



AGENDA

CANBY CITY COUNCIL MEETING

January 2, 2019

7:00 PM

Council Chambers

222 NE 2nd Avenue, 1st Floor

Mayor Brian Hodson

Council President Tim Dale

Councilor Tracie Heidt

Councilor Traci Hensley

Councilor Greg Parker

Councilor Tyler Smith

Councilor Sarah Spoon

RECEPTION - 6:00 PM

Willow Creek Conference Room / Civic Building Lobby

222 NE 2nd Avenue, 1st Floor

A reception will be held for the incoming Mayor, Councilors, and outgoing Councilor.

CITY COUNCIL MEETING – 7:00 PM

1. CALL TO ORDER

- A. Invocation
- B. Pledge of Allegiance
- C. Presentation to Councilor Smith

2. SWEARING IN CEREMONY

3. COMMUNICATIONS

4. CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS

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

5. MAYOR'S BUSINESS

6. COUNCILOR COMMENTS & LIAISON REPORTS

7. CONSENT AGENDA

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

- A. Approval of Minutes of the December 5, 2018 City Council Regular Meeting
- B. Appointments to the Planning Commission

8. PUBLIC HEARING

- A. ANN 18-04/ZC 18-05 (Swelland)

Pg. 1

9. RESOLUTIONS & ORDINANCES

- A. Ord. 1497, Amending Canby Municipal Code Chapter 10.04 City Traffic Code (**2nd Reading**) Pg. 83
- B. Ord. 1499, Authorizing Contract with the Clackamas 800 Radio Group for the Purchase of New Replacement Motorola Radios for the Canby Police Department; and Declaring an Emergency (**2nd Reading**) Pg. 89
- C. Ord. 1500, Proclaiming Annexation of 5.03 Acres Including 4.84 of Real Property and 0.18 Acres of the Adjacent North Redwood Street Right-of-Way; Amending the Zoning; and Setting the Boundaries of the Property to be Included Within the City of Canby Pg. 91

10. NEW BUSINESS

- A. Selection of Council President
- B. Selection of Committee Liaison Assignments

11. CITY ADMINISTRATOR’S BUSINESS & STAFF REPORTS

12. CITIZEN INPUT

13. ACTION REVIEW

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

15. ADJOURN

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



City of Canby

MEMORANDUM

DATE: *Prepared: December 11, 2018 for January 2, 2019 Council Hearing*

TO: *Mayor and City Council*

FROM: *Bryan Brown, Planning Director*

RE: *Annexation/Zone Change (File No. ANN 18-04/ZC 18-05 (Swelland))*

Background Summary:

At their November 26, 2018 meeting, the Canby Planning Commission recommended by a 6/0 vote that annexation and zone change (**City File# ANN 18-04/ZC 18-05**) be approved by the City Council. This request if approved would annex 5.03 acres into the City limits – including 4.84 acres of real property consisting of a single tax lot owned by the applicant (Swelland) along with approximately 0.18 acres of adjacent N Redwood Street right-of-way, and assigns R-1.5 Medium Density Residential zoning in accordance with the approved N Redwood Development Concept Plan and the City's adopted Comprehensive Plan Map.

Discussion:

Generally, the City of Canby's annexation ordinance requires either a Development Concept Plan (DCP) or a Development Agreement (DA) for properties that are a part of an annexation request. The property proposed to be annexed is located in the N Redwood Development Concept Plan which has set forth the parameters for how the future development should be designed to conform to the DCP. This satisfies the annexation ordinance requirement for approval of a Development Concept Plan prior to the annexation of any individual property within such a designated area (CMC 16.84.040(A)). The owner/applicants do not plan to develop the property themselves.

The Planning Commission accepted the evidence presented within the staff report indicating that the annexation of this additional land was needed and suitable to assure a three-year supply of available developable R-1.5 zoned land within the City for new homes. The R-1.5 zone district to be applied would provide approximately 30 new single family detached home sites ranging between 5,000 to 6500 square feet. The area is within the City's Urban Growth Boundary which is designated for future urbanization.

All necessary public services are readily available for extension by the developer to serve this proposed annexation area. No park land is anticipated to be granted to the City with future development of this parcel.

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

Planning Commission Recommendation:

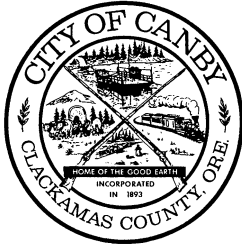
The Planning Commission found that the annexation review criteria had been met, and therefore recommended that the City Council:

1. Approve Annexation/Zone Change ANN 18-04/ZC 18-05 (Swelland), and,
2. Upon annexation, the zoning of the subject properties shall be designated as R-1.5 on the official zoning map for the City of Canby in accordance with the Canby Comprehensive Plan Map (MDR) Medium Density Residential designation.

Recommended Council Motion: *I move to approve the Swelland Annexation/Zone Change File ANN 18-04/ZC 18-05 pursuant to the recommendation forwarded by the Planning Commission.*

Attachments:

- Planning Commission Final Findings
- Planning Commission Annexation & Zone Change Public Hearing Minutes for November 26, 2018
- Staff Report ANN 18-04/ZC 18-05 Swelland Annexation & Zone Change with written public comments
- The Swelland application submittal, including application forms, narrative, and drawings, and TPR Analysis.



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

**A REQUEST FOR APPROVAL OF
ANNEXATION AND ZONE CHANGE
FOR PROPERTY LOCATED AT 1268 N.
REDWOOD STREET**

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**FINDINGS, CONCLUSION & FINAL ORDER
ANN 18-04/ZC 18-05
SWELLAND**

NATURE OF THE APPLICATION

The Applicants sought approval for an annexation/zone change applications **ANN 18-04/ZC 18-05 SWELLAND ANNEXATION & ZONE CHANGE** to annex 5.03 acres of real property described as Tax Lots 31E34B00400, Clackamas County, Oregon. The property is zoned Clackamas County RRFF-5 and is requested to be zoned City R-1.5, Medium Density Residential.

HEARINGS

The Planning Commission considered applications **ANN 18-04/ZC 18-05 SWELLAND ANNEXATION & ZONE CHANGE** after the duly noticed hearing on November 26, 2018 during which the Planning Commission recommended by a 6/0 vote that the City Council approve ANN 18-04/ZC 18-05 per the recommendation contained in the staff report.

CRITERIA AND STANDARDS

In judging whether or not the annexation and zone change applications shall be approved, the Planning Commission determines whether criteria from the *City of Canby Land Development and Planning Ordinance* are met, or can be met by observance of conditions. Applicable criteria and standards were reviewed in the Planning Commission staff report dated November 14, 2018 and presented at the November 26, 2018 public hearing of the Planning Commission.

FINDINGS AND REASONS

The Planning Commission considered applications **ANN 18-04/ZC 18-05 SWELLAND ANNEXATION & ZONE** at a public hearing held on November 26, 2018 during which the staff report was presented, including all attachments. Staff recommended that the Planning Commission forward a recommendation of approval to the City Council for the proposed annexation and new zoning designation.

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

CONCLUSION

In summary, the Planning Commission adopted the findings contained in the staff report, concluded that the annexation/zone change meets all applicable approval criteria, and approved City File #**ANN 18-04/ZC 18-05 SWELLAND ANNEXATION & ZONE** as stated below. The Planning Commission's order is reflected below.

ORDER

Based on the application submitted and the facts, findings, and conclusions of the staff report, and the supplemental findings from the public hearing, the Planning Commission recommended to the City Council **APPROVAL** of annexation and zone change applications **ANN 18-04/ZC 18-05 SWELLAND ANNEXATION & ZONE** as follows:

1. **ANN 18-04/ZC 18-05 SWELLAND ANNEXATION & ZONE** be approved and,
2. Upon annexation, the zoning of the subject properties be designated as R-1.5 as indicated by the Canby Comprehensive Plan Map.

ANN 18-04/ZC 18-05 Swelland Annexation

*Findings, Conclusion, & Final Order
Page 1 of 1*

I CERTIFY THAT THIS ORDER approving ANN 18-04/ZC 18-05 SWELLAND ANNEXATION & ZONE CHANGE which was presented to and APPROVED FOR RECOMMENDATION TO THE CITY COUNCIL by the Planning Commission of the City of Canby.

DATED this 26th day of November, 2018.


John Savory
Planning Commission Chair


Bryan Brown
Planning Director


Laney Fouse, Attest
Recording Secretary

ORAL DECISION: November 26, 2018

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

WRITTEN DECISION: November 26, 2018

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

CANBY PLANNING COMMISSION
7:00 PM – Monday, November 26, 2018
City Council Chambers – 222 NE 2nd Avenue

PRESENT: Commissioners John Savory, John Serlet, Larry Boatright, Derrick Mottern, Shawn Varwig, and Andrey Chernishov
ABSENT: Commissioner Tyler Hall
STAFF: Bryan Brown, Planning Director, and Laney Fouse, Recording Secretary
OTHERS: Kathy Polley, Matt Radich, Bobby Pickering, Dan & Trisha Kinney, Breckenridge Cartwright, Chris & Kelly Clasen, Bryan & Lisa Swelland, Cindy Swelland, Ed Patton, Charles Burden, Ron Reimers, Bob Cambra, Todd Iselin, and Pat Sisul

CALL TO ORDER

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

CITIZEN INPUT ON NON-AGENDA ITEMS – None

MINUTES

- a. Approval of Planning Commission Minutes for September 10, 2018 and September 24, 2018

Motion: A motion was made by Commissioner Varwig and seconded by Commissioner Mottern to approve the minutes for September 10, 2018. Motion passed 6/0.

Motion: A motion was made by Commissioner Varwig and seconded by Commissioner Serlet to approve the September 24, 2018 minutes. Motion passed 6/0.

NEW BUSINESS – None

PUBLIC HEARINGS:

- a. **Consider a request from the Swelland Family for an Annexation and Zoning Map Amendment to annex 4.84 acres consisting of 1 tax lot and adjacent right-of-way on N Redwood Street located within the North Redwood Development Concept Plan area, and to rezone from County RRFF-5 to R-1.5 Medium Density Residential. (ANN 18-04/ZC 18-05 Swelland).**

Chair Savory opened the public hearing and read the public hearing format. He asked if any Commissioner had ex parte contacts or conflicts of interest to declare. There were none.

Bryan Brown, Planning Director, entered his staff report into the record. This was an annexation and zone change request for 4.84 acres on N Redwood Street. The annexation would include the adjacent right-of-way on N Redwood. The zone change would go from County RRFF-5 to the City's R-1.5, medium density residential, which was consistent with the Comprehensive Plan. He discussed the applicable review criteria and findings as well as the subject site. Any annexation in this area was subject to the previously approved N Redwood

Development Concept Plan. He explained how the road circulation had been changed in the Concept Plan. The applicant did not intend to develop the property, but planned to sell it to a developer. He then reviewed the one public comment that had been submitted, which was in favor of the application. He discussed whether or not there was a need for more land to be annexed into the City. From analysis that had been done for previous annexation applications, the City was getting near the three year buildable land supply. The Commission could use this as a reason to deny applications if they thought there were too many properties being annexed. Currently any platted lots were quickly being built on and the homes were being sold as fast as they were being built. The three year land supply would not last long if the current economy continued. There was nothing in the code that said they could not have more than a three year supply. There were no capacity issues to serve the property. The application met all of the review criteria and staff recommended approval.

Applicant:

Brian Swelland, owner of the property along with his wife Lisa and sister-in-law Cindy, would like to annex the property and rezone it to R-1.5.

Proponent:

Breckenridge Cartwright, Attorney, stated this property was in the Urban Growth Boundary and met all of the criteria. It fit with the N Redwood Concept Plan. Regarding the three year buildable land supply, all of the currently developed plots in Canby were purchased quickly. The area was perfect for development given it was surrounded by higher density development and by the City on most sides.

Opponent:

Bob Cambra, Canby resident, was opposed because he did not think N Redwood was adequate to sustain this type of development. Redwood was a substandard road for its usage and projected usage. He thought once this area was developed there would be a backlog on Territorial, Redwood, and 99E.

Rebuttal:

Lisa Swelland discussed the traffic analysis that was done. In the analysis it stated that the application met the Transportation Planning Rule. The surrounding intersections and roadways would have sufficient capacity to accommodate the proposed annexation.

Chair Savory closed the public hearing at 7:30 p.m.

Commissioner Mottern said N Redwood would be upgraded when the area was developed. He was in favor of the application.

Commissioner Serlet was also in favor. Redwood would be a mess until it was upgraded, but that was how the system worked.

Commissioner Chernishov asked when a transportation analysis was required, at annexation or development. Mr. Brown said there was a general transportation study done when the N Redwood Concept Plan was approved and with this application a Transportation Planning Rule analysis was done indicating that full build out of this property and the properties in the Concept Plan area did not result in any projects in the 2010 Transportation System Plan. There would also be another transportation analysis when the subdivision application came through.

Commissioner Varwig pointed out that this was only an annexation application, not a development application. Anyone who had driven on the street knew it was a problem, but it would be addressed through development. He was in favor of the application.

Commissioner Boatright and Chair Savory were in favor as well.

Motion: A motion was made by Commissioner Chernishov and seconded by Commissioner Varwig to approve the Annexation and Zoning Map Amendment to annex 4.84 acres consisting of 1 tax lot and adjacent right-of-way on N Redwood Street located within the North Redwood Development Concept Plan area, and to rezone from County RRFF-5 to R-1.5 Medium Density Residential. (ANN 18-04/ZC 18-05 Swelland). Motion passed 6/0.

b. Consider a request from Active Water Sports for a Site & Design Review and Conditional Use Permit to construct a 28,975 SF building for use as a watercraft sales and storage facility at the SE corner of SE 1st Ave and S Hazel Dell Way in the Canby Pioneer Industrial Park. (DR 18- 07/CUP 18-06 Active Water Sports).

Chair Savory opened the public hearing. He asked if any Commissioner had ex parte contacts or conflicts of interest to declare. There were none.

Mr. Brown entered his staff report into the record. This proposal was for an active water sport development for recreational boat sales and storage. This was only one of three properties in the Industrial Park that was zoned C-M, Commercial Manufacturing. It was located at the southeast corner of SE 1st Avenue and S Hazel Dell Way. There was currently a house and accessory building on the property which would be removed. There would be driveways on both Hazel Dell and 1st Avenue. The applicant was also requesting a Conditional Use Permit for not meeting the minimum 12 employees per acre standard. He discussed the review criteria. The applicant was proposing three wall signs on the building and there was a condition that they file a sign permit for the signs at a later time. He then reviewed the site plan. The proposed building would be 28,975 square feet. The applicant had originally proposed to use a Kingsband insulated panel system which was a steel frame supported by thin metal siding that was covered with various types of materials. In this case it was a stucco granite looking material. Staff concluded it could be allowed because the surface was not metal and did not give the appearance of metal. However, the applicant had changed his mind and was now proposing a concrete tilt up construction. This was the predominant type of building material in the Industrial Park. The building would be up near the front of the property and there would be a large outdoor storage area in the back that would be paved with parking spaces and a loading area. There would also be a stormwater detention facility on the site. SE 1st Avenue was a substandard street and a lot of improvements would be necessary. Hazel Dell was fully improved except for the needed planter strip and sidewalk. There was a pond at the western edge which made it difficult to plan the street improvements because the pond could not be disturbed and must be retained. There would be two 12 foot wide lanes and a four foot curb tight sidewalk in that area and it would transition to the full standard cross section for an industrial street. He discussed the elevations of the proposed building and landscaping plan as well as the conditions that were unique to this proposal. One was to correct the sight distance issues at the proposed driveway access onto SE 1st Avenue. Staff also proposed a change to Condition #2 by adding, "Or as otherwise determined to be suitable by city staff with final technical review during construction plan preparation." This was due to the right-of-way being varied on SE 1st and would allow the City to have the right-of-way that was needed for the road improvements. Staff thought the application met all of the criteria and recommended approval with conditions.

Applicant:

Randy Saunders, applicant, explained the elevations that were presented were the elevations of the building. The materials would change, but the configuration of the colors would be the same. It would be tilt up concrete rather than the premanufactured panel.

Neutral:

Kathy Polley, Clackamas County resident, said she and her brother owned property directly across from this property on Hazel Dell Way. The City was currently considering regulating truck routes. None of the paperwork for the Industrial Park applications specifically addressed how many trucks would be going in and out. It was not a complaint but a concern. She thought every application for industrial properties should include truck traffic, not just trips.

Proponents:

Warren Freece, Washington state resident, was in support of the application. They would be good neighbors and there would only be 3-4 trucks per month. He did not think there would be a huge impact to traffic with the trucks. A neighbor had asked that the building material be changed, and even though it would have been a cost savings, they had changed it. This was a family owned business and he asked for approval.

Ed Patton, Lebanon resident, concurred with the staff report and conditions of approval as modified and presented today.

Bob Cambra, Canby resident, thought these Industrial Park applications would have major impact on S Hazel Dell Way and S Sequoia Parkway and that intersection was not mentioned in the Transportation System Plan. He thought the intersection should be included in the TSP so it could be analyzed to see if something needed to be done. He did not want to wait for the next TSP update.

Mr. Brown clarified the City Manager was going to make a request to the City Council to use Urban Renewal funds to install a stop light at that location.

Mr. Cambra encouraged the Commission to write a letter of support to the City Council for the project.

Chair Savory closed the public hearing.

Commissioner Varwig was pleased to hear the elevations would remain the same. The City was also looking into other access points into the Industrial Park. He was in favor of the application.

Commissioner Mottern thought it was a good fit for what that area was designated for.

The rest of the Commission agreed.

Chair Savory thought they should send a letter of support to the Council as suggested by Mr. Cambra.

Motion: A motion was made by Commissioner Varwig and seconded by Commissioner Mottern to approve Site & Design Review and Conditional Use Permit to construct a 28,975 SF building for use as a watercraft sales and storage facility at the SE corner of SE 1st Ave and S Hazel Dell Way in the Canby Pioneer Industrial Park with the conditions as revised. (DR 18- 07/CUP 18-06 Active Water Sports). Motion passed 6/0.

- c. Consider a request from Chris & Kelly Clasen for a Site and Design Review to develop a new two-story office building with paved on-site parking and a gravel vehicle storage yard at 1793 SE 1st Ave for their septic system business. (DR 18-08 Lil Stinky Environmental).**

Chair Savory opened the public hearing. He asked if any Commissioner had ex parte contacts or conflicts of interest to declare. There were none.

Mr. Brown entered his staff report into the record. This was a site and design review to develop a two story office building in the Industrial Park. The property was to the west of the Active Water Sports application that was just approved. There was an underground stream on the property as well as a pond that would be preserved. He discussed the review criteria and proposed site plan. This would be a 4,732 square foot building that would be two stories. Parking would be in the front and eight spaces were proposed with two of those in the shop area. There would also be a fenced-in area for service vehicle storage. They were viewing it as a storage yard and proposed to gravel the area. However, if there was constant daily in and out of most of the vehicles that were parked there, that portion should be paved. It was up to the Commission's discretion whether or not it should be a paved or unpaved. He reviewed the elevations of the building and floor plans. The surface would be reveal hardy board siding and metal doors. He then explained the conditions unique to this proposal. They planned to use drought resistant plants and had no planned irrigation. This did not negate the standard to maintain the plants for the life of the development. There was a request from ODOT to require a traffic study, which came late in the process. He had talked with ODOT and DKS, the City's traffic consultant. In this particular case they would have no more than 40 trips per day and no more than 10 p.m. peak hour trips. The trigger for a full traffic study was 50 p.m. peak hour trips. After receiving that information, ODOT did not think a traffic study was needed. Staff also thought it met the criteria for waiving that requirement. He recommended adding a condition of approval, Condition #4a, which stated, "The project must be in conformance with the applicable findings and requirements outlined by the City Engineer's memorandum dated 11/6/2018 or as otherwise determined to be suitable by city staff with final technical review of the construction plans during construction plan preparation." Staff recommended approval of the application with conditions.

Applicant:

Todd Iselin, Iselin Architects, submitted additional drawings of revised elevations into the record. This was a small building as it was a constrained site due to the pond. The operation was small, and had planned for growth in the future. The gravel yard was for the future growth and weekend storage of vehicles. Currently they had two pump trucks and no large vehicles. One or two semi trucks per year made deliveries to the site. They had nine employees and met the employee per acre standard.

Chris Clasen, applicant, explained there would be three service trucks that left the yard and came back once per day.

Mr. Iselin said the building had two service bays and another bay to open up the office area to the outside for environmental classes that they might do.

Commissioner Mottern asked if the applicant would be willing to pave part of the yard that was used daily.

Mr. Clasen did not think it would be a problem.

Mr. Iselin said regarding the drought tolerant landscaping, the company would be the owner and occupant of the building and had an incentive to maintain it. Mr. Clasen said they were working with an award winning landscape architect who specialized in northwest vegetation.

Commissioner Chernishov asked if the business grew, would that mean doubling the number of trucks they would use. He wanted to make sure there would be enough paved surface for the future growth. Mr. Clasen did not know how fast it would grow. The yard was not a typical gravel yard, but would be a clean permeable surface. He did not see a problem with paving more of it in the future if needed.

Commissioner Serlet asked if it was a year round pond. Mr. Clasen said it was seasonal.

Pat Sisul, Sisul Engineering, said in regard to added Condition #4a, he had a concern with the Engineer's memo regarding the right-of-way. The existing right-of-way was varied in this area and it went from 49 feet near Sequoia to 53 feet near Hazel Dell. He wanted to make sure there was flexibility with the right-of-way.

Proponents and Opponents: None

Neutral:

Kathy Polley, Clackamas County resident, had looked at the landscape design and she thought it was wonderful and would be more likely to withstand drought. There were springs on both sides of the road and an underground flow that came out of the ground forming the pond. She had no objection to this application and was impressed with the design. She did want the Council and Commission to consider the amount of truck traffic in this area.

Chair Savory closed the public hearing.

Motion: A motion was made by Commissioner Mottern and seconded by Commissioner Varwig to approve Site and Design Review to develop a new two-story office building with paved on-site parking and a gravel vehicle storage yard at 1793 SE 1st Ave for their septic system business with the conditions as revised by staff and a condition to require a paved area for the service vehicles. (DR 18-08 Lil Stinky Environmental). Motion passed 6/0.

d. Consider a request from Trisha Kinney for a Conditional Use Permit to locate a physical fitness training business in an existing approved "flex-space" industrial building at 138 S Hazel Dell Way in the Canby Pioneer Industrial Park. (CUP 18-05 Kinney).

Chair Savory opened the public hearing. He asked if any Commissioner had ex parte contacts or conflicts of interest to declare. Commissioner Varwig knew the Kinneys and attended church with them, but he would still participate in the hearing.

Mr. Brown entered his staff report into the record. This was a Conditional Use Permit request to locate a physical fitness training business in the Industrial Park. There were several tenant spaces in this flex-space industrial building and this proposal was to put in a CrossFit gym which was not an outright permitted use in the M-1 zone. It was a suitable use within the M-1 zone with a Conditional Use Permit. This use was also permitted in commercial zoning districts, however there were not many available spaces around town and this was a good location with a ready built building. He discussed the review criteria and conditions of approval. Some of the considerations with this use were parking and displacement of industrial space. The owner of the property

designated a certain number of parking spaces for each tenant and currently there were only four parking spaces designated for this space. There were times early in the morning before other people came to work and also after 5 p.m. when people left work that they would be doing training and they might have more than four vehicles. There was temporary parking behind the building that could be used, but it would only be available until Phase 2 was built. It was a possible issue that might or might not be a problem. Staff did not think the use would adversely impact any of the surrounding properties or neighboring tenant spaces. Staff recommended approval of the application with conditions.

Commissioner Mottern asked if they could add a condition to review the parking if the temporary parking went away. Mr. Brown was not in favor of it as staff would have to monitor what was going on over time. However, if the Commission wanted, they could add that condition. He did not think the parking would spill out onto Hazel Dell Way as there was no designated parking on the street.

Commissioner Chernishov asked about the issues with having overflow parking using a gravel lot. Mr. Brown said the gravel lot was not put there for this use. It was a base for a future parking lot that would be built there. It was a unique solution to help a use go on the property. It would likely not cause a problem until Phase 2 was built.

Applicant:

Trisha & Dan Kinney, Canby residents, submitted a letter into the record from the property owner regarding the lease. The number of spaces they would be allocated was 6, not 4. They had a 3 year lease and during that time the owner said he would not be building Phase 2. Typically there were 6-8 people in a class, and most of the classes would be occurring early in the morning and also in the evening.

Proponents:

Charlie Burden, Canby resident, was worried about the noise affecting the nearby neighborhood, especially early in the morning.

Ron Reimers, OCI Reimers, was the property owner. Regarding the parking, there were 36 parking spaces for the building and he broke down how much parking would be given to each tenant. There was a total of 30 spaces required, and they had 36 spaces. They met the City's standards and there was no need for additional parking. Regarding the noise issue, they were in a manufacturing zone and the decibel level was enforceable.

Opponents: None

Neutral: None

Rebuttal:

Mr. Kinney addressed the noise issue. The tenant space was 3,000 square feet and it was all one long corridor. There were concrete and sheetrock walls and the instructors needed to be heard over the music. He did not think it would be loud enough to carry to the neighborhood.

Commissioner Deliberation:

Commissioner Mottern was in support.

Commissioner Serlet thought the issues had been addressed and was also in support.

Commissioner Varwig thought it was a good fit for the building and was in favor. Commissioner Boatright and Chair Savory agreed.

Motion: A motion was made by Commissioner Chernishov and seconded by Commissioner Mottern to approve a Conditional Use Permit to locate a physical fitness training business in an existing approved “flex-space” industrial building at 138 S Hazel Dell Way in the Canby Pioneer Industrial Park with conditions. (CUP 18-05 Kinney). Motion passed 6/0.

FINAL DECISIONS

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

- a. Final Findings (ANN 18-04/ZC 18-05 Swelland)

Motion: A motion was made by Commissioner Varwig and seconded by Commissioner Mottern to approve the final findings for ANN 18-04/ZC 18-05 Swelland. Motion passed 6/0.

- b. Final Findings (DR 18- 07/CUP 18-06 Active Water Sports)

Motion: A motion was made by Commissioner Varwig and seconded by Commissioner Mottern to approve the final findings for DR 18- 07/CUP 18-06 Active Water Sports. Motion passed 6/0.

- c. Final Findings (DR 18-08 Lil Stinky Environmental)

Motion: A motion was made by Commissioner Mottern and seconded by Commissioner Varwig to approve the final findings for DR 18-08 Lil Stinky Environmental. Motion passed 6/0.

- d. Final Findings (CUP 18-05 Kinney)

Motion: A motion was made by Commissioner Boatright and seconded by Commissioner Varwig to approve the final findings for CUP 18-05 Kinney. Motion passed 6/0.

ITEMS OF INTEREST/REPORT FROM PLANNING STAFF

- a. Next regularly scheduled Planning Commission meeting – Monday, December 10, 2018

Mr. Brown discussed upcoming agenda items.

ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION

Chair Savory said there would be three open positions on the Commission, and seven applications had been received. Interviews would be conducted in December.

There was consensus for staff to draft a letter from the Planning Commission in support of the traffic signal at S Hazel Dell Way and S Sequoia Parkway.

There was discussion regarding proposed code changes and the process.

ADJOURNMENT

Motion: A motion was made by Commissioner Chernishov and seconded by Commissioner Varwig to adjourn the meeting. Motion passed 6/0. The meeting was adjourned at 9:24 p.m.



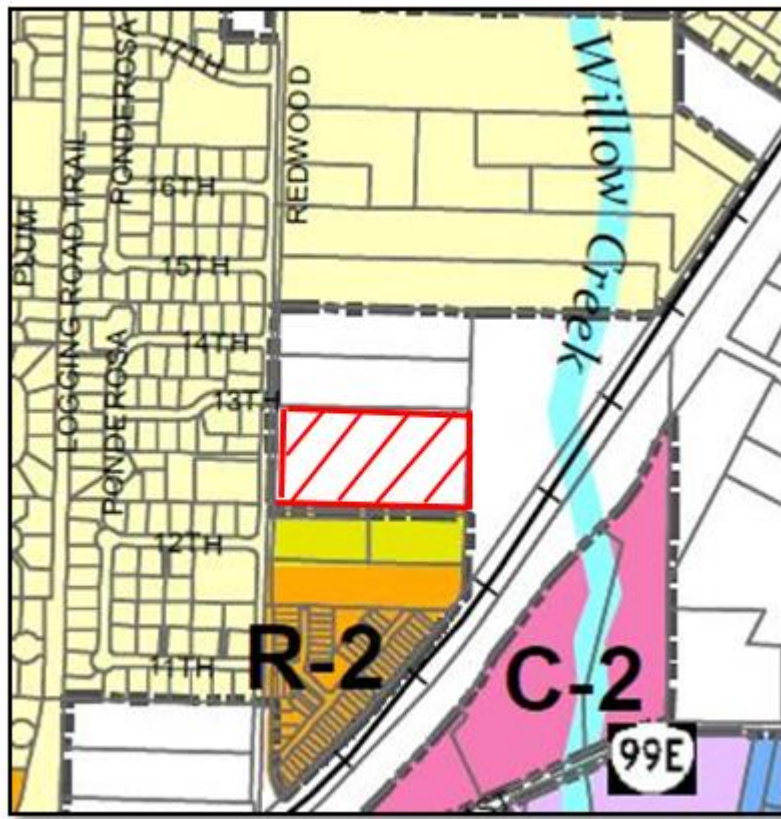
City of Canby

ANNEXATION AND ZONE CHANGE STAFF REPORT

FILE #: ANN 18-04/ZC 18-05

Prepared for the November 26, 2018 Planning Commission Meeting

LOCATION: 1268 N. Redwood Street on the east side and approximately 1,270 feet north of State Highway 99E.



ANNEXATION PROPERTY SIZE: The site is approximately 5.03 gross acres and 4.84 net acres, (minus .183 acres of Street R.O.W.).

TAX LOTS: Tax Lot 31E34B00400

COMPREHENSIVE PLAN DESIGNATION: Medium Density Residential (MDR)

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

PROPOSED ZONING: Medium Density Residential (R-1.5)

OWNER: Bryan Swelland

APPLICANT: Bryan, Lisa, and Cindy Swelland

REPRESENTATIVE: Cindy Swelland

APPLICATION TYPE: Annexation/Zone Change (Type IV)

CITY FILE NUMBER: ANN 18-04/ZC 18-05

I. PROJECT OVERVIEW & EXISTING CONDITIONS

The property owners of a 4.84 acre parcel located in the northeast portion of the City of Canby's Urban Growth Boundary (UGB) propose annexation into the city limits. The property owners also propose a zone change application to change the current zoning from the Clackamas County RRFF-5 (Rural Residential Farm Forest-5) to the City of Canby's R-1.5, Medium Density Residential Zone. The subject parcel is bordered on the west by developed subdivisions within the Canby city limits, on the south by parcels that were previously annexed and on the east and north by land inside the Urban Growth Boundary (UGB) but outside the city limits. The annexation will also extend into N. Redwood Street and incorporate 20 feet of right-of-way along the property frontage. The applicant is requesting a zone change to R-1.5 (Medium Density Residential) which is consistent with the current Canby Comprehensive Plan designation.

The City of Canby's annexation ordinance requires either a Development Concept Plan (DCP) or a Development Agreement (DA) for most properties that are a part of an annexation request. This particular property is designated on the City of Canby Annexation Development Map (16.84.040(A)) as located within the Development Concept Plan area and is included in the North Redwood Development Concept Plan that was approved in 2015. Subsequently, the applicant submitted a copy of the Plan that is included in the file. The DCP addresses applicable criteria listed in Section 16.84.040 CMC as well as dedications, street construction, and utility design issues which the City desires to be guaranteed or reflected in any upcoming subdivision application. The applicant does not plan development of the property at this time and a conceptual development plan for future development is not required for annexation approval.

The annexation area is located within the City of Canby's Urban Growth Boundary. The City of Canby Comprehensive Plan has envisioned the ultimate urbanization of this area and its intended land use, and the Comprehensive Plan Map for these particular lots indicates a medium density residential use. The designation corresponds to the zone changes requested by the applicant. The area is currently within Clackamas County's jurisdiction and is presently zoned as Rural Residential Farm Forest-5 Acre (RRFF-5). This zone change is to rezone the properties involved to the City zoning of R-1.5 zone in accordance with the corresponding City Comprehensive Plan Map land use designation. The zone designation will take effect when the properties are annexed as indicated in this application.

II. ATTACHMENTS

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

I. Agency/Citizen Comments

III. **APPLICABLE REVIEW CRITERIA & FINDINGS**

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

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

City of Canby Comprehensive Plan Policies and Implementation Measures

State Statutes- ORS 195.065 and 222

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

Chapter 16.84 Annexation Compliance

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

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

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

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

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

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

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

- 1.** *Water*

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

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

Findings: A copy of a DCP is required for this application, and a copy is included in the file. The DCP provided information to address City of Canby future infrastructure requirements for the area, and Subdivision Application will be required for any future development proposal that defines how the area would best be developed and served by all necessary infrastructure.

A traffic analysis was not required for this proposal. However, DKS Engineering provided a Transportation Planning Rule Analysis to address traffic impacts associated with anticipated full development of the properties in accordance with the applicable zoning designation and the planning rule. The analysis, dated April 2, 2018 summarized how the requirements of Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR), are met for the subject properties. The surrounding roadways and intersections were found to have sufficient capacity to accommodate the proposed annexation, and zone change in the DCP Area. The Transportation Planning Rule requirements of State Statute were determined to have been met as documented in the Analysis.

All necessary utility services are generally available or can be made available through service line extensions to the annexation area. The submitted narrative indicates the options for necessary infrastructure to serve this area. The applicant indicated that development of future infrastructure will be addressed with submittal of a subdivision application at a later date. The applicant is aware that park SDC's are required in lieu of park dedication. Eventual subdivision and development of the proposed property will result in one-half street improvements for the length of the property frontage on N. Redwood Street.

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

Findings: A land needs analysis is required with all annexations to assess the current amount of developable land within the same zone designation of that requested in the application. A 3-year supply of developable R-1.5 zoned land is to be considered sufficient. The City

Council previously provided a defined policy direction to staff that stated analysis of actual number of platted lots based on a reasonable assessment of expected consumption rate moving forward is the appropriate metric to utilize in determining the adequacy of the developable land supply.

The applicant did not include, with the file, an analysis indicating the deficiency of Canby's three-year supply of developable land based on population data obtained from Portland State University Population Research Center and existing available platted and proposed lots. The property owner indicated plans to sell the property and let the buyer decide if and when to develop the parcel. Annexation does not mean that development is imminent on the property. It would not be required but advantageous for adjacent properties to annex and develop at the same time to more efficiently implement the Concept Plan design for the area. Staff is aware that data provided from two previously approved annexation requests established that the City is generally at the sufficient three year supply level for platted lots approved until all existing approved subdivisions are built out.

Staff would like to add that under Oregon Administrative Rule Chapter 660-024-0040, Land Need, the UGB is based on a 20-year land need and a 20-year population forecast. The 3-year supply introduced into the CMC above "is considered to be sufficient" within the City limits and indicates a minimum number of available lots for the land supply and not a maximum number. It appears that a "sufficient" number of lots does not necessarily intend to establish that the number of lots cannot exceed the 3-year supply if the need increases when a strong housing demand exists. Staff also submits that, based on the increasing number of applications for new dwellings, the consumption rate is possibly approaching a 100% consumption rate average as new homes are constructed and occupied by new home owners. The quick sale and occupancy of new homes continues to rapidly reduce the number of available lots.

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

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

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

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

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

Findings: The applicant is not proposing development at this time.

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

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

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

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

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

Findings: The applicant intends to follow the medium density residential zoning designation of the Comprehensive Plan. The only change is a zoning map amendment to change the zone to R-1.5, and the Zone Map Change Application that accompanies this annexation request will satisfy this criteria. Staff finds that the criterion in 16.84.040(A)(8) can be met.

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

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

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

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

Chapter 16.54 Amendments to the Zoning Map Analysis

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

16.54.010 & 0.20 & 0.30 Amendments to the Zoning Map

Findings:

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

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

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

16.54.040 Standards and criteria

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

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

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

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

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

16.08.150 Traffic Impact Study (TIS)

- A. *Determination based on information provided by the applicant about the proposed development, the city will determine when a TIS is required and will consider the following when making that determination.*
1. *Changes in land use designation, zoning designation, or development standard.*
 2. *Changes in use or intensity of use.*
 3. *Projected increase in trip generation.*
 4. *Potential impacts to residential areas and local streets.*
 5. *Potential impacts to priority pedestrian and bicycle routes, including, but not limited to school routes and multimodal street improvements identified in the TSP.*
 6. *Potential impacts to intersection level of service (LOS).*

Findings: The Transportation Planning Rule (TPR) within State Statute (OAR 660-12-0060-9) requires that there be a record of traffic generation findings which are consistent with the City's Transportation System Plan with any Comprehensive Plan Map Amendment or Zoning Map Amendment. As previously mentioned, DKS Engineering provided a TPR Analysis that confirmed the proposed annexation met provisions of the TPR. The findings of the analysis determined that the zone change contemplated and the resulting traffic, if developed as allowed, was assumed for trip modeling in the 2010 Canby Transportation System Plan, and therefore, the Transportation Planning Rule requirements are met. The zone change from the proposed annexation would not have a significant effect on the surrounding transportation network, and no mitigation measures would be required to satisfy TPR requirements. This review criterion is met.

Chapter 16.89.060 Process Compliance

16.89.060 Type IV Decision

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

- A. Pre-application conference. A pre-application conference may be required by the Planning Director for Type IV applications.
- B. Neighborhood meetings. The applicant may be required to present their development proposal at a neighborhood meeting (see Section 16.89.070). Table 16.89.020 sets the minimum guidelines for neighborhood review but the Planning Director may require other applications to go through neighborhood review as well.
- C. Application requirements. Type IV applications shall be made on forms provided by the Planning Director. The application shall be accompanied by all required information and fees.
- D. Public notice and hearings. The public notice and hearings process for the Planning Commission's review of Type IV applications shall follow that for Type III applications, as provided in subsections 16.89.050.D and 16.89.050.E.
- E. Decision process.

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

F. City Council proceedings:

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

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

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

Notice of this application and the Planning Commission and Council Hearing dates was made to surrounding property owners on November 5, 2018, at least 20-days prior to the hearing.

Prior notification and neighborhood meetings were completed during application process. The site was posted with a Public Hearing Notice sign by November 16, 2018. A notice meeting ordinance requirements of the public hearings was published in the Canby Herald on November 21, 2018. The Planning Director determined that a pre-application meeting was not necessary for this application. These findings indicate that all processing requirements have been satisfied with this application to date.

Public Testimony Received

Notice of this application and opportunity to provide comment was mailed to owners of lots within 500 feet of the subject properties and to all applicable public agencies and City departments on November 5, 2018. Complete comments are documented in the file. As of the date of this Staff Report, the following comments were received by City of Canby from the following persons/agencies:

Persons/Agency/City Department Comments.

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

Conclusion Regarding Consistency with the Standards of the Canby Municipal Code

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

1. The applications and proposed use is in conformance with applicable sections of the City's Comprehensive Plan and Land Development and Planning Ordinance when the determinations contained in this staff report are applied.
2. The proposed annexation can meet the approval criteria set forth in CMC 16.84.040.A.
3. The zoning of the property, if annexed, should be R-1.5 as indicated in the application and pursuant to the approval criteria set forth for map amendments in CMC 16.54.040.
4. The proposed annexation's requested zoning district of R-1.5 is in conformance with the Comprehensive Plan Land Use Plan Map.
5. The application complies with all applicable Oregon Revised Statutes.
6. There are sufficient public and private agency utility and service capacity to serve the site at the anticipated development intensity.
7. In accordance with the UGMA with Clackamas County, this proposed annexation application includes a description of the adjacent N. Redwood Street right-of-way with the properties proposed for annexation.

16.89 Recommendation

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

1. ANN 18-04/ZC 18-05 be approved and,
2. Upon annexation, the zoning of the subject properties be designated as R-1.5 as indicated by the Canby Comprehensive Plan Map.

Laney Fouse

From: DANIELSON Marah B
<Marah.B.DANIELSON@odot.state.or.us>
Sent: Monday, October 29, 2018 12:27 PM
To: Bryan Brown
Subject: RE: TPR Analysis ANN-18-04/ZC 18-05 Swelland at 1268 N Redwood Street

Thanks for sending the TPR analysis. ODOT has no concerns with the proposed zone change and no further review is needed. Please let me know if you have any questions.

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

From: Bryan Brown <BrownB@canbyoregon.gov>
Sent: Friday, October 26, 2018 9:42 AM
To: DANIELSON Marah B <Marah.B.DANIELSON@odot.state.or.us>
Subject: TPR Analysis ANN-18-04/ZC 18-05 Swelland at 1268 N Redwood Street

Hi Marah,

I believe this is what you were looking for with regards to the above Annexation application. Let me know if you have any other concerns or questions.

Bryan

Bryan Brown | Planning Director
City of Canby | Development Services
222 NE 2nd Avenue | PO Box 930
Canby, OR 97013
ph: 503-266-0702 | fax: 503-266-1574
email: brownb@canbyoregon.gov; website: www.canbyoregon.gov
Send applications to: PlanningApps@canbyoregon.gov

PUBLIC RECORDS LAW DISCLOSURE

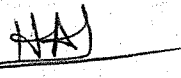
This email is a public record of the City of Canby and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This email is subject to the State Retention Schedule.

November 6, 2018

MEMORANDUM

TO: Public Comments
City of Canby

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



**RE: CITY OF CANBY
SWELLAND ANNEXATION & ZONE CHANGE (ANN 18-04/ZC 18-04)**

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

1. N Redwood Street is classified as a collector street as per the City Transportation System Plan (TSP), the existing right-of-way width of 50 feet (30-foot to the west and 20-foot to the east. A 10 –foot wide right of way dedication will be required along the entire site frontage with N Redwood Street including half street improvements with curbs, 4.5-foot planter strip, 6-foot wide concrete sidewalks, utilities as required and street lights. The half street improvements shall be built to City Standards with the curb placed at 18-foot from the centerline right-of-way to match the east side of the roadway in conformance with section 2.207 of the City of Canby Public Works Design Standards dated June 2012. An asphalt tapers at the rate of 10:1 shall be constructed to match existing asphalt surface at both ends of the street.
2. All interior streets within the subdivision shall be designed to City local street standards with 34-foot paved width, curbs, 4.5' planters, 6' sidewalks, street lights and utilities in conformance with Chapter 2 of the City of Canby Public Works Design Standards, dated June 2012. Turnarounds may be required at the end of each street as directed by Canby Fire Department.
3. The developer's design engineer will be required to submit as part of the construction plans a signing and striping plan. All street names and traffic signs shall be installed by the developer at his expense and as part of this development. The City may supply the required traffic and street name signs based on a mutually agreed cost.

4. As part of the final design, the developer's design engineer shall provide a minimum of 200-foot future centerline street profile design to assure future grades can be met at all the adjoining properties.
5. An erosion control permit will be required from the City of Canby prior to any on-site disturbance.
6. A demolition permit will be required from the City prior to demoing any existing structures.
7. Any existing domestic or irrigation wells shall be abandoned in conformance with OAR 690-220-0030. A copy of WRD abandonment shall be submitted to the City.
8. Any existing on-site sewage disposal system shall be abandoned in conformance with Clackamas County WES regulations. A copy of the septic tank removal certificate shall be submitted to the City.
9. A 15" diameter sanitary sewer exists along N Redwood Street and has adequate capacity to serve this site. However, sanitary sewer lines with a minimum size of 8" diameter shall be extended to serve the adjoining properties.
10. Private storm drainage discharge shall be disposed on-site, the design methodology shall be in conformance with the City of Canby, June 2012 Public Works Standards.
11. Recent field exploration on the adjoining property to the north reveals that drywells will not be a means of public stormwater disposal due to high ground water level. However, the storm drainage runoff can be discharged into Willow Creek, however, a storm drainage report shall be prepared by a registered professional engineer including a downstream analysis to ensure the added flow will not cause any flooding on the downstream properties. The final storm report shall meet Chapter 4 of the City of Canby Public Works Design Standards dated June 2012.

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



City of Canby

PUBLIC HEARING NOTICE & REQUEST FOR COMMENTS FORM

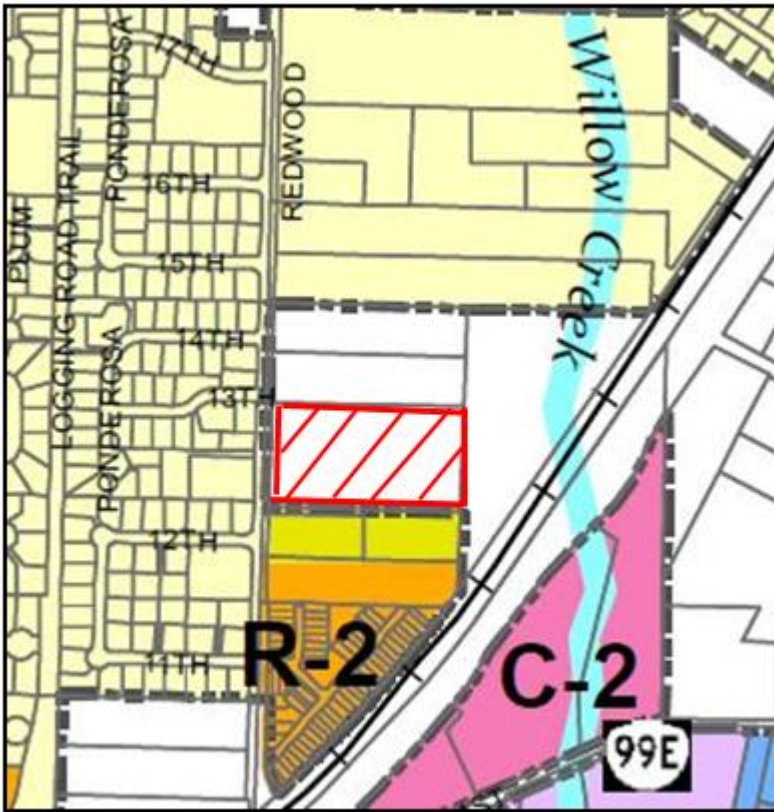
City File No.: ANN 18-04/ZC 18-04

Project Name: SWELLAND ANNEXATION, & ZONE CHANGE

**PUBLIC HEARING DATES: PLANNING COMMISSION –
MONDAY, NOVEMBER 26, 2018.**

CITY COUNCIL – WEDNESDAY, JANUARY 2, 2019

The purpose of this Notice is to invite you to the Planning Commission and City Council Public Hearings and to request your written comments regarding Annexation and Zoning Map Amendment applications (ANN 18-04/ZC 18-04). Applicant proposes to annex and re-zone 5.03 gross acres in accordance with the Canby Comprehensive Plan, property located in an unincorporated area of Clackamas County at 1268 N Redwood St. Both Public Hearings will be held in the Council Chambers, at 222 NE 2nd Ave, Canby, OR 97013. ***The Planning Commission will meet Monday, November 26, 2018, 7 pm. The City Council will meet Wednesday, January 3, 2019, 7 pm.***



Location: 1268 N Redwood St, and .183 acres of N Redwood St. Right-of-Way (R.O.W.)

(See properties outlined in red on map at left).

Tax Lots: 31E34B00400

Lot Size & Zoning: 4.84 acres, zoned Clackamas County: Rural Residential Farm Forest-5 Acre (RRFF-5)

Property Owners: Bryan, Lisa & Cindy Swelland

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

City File Number: ANN 18-04/ZC 18-05

Contact: David Epling, 503-266-0686,

eplingd@canbyoregon.gov

Comments Due – If you would like your comments to be incorporated into the Planning Staff Report, please return the Comment Form by Wednesday, November 14 2018 and for the Council Staff Memo by Monday, December 10, 2018. Written and oral comments can also be submitted up to the time of the Public Hearings and may also be delivered in person during the Public Hearings.

What is the Decision Process? The Planning Commission will consider the Annexation/Zoning Map Amendment applications and make a recommendation to the City Council. The City Council

will make a final decision on the annexation. This property annexation does not require approval by the Canby electorate per Senate Bill 1573. The Council's decision may be appealed to the Land Use Board of Appeals (LUBA).

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

How can I review the documents and staff report? Weekdays from 8 AM to 5 PM at the Canby Planning Department. The Planning staff report will be available Friday, November 16, 2018. The Council Staff Memo will be available Wednesday, December 12, 2018. Both can be viewed on the City's website: www.canbyoregon.gov. Copies are available at \$0.25 per page or can be emailed to you upon request.

Applicable Canby Municipal Code Chapters:

- 16.18 R-1.5 Medium Density Residential Zone
- 16.54 Amendments to Zoning Map
- 16.84 Annexations
- 16.89 Application & Review Procedures
- Clackamas County/City of Canby Urban Growth Management Agreement (UGMA)
- State Statutes – ORS 195.065 and 222
- Canby Comprehensive Plan Implementation Measures

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

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

Written comments to be included in Planning Commission packet are due by Wednesday, November 14, 2018.
Written comments to be included in City Council packet are due by Wednesday, December 12, 2018 .

Application: ANN 18-04/ZC 18-05 Swelland Annexation and Zone Change

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slight shadow on its right side, suggesting it's resting on a surface.

PLEASE EMAIL COMMENTS TO
PublicComments@canbyoregon.gov

☐ Adequate Public Services (of your agency) are available

☐ Adequate Public Services will become available through the development

☐ Conditions are needed, as indicated

☐ Adequate public services are not available and will not become available

☐ No Comments

Thank you!



City of Canby

PUBLIC HEARING NOTICE & REQUEST FOR COMMENTS FORM

City File No.: ANN 18-04/ZC 18-04

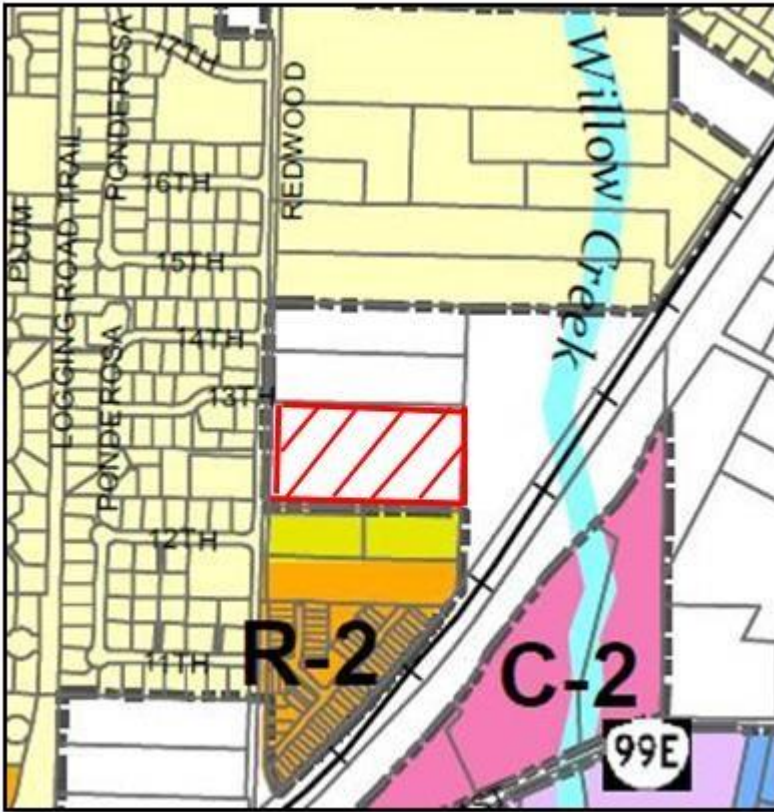
Project Name: SWELLAND ANNEXATION, & ZONE CHANGE

**PUBLIC HEARING DATES: PLANNING COMMISSION –
MONDAY, NOVEMBER 26, 2018.**

CITY COUNCIL – WEDNESDAY, JANUARY 2, 2019

The purpose of this Notice is to invite you to the Planning Commission and City Council Public Hearings and to request your written comments regarding Annexation and Zoning Map Amendment applications (ANN 18-04/ZC 18-04). Applicant proposes to annex and re-zone 5.03 gross acres in accordance with the Canby Comprehensive Plan, property located in an unincorporated area of Clackamas County at 1268 N Redwood St. Both Public Hearings will be held in the Council Chambers, at 222 NE 2nd Ave, Canby, OR 97013. **The Planning Commission will meet Monday, November 26, 2018, 7 pm.**

The City Council will meet Wednesday, January 3, 2019, 7 pm.



Location: 1268 N Redwood St, and .183 acres of N Redwood St. Right-of-Way (R.O.W.)

(See properties outlined in red on map at left).

Tax Lots: 31E34B00400

Lot Size & Zoning: 4.84 acres, zoned Clackamas County: Rural Residential Farm Forest-5 Acre (RRFF-5)

Property Owners: Bryan, Lisa & Cindy Swelland

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

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

Comments Due – If you would like your comments to be incorporated into the Planning Staff Report, please return the Comment Form by Wednesday, November 14 2018 and for the Council Staff Memo by Monday, December 10, 2018. Written and oral comments can also be submitted up to the time of the Public Hearings and may also be delivered in person during the Public Hearings.

What is the Decision Process? The Planning Commission will consider the Annexation/Zoning Map Amendment applications and make a recommendation to the City Council. The City Council

will make a final decision on the annexation. This property annexation does not require approval by the Canby electorate per Senate Bill 1573. The Council's decision may be appealed to the Land Use Board of Appeals (LUBA).

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

How can I review the documents and staff report? Weekdays from 8 AM to 5 PM at the Canby Planning Department. The Planning staff report will be available Friday, November 16, 2018. The Council Staff Memo will be available Wednesday, December 12, 2018. Both can be viewed on the City's website: www.canbyoregon.gov. Copies are available at \$0.25 per page or can be emailed to you upon request.

Applicable Canby Municipal Code Chapters:

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

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

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

COMMENT FORM

Application: ANN 18-04/ZC 18-05 Swelland Annexation and Zone Change

CITIZEN NAME: Eugene M Jablonski, Ph.D.

EMAIL: ejablonski@georgefox.edu

ORGANIZATION/BUSINESS/AGENCY: Adjunct Faculty, George Fox University

ADDRESS: 1400 NE 14th Place, Canby, OR 97013

PHONE # (optional): 503 887-7366

DATE: November 13, 2018

COMMENTS:

A number of concerns arise in conjunction with the plan ANN 18-04/ZC 18-05. **The first concern** deals with the zone type changes. **Regarding the zone type change**, the plan recommends changing from RRFF to R1.5 level. This would create a change from the current zoning of R-1 and would increase the density of multifamily dwellings as there is no proposed plan for managing number and types of residential units per structure, or population density, both of which could conceivably alter the nature of the existing neighborhood. Determining a level of zoning prior to having any planned uses places the existing neighborhood character and dynamic in jeopardy. Specific zoning changes should be made once the character and dynamic of the area and the specific local community are in agreement with a plan of changes to the location(s). Also, from the Public Hearing Notice it is not clear that the proposal to change the zone level to 1.5 applies to the entire proposal (area currently in Canby and the proposed annexation area). Additionally, it is also not clear if “conditional Use” factors will apply to either or both portions in the proposal. Conditional uses (Chapter 16.18) would allow for 4 family dwellings as well as common wall construction and again impact the character and dynamic of the existing area. **The next concern** involves roads, highways, and traffic. Current traffic levels along Highway 99E are quite heavy. Added residential dwellings in the proposed areas would increase traffic onto Highway 99E and/or any new or existing side streets. As is evident all along current Highway 99E auto and truck traffic into existing businesses is difficult and risky. Cars and trucks are forced to enter a very busy highway, one with no evident reduction in use or traffic volume. Outside of Highway 99E the only existing access to the proposed areas involves Redwood Ave which already bears a lot of traffic, and with the already in progress housing construction even more traffic can be expected. Redwood Ave road conditions are poor at best, with developing potholes, and is not likely to have been constructed to handle the current heavy loads that occur daily during the existing construction phases there, creating even more roadway damage. Proposing changes that will affect driver access, safety and road quality when the need for added R-1.5 space has not been legitimized puts existing homeowners, renters and the neighborhood unnecessarily at risk and premature. Additionally, the alternative access onto Redwood Ave presents traffic problems. Inspection of Redwood Ave indicates that it is a two lane road without possibility of being widened in the vicinity of the proposed zone changes all the way to 99E. Therefore, to add access streets would mean obtaining right of way access through existing properties or those in the new construction area. In either case, that would cause traffic to exit using Redwood Ave increasing the traffic load there. All zoning changes in this area will increase the current traffic load on an already damaged and burdened road. **The final concern** involves the City of Canby itself. The city tagline (motto) is “Oregon’s Garden Spot”. The proposed zoning changes will permit varied forms of construction that will reduce the presence of “garden spot” evidence and space along a well-used, picturesque roadway. Currently as one travels the main road of Canby, Highway 99E from Aurora Northbound, one is already hard pressed to find anything that suggests a garden spot. If Canby’s Main Street Management (Development) Program is to have substance in its presence, then assuring adequate green space and garden spots should be seriously considered. Open space Management. OSM options should be explored for their potential contributions to the look and feel of Canby especially along Highway 99E.

CITY OF CANBY –COMMENT FORM

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

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

Written comments to be included in Planning Commission packet are due by Wednesday, November 14, 2018.

Written comments to be included in City Council packet are due by Wednesday, December 12, 2018 .

Written and oral comments can be submitted up to the time of the Public Hearings and may also be delivered in person during the Public Hearings. PUBLIC HEARING DATES: PLANNING COMMISSION – MONDAY, NOVEMBER 26, 2018, AND THE CITY COUNCIL – WEDNESDAY, JANUARY 2, 2019.

Application: ANN 18-04/ZC 18-05 Swelland Annexation and Zone Change

COMMENTS:

*We have NO Objections For This ANNEXATION
AND ZONE CHANGE.*

CITIZEN NAME: _____

EMAIL: _____

ORGANIZATION/BUSINESS/AGENCY: _____

ADDRESS: _____

PHONE # (optional): _____

DATE: _____

PLEASE EMAIL COMMENTS TO
PublicComments@canbyoregon.gov

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

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

NAME: *Duane A Zacher*

AGENCY: _____

DATE: *11-9-18*

Thank you!

**1268 North
Redwood Street**

Proposal for Annexation and Zone Change



Bryan Swelland

Lisa Swelland

Cindy Swelland

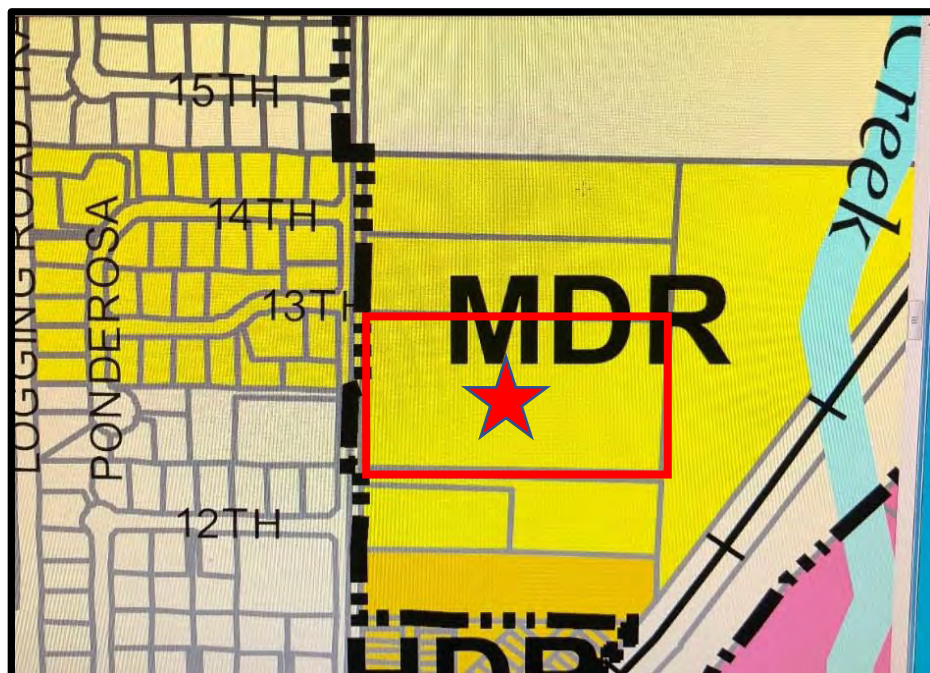
This is a proposal to annex the parcel of land that is owned by Bryan Swelland and the now deceased Robert Swelland Jr., located at 1268 North Redwood St., Canby, OR. Along with the annexation, we are proposing to change the zone.

The property has been in the Swelland family for 50 years. It is 4.81 acres and has a single-family residence located on it. The family of Robert Swelland Jr. resides in the home and has since 2008. The home is surrounded by four outbuildings: a garage, a pumphouse, a storage shed and a chicken coop. The land is mostly flat and has had a small garden in recent years, but is mainly pasture used for growing hay. This property lies within the North Redwood Development Concept Plan (DCP) that was adopted by the City of Canby in 2015.

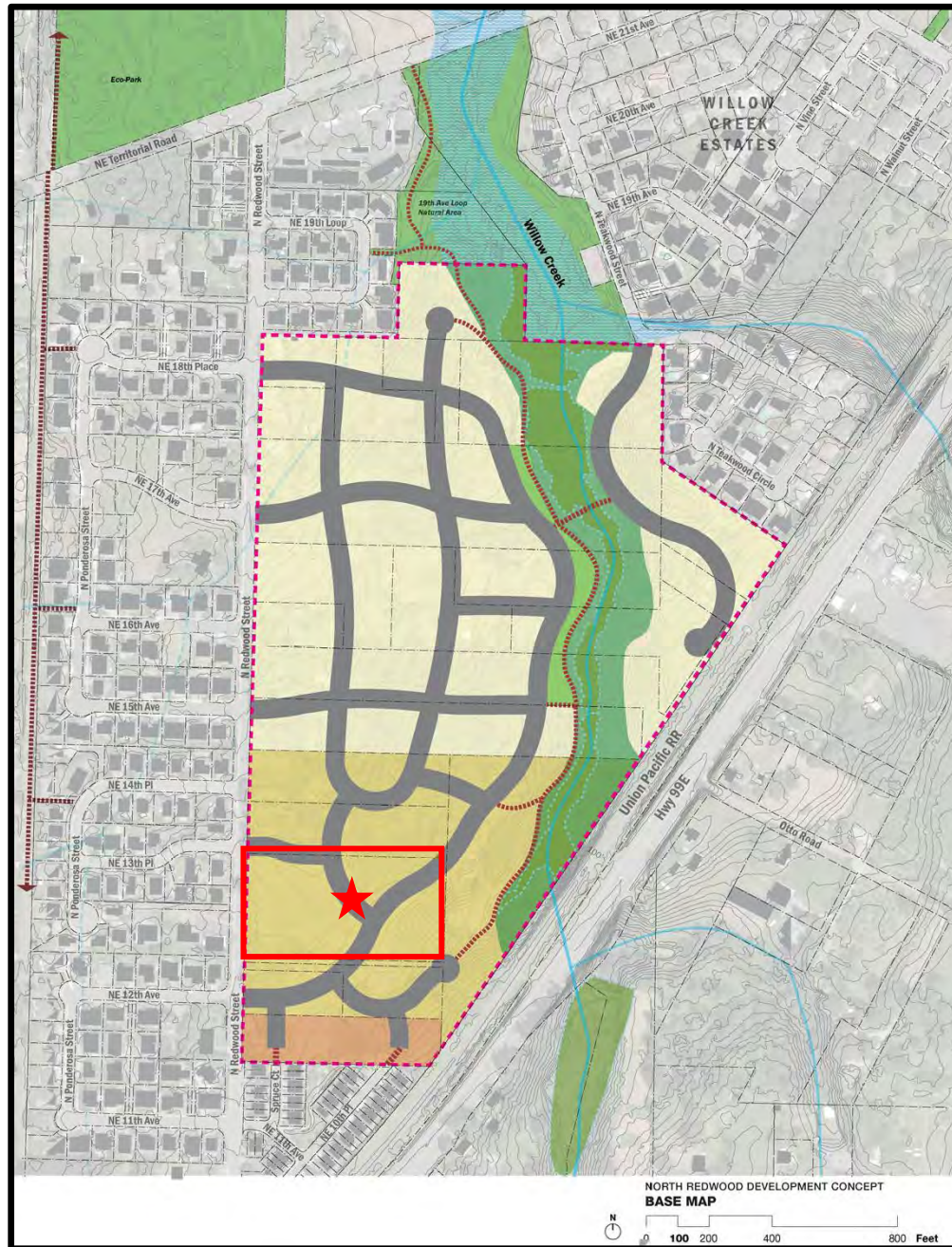
The Swelland property has a well as its water source and has its own septic system. Access to the property is a driveway off North Redwood Street. There have been no improvements to the home or property in the last 30 years. The property is now zoned as rural farm land RRFF5. The proposed zoning is 1.5, which coincides with the North Redwood Development Concept Plan.

West of the Swelland property is North Redwood Street, which runs north to south and is the existing Urban Growth Boundary line. Beyond North Redwood St. to the west, lies a developed neighborhood of single family homes. East of the Swelland property is a 5.13-acre parcel of land with a single-family dwelling. The owners of this property also own a 15-ft. wide strip of land that runs down the south side of the Swelland property. That strip of land is used as a driveway, which is accessed from North Redwood St. To the north of the Swelland property lies a 2.41-acre parcel with a single-family dwelling.

The maps below show the 4.81-acre Swelland property. The first is an aerial view taken from Google Maps. The second is a zoomed in area of the City of Canby's Comprehensive Plan Map dated 2014. The Swelland property is outlined in red and has a red star placed upon it. In accordance to the DCP, the Swelland property is to be zoned at 1.5, which is a medium density residential zone (MDR).



This image is from the North Redwood Development Plan, filed with the City of Canby. It shows the position of the Swelland property in relation to the whole DCP. Again, the property is outlined in red and a star has been placed upon it.



TOWNSHIP SURVEYS, LLC

1415 WASHINGTON STREET
OREGON CITY, OR 97045-0307

Phone: 503-656-4915

FAX: 503-557-4966

E-mail: lee@townshipsurveys.com

Legal Description of a tract of land to be annexed into the City of Canby

A tract of land being a portion of Lot 94 of the duly recorded plat of Canby Gardens, and a portion of the east half of North Redwood Street located in the northwest one-quarter of Section 34, Township 3 South, Range 1 East of the Willamette Meridian, City of Canby, Clackamas County, Oregon, and which is more particularly described as follows:

Beginning at a one-inch diameter iron bar found at the southwest corner of Parcel 2, Partition Plat No. 2013-009, Clackamas County Plat Records; thence South $0^{\circ}04'01''$ East along the east right of way line of N. Redwood Street which was annexed by the City of Canby by City Ordinance 99-284, a distance of 329.94 feet to a five-eighths inch diameter iron rod with a yellow plastic cap marked 'TOWNSHIP SURVEYS' located at the intersection of said east right-of-way line and the north line of Lot 94, Canby Gardens, said iron rod being the True Point of Beginning; thence North $89^{\circ}59'30''$ West, 20.00 feet to the centerline of N. Redwood Street; thence South $0^{\circ}04'01''$ East along the centerline of N. Redwood Street, 329.94 feet; thence South $89^{\circ}59'23''$ East along the westerly prolongation of the south line of said Lot 94, 20.00 feet to a five-eighths inch diameter iron rod with a yellow plastic cap marked 'TOWNSHIP SURVEYS' located at the intersection of the east right-of-way line of N. Redwood Street and the south line of said Lot 94; thence continuing South $89^{\circ}59'23''$ East along the south line of said Lot 94, a distance of 639.23 feet to a five-eighths inch diameter iron rod with a yellow plastic cap marked 'TOWNSHIP SURVEYS' at the southeast corner of said Lot 94; thence North $0^{\circ}02'23''$ West along the east line of said Lot 94, a distance of 329.96 feet to a five-eighths inch diameter iron rod with a yellow plastic cap marked 'TOWNSHIP SURVEYS' at the northeast corner of said Lot 94; thence North $89^{\circ}59'30''$ West along the north line of said Lot 94, a distance of 639.39 feet to the True Point of Beginning. Said described tract contains 5.032 acres.

CLACKAMAS COUNTY SURVEYOR

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

NARRATIVE:

THE PURPOSE OF THIS SURVEY IS TO DETERMINE THE NORTH, EAST AND SOUTH BOUNDARY LINES OF THAT LAND DESCRIBED IN DOCUMENT NO. 2008-065186, CLACKAMAS COUNTY DEED RECORDS, AND ALSO TO DETERMINE THE EAST RIGHT-OF-WAY LINE OF N REDWOOD STREET, SAID LAND SITUATED IN LOT 94, CANBY GARDENS, CLACKAMAS COUNTY PLAT RECORDS, IN THE NW 1/4 OF SECTION 34, T.35S, R.1E., W.M., CITY OF CANBY, CLACKAMAS COUNTY, OREGON.

THE BASIS OF BEARINGS (N89°59'36"W) AS SHOWN ON PARTITION PLAT NO. 2013-009, CLACKAMAS COUNTY PLAT RECORDS, IS THE NORTH LINE OF LOT 95, SAID CANBY GARDENS, DETERMINED BY HOLDING THE 1" IRON BARS FOUND AT THE NORTHWEST AND NORTHEAST CORNERS THEREOF.

THE EAST RIGHT-OF-WAY LINE OF N REDWOOD STREET (50.00 FEET WIDE) WAS DETERMINED BY HOLDING THE MONUMENT FOUND AT THE NORTHWEST CORNER OF SAID LOT 95 AND BY HOLDING THE RECORD WIDTH OF 10.00 FEET WESTERLY AND DISTANT FROM THE HELD 5/8" IRON ROD FOUND AT THE NORTHWEST CORNER OF PARCEL 2, PARTITION PLAT NO. 2003-050, CLACKAMAS COUNTY PLAT RECORDS. THE SOUTH LINE OF THE 16-1/2 FOOT WIDE STRIP DESCRIBED IN DOCUMENT NO. 83-4055, CLACKAMAS COUNTY DEED RECORDS WAS DETERMINED BY HOLDING THE 5/8" IRON RODS SET IN SURVEY NO. 2003-187, CLACKAMAS COUNTY SURVEY RECORDS. THE NORTH LINE OF SAID 16-1/2 FOOT WIDE STRIP, BEING THE SAME AS THE NORTH LINE OF LOT 93, SAID CANBY GARDENS, WAS DETERMINED BY HOLDING THE RECORD WIDTH NORTHERLY AND DISTANT FROM THE SOUTH LINE THEREOF. THE EAST LINE OF SAID LOTS 94 AND 95 WAS DETERMINED BY HOLDING THE 5/8" IRON ROD FOUND AT THE NORTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DOCUMENT NO. 2017-024893, CLACKAMAS COUNTY DEED RECORDS AND BY HOLDING THE 1" IRON BAR FOUND AT THE NORTHEAST CORNER OF SAID LOT 95. NO DEFINITIVE EVIDENCE OF OCCUPATION ALONG THE COMMON LINE BETWEEN SAID LOTS 94 AND 95 COULD BE PROCURED AND BECAUSE THESE LOTS WERE CREATED BY PLAT AND THEREFORE SIMULTANEOUSLY CONVERTED THE BEST AND MOST EQUITABLE SOLUTION FOR DETERMINING SAID COMMON LINE WAS TO HOLD A POINT ON THE EAST LINE OF SAID LOTS 94 AND 95 MIDWAY BETWEEN THE NORTHEAST CORNERS OF SAID LOTS 93 AND 95, AND LIKEWISE ALONG THE RIGHT-OF-WAY LINE OF N REDWOOD STREET A POINT WAS HELD MIDWAY BETWEEN THE INTERSECTION POINTS OF SAID EAST RIGHT-OF-WAY LINE WITH THE NORTH LINES OF LOTS 93 AND 95.

THE LINES WITHOUT BEARINGS AND DISTANCES ARE SHOWN FOR VISUAL ORIENTATION ONLY.

LEGEND

- MONUMENT FOUND AS NOTED
- 5/8" X 30" IRON ROD SET WITH YELLOW PLASTIC CAP MARKED TOWNSHIP SURVEY'S MONUMENTS SET MAY 9, 2018
- (MM) DISTANCE BETWEEN FOUND MONUMENTS
- (HELD) MONUMENT USED FOR CONTROL AND/OR HELD POSITION
- I.B. IRON BAR
- N/S NORTH/SOUTH (HELD IN LATITUDE)
- W/Y/C WITH YELLOW PLASTIC CAP, MARKED 'LS 2147'
- (DN XXXX) DOCUMENT NO., CLACKAMAS COUNTY DEED RECORDS
- (PP XXXX) PARTITION PLAT NO., CLACKAMAS COUNTY PLAT RECORDS
- (SN XXXX) SURVEY NUMBER, CLACKAMAS COUNTY SURVEY RECORDS
- (S) SET IN (SN XXXX) OR (PP XXXX)
- (S1) DATA FROM SN 2003-187
- (P1) DATA FROM PP 2013-009
- (P2) DATA FROM PP 2003-050
- (P3) DATA FROM CANBY GARDENS (PLAT NO. 230)
- (D1) DATA FROM DN 83-4055

PROJECT:

RECORD OF BOUNDARY SURVEY

LOCATION:

LOT 93, CANBY GARDENS, EXCEPT PART IN STREET NW 1/4 OF SECTION 34, T.3S, R.1E., W.M.
CITY OF CANBY, CLACKAMAS COUNTY, OREGON

CLIENT: LISA SWELLAND

DATE: MAY 9, 2018

SITE: 1268 N REDWOOD ST.
CANBY, OR

SCALE: 1" = 60' BY: G.K.K.
JOB NUMBER: 18-7030

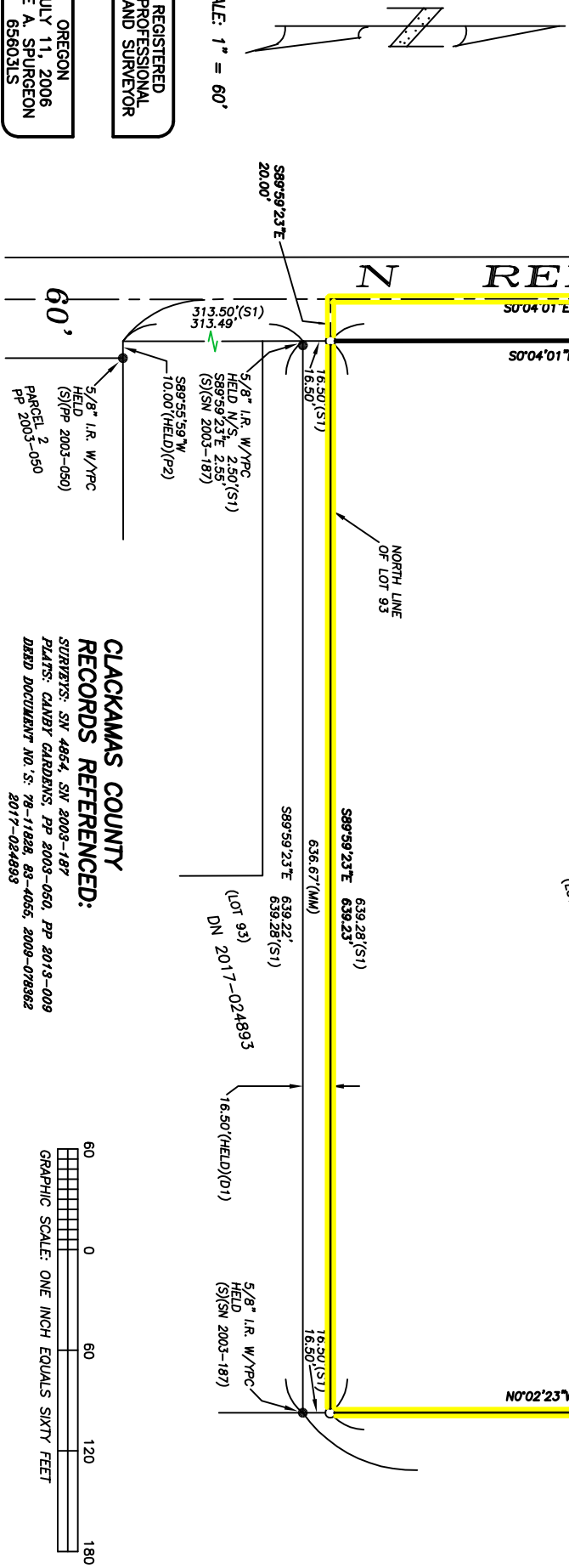
TOWNSHIP LAND SURVEYS
1416 WASHINGTON STREET, OREGON CITY, OR 97046
(503)-666-4916

OREGON
JULY 11, 2006
LEE A. SPURGEON
6560315

EXPIRES 6/30/20

REGISTERED
PROFESSIONAL
LAND SURVEYOR

SCALE: 1" = 60'



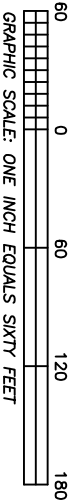
TRUE POINT OF BEGINNING

HELD MIDWAY BETWEEN THE INTERSECTION POINTS OF THE EAST RIGHT-OF-WAY LINE OF REDWOOD STREET WITH THE NORTH LINES OF LOTS 93 AND 95, CANBY GARDENS

20.00' WIDE HALF STREET
TO BE ANNEXED
0.183 ACRES

DN 2009-078362
4.843 ACRES
(LOT 94)

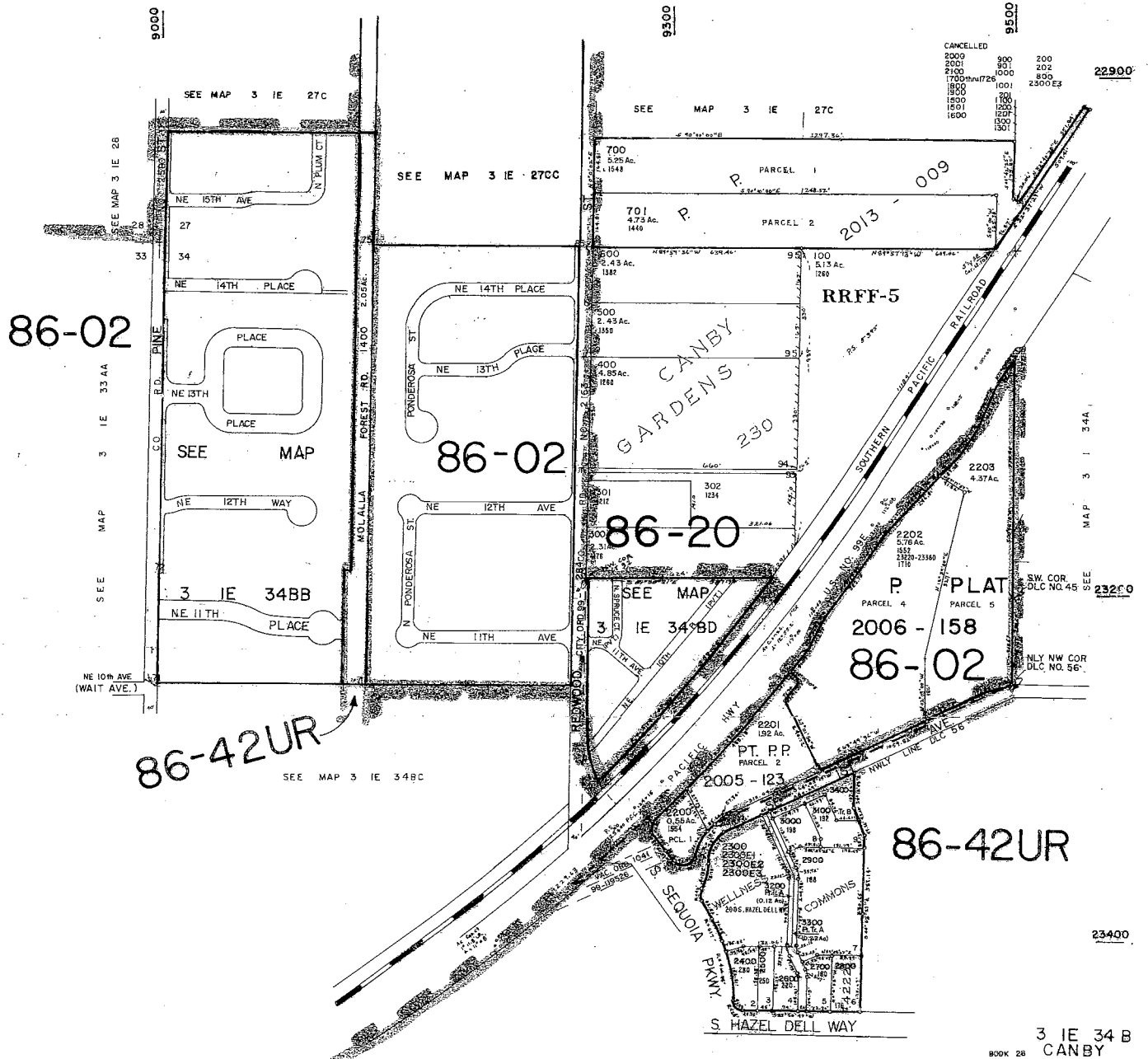
DN 83-4055



This map was prepared for
assessment purpose only.

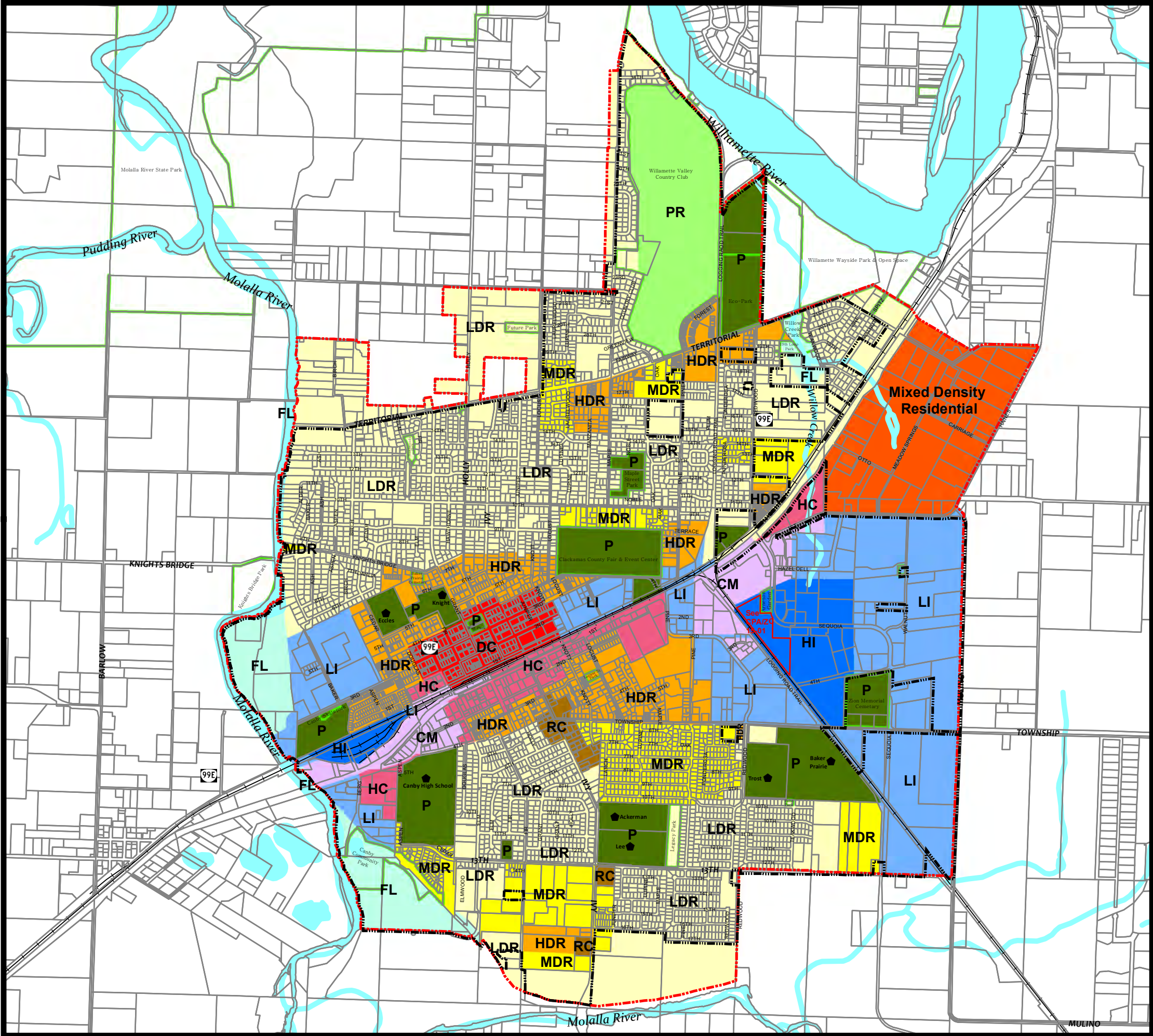
NW1/4 SEC.34 T.3S.R.1E.W.M.
CLACKAMAS COUNTY
1"=200'

3 IE 34B
CANBY



City of Canby

Comprehensive Plan Map



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



0 0.25 0.5 1 Miles

November 2018

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

NORTH REDWOOD DEVELOPMENT CONCEPT PLAN

Final Development Concept Plan

Deliverable 7E

Ordinance #: CPA 15-02/TA 15-01

Effective Date: October 7, 2015



Oregon Dept of Transportation

Transportation and Growth Management

File Code 1A-13

ODOT Project Manager

Lidwien Rahman
ODOT Region 1

City of Canby Project Manager

Matilda Deas

Consultant Team

Walker Macy: Planning and Urban Design

Ken Pirie, Project Manager
Mike Zilis, Landscape Architect
Saumya Kini, Urban Designer
Thomas Fischer, Landscape Designer

DKS Associates: Transportation Planning

Chris Maciejewski - Contract Project Manager
Brad Coy, Transportation Engineer
Steve Boice, Transportation Engineer

Angelo Planning Group: Land Use Planning

Matt Hastie, Associate
Serah Breakstone, Planner

Leland Consulting Group: Real Estate Strategy and Municipal Finance

Brian Vanneman, Principal

OTAK: Civil Engineering

Kevin Timmins, Principal
Kristen Ballou, Civil Engineer
Rose Horton, Civil Engineer

Cogan Owens Cogan: Public Engagement

Steve Faust, Associate Principal

Project Purpose and Transportation Relationship and Benefit

The North Redwood Development Concept Plan (Project) will provide a plan for development of a 66-acre site with multiple property owners. The Project will develop conceptual infrastructure and financing options for achieving urban housing densities while protecting the site's natural resources. The Project will also determine a supportive transportation system, increase travel options, and identify optimal access locations for emergency service providers. The plan and any code amendments must be consistent with local and state policies, plans, and rules including the Transportation Planning Rule. The Project must meet the City of Canby's (City) Municipal Code requirement for an adopted Development Concept Plan (DCP) prior to post-annexation zone change requirements.



Contents

Overview	5
Natural Conditions	7
Development Concept Plan	9
Development Flexibility	10
Concept Plan Evaluation Criteria	11
Parks and Open Spaces	12
Plan Connectivity	14
Street Design	15
Plan and Code Amendments	16
Changes to 2010 TSP	18
Infrastructure:Water	21
Infrastructure: Sanitary Sewer	23
Stormwater Infrastructure	25
Planning Level Infrastructure Costs	30
Infrastructure Funding Strategy	33
Appendices	37



Figure 1: Study Area Context



Innovative land planning with diverse housing types



Integrated natural areas



A walkable, connected neighborhood

Overview

This report summarizes the Development Concept Plan (DCP) for the 66-acre Canby North Redwood Study Area. This concept includes a cohesive and coordinated circulation system, an efficient approach to meeting the new community's infrastructure needs, housing types matching the city's Comprehensive Plan, and natural resource protection integrated with public parks.

The concept is structured using innovative development parameters: specifically, clustering of density, the use of flexible blocks, and incorporating a significant open space into the community using city park acreage dedication requirements. Eventual development on individual properties will require earnest efforts to match key street and open space locations but will otherwise have an element of flexibility for the owners to develop new neighborhoods according to their individual intentions.

The following report provides a summary of the proposed DCP, as well as a summary of city code changes, Transportation System Plan updates and required infrastructure upgrades to serve the new community. A proposed funding approach is also included.

Concept Plan Criteria

The Development Concept Plan is guided by several criteria. To the extent possible, the plan seeks to foster development of a neighborhood that meets the following:

- Integrated with existing city fabric of Canby
- Walkable and cohesive
- A plan with all parcels integrated
- A plan with impacts distributed equitably to individual parcels
- Allowing for different owners' timing of development
- Reasonable costs of infrastructure and roads
- Connected with safe streets
- Transit-friendly
- Allows emergency access
- Connects trails to natural areas
- Protects Willow Creek
- Provides public, accessible parks
- Demonstrates innovative land planning

The DCP satisfies these criteria, as noted on page 11 of this report.

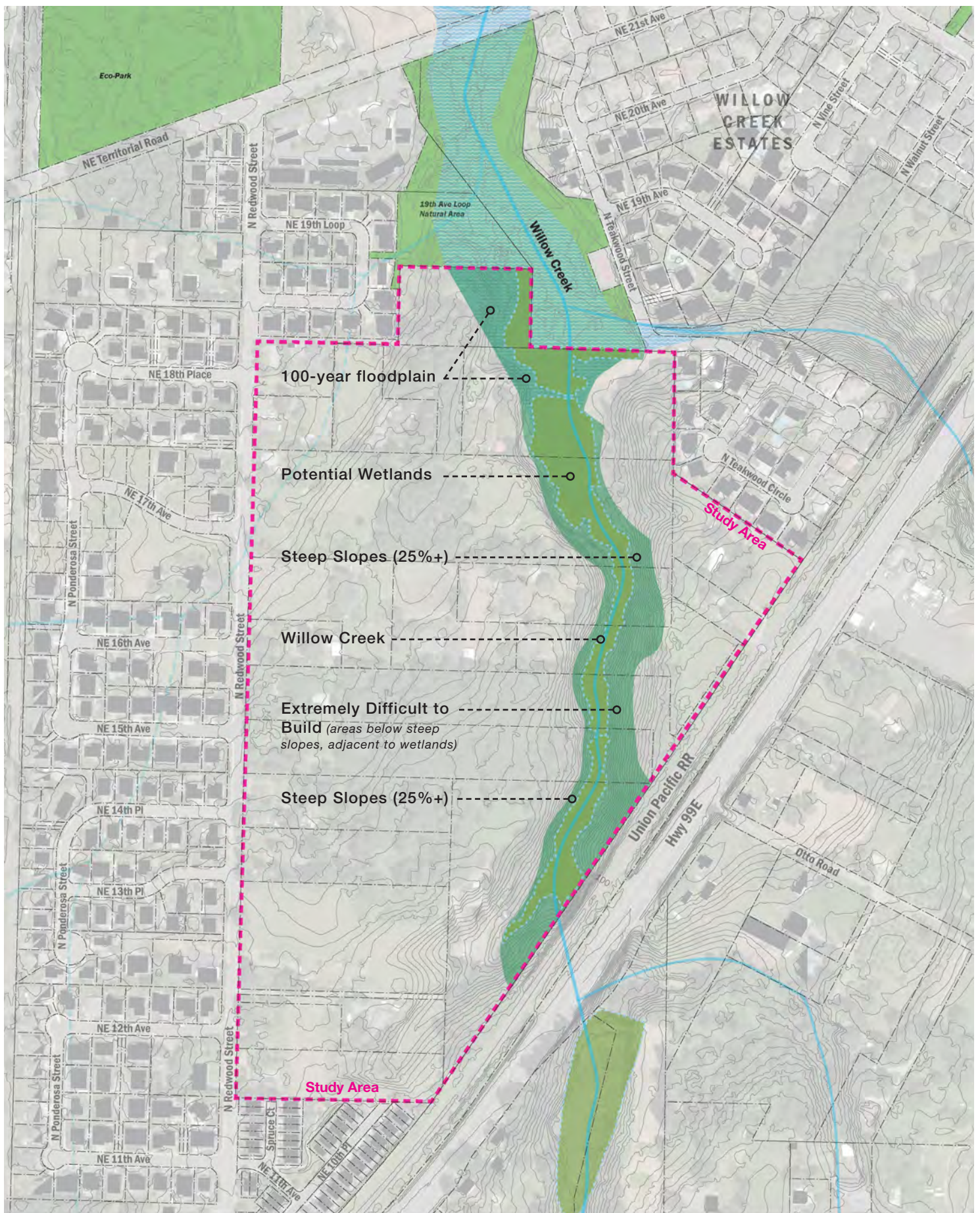
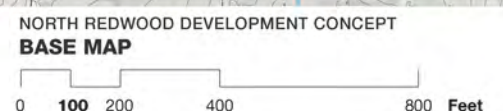


Figure 2: Willow Creek and associated environmental areas



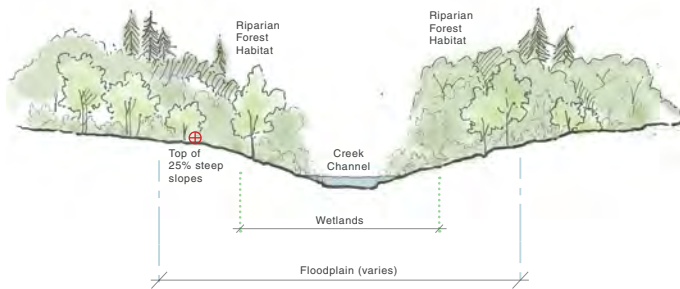


Figure 3: Cross-section at a typical location along Willow Creek showing associated environmental areas



Willow Creek existing condition, showing invasive species in the riparian area. Restoration of the creek's banks is recommended.

ODFW Recommendations

- 1) Work towards maximizing protection of the stream corridor, provide a suitable riparian vegetation buffer on both sides, and retain natural function of the stream;
- 2) Retain as much of a stream-side buffer as possible so wildlife can move in and out of the area post-development
- 3) Identify large legacy trees and snags in the tract, and try to design the development in a way that leaves these trees standing, as old mature trees provide unique habitat to certain species of wildlife survival
- 4) Provide suitable fish passage, consistent with ODFW standards and criteria, at all new stream crossings.

(Tom Murtagh, District Fish Biologist, 8/4/2015)

Natural Conditions

The Willow Creek corridor has the potential to become a natural, visual and recreational amenity for the future community. It also provides potential space for stormwater treatment and an important habitat corridor. The creek channel through the study area has relatively high water quality and well-vegetated slopes, but requires some restoration to remove invasive species and enhance fish habitat. The creek is considered by ODFW to be a trout stream, but is not used by ESA-listed species (see recommendations at bottom left.) The creek corridor is essentially unbuildable, given current regulations protecting wetlands and floodplains and the challenges of building in steep slopes. The City does not recognize Willow Creek as a protected Goal 5 resource, so new City setbacks would not be applied, although development regulations will still protect these sensitive areas to an extent.

A preliminary reconnaissance of properties adjacent to Willow Creek found the likely presence of about 3 acres of intermittent wetlands, whose approximate boundaries are mapped in Figure 2. More defined boundaries would be determined through a more detailed wetland delineation required at the time that individual parcels are developed.

A FEMA 100-year floodplain extends into two parcels in the northern portion of the study area. This mapped floodplain is a result of the 1996 flood that backed up along the Willow Creek corridor, inundating NE Territorial Road. There are roughly 1.3 acres of study area within the floodplain (nearby property owners in Willow Creek Estates have petitioned FEMA for a flood map revision to remove the floodplain from their properties – this may also be an option for study area owners.)

Finally, there are steep slopes on both the west and east banks of Willow Creek. Slopes over 25% are challenging to develop and should remain undisturbed when adjacent to wetlands and streams in order to avoid erosion. There are approximately 2.6 acres of these steep slopes included in the green area shown in Figure 2. Additional steep slopes can be included within large lots, behind homes and potentially protected within conservation easements.

The combination of these sensitive areas, along with adjacent land between wetlands and slopes, is shown on Figure 2. As described on page 12, this approximately 9.5-acre area can form the core of a future open space that satisfies City regulations for park dedication while transferring some severely-constrained land from private to public ownership.

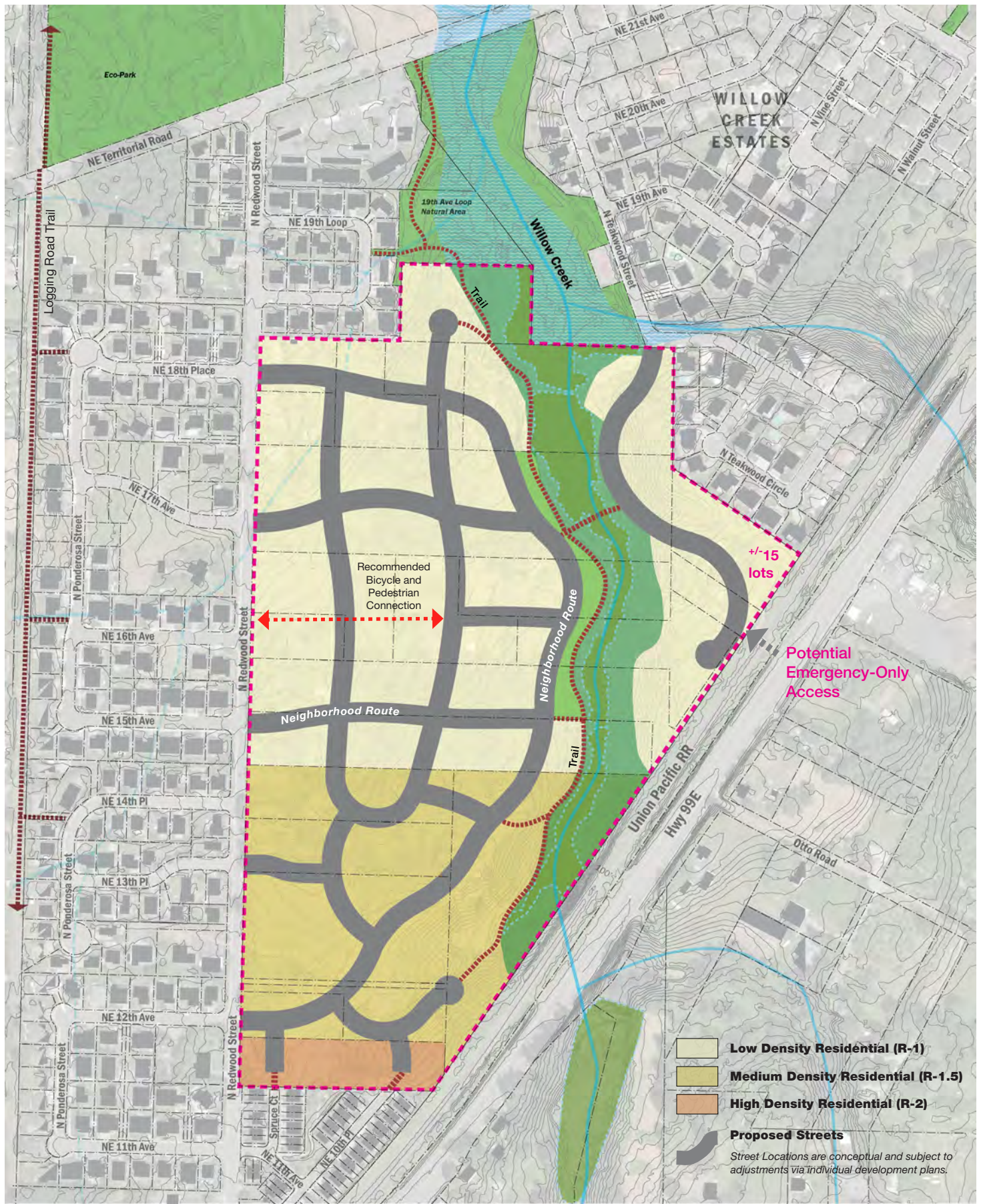
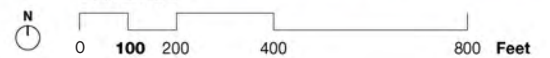


Figure 4: Development Concept Plan

NORTH REDWOOD DEVELOPMENT CONCEPT
BASE MAP



City Council Packet Page 47 of 97
North Redwood Development Concept Plan

Element	Square Feet	Acres
Roadways * (Alleys not included)	664,414	15.25
Natural Area	412,809	9.47
Developed Park	42,906	0.98
Low-Density Residential Land	1,122,963	25.78
Medium-Density Residential Land	522,270	11.99
High-Density Residential Land	80,355	1.84
		65.31ac total *

* Study Area is 66 acres. Total acreage shown reflects deduction of 20' for additional North Redwood ROW

Table 1: Areas in Development Concept Plan

Development Concept Plan

The Development Concept Plan (DCP) provides a logical development concept for a new community with distinct character. It allows for phased, efficient development and can be adjusted according to individual landowner preferences.

The DCP creates clear connections to the existing city fabric and provides a coherent grid of streets within the study area that will serve to create a more cohesive community than if roads were built on a piecemeal basis. The road alignments strive to respect existing topography, and by doing so, may minimize future development costs from grading.

The DCP is based on the flexible block structure described on page 10, which maximizes options for landowners to develop their properties in future according to their individual development strategy and market research. Each block can be developed with or without rear alleyway access, depending on developer preferences. Future development proposals will be evaluated by the City according to how they adhere to the principles and general urban form of the DCP.

The acreages shown in Table 1 represent the areas in the DCP. These areas, using maximum densities suggested in the City's Comprehensive Plan zoning designations, would result in 289 new lots. Using the minimum densities, it would result in 213 lots. The expected city zoning categories will be R-1, R1.5 and R-2 for the Comp Plan zones of LDR, MDR and HDR, respectively.

Higher density options would result in lower shared costs per unit, as the community's infrastructure needs would be identical for either density.*

**Original projections for this study area in the 2010 TSP and Canby Comprehensive Plan envisioned up to 350 lots in the area, but this number did not account for the deduction of land for open space around Willow Creek environmental areas.*

Development Flexibility

The Development Concept Plan is structured using flexible block sizes to ensure that future development can provide a wide variety of lot sizes and housing types within the proposed zoning.

Studying best practices from other high-quality master-planned developments, a prototypical block size with a width of 280', measured from the center of one local street to the center of the next street, was used to guide the layout of the concept plan (Figure 5). A variety of lot sizes are possible within this prototypical block. **Due to allowance for topography and plan urban design, the blocks shown on the DCP are not exactly each 280'. An overall block length of more than 600 feet should be avoided. Bike and pedestrian connections should be provided at least every 330' according to the TSP.**

Also possible are blocks with or without rear 20-ft alleyways (Figures 6a and 6b). Although there are few new developments with rear alleys in Canby, this is an increasingly popular tool for regional developers who seek a more walkable, attractive streetscape and more curb appeal for new homes. Rear alleys also provide an efficient and less visually-intrusive place to locate utilities.

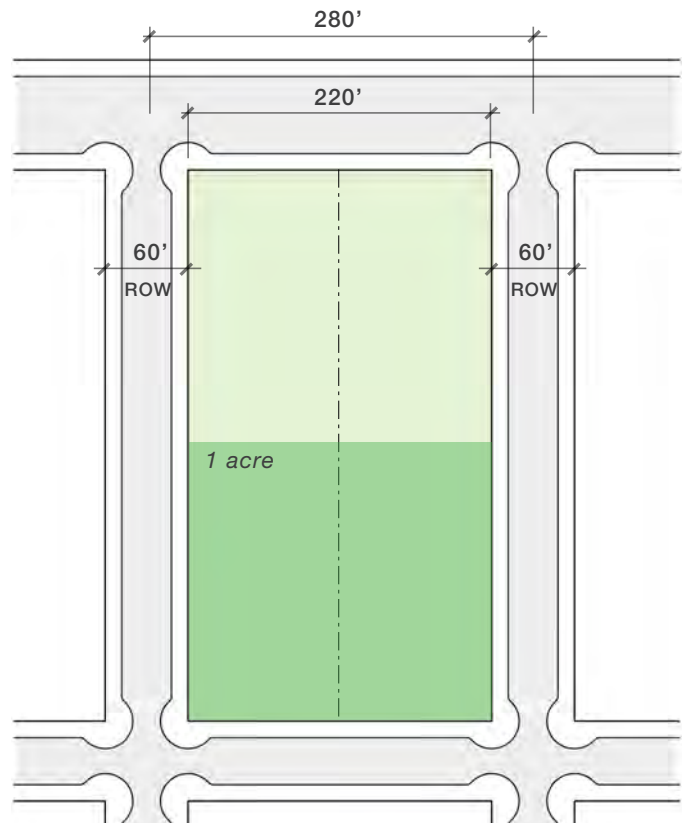


Figure 5: Prototypical Block

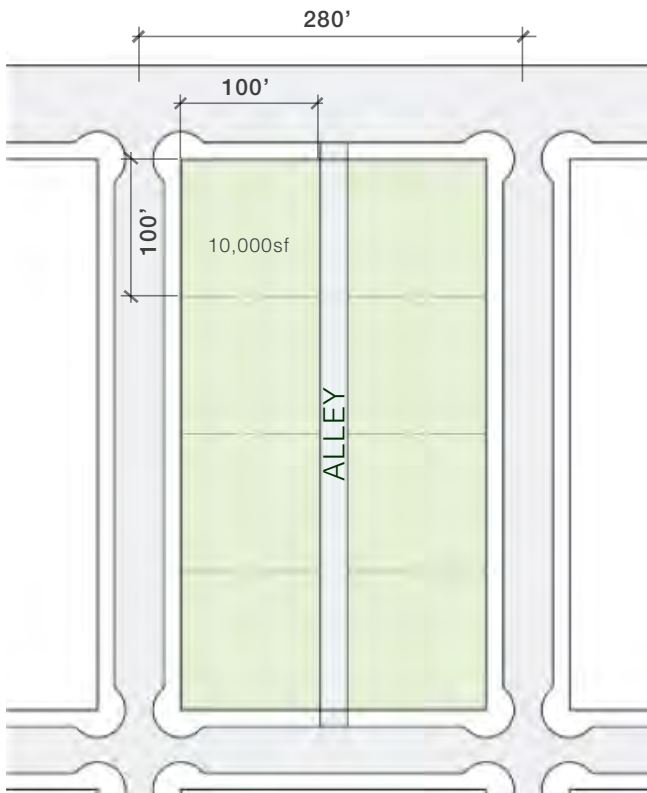


Figure 6a: Large Lots (LDR) with alley

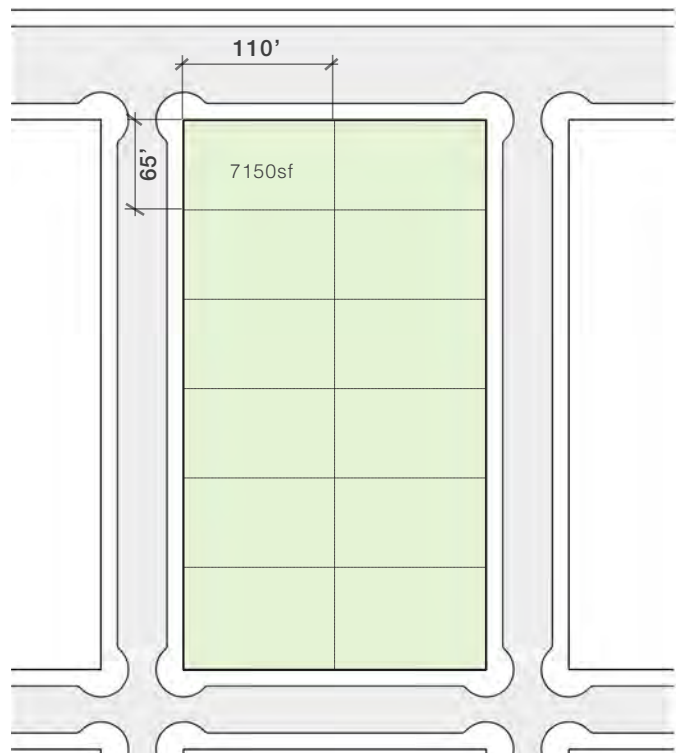


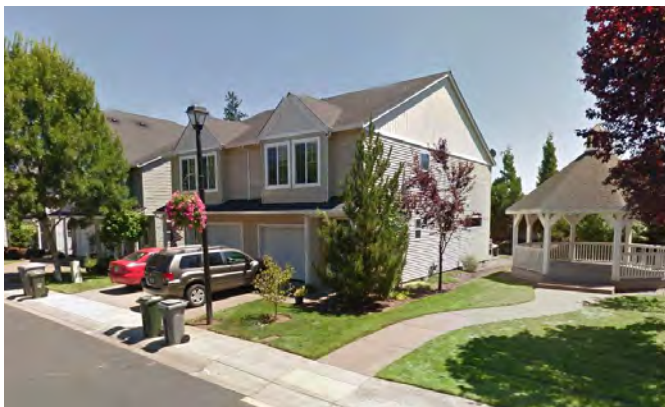
Figure 6b: Large Lots (LDR) no alley; garages in front of homes



Low Density Residential
7,000-10,000 square foot lots (4-6 du/acre)
Approximately 155 units in DCP (at 6du/ac)
(Approximately 103 units at 4du/ac)



Medium Density Residential
5,000-6,500 square foot lots (7-9 du/acre)
Approximately 108 units in DCP (at 9du/ac)
(Approximately 84 units at 7du/ac)



High-Density Residential
3,000 square foot lots (14 du/acre)
Approximately 26 units in DCP

Concept Plan Evaluation Criteria

The Development Concept Plan substantially meets all of the evaluation criteria, as described below. Meeting some of the criteria will be dependent on subsequent planning work and individual actions by developers and the City of Canby.

Criteria	How DCP Meets Criteria
<i>Integrated with existing city fabric of Canby</i>	Plan connects to North Redwood Street in 5 locations, matching existing intersections and extending the city grid
<i>Walkable and cohesive</i>	Streets, connected across parcels, will meet City standards, with generous sidewalks. Proposed walking trail traverses study area.
<i>A plan with all parcels integrated</i>	Plan strives to maximize development potential of all parcels, including those with natural features and access restrictions
<i>Impacts distributed equitably</i>	Funding plan will propose how to share costs and impacts of plan elements that benefit all owners.
<i>Different owners' timing of development</i>	Plan can proceed according to the priorities of a range of owners
<i>Reasonable costs of infrastructure and roads</i>	Most roads are narrower local streets. Total road area is 23% of study area, which is within comparable levels of other communities.
<i>Connected with safe streets</i>	Local streets have sidewalks. Certain North Redwood intersections should consider enhanced pedestrian crossings at key locations.
<i>Transit-friendly</i>	Neighborhood Routes in plan could accommodate a future transit route.
<i>Allows emergency access</i>	Plan proposes a new emergency access across UPRR to serve area east of Willow Creek.
<i>Connects trails to natural areas</i>	A new trail system is proposed on the west edge of the Willow Creek Natural Area.
<i>Protects Willow Creek</i>	Yes, within natural area
<i>Provides public, accessible parks</i>	One neighborhood park proposed. Willow Creek open space will be public.
<i>Innovative land planning</i>	Yes

Parks and Open Spaces

Future development in the North Redwood area will be required by city code to dedicate a certain amount of parks and open space (*Division XI: Parks, Open Space and Recreation Land, Chapter 16.120*). This is consistent with the criteria outlined on page 5 for the creation of a livable community.

The acreage required for dedication is calculated using the formula below, applied to new construction:

$$\text{(Maximum units in a plat)} \times \text{(persons/unit)} \times 0.01 = \text{acreage to be dedicated}$$

Potential park acreages can be calculated for each density in the DCP as follows:

LDR/R-1: 25.78 ac
25.78 ac / 7000 sf minimum lot size = 155 units
155 x 2.7 people per unit = 419
419 x 0.01 = 4.2 park acres.

MDR/ R1.5: 11.99 ac
11.99 ac / 5000 sf minimum lot size = 108 units
108 x 2.7 people per unit = 292
292 x 0.01 = 2.9 park acres.

HDR R-2: 1.84 ac
1.84 ac / 3000 sf minimum lot size = 26 lots
26 x 2.7 people per unit = 70
70 x 0.01 = 0.70 park acres.

TOTAL POTENTIAL PARK ACREAGE: 7.8 ACRES

This figure will obviously be subject to refinement as individual developers submit applications. The City of Canby does not typically accept unbuildable natural areas as dedicated park lands; however, the city has indicated a willingness to accept land dedicated along Willow Creek, which is a significant benefit to potential future developers. If park space were not largely accommodated in the creek area, it would need to be within one of the flatter, more “developable” areas to the west. This would have a negative economic impact on land owners and the City, since land owners would be forced to give up more flat, developable land rather than creek-side land. Moreover, property owners would be left with creek-side land that they would have to maintain.

The DCP shows the green corridor in Figure 2 incorporated into the plan (see Figure 7 on facing page). There are an additional 1.7 acres of natural area than required by code shown within this environmental area. Protection of this extra acreage can also be accomplished by potentially including it in lot sales, with conservation easements.



Neighborhood Park with play area and shelter



Multi-use trail through natural area



A boardwalk trail could be built near wetlands or along Willow Creek



A bicycle and pedestrian bridge can link the area's neighborhoods across Willow Creek

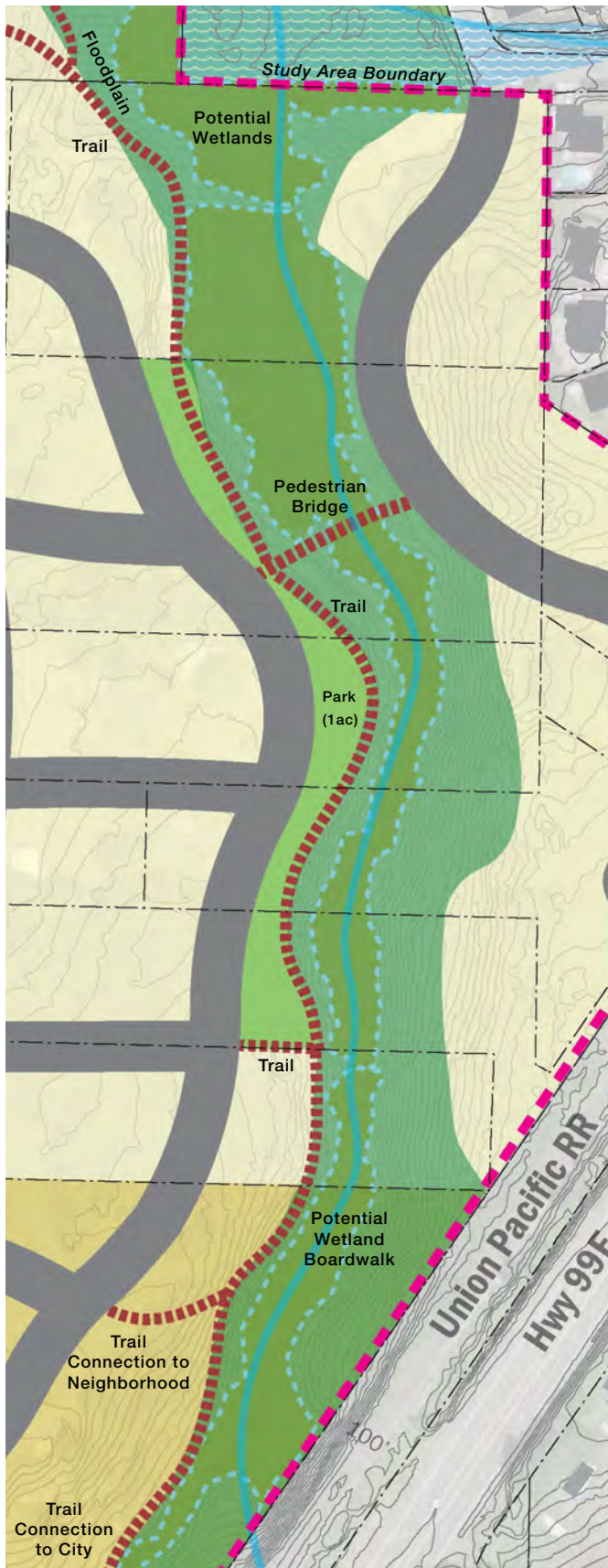


Figure 7: DCP -- Open Space detail

Parks and Open Spaces

The DCP illustrates a framework for a new 9.5-acre public natural area along Willow Creek, including the constrained and ecologically-sensitive lands described on Figure 2. This area is more acreage than the approximately 7.8 acres required for dedication by developers (see facing page); some of the sensitive land could be protected within conservation easements on private lots. A strategy to equitably divide this natural area dedication among property owners, including those not adjacent to Willow Creek, is included in this report.

(Given the shortfall in parks maintenance funding in Canby, an agreement could be arranged for a developer to fund a set number of years of maintenance, while the City works to secure more sustainable parks maintenance funding.)

Additional park land of approximately 1 acre, envisioned as a potential neighborhood pocket park, is included to provide some developed park space as a neighborhood amenity. In the DCP, this park is shown as a linear park at the top, west edge of the Willow Creek 'ravine', providing a more developed foreground to the wilder natural area. This park land could include neighborhood amenities such as a play area and picnic shelter. Alternatively, future plan refinements could consider locating such a park in a more central location, surrounded by housing.

A trail is proposed along the Willow Creek open space, through the neighborhood park and linking to existing and future natural areas like Willamette Wayside to the north, as well as to Fred Meyer and downtown Canby to the south. This trail can take a variety of forms according to context, with a boardwalk through wetland or flood prone areas, and a simple paved multi-use path (see Figure 8 below) in other areas such as the neighborhood park edge.

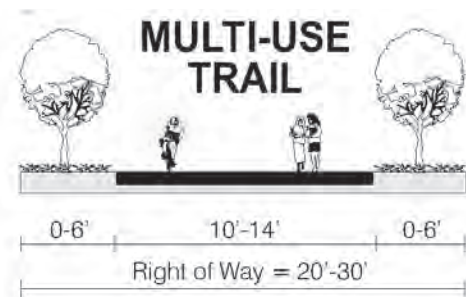


Figure 8: Canby TSP Multi-Use Trail Cross-Section

Plan Connectivity

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

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

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

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

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

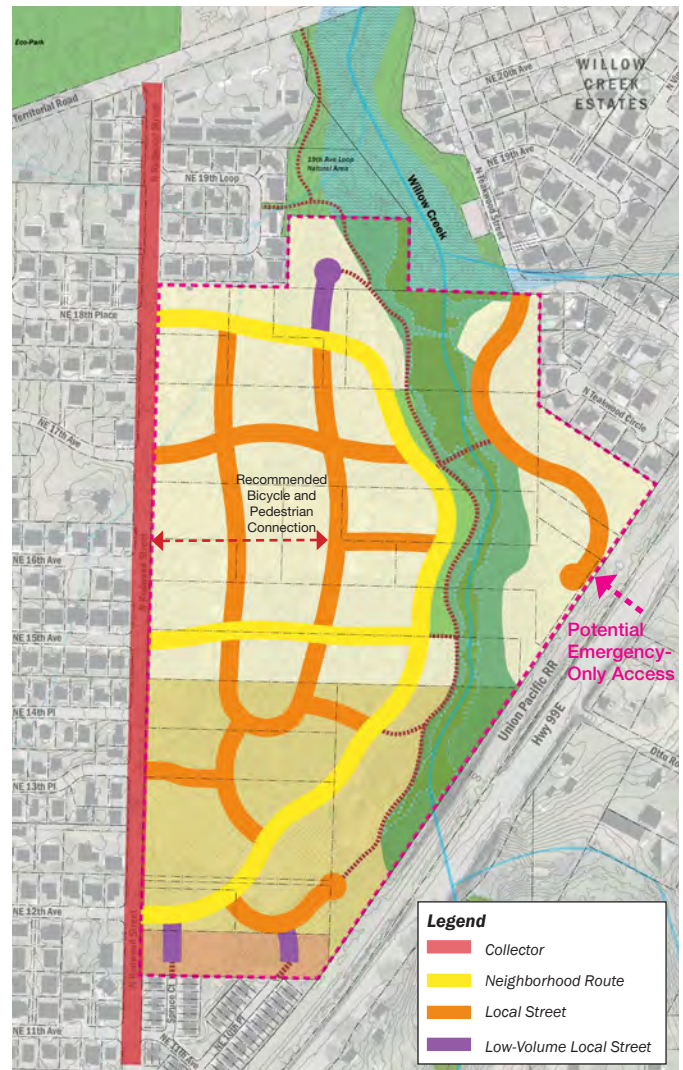


Figure 9: DCP Street Plan



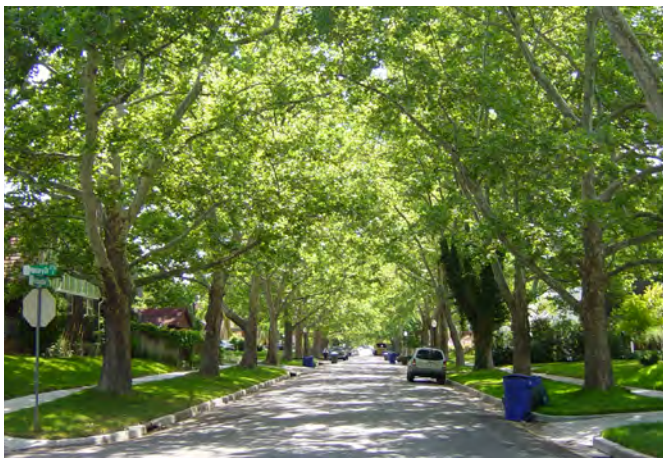
Existing driveway across UP railroad, accessing three parcels



Figure 10: Typical Local Street Cross-Section



Typical local street in a new planned community, matching the Canby TSP local street standard on page 16



Typical local street with mature street trees

Street Design

Roadways in this plan will be neighborhood routes and local streets, with design standards described in the TSP and on the following page. These streets are intended to be relatively narrow in order to reduce speeds and promote neighborhood livability while also reducing development costs and city maintenance.

The three-dimensional street section at left (Fig. 10) is another way of illustrating the proposed street design, showing how on-street parking, while serving adjacent residents, also serves to slow traffic speed by narrowing the perceptual width of the street. Travel lanes of 10' in each direction allow a clear 20' zone for fire and emergency access. Neighborhood routes have slightly wider travel lanes to allow delivery truck and transit vehicle access.

Key to neighborhood livability is to separate sidewalks from roadways with a generous, 8'-wide planting strip, within which street trees should be planted. Stormwater treatment facilities can also be located in these strips, if needed (see photo at left). These planting strips enhance pedestrian comfort and safety, while the street trees will eventually provide a proven increase in property values by forming a shaded canopy over the street and adding to the curb appeal of homes.

The plan presents some single-sided streets along Willow Creek, which provide significant value to homes with a frontal view of the open space and help to create a distinct identity for the neighborhood. This arrangement also has public safety benefits, as the open space and associated trail can be monitored by street users and from nearby homes. In most cases, streets within the neighborhood will be double-sided to maximize development efficiency where no natural amenities are present.

Plan and Code Amendments

The following is an assessment of existing code provisions and code amendments that will support the North Redwood Development Concept Plan. Generally, as the North Redwood community develops, a certain amount of flexibility will be needed in order to protect the area's natural resources while also distributing development capacity across the area in a reasonable, equitable manner. The ability for developers to be creative in terms of lot size, shape and layout will be important to ensure that open spaces can be preserved as a community amenity while still maximizing allowable densities.

Overall, the Canby zoning code currently includes provisions that support this kind of flexibility to a significant degree; therefore, the revisions are relatively minimal. *For more detail, please refer to the Memo entitled Canby North Redwood Development Concept Plan – Comprehensive Plan and Zoning Code Amendments, (September 2, 2015) found in Appendix B of this report.*

Lot Size Averaging

Lot size averaging allows the city to permit lot sizes that do not meet the minimum and maximum lot size standards in the low and medium density residential zones. This provision allows some flexibility in lot sizes in order to protect natural resources; lots can be smaller or larger as appropriate to work around areas of wetlands, parks and other desired open spaces.

In the high density (R-2) zone, there are no minimum or maximum lot size standards. Instead, lot size is regulated through minimum density standards in combination with lot width and depth standards.

The lot size averaging provisions require that the overall average lot size still be consistent with the minimum and maximum lot size standard for that zone. It also includes a limit on how small a lot can be (no smaller than 6,000 s.f. in the R-1 zone and 4,000 in the R-1.5 zone). However, the alternative lot layout provisions discussed in the next section allow a further reduction of average lot size. Used in combination, the lot averaging and alternative lot layout provisions provide a high degree of flexibility and are sufficient to support innovative development in the North Redwood area.

The lot size averaging provision has been revised, to clarify the language in subsection 1(b) that states a lot smaller than 6,000 square feet may not be created. This resolves a conflict with the alternative lot layout standard that allows a 5,000 square foot reduction in the average lot size. The language has been revised (Section 16.16.030) to note that individual lots can be smaller if the alternative lot layout option in Section 16.64.040 is used. A similar revision has been made in the R-1.5 zone (Section 16.18.030).

Another revision relates to the language that defines what a "required" area is when determining what should be included in the average lot size calculations. The city has indicated a willingness to accept dedication of the natural resources area (creek, associated buffer and slopes) in lieu of its standard parkland dedication in the North Redwood area. Given that approach, the dedicated land should be included in the lot size averaging calculation in order to achieve the intended benefit. To allow this possibility, the language in Section 16.16.030 has been revised to clearly allow for public park dedications to be included in the lot size averaging calculation to achieve community plan goals for this area, including allowing protection of natural resources.

Alternative Lot Layouts

Chapter 16.64 Subdivisions contains provisions for alternative lot layouts that provide additional flexibility to preserve natural resources and contiguous open spaces. If the alternative lot layout option is used, the average minimum lot size may be reduced by 5,000 square feet after subtracting access tracts. Overall development densities must not exceed the maximum density standard for the zone.

As indicated previously, use of this provision would allow lots smaller than 6,000 square feet in the R-1 zone and would result in no minimum lot size in the R-1.5 zone, thus providing a developer the flexibility to cluster lots in order to protect natural resources. The alternative lot layout also allows deviation from the required setbacks and lot width and frontage standards. No revisions to the alternative lot layout provisions are recommended.

Plan District

A new Plan District has been added to the City of Canby's Development Code as Chapter 16.13, which is a new section of the Code. The Plan District includes the following types of provisions:

- **Purpose.** This section indicates that the purpose of the District is to implement the North Redwood DCP, ensuring that future land use, transportation and open space patterns are consistent with the DCP.
- **Applicability.** This indicates that the section is applicable to the DCP area, and that this section of code supersedes any other potentially conflicting sections.
- **Approval criteria.** This section establishes a number of essential elements of the DCP that would be considered as approval criteria for future developments in the area. These include key features of the land use pattern, transportation network and park and open space elements of the DCP. These essential elements are described in the Memo, *Canby North Redwood Development Concept Plan – Comprehensive Plan and Zoning Code Amendments, (September 2, 2015)* found in Appendix B of this report.
- **Lot area exceptions and lot size averaging.** These echo the provisions described earlier in this section.

The Plan District section of the Code also can be used in the future to establish and implement DCPs in other areas of the City.

Planned Unit Developments

Planned Unit Development (PUD) provisions could be used for a variety of purposes in the North Redwood area. They would allow for lot size averaging, alternative lot layouts, and protection of natural areas, with the development potential in those areas captured in the developable portion of a site. While use of the city's PUD process would provide opportunities for more development flexibility, such processes are most effective when applied to larger properties or developments. As a result, they would be most applicable on larger properties in the study area and/or in areas where property ownership can be consolidated. No revisions to the PUD provisions are proposed.

Annexation

The existing code contains provisions for annexation of new properties into the city boundary. For properties that are within a designated Development Concept Plan (DCP) area, a DCP must be adopted by the city before a zone change will be approved for a newly annexed property. While these provisions ensure that a DCP be adopted prior to a zone change, they do not specify that zone changes occurring after annexation must be consistent with the DCP. To address this, the standards and criteria (Section 16.84.040) have been revised, to require that proposed zoning in an area where a DCP has been prepared should be consistent with the zoning identified in the applicable DCP.

Comprehensive Plan changes

While the City requires Development Concept Planning prior to annexation, the City's Comprehensive Plan currently does not have a policy that indicates how the City identifies areas that must prepare Development Concept Plans (DCPs), such as the North Redwood area. A new policy has been added within the "Land Use Element" of the Comprehensive Plan, as follows:

POLICY NO. 7: CANBY SHALL STRIVE TO ENSURE THE EFFICIENT AND EFFECTIVE PROVISION OF INFRASTRUCTURE TO SERVE NEWLY ANNEXED AREAS.

IMPLEMENTATION MEASURES:

A) The City of Canby's annexation Development Map shall be used to identify properties required to adopt a Development Concept Plan (DCP) or Development Agreement (DA) prior to annexation.

Parks & Rec Master Plan (2002)

No changes will be made to the Parks & Rec Master Plan as a result of this DCP.

Changes to the 2010 TSP

This DCP has been prepared with careful consideration of the 2010 Canby TSP and meets the goals and standards outlined in that document. The primary change recommended to the 2010 TSP has been initiated by the City of Canby, with ODOT's assistance, and involves removing the proposed Otto Road collector connection. The TSP document itself will be updated with 5 new figures:

Fig 7-1: Functional Classification

Fig 7-2a: Truck Routes (Existing System)

Fig 7-2b: Truck Routes (Financially-Constrained System)

Fig 7-8: Local Street Connectivity (see below)

This figure has also been updated to reflect the North Redwood Street and North Teakwood Street connectivity proposed in this Draft DCP

Fig 7-9: Traffic Control Plan



Figure 11: Transportation System Plan revised Fig 7-8 (detail)

Existing street cross-sections in the TSP (see Figure 12 below) are appropriate for the DCP. In all sections, street trees are indicated as optional. However, it is strongly recommended that an 8' planting strip be provided for street trees on all future streets in the study area.

For the half-street improvements required to bring North Redwood Street into compliance as a Collector as shown in the TSP, an additional 10'-30' of property will need to be dedicated from properties on the east edge of North Redwood Street. A center turn lane or median will not be required for the Collector, and no new stop signs are expected to be needed on North Redwood Street.

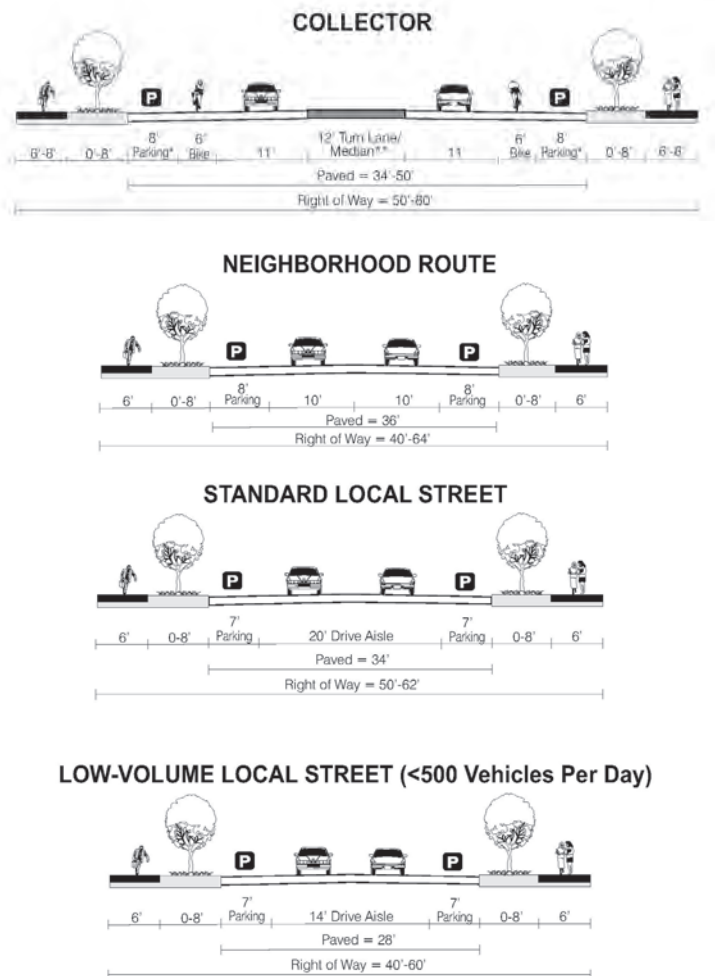
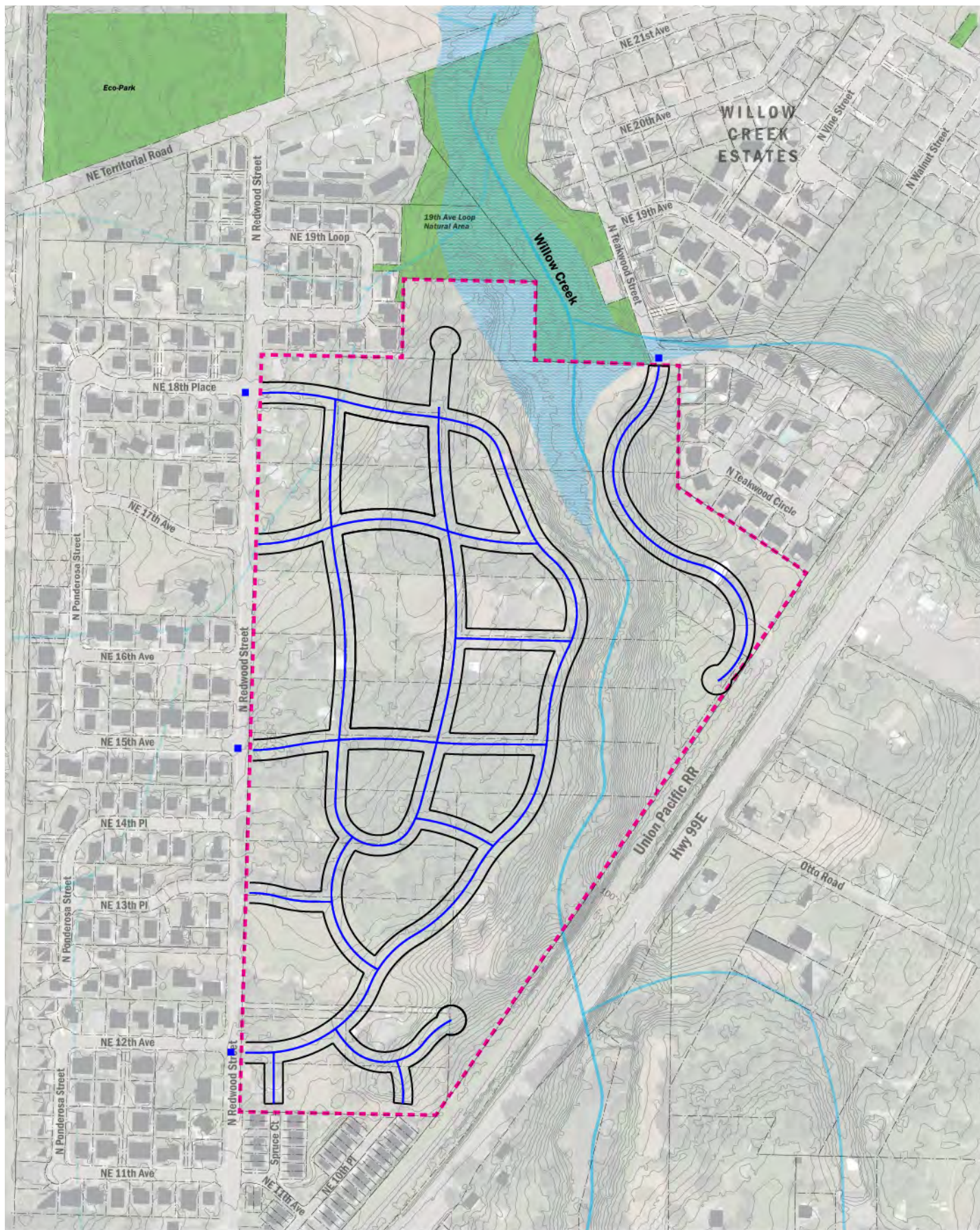


Figure 12: Canby Transportation System Plan street sections

Infrastructure

(Recommended Changes to City Facility Plans and Standards)



LEGEND
 Connection to Existing Water Main ■
 Water Pipe —



Figure 13: Water Map

Infrastructure: Water

Water within the City of Canby is provided by Canby Utility. Canby Utility completed a Water System Master Plan in 2010. The system analysis in the master plan included all areas within the Urban Growth Boundary, which includes the North Redwood site.

Waterlines adjacent to the project include an existing 12-inch waterline in N. Redwood Street and an 8-inch line in N. Teakwood Street. A 14-inch transmission line is located in NE Territorial Road to the North.

The North Redwood site can be served by Canby Utility via connections to the existing waterlines in N. Redwood Street and N. Teakwood Street. The project site is bisected by Willow Creek. Areas west and east of Willow Creek would be served via separate connections to the existing water system.

Proposed development west of Willow Creek can be served by connections to the existing 12-inch line in N. Redwood Street. A minimum of two connections to the N. Redwood Street waterline is recommended in order to provide a looped water system. The actual locations of the connections to the existing waterline may vary depending on the order in which properties develop. In addition, looping of waterlines within the proposed development is recommended.

Proposed development east of Willow Creek can be served by a connection to the existing water line in N. Teakwood Street. Based on the existing development adjacent to the North Redwood site, there will likely not be an opportunity to loop the water lines east of Willow Creek.

Figure 13 shows existing waterlines in the vicinity of the North Redwood site, proposed connections to serve the site, and a schematic layout of the water system within the preferred alternative.

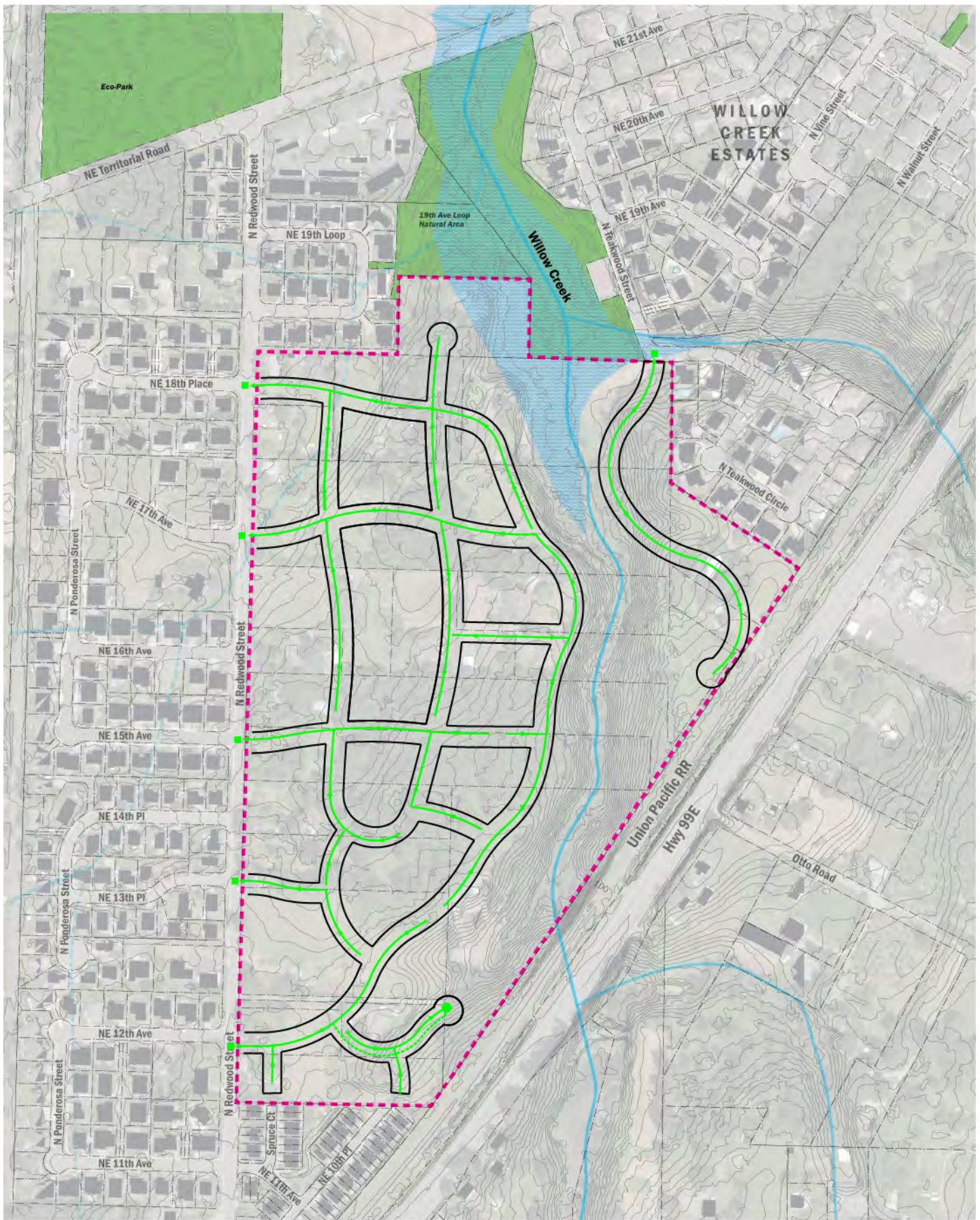


Figure 14: Sanitary Sewer Map

LEGEND

Connection to Existing Sanitary
Sanitary Pipe (Gravity)
Pump Station
Sanitary Pipe (Pressure)



0 100 200 400 800 Feet

Infrastructure: Sanitary Sewer

Sanitary sewer service is provided by the City of Canby. Systems are required to be approved by and to comply with the requirements of Oregon Department of Environmental Quality.

The North Redwood Site can be delineated into two sanitary sewer basins:

- Basin 1: West of Willow Creek
- Basin 2: East of Willow Creek

Figure 14 shows each of the sanitary basins, potential sanitary sewer routes based on the preferred alternatives, and a potential pump station location.

Basin 1

Basin 1 contains the area east of North Redwood Street and west of Willow Creek. An existing 15-inch sanitary sewer line located N. Redwood Street will serve this basin. According to as-built records, the existing sewer line is approximately 8-feet deep. Any areas uphill of N Redwood Street can feed into this line via gravity. Based on GIS contour information, the ground within the project site generally slopes from the ridge above Willow Creek to North Redwood Street at approximately 1.5 percent. There is a sizeable area within Basin 1 that has a 2 to 4 foot depression, which would need to be filled in order to provide gravity sewer service to the area. Developable areas immediately adjacent to Willow Creek would likely require a pressure sewer and a small lift station in order to provide service to the area.

Multiple connections to the existing sewer line are proposed for the preferred alternative. Planning for multiple connections will allow for increased flexibility in the order in which individual properties can develop. Depending on the order in which properties develop, there may be more or less connections to the existing system that shown in Figure 14.

Project Memo #5 describes the possibility of providing a sewer connection for the northernmost parcel in the project site via a gravity connection to an existing sewer line in NE 19th Loop. However, further analysis of the preferred alternative shows that a gravity connection cannot be made to NE 19th Loop. It does appear that with some fill in this area, a gravity connection could be made within Basin 1 for this area. An alternative to filling this development area would be a pressure sewer system that connects to Basin 1.

Capacity of the existing line in N. Redwood Street should be verified prior to development.

Basin 2

Basin 2 contains the area within the North Redwood project site that lies east of Willow Creek. This area will be served via a connection to an existing sanitary sewer line in N Teakwood Street. Flow from the Teakwood Street sewer line flows to the existing Willow Creek Pump Station located at NE Territorial Road at Willow Creek.

The elevation and capacity of the existing sewer lines should be verified prior to development. In addition, the existing Willow Creek Pump Station should be evaluated to determine if it has capacity for the additional flow.

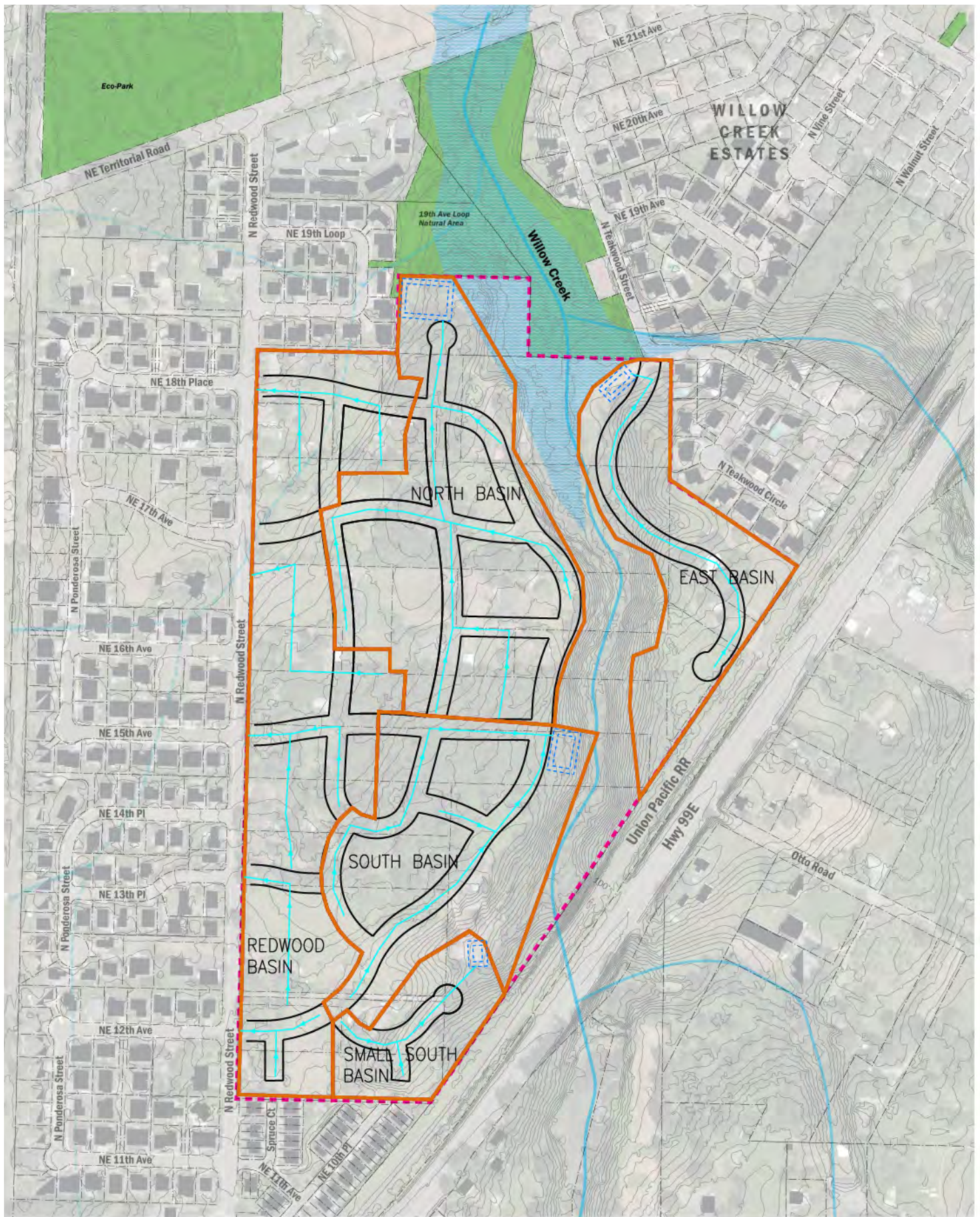


Figure 15: Stormwater Map

Note: Alleys recommended where possible for stormwater conveyance.

LEGEND

Basin Boundary

Stormwater Pipe

Stormwater Facility



0 100 200 400 800 Feet



Typical LIDA facilities: Swale



Typical LIDA facilities: Water Quality Pond



Typical LIDA facilities: Residential rain garden

Infrastructure: Stormwater

The City of Canby Public Works Design Standards (Sections 4.109, 4.309, and 4.310) provide criteria for the design of water quality treatment facilities for storm water runoff. Acceptable methods of treatment include vegetated swales, extended dry ponds, constructed wetlands, Low Impact Development Approaches (LIDA), or proprietary treatment devices. Although all of these methods are acceptable forms of treatment, the City encourages the use of LIDA facilities for water quality treatment of stormwater.

In addition, stormwater quantity management will be required for all runoff from all development within the North Redwood Development Concept Plan area unless it can be demonstrated that there are no adverse downstream impacts. Prior to development, a downstream analysis should be performed to determine if water quantity management is required, per the City of Canby Public Works Design Standards, Section 4.205. If deemed necessary, the volume to be detained will be the volume necessary to limit the post-developed site peak discharge rate to pre-developed runoff rates for all storm events with a recurrence interval less than or equal to 25 years (2, 5, 10, and 25-year storm events). Detention and retention facilities are both acceptable methods of water quantity management. In accordance with City of Canby Standards, facilities shall be designed per CWS Design and Construction Standards, Chapter 4.

Storm sewer conveyance facilities shall be designed for the 10-year design storm event. According to the City of Canby Design Standards (Section 4.206), peak design flows for conveyance can be calculated using the rational method, the SCS Curve Number method, or the Santa Barbara Urban Hydrograph method.

Other Potential Design Standards

When development projects result in impacts to jurisdictional wetlands or waterways, they trigger a State and Federal permitting process with the Oregon Department of State Lands and U.S Army Corps of Engineers, respectively, through a Joint Permit Application.

The federal wetland permitting process for impacts to jurisdictional wetlands or waterways (i.e. Willow Creek) in the North Redwood Concept Plan area will likely require Endangered Species Act (ESA) consultation as part of the permitting process.

Through the ESA Consultation process, the National Marine Fisheries Service (NMFS) will require a higher level of stormwater management than would be required by the City of Canby and by the Clean Water Services Design & Construction Standards. Design for stormwater management would follow the more stringent standards set by the US Army Corps' "Standard Local Operating Procedures for Endangered Species (SLOPES) for Stormwater, Transportation, and Utilities". Based upon current information from NMFS, they would expect:

- 1) Stormwater quality facilities are sized to treat a volume equal to 50% of the cumulative rainfall from the 2-year, 24-hour precipitation falling on all contributing impervious areas from the development.
- 2) Stormwater quantity facilities are designed to maintain the frequency and duration of flows generated by storms falling between the lower discharge endpoint (42% of 2-year event) and the upper discharge endpoint (10-year event).

Existing Topography and Soils

West of Willow Creek, the site topography generally slopes from the ridge above Willow Creek west to N Redwood Street. In addition, the site generally slopes from south to north. East of Willow Creek, the site generally slopes from east to west, toward Willow Creek, and also from south to north.

According to the NRCS Soil Survey, the majority of the site is Latourell Loam soils, which is in Hydrologic Soils Group B. Group B soils are generally well draining and are suitable for infiltration. Smaller portions of the site are Amity Silt Loam (Hydrologic Group C/D) and McBee Silty Clay Loam (Hydrologic Group C). Hydrologic Group C and D soils are moderately to poorly drained soils and are generally unsuitable for infiltration. Information from the NRCS Soil Survey can be found in Memo #2, page 8.

Although the NRCS data shows that the majority of the site is well draining, staff at the City have received reports from neighboring property owners noting that the soils in this area do not drain well. Before infiltration is chosen as an option for this site, a geotechnical investigation and infiltration testing should be conducted.

Existing Facilities

There is an existing storm drain pipe in N Redwood Street which has excess capacity equivalent to approximately 11.8 acres of impervious surface. This storm drain was constructed as part of an advanced financing district for the neighborhood east of N Redwood Street. Utilization of this storm drain by the North Redwood project site may require that developers contribute to the cost that was incurred by the neighboring property owners for the construction of this line.

The N Redwood storm drain discharges to the Fish Eddy site. According the City's stormwater master plan, a treatment wetland will be constructed as part of the restoration of the Fish Eddy property. The treatment wetland will provide water quality treatment and detention for runoff that utilizes the N Redwood storm drain line and future Willow Creek Drainage.

Existing pipes in N Redwood Street should be surveyed to determine the elevation of the existing storm sewer in order to evaluate the extent to which the North Redwood Concept Plan area can drain to the existing N Redwood Street storm sewer conveyance system.

Willow Creek bisects the site approximately 1,000 feet east of N Redwood Street. Willow Creek flows north through the 19th Avenue Natural Area and discharges through a weir structure to two 36-inch diameter culverts under NE Territorial Road. North of Territorial Road, Willow Creek enters the Fish Eddy site on its way to the Willamette River. In accordance with City standards, stormwater treatment is required prior to discharging runoff into Willow Creek.

Hydrology

The hydrologic computations focus on the quality and quantity control system design storms, which use the 2-year, 10-year, and 25-year frequency, 24-hour duration design storm events and the Santa Barbara Urban Hydrograph (SBUH) method. Rainfall depths for the storm events of interest, obtained from the ODOT 24-hour isopluval maps and listed in Table 2, were applied to the NRCS Type 1A rainfall distribution.

Recurrence Interval	Precipitation Depth (in)
2-Year	2.40
10-Year	3.40
25-Year	3.80

Table 2: Precipitation Depths for 24-Hour Duration Storm Events

Category	Cover Type	Hydrologic Soil Group	Curve Number
Impervious Area	Pavement, roofs, sidewalks	C, B	98
Pre-development Pervious Area	Woods/ grass Comb, Fair	B	65
Pre-development Pervious Area	Woods/ grass Comb, Fair	C	76
Pre-development Pervious Area	Woods/ grass Comb, Fair	D	82
Post-development Pervious Area	50-75% Grass Cover, Fair	B	69
Post-development Pervious Area	50-75% Grass Cover, Fair	C	79
Post-development Pervious Area	50-75% Grass Cover, Fair	D	84

Table 3: Runoff Curve Numbers

Runoff Curve Numbers (CN), listed in Table 3 for impervious and pervious surfaces, were selected using the TR-55 runoff curve number table.

In accordance with City of Canby Standards, water quality facilities shall be designed per CWS Design and Construction Standards, Chapter 4. Stormwater facilities shall be designed for a dry weather storm event totaling 0.36 inches of precipitation falling in four hours with an average storm return period of 96 hours.

Stormwater Basins and Management

The basin east of Willow Creek is approximately 7.6 acres. Stormwater runoff will be conveyed north and receive treatment and quantity control in a stormwater facility before being discharged into Willow Creek.

The existing storm drain in N Redwood Street should be utilized for areas of the site that, for topographic reasons, cannot be conveyed to Willow Creek. A maximum of 11.8 acres of impervious area or street right-of-way can be conveyed to N Redwood Street. If the drainage area directed to N Redwood Street contained both right-of-way and lot runoff, then an equivalent area of approximately 18 acres (assuming 60% impervious) could be conveyed to N Redwood Street. The basin that is expected to drain to N Redwood Street is 17.8 acres. It is assumed that connections to the existing system in N Redwood Street can be made at a depth of five feet. Treatment of this runoff would occur at the Fish Eddy site, as part of the treatment wetland capital improvement project.

A small 3.7 acre basin at the south end of the site and west of Willow Creek is in a low area that cannot be drained northward. Stormwater runoff will be conveyed east and receive treatment and quantity control in a stormwater facility before being discharged into Willow Creek.

An 11.7-acre basin is south of the main East-West Neighborhood route. Stormwater runoff will be conveyed north and east to receive treatment and quantity control in a stormwater facility before being discharged into Willow Creek.

The basin north of the main East-West Neighborhood route is 15.7 acres. Stormwater runoff will be conveyed north and east to receive treatment and quantity control in a stormwater facility before being discharged into Willow Creek. Portions of this basin will need to be filled to maintain positive flow to the north.

Existing and proposed condition peak runoff rates were calculated using HydroCAD v10.0 software. Table 4 summarizes peak runoff rates, and calculations are included in Appendix D.

The detention facilities with a water quality swale in the bottom have four feet of detention depth and one foot of freeboard with side slopes of 3H:1V. Table 5 summarizes the pond areas and volumes.

Catchment/ Facility ID	Top Surface Area (sf)	Pond Volume (cf)
Basin East	4,960	11,700
Basin Small South	3,740	10,100
Basin South	9,670	30,100
Basin North	17,680	57,400

Table 5: Detention Basin Volumes

Catchment/ Facility ID	Peak Flow Rate (cfs)						
	2-year		10-year		25-year		
	Existing	Proposed	Existing	Proposed	Existing	Proposed	Proposed (Detained)
Basin Redwood	0.39	1.36	1.17	8.75	1.8	10.45	NA
Basin East	0.15	1.29	0.43	2.46	0.72	2.99	0.62
Basin Small South	0.07	1.15	0.24	1.85	0.41	2.15	0.38
Basin South	0.23	3.11	0.70	5.12	1.18	6.00	1.15
Basin North	0.32	3.96	0.83	6.66	1.22	7.84	1.08

Table 4: Facility Flow Control Summary

Infiltration

If a geotechnical analysis concludes that infiltration is appropriate for this site, it can be used as a method of storm water retention and disposal. Individual lot drainage can be disposed of on site. Right-of-way runoff could be infiltrated through a combination of LIDA facilities and drywells or retention ponds. If the geotechnical analysis concludes that infiltration is not appropriate for this site, stormwater would need to be conveyed to Willow Creek for disposal. The use of infiltration drywells to dispose of stormwater will trigger a different permitting process. Stormwater infiltration drywells are considered an underground injection control (UIC) and are regulated by the Safe Drinking Water Act. DEQ administers a permitting process for UICs.

Planning Level Infrastructure Costs

Table 6 below shows conceptual level unit costs for many of the elements that will be required for the development of this site.

Item	Unit Cost	Assumptions
Streets	\$490/LF	This cost includes base rock, AC pavement, curb and gutter, and sidewalks as well as grading of both streets and lots. The cost does not include street trees, landscaping, or retaining walls. Cost is based on dollars per linear foot of street.
Storm Drain Conveyance	\$150/LF	This cost includes pipe, inlets, and manholes. The cost does not include water quality or quantity management facilities. Unit cost is based on total street length.
Stormwater Management Facilities	\$15,000/acre	This cost is based on dollars per acre of overall development. It includes water quality and water quantity facilities.
Sanitary Sewer Conveyance	\$130/LF	This cost includes pipe, manholes, and laterals for gravity and pressure sewer conveyance. The cost does not include pump stations. Unit cost is based on total street length.
Sanitary Sewer Pump Station	\$150,000/each	This cost includes a small sanitary sewer pump station. Unit cost is based on total street length.
Waterline	\$100/LF	This cost includes pipe, fittings, and fire hydrants. The cost does not include water services and meters. Unit cost is based on total street length.
Franchise Utilities and Street Lights	\$130/LF	This costs includes conduit for franchise utilities, vaults and street lights. Unit cost is based on total street length.
Vehicular Bridge over Willow Creek	\$1,000,000 - \$1,200,000/each	Cost is for a 44 ft wide single span bridge. Costs vary with length of structure. The low end is for a 110' long bridge; high end is for a 150' long structure.
Pedestrian Bridge over Willow Creek	\$65,000 - \$265,000/each	Cost is for a 10 ft wide weathering steel truss type bridge with a concrete deck. Costs vary with length of structure, which depends on where the pedestrian bridge will be located. The low end is for a 40' long structure; high end is for a 120' long structure.

Table 6: Conceptual Unit costs for North Redwood development

Table 7, below, shows the above unit prices applied to the DCP plan to arrive at a total estimated cost of development.

Item	Quantity	Unit	Unit Cost*	Total Cost
Streets	11,450	LF	\$490	\$5,610,500
Storm Drain	11,450	LF	\$150	\$1,717,500
Sanitary Sewer	11,450	LF	\$130	\$1,488,500
Waterline	11,450	LF	\$100	\$1,145,000
Franchise Utilities	11,450	LF	\$130	\$1,488,500
Stormwater Management Facilities	56.8	Acre	\$15,000	\$852,000
Sanitary Sewer Pump Station	1	Each	\$150,000	\$150,000
Pedestrian Bridge	1	Each	\$265,000	\$265,000
Total Cost				\$12,717,000

**Typical subdivision costs were developed from construction costs of a recent 16.3 acre single family subdivision in Washington County. Bridge costs were developed from costs of structures of similar size and type. All costs assume dry weather construction and rock excavation is not included. Costs include 30% contingency. Costs are construction costs and do not include soft costs such as engineering and permit fees.*

Table 7. DCP Planning Level Infrastructure Costs

Implementation and Funding

Infrastructure Funding Strategy

This section summarizes the proposed infrastructure funding strategy for the North Redwood Area. Roadway, water, sanitary sewer, and stormwater infrastructure is relatively evenly distributed throughout the area and will be built and paid for by property owners or developers who develop individual properties. By contrast, the parks planned for North Redwood are concentrated on a limited number of properties along Willow Creek. Therefore, the focus of this section is on a “district” funding strategy for the parks in North Redwood, whereby the cost of parks can be evenly distributed between all property owners. Additional analysis will likely be required following the adoption of this DCP in order to refine this funding plan, and would likely include additional park design, cost estimation, and financial analysis.

Local, Developer-Built infrastructure

Most infrastructure within the North Redwood (NR) area can be considered “local infrastructure” and is expected to be built and paid for by individual developers. This includes most of the roads, sanitary sewer, water, and stormwater infrastructure shown in the concept plans. Local infrastructure is required as a condition of development in order for homes to be built on that property, is approximately the same size and cost as the infrastructure on other properties, and largely benefits an individual’s property. For example, a road on an individual’s property, since that road would be required in order for development to occur.

By contrast, the focus of this funding strategy is on “district infrastructure”—infrastructure that will benefit property owners throughout the NR area but tends to be concentrated on certain properties in the area. The main district infrastructure funding concern in NR is parks. Some cost-sharing measures for local infrastructure are also discussed at the end of this section.

Parks Infrastructure

The neighborhood parks in the NR planning area can be thought of as “district infrastructure” since the parks will benefit the entire NR “district” as well as other parts of the City. However, if not addressed through a funding strategy, it is possible that the cost of providing parks could be borne by a small number of property owners along Willow Creek, while the benefits would be enjoyed by all. Therefore the project team recommends this strategy in order to more equitably spread the costs.

The North Redwood area will include the following parks:

- Willow Creek Park: This park will encompass Willow Creek and the surrounding wetlands, sloped area, and other “natural areas”—generally as defined by the Development Concept Plan (DCP), though the precise boundaries can be modified by future wetland delineations. It is likely to include a trail and a pedestrian path over the creek, and be about 8 to 9 acres in size. It is important to note that the future Willow Creek Park will be comprised almost entirely of natural or undevelopable land—i.e. land that could not be developed as housing. The value of undevelopable land is less than developable land.
- Neighborhood (or Mini) Park: This will be an “improved” or “developed” neighborhood park. While the specific improvements have yet to be designed, they may include a field, play structure, etc. The Neighborhood Park is expected to be approximately one acre in size and the precise location is flexible. The Neighborhood Park will be comprised almost entirely of developable land—i.e. land that could be developed as housing.

City Policy for Developers’ Contribution to Parks

The City’s established development policy is that developers are required to contribute to the City’s parks system either by paying a Parks Systems Development Charge (SDC) or by dedicating parks land or improvements that are equal to the value of the SDCs owed. The City determines how the contribution will be met. SDCs are fees paid at the time of development (typically building permit application) and are currently \$5,265.06 per single family unit.

The City does not always accept unbuildable or wetlands area dedications in lieu of SDC fees; however, in the case of Willow Creek Park the City’s preliminary determination is that this is reasonable given the quality and importance of the wetland, and the creek’s role in encouraging responsible development of the NR area.

Consistent with this policy, NR area developers shall contribute either SDC fees, park land, or improvements, as determined by the City. If the amount generated by SDCs is not adequate to build out this park or other parks, the City may want to reconsider some of its city-wide policies, or conduct another Parks SDC rate study to make sure that SDCs are adequate.

Parks Infrastructure – Basic Strategy

The basic strategy recommended here is that Parks SDC fees paid by property owners who are not dedicating land be collected into a “NR Parks SDC Account” or similar, and that these funds be used to compensate property owners who dedicate land. In order for this mechanism to work, the value of property owners’ land contributions need to be established, and this process is explained below.

Density Transfer

This plan recommends that a “density transfer” mechanism be used in NR in order to compensate property owners for the value of developable land that they are dedicating to the City. This transfer can be summarized as follows and is described further in subsequent sections:

- The City will make a calculation of the amount of developable land that each property owner is required to dedicate to the City and the number of homes (rounding down) that could be built on that land given existing zoning and comprehensive plan designations.
- Property owners can then transfer and build this number of additional units onto another part of their property, or on another contiguous property in NR that they own. If property owners disagree with the City’s calculation of developable land, they can propose an alternative calculation via the delineation and appraisal process described immediately below.

Note that this calculation applies to developable land only, since property owners who will be compensated for the value of undevelopable land separately (see below) are not forgoing the opportunity to develop housing by dedicating undevelopable land.

Parks Compensation Process

The following process is recommended to establish the value of individual property owners’ contributions to the NR district parks:

- Property owner obtains a wetlands delineation
- Property owner obtains an appraisal of the land to be dedicated to the City for the neighborhood parks. The appraisal should document both the area and value of natural or undevelopable land to be dedicated (including wetlands and steep slopes), and the area of developable land to be dedicated.

Parks Compensation Formula

The following formula should be used in order to calculate individual property owners' net contribution to NR parks, and whether they owe additional SDCs after dedicating land, or are owed funds in the event that they have contributed more than their fair share:

Calculation

	Appraised value of natural park area
+	Appraised value of developable park area
-	Value of residential transfer from developable area
=	Value of NR Parks land dedication
-	SDCs owed
=	Net NR Parks contribution

If the Net NR Parks contribution is positive—the property owner has contributed more in park land than he or she would owe in SDCs—then the property should be compensated for this surplus contribution. If this figure is negative, the property owner still owes some or all of the typical SDCs owned.

Note that two values—the appraised value of the developable park and the value of residential transfer from the developable area—are assumed to approximately offset each other since the property owner is essentially being allowed to transfer housing development rights from one part of the property to another. The first value is a contribution by the property owner to the district, and the second is a contribution by the City to the property owner. In the event that a property owner believes that these values do not offset each other, his or her appraisal should document that.

Questions raised regarding the Parks Infrastructure Funding Process

- Differences in appraised value: In the event that appraisals obtained by the City and property owners differ in value, one option is for a third appraisal firm to resolve the difference. This is an established process in the valuation industry. Typically the third appraiser is selected and agreed upon by both parties, and the fee is paid equally by both parties.
- Will early-phase developers always be able to collect SDC funds they are owed? It is possible that “first-in” or early-phase developers could make significant land dedications before a significant amount of SDCs have been received.

In this case, the early-phase developers would need to wait to be compensated for their land dedication.

- Additional Parks Funds required. It is possible that the total cost of parks will exceed the amount of compensation (SDCs and/or land dedication) owed by property owners (approximately \$1.55 million or 295 units times \$5,265 per unit). If this is the case, the City is expected to secure additional funds via a variety of grants (ODFW, restoration grants, SOLV, Willamette River Initiative and others), by leveraging volunteer restoration efforts, or by using additional CIP funds. The City has been successful securing such assistance in the past.
- Park maintenance. Determining a source of ongoing park maintenance funding for the parks in NR is a city-wide issue and therefore beyond the scope of this plan. However, identifying sources of ongoing, city-wide parks maintenance is high on the City's priority list, and will be important in order to ensure that the NR parks remain attractive and safe neighborhood amenities following construction.

Infrastructure Funding: Other Issues

Infrastructure Located on Property Lines

Our recommendation has been that, wherever possible, road, sewer, and water infrastructure be located entirely within one property owners' property, or straddling a property line. Where possible, infrastructure that “weaves” between different properties should be avoided; however, due to slopes and other features in the NR area, this is not always possible.

Where road, sewer, and water infrastructure straddle a property line, the cost of that infrastructure should be shared, and this sharing can be addressed in several ways:

- Property ownership consolidation may occur (e.g., developers may buy multiple properties), which eliminates the need for cost sharing.
- Infrastructure routes can be adjusted slightly to move off of property lines, as long as the routes continue to meet the intent and goals of the DCP. Methods of evaluating whether altered infrastructure routes meet the intent of the plan are being developed as part of the DCP and will be adopted as part of the City's municipal code.

- The first-in property owner/developer may build a half road. This typically includes a sidewalk and a prescribed roadway width. The second-in developer then builds the remaining roadway and sidewalk.
- Property owners have the option of forming a Reimbursement District (RD) which is described below. In Canby, the term Advance Finance Districts (AFD) has been used rather than Reimbursement District; however, in our experience the terms Reimbursement District or Assessment District are more common.

Note that in most of the cases described above, the City does not need to be highly involved or manage the cost sharing, however, this information is covered here nonetheless.

Reimbursement District

A Reimbursement District is formed when one or more capital improvements are identified by a developer or City, which will benefit development on multiple properties. A district or area boundary is defined within which properties benefit from the improvement. All benefitted property owners are assessed a pro rata fee that corresponds to the benefits they will enjoy from the improvement(s), typically on a per unit or square foot basis. These “latecomer” reimbursement fees are paid by later developers to the party that initiated the district at the time of project permitting. Districts can be initiated by either developers or the City, and must be approved by the City.

In this way, a structure can be devised whereby both first-in and later-phase developers pay the same amount. The first-in developer pays directly by building and paying for the infrastructure, and later-phase developers reimburse the initial builder.

One drawback to developer-initiated reimbursement districts is that they typically close or “sunset” after 10 to 15 years, after which no further fees can be received, and therefore the entities that pay for the capital improvement cannot be certain that they will be paid back in full; repayment depends on how fast the district develops. However, the City Council can typically extend reimbursement districts beyond this time frame.

More information and municipal code describing Reimbursement Districts can be found here:

City of Wilsonville, Section 3.116:

<http://www.ci.wilsonville.or.us/DocumentCenter/View/34>

Clackamas County, Sewer Assessment Districts:

<http://www.clackamas.us/wes/faq.html#37>

City of Grants Pass:

<https://www.grantspassoregon.gov/482>

Reimbursement-Districts

Pump Station

At least one wastewater pump station may be required as the project builds out. This determination is subject to variations in the specific land development patterns, site grading, and further engineering to be conducted during property development.

In the event that a pump station is required, it is likely to be a shared local infrastructure facility similar to the road, water, and sewer lines previously described. This is because the pump station would handle the wastewater from multiple properties in the district, but would be located on a specific property owners’ site and potentially be paid for by a specific property owner.

If a pump station is required, a Reimbursement District or other agreement between several different property owners would be appropriate mechanisms to share costs.

Stormwater

Finally, per the DCP, property owners will likely have the option to either manage stormwater runoff via detention ponds or swales on their property, or through shared facilities that would handle runoff from multiple properties.

From a financial point of view, it will likely be simpler for developers to build their own stormwater facilities. However, property owners could create reimbursement districts or inter-property owner agreements as described above, such that later-in property owners reimburse first-in property owners for an appropriate share of the cost of stormwater detention facilities.

Appendices

Appendix B: Phasing

There are many different ways in which this DCP could proceed. **Development of the community will depend primarily on how property owners in the area proceed based on their willingness to develop, market readiness and availability of financing.**

Some owners towards the center and east of the study area may not be able to develop until other parcels closer to North Redwood Street proceed. Such timing issues can potentially be resolved through a Development Agreement between different parties, which would presumably incorporate agreements on shared funding of major streets and infrastructure.

The following pages demonstrate how the study area could theoretically develop in three broad phases, beginning along North Redwood and proceeding eastward. The figures show new streets for each phase in purple. Larger investments in parks, open spaces and trails would wait until development reached those areas and more units have paid into a fund to finance public improvements.

Another approach would suggest that properties along Willow Creek are the most valuable and could develop first. This would require extension of roadways deep into the study area, potentially without adjacent development. The value of the larger lots along the Creek may outweigh this disadvantage. Development of the area east of Willow Creek could proceed independently of the timing of changes on the west bank. The key triggers to development east of the creek will be agreement with UPRR on an emergency crossing and finalizing the connection to Teakwood Road.

Regardless of what phasing approach is pursued by property owners, there are a number of actions that should be pursued prior to development. These include:

- 1. Property owner agreement on pursuing annexation**
- 2. Annexation vote**
- 3. Finalize funding plan and developer agreement between majority of property owners**
- 4. Refinement of DCP, updated as property owners refine individual plans**
- 5. Initial utility design and mass grading plan**
- 6. Access planning and design for UPRR crossing, Teakwood access and new intersections on North Redwood**
- 7. Restoration plan for Willow Creek**
- 8. Design and land acquisition for North Redwood widening, to collector standard**

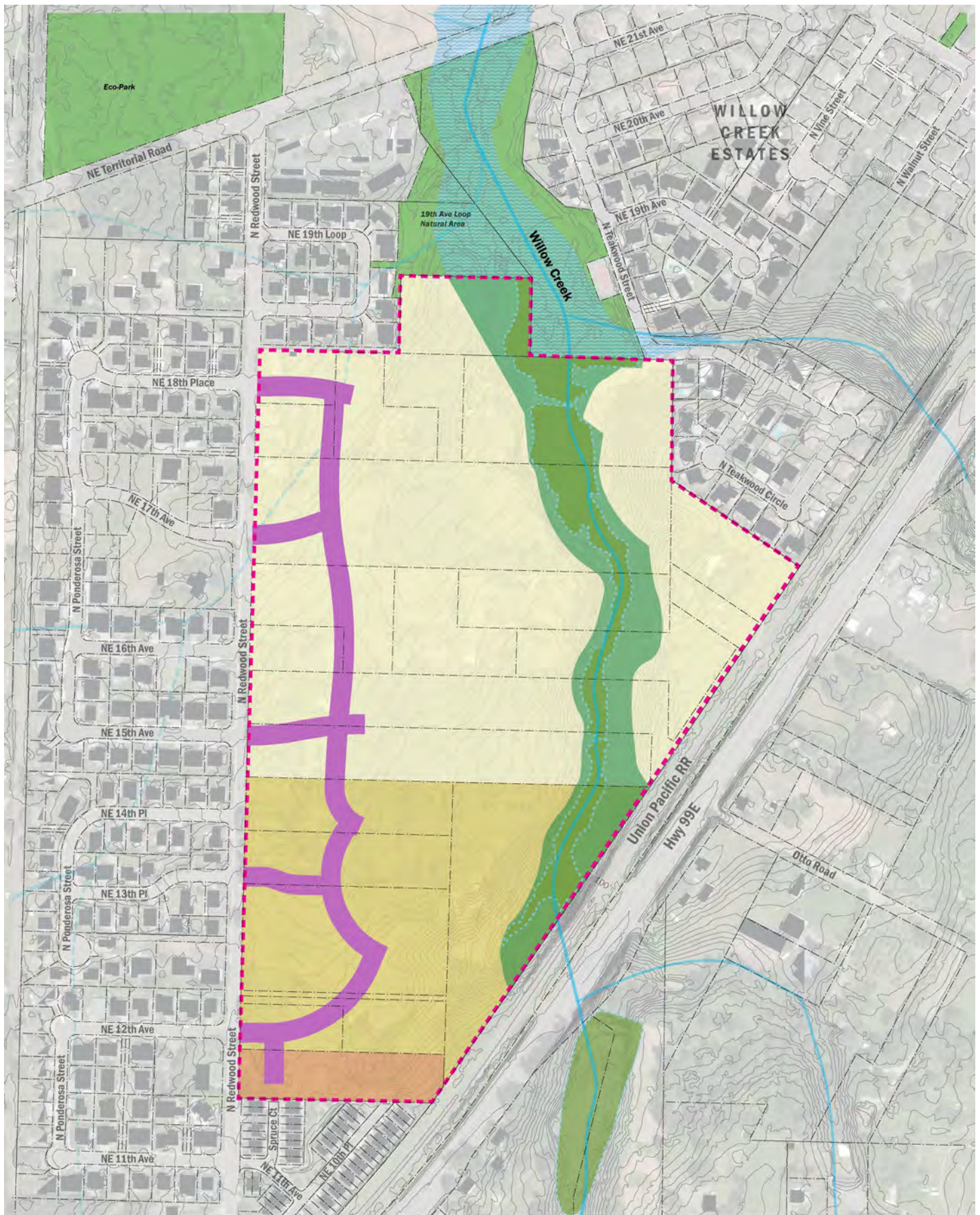
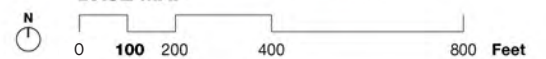


Figure A-1: DCP Conceptual Phase 1

**NORTH REDWOOD DEVELOPMENT CONCEPT
BASE MAP**



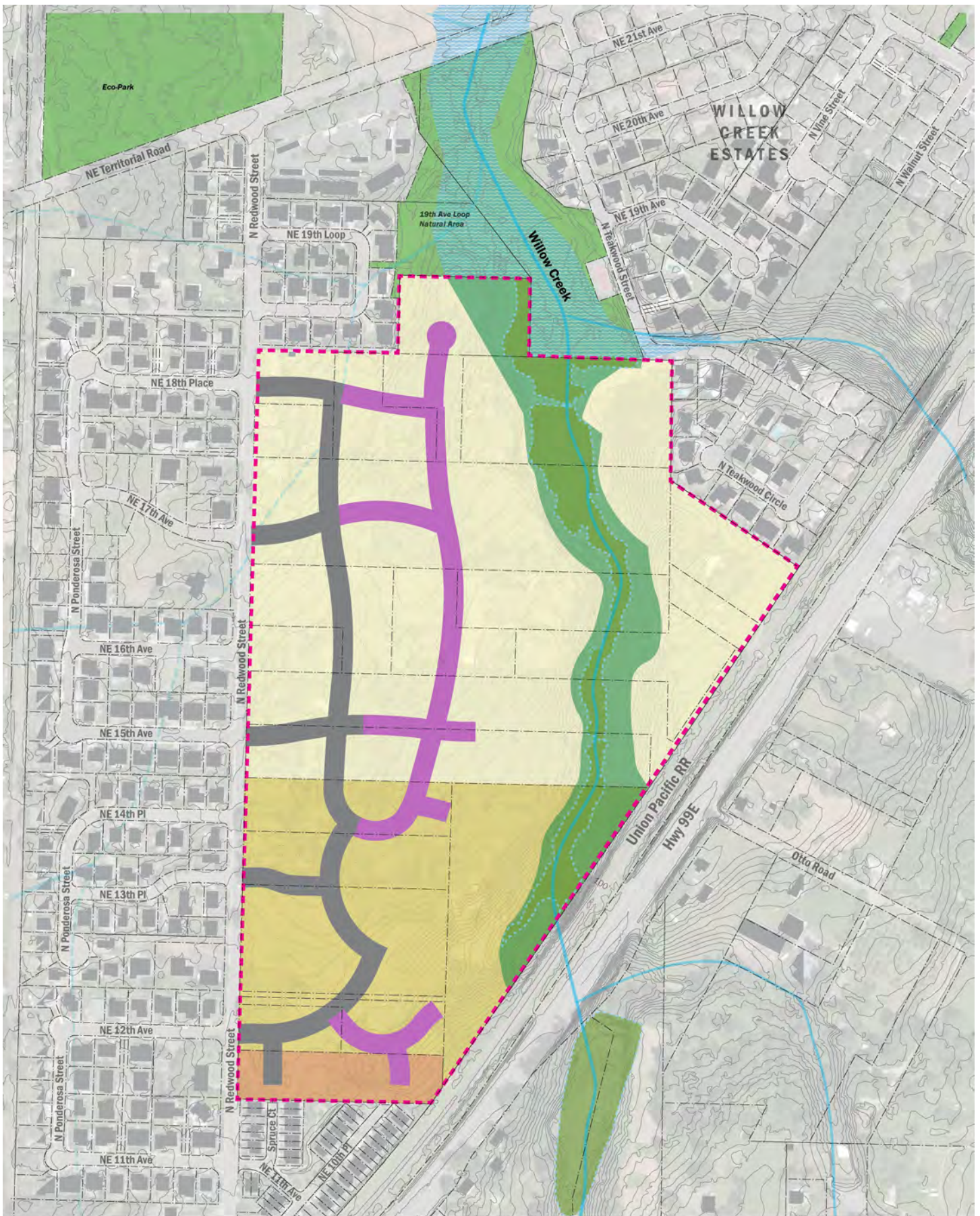


Figure A-2: DCP Conceptual Phase 2

NORTH REDWOOD DEVELOPMENT CONCEPT
BASE MAP
 0 100 200 400 800 Feet

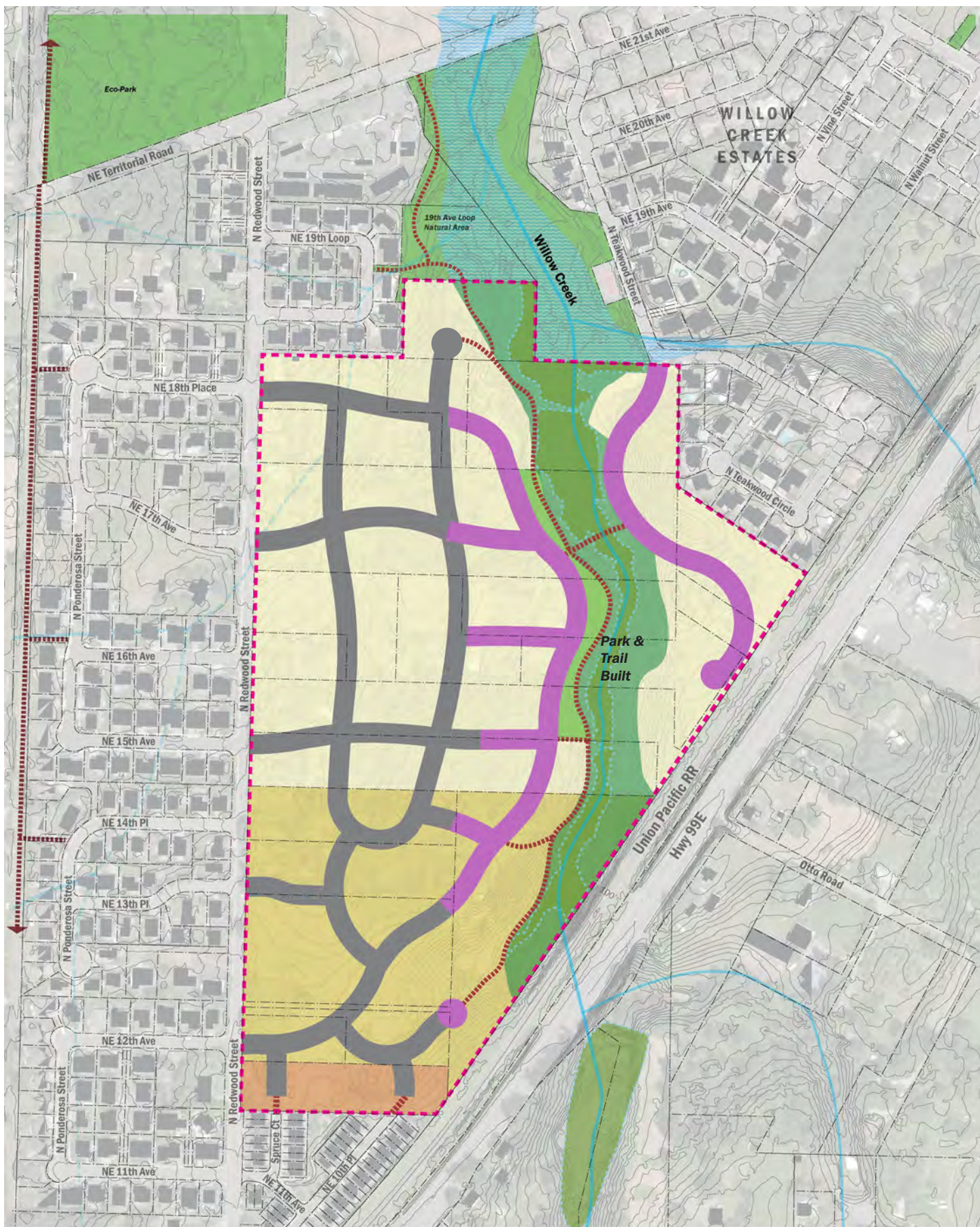
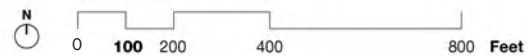


Figure A-3: DCP Conceptual Phase 3 (Final)

**NORTH REDWOOD DEVELOPMENT CONCEPT
BASE MAP**



Appendix B: Meeting Notes & Memos

There are a number of supporting memos and meeting minutes that can be consulted as background information for this DCP. These files are included as a combined Appendix B in un-numbered pages as part of a PDF available at the City of Canby.

Project Memos:

Memo #1: Project Planning and Implementation

Memo #2: Existing Conditions

Memo #3: Development Rights and Best Development Practices

Memo #4: Evaluation Criteria

Memo #5: Alternative DCPs

Project Website Input (Deliverable 1D)

***Comprehensive Plan and Zoning Amendments Memo
Funding Evaluation***

Meeting Notes:

Stakeholder Interview Summary (Deliverable 2D)

Project Management Team (PMT) #1

Project Management Team (PMT) #2

Project Management Team (PMT) #3

Project Management Team (PMT) #4

Committee Meeting Notes:

Technical Advisory Committee (TAC) #1

Stakeholder Advisory Committee (SAC) #1

TAC/SAC Presentation and Notes

Technical Advisory Committee (TAC) #2

Stakeholder Advisory Committee (SAC) #2

TAC/SAC Presentation and Notes

Stakeholder Advisory Committee (SAC) #3

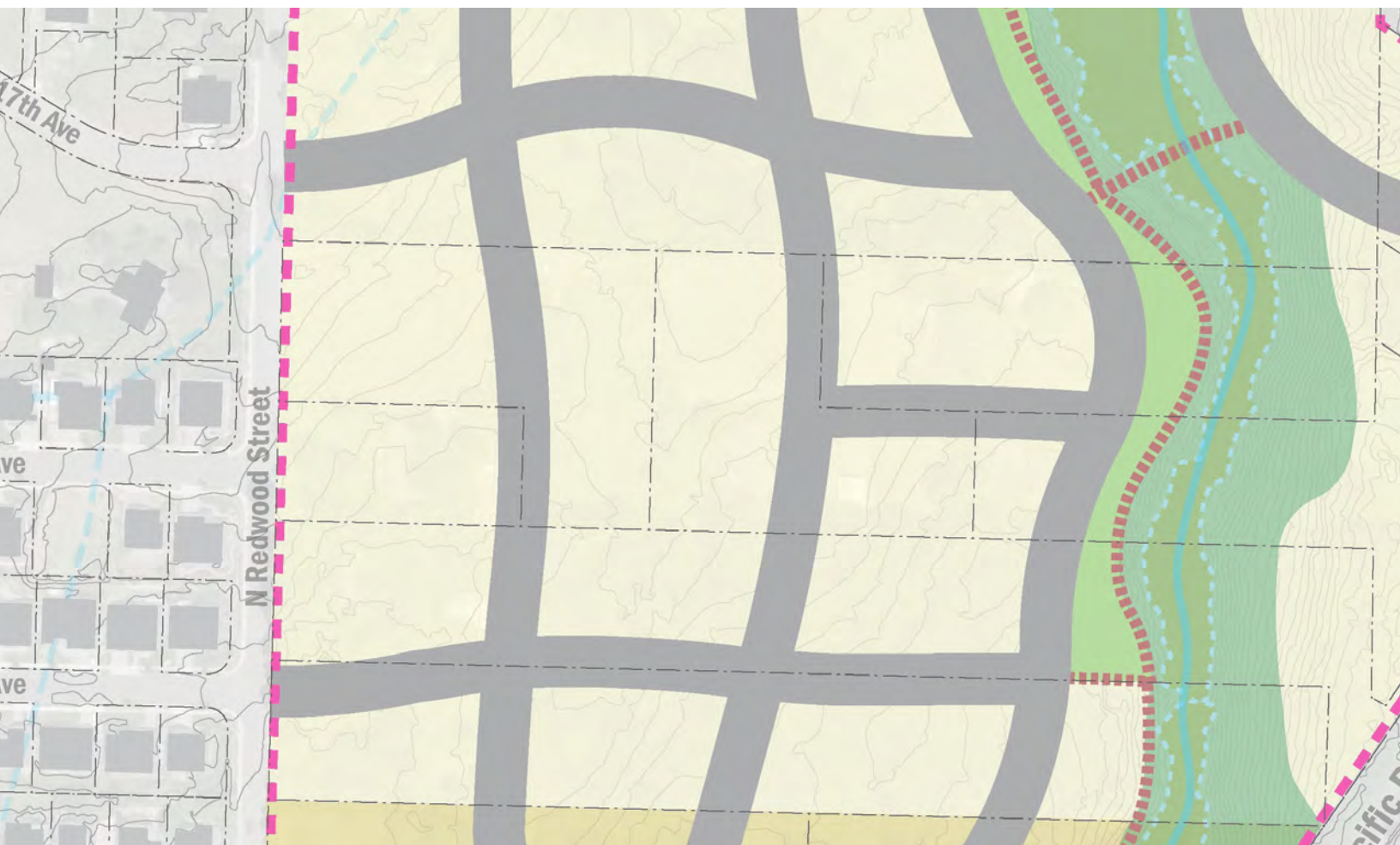
Technical Advisory Committee (TAC) #3

Combined TAC/SAC Presentation and Notes

Public Event Summaries/Materials:

Public Event #1

Public Event #2



ORDINANCE NO. 1497

AN ORDINANCE AMENDING CANBY MUNICIPAL CODE (CMC) CHAPTER 10.04 CITY TRAFFIC CODE

WHEREAS, the City of Canby currently has a City Traffic Code ordinance that deals with parking, storage, and abandoning of vehicles on streets and public rights of way; and

WHEREAS, the City of Canby desires to amend the ordinance to add Section 10.04.145 and supporting Definitions for appropriate traffic signing on restricted streets and truck routes.
00

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

Section 1. The Canby Municipal Code (CMC) Chapter 10.04.100 is hereby amended to read as follows:

CHAPTER 10.04: CITY TRAFFIC CODE

Section

10.04.010	Applicability of state traffic laws.
10.04.020	Definitions.
10.04.030	U-turns.
10.04.040	Sleds behind cars.
10.04.050	Removing glass and debris after accidents.
10.04.060	Parades and processions.
10.04.070	Method of parking.
10.04.075	Parking time limits.
10.04.080	Prohibited parking; failure to pay fines and post bail.
10.04.085	Failure to pay; notice of hearing; order to immobilize vehicle.
10.04.090	Boot installation.
10.04.095	Boot removal.
10.04.100	Storage or abandoning of vehicles on streets.
10.04.125	Penalty.
10.04.130	Public Works Director; duties.
10.04.140	Existing signs.
10.04.145	Trucks prohibited on restricted streets.

§ 10.04.010 Applicability of state traffic laws.

A. Violations of provisions in O.R.S. Chapters 153, 743 and 801 through 823, inclusive as now constituted, is an offense against the city.

B. If an ordinance or provision thereof of the city is in conflict with the motor vehicle laws of the state, the motor vehicle laws of the state shall prevail.

C. Violation of a provision identical to a state statute is punishable by a fine or imprisonment not to exceed the penalty prescribed by the state statute.

2nd Reading

§ 10.04.020 Definitions.

In addition to the definitions contained in the Oregon Revised Statutes, including all amendments, the following words and phrases, when used in this chapter, shall have the following meaning, except where the context clearly indicates a different meaning:

Highway, as used in this chapter and in the sections of the state motor vehicle laws, includes all streets and alleys in the city.

Loading Zone, means that space adjacent to the curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

Local Delivery Only, means Truck deliveries permitted only to on street adjacent properties or properties connected by a driveway access.

Local Truck, means any Truck that begins or ends a trip within the City limits of the City of Canby.

Parking means to stop and stand, with or without a driver, or to leave a motor vehicle upon any street, alley or public place in the city.

Truck, means any Commercial Motor Vehicle with a gross combination weight rating over 26,001 pounds or more, and as defined in ORS 801.208.

Truck route, means any street as designated by signing upon which the unrestricted use of trucks is permitted

§ 10.04.030 U-turns.

It shall be unlawful for any person to reverse the direction of any motor vehicle by making a U- turn upon any street in the city except at street intersections; provided, however, that no reverse turns shall be made by the driver of any vehicle at any street intersection where any type of sign or marker is erected prohibiting any such reverse turn.

§ 10.04.040 Sleds behind cars.

It shall be unlawful for any person to tie to any motor vehicle which is operated on the streets of the city any sled, toboggan or similar contrivance or thing; and it shall be unlawful for the operator of any motor vehicle to permit any sled, toboggan or similar contrivance or thing to be attached or tied to any motor vehicle being driven by the operator; provided, that the provisions of this section shall not apply to trailers, bus trailers or pole or pipe dolly, nor to cars being towed, when the same are attached or towed in accordance with this chapter.

§ 10.04.050 Removing glass and debris after accidents.

Any party to a collision or other motor vehicle accident upon any street, alley or public place in this city shall immediately remove or cause to be removed from the street, alley or public place all glass and foreign substance resulting from the collision or accident, as well as the motor vehicle which the party was driving at the time of the collision or accident.

§ 10.04.060 Parades and processions.

A. During parades, the police may clear the streets and prohibit vehicles and pedestrians from crossing the streets.

B. No pedestrian or vehicle shall break through the line of a funeral procession.

§ 10.04.070 Method of parking.

A. Whenever any motor vehicle is parked upon any street in the city, it shall be headed as though proceeding upon the right side of the street.

B. Where parking space markings are placed on a street, in a parking lot or in a parking structure, no person shall stand or park a vehicle other than in the indicated direction, other than in a marked space and, unless the size or shape of the vehicle makes compliance impossible, other than within a single marked space.

C. Where no mode of parking is indicated by a painted stripe or other marking, any and all vehicles parked in any unmarked area shall be parked parallel with the street curb, and with the tires or wheels on the right-hand side of the vehicle within 12 inches of the curb.

D. Whenever the operator of a vehicle discovers that his or her vehicle is parked close to a building to which the Fire Department or ambulance service has been summoned, the operator shall immediately remove the vehicle from the area unless otherwise directed by police, ambulance or fire officers.

§ 10.04.075 Parking time limits.

A. 1. The lawful time allowed for parking vehicles other than motor trucks engaged in the actual loading or unloading of freight or merchandise shall, in any section of any street, be as indicated by lettering upon the face of painted signs placed at the top of standards placed along the curbline of any section of any street or by parking meters. The time limits and the indication thereof may be changed from time to time by the City Administrator. The time limits shall mean the continuous aggregate of time of all parking of any 1 vehicle within any 1 block or any blocks adjacent thereto within the daily time limits.

2. This shall not prohibit removing a vehicle from the above designated area and returning the vehicle to the area after expiration of 1 hour.

B. Time limits shall be applicable between the hours of 8:00 a.m. and 6:00 p.m. These time limits shall not apply on Sundays, New Year's Day, Memorial Day, July 4, Labor Day, Thanksgiving or Christmas.

C. It is unlawful to erase, remove or obliterate any marking that has been placed on a vehicle for the purpose of monitoring parking time limits.

§ 10.04.080 Prohibited parking; failure to pay fines and post bail.

No operator shall stand or park a vehicle and no owner shall allow a vehicle to stand or park on a street, city property, property controlled by the city or property for which the city is contracted to enforce parking regulations, when there are 3 or more unpaid parking violations of this code and the time for appearing or posting bail in Municipal Court specified on the citation(s) has passed or the time for payment of the fine has passed.

§ 10.04.085 Failure to pay; notice of hearing; order to immobilize vehicle.

A. Upon the failure of the owner or operator of a vehicle to pay unpaid bail, fines or a combination of bail or fines for 3 or more parking violation(s) under this chapter, notice of the delinquency shall be given to the registered owner of the vehicle as shown by the Department of Motor Vehicles by certified mail. The registered owner will be given 15 days from the date of the notice to either post the bail, pay the fine(s), or request a hearing before the Municipal Judge to contest the parking citation(s) received.

B. Upon failure of the registered owner to post bail, pay the fine(s), or request a hearing within 15 days, the Municipal Judge shall issue an order directing the parking control

officer or any other police officer so designated to immobilize the vehicle should the vehicle be found on a city street, city property, property controlled by the city, or property for which the city is contracted to enforce parking regulations as provided in this chapter.

§ 10.04.090 Boot installation.

A. When a driver, owner or person in charge of a vehicle is cited for violation of § 10.04.080, fails to respond to notice given as required above, and an order authorizing immobilization has been signed by the Municipal Judge, the parking officer or any police officer so designated shall:

1. Immobilize the vehicle temporarily until 11:00 a.m. of the following day by installing on or attaching to the vehicle a device designed to restrict the normal movement of the vehicle;
2. Conspicuously affix to the vehicle the written notice prescribed in division B. of this section; and
3. Unless release of the vehicle is arranged by 11:00 a.m. of the following day, remove the vehicle from the street or other public property as provided in this chapter.

B. The notice required by division A. of this section shall contain:

1. The name of the Municipal Judge ordering the temporary immobilization;
2. A description of the vehicle and its location;
3. A statement of the reason for the temporary immobilization of the vehicle, including a reference to the section of this chapter violated;
4. Where to go and how to obtain release of the vehicle;
5. The date and time when the city will have the vehicle towed and stored at the owner's expense, resulting in the sale of the vehicle to satisfy these expenses and unpaid bail and fines if the owner fails to redeem the vehicle; and
6. The statement that attempting to remove the immobilization device or removing it, or attempting to remove or removing the vehicle before it is released as authorized by this chapter, is an offense.

C. The parking restrictions of the city shall not apply to a vehicle that has been temporarily immobilized as provided in this section.

D. There shall be assessed a charge for booting a vehicle in addition to any outstanding fines or other expenses assessed against the vehicle. This fee shall be set forth by resolution. (Am. Ord. 1327, passed 5-19-2010)

§ 10.04.095 Boot removal.

A. No person other than an officer of the city may remove or attempt to remove a temporary immobilization device, or move or attempt to move the vehicle, before it is released by the Police Department or the Clerk of the Municipal Court in accordance with this section.

B. A vehicle shall be released and the temporary immobilization device removed when the owner, operator or person in charge of the vehicle either:

1. a. Posts bail and pays all fines and bail for parking citations issued against the vehicle, its operator or owner; and
b. Pays the booting charge.
2. Presents clear and convincing information to any employee of the city designated by the Municipal Judge to receive the information, that the present owner of the vehicle did not own the immobilized vehicle at the time the parking citations were issued that established the violation of § 10.04.080, or that the bail and fines for parking citations that

establish the violation of § 10.04.080 have been paid before the vehicle was temporarily immobilized.

C. The city employee designated by the Municipal Judge as provided in division B. of this section may for good cause extend the time limit the temporary immobilization device is left attached to a vehicle before it is towed and stored, provided the owner, in writing, assumes all risk of damage to the vehicle while it remains immobilized. The extension of the time limit shall not exceed an additional 24 hours, excluding Sundays and holidays.

D. In lieu of proceeding under divisions B. and C. of this section, the owner, operator or person in charge of the vehicle may request that the Municipal Judge rather than his or her designee conduct a hearing in regard to the relevant issues contained in divisions B. and C. hereof. The hearing shall be conducted in an informal manner and as promptly as the court's docket permits.(Am. Ord. 1327, passed 5-19-2010)

§ 10.04.100 Parking, storage or abandoning of vehicles on streets.

A. 1. No person, firm or corporation shall park, store or permit to be stored on a street or other public property, without the permission of the City Police Department, a vehicle or personal property therein, for a period in excess of 72 hours. The continuity of the time shall not be deemed broken by movement of the vehicle elsewhere on the block unless the movement removes the vehicle from the block where it is located before it is returned.

2. No person, firm or corporation shall abandon a vehicle upon a street or upon any other public or private property.

B. When a vehicle is found in violation of division A. of this section, the officer responsible for the enforcement of this section shall follow the procedures provided in O.R.S. Chapter 819 dealing with the custody, removal and disposal of vehicles. (Am. Ord. 1485, passed 7-18-2018)

§ 10.04.125 Penalty.

A. Violation of any provision of this chapter shall be punishable by a fine not to exceed \$500 for each violation.

B. For a second or subsequent conviction within 1 year, a person shall be punished by a fine of not more than \$750.

C. Violation of a provision identical to state statute is punishable by a fine not to exceed the penalty prescribed by the state statute.

§ 10.04.130 Public Works Director; duties.

Subject to the approval of the City Council by resolution or motion, the Public Works Director shall:

- A. Designate stop streets;
- B. Designate 1-way streets;
- C. Designate crosswalks, safety zones and traffic lanes;
- D. Designate areas in which no parking shall be permitted and areas in which the time of parking is to be limited;
- E. Direct the placing and maintenance of those traffic signs, markers and signals as may be reasonably necessary to carry the above powers into effect and for the regulation and safety of traffic;
- F. Exercise a general supervision over the administration and enforcement of all traffic ordinances; and

G. Require the pruning or trimming of trees and shrubs along streets and highways so that they will not obstruct the view for traffic; and order the removal or alteration of any signs, fences or other objects along streets and highways that are an obstruction of the view for traffic.

§ 10.04.140 Existing signs.

All official traffic signs, signals and markers existing at the time of the adoption of this chapter shall be considered official under the provisions of this chapter; provided, however, that the City Council may by resolution or motion at any time have the official traffic signs, signals or markers removed or changed, or the same may be done at the direction of the Public Works Director; and provided further, that any additional official traffic signs, signals or markers erected, installed or painted shall first be authorized by resolution or motion of the City Council or by order of the Public Works Director.

§ 10.04.145 Trucks Prohibited on Restricted Streets.

A. Streets or parts of streets in the City that are appropriately signed for no truck, local delivery only, local truck only, or with a gross vehicle weight restriction are designated as restricted streets.

B. When appropriate signs are erected on streets establishing a truck route, no person shall operate, drive or cause or permit to be operated or be driven, any truck not otherwise exempted under paragraph A of this Section, on any restricted street.

SUBMITTED to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, December 5, 2018; ordered posted as required by the Canby City Charter; and scheduled for second reading on Wednesday, January 2, 2019, commencing at the hour of 7:00 PM in the Council Chambers located at 222 NE 2nd Avenue, 1st Floor Canby, Oregon.

Kimberly Scheafer, MMC
City Recorder

PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on January 2, 2019 by the following vote:

YEAS _____ NAYS _____

Brian Hodson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder

ORDINANCE NO. 1499

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH THE CLACKAMAS 800 RADIO GROUP FOR THE PURCHASE OF NEW REPLACEMENT MOTOROLA RADIOS FOR THE CANBY POLICE DEPARTMENT; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Canby wishes to purchase fifty-six (56) new replacement Motorola Radios for the Canby Police Department, which is a continuation of our radio and communication update and improvement plan (Radio System Replacement Project) with Clackamas C800 Radio Group that works in coordination with Clackamas County Communication (CCOM) dispatch services that provide police service to the City of Canby and Clackamas County; and

WHEREAS, the Radio System Replacement Project made timely replacement of Clackamas County's emergency radio/data infrastructure that was out dated and prone to failure by making significant upgrades with new technologies such as computerized data entry dispatch system, updated county-wide 800mgh radio system integrated into 911 dispatch operations that ensures compatibility and interoperability into the future, improved system sustainability, enhanced radio area coverage, dispatch efficiency, reception and transmission capabilities that increase first responder and citizen safety; and

WHEREAS, on May 17, 2016, the tax payers of Clackamas County approved Ballot Measure 3-476 which proposed a \$58.7 million dollar bond issue to update the analog system with new digital technology; and

WHEREAS, in accordance with the allocation of the approved Bond Measure, funds to upgrade the C800 Radio system have been designated to the City of Canby and the City of Canby has received a \$192,502.00 discount and a \$152,755.00 C800 Radio Group stipend, totally \$345,257.00 that will be used toward the purchase of new replacement Motorola Radios for the Canby Police Department; and

WHEREAS, the purchase balance of the Motorola Radio, in the amount of \$55,788.35, will be paid by the City of Canby which has budgeted for said purchase; and

WHEREAS, Clackamas 800 Radio Group is able to provide fifty-six (56) new replacement Motorola Radios to the City of Canby Police Department for the total sum of \$55,788.35; and

WHEREAS, the City Council finds it in the City's best interest to purchase new replacement Motorola Radios for the Canby Police Department to better serve the citizens of Canby and increase first responder and citizen safety; and

2nd Reading

WHEREAS, the City Council finds that in order to proceed in accomplishing the above, the City Council must adopt an Ordinance authorizing payment to Clackamas 800 Radio Group to acquire the Motorola Radios.

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

Section 1. The Mayor and City Council hereby authorize the City Administrator to execute a contract with Clackamas 800 Radio Group to purchase fifty-six (56) new replacement Motorola Radios, for the total purchase price of \$55,788.35.

Section 2. In so much as police communication is essential for the safety and welfare to police officers and to the citizens and to better serve the citizens of Canby, Oregon, an emergency is declared to provide the Police Department with these Motorola Radios without further delay and this ordinance shall therefore take effect immediately upon its enactment after final reading.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, December 5, 2018 and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and to come before the City Council for final reading and action at a regular meeting thereof on January 2, 2019 commencing at the hour of 7:00 PM in the Council Meeting Chambers located at 222 NE 2nd Avenue, 1st Floor, Canby, Oregon.

Kimberly Scheafer, MMC
City Recorder

PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on January 2, 2019 by the following vote:

YEAS_____ NAYS_____

Brian Hodson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder

ORDINANCE NO. 1500

AN ORDINANCE, PROCLAIMING ANNEXATION INTO THE CITY OF CANBY, OREGON 5.03 ACRES INCLUDING 4.84 ACRES OF REAL PROPERTY DESCRIBED AS TAX LOTS 400 OF PORTION OF SE ¼, SEC. 34, T.3S., R.1E., W.M. (TAX MAP 31E34B); AND APPROX. 0.18 ACRES OF ADJACENT NORTH REDWOOD STREET RIGHT-OF-WAY; AND AMENDING THE EXISTING COUNTY ZONING FROM RURAL RESIDENTIAL FARM FOREST FIVE ACRE (RRFF-5) TO CITY MEDIUM DENSITY RESIDENTIAL (R-1.5) FOR THE ENTIRE AREA; AND SETTING THE BOUNDARIES OF THE PROPERTY TO BE INCLUDED WITHIN THE CANBY CITY LIMITS.

WHEREAS, on January 2, 2019, at a public hearing the City Council of the City of Canby approved by a vote of _____ to _____, Annexation (ANN 18-04/ZC 18-05) which called for the annexation of 5.03 acres into the City of Canby. The applicants are Bryan, Lisa and Cindy Swelland and owners of Tax Lot 400 of Tax Map 31E4B. A complete legal description and survey map of the applicant's tax lot and adjacent North Redwood Street right-of-way abutting along the east delineates the property to be annexed and is attached hereto as Exhibit A & B respectively and by this reference are incorporated herein; and

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

WHEREAS, the zoning of the annexed land shall be designated as R-1.5 Medium Density Residential to conform with the Canby Comprehensive Plan Map, and such zoning shall be indicated on the official zoning map for the City of Canby; and

WHEREAS, an application was filed with the City by the applicant listed above to change the zoning of one parcel as indicated herein along with the adjacent road right-of-way where the applicable R-1.5 Medium Density Residential zoning will also apply; and

WHEREAS, a public hearing was conducted by the Canby Planning Commission on November 26, 2018 after public notices were mailed, posted and published in the Canby Herald, as required by law; and

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

WHEREAS, the Canby City Council considered the matter and the recommendation of the Planning Commission following a public hearing held at its regular meeting on January 2, 2019; and

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

WHEREAS, the written Findings, Conclusions and Order of the Council action is to be approved by the City Council at the next regular Council meeting on January 16, 2019; and

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

Section 1. It is hereby proclaimed by the City Council of Canby that 5.03 acres of property described, set, and shown in Exhibit A & B and attached hereto, is annexed into the corporate limits of the City of Canby, Oregon.

Section 2. The annexed land shall be rezoned from the county Rural Residential Farm Forest (RRFF-5) to city Medium Density Residential (R-1.5) as reflected on the Canby's Comprehensive Plan Map and as indicated by Tax Lot and legal description in this Ordinance. The Mayor, attested by the City Recorder, is hereby authorized and directed to have the zone change made to the official zoning map for the City of Canby.

SUBMITTED to the Council and read the first time at a regular meeting thereof on January 2, 2019 and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter, and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on January 16, 2019, commencing at the hour of 7:00 PM at the Council Meeting Chambers located at 222 NE 2nd Avenue, Canby, Oregon.

Kimberly Scheafer, MMC
City Recorder

PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on January 16, 2019 by the following vote:

YEAS_____ NAYS_____

Brian Hodson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder

EXHIBIT A

TOWNSHIP SURVEYS, LLC

1415 WASHINGTON STREET
OREGON CITY, OR 97045-0307

Phone: 503-656-4915

FAX: 503-557-4966

E-mail: lee@townshipsurveys.com

Legal Description of a tract of land to be annexed into the City of Canby

A tract of land being a portion of Lot 94 of the duly recorded plat of Canby Gardens, and a portion of the east half of North Redwood Street located in the northwest one-quarter of Section 34, Township 3 South, Range 1 East of the Willamette Meridian, City of Canby, Clackamas County, Oregon, and which is more particularly described as follows:

Beginning at a one-inch diameter iron bar found at the southwest corner of Parcel 2, Partition Plat No. 2013-009, Clackamas County Plat Records; thence South 0°04'01" East along the east right of way line of N. Redwood Street which was annexed by the City of Canby by City Ordinance 99-284, a distance of 329.94 feet to a five-eighths inch diameter iron rod with a yellow plastic cap marked 'TOWNSHIP SURVEYS' located at the intersection of said east right-of-way line and the north line of Lot 94, Canby Gardens, said iron rod being the True Point of Beginning; thence North 89°59'30" West, 20.00 feet to the centerline of N. Redwood Street; thence South 0°04'01" East along the centerline of N. Redwood Street, 329.94 feet; thence South 89°59'23" East along the westerly prolongation of the south line of said Lot 94, 20.00 feet to a five-eighths inch diameter iron rod with a yellow plastic cap marked 'TOWNSHIP SURVEYS' located at the intersection of the east right-of-way line of N. Redwood Street and the south line of said Lot 94; thence continuing South 89°59'23" East along the south line of said Lot 94, a distance of 639.23 feet to a five-eighths inch diameter iron rod with a yellow plastic cap marked 'TOWNSHIP SURVEYS' at the southeast corner of said Lot 94; thence North 0°02'23" West along the east line of said Lot 94, a distance of 329.96 feet to a five-eighths inch diameter iron rod with a yellow plastic cap marked 'TOWNSHIP SURVEYS' at the northeast corner of said Lot 94; thence North 89°59'30" West along the north line of said Lot 94, a distance of 639.39 feet to the True Point of Beginning. Said described tract contains 5.032 acres.

EXHIBIT B



CITY OF CANBY COMMITTEE LIAISONS

BIKE AND PEDESTRIAN COMMITTEE

Meets last Tuesday of each month at 6:30 PM in the Willow Creek Conference Room.
7 members, 3 year terms.

Committee Chair: Mindy Montecucco
Staff Liaison: Calvin LeSueur
Council Liaison:

BUDGET COMMITTEE

Meets as needed. City Council plus 6 members at large. Members must reside in City limits. 3 year terms.

Staff Liaison: Julie Blums
Committee Chair: Tim Dale

CANBY PUBLIC LIBRARY BOARD

Meets 3rd Tuesday of each month at 5:30 PM in the Willow Creek Conference Room.
7 members, plus one non-voting high school student (residing within the Canby School Dist. Boundary, 4 year terms. Two members must reside outside City limits.

Committee Chair: Kathleen Myron
Staff Liaison: Irene Green
Council Liaison:

CANBY UTILITY BOARD

Meets 2nd & 4th Tuesday of each month at 7:00 PM in the CUB Board Room.
5 members, 3 year terms. (Two term limit)

Committee Chair: Gary Potter
Council Liaison:

HERITAGE & LANDMARK COMMISSION

Meets 1st Monday of each month at 5:30 PM in the Willow Creek Conference Room.
7 members, plus one non-voting high school student (residing within the Canby School Dist. Boundary 3 years terms. Majority must live or work within UGB.

Committee Chair: Tony Crawford
Staff Liaison: Calvin LeSueur
Council Liaison:

PARKS AND RECREATION ADVISORY BOARD

Meets 3rd Tuesday of each month at 7:00 PM in the Willow Creek Conference Room.
7 members, 3 year terms.

Committee Chair: Mark Triebwasser
Staff Liaison: Matilda Deas
Council Liaison:

CITY OF CANBY COMMITTEE LIAISONS

PLANNING COMMISSION

Meets 2nd and 4th Monday of each month at 7:00 PM in the Council Chambers.
7 members, 3 year terms.

Committee Chair: John Savory
Staff Liaison: Bryan Brown
Council Liaison:

TRAFFIC SAFETY COMMISSION

Meets 2nd Friday of each month at 8:30 AM in the Willow Creek Conference Room.
7 members, 3 year terms.

Committee Chair: Clint Coleman
Staff Liaison: Jerry Nelzen/Rick Robinson
Council Liaison:

TRANSIT ADVISORY COMMITTEE

Meets at least six times per year. Current schedule is the fourth Thursday in January, March, May, July, and September and on the third Thursday in November at 5:30 PM in the Willow Creek Conference Room
7 members, 3 year terms.

Committee Chair: Walt Daniels
Staff Liaison: Julie Wehling
Council Liaison:

OTHER LIAISONS:

Bridging Cultures and Concilio
Canby Adult Center
Canby Fire District
Canby Independence Day
Canby School District
Clackamas County Fair Board
Main Street Program
CTV5
Riverside Neighborhood Association
NE Canby Neighborhood Association
SE Canby Neighborhood Association
SW Canby Neighborhood Association
Clack Co. Coordinating Committee

Mayor Brian Hodson