

**CANBY CITY COUNCIL
REGULAR SESSION
September 15, 2004**

Mayor Melody Thompson presiding. Council members present: Walt Daniels, Georgia Newton, Wayne Oliver, Randy Carson and Teresa Blackwell. Councilor Pat Johnson absent.

Also present: City Administrator Mark Adcock, City Attorney John Kelley, Community Development and Planning Director John Williams, Library & Parks Director Beth Saul, Project Planner Matilda Deas, City Recorder Pro Tem Kim Scheafer, Irene Breshears, Murry Taylor, Don Kylo, Ernie Graham, Maria Baker, Roger Harris, Wendy Hein, Lila & Curtis Gottman, Jeff Wadsworth, and David Howell.

Mayor Thompson called the regular session to order at 7:34 p.m., followed by the opening ceremonies.

PRESENTATION: Employee of the Month - City Administrator Mark Adcock said that Sharon Tramel from the finance department was the recipient of the Employee of the Month certificate for August. Ms. Tramel was unable to attend the meeting.

PROCLAMATIONS: Disability Employment Awareness Month - Mayor Thompson read the Proclamation which proclaimed October 2004 as Disability Employment Awareness Month.

POW/MIA Remembrance Day - Mayor Thompson read a proclamation proclaiming September 17, 2004 as POW/MIA Recognition Day and presented the proclamation to Mr. Murry Taylor and Mr. Don Kylo. They presented the Mayor with a POW/MIA flag. Ms. Maria Baker gave the Council a postcard and postage paid envelope and invited them to a spaghetti dinner fundraiser on September 25, 2004 at the Aurora American Legion Hall.

CITIZEN INPUT ON NON-AGENDA ITEMS: Project Planner Matilda Deas said she was working on a partnership in the community with OSU and the Canby School District. They were doing a heritage tree inventory program. They were hoping to create a walking guide and present their findings to the Council on December 15.

CONSENT AGENDA: ****Councilor Carson moved to adopt the Minutes of the Workshop on August 30, 2004; Minutes of the Regular Meeting of September 1, 2004; Accounts Payable of \$483,312.26; and a Liquor License Application (Change of Ownership) for TNT Market. Motion was seconded by Councilor Blackwell and passed 5-0.**

COMMUNICATIONS: City Administrator Mark Adcock said he had sent the Council a letter from CBRD that requested changing the language in the ordinance establishing the EID to allow for monthly payments rather than quarterly payments. They were having cash flow difficulties with the current arrangement. Councilor Newton asked if this affected the City adversely. Mr. Adcock said no, it was a straight pass through of revenue.

Council gave consensus to bring back an ordinance at the next meeting.

NEW BUSINESS: None.

UNFINISHED BUSINESS: Findings, Conclusion and Final Order CPA 04-02/ZC 04-03
Perman -

****Councilor Newton moved to adopt the Findings, Conclusion and Final Order for CPA 04-02/ZC 04-03. Motion was seconded by Councilor Daniels and passed 4-1 with Councilor Blackwell opposed.**

RESOLUTIONS & ORDINANCES:

Resolution 880 - ****Councilor Daniels moved to adopt Resolution 880, A RESOLUTION AUTHORIZING AND DIRECTING THE CITY RECORDER TO EXTEND WORKERS' COMPENSATION COVERAGE TO VOLUNTEERS OF THE CITY OF CANBY AND ELECTED OFFICIALS OF THE CITY AND REPEALING RESOLUTION 752. Motion was seconded by Councilor Blackwell and passed 5-0.**

Resolution 881 - ****Councilor Carson moved to adopt Resolution 881, A RESOLUTION ADOPTING A CONTRACT BETWEEN THE CITY OF CANBY (CITY) AND THE CANBY UTILITY BOARD (CUB) REGARDING BILLING FOR SEWER SERVICE PROVIDED TO CITIZENS OF CANBY. Motion was seconded by Councilor Daniels and passed 5-0.**

Resolution 882 - ****Councilor Carson moved to adopt Resolution 882, A RESOLUTION OF THE CITY OF CANBY AUTHORIZING A LOAN FROM THE SPECIAL PUBLIC WORKS FUND BY ENTERING INTO AN INTERIM LOAN CONTRACT AND A PERMANENT LOAN CONTRACT WITH THE OREGON ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT. Motion was seconded by Councilor Newton and passed 5-0.**

Ordinance 1158 - ****Councilor Daniels moved to approve Ordinance 1158, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON FROM LIGHT INDUSTRIAL TO HEAVY COMMERCIAL/MANUFACTURING FOR TAX LOTS 1822 AND 1815 OF TAX MAP 3-1E-34C, LOCATED ON THE NORTH SIDE OF S REDWOOD STREET to come up for second reading on October 6, 2004. Motion was seconded by Councilor Carson and passed 5-0 on first reading.**

MANAGER'S REPORT: Overview of Measure 37 – Community Development and Planning Director John Williams said Measure 37 was like Measure 7 but was done statutorily. The measure said if there was a land use regulation that the City or County adopted while you owned your property, they could not enforce it if you wanted to do improvements or additions to your property if it lowered the value of your property. Cities and counties could either waive the regulation or compensate the property owners in cash for the value. The details of how this would work were still unclear.

Mayor Thompson said the most disturbing thing was the measure would apply to any regulation passed since the property owner purchased the property.

Councilor Carson said it was nice that people could do whatever they wanted with their property, but their neighbors had no say or recourse if it affected their property.

Mayor Thompson said the Oregon Mayors Association position was to oppose Measures 37 and 38 and she had sample resolutions for them if they wished to do the same.

Arndt Road Project – Mr. Williams asked the Council if they wanted to get better information before they held a workshop with the advisory committees about this project. It would cost \$23,000 to get to the next step. With that money they would do some site and design work. The County offered to pay \$12-15,000 if the City would advance the money for the site work on the surveying and the aerial photo which would be \$8,500. Mr. Williams asked the Council if they thought it was appropriate to spend the money. If they went ahead they would have the information ready for a workshop in mid to late October. It would come out of SDC or Urban Renewal funds.

****Councilor Carson moved to allow staff up to \$8,575 for a basic engineering study of the Arndt Road Project. Motion was seconded by Councilor Daniels.**

Councilor Newton said what they were doing was not a done deal and they were exploring this step by step. If they got to a point where it did not make any sense they would not work further on the project.

Councilor Blackwell said she thought what Councilor Newton said was an important piece of this project. They would seek public input before they went ahead with it.

Councilor Daniels requested that the Traffic Safety Committee be invited to the workshop.

Mayor Thompson said Planning Commissioner Helbling had suggested that a representative from CBRD and the Chamber be included.

Mr. Williams said he had attended the Industrial Focus Committee meeting and they were very fired up about the project. They very much want to see this project happen.

Motion passed 5-0.

Maple Street Park Grant - Library and Parks Director Beth Saul said they had received a grant for a new irrigation system and some infield improvements at Maple Street Park. This was a matching grant with the restoration fund. They had until June 30 to get the project done. The grant was for \$50,000. The old light poles would be taken down, and this grant would not help with the light poles, but there were two other grant opportunities coming up. Mayor Thompson said they estimated 35,000 visits per summer to Maple Street Park.

Councilor Carson asked for an update on 13th Avenue Park. Ms. Saul said they were waiting for an inspection by the playground inspector. They had built a retaining wall and pathway and street trees would soon be planted. As soon as the inspection was done the fence would be taken down. The next thing would be trail building. The Parks and Recreation Advisory Board would be discussing how far into Phase II they wanted to go.

CITIZEN INPUT: None.

COUNCILOR'S ISSUES: Councilor Daniels said he attended the Clackamas County Economic Development meeting. There were four businesses that relocated from Multnomah to Clackamas County. There were good comments about Canby. He commended Clackamas Federal Credit Union for how they had painted their facility. He said things were looking better downtown. The paving on First Street was done in one day and it looked good.

Councilor Newton said in the last two years staff under Mr. Adcock's leadership had gotten grants and things were happening. She commended Mr. Adcock and staff.

Councilor Oliver commended Beth Saul for her efforts especially regarding the flowers in downtown.

Councilor Blackwell thanked Mr. Adcock and staff as well.

ACTION REVIEW:

1. Bringing back an ordinance at the next meeting amending the payment schedule to CBRD from quarterly to monthly.
2. Approving the consent agenda.
3. Approving the Findings, Conclusion & Final Order for CPA 04-02/ZC 04-03 Perman.
4. Approving Resolution 880.
5. Approving Resolution 881.
6. Approving Resolution 882.
7. Approving Ordinance 1158 to come up for second reading on October 6, 2004.
8. Moving forward with a further study on the Arndt Road Project.
9. Scheduling a joint workshop with advisory committees, businesses, and organizations for the Arndt Road Project.

Mayor Thompson adjourned the regular session at 8:22 p.m.



Kimberly Scheafer
City Recorder Pro Tem



Melody Thompson
Mayor

Assisted in Preparation of Minutes – Susan Wood



Office of the Mayor

Proclamation

“POW/MIA RECOGNITION DAY”

WHEREAS, The United States of America has participated in many wars, calling upon its sons and daughters to fight for their country; and

WHEREAS, Over 125,000 American men and women have been held captive by hostile powers during their military service; and

WHEREAS, Many American prisoners of war were subjected to harsh and inhumane treatment by their captors which often resulted in death; and

WHEREAS, Over 88,000 Americans are still listed as missing and unaccounted for, and the families and friends of these missing Americans, as well as their fellow veterans, still endure uncertainty concerning their fate; and

WHEREAS, The sacrifices of Americans still missing are deserving of national recognition and support for continuing priority efforts to determine their fate; and

WHEREAS, the City of Canby is proud to join with other cities in the State of Oregon and nation in honoring those still missing.

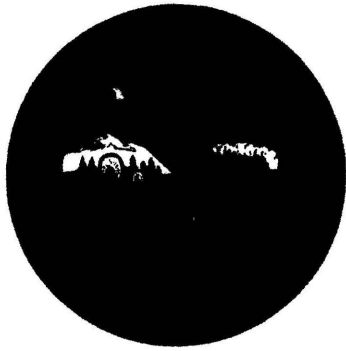
NOW, THEREFORE, I, Melody Thompson, Mayor of the City of Canby, hereby proclaim September 17, 2004 as:

POW/MIA RECOGNITION DAY

in Canby and encourage all citizens to join in this observance.

Given unto my hand this 15th day of September, 2004.

Melody Thompson
Mayor



Office of the Mayor

Proclamation

“Disability Employment Awareness
Month”

WHEREAS, twenty percent of the population of the United States of America is comprised of people with disabilities; and

WHEREAS, more than two-thirds of adults with disabilities in the country desire to work but cannot find employment; and

WHEREAS, the Americans with Disabilities Act provided civil rights protection for America’s 49,000,000 persons with disabilities; and

WHEREAS, America’s shrinking labor force requires employers to utilize untapped human resources, such as persons with disabilities.

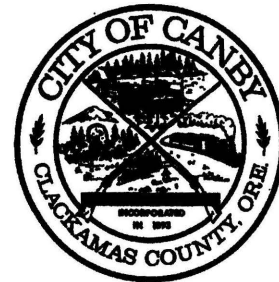
NOW, THEREFORE, I, Melody Thompson, Mayor of the City of Canby, do hereby proclaim the month of October 2004 as

Disability Employment Awareness Month

and call upon the citizens of the City of Canby to observe the month by learning about people with disabilities, their strengths, abilities, and the programs which serve their needs.

Given unto my hand this 15th day of September, 2004.

Melody Thompson
Mayor



**BEFORE THE CITY COUNCIL
OF THE
CITY OF CANBY**

| | | |
|----------------------------------|---|---|
| A REQUEST FOR APPROVAL |) | FINDINGS, CONCLUSION & FINAL ORDER |
| TO AMEND CANBY'S |) | CPA 04-02/ZC 04-03 |
| COMPREHENSIVE PLAN AND |) | (Perman) |
| CHANGE ZONING FOR TWO |) | |
| PARCELS ON S. REDWOOD ST. |) | |

NATURE OF APPLICATION

The applicant is seeking to amend the Comprehensive Plan Land Use Map and zoning designation of two industrial parcels to allow development of a "healthcare village." The new zoning would be accompanied by a condition limiting future uses of the property to "business and professional offices, including medical, dental, and other similar healthcare uses."

HEARINGS

The Planning Commission held a public hearing to consider this application at its meeting of July 12, 2004. The City Council held a public hearing to consider this application on August 4, 2004.

CRITERIA AND STANDARDS

Section 16.88.180 - General Standards and Procedures

Comprehensive Plan Amendments

This is a quasi-judicial land use application. The application covers several parcels affecting a limited area. In judging whether a quasi-judicial plan amendment shall be approved, the Planning Commission and City Council shall consider:

- A. The remainder of the Comprehensive Plan of the City, as well as the plans and policies of the county, state or any local school or service districts which may be affected by the amendment;
- B. Whether all required public facilities and services exist, or will be provided concurrent with the anticipated development of the area. (Ord. 740, Section 10.8.80, 1984)

16.54.040 - Amendments to the Zoning Map

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 therefor, and the plans and policies of the County, state and local districts in order to preserve functions and local aspects of land conservation and development;
- B. Whether all required public facilities and services exist or will be provided concurrent with development to adequately meet the needs of any use or development which would be permitted by the new zoning designation.

FINDINGS AND REASONS

The City Council deliberated on all testimony presented at the public hearing and incorporates all testimony at this hearing, the July 26, 2004 staff report, Commission record and Commission deliberations as support for its decision. The City Council adopts the findings and reasons attached hereto as Exhibit A.

ORDER

THE CITY COUNCIL of the City of Canby approves **CPA 04-02/ ZC 04-03** with the following conditions:

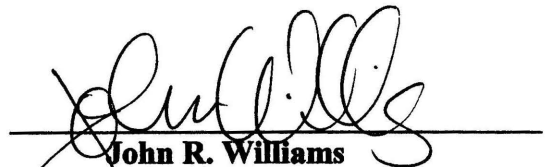
- 1. Prior to the Council's approval of an Ordinance adopting the proposed Comprehensive Plan Map Amendment and Zoning Map Amendment, the developer shall record a development agreement, legally binding upon present and future owners, upon both parcels, which stipulates the following:
 - a. As long as the property retains C-M or other commercial zoning, use of the property shall be limited to business and professional offices, including medical, dental, and other similar healthcare uses. Use of the property shall be limited in this way unless the Planning Commission approves alternative uses or until the property's zoning is changed.
 - b. As long as the property retains C-M or other commercial zoning, owners and occupants of buildings on the subject property agree not to complain about noise, traffic, or other legal aspects of neighboring industrial and manufacturing operations.
- 2. Future development for the site is limited to 1,020 vehicle trip ends per day, consistent with the weekday trip generation estimated under the worst-case scenario for M-1 zoning.

I CERTIFY THAT THIS ORDER approving **CPA 04-02 and ZC 04-03** was presented to and **APPROVED** by the City Council of the City of Canby.

DATED this 15th day of September, 2004.



Melody Thompson
Mayor



John R. Williams
Community Development & Planning Director

ATTEST:

ORAL DECISION **August 4, 2004**

AYES: Carson, Johnson, Newton, Oliver, Daniels

NOES: Blackwell

ABSTAIN: None

ABSENT: None

WRITTEN FINDINGS **September 15, 2004**

AYES: Carson, Newton, Oliver, Daniels

NOES: Blackwell

ABSTAIN: None

ABSENT: Johnson

CPA 04-02/ZC 04-03 Findings, Conclusion and Final Order – Exhibit A

Zoning Code Criteria and Standards

Section 16.88.180 - General Standards and Procedures

Comprehensive Plan Amendments

This is a quasi-judicial land use application. The application covers several parcels affecting a limited area. In judging whether a quasi-judicial plan amendment shall be approved, the Planning Commission and City Council shall consider:

- A. The remainder of the Comprehensive Plan of the City, as well as the plans and policies of the county, state or any local school or service districts which may be affected by the amendment;

Response: The Canby Comprehensive Plan goals and policies are addressed individually below. The Statewide Planning Goals are also addressed. There are no applicable county, local school, or service district policies that directly apply. In short, the proposed amendment to the Comprehensive Plan map is consistent with the relevant Comprehensive Plan goals and policies as well as Statewide Planning Goals.

- B. Whether all required public facilities and services exist, or will be provided concurrent with the anticipated development of the area.

Response: All required public facilities exist to serve the site, which is surrounded by urban development. These facilities include connections to water, sewer, power, and transportation. Community Development and Public Works staff have confirmed that all the necessary public facilities and services exist or will be provided at time of development.

16.54.040 - Amendments to the Zoning Map

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;

Response: The Canby Comprehensive Plan goals and policies are addressed individually below. Particular attention has been given to Policy 6 of the Land Use Element. The Statewide Planning Goals are also addressed below. There are no applicable county, local district policies that directly apply. In short, the proposed amendment to the Comprehensive Plan map is

consistent with the relevant Comprehensive Plan goals and policies as well as Statewide Planning Goals.

- 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.

Response: All required public facilities exist to serve the site, which is surrounded by urban development. These public facilities are sufficient to support allowed development under either the existing or proposed zoning. Canby Community Development and Public Works staff have confirmed that all the necessary public facilities and services exist or will be provided at time of development.

Canby Comprehensive Plan

I. CITIZEN INVOLVEMENT ELEMENT

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

Response: This land use application is subject to a City of Canby Type IV land use review, which includes a significant citizen involvement component. The mandatory public notice of the action and decision, and the hearing on this case before the City Council are all avenues of citizen participation.

Policy 1: Canby shall reorganize its citizen involvement functions to formally recognize the role of the Planning Commission in meeting the six required citizen involvement components of Statewide Planning Goal 1, and to re-emphasize the city's commitment to ongoing citizen involvement.

Response: This policy is directed toward action by city officials and not applicants. For this reason, the policy is not directly applicable.

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

Response: This policy is directed toward action by city officials and not applicants. For this reason, the policy is not directly applicable.

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

Response: This policy is directed toward action by city officials and not applicants. For this reason, the policy is not directly applicable.

II. URBAN GROWTH ELEMENT

Goals:

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

Response: The site of the proposed change is not designated for agriculture or forestry. The site is already within the urbanized area of the city, and this will not change after the change in zoning.

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

Response: This policy is directed toward action by city officials and not applicants. For this reason, the policy is not directly applicable.

Policy 2: Canby shall provide the opportunity for amendments to the urban growth boundary (subject to the requirements of Statewide Planning Goal 14), where warranted by unforeseen changes in circumstances.

Response: The proposal is not an amendment to the urban growth boundary. This policy does not apply.

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

Response: The proposed change is on a site that is within city limits and is provided with all necessary urban services. These facilities include connections to water, sewer, power, and transportation. Community Development and Public Works staff have confirmed that all the necessary public facilities and services exist or will be provided at time of development.

III. LAND USE ELEMENT

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

Policy 1: Canby shall guide the course of growth and development so as to separate conflicting or incompatible uses while grouping compatible uses.

Response: The proposed change in zoning, with the conditions proposed, allows the grouping together of compatible uses in a commercial zone, and will not conflict with uses allowed in the adjacent industrial area. The subject site, which is vacant, is bordered to the north by a large area of C-M zoning. The proposed change will pull the boundary of the C-M zoning slightly to the south so that it includes the 2.47 acre parcel. By slightly altering the boundary between the two

zones and converting the subject site to commercial zoning, the City Council will spur new development in the area, while maintaining the integrity of the overall commercial/industrial mix.

The fact that commercial zoning and industrial zoning have co-existed in this area for years is an indicator that the two zones and their corresponding uses are compatible. In fact, the compatibility between the two zones is so strong that the code allows all the uses in the M-1 zone to occur in the C-M zone, either conditionally or outright. (Canby Municipal Code, 16.30.020[A])

Canby planning staff proposed a condition to the zone change at the request of the applicant that would restrict the use of the property to “business and professional offices, including medical, dental, and other healthcare uses.” This specific office use within the zone is also compatible with surrounding development, and does not conflict with surrounding uses.

The tables below inventory the existing uses that are in the same area as the subject site.

Table 1. Surrounding Uses

| Business Name | Activity | Use Category |
|--|---|--|
| Spectrum Woodworking | Cabinet maker | Manufacturing |
| Canby Disposal | Recycling Center and Transfer Station | Waste or Recycling/Transfer |
| Canby Business Center: Redwood St. Bento Aurora Construction Canby Police Outreach Thomas Beck Agency Microscope Service Ctr. | Restaurant Construction Office Police Office Insurance Office Instrument Repair | Restaurant Office Professional Office Professional Office Professional Service |
| JVNW | Food processing equipment manufacturing | Manufacturing |
| Harrell Medical Supply | Medical Equipment Supplier | Wholesale Distribution |
| Club Fit Northlake Physical Therapy | Health Club Physical Therapist | Studio, Health Professional Office |
| SMS Auto Fabrics | Fabric Manufacturing and Supply | Manufacturing |
| City Walking Path | Recreational Facility | Recreation |
| Cheese factory (Heidi Yorkshire) | Food production and tasting room | Manufacturing, Retail |
| Shimadzu USA | Scientific Instrument Assembly and Production | Assembly |
| ProActive Sports | Golf equipment manufacturing and sales | Manufacturing, Wholesale sales |

Other development that is somewhat more distant, but still less than one mile from the subject site are: a Fred Meyer supermarket (retail), apartment buildings (residential), a self-storage facility (warehouse), and Trost Elementary School (school).

The information provided shows there is a diverse array of business surrounding the subject site: office, manufacturing, restaurant, health club, etc. The area is neither exclusively industrial nor dominated by industrial uses. The addition of another 2.47 acres of commercial zoning—located adjacent to an existing area of commercial zoning—maintains the integrity of the area and is compatible with surrounding uses. Per the policy above, allowing the proposed change will result in further “grouping [of] compatible uses.”

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

Response: The site proposed for the change has been vacant for more than 20 years. Changing the zoning provides an opportunity for a different kind of development that may be more in demand by the market. This will increase the intensity of development within Canby and reduce the pressure on the UGB, thereby minimizing urban sprawl.

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

Response: All required public facilities exist to serve the site, which is surrounded by urban development. These facilities include connections to water, sewer, power, and transportation. Community Development and Public Works staff have confirmed that all the necessary public facilities and services exist or will be provided at time of development.

Policy 4: Canby shall limit development in areas identified as having an unacceptable level of risk because of natural hazards.

Response: The site is not identified as being in an area at risk of natural hazards. This policy does not apply.

Policy 5: Canby shall utilize the land use map as the basis of zoning and other planning or public facility decisions.

Response: This proposal is a request to change the comprehensive plan map designation and corresponding zoning on a 2.47 acre parcel. Zoning, planning, and public facility decisions will follow the land use map once the change is approved.

Policy 6: Canby shall recognize the unique character of certain areas and will utilize the following special requirements, in conjunction with the requirements of the Land Development and Planning Ordinance, in guiding the use and development of these unique areas.

Response: The site of the proposed change is in "Area G" as shown on the map in the Comprehensive Plan. The direction for this area includes a discussion of how the area has the potential for "either commercial or industrial development." It also states that the area "could be zoned either M-1 or C-M, depending on the nature of the development proposed." The applicant's proposal to re-zone the parcel C-M is therefore consistent with this special requirement, and with this Comprehensive Plan policy.

IV. ENVIRONMENTAL CONCERNS ELEMENT

Goals:

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

Response: This site does not have any identified natural or historical resources, nor is it on land susceptible to natural hazards. Future development on the site will be subject to the Canby zoning code, which controls from pollution impacts.

Resources

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

Response: This proposal concerns a parcel of land within a long-established, commercial/industrial area. The land is not viable for agricultural use. The proposal will have no impact on agriculture within the UGB.

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

Response: This proposal concerns a parcel of land within a long-established, commercial/industrial area. The land is not viable for agricultural use. The change would be from one intense urban zone to another.

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

Response: This proposal will have no impact on surface water or groundwater resources. Water supply and sanitary sewer connections are through established city lines.

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

Response: The zoning code enforces these standards. All future development on the site (under either zone) is subject to these protections.

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

Response: Potential noise generated from the proposed zone will be less, on balance, than under existing zoning. Canby's code regulates noise from new development and existing activities.

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

Response: The proposal is not related to sand and gravel operations.

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

Response: There are no historic sites and buildings on the site of the proposed change. This policy does not apply.

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

Response: The change in zoning from industrial to commercial will allow a greater variety of uses that could produce development with improved scenic and aesthetic value. A conceptual design for the site showed a development with scenic and aesthetic value.

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

Response: The site is currently designated for industrial development; the change will cause it to be designated for commercial/industrial development. Neither development will affect the preservation or maintenance of open space within Canby.

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

Response: The site proposed for the zone change contains no fish or wildlife habitat. Development on the site will not impact fish or wildlife habitat in Canby.

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

Response: The site proposed for the zone change contains no wetlands. Development on the site will not impact wetlands in Canby.

Hazards

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

Response: The site proposed for the zone change contains no steep slopes.

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

Response: This policy is directed toward action by city officials and not applicants. For this reason, the policy is not directly applicable.

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

Response: This policy is directed toward action by city officials and not applicants. For this reason, the policy is not directly applicable.

V. TRANSPORTATION ELEMENT

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

Response: The applicant submitted a comment letter from Judith Gray, a transportation engineer with Kittelson and Associates. The conclusion of the transportation engineer is that the proposed zone change satisfies Transportation Planning Rule ("TPR") (OAR 660-012-0060). Based on the analysis, the proposed project will not generate traffic at a level that has a significant effect on the surrounding transportation facilities. To ensure that any future development will be consistent with the identified function, capacity, and performance standards of the transportation facility, the transportation engineer recommends that land uses on the site be limited to the general type and scale proposed.

With regard to use, the existing condition limiting development on the site to "business and professional offices, including medical, dental, and other similar health care uses" will control the amount of traffic generated. With regard to scale, control of future development can be achieved through a condition of approval to limit allowed development on the site to 1,020 vehicle trip ends per day, which is consistent with the weekday trip generation estimated under the worst-case scenario for existing zoning.

Finally, city staff has reviewed the application for a zone change and has stated that there is sufficient capacity in the system to accommodate the development, and that no improvements are needed resulting from the change. According to their analysis, the proposal is consistent with this goal.

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

Response: This policy is directed toward action by city officials and not applicants. For this reason, the policy is not directly applicable.

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

Response: This policy is directed toward action by city officials and not applicants. For this reason, the policy is not directly applicable. In any case, the site of the proposal is located with frontage on a fully developed street.

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

Response: This policy is directed toward action by city officials and not applicants. For this reason, the policy is not directly applicable. The transportation system in the area of the site is capable of handling the expected volumes of traffic under proposed zoning.

Policy 4: Canby shall work to provide an adequate sidewalk and pedestrian pathway system to serve all residents.

Response: This policy is directed toward action by city officials and not applicants. For this reason, the policy is not directly applicable. A sidewalk on S. Redwood Street is fully developed.

Policy 5: Canby shall actively work toward the construction of a functional overpass or underpass to allow for traffic movement between the north and south side of town.

Response: This policy is directed toward action by city officials and not applicants. For this reason, the policy is not directly applicable. Rezoning the subject site has no impact on this issue.

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

Response: This policy is carried out by the zoning code. Any new development on the site will be subject to emergency access requirements at the time of development.

Policy 7: Canby shall provide appropriate facilities for bicycles and, if found to be needed, for other slow moving, energy efficient vehicles.

Response: This policy is addressed by the city's transportation system plan, and not directed at individual applicants. For this reason, the policy is not directly applicable.

Policy 8: Canby shall work cooperatively with the State Department of Transportation and the South Pacific Railroad Company in order to assure the safe utilization of the rail facilities.

Response: The subject site is adjacent to a privately owned rail spur that will not be affected by the proposed change in zoning. Development on the site will have no impact on the safe utilization of this rail facility.

Policy 9: Canby shall support efforts to improve and expand nearby air transport facilities.

Response: This policy is directed toward action by city officials and not applicants. For this reason, the policy is not directly applicable.

Policy 10: Canby shall work to expand mass transit opportunities on both a regional and an intra-city basis.

Response: Bus service is available near the site. This policy is addressed by the city's transportation system plan, and not directed at individual applicants. For this reason, the policy is not directly applicable.

Policy 11: Canby shall work with private developers and public agencies in the interest of maintaining the transportation significance as well as environmental and recreational significance of the Willamette River.

Response: The subject site is not on or near the Willamette River. This policy does not apply.

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

Response: This policy is addressed by the city's transportation system plan, and not directed at individual applicants. For this reason, the policy is not directly applicable.

VI. PUBLIC FACILITIES AND SERVICES ELEMENT

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

Response: All required public facilities exist to serve the site, which is surrounded by urban development. These facilities include connections to water, sewer, power, and transportation. Community Development and Public Works staff have confirmed that all the necessary public facilities and services exist or will be provided at time of development.

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

Response: This policy is directed toward action by city officials and not applicants. For this reason, the policy is not directly applicable.

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

Response: This policy is directed toward action by city officials and not applicants. For this reason, the policy is not directly applicable.

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

Response: This policy is directed toward action by city officials and not applicants. For this reason, the policy is not directly applicable.

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

Response: This policy is directed toward action by city officials and not applicants. For this reason, the policy is not directly applicable.

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

Response: This site is located adjacent to a trail and a walking path that will not be affected by development under the proposed change in zoning. The site is not of a size that would accommodate a public school, and two school sites—Trost Elementary and a future middle school—already exist nearby. Nevertheless, “public buildings,” including schools, would be allowed by-right in the proposed zone.

VII. ECONOMIC ELEMENT

Goal: To diversify and improve the economy of the city of Canby.

Response: This proposal will expand the area for uses allowed by the Heavy Commercial/Manufacturing zone. The development that is expected to follow from this zone change will result in new jobs and new economic opportunities in Canby. It will also bring a new type of economic activity, health care village, to the city. This will diversify and improve the economy in Canby.

Policy 1: Canby shall promote increased industrial development at appropriate locations.

Response: This proposal changes the zoning on the site from Light Industrial to Heavy Commercial/Manufacturing. Many industrial and manufacturing uses are allowed by-right within the C-M zoning. All the uses of the industrial zone are allowed in the C-M zone either by-right or conditionally. The site is currently adjacent to an area of C-M zoning. The small size and awkward location of this parcel makes it better suited for the proposed zoning than for industrial use. Due to the recent annexation, Canby has a huge inventory of unused industrial land that is more appropriate for industrial uses. The proposed change will have no significant effect on ability of Canby to promote industrial development at appropriate locations.

Policy 2: Canby shall encourage further commercial development and redevelopment at appropriate locations.

Response: The proposed change in zoning, with the conditions proposed, allows the grouping together of compatible uses in a commercial zone, and will not conflict with uses allowed in the adjacent industrial area. Potential nuisance impacts on other businesses are either non-existent or have been dealt with through conditions. The subject site, which is vacant, is bordered to the north by a large area of C-M zoning. Adjacent to other commercial development is an “appropriate location” for encouraging new commercial development.

By altering the boundary between the two zones and converting the subject site to commercial zoning, the change will spur new development in the area, while maintaining the integrity of the overall commercial/industrial mix.