construction, beyond one single-family home would be permitted without further development review.

5-R. The subject property is not a sand and gravel operation, nor will the annexation or future use of the land hinder any sand and gravel operation. There is no sand and gravel operation within the City limits.

6-R. The subject property and surrounding properties are not historic sites. The homes on the adjacent properties are not designated historic homes.

7-R. The annexation itself will not affect the scenic or aesthetic quality of the City. Future development of the 30-acre parcel, should it be annexed into the City will affect the scenic and aesthetic quality of the City. Open farm land is considered to be a positive scenic and aesthetic quality. However, urbanization of land within the Urban Growth Boundary is permitted. The review of that development takes into consideration the scenic and aesthetic quality of that development. Such a review will be a part of further development review of the 30-acre parcel.

8-R. The subject property is considered to be open space at this time. Preservation of the full property in perpetuity is impractical. Preservation of a portion of the property for park/open space is, on the other hand, possible. Further discussion of this is found under the discussion of the Public Facilities Element.

9-R. No wildlife or fish habitats are known on the subject property.

1-H. The subject property has no steep slopes.

2-H. The subject property is not in a flood zone.

3-H. The subject property has Latourell loam soil, which is a deep, well-drained soil. No expansive soils, shallow topsoil, high water table, or other potential risks associated with construction on the subject property have been identified.

v. *TRANSPORTATION*

- GOAL: *TO DEVELOP AND MAINTAIN A TRANSPORTATION SYSTEM WHICH IS SAFE, CONVENIENT AND ECONOMICAL.***

- Policy #1: Canby shall provide the necessary improvement to 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.
- Policy #3: Canby shall attempt to improve its problem intersections, in keeping with its policies for upgrading or new construction of roads.
- Policy #4: Canby shall work to provide an adequate sidewalks and pedestrian pathway system to serve all residents.
- Policy #5: Canby shall actively work toward the construction of a functional overpass or underpass to allow for traffic movement between the north and south side of town.
- 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.
- Policy #7: Canby shall provide appropriate facilities for bicycles and, if found to be needed, for other slow moving, energy efficient vehicles.
- Policy #8: Canby shall work cooperatively with the State Department of Transportation and the Southern Pacific Railroad Company in order to assure the safe utilization of the rail facilities.
- Policy #9: Canby shall support efforts to improve and expand nearby air transport facilities.
- Policy #10: Canby shall work to expand mass transit opportunities on both a regional and an intra-city basis.
- Policy #11: Canby shall work with private developers and public agencies in the interest of maintaining the transportation significance as well as environmental and recreational significance of the Willamette River.

Policy #12: Canby shall actively promote improvements to state highways and connecting county roads which affect access to the city.

ANALYSIS

1. The City normally requires dedication of land for right-of-way purposes and road improvements as a part of land development. The County **originally (the 4/19/94 application)** requested that, as a part of annexation, the City take over half of S.E. 13th Avenue (the part that would be in the City). S.E. 13th Avenue is a County road from S. Elm Street west, including Valley Farms immediately to the west of the subject property, and the subject property. It would be impractical for the City to "own" and maintain a 1000-foot stretch of 1/2 of a road (the southern half of S.E.13th Avenue would both remain in the County and remain under County control) in the middle of a County controlled road. The City and the County do not have an intergovernmental agreement regarding the "turning over" of County arterial roads to City control. Such an agreement is currently being negotiated. There are issues regarding the condition of the existing roads and cost in relation to changing control of maintenance and "ownership" of the roads that have not been resolved. These issues are beyond the purview of the annexation review. At this time there is no appropriate mechanism for the City to take control of S.E. 13th Avenue. The County is requesting that additional right-of-way be dedicated at this time. This is also desired by the City and is a part of the conditions of approval of the land partition application. Other road improvements will also be required as a part of the land partition.
2. No new streets are needed as a result of the proposed expansion. New streets would be needed with further development of the property, and would be addressed under the review process for that development.
3. The nearest major intersection to the subject property is the intersection of S.E. 13th Avenue and S. Redwood Street. At this time, that intersection is not considered to be a "problem intersection". The proposed annexation will not impact a "problem intersection", S.E. 13th Avenue and S. Ivy Street. Future development of the 30-acre parcel will impact the "problem intersection". The City has required a "fair-share contribution" of \$50 per lot for improvements to the intersection. The figure of \$50 per lot was arrived at through two independent

traffic impact studies and the cost of possible improvements needed at the intersection. The City has undergone a formal Transportation Plan study and the "fair-share contribution" may be replaced by a Systems Development Charge. These contributions would only affect further development of the subject property.

4. Sidewalks and other pedestrian or non-motorized vehicle amenities are specifically handled in the land partition application.
5. The subject property is not involved in any possible overpass or underpass of Highway 99-E and the railroad.
6. The fire district and police department have responded to the **original (4/19/94)** Request for Comments and have indicated that both adequate services are available and no further conditions related to the proposed annexation are necessary in view of the functions of both the fire district and the police department.
7. The widening of S.E. 13th Avenue (as a part of the land partition process) will allow room for a bicycle lane. No other improvements will be needed until further development of the property occurs. **At that time the County, as well as the City, will have a number of items related to transportation impacts and designs.**
8. The existing use and the proposed use of the property have no specific use for the rail facilities that exist in Canby.
9. The proposed annexation has no bearing on efforts to improve or expand nearby air transport facilities. There have been reports produced that have indicated a desire to have S.E. 13th Avenue become part of a direct route between I-5 and the Mulino Airport. At this time, no project or proposal is active, and there are no known plans for S.E. 13th Avenue beyond being an arterial road for the City of Canby.
10. The mass transit system in operation in Canby has no direct bearing on the proposed annexation. No future transit stops have been proposed. The City has undergone a Transportation Master Plan study which included mass transit considerations. Any future development of the property will be reviewed in light of the Transportation Master Plan.

11. The subject property is not near the Willamette River and will have no effect on the transportation potential or use of the Willamette River.
12. The subject property is on a county road which serves as an access road into the City. The improvements to S.E. 13th Avenue required as a part of development of the property will enhance this entrance into the City.

vi. PUBLIC FACILITIES AND SERVICES

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

- Policy #1: Canby shall work closely and cooperate with all entities and agencies providing public facilities and services.
- Policy #2: Canby shall utilize all feasible means of financing needed public improvements and shall do so in an equitable manner.
- Policy #3: Canby shall adopt and periodically update a capital improvement program for major city projects.
- Policy #4: Canby shall strive to keep the internal organization of city government current with changing circumstances in the community.
- Policy #5: Canby shall assure that adequate sites are provided for public schools and recreation facilities.

ANALYSIS

1. All needed public facility and service providers were sent a "Request for Comments" regarding this application. Positive responses were received from the County Transportation, Northeast Natural Gas, and the School District, **from the 4/19/94 Request for Comments. The applicant has provided the 9/12/94 staff memorandum regarding school capacity (Exhibit G of the project narrative).** All have indicated that adequate facilities and/or services are available. **The Canby Utility Board, Canby Telephone Association, Public Works, Water Treatment Plant, Police, and Fire District have not responded. Public Works, Water Treatment Plant,**

Police, Fire District, and Northwest Natural Gas all responded positively to the request for comments for the original annexation application (ANN 94-01). There has been no recent indication, unofficial or otherwise, of potential inadequacy of facilities or service from these providers. Staff has personal knowledge through other project reviews that electric, water, and telephone facilities have been built in S. Redwood Street and are located immediately adjacent to the subject property.

2. Needed 'public improvements' range from street widening, curbs, sidewalks, street trees, to intersection improvement at S.E. 13th Avenue and S. Ivy Street. All of these improvements are under review with the land partition application, and any future development application.
3. The subject property is a part of the area benefitting from the Logging Road Industrial Park road improvements project. Major infrastructure improvements have been constructed which benefits this property and are being funded through the City, **to be reimbursed through development of adjacent properties including the subject property.** Development of property within the benefitted property zones is the mechanism by which the City will be able to pay for the improvements. The improvements include the S.Pine Street/S. Redwood Street road connection between Highway 99-E and Township Road, and sewer and water mains to service the southeastern portion of the City, including the subject property.
4. The City's internal organization is not germane to this application.
5. The City has adopted a Parks Master Plan in which appropriate sites or areas for recreation facilities are identified. A mini-park has been designated in the area of this property. Dedication of land for park purposes **and systems development charges for parks** will be handled through the development applications for the subject property. Trost Elementary School is located immediately to the north of the subject property and is on a lot of sufficient size (20 acres) for its use. No other land is needed for the school district.

vii. ECONOMIC

- **GOAL: TO DIVERSIFY AND IMPROVE THE ECONOMY OF THE CITY OF CANBY.**

- Policy #1: Canby shall promote increased industrial development at appropriate locations.
- Policy #2: Canby shall encourage further commercial development and redevelopment at appropriate locations.
- Policy #3: Canby shall encourage economic programs and projects which will lead to an increase in local employment opportunities.
- Policy #4: Canby shall consider agricultural operations which contribute to the local economy as part of the economic base of the community and shall seek to maintain these as viable economic operations.

ANALYSIS

1. The proposed development is not industrial in nature, nor does the current zoning of the subject property allow industrial development.
2. The proposed development is not commercial in nature, nor does the current zoning of the subject property allow commercial development.
3. The subject property is a part of the area benefitting from the Logging Road Industrial Park road improvements project. The project will greatly enhance the marketability of industry locating the Logging Road Industrial Park, thus increasing local employment opportunities. The Advance Financing project should increase the value of property served by the sewer, water and road improvements. The annexation of the subject property will not directly result in increased local employment opportunities. However, the development of the subject property will help pay for the improvements to the industrial park, which will increase local employment opportunities and will provide temporary construction employment while the subdivision and homes are built.
4. The annexation of the 30-acre parcel will facilitate the urbanization of the land. The purpose of the annexation is for residential development.

viii. HOUSING

■ **GOAL: TO PROVIDE FOR THE HOUSING NEEDS OF THE CITIZENS OF CANBY.**

- Policy #1: Canby shall adopt and implement an urban growth boundary which will adequately provide space for new housing starts to support an increase in population to a total of 20,000 persons.
- Policy #2: Canby shall encourage a gradual increase in housing density as a response to the increase in housing costs and the need for more rental housing.
- Policy #3: Canby shall coordinate the location of higher density housing with the ability of the city to provide utilities, public facilities, and a functional transportation network.
- Policy #4: Canby shall encourage the development of housing for low income persons and the integration of that housing into a variety of residential areas within the city.
- Policy #5: Canby shall provide opportunities for mobile home developments in all residential zones, subject to appropriate design standards.

ANALYSIS

1. The location and size of the Urban Growth Boundary is not a part of the proposed application. When the Urban Growth Boundary was designated and calculations to determine the amount of land needed for residential growth, in 1984 as a part of the acknowledged 1984 Comprehensive Plan, the subject property was counted for residential development.
2. The proposed annexation will neither **directly** increase nor decrease the housing density. The property is not currently within the City limits. The potential for housing will be increased as a result of the proposed annexation. **The applicant is proposing to ultimately develop a single family residential subdivision on the property which would be permitted under the R-1 (Low Density Residential) zoning designation after annexation and subdivision approval.**
3. The proposed development does not include higher density housing. Future development of the property will not include

higher density housing. **The calculations for residential development types (high, medium, low) found in the Comprehensive Plan account for the development of this property with low-density housing (single family housing).**

4. The proposed development does not include housing for low income persons. Future development of the property could include housing for low income persons.
5. The proposed development is not a mobile home development. Future development of the property could include mobile/manufactured home development.

ix. ENERGY CONSERVATION

■ **GOAL:** ***TO CONSERVE ENERGY AND ENCOURAGE THE USE OF RENEWABLE RESOURCES IN PLACE OF NON-RENEWABLE RESOURCES.***

- Policy #1: Canby shall encourage energy conservation and efficiency measures in construction practices.
- Policy #2: Canby shall encourage development projects which take advantage of wind and solar orientation and utilization.
- Policy #3: Canby shall strive to increase consumer protection in the area of solar design and construction.
- Policy #4: Canby shall attempt to reduce wasteful patterns of energy consumption in transportation systems.
- Policy #5: Canby shall continue to promote energy efficiency and the use of renewable resources.

ANALYSIS

1. Energy conservation and efficiency as a part of construction practices has been incorporated into the building permit review process and the Uniform Building Code.
2. The orientation of the subject property in this proposal meets the basic solar access standards for new residential developments. Future development of the property will be reviewed for compliance with the solar access requirements for residential developments.

3. Any building will be required, as a part of the building permit review process, to be reviewed for compliance to the Solar Ordinance.
4. The City has undergone a Transportation Master Plan study. City standards, transportation patterns of all developments will be reviewed through the Transportation Master Plan.
5. Energy conservation and efficiency as a part of construction practices has been incorporated into the building permit review process and the Uniform Building Code.

Conclusion Regarding Consistency with the Policies of the Canby Comprehensive Plan:

Consideration of this application has two sets of competing goals and policies of the Comprehensive Plan. The current use of the property is agriculture (row crops and berry farming). The Comprehensive Plan is clear in stating the goal of preserving viable agricultural land for as long as "economically feasible to do so". **The viability or economic feasibility of farming this property is questionable. The applicant has supplied information that concludes that the property is not economically viable as farmland.** The purpose of the annexation is to develop the property residentially. There are other properties within the Urban Growth Boundary that **could be annexed, however, the availability of the properties is questionable.** Most of these properties do not have a full range of public services immediately available. This is particularly so of sewer, water and electric services. There are existing public facilities and services directly available to the subject property that will remain under-utilized until the subject property is developed. The subject property is in an 'annexation zone' of priority C, which means that it ought to be annexed last. **The applicant has supplied arguments for the appropriateness of annexation of this property at this time.** Development of the subject property will assist in the financing of the Logging Road Industrial Park road improvement project, **and thereby, will increase (indirectly) the local employment opportunity in the City,** another clearly stated goal of the Comprehensive Plan. The Planning Commission will need to decide **if the information submitted by the applicant, arguing for the appropriateness of annexation of this property at this time, is adequate to meet the requirements of Implementation Measure D of Policy 3 of the Urban Growth Element. If the information is considered to be adequate, then the application is in conformance with the Goals and Policies of the Comprehensive Plan.**

C. *Evaluation Regarding Annexation Consideration Criteria*

1. Conclusion Regarding Consistency with the Policies of the Canby Comprehensive Plan and Compliance with Other Applicable City Ordinances:

The paragraph immediately preceding this section discusses the applications consistency with the policies and goals of the Comprehensive Plan. The site will be zoned for Low Density Residential development (R-1), which permits single-family houses. The City and County have an agreed-upon procedure for handling annexations.

2. Capability of the City and Other Affected Service-Providing Entities to Amply Provide the Area With Urban Level Services:

Capability of Service providers to service the subject property with urban level services has been discussed under the Public Facilities and Services Element discussion of the Comprehensive Plan. All public facilities and services are available, or will become available through development, with sufficient capacity for development of the subject property.

3. Compliance with the Applicable Sections of ORS 222:

This application is being reviewed under the provisions of the Canby Land Development and Planning Ordinance, Chapter 16.84. Action by the City Council will be an advisory recommendation to the Boundary Commission, which has final authority. This property is contiguous with the City limits, the owners have authorized the applicant to apply and the properties can be served with an urban level of services. Thus, the staff believes the application complies with the requirements of ORS 222. **The Boundary Commission will require partitioning of the property prior to consideration of the annexation for approval.**

4. Appropriateness of the Annexation of the specific area proposed, when compared to other properties which might reasonably be expected to be annexed to the City:

Discussion of annexation of agricultural land was provided under the Urban Growth Element, Land Use Element, Environmental Concerns Element, and the Economic Element discussions of the Comprehensive Plan. The subject property is located within an area which has been determined to be Priority "C", the last stage for annexation and development. Public utilities already exist with sufficient capacity to properly service any development of this property. Further, annexation and subsequent development of the property will assist in the funding of the Logging Road Industrial Park road improvement project. The Logging Road project will increase the opportunities for local employment.

There are other properties within the Priority "A" or "B" areas that could be annexed into the City to provide any additional land needed for residential development. **These properties have been listed by the applicant (Exhibit B of the project narrative) along with the difficulties in annexing and/or developing the properties.** The Planning Commission needs to weigh the **information presented by the applicant arguing for the appropriateness of annexation of the property at this time.**

Implementation measure D of Policy 3 states the following:

"Annexation which is not in keeping with the phased growth concept shall only be permitted when the following findings are made:

- **Proponents of the proposed annexation have borne the burden of proving the appropriateness of the annexation. Such burden being greatest for those proposals which are least in keeping with the phased growth concept.**
- **There will be some special benefit to the City overall as a result of the annexation which would not occur if the phased growth pattern was followed.**
- **The annexation will result in no adverse impacts on the City's planned provision of public facilities and services.**
- **The annexation is appropriate in terms of timing for City growth and development.**

5. Risk of Natural Hazards which might be expected to occur on the subject property:

No natural hazards have been identified on the subject properties. There are no steep slopes, no flood-prone areas, or any major stream corridors.

6. Effect of the urbanization of the subject property on specially designated open space, scenic, historic, or natural resource areas:

There are no designated open space, scenic, historic, or natural resource areas present on the properties. The development ordinance will review details of any site development, other than a single family residential structure, under the Subdivision review process or design review process, to give protection to any detailed resources which may be identified and ensure that needed public facilities and services are available. Park land dedication will be reviewed as a part of development of the property.

7. Economic impacts which are likely to result from the annexation:

The previous discussion of the Economic policies of the Comprehensive Plan concluded that development of the site as it will be zoned, will not adversely affect the economy of Canby. Urban type potential development will increase land values and tax values. Agricultural operations are considered to be viable economic resources to the City of Canby. Annexation of the subject property will be trading the **questionable** economic resource of **this particular** agricultural operation for the economic resource of residential construction. It is estimated that approximately 130 to 140 homes could be built on the subject property.

III. CONCLUSION

Staff hereby concludes that the proposed annexation will meet the requirements of the standards and criteria included in the Canby Land Development and Planning Ordinance, Section 16.84.040, provided that the Planning Commission makes particular findings related to : 1) Comprehensive Plan consistency; 2) Compliance with other applicable Codes and Ordinances; 3) Capability to provide urban level of services; 4) Compliance with ORS 222 regarding annexations of contiguous properties; 5) Appropriateness of area for annexation compared to other properties; 6) Risk of natural hazards; 7) Effect of urbanization on designated open space, scenic, historic or natural resource area; and 8) Economic impacts.

IV. RECOMMENDATION

Based upon the findings and conclusions contained in this report (and without benefit of a public hearing), staff recommends that should the Planning Commission recommend approval of ANN 94-02 to the PMALGBC (Boundary Commission), through the City Council, the following understandings should apply:

1. The zoning classification for the property upon annexation will be R-1, Low Density Residential.
2. All development and recording costs are to be borne by the developer when the property is developed.
3. All City and service provider regulations are to be adhered to at the time of development.
4. Any large scale development of the property must be preceded by a Subdivision review or Site and Design Review.

5. Dedication of ten (10) feet of land along S.E. 13th Avenue for road widening purposes, prior to connecting to the City sewer system, will be needed.
6. Road improvements to the whole street frontage along S.E.13th Avenue will be required as a part of any development of the property, beyond one single family residential structure.
7. **Partition of the subject property from the parent parcel shall be effective prior to annexation.**

Exhibits:

1. Application
2. Project Narrative
3. Tax Map
4. Request for Comments

ANNEXATION APPLICATION

Fee: \$1500

OWNER

APPLICANT

Name LARRY & Betty Faust
Address 1866 S.E. 13th
City Canby State OR Zip 97013
SIGNATURE [Signature]
Betty Faust

Name OREGON DEVELOPMENT, INC
Address P.O. Box 151
City Canby State OR Zip 97013
Phone: 503-557-1012

DESCRIPTION OF PROPERTY:

Tax Map T45B1E, 3 Tax Lot(s) 995ft. x 795ft. ^{Westerly} Lot Size 30.07
(Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)

Plat Name _____ Lot _____ Block _____

PROPERTY OWNERSHIP LIST

Attach a list of the names and addresses of the owners of properties located within 200 feet of the subject property (if the address of the property owner is different from the situs, a label for the situs must also be prepared and addressed to "Occupant"). Lists of property owners may be obtained from any title insurance company or from the County Assessor. If the property ownership list is incomplete, this may be cause for postponing the hearing. The names and addresses are to be typed onto an 8-1/2 x 11 sheet of labels, just as you would address an envelope.

USE

Existing Pasture Land
Proposed Single Family Subdivision
Existing Structures NONE

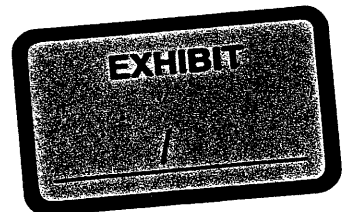
PROJECT DESCRIPTION

Proposing a single family subdivision

ZONING EFU-20 COMPREHENSIVE PLAN DESIGNATION R-1

PREVIOUS ACTION (if any) _____

File No. ANN 94-02
Receipt No. 9125
Received by C/SW
Date Received 9-28-94
Completeness Date _____
Pre-App Meeting _____
Hearing Date _____



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

APPLICATION FOR ANNEXATION
AND MINOR PARTITION

Applicant Tom Kendall
Oregon Development, Inc.
P.O. Box 151
Canby, OR 97013

Property Owner Larry & Betty Faist
1866 S.E. 13th Avenue
Canby, OR 97013

Property Size 39.92 Acres (30.07 proposed for annexation)

Location North side of S.E. 13th Avenue, immediately
east of Valley Farms Subdivision

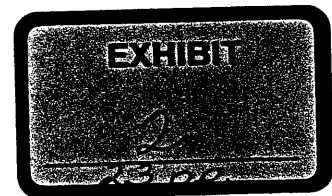
Legal Description Tax Lot 2000, Tax Map 4-1E-3

Zone EFU (Clackamas County)

Comprehensive Plan Low Density Residential (R-1 zoning after
annexation)

Proposal The Applicant proposes to annex 30.07 acres
of a 39.92 acre property to the City of Canby,
with a minor partition

Exhibits A - Vicinity Map
B - Unannexed Lands Map & Chart
C - Lots Available in Canby
D - Crop Diagrams for 1992 & 1993
E - DLCD Gross Sales Figures
F - Proposed Partition Map
G - School Capacity Memorandum



SITE DESCRIPTION

The site is located north of S.E. 13th Avenue, immediately east of Valley Farms Subdivision and south of Trost Elementary School. The Logging Road Industrial Park is approximately 1/2 mile to the north.

S.E. 13th Avenue is an arterial street. S. Redwood Street is designated as a local street but has been constructed to collector street standards and functions as a collector since it connects the area to Highway 99E.

The site is very nearly flat. The 30 acre portion proposed for annexation has been in agricultural use and has no trees or other notable vegetation.

The Soil Survey of Clackamas County Area (Soil Conservation Service, 1985) identifies the soil type as Latourell (Map 27, number 53A), a Class I soil type for farming purposes. The soil is described as deep and well drained, with slow run off and little erosion hazard, and well suited to cultivated crops. It is also suited to home site development, with some potential for low soil strength that should not interfere with typical residential development (Soil Survey, pp. 72-73).

The site is designated EFU by Clackamas County. It is within the City of Canby's Urban Growth Boundary and is identified as Low Density Residential on the Comprehensive Plan. The site has been designated as annexation priority area "C."

PROPOSAL DESCRIPTION

The Applicant proposes to annex 30.07 acres of a 39.92 acre property to the City of Canby. A minor partition accompanies the request, to create the parcel to be annexed.

APPLICABLE CRITERIA OF THE CANBY MUNICIPAL CODE

ANNEXATION

Canby Municipal Code requires the following criteria be considered when reviewing a proposed annexation:

1. Compatibility with the text and maps of the Comprehensive Plan, giving special consideration to those portions of policies relating to the Urban Growth Boundary.
2. Compliance with other applicable City ordinances or policies.
3. Capability of the City and other affected service providing entities to amply provide the area with urban level services.
4. Compliance of the application with the applicable section of ORS 222.
5. Appropriateness of the annexation of the specific area proposed, when compared to other properties that may be annexed to the City.
6. Risk of natural hazards that might be expected to occur on the subject property.
7. Effect of the urbanization of the subject property on specially designated open space, scenic, historic, or natural resource areas.
8. Economic impacts which are likely to result from the annexation.

These criteria will be discussed in the following narrative.

Criteria 1 - COMPREHENSIVE PLAN POLICIES

The site is within the City of Canby's Urban Growth Boundary and the Comprehensive Plan designation for the site is Low Density Residential. Zoning, following annexation, will be R-1, Low Density Residential.

URBAN GROWTH

The City's goals are (1) to preserve and maintain designated agricultural and forest lands by protecting them from urbanization and (2) to provide adequate urbanizable area for the growth of the City. In addition, (3) urban development of properties shall occur after annexation and when all necessary urban services are available.

The City of Canby's Comprehensive Plan contains a thorough analysis of the balance between preserving agricultural lands and providing adequate area for growth of the City for the 20 year planning horizon. Setting the Urban Growth Boundary was the resolution of these conflicting issues.¹

¹Canby Comprehensive Plan (CCP), pp. 16-22.

Land within the Boundary is "...where urbanization will be allowed to occur during the planning period..."² Conversion of agricultural lands to urban uses is an unavoidable consequence of growth; the City has chosen to preserve agricultural lands by setting a reasonable boundary within which development may occur.

The City of Canby has developed a priority system to encourage the phasing of growth, with a property designated "A" to be generally annexed prior to areas designated "B" and so on. Note, however, the Comprehensive Plan states that "...adopted maps showing growth phasing shall be used as a general guideline for the City's outward expansion."³

Several factors demonstrate that the Comprehensive Plan did not intend the priority system to be a rigidly established schedule:

1. No records are available to confirm the observation that the priority areas were created as "rings" around the City. Each ring could be expected to have approximately a 7 year horizon (three rings, 20 year plan), even though the Priority C area is much larger than A and B areas.

2. The Comprehensive Plan does not indicate whether the priority areas relate to planned expansions of public utility lines or identification of the most productive agricultural areas.

3. The Comprehensive Plan does not indicate the acreages of the priority areas and does not provide any guidance relating to when an area is "full." The City of Canby has not kept records of the total number of acres annexed in any of the priority areas so it is not possible to casually ascertain how many acres remain within each of the priority areas or within the Urban Growth Boundary.

These considerations notwithstanding, halfway into the 20 year planning period, it appears that the Comprehensive Plan's priority scheme has "generally" been directing growth as it was supposed to do: The City's annexation map shows that approximately half of the properties in the A and B areas have been annexed and developed (please refer to Exhibit B). Most of the remaining A and B properties remain in productive agricultural use or are fragmented into small parcels. Approximately 50% of the remaining B sites are designated for industrial use. The Comprehensive Plan does not require that all of the A and B properties must be annexed before C properties are appropriately considered. The priority system was intended as a general guide, not a fixed or inflexible schedule.

Even though the priority system is intended as a general guide, when an annexation is proposed that is not in keeping with the phased growth concept, the following findings must be made:⁴

1. Proponents must show that the annexation is appropriate.

The function of this narrative is to demonstrate that the annexation is appropriate, based on the goals and policies of the City's Comprehensive Plan.

²CCP, p. 16.

³CCP, p. 25, emphasis added.

⁴Comprehensive Plan. p. 25.

2. There will be some special benefit to the City overall as a result of the annexation which would not occur if the phased growth pattern was followed.

Benefits to the City are also discussed in various sections of this narrative. In brief, the City will benefit financially from development fees that will help to pay for the City-financed Logging Road improvements and from utilization of capacity in water and sewer lines stubbed to the property's boundaries. This property is located to support the City's investment through its development, unlike any other property in the southeast area except the Tofte farm. The largest properties remaining unannexed in the A priority designation remain in agricultural use (Montecucco and Tofte), again supporting the Comprehensive Plan's goals.

3. The annexation will result in no adverse impacts on the City's planned provision of public facilities and services.

Public facilities are available, with capacity, at the property's boundaries. Please refer to more detailed discussion under the Comprehensive Plan Public Facilities section, which demonstrate that annexation will support provision of public facilities and services.

4. The annexation is appropriate in terms of timing for City growth and development.

Please refer to the discussion in this section.

As noted previously, the subject site is designated as priority type "C." However, there have been changes in the community that are not reflected in the 1984 Plan and that do have a bearing on this application and the priority designations:

1. Numerous annexations have occurred in the Priority A and B areas. No figures are available on the acreage remaining in these areas, but the City's map shows that many of the sites, especially larger properties, have already been annexed. The remaining large holdings remain in agricultural use or are designated for industrial development.

2. The annexation of 20 acres designated Priority C and construction of a new elementary school to serve anticipated population in the southeast area occurred immediately to the north of the subject property.

3. The subdivision immediately to the west (Priority A area) has been developed and is close to build out.

4. In 1992, a \$4.1 million bond was approved for sewer plant improvements. This project is anticipated to be completed in the summer of 1994 and is expected to accommodate the City's growing population.

5. The "Logging Road Industrial Park" was annexed (Priority A and B areas) and is under construction. This will provide an important employment center within 1/2 mile of the subject site. The subject site is within the area of benefit for the Logging Road Industrial Park road improvement project. Construction of these improvements have made development of this site possible and the development of this site will contribute approximately \$50,000 toward paying for these City funded improvements.

6. Sewer and water are immediately available at the northwest and southwest corners of the subject site and are adequate to serve residential development according to documents in the City's files.

7. S. Redwood Street, abutting the northwest corner of the site, connects the site and vicinity to Highway 99E. It has been constructed to collector standards, even though it is classified as a local street.

The City has designated the property as Priority C for annexation, but the Comprehensive Plan's priority system has not been updated to reflect changes in the community such as those listed above. Therefore, the subject site is appropriately proposed for annexation at this time.

There is also the issue of timing and whether additional land should be annexed now: Over the last five years, the City' has averaged approximately 124 dwelling units per year, or 10 dwelling units per month. However, in 1993, building permits were issued for 199 new dwelling units of all types (16.6 units per month). And, in the first 6 months of 1994, the rate of new dwelling units permitted has been three times the five year average (164 units for six months: 114 single family permits, 16 manufactured homes, and 34 multi-family units). Homes have been built on some 78.6% of all lots created since 1988.⁵ If the previous average of 10 dwelling units continues for the balance of 1994 and all are single family units, less than a year's supply of lots will remain at the end of the year.

The vacancy rate for all dwelling units in Canby is approximately 1%. The typical vacancy rate is 5%. A vacancy rate as low as 1% causes an artificial pressure on housing prices for units that are available. It appears that new units of all types are needed in the City to maintain affordable levels of housing costs.

A current print out of available lots in Canby is attached as Exhibit C. Most of the available lots are priced over \$40,000, well above the median price for lots in Canby of \$29,500.⁶

Annexation of the subject site would make possible a residential subdivision of approximately 130 to 140 lots.⁷ These lots are expected to be made available over a period of three to five years, adding 25 to 40 lots per year. This is within the parameters of recent City development. However, if the 140 lots available on this property were the only lots available in Canby and the rate of 19 single family permits a month continues, the 140 lots would be built out within eight months.

Therefore, the annexation and subdivision of the 30 acres is reasonable at this time and, indeed, expected as a means of accommodating the City's growth.

⁵Figures provided by the City of Canby.

⁶Median price calculated for approximately 100 lots sold in Canby from 1/94 to 9/94.

⁷Property size, less 20% allowed for streets, divided by 7,000 square feet, yields a theoretically possible number of residential units, calculated for this site as 149 units. Development constraints identified when a subdivision is designed for a property, such as the actual location of streets and intersections, may affect lot sizes and arrangement and may reduce the actual number of possible lots that can be created from the potential possible under the zoning designation.

LAND USE ELEMENT

The City's goal is to guide the development and uses of land so that they are orderly, efficient, aesthetically pleasing, and related to one another.

The City's Comprehensive Plan designation for the subject site is Low Density Residential. If annexed, the zoning would be R-1. Lots of 7,000 square feet in area could be created, similar to those in Valley Farms.

Land to the south of the subject site and south of S.E. 13th Avenue is outside of the UGB. The width and nature of the arterial street will serve as a separation between residential and agricultural uses. In addition, the City can require during the course of its review that the design of the subdivision lot layout be oriented to interior streets with limited access to the arterial as a means to further separate the new residences from existing agricultural uses.⁸ Additional buffer measures, such as fences, may be appropriately established, if warranted, during review of subdivision of the property.

All public services are available to the subject site. No issues or concerns have been raised by service providers.

The site is nearly flat and no natural hazards have been identified. There should be no problems with development for residential use.

ENVIRONMENTAL CONCERNS

The City's goals and policies encourage viable agricultural uses to continue as long as economically feasible and urbanization shall be directed to the least productive agricultural areas within the UGB as a first priority. However, the Comprehensive Plan offers no guidance to the evaluation of the phrases "viable use" and "economically feasible." Further, though the City's policy is to encourage urbanization of the least productive agricultural lands first, no adopted map identifies these lands. Finally, there is no evidence in the Comprehensive Plan to suggest that agricultural productivity was a factor in establishment of the City's priority system for annexation.

The subject site is identified as having Latourell loam, a Class I soil. It is currently farmed. Thirty of the 40 acres are irrigated.

The current property owners raise a variety of crops, including oats, corn, raspberries, and blackcaps (see diagrams, Exhibit D). The total income for 1992 was \$23,681, with expenses of \$16,024. For 1993, the income was \$11,655, with expenses of \$11,525. The total gross income per acre for the 30 acres proposed for annexation was \$787.53 for 1992 and \$387.60 for 1993. The total net income per acre for 1992 was \$255 and for 1993, \$4.33.

For real property, a typical expected rate of return on investment is 10%. The subject property has a farm deferral and is assigned the artificially low value of \$40,720, according to Clackamas County Assessment and Taxation records. Using that value, the annual return on the property (income as a percentage of capital), was 18.8% for 1992 and .3% for 1993. The actual property value is more on the order of \$30,000 to \$35,000 per acre or \$900,000 to \$1,050,000 for the 30 acres proposed

⁸Canby Municipal Code, Chapter 16.64.010.1, allows the City to restrict access to arterial streets.

for annexation, based on "current market value" for similarly situated land available for residential development. This changes the percentage of return on investment to .7% to .85% for 1992 and .012% .014% for 1993. If the actual property value is considered, the return for this property is far less than might normally be expected for an investment in real estate.

The Department of Land Conservation and Development has prepared a list of soils and classifications for Clackamas County and an estimate of potential gross sales per acre (Exhibit E). Latourell loam is a Class 1 soil, whether irrigated or not. The DLCD's chart estimates potential gross sales of \$1,634.09 per acre of irrigated land and \$301.64 for non-irrigated land. This property yields far less per acre than the DLCD's estimates, suggesting that farming is not viable on this site.

Ron Eber, Department of Land Conservation and Development, stated in a telephone conversation that lands within an UGB are *de facto* not considered as high value farmland, regardless of soil type.⁹ The subject property is within the City's Urban Growth Boundary, and therefore is identified as land which will be needed to accommodate the City's expected population.¹⁰ According to DLCD, maintaining agricultural lands within the UGB ceased to be an issue of concern once the UGB was established.

DLCD's opinion notwithstanding, the City's Comprehensive Plan calls for maintaining agricultural uses as long as they are economically viable. Information provided by the current property owner suggests that the income generated by farming the site is far less than DLCD estimates for agricultural acreage in Clackamas County and that the return on capital is less than desirable for a real estate investment.

As noted in the Comprehensive Plan, virtually all of the City of Canby is either class I or II soils. No method of evaluating the relative productivity of agricultural lands is suggested, other than the general finding that development should be directed to areas where ownerships have been fragmented into small parcels.¹¹ Many of these properties in the A and B priority areas have already been annexed or are retained as mini-farms, providing a semi-rural lifestyle close enough to commute to the urban center.

For these reasons, the Applicant believes that farming of the property is not economically viable and that this policy has been met.

TRANSPORTATION

The City's goal is to develop and maintain a transportation system which is safe, convenient, and economical.

Annexation and eventual development of the subject site would support this goal and most of the transportation issues would be specifically addressed with review of a subdivision. For instance, with subdivision, new streets would be created to connect new neighborhood to the existing neighborhoods and to the school site. The City probably would require improvements appropriate for the scale of development to the frontage of the existing arterial street south of the site, S.E. 13th Avenue.

⁹Telephone conversation with Ron Eber, Department of Land Conservation and Development, July 25, 1994.

¹⁰CCP, p. 20.

¹¹CCP, p. 64.

PUBLIC FACILITIES AND SERVICES

The City's goal is to assure provision of a full range of public facilities and services to meet the needs of the residents and property owners. Annexation and development of properties is to be discouraged until all public facilities are available.

When the City adopted its Comprehensive Plan in 1984, no public facilities were available to this area. Since then, public water and sewer lines have been extended to the northwest and southwest corners at the edge of the subject site, with capacity to serve anticipated development. A major public investment in upgrading the City's sewer treatment plant to accommodate anticipated population growth is due to be completed this summer.

A new elementary school has been built immediately to the north. The School District has recently presented information to the City demonstrating that adequate capacity is available for 3-1/2 to 10 years (depending on the assumption used; please refer to Exhibit G).

Other service providers anticipate no difficulty in serving the subject site.

The site is within the benefit area for the Logging Road Industrial Park road improvement project. Development of the site will contribute approximately \$50,000 to paying for this City funded project.

All public facilities are available immediately adjacent to the site and can be readily extended onto the site to serve new development. The application is in compliance with the public facilities and services goal.

HAZARDS

No physical problem which would cause a hazard for development has been identified for the subject site.

ECONOMIC ELEMENT

The City's goal is to diversify and improve the economy of the City of Canby.

The subject site is designated for use as low density residential and does not permit industrial or commercial development.

However, the site is within the area of benefit for the Logging Road Industrial Park road improvements project and development will support paying for this City financed improvement. In addition, persons living in the development may well work at the Logging Road Industrial Park and almost certainly will shop at local businesses.

The proposal will result in the conversion of an agriculturally used property to urban use. This was foreseen when the UGB was established. The Comprehensive Plan considers agricultural operations as part of the City's economic base and "shall seek to maintain" economically viable operation. As noted, there is no standard to use to determine when an agricultural use is "economically viable" and the property owner who currently farms the property has provided income information to demonstrate that farming the land has not been a particularly economically rewarding exercise.

HOUSING

The City's goal is to provide for the housing needs of its citizens.

If annexed and eventually subdivided, as proposed, as many as 140 additional lots could be expected to be available for single family residences over the next 3 to 5 years. However, with the very low vacancy rate and the current rate of building permits being issued in the City, these lots could be built upon in a much shorter period of time.

Residential development of the site in a timely manner is consistent with the Comprehensive Plan designation and other policies. Actual development of the property would take into account market factors, such as timing, available lot supply, etc.

ENERGY CONSERVATION

The City's goal is to conserve energy and encourage the use of renewable resources.

This proposal supports this goal, inasmuch as the City's Comprehensive Plan was acknowledged in accordance with State Goal 13.

In addition, newer housing, built to current energy codes, is more energy efficient than older residences. To the extent that future housing on this site replaces older dwellings, this goal will be supported.

In addition, future residents will be able to work at the Logging Road Industrial Park rather than drive long distances for employment. The industrial park is within a half mile of the subject site, an easy walk or bicycle ride. This too, could save energy over the longer term.

Criteria 2: OTHER CITY ORDINANCES AND POLICIES

Any application for development of the subject property will be in compliance with other applicable ordinances and policies. Specifically, any proposal for subdivision will meet requirements of the City's subdivision provisions and dimensional and use requirements of the R-1 Low Density Residential District. A 30 acre property is large enough that a subdivision can be designed in an orderly manner, consistent with City requirements.

Criteria 3: CAPABILITY OF SERVICE PROVIDERS

Please refer to the discussion under Comprehensive Plan Policies relating to Urban Growth, preceding. No difficulties have been identified by service providers. Sewer and water are available at the property boundary and have capacity to serve the development of the site. Schools have capacity for the foreseeable future. This criteria is satisfied.

Criteria 4: COMPLIANCE WITH ORS 222

The Oregon Revised Statutes provide for the annexation of land to municipalities in this chapter. A property owner may petition for annexation, as this property owner has done. A City is not required to submit an annexation proposal to voters unless required

by its charter; no election is required for this proposal. The chapter also specifies certain procedural requirements.

Following action by the City of Canby, the annexation proposal will be submitted to the Metropolitan Area Boundary Review Commission. The Commission's process may include a public hearing or provide an opportunity for a hearing to be requested. The application can be in compliance with this process.

This criteria is satisfied.

Criteria 5: APPROPRIATENESS OF THE SPECIFIC AREA FOR ANNEXATION

The site is within the City's Urban Growth Boundary. The specific area is appropriate for annexation at this time because of the factors discussed in the discussion of Comprehensive Plan Policies relating to Urban Growth and Environmental Concerns.

Other properties in the City do not have the availability of services, proximity to potential employment and school sites, or sufficient size to create a coherent neighborhood plan. A map and summary are attached as Exhibit B showing unannexed lands and potential difficulties for development.

This criteria is satisfied.

Criteria 6: RISK OF NATURAL HAZARDS

No natural hazards have been identified: the site is nearly flat, with soils suitable for residential development.

Criteria 7: EFFECT ON OPEN SPACE, SCENIC, HISTORIC, OR NATURAL RESOURCE AREAS

The site is not designated as an open space, scenic, historic, or natural resource area. Development of the property with residences, as specified in the Comprehensive Plan, would not be expected to have an impact on any resource area on adjacent or nearby properties.

Criteria 8: ECONOMIC IMPACTS OF ANNEXATION

The transfer of 30 acres from County to City will have a minor impact on each jurisdiction's tax base. Upon development, however, the City will eventually gain from property taxes and public utility fees (sewer, water, telephone, electricity) for an additional 130 to 140 single family residences though some services, such as police, will also likely add to costs. Both increased revenues and increased costs will probably be added over a period of several years, minimizing the impact in any one year.

LAND DIVISION

The Portland Metropolitan area Local Government Boundary Commission requires that when parts of properties are proposed for annexation, the actual parcel be created by land division.

The Applicant requests that a minor partition be approved with this annexation proposal, to create a site approximately 30 acres in size to be annexed and a site approximately 10 acres in size to remain in Clackamas County (please refer to Exhibit F). No change in use of the land is proposed at this time. Development of the 30 acre parcel would occur only if the annexation is approved by the Metropolitan Area Boundary Review Commission and, subsequently, a land division is approved by the City.

Consideration of off-site public facilities requirements will be most appropriately part of evaluation of a subdivision proposal for the annexed property.

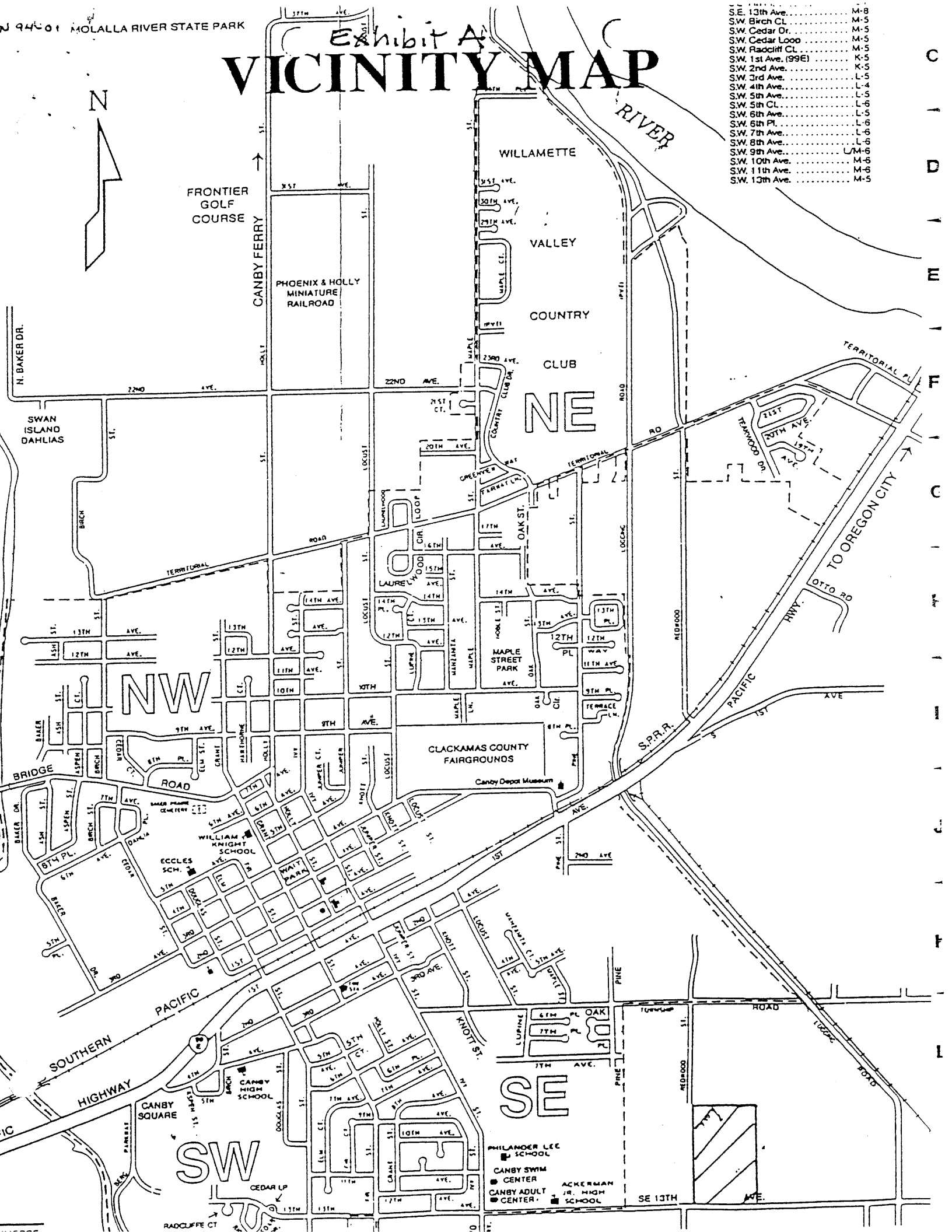
CONCLUSION

The foregoing analysis of criteria in the Canby Municipal Code demonstrates that the proposed annexation is consistent with goals and policies of the City and with the Comprehensive Plan, and therefore should be approved.

Exhibit A

VICINITY MAP

S.E. 13th Ave.	M-8
S.W. Birch Ct.	M-5
S.W. Cedar Dr.	M-5
S.W. Cedar Loop	M-5
S.W. Radcliff Ct.	M-5
S.W. 1st Ave. (99E)	K-5
S.W. 2nd Ave.	K-5
S.W. 3rd Ave.	L-5
S.W. 4th Ave.	L-4
S.W. 5th Ave.	L-5
S.W. 5th Ct.	L-6
S.W. 6th Ave.	L-5
S.W. 6th Pl.	L-6
S.W. 7th Ave.	L-6
S.W. 8th Ave.	L-6
S.W. 9th Ave.	UM-6
S.W. 10th Ave.	M-6
S.W. 11th Ave.	M-6
S.W. 13th Ave.	M-5



FRONTIER
GOLF
COURSE

CANBY FERRY

PHOENIX & HOLLY
MINIATURE
RAILROAD

WILLAMETTE

VALLEY

COUNTRY

CLUB

NE

NW

CLACKAMAS COUNTY
FAIRGROUNDS

SE

SW

TO OREGON CITY

PILANDER LEE
SCHOOL

CANBY SWIM
CENTER

CANBY ADULT
CENTER

ACKERMAN
JR. HIGH
SCHOOL

Kendall Annexation - Exhibit B

CITY OF CANBY
UNANNEXED LANDS WITHIN THE URBAN GROWTH BOUNDARY

AREA	COMMENT	PRIORITY
1	Pine Street area - three or four ownerships; all public services available but owners have no interest in developing at this time	25 Acres in Area A
2	N.E. Redwood - Zoned for 2.5 Acre lots in Clackamas County; difficult to develop because small parcels would have to be assembled; some land division has occurred to create mini-farms; no main water line available	Area A
3	East of Redwood - 2.5 Acre zoning; no main water line available	Area B
4	Tofte property - Farmed with row crops; services available at 13th & Redwood but probably could only serve the upper portions	60 Acres in A, 40 Acres in B & C
5	Small farms with no services	Area B & C
6	Wright's nursery - Full services available; nursery business still viable	7 Acres in A
7	Small parcels of 1 to 2 acres in size; difficult to redivide or assemble for redevelopment (3 ownerships)	10 Acres in A
8	Plant nursery and farming occupies the land; full public services not available	Area A
9	Houses on small acreages; full services not available	Area B
10	Along Walnut - currently farmed; no services; designated for industrial development	Area B & C

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.

- Priority "A" [grid pattern]
- Priority "B" [dotted pattern]
- Priority "C" [horizontal line pattern]

Amended since map was created [diagonal line pattern]

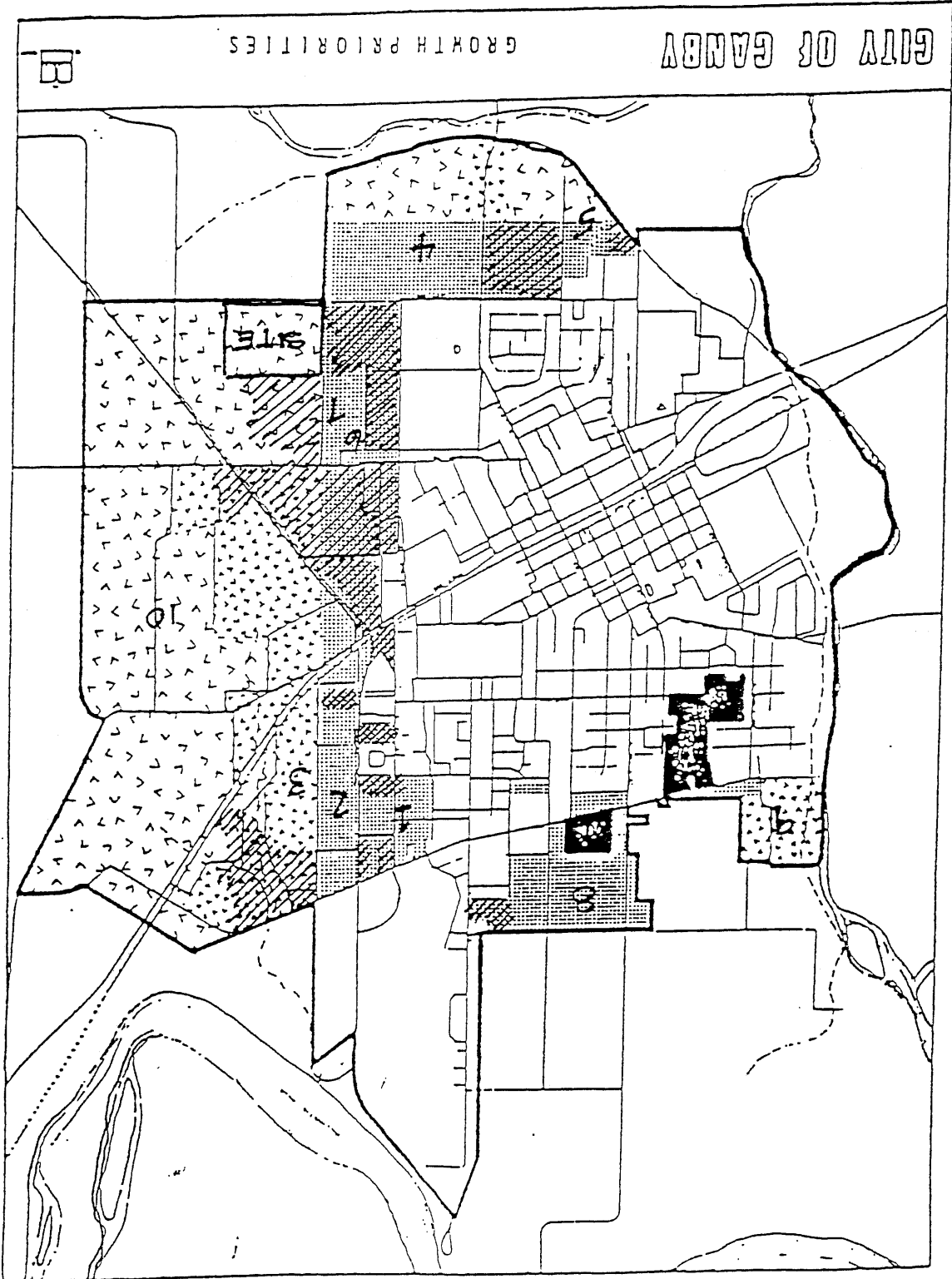


Exhibit B

Kendall Annexation Exhibit C

Lots For Sale

Original search criteria:

STAT:ACT,CON AREA:146 CITY:CANBY TYPE:RESID
 (HERITAGE REAL ESTATE, INC. 503-266-7333 09/22/94 JAY BOXBERGER

152668	A RESID		NE TEAKWOOD CIRCLE	146	10000SF-	\$ 40000
152666	A RESID		NE TEAKWOOD CIRCLE	146	10000SF-	\$ 40000
152663	A RESID		NE TEAKWOOD CIRCLE	146	10000SF-	\$ 40000
152670	A RESID		NE TEAKWOOD CIRCLE	146	20000SF-	\$ 45000
152371	A RESID		NE TEAKWOOD DRIVE	146	20000SF-	\$ 45000
114654	A RESID	*	1812*NE*20TH	146	10000SF-	\$ 46000*
114644	A RESID	*	2008*NE*21ST	146	10000SF-	\$ 46000*
114652	A RESID	*	1938*NE*20TH	146	10000SF-	\$ 47000*
114651	A RESID	*	1962*NE*20TH	146	10000SF-	\$ 48000*
152862	A RESID		NE TEAKWOOD CIRCLE	146	20000SF-	\$ 49000
152861	A RESID		NE TEAKWOOD CIRCLE	146	10000SF-	\$ 49000
152860	A RESID		NE TEAKWOOD DRIVE	146	10000SF-	\$ 49000
152867	A RESID		NE TEAKWOOD DRIVE	146	20000SF-	\$ 49000
152866	A RESID		NE TEAKWOOD DRIVE	146	20000SF-	\$ 49000
152865	A RESID		NE TEAKWOOD DRIVE	146	20000SF-	\$ 49000
152859	A RESID		NE TEAKWOOD DRIVE	146	10000SF-	\$ 49000
152864	A RESID		NE TEAKWOOD CIRCLE	146	20000SF-	\$ 49000
152863	A RESID		NE TEAKWOOD CIRCLE	146	20000SF-	\$ 49000
152858	A RESID		NE TEAKWOOD DRIVE	146	10000SF-	\$ 49000
114645	A RESID	*	1969*NE*20TH	146	10000SF-	\$ 49000
151856	A RESID		NE TEAKWOOD DRIVE	146	10000SF-	\$ 49000
151857	A RESID		NE TEAKWOOD DRIVE	146	10000SF-	\$ 49000
151858	A RESID		NE TEAKWOOD DRIVE	146	10000SF-	\$ 49000
152853	A RESID		NE TEAKWOOD CIRCLE	146	10000SF-	\$ 50000
152852	A RESID		NE TEAKWOOD CIRCLE	146	10000SF-	\$ 50000
152851	A RESID		NE TEAKWOOD CIRCLE	146	10000SF-	\$ 50000
151835	A RESID		NE TEAKWOOD DRIVE	146	20000SF-	\$ 53000
103787	A RESID	1851	NE 19TH AVENUE	146	10000SF-	\$ 53000
151830	A RESID		NE TEAKWOOD DRIVE	146	20000SF-	\$ 55000
152857	A RESID		NE TEAKWOOD CIRCLE	146	20000SF-	\$ 55000
152855	A RESID		NE TEAKWOOD CIRCLE	146	20000SF-	\$ 55000
152369	A RESID		NE TEAKWOOD DRIVE	146	20000SF-	\$ 55000
152367	A RESID		NE TEAKWOOD DRIVE	146	20000SF-	\$ 55000
152365	A RESID		NE TEAKWOOD DRIVE	146	10000SF-	\$ 55000
152363	A RESID		NE TEAKWOOD DRIVE	146	20000SF-	\$ 55000
152231	A RESID		NE TEAKWOOD DRIVE	146	20000SF-	\$ 57000
156253	A RESID	*	926*N *BAKER	146	10000SF-	\$ 51500

WILLIAM CREEK ESTATES

*Median price for lots in
 Canby from 1-94 to 9-94 is \$29,500*

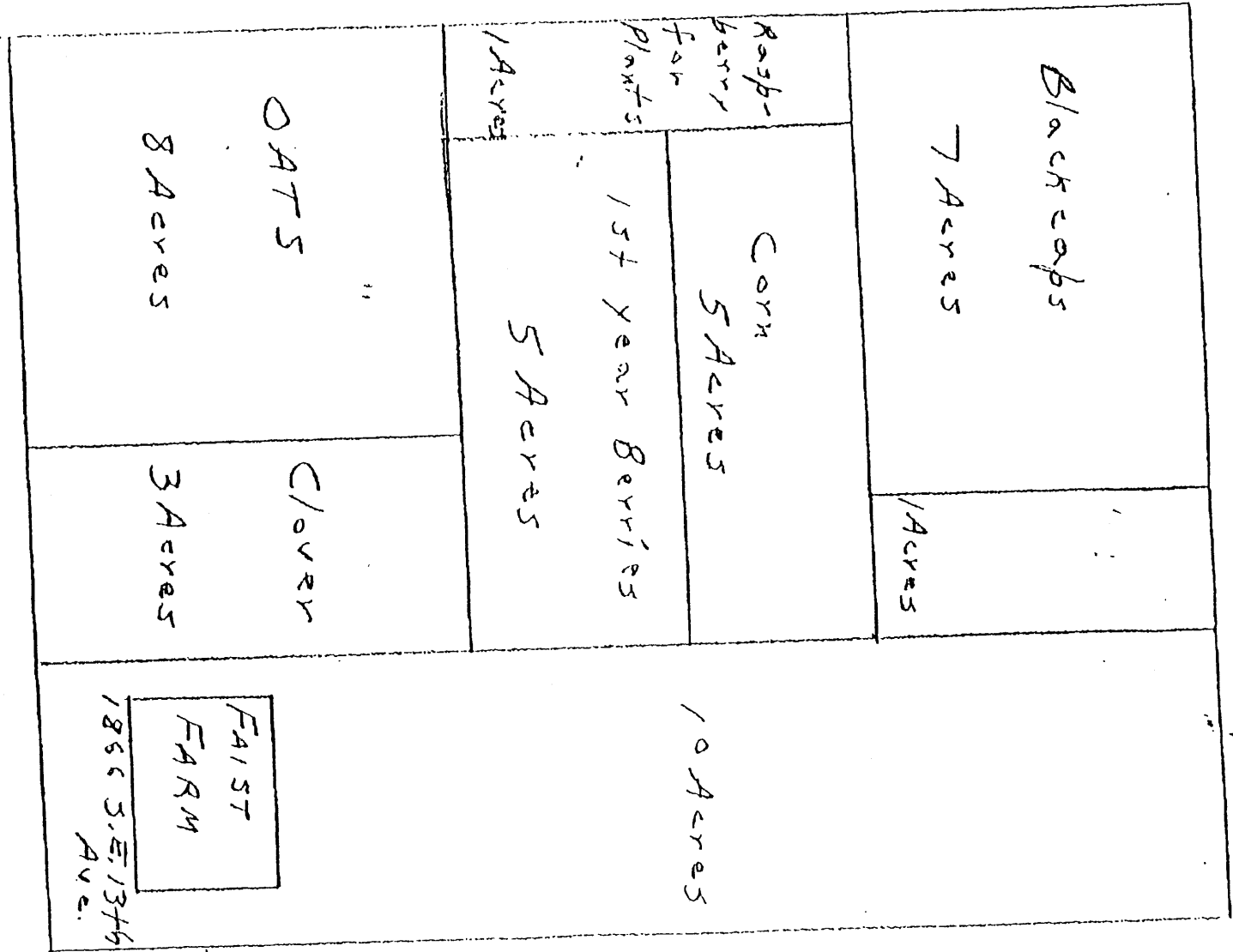
Post Schedule

1992

Total Income \$23,681

Total Expenses \$16,024

VALLEY FARMS



S.E. 13th Avenue



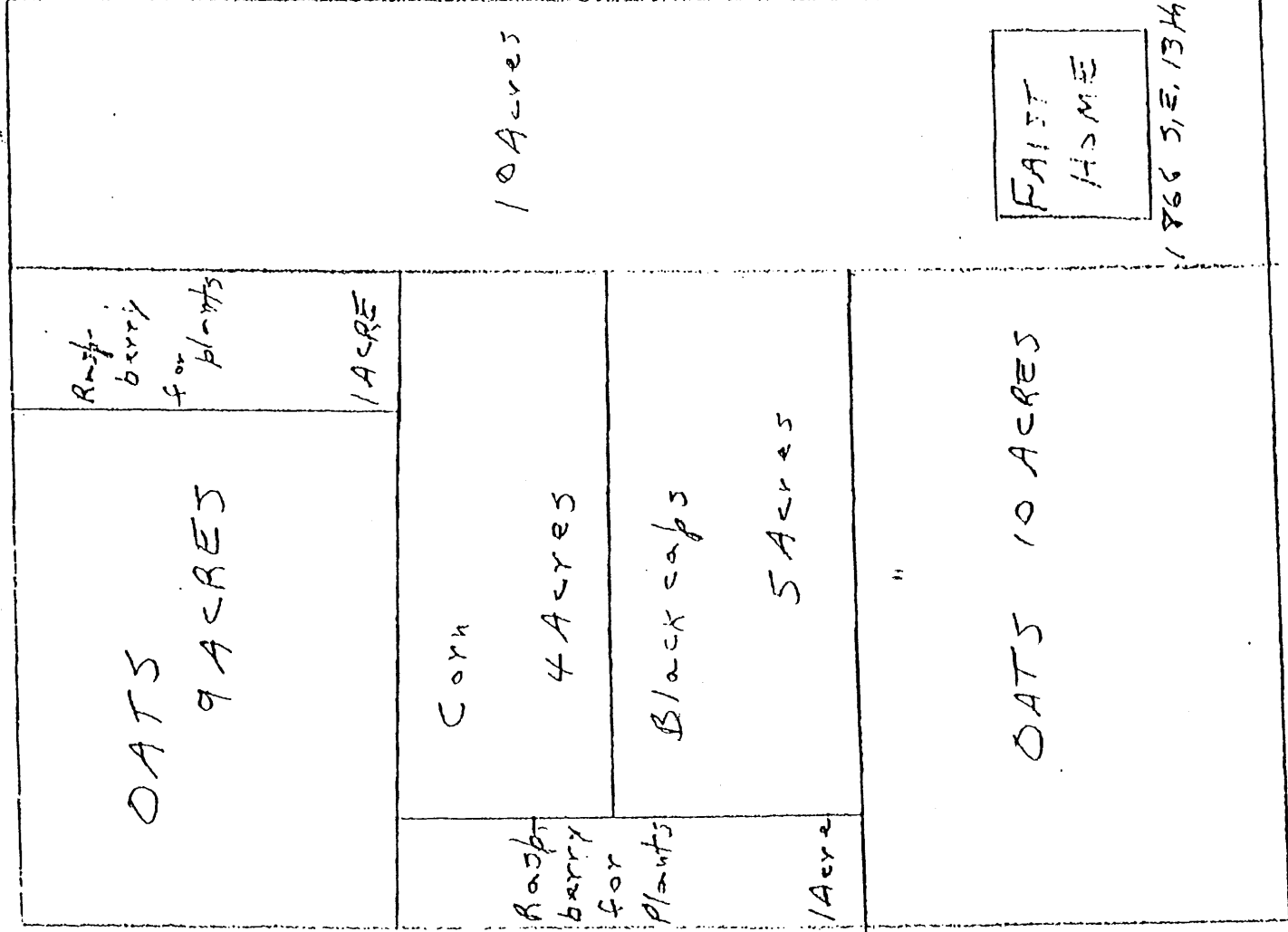
Legend
 Description
 T4SR/E
 Tax Lot
 02001

FAIST
 FARM
 1866 S.E. 13th
 Ave.

Trust School

1993

Total Income \$11,655



Total Expens \$11,525



N

FAIST HOME

1866 S.E. 13th

S. E. 13th Avenue

Exhibit E

CLACKAMAS COUNTY POTENTIAL GROSS SALES TEST FOR FARMLAND												
SOIL CLASS	VALLEY						HILL					
	IRRIGATED			DRY			IRRIGATED			DRY		
	NET RENT	%	PG SALES	NET RENT	%	PG SALES	NET RENT	%	PG SALES	NET RENT	%	PG SALES
INTENSIVE CAPABILITY - SPECIAL SOILS	160.05	149.48%	\$2,498.52									
SANDY LOAMS - SPECIAL SOILS	160.05	149.48%	\$2,498.52									
SANDY LOAMS				58.2	98.36%	\$228.23						
CLASS I	104.76	93.81%	\$1,834.08	77.6	131.16%	\$301.64	145.5	130.43%	\$2,289.87	97	183.93%	\$377.08
CLASS II	87.3	78.26%	\$1,361.74	58.2	98.36%	\$228.23	65.20	49.57%	\$862.43	48.5	81.97%	\$188.52
CLASS III	67.9	60.87%	\$1,059.13	48.5	81.97%	\$188.52				26.19	44.26%	\$101.80
CLASS V - PASTURE				8.7	16.39%	\$37.70						
CLASS VI - PASTURE				7.76	13.11%	\$30.16						
CLASS VII - PASTURE				4.85	8.20%	\$18.85						
TOTAL IRRIGATED NET RENT CLASSES 1-4			780.88				COMBINED ADJUSTED VALUE PER ACRE					
AVERAGE IRRIGATED NET RENT CLASSES 1-4			111.53				IRRIGATED		1740			
TOTAL DRY NET RENT CLASSES 1-4			414.18				DRY		230			
AVERAGE DRY NET RENT CLASSES 1-4			89.17									

Source: 7/7/94 Memorandum
 from R. Benner, Director,
 DLCD, to County Planning
 Directors re "Farm Dwelling -
 Potential Gross Sales
 Figures (OAR 660-33-135 (4))"

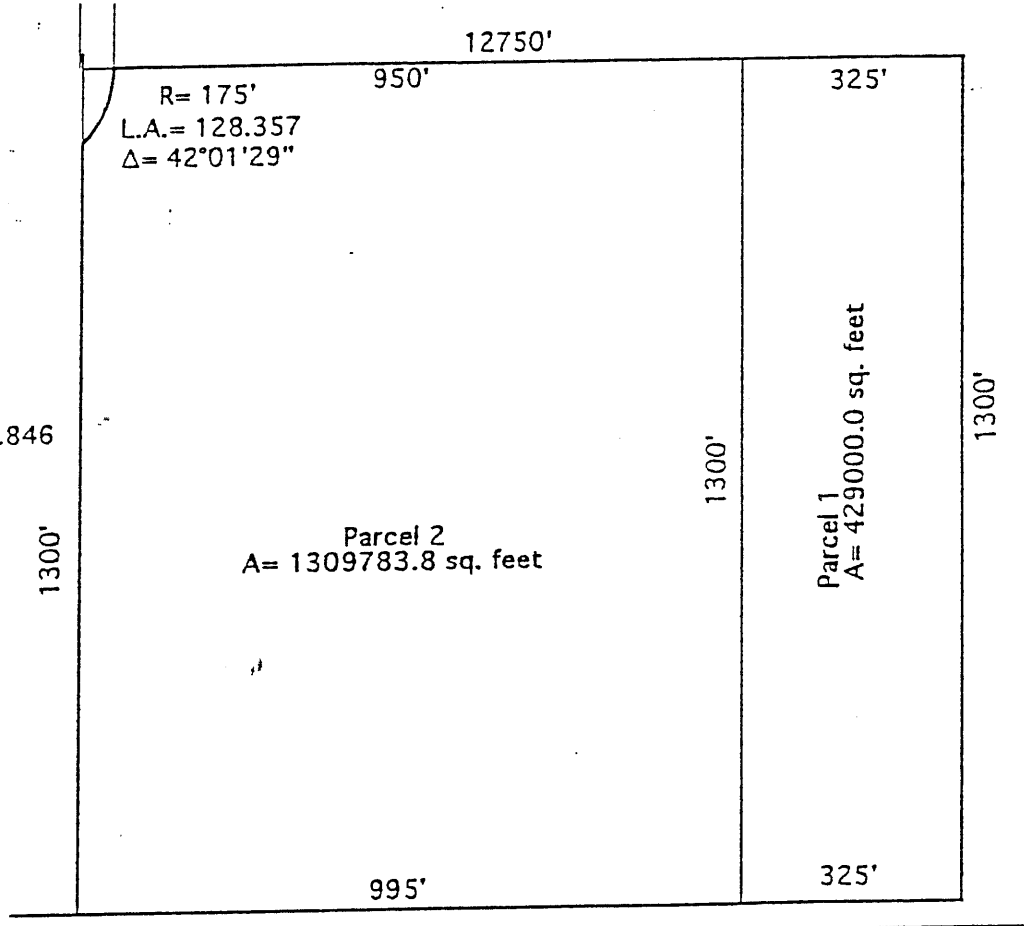
Kendall Annexation
Exhibit F

South Redwood

Tax Lot: 1100
Public - Elementary
School

Public - Elementary
School

Valley Farms
Single Family
Residential 1182.846



Unplatted
EFU 20


South East 13TH Avenue

Unplatted - EFU 20

NORTH
1"=300'

LARRY & BETTY FAIST
PARTITION APPLICATION
1866 SE 13TH
CANBY, OR 97013

MEMORANDUM

TO: Canby Planning Commission
 FROM: Robert G. Hoffman, Planning Director 
 RE: Analysis of Available/Committed School Seats
 DATE: September 12, 1994

A.	Subdivision <i>LOTS AVAILABLE</i>	=	118			
B.	<i>MAJOR DEVELOPMENT SPACES AVAILABLE</i>	=	<u>230</u>			
	TOTAL LOTS OR SPACES AVAILABLE	=	348			
	348 x 0.6 children/unit (5-18)	=	209 school age children			
					(for committed lots or spaces)	
C.	Number of <i>Building Permits Issued</i> Since May 1, 1994			SFR	MF	MH
			May	24	-	2
			June	14	32	6
			July	10	-	3
			Aug.	<u>6</u>	-	<u>2</u>
				54	32	13 = 99

99 x 0.6 = 59.4 school age children

D.	Schools: <i>AVAILABLE SEATS - May, 1994</i>	=	1175
E.	School Seats Not Committed - September, 1994		
	Total Housing Units May-August	= 99 x .6 child/unit	- 59
	Lots or Spaces Committed Sept. 1	= 348 x .6 child/unit	-209
	<i>Estimated School Seats (not committed) - Sept. 1, 1994</i>		907
	[assuming subdivisions approved, development approved, and building permits are all used]		

CONCLUSION:

- 4 month average

At current rate of approving building permits:

$$99/4 \text{ months} = 25/\text{month} = 300 \text{ units /year}$$

$$25 \text{ units} \times 0.6 \text{ child (ages 5-18)} = 15 \text{ child/month} = 180 \text{ children/yr}$$

Available School Seats at Current Rate

$$\text{of building permits } 1175-59 \div 25 = 45 \text{ months}$$

$$= 3.7 \text{ years}$$

- 6.5 year average:

At current rate of land development project approval

$$566 + 427 = 993 \div 6.5 \text{ years} = 152 \text{ units/year}$$

$$152 \times 0.6 = 92 \text{ children/year}$$

$$\text{Available Seats } 889 \div 92 = 9.7 \text{ years}$$

- 1.5 year average:

At current rate of land development project approval

$$237 + 342 = 579 \div 1.5 \text{ years} = 386/\text{units/year}$$

$$386 \times 0.6 = 232 \text{ children/year}$$

$$\text{Available Seats } 889 \div 232 = 3.8 \text{ years}$$

Canby School District

STUDENT ENROLLMENT & CAPACITY

May 1994

SCHOOLS	NOV 1993 ENROLLMENT	CAPACITY	AVAIL. SEATS
Carus (K-6)	300	525	225
Eccles (K-5)	500	500	-0-
Knight (K-5)	515	515	-0-
Ninety-One (K-8)	447	525	78
Trost (K-5)	613	600	-0-
Sub-Total	2375	2665	303
Lee (6)	300	575	275
Ackerman (7-8)	600	725	125
Sub-Total	900	1300	400
High School (9-12)	1278	1750	472
TOTAL	4553	5715	1175

% Avail

(-13)

1. Capacity data reflects a 1:25 architectural design capacity.
2. All elementary schools have a room reserved for learning support services and one to two rooms for the teaching of music.
3. Secondary school capacities reflect all secondary classrooms being used for all periods of the day.

5/24/94

BO\PLCHART1.PLN

SECTION 3 T.4S. R.1E. W.M.
CLACKAMAS COUNTY

1" = 400'

9000

9500

SEE MAP 3 IE 34C

PARCEL 3 (0.82 Ac.)
NO. 434

CO RD. Township Rd.

33 34
CO. RD. NO 47

SEE MAP

86-05

4 IE 3BB

86-02

PARCEL 2 (18.11 Ac.)
LOT PARTITION PLAT

PARCEL (37.48 Ac.)

LOT 1993-55

SEE MAP

EFU-20

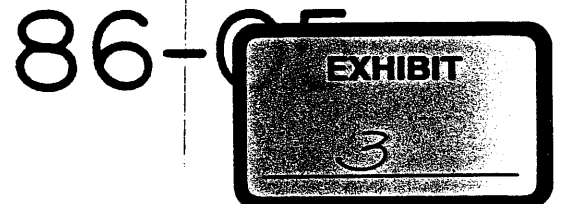
IE 3BC

2200
38.11 Ac.
1849

2100
0.69 Ac.

2500
68.39 Ac.
1834

2600
108.44 Ac.
2187



PLEASE RETURN ATTACHMENTS!!!

85:01 76 d33 3

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

95W
10/13/94

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: September 29, 1994

TO: FIRE, POLICE, SCHOOL DISTRICT, CUB, TOM PIERSON, NO. WILLAMETTE TELECOM; NW NATURAL GAS (GARY HYATT), CLACKAMAS COUNTY PLANNING; BILL SPEARS; MIKE JORDAN, JOHN KELLEY, ROY HESTER, STEVE HANSON

The City has received *MLP 94-07 and ANN 94-02*, applications by Oregon Development, Inc. [Tom Kendall] and Larry and Betty Faist [owners] for approval to partition a 39.32 acre parcel into two parcels, approximately 30.07 and 9.85 acres, and annex the 30.07 acre parcel into the City of Canby. The property is located on the north side of S.E. 13th Avenue, east of S. Ivy Street and just east of Valley Farms Subdivision (Tax Lot 2000 of Tax Map 4-1E-3).

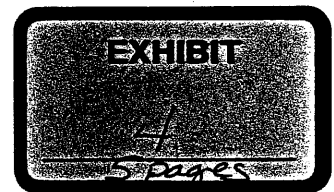
We would appreciate your reviewing the enclosed application and returning your comments by October 10, 1994 PLEASE. The Planning Commission plans to consider this application on October 24, 1994. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

Please see memo from our office dated Oct. 11, 94

Please check one box:

- Adequate Public Services (of your agency) are available
- Adequate Public Services will **become available** through the development
- Conditions are needed, as indicated *At the time of submission platting we will have concerns as expressed in the October 11 memo.*
- Adequate public services **are not available** and will not become available



Signature: Dale Van Ingen Date: Oct. 11, 94



CLACKAMAS COUNTY

Department of Transportation & Development

THOMAS J. VANDERZANDEN
EXECUTIVE DIRECTOR

MEMORANDUM

TO : CANBY PLANNING DEPARTMENT

FROM : CLACKAMAS COUNTY DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT *WJZ*

DATE : OCTOBER 11, 1994

RE : MLP 94-07 AND ANN 94-02 KENDALL/FAIST

This office has the following comments pertaining to this proposal:

1. Since S.E. 13th Avenue is an arterial street, sufficient right of way must be dedicated from both parcels to ultimately provide at least a 60 foot right of way.
2. The County's comprehensive plan restricts individual access on arterials and limits the number of intersections. Also, there is a vertical curve in S.E. 13th Avenue that could restrict sight distance. Future development of Parcel 2 will be reviewed with traffic safety, comprehensive plan and the Transportation Planning Rule in mind.
3. This office has not received a master plan for Parcel 2. The one street stub from the subdivision from the west does not appear to be sufficient for connectivity to serve Parcel 2. If one or more intersections are proposed on S.E. 13th Avenue this office will require a traffic study to address the following issues:
 - a. Traffic safety
 - b. Capacity
 - c. Connectivity
 - d. Emergency vehicle needs
 - e. Pedestrian/Bike alternative
 - f. Right of way availability/need
 - g. Traffic control requirements
 - h. Transitioning improvements between rural/urban designations

4. The potential inconsistency of road standards across the street from each other needs to be addressed. A single road standard should be employed to end of the UGB and the easterly boundary of Lot 2.
5. There are significant surface water management and grading issues that must be addressed at the time Parcel 2 develops. It is recommended that the applicant be required to provide a master drainage plan for Clackamas County review prior to approval to insure that problems do not arise later. Our office requires surface water detention, and erosion control. We are concerned about the quantity and quality of the surface water. We use the King County method in our calculations.
6. At the time development is considered on Parcel 2 this office will require standard curb, surfacing, storm sewer, sidewalk, bike lane and pavement tapers. If traffic control measures are needed such as channelization etc., the applicant will be required to provide those as well. This office may require a professional evaluation of the existing condition of the pavement and road base to determine if reconstruction of a portion or all of the road in front of Parcel 2 is needed.
7. The developer of Parcel 2 must be made responsible for improvements in front of Parcel 1 that are needed to control surface water and transition traffic.
8. All work within the County right of way will require coordination with the County during all phases of construction. Engineered plans will be required as well as regular inspections and traffic control. A Street Construction and/or Encroachment Permit will be required along with a performance guarantee and proof of liability insurance. A permit must be obtained from DTD for all utility work within the right of way. DTD needs to be contacted regarding the amount of the performance guarantee and inspection fees.
9. This office needs to be kept informed as to all pre application conferences, pre construction meetings and proposals.

Thank you for the opportunity to respond to this request. Hopefully these comments are consistent with the UGMA between Canby and Clackamas County.

BS/jb

c: Dick VanIngen

PLEASE RETURN ATTACHMENTS!!!

9/29/94
10/12/94

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: September 29, 1994

TO: FIRE, POLICE, SCHOOL DISTRICT, CUB, TOM PIERSON, NO. WILLAMETTE
TELECOM; NW NATURAL GAS (GARY HYATT), CLACKAMAS COUNTY PLANNING;
BILL SPEARS; MIKE JORDAN, JOHN KELLEY, ROY HESTER, STEVE HANSON

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Comments or Proposed Conditions:

Please check one box:

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- 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

RECEIVED
OCT 11 1994
CITY OF CANBY

Signature: Gary Faist Date: 10/10/94

9 SW
10/10/94

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: September 29, 1994

TO: FIRE, POLICE, SCHOOL DISTRICT, CUB, TOM PIERSON, NO. WILLAMETTE TELECOM; NW NATURAL GAS (GARY HYATT), CLACKAMAS COUNTY PLANNING; BILL SPEARS; MIKE JORDAN, JOHN KELLEY, ROY HESTER, STEVE HANSON

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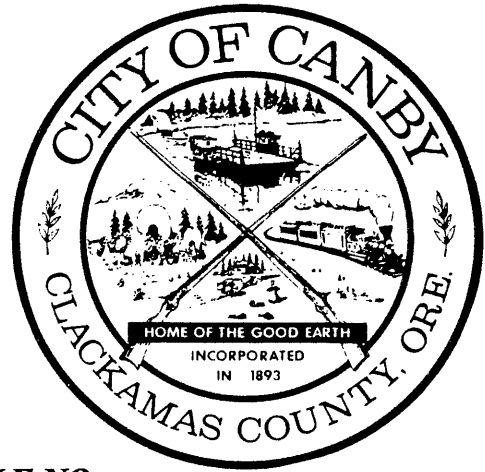
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- Adequate Public Services will **become available** through the development
- Conditions are needed, as indicated
- Adequate public services **are not available** and will not become available

RECEIVED
OCT 10 1994
CITY OF CANBY

Signature: Stephen Miller Date: 10-6-94

- STAFF REPORT -



APPLICANT:

Oregon Development, Inc.
P.O. Box 151
Canby, OR 97013

FILE NO.:

MLP 94-07

OWNER:

Larry & Betty Faist
1866 S.E. 13th Avenue
Canby, OR 97013

STAFF:

James S. Wheeler
Assistant Planner

LEGAL DESCRIPTION:

Tax Lot 2000 of Tax Map 4-1E-3

DATE OF REPORT:

October 14, 1994

LOCATION:

1866 S.E. 13th Avenue,
north side of S.E. 13th Ave.,
east of Valley Farms Subdivision

DATE OF HEARING:

October 24, 1994

COMP. PLAN DESIGNATION:

Low Density Residential

ZONING DESIGNATION:

EFU-20 (*Exclusive Farm Use - County Zoning*)

I. APPLICANT'S REQUEST:

The applicant is requesting approval to partition a 39.92 acre parcel into two parcels, approximately 30.07 acres and 9.85 acres, respectively. The property is not inside the City limits at this time. The proposed 30.07 acre lot is under application to annex into the City (ANN 94-02). The purpose of the partition is to facilitate annexation of the 30 acre parcel. The annexation will not take place without the partition, according to a recent Boundary Commission staff ruling.

The same Minor Land Partition (MLP 94-02) and Annexation (ANN 94-01) proposals were applied for earlier this year (4/19/94). Both applications were withdrawn. The Minor Land Partition application was withdrawn prior to the written Findings, Conclusion, and Final Order being adopted by the Planning Commission for denial of the proposal. The Annexation application was withdrawn at the same time, prior to the public hearing being held with the City Council.

II. APPLICABLE CRITERIA:

This is a quasi-judicial land use application. In judging whether a Minor Partition should be approved, the Planning Commission must consider the following standards:

- A. Conformance with the text and the applicable maps of the Comprehensive Plan;
- B. Conformance with all other requirements of the Land Development and Planning Ordinance;
- C. The overall design and arrangement of parcels shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of the adjacent properties;
- D. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed land division.
- E. In no case shall the use of a private road be approved for the partitioning unless it is found that adequate assurance has been provided for year-round maintenance sufficient to allow for unhindered use by emergency vehicles, and unless it is found that the construction of a street to City standards is not necessary to insure safe and efficient access to the parcels.

III. OTHER APPLICABLE CRITERIA

- A. 16.16.030 Development Standards in R-1 Areas
- B. 16.56 General Provisions (for land divisions)
- C. 16.60 Major or Minor Partitions
- D. 16.64 Subdivisions - Design Standards

IV. FINDINGS:

A. Location and Background

The subject property is identified on the Clackamas County Assessor's Map as Tax Lot 2000 of Tax Map 4-1E-3. It is located at 1866 S.E. 13th Avenue, on the north side of S.E. 13th Avenue, east of Valley Farms Subdivision. The property consists of approximately 30.92 acres. There is approximately 1320 feet of frontage along S.E. 13th Avenue. A small portion of the northwest corner of the property was dedicated for the right-of-way for S. Redwood Street. There is approximately 128 feet of frontage on S. Redwood Street.

Clackamas County has requested that the City of Canby process the partition application under the City's rules, due to the purpose for the proposed which is annexation of one of the parcels. **The partition is required for the 30-acre parcel to be annexed into the City. If the annexation is not approved by the Boundary Commission, then the partition is unnecessary and should not be approved.**

B. Comprehensive Plan Consistency Analysis

i. Citizen Involvement

- **GOAL:** ***TO PROVIDE THE OPPORTUNITY FOR CITIZEN INVOLVEMENT THROUGHOUT THE PLANNING PROCESS.***

Policy #1: Canby shall reorganize its citizen involvement functions to formally recognize the role of the Planning Commission in meeting the six required citizen involvement components of statewide planning goal No. 1, and to re-emphasize the city's commitment to on-going citizen involvement.

Policy #2: Canby shall strive to eliminate unnecessarily costly, confusing, and time consuming practices in the development review process.

Policy #3: Canby shall review the contents of the comprehensive plan every two years and shall update the plan as necessary based upon that review.

ANALYSIS

1. The notification process and public hearing are a part of the compliance with adopted policies and process regarding citizen involvement. The Planning Commission seeks input of all citizens at the public hearing of all applications.

2. The Planning Commission adheres to acting upon applications within a sixty (60) day time period from the date of determination of a complete application. Any continuation of the review period is done with the approval of the applicant, or through admission of new information into the review process.
3. The review of the contents of the Comprehensive Plan is not germane to this application.

ii. Urban Growth

- **GOAL:**
- 1) TO PRESERVE AND MAINTAIN DESIGNATED AGRICULTURAL AND FOREST LANDS BY PROTECTING THEM FROM URBANIZATION.**
 - 2) TO PROVIDE ADEQUATE URBANIZABLE AREA FOR THE GROWTH OF THE CITY, WITH IN THE FRAMEWORK OF AN EFFICIENT SYSTEM FOR THE TRANSITION FROM RURAL TO URBAN LAND USE.**

- Policy #1: Canby shall coordinate its growth and development plans with Clackamas County.
- Policy #2: Canby shall provide the opportunity for amendments to the urban growth boundary (subject to the requirements of statewide planning goal 14) where warranted by unforeseen changes in circumstances.
- 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.

ANALYSIS

1. The County has requested that the City review the partition application according to the City's partition approval criteria. Comments from the County have been received.
2. No changes to the Urban Growth Boundary are proposed with this application. The property is currently being used agriculturally, however, it is fully within the current Urban Growth Boundary and has been acknowledged for 'future' urbanization. The applicant is requesting that the 'future' be considered now.

3. The 30-acre portion of the subject property will be entirely within the City limits if the annexation is approved. All necessary urban services are, or will be available for the 30-acre portion of the subject property (see discussion under Public Services Element).

iii. Land Use Element

■ GOAL: TO GUIDE THE DEVELOPMENT AND USES OF LAND SO THAT THEY ARE ORDERLY, EFFICIENT, AESTHETICALLY PLEASING AND SUITABLY RELATED TO ONE ANOTHER.

- Policy #1 Canby shall guide the course of growth and development so as to separate conflicting or incompatible uses, while grouping compatible uses.
- Policy #2 Canby shall encourage a general increase in the intensity and density of permitted development as a means of minimizing urban sprawl.
- Policy #3 Canby shall discourage any development which will result in overburdening any of the community's public facilities or services.
- Policy #4: Canby shall limit development in areas identified as having an unacceptable level of risk because of natural hazards.
- Policy #5 Canby shall utilize the land use map as the basis of zoning and other planning or public facility decisions.
- Policy #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.

ANALYSIS

1. The current use of the property is agricultural. If the 30-acre parcel is annexed into the City, the intention of the applicant and owner is to develop the property with single family residences. Single-family residential development would be compatible with the school to the north and the single-family residential development to the west. To

the east and the south are more agricultural uses. Agricultural practices and residential uses are not always compatible as some farming operations are considered nuisances by homeowners. The properties to the east are within the Urban Growth Boundary and will eventually be urbanized themselves. In the meantime, the boundary area between the urbanized land within the City and the non-urbanized land in the County will be a boundary of potential "incompatible" uses. The property to the south is not in the Urban Growth Boundary, but will be minimally separated from the 30-acre parcel by a sixty (60) foot right-of-way. The degree of conflict is dependent on the nature of the immediately adjacent uses. The development review process should account for this potential conflict through buffers, fences, or other means.

2. The partition of the property will permit future development of the property according to the Comprehensive Plan. The partition is a preliminary step in the process of developing the property. The owner desires to retain small acreage outside the City at this time. Use of the 30-acre property for single-family residential development is in accordance with the Comprehensive Plan and will minimize urban sprawl. If the property is not developed residentially, as directed by the Comprehensive Plan, then the residential development needed would occur where the Comprehensive Plan had not called for residential development, the essence of urban sprawl.
3. Request for comments have been sent to all public facility and service providers (see discussion under Public Services Element).
4. No natural hazards have been identified on the subject property.
5. The zoning of the property, if annexed into the City (R-1, Low Density Residential) is consistent with the Land Use Map designation for the property (Low Density Residential). The remaining 9-acre parcel would remain in the County under the EFU-20 zoning. The EFU-20 zone is an Exclusive Farm Use zone with a minimum acreage of 20 acres. The resulting acreage would be less than the zone allows, however, the County understood this and requested that the City process the application under the City's codes. The 9-acre parcel, if annexed into the City (it is not under application for annexation into the City at this time), would also be R-1, Low Density Residential. The minimum lot size for parcels in the R-1 zone is 7000 square feet, and both parcels will meet the minimum lot size.
6. The subject property is not identified as one of the "unique" sites or "areas of special concern".

iv. ENVIRONMENTAL CONCERNS

■ **GOAL:** *1) TO PROTECT IDENTIFIED NATURAL AND HISTORICAL RESOURCES.*

2) TO PREVENT AIR, WATER, LAND, AND NOISE POLLUTION. TO PROTECT LIVES AND PROPERTY FROM NATURAL HAZARDS.

- Policy #1-R-A: Canby shall direct urban growth such that viable agricultural uses within the urban growth boundary can continue as long as it is economically feasible for them to do so.
- Policy #1-R-B: Canby shall encourage the urbanization of the least productive agricultural area within the urban growth boundary as a first priority.
- Policy #2-R: Canby shall maintain and protect surface water and groundwater resources.
- Policy #3-R: Canby shall require that all existing and future development activities meet the prescribed standards for air, water and land pollution.
- Policy #4-R: Canby shall seek to mitigate, wherever possible, noise pollution generated from new proposals or existing activities.
- Policy #5-R: Canby shall support local sand and gravel operations and will cooperate with county and state agencies in the review of aggregate removal applications.
- Policy #6-R: Canby shall preserve and, where possible, encourage restoration of historic sites and buildings.
- Policy #7-R: Canby shall seek to improve the overall scenic and aesthetic qualities of the City.
- Policy #8-R: Canby shall seek to preserve and maintain open space where appropriate, and where compatible with other land uses.
- Policy #9-R: Canby shall attempt to minimize the adverse impacts of new developments on fish and wildlife habitats.
- Policy #1-H: Canby shall restrict urbanization in areas of identified steep slopes.

Policy #2-H: Canby shall continue to participate in and shall actively support the federal flood insurance program.

Policy #3-H: Canby shall seek to inform property owners and builders of the potential risks associated with construction in areas of expansive soils, high water tables, and shallow topsoil.

ANALYSIS

1-R-A. The subject property has Class I soils. The applicant has submitted information that concludes that farming is not viable on this property. There is other land, designated for residential use, that can be annexed at this time. However, the availability of non-agricultural land within either the priority A or priority B areas for annexation and development is questionable. While the "need" for development is questionable, in order for residential development to continue in the City beyond approximately one year, more land will be needed within the City limits. The figures regarding the recent building activity, the vacancy and build-out rates, and the availability of lots for development that the applicant provided on page 5 of the project narrative are correct.

1-R-B. The discussion under 1-R-A is also applicable for 1-R-B.

2-R. The storm water drainage of the subject property is handled on-site. Clackamas County reviews storm water management and compliance with the Federal Clean Water Act.

3-R. The existing use has not created a known pollution problem. No residential construction, beyond one single-family home would be permitted without further development review. Construction activity, the development activity directly related to residential development, is required to comply with prescribed standards for air, water, and land pollution, through the building permit process. Storm water drainage is mentioned in the above 2-R.

4-R. Noise will be expected as a result of residential construction. No residential construction, beyond one single-family home would be permitted without further development review.

5-R. The subject property is not a sand and gravel operation, nor will the proposed partition or future use of the land hinder any sand and gravel operation. There is no sand and gravel operation within the City limits.

6-R. The existing building (the home on the 9-acre parcel) and the buildings on the surrounding properties are not historic buildings. The subject property and surrounding properties are not historic sites.

7-R. The partition itself would not affect the scenic or aesthetic quality of the City. Future development of the 30-acre parcel, should it be annexed into the City would affect the scenic and aesthetic quality of the City. Open farm land is considered to be a positive scenic and aesthetic quality. However, urbanization of land within the Urban Growth Boundary is permitted. The review of that development takes into consideration the scenic and aesthetic quality of that development. Such a review will be a part of further development review of the 30-acre parcel.

8-R. The subject property is considered to be open space at this time. Preservation of the full property in perpetuity is impractical. Preservation of a portion of the property for park/open space is, on the other hand, possible. Further discussion of this is found under the discussion of the Public Facilities Element.

9-R. No wildlife or fish habitats are known on the subject property.

1-H. The subject property has no steep slopes.

2-H. The subject property is not in a flood zone.

3-H. The subject property has Latourell loam soil, which is a deep, well-drained soil. No expansive soils, shallow topsoil, high water table, or other potential risks associated with construction on the subject property have been identified.

v. ***TRANSPORTATION***

■ ***GOAL: TO DEVELOP AND MAINTAIN A TRANSPORTATION SYSTEM WHICH IS SAFE, CONVENIENT AND ECONOMICAL.***

Policy #1: Canby shall provide the necessary improvement to 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.

Policy #3: Canby shall attempt to improve its problem intersections, in keeping with its policies for upgrading or new construction of roads.

- Policy #4: Canby shall work to provide an adequate sidewalks and pedestrian pathway system to serve all residents.
- Policy #5: Canby shall actively work toward the construction of a functional overpass or underpass to allow for traffic movement between the north and south side of town.
- 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.
- Policy #7: Canby shall provide appropriate facilities for bicycles and, if found to be needed, for other slow moving, energy efficient vehicles.
- Policy #8: Canby shall work cooperatively with the State Department of Transportation and the Southern Pacific Railroad Company in order to assure the safe utilization of the rail facilities.
- Policy #9: Canby shall support efforts to improve and expand nearby air transport facilities.
- Policy #10: Canby shall work to expand mass transit opportunities on both a regional and an intra-city basis.
- Policy #11: Canby shall work with private developers and public agencies in the interest of maintaining the transportation significance as well as environmental and recreational significance of the Willamette River.
- Policy #12: Canby shall actively promote improvements to state highways and connecting county roads which affect access to the city.

ANALYSIS

1. The City normally requires dedication of land for right-of-way purposes and road improvements as a part of land development. The County has requested **(in the 4/19/94 response to Request for Comments)** that, as a part of annexation, the City take over half of S.E. 13th Avenue (the part that would be in the City). S.E. 13th Avenue is a County road from S. Elm Street west, including Valley Farms immediately to the west of the subject property, and the subject property. It would be impractical for the City to "own" and maintain a

1000-foot stretch of 1/2 of a road (the southern half of S.E.13th Avenue would both remain in the County and remain under County control) in the middle of a County controlled road. The City and the County do not have an intergovernmental agreement regarding the "turning over" of County arterial roads to City control. Such an agreement is currently being negotiated. There are issues regarding the condition of the existing roads and cost that have not been resolved. These issues are beyond the purview of the Minor Land Partition review. At this time there is no appropriate mechanism for the City to take control of S.E. 13th Avenue. The County is requesting that additional right-of-way be dedicated at this time.

The City, as a part of land development, requires dedication and road improvement. The amount of land needed for right-of-way dedication along S.E. 13th Avenue is twenty (20) feet, which would match up with the right-of-way width immediately to the west. The dedication will be required for the full length of both parcels along S.E. 13th Avenue. The road improvements include widening of S.E. 13th Avenue, matching the widening immediately to the west in front of Valley Farms subdivision, and curbs. Sidewalks will be discussed below.

No further dedication or road improvements are required along S. Redwood Street. Street trees should not be required at this time as the location of future streets that would be a part of further development is unknown.

2. No new streets are needed as a result of the proposed partition. New streets would be needed with further development of the property, and would be addressed under the review process for that development.
3. The nearest major intersection to the subject property is the intersection of S.E. 13th Avenue and S. Redwood Street. At this time, that intersection is not considered to be a "problem intersection". The proposed partition will not impact a "problem intersection", S.E. 13th Avenue and S. Ivy Street. The City has required a "fair-share contribution" of \$50 per lot for improvements to the intersection. The figure of \$50 per lot was arrived at through two independent traffic impact studies and the cost of possible improvements needed at the intersection. Future development of the subject property will have an impact on the "problem intersection". The City is undergoing a formal Transportation Plan study at the present time and the "fair-share contribution" may be replaced by a Systems Development Charge. These contributions would only affect further development of the subject property. The partition itself will not have much of an effect

on the S.E. 13th Avenue/S. Ivy Street intersection since a maximum of one house per lot is permitted without further development.

4. Sidewalks will be required for the property's frontage along S.E. 13th Avenue and S. Redwood Street. Due to the lack of actual development, the requirement for sidewalks may be delayed until further development of the property occurs. The sidewalk along S.E. 13th Avenue immediately to the west is located against the curb, with trees behind the sidewalk. A more pedestrian friendly design would locate the sidewalk six feet in from the curb with street trees between the curb and the sidewalk. This would provide distance between the pedestrian and traffic, and well as a sidewalk that is better shaded from the summer sun. An adjustment of the sidewalk from the existing sidewalk adjacent to Valley Farms to the subject property will be necessary. The sidewalk will need to be five feet wide regardless of its location.

Because of the limited distance along the property's frontage of S. Redwood Street, matching the existing sidewalk setback distance and width is deemed appropriate. A street will most likely be extending eastward along this frontage, with further development of the property, thus reducing the distance of sidewalk further. A change in the setback and width of the sidewalks within future development of the property will be handled at the time that the property is further developed. It is appropriate that the requirement for construction of sidewalks be delayed until further development of the property occurs. The proposed development at this time is not anticipated to generate any demand for sidewalks and any further development of the property will necessitate further review. Additionally, it is likely that streets will be needed for further development of the property, and the location of those streets at this time is unknown. Thus, sidewalks constructed at this time would be removed in the near future and replaced with street intersections.

5. The subject property is not involved in any possible overpass or underpass of Highway 99-E and the railroad.
6. The fire district and police department have responded to the Request for Comments (4/19/94) and have indicated that both adequate services are available and no further conditions related to the proposed partition are necessary in view of the functions of both the fire district and the police department.
7. The widening of S.E. 13th Avenue will allow room for a bicycle lane. No other improvements will be needed until further development of

the property occurs. **At that time the County, as well as the City, will have a number of items related to transportation impacts and designs.**

8. The existing use and the proposed use of the property have no specific use for the rail facilities that exist in Canby.
9. The proposed partition has no bearing on efforts to improve or expand nearby air transport facilities. There have been reports produced that have indicated a desire to have S.E. 13th Avenue become part of a direct route between I-5 and the Mulino Airport. At this time, no project or proposal is active, and there are no known plans for S.E. 13th Avenue beyond being an arterial road for the City of Canby.
10. The mass transit system in operation in Canby has no direct bearing on the proposed partition. No future transit stops have been proposed. The City has undergone a Transportation Master Plan study which included mass transit considerations. Any future development of the property will be reviewed in light of the Transportation Master Plan.
11. The subject property is not near the Willamette River and will have no effect on the transportation potential or use of the Willamette River.
12. The subject property is on a county road which serves as an access road into the City. The improvements to S.E. 13th Avenue required as a part of development of the property will enhance this entrance into the City.

vi. PUBLIC FACILITIES AND SERVICES

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

Policy #1: Canby shall work closely and cooperate with all entities and agencies providing public facilities and services.

Policy #2: Canby shall utilize all feasible means of financing needed public improvements and shall do so in an equitable manner.

Policy #3: Canby shall adopt and periodically update a capital improvement program for major city projects.

Policy #4: Canby shall strive to keep the internal organization of city government current with changing circumstances in the community.

Policy #5: Canby shall assure that adequate sites are provided for public schools and recreation facilities.

ANALYSIS

1. All needed public facility and service providers were sent a "Request for Comments" regarding this application. Positive responses were received from the Public Works Department, Waste Water Treatment Plant, Police Department, Fire District, NW Natural Gas, County Transportation, and the School District, **from the 4/19/94 Request for Comments. The applicant provided the 9/12/94 staff memorandum regarding school capacity (Exhibit G of the project narrative).** All have indicated that adequate facilities and/or services are available. **The Canby Utility Board, Canby Telephone Association, Public Works, Water Treatment Plant, Police, and Fire District have not responded to the recent application. There has been no recent indication, unofficial or otherwise, of potential inadequacy of facilities or service from these providers. Staff has personal knowledge through other project reviews that electric, water, and telephone facilities have been built in S. Redwood Street and are located immediately adjacent to the subject property.**
2. Needed 'public improvements' range from street widening, curbs, sidewalks, street trees, to intersection improvement at S.E. 13th Avenue and S. Ivy Street. All of these improvements have been discussed under the Transportation Element discussion.
3. The subject property is a part of the area benefitting from the Logging Road Industrial Park road improvements project. Major infrastructure improvements have been or are under construction which will benefit this property and are being initially funded through the City. Development of property within the benefitted property zones is the mechanism by which the City will be able to pay for the improvements. The improvements include the S.Pine Street/S. Redwood Street road connection between Highway 99-E and Township Road, and sewer and water mains to service the southeastern portion of the City, including the subject property.
4. The City's internal organization is not germane to this application.
5. The City has adopted a Parks Master Plan in which appropriate sites or areas for recreation facilities are identified. A mini-park has been designated in the area of this property. A mini-park is a minimum of 2 acres in size. Ten percent of the property to be annexed into the

City would amount to 3 acres. The approximate location of the mini-park, according to the Parks Master Plan, is in the northeastern corner of the property to be annexed into the City. Dedication of the 3 acres in the northeastern corner of the property to be annexed, to the City is appropriate and necessary to comply with the Parks Master Plan. The dedication of land for parks will allow for a reduction in the associated Parks System Development Charges for residential development. The exact amount of reduction is dependent on the value of land being dedicated. The Parks SDC ordinance limits required park dedication to 15% of the gross site area. the total partition is approximately 40 acres, which equates to a maximum limitation on park dedication of 6 acres.

Trost Elementary School is located immediately to the north of the subject property and is on a lot of sufficient size (20 acres) for its use. No other land is needed for the school district.

vii. ECONOMIC

■ GOAL: TO DIVERSIFY AND IMPROVE THE ECONOMY OF THE CITY OF CANBY.

- Policy #1: Canby shall promote increased industrial development at appropriate locations.
- Policy #2: Canby shall encourage further commercial development and redevelopment at appropriate locations.
- Policy #3: Canby shall encourage economic programs and projects which will lead to an increase in local employment opportunities.
- Policy #4: Canby shall consider agricultural operations which contribute to the local economy as part of the economic base of the community and shall seek to maintain these as viable economic operations.

ANALYSIS

1. The proposed development is not industrial in nature, nor does the current zoning of the subject property allow industrial development.
2. The proposed development is not commercial in nature, nor does the current zoning of the subject property allow commercial development.

3. The subject property is a part of the area benefitting from the Logging Road Industrial Park road improvements project. The project will greatly enhance the marketability of industry locating the Logging Road Industrial Park, thus increasing local employment opportunities. The Advance Financing project will increase the value of the property served by the sewer, water, and road improvements **since they will increase the parcels potential density of development**. The partition of the subject property will not directly result in increased local employment opportunities. However, the development of the subject property will help pay for the improvements to the industrial park, which will increase (**indirectly**) local employment opportunities and will provide temporary construction employment while the subdivision and homes are built.
4. The proposed partition is for the purpose of annexation, with the expected result of development of the property. Thus, the proposed partition will have the effect of eliminating a **questionably** viable agricultural operation.

viii. HOUSING

■ **GOAL: TO PROVIDE FOR THE HOUSING NEEDS OF THE CITIZENS OF CANBY.**

- Policy #1: Canby shall adopt and implement an urban growth boundary which will adequately provide space for new housing starts to support an increase in population to a total of 20,000 persons.
- Policy #2: Canby shall encourage a gradual increase in housing density as a response to the increase in housing costs and the need for more rental housing.
- Policy #3: Canby shall coordinate the location of higher density housing with the ability of the city to provide utilities, public facilities, and a functional transportation network.
- Policy #4: Canby shall encourage the development of housing for low income persons and the integration of that housing into a variety of residential areas within the city.
- Policy #5: Canby shall provide opportunities for mobile home developments in all residential zones, subject to appropriate design standards.

ANALYSIS

1. The location and size of the Urban Growth Boundary is not a part of the proposed application. When the Urban Growth Boundary was designated and calculations to determine the amount of land needed for residential growth, in 1984 as a part of the acknowledged 1984 Comprehensive Plan, the subject property was counted for residential development.
2. The proposed partition will neither increase nor decrease the housing density **until annexation and further subdivision of the property**. The property is not currently within the City limits. The potential for housing will be increased as a result of the proposed development.
3. The proposed development does not include higher density housing. Future development of the property will not include higher density housing.
4. The proposed development does not include housing for low income persons. Future development of the property could include housing for low income persons.
5. The proposed development is not a mobile home development. Future development of the property could include mobile/manufactured home development.

ix. ENERGY CONSERVATION

■ **GOAL:** ***TO CONSERVE ENERGY AND ENCOURAGE THE USE OF RENEWABLE RESOURCES IN PLACE OF NON-RENEWABLE RESOURCES.***

- Policy #1: Canby shall encourage energy conservation and efficiency measures in construction practices.
- Policy #2: Canby shall encourage development projects which take advantage of wind and solar orientation and utilization.
- Policy #3: Canby shall strive to increase consumer protection in the area of solar design and construction.
- Policy #4: Canby shall attempt to reduce wasteful patterns of energy consumption in transportation systems.

Policy #5: Canby shall continue to promote energy efficiency and the use of renewable resources.

ANALYSIS

1. Energy conservation and efficiency as a part of construction practices has been incorporated into the building permit review process and the Uniform Building Code.
2. The orientation of the subject property in this proposal meets the basic solar access standards for new residential developments. Future development of the property will be reviewed for compliance with the solar access requirements for residential developments.
3. Any building will be required, as a part of the building permit review process, to be reviewed for compliance to the Solar Ordinance.
4. The City has undergone a Transportation Master Plan study. City standards, transportation patterns of all developments will be reviewed through the Transportation Master Plan.
5. Energy conservation and efficiency as a part of construction practices has been incorporated into the building permit review process and the Uniform Building Code.

Conclusion Regarding Consistency with the Policies of the Canby Comprehensive Plan:

This application has two sets of competing goals and policies of the Comprehensive Plan. The current use of the property is agriculture (row crops and berry farming). The Comprehensive Plan is clear in stating the goal of preserving viable agricultural land for as long as "economically feasible to do so". **The viability or economic feasibility of farming this property is questionable. The applicant has supplied information that concludes that the property is not economically viable as farmland.** The purpose of the partition is to facilitate an annexation that will allow development of the property residentially. There are other properties within the Urban Growth Boundary that **could be annexed, however, the availability of the properties is questionable.** Most of these properties do not have a full range of public services immediately available. This is particularly so of sewer, water and electric services. There are existing public facilities and services directly available to the subject property that will remain under-utilized until the subject property is developed. The subject property is in an 'annexation zone' of priority C, which means that it ought to be annexed last. **The applicant has supplied arguments for the appropriateness of annexation of this property at this time.** Development of the subject property will assist in the financing of the Logging Road Industrial Park

road improvement project, **and thereby**, will increase (**indirectly**) the local employment opportunity in the City, another clearly stated goal of the Comprehensive Plan. The Planning Commission will need to decide **if the information submitted by the applicant, arguing for the appropriateness of annexation of this property at this time, is adequate to meet the requirements of Implementation Measure D of Policy 3 of the Urban Growth Element. If the information is considered to be adequate, then the application is in conformance with the Goals and Policies of the Comprehensive Plan.**

C. *Evaluation Regarding Minor Land Partition Approval Criteria*

1. Conformance with the text and the applicable maps of the Comprehensive Plan.

See above discussion.

2. Conformance with all other requirements of the Land Development and Planning Ordinance.

The purpose of the partition is to facilitate annexation of a portion of the subject property. If the 30-acre portion of the subject property is not annexed into the City, the partition serves no function except to divide agricultural land into two parcels, one of which is substandard in size to the County zoning in which it is located. The partition should not be approved if the 30-acre portion of the subject property is not annexed into the City.

3. The overall design and arrangement of parcels shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of the adjacent properties.

The size and orientation of the proposed parcels is such that future development of either parcel is both possible and feasible. If the 30-acre portion of the subject property is annexed into the City, the remaining 9-acre portion of the subject property will be substandard in size to the County zoning in which it is located. This is acceptable to the County as the parcel will meet the City minimum lot size for the zone that it would be located in if it were within the City limits. It will continue to be used as a home site and for berry farming. The County has exception criteria to fit this situation according to County staff.

Access facilities are available. The existing access for the existing home will need to be upgraded, with a standard driveway entry permit with the County. Utility easements along the new property lines will be needed to allow for potential utility extensions.

4. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed land division.

As best as staff has been able to determine, all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed land division. No indication of difficulties have been mentioned, officially or otherwise, with regards to these public facilities and services providing service to any development.

5. In no case shall the use of a private road be approved for the partitioning unless it is found that adequate assurance has been provided for year-round maintenance sufficient to allow for unhindered use by emergency vehicles, and unless it is found that the construction of a street to City standards is not necessary to insure safe and efficient access to the parcels.

No new private roads are proposed as a part of this application. Future development will require new roads and will be reviewed at that time.

V. CONCLUSION

1. Staff concludes that the partition request, with appropriate conditions, is considered to be in conformance with the Comprehensive Plan and the Municipal Code, **provided that the annexation of the property occurs.**
2. Staff concludes that the overall design of the proposed partition will be compatible with the area and will provide adequate building area for the provision of public facilities and services for the lots.
3. Staff concludes that, with appropriate conditions, the overall design and arrangement of the proposed parcels are functional and will adequately provide building sites, utility easements, and access facilities which are necessary for the development of the subject property without unduly hindering the use or development of adjacent properties.
4. Staff concludes that all necessary public services will become available through the development of the property, to adequately meet the needs of the proposed land division.

VI. RECOMMENDATION

Based upon the application and drawings submitted, facts, findings and conclusions of this report, and without benefit of a public hearing, staff recommends that should the Planning Commission approve MLP 94-07, the following conditions should apply:

1. The partition is approved only upon approval of annexation of the 30-acre parcel by the Portland Metropolitan Area Local Government Boundary Commission.
2. A final partition plat modified to illustrate the conditions of approval, shall be submitted to the City Planner for review and approval. The final partition plat shall reference this land use application -- City of Canby, Planning Department, File No. MLP 94-07.
3. The final partition plat shall be a surveyed plat map meeting all of the specifications required by the Clackamas County Surveyor. Said partition map shall be recorded with the Clackamas County Surveyor and Clackamas County Clerk, and a copy of the recorded map shall be provided to the Canby Planning Department.
4. A new deed and legal description for the new parcels shall be prepared and recorded with the Clackamas County Clerk. A copy of the new deeds shall be provided to the Canby Planning Department.
5. All monumentation and recording fees shall be borne by the applicant.
6. Permanent utility construction and maintenance easements including, but not limited to, electric and water cables, pipeline conduits and poles shall be provided as follows:
 - 6 feet in width along all lot lines, except;
 - 12 feet in width along street frontages.
7. All utilities must meet the standards and criteria of the providing utility authority.
8. The land divider shall follow the provisions of Section 16.64.070 Improvements, in particular, but not limited to, subparagraph (O) Bonds, which requires a surety bond, personal bond, or cash bond for improvements, for any improvement not completed prior to the signing of the final plat. The bond shall provide for the City to complete the required improvements and recover the full cost of the improvements.
9. Twenty (20) feet of additional right-of-way along the full frontage of both parcels on S.E. 13th Avenue, shall be dedicated as public right-of-way.
10. Three (3) acres of land in the northeastern corner of the 30-acre parcel shall be reserved for eventual park purposes. The land shall be dedicated prior to, or in conjunction with, further land division or development. An agreement with the City to accomplish this dedication shall be signed by the owner prior to the signing of the final plat. The agreement shall be consistent with the requirements of Ordinance 867, as amended (an ordinance establishing the Parks System Development Charge). The dedication shall be eligible for SDC credit.

11. Street widening and curbs shall be provided along S.E. 13th Avenue, matching improvements to S.E. 13th Avenue immediately west of the subject property. Sidewalks and street trees for S.E. 13th Avenue and S. Redwood Street shall be provided. Design and construction of the improvements shall meet both Clackamas County and City of Canby standards and approval. Actual construction of street widening, curbs, sidewalks, and street trees may be delayed until development or further land division, provided an agreement with the City is signed stating that these improvements will be provided at time of further development.

Exhibits:

1. Application
2. Vicinity Map
3. Partition Plat
4. Request for Comments Responses

S.W. 1st Ave.	M-5
S.W. 2nd Ave.	K-5
S.W. 3rd Ave.	L-5
S.W. 4th Ave.	C-4
S.W. 5th Ave.	L-5
S.W. 6th Ave.	L-5
S.W. 7th Ave.	L-5
S.W. 8th Ave.	L-5
S.W. 9th Ave.	L-5
S.W. 10th Ave.	M-6
S.W. 11th Ave.	M-6
S.W. 12th Ave.	M-6
S.W. 13th Ave.	M-5

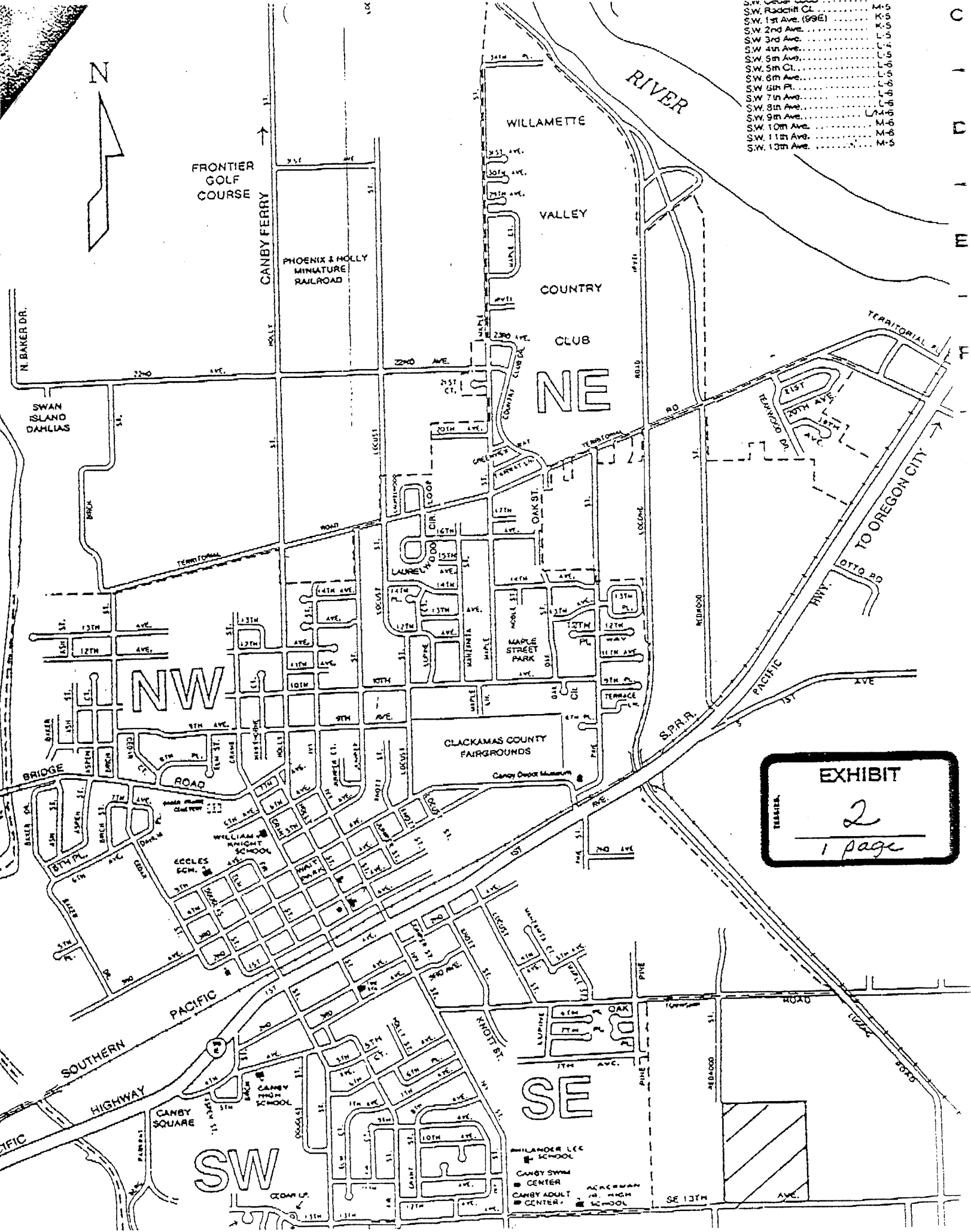
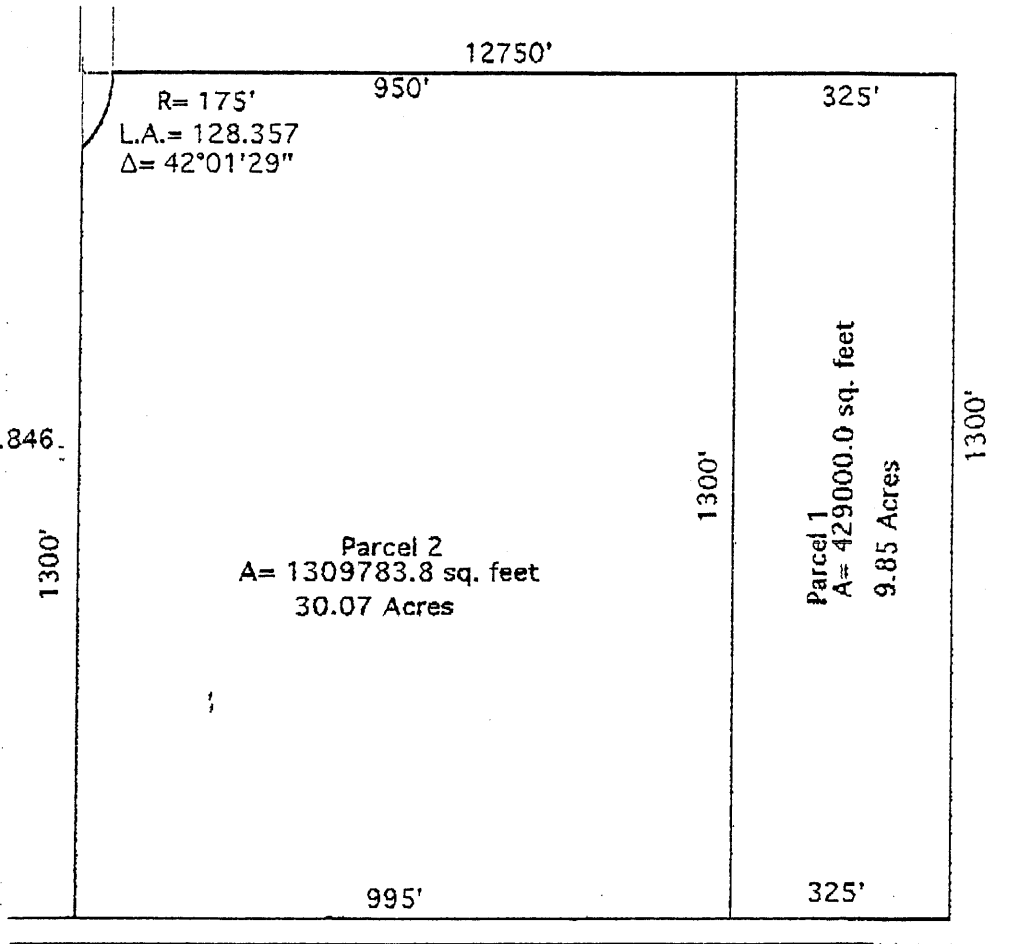


EXHIBIT
2
 1 page

South Redwood

Tax Lot 1100
Public - Elementary
School



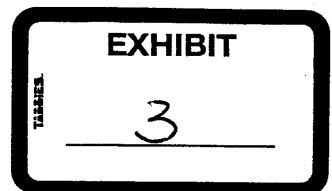
Unplatted
EFU 20

Valley Farms
Single Family
Residential 1182.846

South East 13TH Avenue

Unplatted - EFU 20

NORTH
1"=300'



LARRY & BETTY FAIST
PARTITION APPLICATION
1866 SE 13TH
CANBY, OR 97013

PLEASE RETURN ATTACHMENTS!!!

85-01 to 03

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

95W
10/15/94

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: September 29, 1994

TO: FIRE, POLICE, SCHOOL DISTRICT, CUB, TOM PIERSON, NO. WILLAMETTE TELECOM; NW NATURAL GAS (GARY HYATT), CLACKAMAS COUNTY PLANNING; BILL SPEARS; MIKE JORDAN, JOHN KELLEY, ROY HESTER, STEVE HANSON

The City has received *MLP 94-07 and ANN 94-02*, applications by Oregon Development, Inc. [Tom Kendall] and Larry and Betty Faist [owners] for approval to partition a 39.32 acre parcel into two parcels, approximately 30.07 and 9.85 acres, and annex the 30.07 acre parcel into the City of Canby. The property is located on the north side of S.E. 13th Avenue, east of S. Ivy Street and just east of Valley Farms Subdivision (Tax Lot 2000 of Tax Map 4-1E-3).

We would appreciate your reviewing the enclosed application and returning your comments by October 10, 1994 PLEASE. The Planning Commission plans to consider this application on October 24, 1994. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

Please see memo from our office dated Oct. 11, 94

Please check one box:

- Adequate Public Services (of your agency) are available
- Adequate Public Services will **become available** through the development
- Conditions are needed, as indicated *At the time of submission platting we will have concerns as expressed in the October 11 memo.*
- Adequate public services are **not available** and will not become available

EXHIBIT	
4	5 pp.

Signature: Dick Van Ingen Date: Oct. 11, 94



CLACKAMAS COUNTY

Department of Transportation & Development

THOMAS J. VANDERZANDEN
EXECUTIVE DIRECTOR

MEMORANDUM

TO : CANBY PLANNING DEPARTMENT

FROM : CLACKAMAS COUNTY DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT *WJZ*

DATE : OCTOBER 11, 1994

RE : MLP 94-07 AND ANN 94-02 KENDALL/FAIST

This office has the following comments pertaining to this proposal:

1. Since S.E. 13th Avenue is an arterial street, sufficient right of way must be dedicated from both parcels to ultimately provide at least a 60 foot right of way.
2. The County's comprehensive plan restricts individual access on arterials and limits the number of intersections. Also, there is a vertical curve in S.E. 13th Avenue that could restrict sight distance. Future development of Parcel 2 will be reviewed with traffic safety, comprehensive plan and the Transportation Planning Rule in mind.
3. This office has not received a master plan for Parcel 2. The one street stub from the subdivision from the west does not appear to be sufficient for connectivity to serve Parcel 2. If one or more intersections are proposed on S.E. 13th Avenue this office will require a traffic study to address the following issues:
 - a. Traffic safety
 - b. Capacity
 - c. Connectivity
 - d. Emergency vehicle needs
 - e. Pedestrian/Bike alternative
 - f. Right of way availability/need
 - g. Traffic control requirements
 - h. Transitioning improvements between rural/urban designations

4. The potential inconsistency of road standards across the street from each other needs to be addressed. A single road standard should be employed to end of the UGB and the easterly boundary of Lot 2.
5. There are significant surface water management and grading issues that must be addressed at the time Parcel 2 develops. It is recommended that the applicant be required to provide a master drainage plan for Clackamas County review prior to approval to insure that problems do not arise later. Our office requires surface water detention, and erosion control. We are concerned about the quantity and quality of the surface water. We use the King County method in our calculations.
6. At the time development is considered on Parcel 2 this office will require standard curb, surfacing, storm sewer, sidewalk, bike lane and pavement tapers. If traffic control measures are needed such as channelization etc., the applicant will be required to provide those as well. This office may require a professional evaluation of the existing condition of the pavement and road base to determine if reconstruction of a portion or all of the road in front of Parcel 2 is needed.
7. The developer of Parcel 2 must be made responsible for improvements in front of Parcel 1 that are needed to control surface water and transition traffic.
8. All work within the County right of way will require coordination with the County during all phases of construction. Engineered plans will be required as well as regular inspections and traffic control. A Street Construction and/or Encroachment Permit will be required along with a performance guarantee and proof of liability insurance. A permit must be obtained from DTD for all utility work within the right of way. DTD needs to be contacted regarding the amount of the performance guarantee and inspection fees.
9. This office needs to be kept informed as to all pre application conferences, pre construction meetings and proposals.

Thank you for the opportunity to respond to this request. Hopefully these comments are consistent with the UGMA between Canby and Clackamas County.

BS/jb

c: Dick VanIngen

PLEASE RETURN ATTACHMENTS!!!

9/29
10/12/94

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: September 29, 1994

TO: FIRE, POLICE, SCHOOL DISTRICT, CUB, TOM PIERSON, NO. WILLAMETTE
TELECOM; NW NATURAL GAS (GARY HYATT) CLACKAMAS COUNTY PLANNING;
BILL SPEARS; MIKE JORDAN, JOHN KELLEY, ROY HESTER, STEVE HANSON

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RECEIVED
OCT 11 1994
CITY OF CANBY

Signature: Gary F. Hyatt

Date: 10/10/94

PLEASE RETURN ATTACHMENTS!!!

9 SW
10/10/94

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: September 29, 1994

TO: FIRE, POLICE, SCHOOL DISTRICT, CUB, TOM PIERSON, NO. WILLAMETTE
TELECOM; NW NATURAL GAS (GARY HYATT), CLACKAMAS COUNTY PLANNING;
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RECEIVED
OCT 10 1994
CITY OF CANBY

Signature: Stephen Miller Date: 10-6-94